IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BRAIN CORPORATION, a California Corporation, Plaintiff and Counterclaim-Defendant, v. AVIDBOTS CORP., a Canadian Corporation; and AVIDBOTS USA CORP., a Delaware Corporation, Defendants and Counterclaim-Plaintiffs.	Case No. 1:24-cv-12569 Honorable Jeremy C. Daniel **JURY TRIAL DEMANDED**

BRAIN CORPORATION'S ANSWER TO DEFENDANTS AVIDBOTS CORP. AND AVIDBOTS USA CORP.'S FIRST AMENDED COUNTERCLAIMS

Plaintiff and Counterclaim-Defendant Brain Corporation ("Brain"), by and through their counsel, hereby answers the First Amended Counterclaims filed by Defendants Avidbots Corp. and Avidbots USA Corp. (collectively "Avidbots") as part of Avidbots's First Amended Answer and Counterclaims ("Counterclaims") to Brain's Complaint for Patent Infringement [Dkt.127]. Brain hereby responds in numbered paragraphs corresponding to the numbered paragraphs of the Counterclaims and asserts defenses as follows:

NATURE OF THE ACTION

1. Brain admits that Avidbots purports to set forth an action arising from Brain's allegations of infringement of United States Patent Nos. 10,001,780 (the "'780 patent"), 10,379,539 (the "'539 patent"), 10,274,325 (the "'325 patent"), 10,823,576 (the "'576 patent"), and 10,728,436 (the "'436 patent") (collectively, "Brain's Patents-in-Suit").

Avidbots Ex1019
Avidbots Corp. v. Brain Corp.
IPR2025-01600
Page 1 of 51

2. Brain admits that the Counterclaims purport to assert an action for patent infringement of United States Patent Nos. 10,667,664 (the "'664 Patent"), 10,206,550 (the "'550 Patent"), 11,510,545 (the "'545 Patent"), 11,844,474 (the "'474 Patent"), and 11,531,347 (the "'347 Patent") (collectively, "Avidbots Corp.'s Asserted Patents") under the patent laws of the United States, 35 U.S.C. §1 *et seq*. Brain denies that Avidbots Corp.'s Asserted Patents are "directed to novel and innovative autonomous cleaning robot technologies." Brain denies that it has infringed any valid claim of the Avidbots Corp.'s Asserted Patents.

3. Brain admits that Avidbots Corp. seeks judgment that Brain has infringed, and continues to infringe, Avidbots Corp.'s Asserted Patents. Brain denies that it has infringed any valid claim of the Avidbots Corp.'s Asserted Patents.

4. Brain admits that Avidbots Corp. and Avidbots USA Corp. seek declaratory judgment that Avidbots has not infringed Brain's Patents-in-Suit and that Brain's Patents-in-Suit are invalid. Brain denies any and all remaining allegations in Paragraph 4 of the Counterclaims.

THE PARTIES

5. Brain admits that Avidbots Corp. is a Canadian corporation having its principal place of business at 45 Washburn Drive, Kitchener, Ontario, N2R 1S1, Canada. Brain lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 5 of the Counterclaims, and on that basis denies any and all remaining allegations.

6. Brain admits the allegations in Paragraph 6 of the Counterclaims.

7. Brain admits the allegations in Paragraph 7 of the Counterclaims.

JURISDICTION AND VENUE

8. Brain admits that Avidbots's Counterclaims purport to assert claims under 28 USC §§ 1331, 1338(a), 1367, 2201, and/or 2202. Brain denies any and all remaining allegations in Paragraph 8 of the Counterclaims.

9. Brain does not contest personal jurisdiction for the sole purpose of Avidbots's Counterclaims. Brain denies any and all remaining allegations in Paragraph 9 of the Counterclaims.

10. Brain does not contest venue for the sole purpose of Avidbots's Counterclaims. Brain denies any and all remaining allegations in Paragraph 10 of the Counterclaims.

STATEMENT OF THE CASE

11. Brain lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 of the Counterclaims, and on that basis denies the allegations.

12. Brain admits that Avidbots Corp.'s Asserted Patents identify Avidbots Corp. on their face as the assignee. Brain lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 12 of the Counterclaims, and on that basis denies any and all remaining allegations.

13. Brain lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13 of the Counterclaims, and on that basis denies the allegations. Several of Avidbots's allegations in its Counterclaims, including Paragraph 13, include footnotes. Brain's denials in this pleading also apply to Avidbots's characterizations or paraphrasing in those footnotes.

14. Brain lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 of the Counterclaims, and on that basis denies the allegations.

15. Brain admits that in Paragraph 14 of its Complaint it stated, "[s]oon after developing BrainOS, Brain recognized the commercial floor cleaning industry was experiencing labor shortage. Brain then partnered with major floor equipment manufacturers to integrate the BrainOS system into manual cleaning equipment. By 2018, Brain started collaborating with major global retailers to provide autonomous floor scrubbers in several of their stores." Brain denies any and all remaining allegations in Paragraph 15 of the Counterclaims.

16. Brain lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16 of the Counterclaims, and on that basis denies the allegations.

17. Brain lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17 of the Counterclaims, and on that basis denies the allegations.

18. Brain denies that Brain was "attempt[ing] to catch up to Avidbots Corp.'s innovative technology." Brain lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 18 of the Counterclaims, and on that basis denies any and all remaining allegations.

19. Brain admits that in Paragraph 14 of its Complaint it stated, "Brain then partnered with major floor equipment manufacturers to integrate the BrainOS system into manual cleaning equipment." Brain denies any and all remaining allegations in Paragraph 19 of the Counterclaims.

20. Brain admits that BrainOS software is integrated into ICE RS26 (Model BE-Mk2-RS26), ICE RS26 (Model BE-Mk1-RS26), Minuteman International RoboScrub 20 (Model BE-Mk2 MR20), Tennant Company T7AMR, T380AMR, T16AMR, and X4ROVR, Nilfisk A/S SC60, Softbank Robotics Whiz, Dane Technologies Inc. Dane AIR, and ADT, and BrainOS Inventory AI. Brain admits that the Counterclaims purport to identify the above devices "[t]ogether with Brain software" as "Accused Products." To the extent the allegations in Paragraph

20 of the Counterclaims seek to paraphrase or characterize the contents of a webpage, the webpage speaks for itself and Brain denies the allegations to the extent that they are inconsistent with the webpage. Brain denies any and all remaining allegations in Paragraph 20 of the Counterclaims.

21. Brain admits that the Counterclaims purport to further identify devices as "Accused Products" "[t]o the extent that any other Brain product or product integrated with Brain software performs the same or substantially the same functions, in the same or substantially the same ways, as the Accused Products." Brain denies any and all remaining allegations in Paragraph 21 of the Counterclaims.

22. Brain admits that Tennant Company is one of Brain's OEM partners for products that Avidbots purports to accuse of infringement. To the extent the allegations in Paragraph 22 of the Counterclaims seek to paraphrase or characterize the contents of a written document, the document speaks for itself and Brain denies the allegations to the extent that they are inconsistent with the document. Brain denies any and all remaining allegations in Paragraph 22 of the Counterclaims.

23. The allegations in Paragraph 23 of the Counterclaims are vague and do not identify any specific products. Accordingly, Brain lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 23 of the Counterclaims, and on that basis denies the allegations.

24. The allegations in Paragraph 24 of the Counterclaims are vague and is not specific as to which product is being referred to. Accordingly, Brain lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24 of the Counterclaims, and on that basis denies the allegations.

FIRST COUNTERCLAIM

25. Brain incorporates by reference its answer to Paragraphs 1–24 above as though fully set forth herein.

26. Brain admits that Appendix 1 attached to Avidbots Corp.'s Counterclaims appears to be a copy of U.S. Patent No. 10,667,664 (the "'664 Patent"). Brain further admits that, on its face, the '664 Patent recites an issue date of June 2, 2020 and is entitled "Apparatus and Methods for Semi-Autonomous Cleaning of Surfaces." Brain further admits that, on its face, the '664 Patent identifies Avidbots Corp. as the assignee. Brain denies that the '664 Patent was lawfully and duly issued. Brain lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 26 of the Counterclaims, and on that basis denies any and all remaining allegations.

27. Brain admits that, on its face, the '664 Patent identifies Provisional Application No. 62/152,303 filed on April 24, 2015. The remaining allegations in Paragraph 27 of the Counterclaims seek legal conclusions that require no response. To the extent the allegations are deemed factual, Brain denies the allegations.

28. Brain denies the allegations in Paragraph 28 of the Counterclaims.

29. Brain lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29 of the Counterclaims, and on that basis denies the allegations.

30. Brain denies the allegations of Paragraph 30 of the Counterclaims.

31. Brain denies the allegations of Paragraph 31 of the Counterclaims.

32. Brain denies the allegations of Paragraph 32 of the Counterclaims.

33. Brain denies the allegations of Paragraph 33 of the Counterclaims.

34. Brain admits that it cited U.S. Patent Publication Nos. 2021/0365029, 2021/0080964, 2022/0265110, 2023/0113331, Provisional Patent Application No. 63/602,426, and the ’347 patent in the Complaint. Brain lacks knowledge or information sufficient to form a belief as to the truth of the allegation that “in recent years, potential Avidbots Corp. customers informed Avidbots Corp. personnel that Brain was developing mapping and path planning capabilities,” and on that basis denies the allegation. Brain lacks knowledge or information sufficient to form a belief as to the truth of the allegation “before Brain released its first autonomous cleaning robot, Brain’s engineers examined an Avidbots Corp. robot including the Neo 1 and the ISSA/Interclean 2016 industry showcase in Chicago, Illinois.” Brain denies any and all the remaining allegations of Paragraph 34 of the Counterclaims.

35. Brain denies the allegations of Paragraph 35 of the Counterclaims.

36. Brain denies the allegations of Paragraph 36 of the Counterclaims.

37. Brain denies the allegations of Paragraph 37 of the Counterclaims.

38. Brain denies the allegations of Paragraph 38 of the Counterclaims.

39. Brain denies the allegations of Paragraph 39 of the Counterclaims.

SECOND COUNTERCLAIM

40. Brain incorporates by reference its answer to Paragraphs 1–39 above as though fully set forth herein.

41. Brain admits that Appendix 2 attached to Avidbots Corp.’s Counterclaims appears to be a copy of U.S. Patent No. 10,206,550 (the “’550 Patent”). Brain further admits that, on its face, the ’550 Patent recites an issue date of February 19, 2019 and is entitled “Apparatus and Methods for Semi-Autonomous Cleaning of Surfaces.” Brain further admits that, on its face, the ’550 Patent identifies Avidbots Corp. as the assignee. Brain denies that the ’550 Patent was

lawfully and duly issued. Brain lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 41 of the Counterclaims, and on that basis denies any and all remaining allegations.

42. Brain admits that, on its face, the ’550 Patent identifies Application No. 16/030,426 as a division of Application No. 15/137,510, filed on April 25, 2016. Brain further admits that, on its face, the ’550 Patent identifies Provisional Application No. 62/152,303, filed on April 24, 2015. The remaining allegations in Paragraph 42 of the Counterclaims seek legal conclusions that require no response. To the extent the allegations are deemed factual, Brain denies the allegations.

43. Brain denies the allegations in Paragraph 43 of the Counterclaims.

44. Brain lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44 of the Counterclaims, and on that basis denies the allegations.

45. Brain denies the allegations of Paragraph 45 of the Counterclaims.

46. Brain denies the allegations of Paragraph 46 of the Counterclaims.

47. Brain denies the allegations of Paragraph 47 of the Counterclaims.

48. Brain denies the allegations of Paragraph 48 of the Counterclaims.

49. Brain admits that it cited U.S. Patent Publication Nos. 2021/0365029, 2021/0080964, 2022/0265110, 2023/0113331, Provisional Patent Application No. 63/602,426, and the ’347 patent in the Complaint. Brain lacks knowledge or information sufficient to form a belief as to the truth of the allegation that “in recent years, potential Avidbots Corp. customers informed Avidbots Corp. personnel that Brain was developing mapping and path planning capabilities,” and on that basis denies the allegation. Brain lacks knowledge or information sufficient to form a belief as to the truth of the allegation “before Brain released its first autonomous cleaning robot, Brain’s engineers examined an Avidbots Corp. robot including the

Neo 1 and the ISSA/Interclean 2016 industry showcase in Chicago, Illinois." Brain denies any and all remaining allegations of Paragraph 49 of the Counterclaims.

50. Brain denies the allegations of Paragraph 50 of the Counterclaims.

51. Brain denies the allegations of Paragraph 51 of the Counterclaims.

52. Brain denies the allegations of Paragraph 52 of the Counterclaims.

53. Brain denies the allegations of Paragraph 53 of the Counterclaims.

54. Brain denies the allegations of Paragraph 54 of the Counterclaims.

THIRD COUNTERCLAIM

55. Brain incorporates by reference its answer to Paragraphs 1–54 above as though fully set forth herein.

56. Brain admits that Appendix 3 attached to Avidbots Corp.'s Counterclaims appears to be a copy of U.S. Patent No. 11,510,545 (the "'545 Patent"). Brain further admits that, on its face, the '545 Patent recites an issue date of November 29, 2022 and is entitled "Apparatus and Methods for Semi-Autonomous Cleaning of Surfaces." Brain further admits that, on its face, the '545 Patent identifies Avidbots Corp. as the assignee. Brain denies that the '545 Patent was lawfully and duly issued. Brain lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 56 of the Counterclaims, and on that basis denies any and all remaining allegations.

57. Brain admits that, on its face, the '545 Patent identifies Application No. 16/859,476 as a continuation of Patent Application No. 15/137,510, filed on April 25, 2016. Brain further admits that, on its face, the '545 patent identifies Provisional Application No. 62/152,203, filed on April 24, 2015. The remaining allegations in Paragraph 57 of the Counterclaims seek legal

conclusions that require no response. To the extent the allegations are deemed factual, Brain denies the allegations.

58. Brain denies the allegations of Paragraph 58 of the Counterclaims.

59. Brain lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 59 of the Counterclaims, and on that basis denies the allegations.

60. Brain denies the allegations of Paragraph 60 of the Counterclaims.

61. Brain denies the allegations of Paragraph 61 of the Counterclaims.

62. Brain denies the allegations of Paragraph 62 of the Counterclaims.

63. Brain denies the allegations of Paragraph 63 of the Counterclaims.

64. Brain admits that it cited U.S. Patent Publication Nos. 2021/0365029, 2021/0080964, 2022/0265110, 2023/0113331, Provisional Patent Application No. 63/602,426, and the '347 patent in the Complaint. Brain lacks knowledge or information sufficient to form a belief as to the truth of the allegation that "in recent years, potential Avidbots Corp. customers informed Avidbots Corp. personnel that Brain was developing mapping and path planning capabilities," and on that basis denies the allegation. Brain lacks knowledge or information sufficient to form a belief as to the truth of the allegation "before Brain released its first autonomous cleaning robot, Brain's engineers examined an Avidbots Corp. robot including the Neo 1 and the ISSA/Interclean 2016 industry showcase in Chicago, Illinois." Brain denies the remaining allegations of Paragraph 64 of the Counterclaims.

65. Brain denies the allegations of Paragraph 65 of the Counterclaims.

66. Brain denies the allegations of Paragraph 66 of the Counterclaims.

67. Brain denies the allegations of Paragraph 67 of the Counterclaims.

68. Brain denies the allegations of Paragraph 68 of the Counterclaims.

69. Brain denies the allegations of Paragraph 69 of the Counterclaims.

FOURTH COUNTERCLAIM

70. Brain incorporates by reference its answer to Paragraphs 1–69 above as though fully set forth herein.

71. Brain admits that Avidbots Corp.'s Counterclaims purport to attach as Appendix 4 a copy of U.S. Patent No. 11,844,474 (the "'474 Patent"). Brain admits that, on its face, the '474 Patent is titled "Apparatus and Methods for Semi-Autonomous Cleaning of Surfaces." Brain further admits that, on its face, the '474 Patent identifies Avidbots Corp. as the assignee and December 19, 2023 as its date of issuance. Brain denies that the '474 Patent was lawfully and duly issued. Brain is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 71 of the Counterclaims, and on that basis denies those allegations.

72. Brain admits that, on its face, the '474 Patent identifies Application No. 17/883,125 as a continuation of Patent Application No. 16/859,476, filed on April 27, 2020. Brain further admits that, on its face, the '474 Patent identifies Provisional Application No. 62/152,303, filed on April 24, 2015. The remaining allegations in Paragraph 72 of the Counterclaims seek legal conclusions that require no response. To the extent the allegations are deemed factual, Brain denies the allegations.

73. Brain denies the allegations of Paragraph 73 of the Counterclaims.

74. Brain lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 74 of the Counterclaims, and on that basis denies the allegations.

75. Brain denies the allegations of Paragraph 75 of the Counterclaims.

76. Brain denies the allegations of Paragraph 76 of the Counterclaims.

77. Brain denies the allegations of Paragraph 77 of the Counterclaims.

78. Brain denies the allegations of Paragraph 78 of the Counterclaims.

79. Brain admits that it cited U.S. Patent Publication Nos. 2021/0365029, 2021/0080964, 2022/0265110, 2023/0113331, Provisional Patent Application No. 63/602,426, and the '347 Patent in the Complaint. Brain lacks knowledge or information sufficient to form a belief as to the truth of the allegation that "in recent years, potential Avidbots Corp. customers informed Avidbots Corp. personnel that Brain was developing mapping and path planning capabilities," and on that basis denies the allegation. Brain lacks knowledge or information sufficient to form a belief as to the truth of the allegation "before Brain released its first autonomous cleaning robot, Brain's engineers examined an Avidbots Corp. robot including the Neo 1 and the ISSA/Interclean 2016 industry showcase in Chicago, Illinois." Brain denies the remaining allegations of Paragraph 79 of the Counterclaims.

80. Brain denies the allegations of Paragraph 80 of the Counterclaims.

81. Brain denies the allegations of Paragraph 81 of the Counterclaims.

82. Brain denies the allegations of Paragraph 82 of the Counterclaims.

83. Brain denies the allegations of Paragraph 83 of the Counterclaims.

84. Brain denies the allegations of Paragraph 84 of the Counterclaims.

FIFTH COUNTERCLAIM

85. Brain incorporates by reference its answer to Paragraphs 1–84 above as though fully set forth herein.

86. Brain admits that Appendix 5 attached to Avidbots Corp.'s Counterclaims appears to be a copy of U.S. Patent No. 11,531,347 (the "'347 Patent"). Brain further admits that, on its

face, the ’347 Patent recites an issue date of December 20, 2022 and is entitled “System and Method to Virtually Teach a Semi-Autonomous Device.” Brain further admits that, on its face, the ’347 Patent identifies Avidbots Corp. as the assignee. Brain denies that the ’347 Patent was lawfully and duly issued. Brain lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 86 of the Counterclaims, and on that basis denies any and all remaining allegations.

87. Brain admits that, on its face, the ’347 Patent identifies Provisional Application No. 62/901,280, filed on September 17, 2019. The remaining allegations in Paragraph 87 of the Counterclaims seek legal conclusions that require no response. To the extent the allegations are deemed factual, Brain denies the allegations.

88. Brain denies the allegations of Paragraph 88 of the Counterclaims.

89. Brain lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 89 of the Counterclaims, and on that basis denies the allegations.

90. Brain denies the allegations of Paragraph 90 of the Counterclaims.

91. Brain denies the allegations of Paragraph 91 of the Counterclaims.

92. Brain denies the allegations of Paragraph 92 of the Counterclaims.

93. Brain denies the allegations of Paragraph 93 of the Counterclaims.

94. Brain admits that it cited U.S. Patent Publication Nos. 2021/0365029, 2021/0080964, 2022/0265110, 2023/0113331, Provisional Patent Application No. 63/602,426, and the ’347 Patent in the Complaint. Brain lacks knowledge or information sufficient to form a belief as to the truth of the allegation that “in recent years, potential Avidbots Corp. customers informed Avidbots Corp. personnel that Brain was developing mapping and path planning

capabilities," and on that basis denies the allegation. Brain lacks knowledge or information sufficient to form a belief as to the truth of the allegation "before Brain released its first autonomous cleaning robot, Brain's engineers examined an Avidbots Corp. robot including the Neo 1 and the ISSA/Interclean 2016 industry showcase in Chicago, Illinois." Brain denies the remaining allegations of Paragraph 94 of the Counterclaims.

95. Brain denies the allegations of Paragraph 95 of the Counterclaims.

96. Brain denies the allegations of Paragraph 96 of the Counterclaims.

97. Brain denies the allegations of Paragraph 97 of the Counterclaims.

98. Brain denies the allegations of Paragraph 98 of the Counterclaims.

99. Brain denies the allegations of Paragraph 99 of the Counterclaims.

SIXTH COUNTERCLAIM

100. Brain incorporates by reference its answer to Paragraphs 1–99 above as if fully set forth herein.

101. Brain denies the allegations of Paragraph 101 of the Counterclaims.

102. Brain admits that it has alleged a claim for infringement of the '780 patent against Avidbots. Brain denies that any of the asserted claims of the '780 patent are invalid. The allegations in this paragraph set forth legal conclusions that require no response. Brain denies any and all remaining allegations in Paragraph 102 of the Counterclaims.

103. Brain admits that Avidbots seeks a declaration that the asserted claims of the '780 patent are invalid pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq. Brain denies that any of the asserted claims of the '780 patent are invalid.

104. Brain denies the allegations of Paragraph 104 of the Counterclaims.

SEVENTH COUNTERCLAIM

105. Brain incorporates by reference its answer to Paragraphs 1–104 above as though fully set forth herein.

106. Brain denies the allegations of Paragraph 106 of the Counterclaims.

107. Brain admits that it has alleged a claim for infringement of the ’780 patent against Avidbots. Brain denies that any of the asserted claims of the ’780 patent are not infringed. The allegations in this paragraph set forth legal conclusions that require no response. Brain denies any and all remaining allegations in Paragraph 107 of the Counterclaim.

108. Brain denies the allegations of Paragraph 108 of the Counterclaims.

109. Brain denies the allegations of Paragraph 109 of the Counterclaims.

110. Brain denies the allegations of Paragraph 110 of the Counterclaims.

EIGHTH COUNTERCLAIM

111. Brain incorporates by reference its answer to Paragraphs 1–110 above as if fully set forth herein.

112. Brain denies the allegations of Paragraph 112 of the Counterclaims.

113. Brain admits that it has alleged a claim for infringement of the ’539 patent against Avidbots. Brain denies that any of the asserted claims of the ’539 patent are invalid. The allegations in this paragraph set forth legal conclusions that require no response. Brain denies any and all remaining allegations in Paragraph 113 of the Counterclaim.

114. Brain admits that Avidbots seeks a declaration that the asserted claims of the ’539 patent are invalid pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq. Brain denies that any of the asserted claims of the ’539 patent are invalid.

115. Brain denies the allegations of Paragraph 115 of the Counterclaims.

NINTH COUNTERCLAIM

116. Brain incorporates by reference its answer to Paragraphs 1–115 above as if fully set forth herein.

117. Brain denies the allegations of Paragraph 117 of the Counterclaims.

118. Brain admits that it has alleged a claim for infringement of the ’539 patent against Avidbots. Brain denies that any of the asserted claims of the ’539 patent are not infringed. The allegations in this paragraph set forth legal conclusions that require no response. Brain denies any and all remaining allegations in Paragraph 118 of the Counterclaim.

119. Brain denies the allegations of Paragraph 119 of the Counterclaims.

120. Brain denies the allegations of Paragraph 120 of the Counterclaims.

121. Brain denies the allegations of Paragraph 121 of the Counterclaims.

TENTH COUNTERCLAIM

122. Brain incorporates by reference its answer to Paragraphs 1–121 above as if fully set forth herein.

123. Brain denies the allegations of Paragraph 123 of the Counterclaims.

124. Brain admits that it has alleged a claim for infringement of the ’325 patent against Avidbots. Brain denies that any of the asserted claims of the ’325 patent are invalid. The allegations in this paragraph set forth legal conclusions that require no response. Brain denies any and all remaining allegations in Paragraph 124 of the Counterclaim.

125. Brain admits that Avidbots seeks a declaration that the asserted claims of the ’325 patent are invalid pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq. Brain denies that any of the asserted claims of the ’325 patent are invalid.

126. Brain denies the allegations of Paragraph 126 of the Counterclaims.

ELEVENTH COUNTERCLAIM

127. Brain incorporates by reference its answer to Paragraphs 1–126 above as if fully set forth herein.

128. Brain denies the allegations of Paragraph 128 of the Counterclaims.

129. Brain admits that it has alleged a claim for infringement of the ’325 patent against Avidbots. Brain denies that any of the asserted claims of the ’325 patent are not infringed. The allegations in this paragraph set forth legal conclusions that require no response. Brain denies any and all remaining allegations in Paragraph 129 of the Counterclaim.

130. Brain denies the allegations of Paragraph 130 of the Counterclaims.

131. Brain denies the allegations of Paragraph 131 of the Counterclaims.

132. Brain denies the allegations of Paragraph 132 of the Counterclaims.

TWELFTH COUNTERCLAIM

133. Brain incorporates by reference its answer to Paragraphs 1–132 above as if fully set forth herein.

134. Brain denies the allegations of Paragraph 134 of the Counterclaims.

135. Brain admits that it has alleged a claim for infringement of the ’576 patent against Avidbots. Brain denies that any of the asserted claims of the ’576 patent are invalid. The allegations in this paragraph set forth legal conclusions that require no response. Brain denies any and all remaining allegations in Paragraph 135 of the Counterclaim.

136. Brain admits that Avidbots seeks a declaration that the asserted claims of the ’576 patent are invalid pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq. Brain denies that any of the asserted claims of the ’576 patent are invalid.

137. Brain denies the allegations of Paragraph 137 of the Counterclaims.

THIRTEENTH COUNTERCLAIM

138. Brain incorporates by reference its answer to Paragraphs 1–137 above as if fully set forth herein.

139. Brain denies the allegations of Paragraph 139 of the Counterclaims.

140. Brain admits that it has alleged a claim for infringement of the ’576 patent against Avidbots. Brain denies that any of the asserted claims of the ’576 patent are not infringed. The allegations in this paragraph set forth legal conclusions that require no response. Brain denies any and all remaining allegations in Paragraph 140 of the Counterclaim.

141. Brain denies the allegations of Paragraph 141 of the Counterclaims.

142. Brain denies the allegations of Paragraph 142 of the Counterclaims.

143. Brain denies the allegations of Paragraph 143 of the Counterclaims.

FOURTEENTH COUNTERCLAIM

144. Brain incorporates by reference its answer to Paragraphs 1–143 above as if fully set forth herein.

145. Brain denies the allegations of Paragraph 145 of the Counterclaims.

146. Brain admits that it has alleged a claim for infringement of the ’436 patent against Avidbots. Brain denies that any of the asserted claims of the ’436 patent are invalid. The allegations in this paragraph set forth legal conclusions that require no response. Brain denies any and all remaining allegations in Paragraph 146 of the Counterclaim.

147. Brain admits that Avidbots seeks a declaration that the asserted claims of the ’436 patent are invalid pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq. Brain denies that any of the asserted claims of the ’436 patent are invalid.

148. Brain denies the allegations of Paragraph 148 of the Counterclaims.

FIFTEENTH COUNTERCLAIM

149. Brain incorporates by reference its answer to Paragraphs 1–148 above as if fully set forth herein.

150. Brain denies the allegations of Paragraph 150 of the Counterclaims.

151. Brain admits that it has alleged a claim for infringement of the ’436 patent against Avidbots. Brain denies that any of the asserted claims of the ’436 patent are not infringed. The allegations in this paragraph set forth legal conclusions that require no response. Brain denies any and all remaining allegations in Paragraph 151 of the Counterclaim.

152. Brain denies the allegations of Paragraph 152 of the Counterclaims.

153. Brain denies the allegations of Paragraph 153 of the Counterclaims.

154. Brain denies the allegations of Paragraph 154 of the Counterclaims.

SIXTEENTH COUNTERCLAIM

155. Brain incorporates by reference its answer to Paragraphs 1–154 above as if fully set forth herein.

156. Brain denies the allegations of Paragraph 156 of the Counterclaims.

157. Avidbots purports to incorporate by reference the allegations in paragraph numbers 5–12 and 16–23 set forth in its First Amended Answer and Counterclaims, under the heading Fifth Defense, “Equitable Defenses and Unenforceability.” Brain hereby responds to those numbered paragraphs as follows:

5. Brain denies the allegations of Paragraph 5.

6. The allegations in Paragraphs 6 set forth legal conclusions or questions of law that require no response.

7. The allegations in Paragraph 7 set forth legal conclusions or questions of law that require no response.

8. Brain admits that the ’780 Patent and ’539 Patent claim priority to an application filed on November 2, 2016. Avidbots’s allegation that “[a]ny disclosure by Brain (including any public use, on-sale offerings, or otherwise making available to the public) of the claim invention more than one year before that date renders the claims of the ’780 patent and ’539 patents invalid or unpatentable” sets forth a legal conclusion that requires no response. Brain denies that the claims of the ’780 and ’539 Patents are invalid or unpatentable. Brain further denies that any robot embodying or using the inventions of the ’780 and ’539 Patents was sold, on sale, or in public use prior to the critical dates for the ’780 and ’539 Patents. To the extent the allegations in Paragraph 8 seek to paraphrase or characterize the contents of a written document or deposition testimony, the document and/or deposition testimony speak for itself and Brain denies the allegations to the extent they are inconsistent with that document and/or deposition testimony. Brain denies any and all remaining allegations in Paragraph 8.

9. To the extent the allegations in Paragraph 9 seek to paraphrase or characterize the contents of a written document or deposition testimony, the document and/or deposition testimony speak for itself and Brain denies the allegations to the extent they are inconsistent with that document and/or deposition testimony. Brain denies that the asserted claims of the ’780 and ’539 Patents are invalid. Brain denies any and all remaining allegations in Paragraph 9.

10. To the extent the allegations in Paragraph 10 seek to paraphrase or characterize the contents of a written document or deposition testimony, the document and/or deposition testimony speak for itself and Brain denies the allegations to the extent they are inconsistent with that document and/or deposition testimony. Brain denies that the asserted claims of the ’780 and ’539 Patents are invalid. Brain denies any and all remaining allegations in Paragraph 10.

11. To the extent the allegations in Paragraph 11 seek to paraphrase or characterize the contents of a written document or deposition testimony, the document and/or deposition testimony speak for itself and Brain denies the allegations to the extent they are inconsistent with that document and/or deposition testimony. Brain denies that the asserted claims of the ’780 and ’539 Patents are invalid. Brain further denies that any robot embodying or using the inventions of the ’780 and ’539 Patents was sold, on sale, or in public use prior to the critical dates for the ’780 and ’539 Patents. Brain denies any and all remaining allegations in Paragraph 11.

12. To the extent the allegations in Paragraph 12 seek to paraphrase or characterize the contents of a written document or deposition testimony, the document and/or deposition testimony speak for itself and Brain denies the allegations to the extent they are inconsistent with that document and/or deposition testimony. Brain denies any and all remaining allegations in Paragraph 12.

16. Brain admits that it has claimed small entity status for each of the Asserted Patents. Brain denies any and all remaining allegations in Paragraph 16.

17. The allegations in Paragraphs 17 set forth legal conclusions or questions of law that require no response.

18. Brain admits that it has claimed small entity status for each of the Asserted Patents. To the extent the allegations in Paragraph 18 seek to paraphrase or characterize the contents of a written document, the document speaks for itself and Brain denies the allegations to the extent they are inconsistent with that document.

19. Avidbots's allegations that "Brain has not qualified for small entity status at least since it entered into licensing agreements with Minuteman in 2016, and has continued to license its patents to other non-small entity OEMs since that time" and "[s]everal of the Brain OEM Partners do not qualify for small entity status, including at least Minuteman, to whom Brain has licensed the Asserted Patents since 2016" set forth legal conclusions that require no response. Brain admits that it provides its OEM Partners certain license rights to the Asserted Patents. To the extent the allegations in Paragraph 19 seek to paraphrase or characterize the contents of a written document, the document speaks for itself and Brain denies the allegations to the extent they are inconsistent with that document. Brain denies any and all remaining allegations in Paragraph 19.

20. The allegations in Paragraphs 20 set forth legal conclusions or questions of law that require no response. Brain denies any and all remaining allegations in Paragraph 20.

21. Brain admits that Eugene Izhikevich is one of the inventors on the '436 Patent and is a former Brain CEO. Brain further admits that Eugene Izhikevich has

signed Brain agreements, including the agreement at BRAIN_0004188, -207. Brain further admits that Jean-Baptiste Passot is an inventor on the ’325, ’576, ’780, and ’539 Patents and was a VP, Platform and AI at Brain. To the extent the allegations in Paragraph 21 seek to paraphrase or characterize the contents of a written document, the document speaks for itself and Brain denies the allegations to the extent they are inconsistent with that document. To the extent the allegations in Paragraphs 21 set forth legal conclusions or questions of law, they require no response. Brain lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 21, and on that basis denies any and all remaining allegations.

22. To the extent the allegations in Paragraph 22 seek to paraphrase or characterize the contents of a written document, the document speaks for itself and Brain denies the allegations to the extent they are inconsistent with that document. Brain lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 22, and on that basis denies any and all remaining allegations.

23. To the extent the allegations in Paragraph 23 seek to paraphrase or characterize the contents of a written document, the document speaks for itself and Brain denies the allegations to the extent they are inconsistent with that document. Brain admits that it has claimed small entity status. Brain denies that the Asserted Patents are unenforceable. Brain denies any and all remaining allegations in Paragraph 23.

158. Brain admits that it has alleged a claim for infringement of the ’780 patent against Avidbots. Brain denies that the ’780 patent is unenforceable. The allegations in this paragraph set forth legal conclusions that require no response. Brain denies any and all remaining allegations in Paragraph 158 of the Counterclaim.

159. Brain admits that Avidbots seeks a declaration that the claims of the ’780 patent are unenforceable pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq. Brain denies that any of the claims of the ’780 patent are unenforceable.

160. Brain denies the allegations of Paragraph 160 of the Counterclaims.

SEVENTEENTH COUNTERCLAIM

161. Brain incorporates by reference its answer to Paragraphs 1–160 above as if fully set forth herein.

162. Brain denies the allegations of Paragraph 162 of the Counterclaims.

163. Avidbots purports to incorporate by reference the allegations in paragraph numbers 5–12 and 16–23 set forth in its First Amended Answer and Counterclaims, under the heading Fifth Defense, “Equitable Defenses and Unenforceability.” Brain hereby incorporates by reference its answer to those paragraphs as set forth above in Paragraph 157.

164. Brain admits that it has alleged a claim for infringement of the ’539 patent against Avidbots. Brain denies that the ’539 patent is unenforceable. The allegations in this paragraph set forth legal conclusions that require no response. Brain denies any and all remaining allegations in Paragraph 164 of the Counterclaim.

165. Brain admits that Avidbots seeks a declaration that the claims of the ’539 patent are unenforceable pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq. Brain denies that any of the claims of the ’539 patent are unenforceable.

166. Brain denies the allegations of Paragraph 166 of the Counterclaims.

EIGHTEENTH COUNTERCLAIM

167. Brain incorporates by reference its answer to Paragraphs 1–166 above as if fully set forth herein.

168. Brain denies the allegations of Paragraph 168 of the Counterclaims.

169. Avidbots purports to incorporate by reference the allegations in paragraph numbers 5–7 and 13–23 set forth in its First Amended Answer and Counterclaims, under the heading Fifth Defense, "Equitable Defenses and Unenforceability." Brain hereby incorporates by reference its answer to paragraphs 5–7 and 16–23 as set forth above in Paragraph 157. Brain hereby responds to paragraphs 13–15 as follows:

13. Brain denies that it committed inequitable conduct during prosecution of the '325 and '576 patents. Brain denies that Brain and its inventors were aware of material and non-cumulative prior art that they withheld from the Examiner during prosecution of the '325 and '576 patents. To the extent the allegations in Paragraph 13 seek to paraphrase or characterize the contents of a written document, the document speaks for itself and Brain denies the allegations to the extent they are inconsistent with that document. Brain lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 13, and on that basis denies any and all remaining allegations.

14. Brain denies that "Cartographer and its supporting publication are relevant and non-cumulative to the art with Brain disclosed to the Examiner, and Cartographer was therefore material." Brain denies that "Cartographer meets

the 'but-for' materiality standard laid out in *Therasense*." To the extent the allegations in Paragraph 14 seek to paraphrase or characterize the contents of a written document, the document speaks for itself and Brain denies the allegations to the extent they are inconsistent with that document. Brain lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 14, and on that basis denies any and all remaining allegations.

15. Brain admits that Jean-Baptiste Passot is an inventor on the '325 and '576 patents. Brain further admits that the '576 patent issued on November 3, 2020. Brain further admits that Jaldert Rombouts is an inventor on the '325 and '576 patents and that he left Brain around 2017. To the extent the allegations in Paragraph 15 seek to paraphrase or characterize the contents of a written document, the document speaks for itself and Brain denies the allegations to the extent they are inconsistent with that document. Brain denies any and all remaining allegations in Paragraph 15.

170. Brain admits that it has alleged a claim for infringement of the '325 patent against Avidbots. Brain denies that the '325 patent is unenforceable. The allegations in this paragraph set forth legal conclusions that require no response. Brain denies any and all remaining allegations in Paragraph 170 of the Counterclaims.

171. Brain admits that Avidbots seeks a declaration that the claims of the '325 patent are unenforceable pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq. Brain denies that any of the claims of the '325 patent are unenforceable.

172. Brain denies the allegations in Paragraph 172 of the Counterclaims.

NINETEENTH COUNTERCLAIM

173. Brain incorporates by reference its answer to Paragraphs 1–172 above as if fully set forth herein.

174. Brain denies the allegations of Paragraph 174 of the Counterclaims.

175. Avidbots purports to incorporate by reference the allegations in paragraph numbers 5–7 and 13–23 set forth in its First Amended Answer and Counterclaims, under the heading Fifth Defense, "Equitable Defenses and Unenforceability." Brain hereby incorporates by reference its answer to paragraphs 5–7 and 16–23 as set forth above in Paragraph 157 and its answer to paragraphs 13–15 as set forth above in Paragraph 169.

176. Brain admits that it has alleged a claim for infringement of the '576 patent against Avidbots. Brain denies that the '576 patent is unenforceable. The allegations in this paragraph set forth legal conclusions that require no response. Brain denies any and all remaining allegations in Paragraph 176 of the Counterclaims.

177. Brain admits that Avidbots seeks a declaration that the claims of the '576 patent are unenforceable pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq. Brain denies that any of the claims of the '576 patent are unenforceable.

178. Brain denies the allegations in Paragraph 178 of the Counterclaims.

TWENTIETH COUNTERCLAIM

179. Brain incorporates by reference its answer to Paragraphs 1–178 above as if fully set forth herein.

180. Brain denies the allegations of Paragraph 180 of the Counterclaims.

181. Avidbots purports to incorporate by reference the allegations in paragraph numbers 5–7 and 16–23 set forth in its First Amended Answer and Counterclaims, under the heading Fifth

Defense, "Equitable Defenses and Unenforceability." Brain hereby incorporates by reference its answer to those paragraphs as set forth above in Paragraph 157.

182. Brain admits that it has alleged a claim for infringement of the '436 patent against Avidbots. Brain denies that the '436 patent is unenforceable. The allegations in this paragraph set forth legal conclusions that require no response. Brain denies any and all remaining allegations in Paragraph 182 of the Counterclaims.

183. Brain admits that Avidbots seeks a declaration that the claims of the '436 patent are unenforceable pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 et seq. Brain denies that any of the claims of the '436 patent are unenforceable.

184. Brain denies the allegations in Paragraph 184 of the Counterclaims.

RESPONSE TO AVIDBOTS'S PRAYER FOR RELIEF

A response to Avidbots's Prayer for Relief is not required. To the extent a response is required, Brain denies that Avidbots is entitled to any relief for the allegations made in the Counterclaims or any relief whatsoever.

RESPONSE TO AVIDBOTS'S JURY DEMAND

A response to Avidbots's Jury Demand is not required. To the extent a response is required, Brain also requests a jury trial on all issues so triable in the Counterclaims.

BRAIN'S AFFIRMATIVE AND OTHER DEFENSES

Without any admission as to the burden of proof, burden of persuasion, or truth of any allegation in the Counterclaims, Brain asserts the following defenses. Brain reserves the right to amend this Answer to assert additional defenses as they may become known during investigation and discovery, including (but not limited to) those related to the unenforceability of any claim of

the asserted patents based on inequitable conduct based on discovery and further factual investigation in this action.

FIRST AFFIRMATIVE DEFENSE
(Failure to State a Claim for Relief)

1. Avidbots's Counterclaims fail to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE
(Non-Infringement)

2. Brain does not infringe and has not infringed (either directly, jointly, contributorily, or by inducement) any valid and enforceable claim of the '664, '550, '545, '474, or '347 Patents, either literally or under the doctrine of equivalents.

THIRD AFFIRMATIVE DEFENSE
(No Joint Infringement)

3. Brain has not and does not infringe any valid and enforceable claim of the '664, '550, '545, '474, or '347 Patents under any theory of joint infringement.

FOURTH AFFIRMATIVE DEFENSE
(Patent Invalidity and Patent Ineligibility)

4. One or more claims of the '664, '550, '545, '474, and '347 Patents are invalid, patent ineligible, void and/or unenforceable for failure to satisfy one or more requirements of patentability and/or patent eligibility under 35 U.S.C. § 101 *et seq*., including without limitation §§ 101, 102, 103, 112, 115, and/or 116, and for improper inventorship, derivation, and/or the doctrine of non-statutory double-patenting.

FIFTH AFFIRMATIVE DEFENSE
(Prosecution History Estoppel / Prosecution Disclaimer / Ensnarement)

5. Avidbots's claims are barred in whole or in part by the doctrine of prosecution history estoppel, prosecution disclaimer, and/or ensnarement from contending that any claim of the '664, '550, '545, '474, and '347 Patents covers any product, service, or method practiced,

manufactured, sold, or offered for sale by Brain, in any manner inconsistent with arguments made by the patent applicant or assignees during prosecution of the applications leading to, or related to, the issuance of the ’664, ’550, ’545, ’474, and ’347 Patents, with respect to any subject matter surrendered during prosecution of the ’664, ’550, ’545, ’474, and ’347 Patents, or in such a manner that would ensnare the prior art.

SIXTH AFFIRMATIVE DEFENSE
(Equitable Defenses and Unenforceability)

6. Avidbots’s claims for relief against Brain are barred in whole or in part by the equitable doctrines of estoppel, unclean hands, laches, patent misuse, waiver, implied waiver, implied license, and/or acquiescence or one or more of the’664, ’550, ’545, ’474, and ’347 Patents is unenforceable against Brain.

SEVENTH AFFIRMATIVE DEFENSE
(No Exceptional Case)

7. Avidbots is not entitled to a finding that this case is exceptional or to attorneys’ fees under 35 U.S.C. § 285, or pursuant to the Court’s inherent power.

EIGHTH AFFIRMATIVE DEFENSE
(Release, License, and Exhaustion)

8. Avidbots’s claims for relief against Brain are barred, in whole or in part, by release, license, or exhaustion, express or implied, and/or restrictions on double recovery.

NINTH AFFIRMATIVE DEFENSE
(No Willfulness)

9. Brain has not willfully infringed any claim of Avidbots Corp.’s Asserted Patents.

TENTH AFFIRMATIVE DEFENSE
(Statutory Limitation on Damages and Costs)

10. To the extent that Avidbots Corp. failed to properly mark any of the relevant products as required by 35 U.S.C. § 287 or otherwise give proper notice that Brain’s actions

allegedly infringed any claim of any of Avidbots Corp.'s Asserted Patents, Brain is not liable to Avidbots for the acts alleged to have been performed by Brain before it received actual notice of alleged infringement.

ELEVENTH AFFIRMATIVE DEFENSE
(Government Sales)

11. Avidbots's claims for relief and recovery, if any, are limited by 28 U.S.C. § 1498.

TWELFTH AFFIRMATIVE DEFENSE
(Lack of Standing)

12. To the extent that Avidbots Corp. did not, or does not, hold all substantial rights, title, and interest in one or more of Avidbots Corp.'s Asserted Patents, Avidbots Corp. lacks standing to bring, or maintain, this lawsuit in connection with each patent.

THIRTEENTH AFFIRMATIVE DEFENSE
(Prior Use)

13. To the extent that the priority date of any of Avidbots Corp.'s Asserted Patents is found to post-date by more than one year the activity that Brain is accused of infringement, then Avidbots Corp. cannot recover from Brain for claims that such activity infringes in view of 35 U.S.C. §§ 273, 282(b). Brain does not concede that any accused conduct constitutes patent infringement.

FOURTEENTH AFFIRMATIVE DEFENSE
(Territorial Limitation)

14. To the extent Avidbots's claims are directed to acts occurring outside the United States, Avidbots's claims for relief are barred or limited by the territorial requirements of 35 U.S.C. § 271 et seq., including but not limited to § 271(a) and (c).

FIFTEENTH AFFIRMATIVE DEFENSE
(Inequitable Conduct)

15. The ’664, ’550, ’545, and ’474 Patents are unenforceable due to inequitable conduct.

16. During prosecution of each of the ’664, ’550, ’545, and ’474 Patents, Avidbots failed to disclose S. Choudhury, and S. Singh, *“A Coverage Planning Algorithm for Agricultural Robots”*, Technical Report, IIT Kharagpur, India, 2009 (“Choudhury”) (Depo. Exhibit 52.)

17. Choudhury is prior art to each of the Avidbots Asserted Patents.

18. The 2009 publication date of Choudhury confirms that it constitutes prior art to each of the Avidbots Asserted Patents.

19. At least one individual with a duty to disclose material prior art during prosecution of each of the ’664, ’550, ’545, and ’474 Patents was aware of Choudhury during prosecution of each of the ’664, ’550, ’545, and ’474 Patents.

20. At least one individual with a duty to disclose material prior art during prosecution of each of the ’664, ’550, ’545, and ’474 Patents was aware of Choudhury at least because it was the “original,” “famous,” and a “good paper” that Avidbots admits it “kept in the records” and “gave [applicant] the idea” of, at least, “decomposition” and path planning, which is subject matter claimed in the ’664, ’550, ’545, and ’474 Patents. (*See, e.g.*, Deposition Exhibits 46, 51, and 52; 12/04/25 Lee 30(b)(6) Dep. Tr. at, *e.g.*, 227:5–232:4, 261:2–268:7; 12/11/25 Cabrerra 30(b)(6) Dep. Tr. at 356:8–361:17.)

21. Applicant admitted it was aware of Choudhury “very early on” in 2014 or 2015 (the ’664, ’550, ’545, and ’474 Patents claim priority to a provisional application filed on April 24, 2015). (*See* 12/11/25 Cabrerra 30(b)(6) Dep. Tr. at 356:8–357:14.)

22. An Avidbots email confirms that it was aware of Choudhury at least as early as September 2018, which is a time period during which all of the applications for the ’664, ’550,

’545, and ’474 Patents were pending. (Deposition Exhibits 51 and 52; 12/04/25 Lee 30(b)(6) Depo. Tr. at, *e.g.*, 261:2–264:14.)

23. Choudhury is material to the patentability of at least one claim in each of the ’664, ’550, ’545, and ’474 Patents.

24. As set forth in the obviousness combinations and Appendices included in Brain’s Final Unenforceability and Invalidity Contentions, Choudhury anticipates and/or renders obvious one or more claims (1–5, and 8) of the ’550 Patent (*see* Appendix C14), anticipates and/or renders obvious one or more claims (9–14 and 16–19) of the ’545 Patent (*see* Appendix D13), anticipates and/or renders obvious one or more claims (1–3, 14–16, 20) of the ’474 Patent (*see* Appendix B12), and anticipates and/or renders obvious one or more claims (1, 8, 11, 12, 13, 17, 19, 20, 22, 25, 27, 30, 40, and 44–46) of the ’664 Patent (*see* Appendix A13). Brain incorporates by reference its Final Unenforceability and Invalidity Contentions served in this case.

25. Avidbots knew that Choudhury was material. As noted above, applicant admits Choudhury “gave [applicant] the idea” of, at least, “decomposition,” which is subject matter claimed in each of the ’664, ’550, ’545, and ’474 Patents.

26. Choudhury is not cumulative of the evidence that was submitted during prosecution of the ’664, ’550, ’545, and ’474 Patents.

27. The prosecution history further demonstrates the materiality of Choudhury to the patentability of one or more claims of the ’664, ’550, ’545, and ’474 Patents. For example, the July 19, 2016 PCT written opinion (from PCT application PCT/CA2016/050480, which is related and claims priority to the same application to which the applications for the ’664, ’550, ’545, and ’474 Patents claim priority) stated that:

> Claims 25 to 32 comply with PCT Article 33(2). No single prior art document discloses all the features of independent claim 25. ***The closest prior art document,***

> Dl [US 2007/0016328 (Zeigler)], ***disclose all the features*** of independent claim 25, ***except defining intra-sector data sets representing intra-sector paths based at least in part on a calculated efficiency associated with the cleaning robot cleaning a portion of the surface corresponding to a sector from the plurality of sectors, and defining an inter-sector data set representing an inter-sector path along the map based on combining each intra-sector path to collectively define the inter-sector path and a calculated efficiency associated with the cleaning robot moving on the surface and substantially along the inter-sector path to clean the surface***. Independent claim 25 is thus considered to be novel. Dependent claims 26 to 32 are considered novel as well since they all depend on independent claim 25.

(AVID0039643–40429 at, e.g., 40167, 40197(emphases added).)

28. In the above excerpt, the PCT written opinion identified features missing from the closest prior art. Those features are taught by Choudhury. (*See* Appendices C14, D13, B12, and A13.) Avidbots also claimed these features in each of the ’664, ’550, ’545, and ’474 Patents, s*ee* Appendices C14, D13, B12, and A13, but did not disclose Choudhury to the Patent Office, despite each individual involved in prosecution of these patents having a duty to disclose material prior art and despite the inventors’ oaths concerning inventorship.

29. As a result of Avidbots’ failure to disclose, the Examiner did not consider Choudhury during evaluation of the applications that led to the ’664, ’550, ’545, and ’474 Patents.

30. As another example, during prosecution of the ’664 Patent, Avidbots amended pending claim 56 (issued claim 40), as shown below, to include the limitations of pending claim 62 and intervening claim 60 (as shown below) to successfully overcome prior art reference 2016/0095487 (“Koura”). (*See* January 28, 2019 Response (AVID0040215) to October 19, 2018 Office Action (AVID004109) at 10-11, 14 (AVID0040224–40225, 40228); June 12, 2019 Notice of Allowance.)

56. (Currently Amended) An apparatus, comprising:

a frame supporting at least one storage volume;

a drive system supported by the frame and configured to move the frame along a surface~~, the drive system including a plurality of wheels, each wheel from the plurality of wheels configured to rotate about a wheel axis in response to an output of a different motor from a plurality of motors, an angle defined between each wheel axis being substantially equal~~;

a cleaning assembly coupled to the frame, the cleaning assembly configured to engage the surface to transfer detritus from the surface to the at least one storage volume; and

an electronics system supported by the frame and including a processor and a memory, the processor configured to execute a set of instructions stored in the memory to (1) define a map of the surface based on data received from one or more sensors, (2) decompose the map of the surface into a plurality of sectors collectively forming the map of the surface, and (3) define a path along each sector from the plurality of sectors based at least in part on a calculated efficiency associated with transferring detritus from that sector from the plurality of sectors to the at least one storage volume, the electronics system configured to send one or more signals to the drive system ~~at least one motor from the plurality of motors~~ indicative of an instruction to ~~rotate the associated wheel from the plurality of wheels about the associated wheel axis to~~ move the cleaning assembly along the surface in a predetermined path~~, the electronics system further configured to transition the drive system or the cleaning assembly from a first configuration, in which the drive system or the cleaning assembly, respectively, receives a flow of electric power, to a second configuration, in which the electronics system prevents a flow of electric power to the drive system or the cleaning assembly, respectively~~.

(AVID0039643–40429 at 40224–40225.)

31. Pending claims 60 and 62, however, included limitations taught by Choudhury. (*See* Appendix A13, e.g., Claim 40.)

32. Similarly, Avidbots amended pending claim 16 (issued claim 12), as shown below, to include the allowable subject matter of cancelled dependent claim 23 and intervening cancelled claim 22 (as shown below). (*See* January 7, 2020 Response at 14 (AVID0039788); May 1, 2020 Corrected Notice of Allowance (AVID0039955).)

16. (Currently Amended) An apparatus, comprising:

a frame supporting at least one storage volume;

a drive system supported by the frame and configured to move the frame along a surface, the drive system including a plurality of wheels, each wheel from the plurality of wheels configured to rotate about a wheel axis in response to an output of a different motor from a plurality of motors, an angle defined between each wheel axis being substantially equal;

a cleaning assembly coupled to the frame, the cleaning assembly configured to engage the surface to transfer detritus from the surface to the at least one storage volume; and

an electronics system supported by the frame and including at least a memory and a processor, the electronics system configured to send one or more signals to at least one motor from the plurality of motors indicative of an instruction to rotate the associated wheel from the plurality of wheels about the associated wheel axis to move the cleaning assembly along the surface in a predetermined path, the processor being configured to execute a set of instructions stored in the memory associated with (1) defining a map of the surface based on data received from one or more sensors, (2) decomposing the map into a plurality of sectors that collectively form the map, (3) defining a path along each sector from the plurality of sectors based at least in part on a calculated efficiency associated with transferring detritus from that sector from the plurality of sectors to the at least one storage volume, and (4) combining the path along each sector from the plurality of sectors to define the predetermined path, the predetermined path based at least in part on a calculated efficiency associated with the cleaning assembly transferring detritus from at least a portion of the surface to the at least one storage volume.

(AVID0039643–40429 at 39792–39793.)

33. The subject matter of cancelled claims 22 and 23, however, also included limitations taught by Choudhury. (*See* Appendix A13 at e.g., Claim 12, 45.)

34. The Patent Office did not have the benefit of Choudhury when evaluating Avidbots' amendments due to the failure to disclose. The Patent Office would not have allowed at least one claim in each of the '664, '550, '545, and '474 Patents had it been aware of the undisclosed prior art.

35. Avidbots' failure to disclose Choudhury was perpetrated with specific intent to deceive because Avidbots recognized that the '664, '550, '545, and '474 Patents would not issue if applicant disclosed Choudhury to the examiner.

36. As explained above, Avidbots admitted that Choudhury was a "good paper" that it "kept in the records" and "gave [applicant] the idea" of, at least, "decomposition," but failed to disclose Choudhury to the Patent Office when Choudhury's materiality was apparent in view of, at least, (1) the PCT Written Opinion in 2016 and (2) applicant's arguments and amendments to the claims that issued as claims 12 and 40 of the '664 Patent, both of which occurred during time periods in which the applications for the '664, '550, '545, and '474 Patents were pending.

37. Infectious unenforceability also renders the '550, '545, and '474 Patents unenforceable. Each of these patents is related to and claims priority to the '664 Patent that is itself unenforceable due to inequitable conduct.

38. The inequitable conduct that renders the '664 Patent unenforceable was not cured during the prosecution of the '550, '545, and '474 Patents.

SIXTEENTH AFFIRMATIVE DEFENSE
(Reservation of Defenses)

39. As Brain's investigation is ongoing and discovery has not yet been completed, Brain is without complete information regarding the existence or non-existence of other facts or acts that would constitute a defense to the purported causes of action in Avidbots's Counterclaims. Accordingly, Brain reserves the right to assert any other defenses, including (but not limited to) those related to the unenforceability of any claim of the asserted patents based on inequitable conduct based on discovery and further factual investigation in this action.

COUNTERCLAIMS

1. Brain Corporation ("Brain") brings the following counterclaims against Avidbots Corp. for declaratory judgment that U.S. Patent Nos. 10,667,664 (the "'664 Patent"), 10,206,550 (the "'550 Patent"), 11,510,545 (the "'545 Patent"), 11,844,474 (the "'474 Patent"), and 11,531,347 (the "'347 Patent) (collectively, "Avidbots Corp.'s Asserted Patents") are invalid and

not infringed by Brain, and for declaratory judgment that the ’664, ’550, ’545, and ’474 Patents are unenforceable due to inequitable conduct.

2. Avidbots Corp. has asserted counterclaims against Brain alleging that Brain infringed and is infringing upon one or more claims of the Avidbots Corp.’s Asserted Patents.

3. By such action, Avidbots Corp. has created an actual justiciable case or controversy between itself and Brain concerning the validity and unenforceability of the Avidbots Corp.’s Asserted Patents, as well as whether Brain infringes upon any claims of the Avidbots Corp.’s Asserted Patents.

THE PARTIES

4. Brain is a California corporation having its principal place of business at 10182 Telesis Court, Suite 100, San Diego, California 92121.

5. Avidbots Corp. is a Canadian corporation having its principal place of business at 45 Washburn Drive, Kitchener, Ontario, N2R 1S1, Canada.

JURISDICTION AND VENUE

6. These counterclaims arise under the patent laws of the United States, 35 U.S.C. §§ 100 et seq. and seek declaratory relief for which this Court has subject matter jurisdiction pursuant to 35 U.S.C. §§ 1331, 1338, 2201, and 2202.

7. An actual justiciable controversy exists under the Declaratory Judgment Act with respect to the alleged infringement, validity, and/or enforceability of the Avidbots Corp.’s Asserted Patents.

8. This Court has personal jurisdiction over Avidbots Corp. by virtue of Avidbots Corp. asserting counterclaims of infringement of the Avidbots Corp.’s Asserted Patents.

9. Venue is appropriate in this District because Avidbots Corp. has consented to the propriety of venue in this Court by filing its counterclaims for patent infringement in this Court.

FIRST COUNTERCLAIM
(Declaration of Non-Infringement of the ’664 Patent)

10. Brain realleges and incorporates by reference the allegations set forth in paragraphs 1–9 of the Counterclaims as if fully set forth herein.

11. An actual justiciable controversy exists between Brain and Avidbots Corp. with respect to the infringement of the ’664 Patent. Absent a declaration of non-infringement, Avidbots Corp. will continue to wrongly assert the ’664 Patent against Brain, and hereby cause Brain irreparable injury and damage.

12. Brain does not infringe any valid claim of the ’664 Patent, either literally or under the doctrine of equivalents. Brain is entitled to a declaration to this effect.

SECOND COUNTERCLAIM
(Declaration of Invalidity of the ’664 Patent)

13. Brain realleges and incorporates by reference the allegations set forth in paragraphs 1–12 of the Counterclaims as if fully set forth herein.

14. An actual justiciable controversy exists between Brain and Avidbots Corp. with respect to the validity of the ’664 Patent. Absent a declaration of invalidity, Avidbots Corp. will continue to wrongly assert the ’664 Patent against Brain, and hereby cause Brain irreparable injury and damage.

15. The claims of the ’664 Patent are invalid, patent ineligible, void and/or unenforceable for failure to satisfy one or more requirements of patentability and/or patent eligibility under 35 U.S.C. § 101 *et seq*., including without limitation §§ 101, 102, 103, 112, 115,

and/or 116, and for improper inventorship, derivation, and/or the doctrine of non-statutory double-patenting.

THIRD COUNTERCLAIM
(Declaration of Non-Infringement of the ’550 Patent)

16. Brain realleges and incorporates by reference the allegations set forth in paragraphs 1–15 of the Counterclaims as if fully set forth herein.

17. An actual justiciable controversy exists between Brain and Avidbots Corp. with respect to the infringement of the ’550 Patent. Absent a declaration of non-infringement, Avidbots Corp. will continue to wrongly assert the ’550 Patent against Brain, and hereby cause Brain irreparable injury and damage.

18. Brain does not infringe any valid claim of the ’550 Patent, either literally or under the doctrine of equivalents. Brain is entitled to a declaration to this effect.

FOURTH COUNTERCLAIM
(Declaration of Invalidity of the ’550 Patent)

19. Brain realleges and incorporates by reference the allegations set forth in paragraphs 1–18 of the Counterclaims as if fully set forth herein.

20. An actual justiciable controversy exists between Brain and Avidbots Corp. with respect to the validity of the ’550 Patent. Absent a declaration of invalidity, Avidbots Corp. will continue to wrongly assert the ’550 Patent against Brain, and hereby cause Brain irreparable injury and damage.

21. The claims of the ’550 Patent are invalid, patent ineligible, void and/or unenforceable for failure to satisfy one or more requirements of patentability and/or patent eligibility under 35 U.S.C. § 101 *et seq*., including without limitation §§ 101, 102, 103, 112, 115,

and/or 116, and for improper inventorship, derivation, and/or the doctrine of non-statutory double-patenting.

FIFTH COUNTERCLAIM
(Declaration of Non-Infringement of the ’545 Patent)

22. Brain realleges and incorporates by reference the allegations set forth in paragraphs 1–21 of the Counterclaims as if fully set forth herein.

23. An actual justiciable controversy exists between Brain and Avidbots Corp. with respect to the infringement of the ’545 Patent. Absent a declaration of non-infringement, Avidbots Corp. will continue to wrongly assert the ’545 Patent against Brain, and hereby cause Brain irreparable injury and damage.

24. Brain does not infringe any valid claim of the ’545 Patent, either literally or under the doctrine of equivalents. Brain is entitled to a declaration to this effect.

SIXTH COUNTERCLAIM
(Declaration of Invalidity of the ’545 Patent)

25. Brain realleges and incorporates by reference the allegations set forth in paragraphs 1–24 of the Counterclaims as if fully set forth herein.

26. An actual justiciable controversy exists between Brain and Avidbots Corp. with respect to the validity of the ’545 Patent. Absent a declaration of invalidity, Avidbots Corp. will continue to wrongly assert the ’545 Patent against Brain, and hereby cause Brain irreparable injury and damage.

27. The claims of the ’545 Patent are invalid, patent ineligible, void and/or unenforceable for failure to satisfy one or more requirements of patentability and/or patent eligibility under 35 U.S.C. § 101 *et seq*., including without limitation §§ 101, 102, 103, 112, 115,

and/or 116, and for improper inventorship, derivation, and/or the doctrine of non-statutory double-patenting.

SEVENTH COUNTERCLAIM
(Declaration of Non-Infringement of the ’474 Patent)

28. Brain realleges and incorporates by reference the allegations set forth in paragraphs 1–27 of the Counterclaims as if fully set forth herein.

29. An actual justiciable controversy exists between Brain and Avidbots Corp. with respect to the infringement of the ’474 Patent. Absent a declaration of non-infringement, Avidbots Corp. will continue to wrongly assert the ’474 Patent against Brain, and hereby cause Brain irreparable injury and damage.

30. Brain does not infringe any valid claim of the ’474 Patent, either literally or under the doctrine of equivalents. Brain is entitled to a declaration to this effect.

EIGHTH COUNTERCLAIM
(Declaration of Invalidity of the ’474 Patent)

31. Brain realleges and incorporates by reference the allegations set forth in paragraphs 1–30 of the Counterclaims as if fully set forth herein.

32. An actual justiciable controversy exists between Brain and Avidbots Corp. with respect to the validity of the ’474 Patent. Absent a declaration of invalidity, Avidbots Corp. will continue to wrongly assert the ’474 Patent against Brain, and hereby cause Brain irreparable injury and damage.

33. The claims of the ’474 Patent are invalid, patent ineligible, void and/or unenforceable for failure to satisfy one or more requirements of patentability and/or patent eligibility under 35 U.S.C. § 101 *et seq*., including without limitation §§ 101, 102, 103, 112, 115,

and/or 116, and for improper inventorship, derivation, and/or the doctrine of non-statutory double-patenting.

NINTH COUNTERCLAIM
(Declaration of Non-Infringement of the ’347 Patent)

34. Brain realleges and incorporates by reference the allegations set forth in paragraphs 1–33 of the Counterclaims as if fully set forth herein.

35. An actual justiciable controversy exists between Brain and Avidbots Corp. with respect to the infringement of the ’347 Patent. Absent a declaration of non-infringement, Avidbots Corp. will continue to wrongly assert the ’347 Patent against Brain, and hereby cause Brain irreparable injury and damage.

36. Brain does not infringe any valid claim of the ’347 Patent, either literally or under the doctrine of equivalents. Brain is entitled to a declaration to this effect.

TENTH COUNTERCLAIM
(Declaration of Invalidity of the ’347 Patent)

37. Brain realleges and incorporates by reference the allegations set forth in paragraphs 1–36 of the Counterclaims as if fully set forth herein.

38. An actual justiciable controversy exists between Brain and Avidbots Corp. with respect to the validity of the ’347 Patent. Absent a declaration of invalidity, Avidbots Corp. will continue to wrongly assert the ’347 Patent against Brain, and hereby cause Brain irreparable injury and damage.

39. The claims of the ’347 Patent are invalid, patent ineligible, void and/or unenforceable for failure to satisfy one or more requirements of patentability and/or patent eligibility under 35 U.S.C. § 101 *et seq*., including without limitation §§ 101, 102, 103, 112, 115,

and/or 116, and for improper inventorship, derivation, and/or the doctrine of non-statutory double-patenting.

ELEVENTH COUNTERCLAIM
(Declaration of Unenforceability Due to Inequitable Conduct)

40. Brain realleges and incorporates by reference the allegations set forth in paragraphs 1–39 of the Counterclaims as if fully set forth herein.

41. An actual justiciable controversy exists between Brain and Avidbots Corp. with respect to the unenforceability of the ’664, ’550, ’545, and ’474 Patents. Absent a declaration of unenforceability, Avidbots Corp. will continue to wrongly assert the ’664, ’550, ’545, and ’474 Patents against Brain, and hereby cause Brain irreparable injury and damage.

42. The ’664, ’550, ’545, and ’474 Patents are unenforceable due to inequitable conduct.

43. During prosecution of each of the ’664, ’550, ’545, and ’474 Patents, Avidbots failed to disclose S. Choudhury, and S. Singh, *“A Coverage Planning Algorithm for Agricultural Robots”*, Technical Report, IIT Kharagpur, India, 2009 (“Choudhury”) (Depo. Exhibit 52.)

44. Choudhury is prior art to each of the Avidbots Asserted Patents.

45. The 2009 publication date of Choudhury confirms that it constitutes prior art to each of the Avidbots Asserted Patents.

46. At least one individual with a duty to disclose material prior art during prosecution of each of the ’664, ’550, ’545, and ’474 Patents was aware of Choudhury during prosecution of each of the ’664, ’550, ’545, and ’474 Patents.

47. At least one individual with a duty to disclose material prior art during prosecution of each of the ’664, ’550, ’545, and ’474 Patents was aware of Choudhury at least because it was the “original,” “famous,” and a “good paper” that Avidbots admits it “kept in the records” and

"gave [applicant] the idea" of, at least, "decomposition" and path planning, which is subject matter claimed in the '664, '550, '545, and '474 Patents. (*See, e.g.*, Deposition Exhibits 46, 51, and 52; 12/04/25 Lee 30(b)(6) Dep. Tr. at, *e.g.*, 227:5–232:4, 261:2–268:7; 12/11/25 Cabrerra 30(b)(6) Dep. Tr. at 356:8–361:17.)

48. Applicant admitted it was aware of Choudhury "very early on" in 2014 or 2015 (the '664, '550, '545, and '474 Patents claim priority to a provisional application filed on April 24, 2015). (*See* 12/11/25 Cabrerra 30(b)(6) Dep. Tr. at 356:8–357:14.)

49. An Avidbots email confirms that it was aware of Choudhury at least as early as September 2018, which is a time period during which all of the applications for the '664, '550, '545, and '474 Patents were pending. (Deposition Exhibits 51 and 52; 12/04/25 Lee 30(b)(6) Depo. Tr. at, *e.g.*, 261:2–264:14.)

50. Choudhury is material to the patentability of at least one claim in each of the '664, '550, '545, and '474 Patents.

51. As set forth in the obviousness combinations and Appendices included in Brain's Final Unenforceability and Invalidity Contentions, Choudhury anticipates and/or renders obvious one or more claims (1–5, and 8) of the '550 Patent (*see* Appendix C14), anticipates and/or renders obvious one or more claims (9–14 and 16–19) of the '545 Patent (*see* Appendix D13), anticipates and/or renders obvious one or more claims (1–3, 14–16, 20) of the '474 Patent (*see* Appendix B12), and anticipates and/or renders obvious one or more claims (1, 8, 11, 12, 13, 17, 19, 20, 22, 25, 27, 30, 40, and 44–46) of the '664 Patent (*see* Appendix A13). Brain incorporates by reference its Final Unenforceability and Invalidity Contentions served in this case.

52. Avidbots knew that Choudhury was material. As noted above, applicant admits Choudhury "gave [applicant] the idea" of, at least, "decomposition," which is subject matter claimed in each of the '664, '550, '545, and '474 Patents.

53. Choudhury is not cumulative of the evidence that was submitted during prosecution of the '664, '550, '545, and '474 Patents.

54. The prosecution history further demonstrates the materiality of Choudhury to the patentability of one or more claims of the '664, '550, '545, and '474 Patents. For example, the July 19, 2016 PCT written opinion (from PCT application PCT/CA2016/050480, which is related and claims priority to the same application to which the applications for the '664, '550, '545, and '474 Patents claim priority) stated that:

> Claims 25 to 32 comply with PCT Article 33(2). No single prior art document discloses all the features of independent claim 25. ***The closest prior art document,*** Dl [US 2007/0016328 (Zeigler)], ***disclose all the features*** of independent claim 25, ***except defining intra-sector data sets representing intra-sector paths based at least in part on a calculated efficiency associated with the cleaning robot cleaning a portion of the surface corresponding to a sector from the plurality of sectors, and defining an inter-sector data set representing an inter-sector path along the map based on combining each intra-sector path to collectively define the inter-sector path and a calculated efficiency associated with the cleaning robot moving on the surface and substantially along the inter-sector path to clean the surface***. Independent claim 25 is thus considered to be novel. Dependent claims 26 to 32 are considered novel as well since they all depend on independent claim 25.

(AVID0039643–40429 at, e.g., 40167, 40197(emphases added).)

55. In the above excerpt, the PCT written opinion identified features missing from the closest prior art. Those features are taught by Choudhury. (*See* Appendices C14, D13, B12, and A13.) Avidbots also claimed these features in each of the '664, '550, '545, and '474 Patents, s*ee* Appendices C14, D13, B12, and A13, but did not disclose Choudhury to the Patent Office, despite each individual involved in prosecution of these patents having a duty to disclose material prior art and despite the inventors' oaths concerning inventorship.

56. As a result of Avidbots' failure to disclose, the Examiner did not consider Choudhury during evaluation of the applications that led to the '664, '550, '545, and '474 Patents.

57. As another example, during prosecution of the '664 Patent, Avidbots amended pending claim 56 (issued claim 40), as shown below, to include the limitations of pending claim 62 and intervening claim 60 (as shown below) to successfully overcome prior art reference 2016/0095487 ("Koura"). (*See* January 28, 2019 Response (AVID0040215) to October 19, 2018 Office Action (AVID004109) at 10-11, 14 (AVID0040224–40225, 40228); June 12, 2019 Notice of Allowance.)

> 56. (Currently Amended) An apparatus, comprising:
>
> a frame supporting at least one storage volume;
>
> a drive system supported by the frame and configured to move the frame along a surface~~, the drive system including a plurality of wheels, each wheel from the plurality of wheels configured to rotate about a wheel axis in response to an output of a different motor from a plurality of motors, an angle defined between each wheel axis being substantially equal~~;
>
> a cleaning assembly coupled to the frame, the cleaning assembly configured to engage the surface to transfer detritus from the surface to the at least one storage volume; and
>
> an electronics system supported by the frame and including a processor and a memory, the processor configured to execute a set of instructions stored in the memory to (1) define a map of the surface based on data received from one or more sensors, (2) decompose the map of the surface into a plurality of sectors collectively forming the map of the surface, and (3) define a path along each sector from the plurality of sectors based at least in part on a calculated efficiency associated with transferring detritus from that sector from the plurality of sectors to the at least one storage volume, the electronics system configured to send one or more signals to the drive system ~~at least one motor from the plurality of motors~~ indicative of an instruction to ~~rotate the associated wheel from the plurality of wheels about the associated wheel axis to~~ move the cleaning assembly along the surface in a predetermined path~~, the electronics system further configured to transition the drive system or the cleaning assembly from a first configuration, in which the drive system or the cleaning assembly, respectively, receives a flow of electric power, to a second configuration, in which the electronics system prevents a flow of electric power to the drive system or the cleaning assembly, respectively~~.

(AVID0039643–40429 at 40224–40225.)

58. Pending claims 60 and 62, however, included limitations taught by Choudhury. (*See* Appendix A13, e.g., Claim 40.)

59. Similarly, Avidbots amended pending claim 16 (issued claim 12), as shown below, to include the allowable subject matter of cancelled dependent claim 23 and intervening cancelled claim 22 (as shown below). (*See* January 7, 2020 Response at 14 (AVID0039788); May 1, 2020 Corrected Notice of Allowance (AVID0039955).)

> 16. (Currently Amended) An apparatus, comprising:
>
> a frame supporting at least one storage volume;
>
> a drive system supported by the frame and configured to move the frame along a surface, the drive system including a plurality of wheels, each wheel from the plurality of wheels configured to rotate about a wheel axis in response to an output of a different motor from a plurality of motors, an angle defined between each wheel axis being substantially equal;
>
> a cleaning assembly coupled to the frame, the cleaning assembly configured to engage the surface to transfer detritus from the surface to the at least one storage volume; and
>
> an electronics system supported by the frame and including at least a memory and a processor, the electronics system configured to send one or more signals to at least one motor from the plurality of motors indicative of an instruction to rotate the associated wheel from the plurality of wheels about the associated wheel axis to move the cleaning assembly along the surface in a predetermined path, the processor being configured to execute a set of instructions stored in the memory associated with <u>(1)</u> defining a map of the surface based on data received from one or more sensors, <u>(2) decomposing the map into a plurality of sectors that collectively form the map, (3) defining a path along each sector from the plurality of sectors based at least in part on a calculated efficiency associated with transferring detritus from that sector from the plurality of sectors to the at least one storage volume, and (4) combining the path along each sector from the plurality of sectors to define the predetermined path,</u> the predetermined path based at least in part on a calculated efficiency associated with the cleaning assembly transferring detritus from at least a portion of the surface to the at least one storage volume.

(AVID0039643–40429 at 39792–39793.)

60. The subject matter of cancelled claims 22 and 23, however, also included limitations taught by Choudhury. (*See* Appendix A13 at e.g., Claim 12, 45.)

61. The Patent Office did not have the benefit of Choudhury when evaluating Avidbots' amendments due to the failure to disclose. The Patent Office would not have allowed at least one

claim in each of the ’664, ’550, ’545, and ’474 Patents had it been aware of the undisclosed prior art.

62. Avidbots’ failure to disclose Choudhury was perpetrated with specific intent to deceive because Avidbots recognized that the ’664, ’550, ’545, and ’474 Patents would not issue if applicant disclosed Choudhury to the examiner.

63. As explained above, Avidbots admitted that Choudhury was a “good paper” that it “kept in the records” and “gave [applicant] the idea” of, at least, “decomposition,” but failed to disclose Choudhury to the Patent Office when Choudhury’s materiality was apparent in view of, at least, (1) the PCT Written Opinion in 2016 and (2) applicant’s arguments and amendments to the claims that issued as claims 12 and 40 of the ’664 Patent, both of which occurred during time periods in which the applications for the ‘664, ‘550, ‘545, and ‘474 Patents were pending.

64. Infectious unenforceability also renders the ’550, ’545, and ’474 Patents unenforceable. Each of these patents is related to and claims priority to the ’664 Patent that is itself unenforceable due to inequitable conduct.

65. The inequitable conduct that renders the ’664 Patent unenforceable was not cured during the prosecution of the ’550, ’545, and ’474 Patents.

PRAYER FOR RELIEF

Wherefore, Brain prays for the following relief:

A. That Avidbots Corp. take nothing by way of its Counterclaims and that the same be dismissed with prejudice;

B. That judgment be entered declaring that Brain does not infringe, and has not infringed, any valid or enforceable claim of the Avidbots Corp.’s Asserted Patents.

C. That judgment be entered declaring that the asserted claims of the Avidbots Corp.'s Asserted Patents are invalid;

D. That judgment be entered that all claims of the '664, '550, '545, and '474 Patents are unenforceable due to inequitable conduct.

E. That a judgment be entered declaring that this is an exceptional case within the meaning of 35 U.S.C. § 285 and that Brain is entitled to its reasonable attorneys' fees and costs, and prejudgment interest thereon;

F. That the Court grant Brain costs, expenses, and attorneys' fees for unreasonable and vexatious litigation under 28 U.S.C. § 1927;

G. That the Court award Brain its legal fees, costs, expenses, and other relief, upon prevailing in this action; and

H. That the Court award Brain such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Brain Corporation hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

Dated: February 4, 2026

KNOBBE, MARTENS, OLSON & BEAR, LLP

By: /s/ Daniel P. Hughes

Daniel P. Hughes (*Pro Hac Vice*)
Adam B. Powell (*Pro Hac Vice*)
KNOBBE, MARTENS, OLSON & BEAR, LLP
3579 Valley Centre Dr., Suite 300
San Diego, CA 92130
Tel: (858) 707-4000
Daniel.Hughes@knobbe.com
Adam.Powell@knobbe.com

Sheila N. Swaroop (*Pro Hac Vice*)
Marko R. Zoretic
Kendall M. Loebbaka (*Pro Hac Vice*)
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main St., 14th Floor
Irvine, CA 92614
Tel: (949) 760-0404
Sheila.Swaroop@knobbe.com

Marko.Zoretic@knobbe.com
Kendall.Loebbaka@knobbe.com

Kevin Tottis (ARDC No. 6193853)
ktottis@tottislaw.com
Keith Stolte (ARDC No. 6244848)
kstotle@tottislaw.com
TottisLaw
401 N. Michigan Avenue
Suite 530
Chicago, IL 60611Tel: (312) 527-1400
Fax: (312) 589-7192

Counsel for Plaintiff and Counterclaim-Defendants, Brain Corporation