

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RJ BRANDS, LLC d/b/a CHEFMAN,
Petitioner,

v.

SharkNinja Operating LLC
Patent Owner.

Case No. IPR2025-01530

U.S. Patent No. 11,672,377

**PATENT OWNER'S REQUEST FOR
DISCRETIONARY DENIAL OF INSTITUTION**

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U.S. Patent No. 11,766,152	2
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EXHIBIT LIST

<i>Exhibit #</i>	<i>Description</i>
2001	Scheduling Order, <i>SharkNinja Operating LLC v. RJ Brands LLC</i> , No. 1:24-cv-08984 (D.N.J. filed Sept. 5, 2024), Dkt. 104 (“Scheduling Order”)
2002	First Amended Complaint, <i>SharkNinja Operating LLC v. RJ Brands LLC</i> , No. 1:24-cv-08984 (D.N.J. filed Sept. 5, 2024), Dkt. 81 (“FAC”)
2003	Memorandum of July 31, 2025 from Acting Undersecretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office

I. INTRODUCTION

Patent Owner SharkNinja Operating LLC (“SharkNinja” or “Patent Owner”) respectfully requests that the Director exercise discretion to deny institution of Petitioner RJ Brands, LLC d/b/a Chefman’s (“Chefman”) Petition challenging U.S. Patent No. 11,672,377 (“the ’377 Patent”).

Chefman’s Petition fails from the start. Chefman points to no error whatsoever in the PTO’s examination of the ’377 Patent—there is simply no basis for a do-over. Furthermore, SharkNinja’s settled expectations in the patent’s validity counsel against institution. SharkNinja invested significant resources in obtaining the patent portfolio that contains the ’377 Patent and then relied on those patents’ validity when investing millions of dollars in its FOODi line of appliances. Chefman has not only known about the ’377 Patent for years, but it has misappropriated the innovations of that patent and marketed and sold its copycat products for years.

Additional factors also counsel in favor of discretionary denial. Multiple grounds in Chefman’s Petition depend on a complicated priority date dispute that invites the Board to engage in an inquiry to which the District Court, handling parallel proceedings involving the exact same parties, is better equipped to handle. And, because the District Court proceedings are not stayed, allowing both cases to proceed will inevitably result in duplication of efforts, a high risk of inconsistent

results, and a waste of resources. Ultimately, Chefman’s weak Petition will waste valuable PTO resources and should be denied.

II. BACKGROUND

A. Parallel Proceedings

On September 5, 2024, SharkNinja filed a patent infringement action against Chefman, asserting the ’377 Patent and five other patents: U.S. Patent Nos. 11,033,146; 11,766,152; D918,654; 11,389,026; and D986,669. *See Compl. SharkNinja Operating LLC v. RJ Brands LLC*, No. 1:24-cv-08984 (D.N.J. filed Sept. 5, 2024), Dkt. 1 (“District Court Action”). On February 10, 2025, SharkNinja amended its Complaint, alleging that Chefman has additionally misappropriated SharkNinja’s trade secrets associated with its SLUSHi product and asserting tortious interference with SharkNinja’s SLUSHi manufacturer. District Court Action, Dkt. 49. SharkNinja’s SLUSHi-related claims have since been severed and are proceeding again Chefman in a separate action. On November 13, 2025, the District Court entered a Scheduling Order in the District Court Action. Ex. 2001 (Scheduling Order). Under that Scheduling Order, SharkNinja’s Infringement Contentions are due in less than a month, on December 4, 2025, Chefman’s Non-Infringement Contentions are due on January 21, 2026, and trial is set for April 2028 or as soon thereafter as the Court is available. *Id.* at 5–6.

B. The '377 Patent

The '377 Patent is entitled “Cooking Device and Components Thereof” Ex. 1001 ('377 Patent) at Cover. It issued on June 13, 2023, from an application filed on June 10, 2022, and claims priority to an application filed on July 15, 2019. The '377 Patent describes a cooking system that can include a heating element at or above an upper extent or surface of the cooking container. *Id.* at 5:49–54. An air movement mechanism, such as a fan, can circulate air through the cooking volume and the air is heated as it flows; the heated air can be directed downwardly into the cooking container. *Id.* at 9:54–61, 12:40–50. The '377 Patent further teaches that the system can have a housing with two compartments, each of which contains a cooking container. *Id.* at 5:32–39. Each internal compartment can include its own heating element and air movement mechanism. *Id.* at 13:15–19. As a result, the two compartments are independently operable from one another. *Id.* at 13:38–42. This means that the system can heat food to one temperature in the first compartment and, at the same time, heat different food to a different temperature in the second compartment.

III. ARGUMENT – DISCRETIONARY DENIAL IS WARRANTED

There are multiple considerations that counsel against *inter partes* review here. SharkNinja respectfully requests that the Director exercise his discretion to deny institution.

A. Chefman Fails to Show Any Error By The Office During Prosecution

Chefman makes no attempt to demonstrate that any error occurred by the Office during prosecution. Indeed, one of the prior art references Chefman relies on in its Petition, U.S. Patent App. No. 2017/0231430A1, Moon, was previously considered by the Office during prosecution. *See* Petition at 76 (Philips in view of Moon); Ex. 1004 (File History) at 260–61. And yet, Chefman “has not demonstrated that the Office erred in evaluating this art.” *TankLogix, LLC v. SitePro, Inc.*, IPR2025-00761, Paper 10 at 2–3 (PTAB Sept. 3, 2025) (finding discretionary denial “appropriate” where petition relied on the “same prior art” previously presented to the Office but did not demonstrate “material error” in the Office’s evaluation of that art); *see also Ecto World LLC v. Rai Strategic Holdings Inc.*, IPR2024-01280, Paper 13 at 5 (PTAB May 19, 2025) (precedential). To the extent Chefman argues that the Office erred by failing to consider the additional prior art Petitioner now asserts, that argument fails: that the Office did not consider these references in the vast realm of prior art is not an error or flaw in its analysis.

B. The Parties’ Settled Expectations Favor Denial of Institution

The ’377 Patent issued almost two and a half years ago on June 13, 2023—ample time for SharkNinja to develop strong settled expectations in its validity. Indeed, as the PTAB has recognized, “there may be good reasons why a patent owner has strong settled expectations in a patent that has only been in force for,” for

example, “three years.” *See Amgen Inc. v. Bristol-Myers Squibb Co.*, IPR2025-00601, Paper 9 at 2 (PTAB July 24, 2025). These “good reasons” include “an extraordinary amount of investment, time, and resources dedicated to research [and] development.” *Id.*

SharkNinja has invested significant time and effort to obtain a patent portfolio protecting its innovative FOODi line of appliances, including the ’377 Patent. The ’377 Patent relates to a dual zone cooking system. Specifically, unlike a typical indoor cooking system, which has one cooking compartment and can cook food at one temperature at a time, the ’377 Patent involves a system with two cooking zones—each of which can cook food at different temperatures. The ’377 Patent, in allowing for the simultaneous cooking of different food at different temperatures, has made indoor cooking more efficient and effective. SharkNinja has commercialized, marketed, and sold the inventions of the ’377 Patent, having used the patent in its Ninja Foodi 2-Basket Air Fryer with DualZone Technology line, including in the 6-in-1 10 Qt DZ550 Series, the 6-in-1 8 Qt DZ201 Series, the 6-in-1 10-Qt DZ401 Series, the 4-in-1 8 Qt DZ100 Series, and the 5-in-1 6 Qt DZ090 Series. Ex. 2002 (FAC) at ¶ 40. SharkNinja not only highlights the use of the patented dual cooking zones in marketing these products, but it has also marked various versions of its Ninja Foodi 2-Basket Air Fryer with DualZone Technology with the ’377 Patent number. *Id.* ¶¶ 41–42. SharkNinja has confidently invested

millions of dollars in developing its Foodi line of appliances, demonstrating strong settled expectations in the validity of the '377 Patent.

Chefman, on the other hand, cannot have any settled expectations that the '377 Patent was invalid. While the Director has considered, in favor of the settled expectations of the Petitioner in the invalidity of a patent, that the patent “may not have been commercialized, asserted, marked, licensed, or otherwise applied in a petitioners’ particular technology space,” *Intel Corporation v. Proxense LLC*, IPR2025-00327, -00328, -00329, Paper 12 at 2-3 (PTAB June 26, 2025), that is decidedly not the case here. Not only has SharkNinja’s FOODi line of appliances been on the market for years, but Chefman has copied the exact innovations disclosed in the '377 Patent. SharkNinja released its Ninja 2-Basket Air Fryer with DualZone Technology that uses the dual cooking zone invention of the '377 Patent in the summer of 2020. Ex. 2002 (FAC) ¶ 45. After this product had already been on the market, Chefman released a copycat product, its Dual Air Fryer, with the exact same functionality. *Id.* ¶ 46. Instead of seeking early review of the '377 Patent at the time Chefman became aware of the '377 Patent, Chefman waited two and a half years after that patent issued, and two years after it released its own copycat product, to file its IPR, doing so only *after* SharkNinja had sued Chefman for its blatant patent infringement. Therefore, both parties settled expectations in the validity of the '377 Patent favor denial of institution.

C. The IPR Invites Conflicting Outcomes Across Forums

Institution of discretionary denial should also be denied because Chefman knowingly selected grounds that trigger a complicated priority date dispute that the District Court is better equipped to resolve. Petitioner argues that the '377 Patent is not actually entitled to its July 15, 2019 priority date because “[t]he only purported support for the divider wall was added on July 15, 2020, with the filing of the” PCT. Petition at 8.

For Grounds 1 and 2, Petitioner relies upon the Guo reference, CN110664270A, published on April 21, 2020. Two of Petitioner’s asserted grounds therefore depend, at minimum, on whether Guo qualifies as prior art. Petition at 8. But the question of what priority date the '377 Patent is entitled to will almost certainly be litigated in the District Court Action. That means that even subtle differences in framing could cause the Board and District Court to reach different conclusions about not only whether Guo qualifies as prior art but what priority date the '377 Patent is entitled to. Disputes of this kind are poorly situated for resolution by the Board—the Board should not be burdened with disputes that turn on questions the District Court will have to separately resolve, inevitably setting up the prospect of divergent outcomes.

D. *Fintiv* Favors Denial of Institution

The *Fintiv* factors also favor discretionary denial. *See Apple Inc. v. Fintiv*,

Inc., IPR2020-00019, Paper 11 at 6 (PTAB Mar. 20, 2020) (“*Fintiv*”).

1. The District Court Litigation Has Not Been Stayed

Petitioner has not asked that the District Court Action be stayed and that case is proceeding, with SharkNinja due to serve infringement contentions next month. Ex. 2001 (Scheduling Order) at 5. But even if Petitioner does seek a stay and the District Court grants it, the Director has still granted discretionary denial where the Patent Owner has strong settled expectations. *See Google LLC v. SoundClear Technologies*, IPR2025-00344, Paper 15 at 2 (PTAB Aug. 4, 2025) (granting discretionary denial when “the parallel district court proceeding involving Patent Owner and Petitioner has been stayed” but Patent Owner has strong settled expectations); *HS Hyosung Advanced Materials Corp. v. Kolon Industries, Inc.*, IPR2025-00662, Paper 12 at 2 (PTAB Aug. 14, 2025) (granting discretionary denial when the “district court litigation involving the parties has been stayed” in light of the strong settled expectations of the Patent Owner); *Kahoot! AS v. Interstellar Inc.*, IPR2025-00696, Paper 12 at 2 (PTAB Jul. 31, 2025) (same).

Because SharkNinja’s expectations as to validity are settled given the significant amount of investment, time, and resources that have gone into the development of the FOODi line of appliances, including in the development of the patent portfolio underlying those appliances and in the commercialization and marketing of those patent innovations, discretionary denial is warranted even if the

District Court were to stay the District Court Action.

2. The Parties Have Invested in Parallel Proceedings

While the District Court Action is still in relatively early stages, the parties have nonetheless invested more than insignificant resources in that proceeding. SharkNinja served detailed claim charts regarding the Chefman Indoor Air Fryer + Grill's infringement of the '377 Patent with its Complaint and its First Amended Complaint. *See* Ex. 2002 (FAC) at ¶ 104. Chefman has likely already been preparing its non-infringement arguments in response. SharkNinja's formal infringement contentions are due in less than a month, on December 4, 2025, and Chefman's non-infringement contentions are due on January 21, 2026. Ex. 2001 (Scheduling Order) at 5. Additionally, by the time the PTAB's institution decision is due, the parties will have engaged in fact discovery and begun claim construction. *Id.* at 6. This factor therefore disfavors institution or is, at most, neutral. *See, e.g., BOE Tech Grp. Co. v. Element Cap. Com. Co. Pte. Ltd.*, IPR2023-00808, Paper 9 at 23, 2023 WL 7715885, at *8 (PTAB Nov. 15, 2023) ("the parties and the District Court ha[d] invested substantial resources in th[e] litigation" including "the exchange of infringement and invalidity contentions, document requests and interrogatories, and proposed claim terms for construction").

3. This IPR is Not a True Alternative

While SharkNinja has not yet served its disclosure of asserted claims, by

challenging the majority of claims of the '377 Patent, Petitioner will have challenged overlapping claims asserted in the District Court Action. *See* Petition. For that reason, it is “inefficient to proceed because the district court may resolve validity of enough overlapping claims to resolve key issues in the petition.” *Fintiv* at 13. What’s more, Petitioner has not filed a *Sotera* stipulation or any other stipulation as to what grounds it will pursue under Sections 102 and 103 in the District Court Action, meaning it will pursue the Petition’s Grounds or any other ground that it could reasonably have raised in its Petition in the District Court Action. This in turn means that the claims and prior art the Board evaluates will overlap with invalidity issues in the District Court Action, supporting discretionary denial.

4. Other Considerations Favor Denial of Institution

Several other considerations further support discretionary denial. First, Petitioner’s unpatentability arguments are weak, often filling holes in the references with statements about what “a POSITA would understand,” repeating this phrase at least thirty-five times, or what a “POSITA would recognize,” repeating this phrase at least twenty-three times. *See* Petition. But Acting Director Stewart made clear that doing so violates 37 C.F.R. § 42.104(b)(4), which requires that “[t]he petition [] specify where each element of the claim is found in the prior art patents or printed publications relied upon.” Ex. 2003 (July 31, 2025 Memorandum) at 1. Acting Director Stewart explained that “enforcement of Rule 104(b)(4)” requires that

“expert testimony, common sense, and other evidence that is not ‘prior art consisting of patents or printed publications’ (collectively, ‘general knowledge’) may not be used to supply a missing claim limitation.” *Id.* The Petition’s over-reliance on what a POSITA would “understand” demonstrates its weakness and supports discretionary denial.

Second, compelling economic interests favor denying Chefman’s Petition. Chefman manufactures and markets infringing products aimed at the same customers SharkNinja serves, and it has infringed SharkNinja’s intellectual property rights for years. Granting the Petition will unnecessarily delay SharkNinja’s ability to enforce its rights and will allow Chefman to continue to try taking business away from SharkNinja by flooding the market with copycat products.

IV. CONCLUSION

For all these reasons, Patent Owner respectfully requests that the Director exercise discretionary powers and decline to institute *inter partes* review of the ’377 Patent.

Date: November 24, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(a), the undersigned certifies that on November 24, 2025, a copy of the foregoing Patent Owner's Brief on Discretionary Denial and all supporting exhibits were served by electronic means to counsel of record in the present IPR:

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