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Filed on behalf of **Brain Corporation**

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AVIDBOTS CORP. and AVIDBOTS USA CORP.,
Petitioners,

v.

BRAIN CORPORATION.,
Patent Owner

Case No. IPR2025-01601
US Patent No. 10,379,539

**PATENT OWNER'S BRIEF IN SUPPORT OF
DISCRETIONARY DENIAL UNDER 35 U.S.C. §314(a)**

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LIST OF EXHIBITS

Exhibit	Description
2001	Proposed Protective Order
2002	Redlined Protective Order
2003	Complaint for Patent Infringement, <i>Brain Corp. v. Avidbots Corp. et al.</i> , Case No. 1:24-cv-12569, Dkt. 1 (N.D. Ill. Dec. 6, 2024)
2004	Declaration of Daniel P. Hughes
2005	Northern District of Illinois Local Patent Rules
2006	Joint Initial Status Report & Notification of Docket Entry, <i>Brain Corp. v. Avidbots Corp. et al.</i> , Case No. 1:24-cv-12569, Dkts. 40 & 42 (N.D. Ill.)
2007	Report of the Parties' Planning Meeting, <i>Brain Corp. v. Avidbots Corp. et al.</i> , Case No. 1:24-cv-12569, Dkt. 34 (N.D. Ill.)
2008	Defendant Avidbots's Second Supplemental Non-Infringement and Invalidity Contentions, <i>Brain Corp. v. Avidbots Corp. et al.</i> , Case No. 1:24-cv-12569 (N.D. Ill.)
2009	Certificate of Service of Complaint in <i>Brain Corp. v. Avidbots Corp. et al.</i> , Case No. 1:24-cv-12569, Dkt. 8 (N.D. Ill.)
2010	HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY - Exhibit 97 to December 11, 2025 Cabrerra Deposition in <i>Brain Corp. v. Avidbots Corp. et al.</i> , Case No. 1:24-cv-12569 (N.D. Ill.)
2011	HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY - Exhibit 99 to December 11, 2025 Cabrerra Deposition in <i>Brain Corp. v. Avidbots Corp. et al.</i> , Case No. 1:24-cv-12569 (N.D. Ill.)
2012	HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY - Excerpts of December 11, 2025 Cabrerra Deposition in <i>Brain Corp. v. Avidbots Corp. et al.</i> , Case No. 1:24-cv-12569 (N.D. Ill.)

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2016	Printout of November 16, 2019 Wayback Machine archive of https://www.braincorp.com/patents (captured on January 7, 2026)
2017	RESERVED
2018	HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY – Document produced by Avidbots bearing production nos. AVID0576615–AVID0576616
2019	RESERVED
2020	RESERVED
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I. INTRODUCTION

Patent Owner Brain Corporation’s (“PO”) U.S. Patent No. 10,379,539 (“’539 Patent”) has been in force since 2019 and reflects the innovations of a team of engineers in San Diego, California to optimize the navigation of autonomous industrial robots. Petitioner Avidbots Corp. (“Petitioner”) is a foreign entity who

[REDACTED]

[REDACTED] Despite its years of awareness, Petitioner aggressively litigated in the district court for nearly twelve months before pivoting to Patent Office review. The Director should deny the Petition because all six *Fintiv* factors and additional considerations favor denial.

First, the district court has *already denied* Petitioner’s motion to stay. Thus, Petitioner cannot show that the district court is likely to grant a motion to stay.

Second, a trial date is not set, but the case is likely to proceed to trial in early 2027 before the statutory deadline for a final written decision.

Third, the parties have substantially invested in the district court litigation. Petitioner filed this IPR nearly a year into the district court litigation. During that extensive delay, the parties have already exchanged multiple rounds of contentions, including *final* infringement and invalidity contentions on the ’539 Patent. The parties have finished document productions, including the production of over *1.4 million* pages of documents and hundreds of thousands of source code files. The

parties have taken over 65 hours of depositions, including depositions on over 100 Rule 30(b)(6) topics. And the district court devoted substantial time to the case and held twelve hearings. By the June 2026 institution deadline, the parties will have completed final contentions, all of fact discovery, and most of claim construction.

Fourth, the issues raised in the petition overlap with district court issues. The petition challenges all claims in the '539 Patent that have been asserted in the ongoing district court action and raises invalidity arguments that overlap with the district court proceeding. Petitioner has also filed other petitions that overlap with its district court theories.

Fifth, Petitioner is the named defendant in the district court litigation.

Sixth, other factors favor denial. Settled expectations weigh against institution because the '539 Patent issued in August 2019 and has been in force for over six years. Since then, PO has released numerous products that practice the '539 Patent and become the market leader based in part on its patented technology.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Further, as discussed in PO's forthcoming Preliminary Response, the

Petitioner's merits are exceptionally weak. The parties will also raise factual disputes best addressed by live testimony in district court, including the credibility of Petitioner's declarants, prior art status, Petitioner's copying of PO, and secondary considerations of non-obviousness based on PO's patent-practicing products. Additionally, compelling economic or national security interests warrant denial because PO is the U.S. market leader headquartered in California, whereas Petitioner is a foreign company attempting to supplant PO through unauthorized use of PO's patented technology. Accordingly, discretionary denial is warranted.

II. STATEMENT OF FACTS

A. PO Sues Petitioner In The Northern District Of Illinois

PO is an American company headquartered in San Diego, California. EX2003, ¶1. PO pioneered the commercial robotics domain by developing innovative solutions in robotics and artificial intelligence, namely cleaning and inventory robotics. EX2003, ¶12. PO's pioneering Brain Operating System ("BrainOS[®]") allows users of autonomous floor care devices to teach, clean, and review routes. *See id.*, ¶ 13-14. The inventions claimed in the '539 Patent are a key component to BrainOS[®] and allow products to accurately and autonomously navigate their surroundings. EX2022, ¶¶3-6.

Petitioner is a Canadian company that has recently begun competing for PO's largest United States customers. On December 6, 2024, PO sued Petitioner for

infringing five patents on PO's pioneering technology. EX2003. In particular, PO alleges that the "Avidbots Autonomy platform" uses PO's patented technology on map generation, repulsive forces, and object detection. PO alleged infringement of five patents in three patent families: (1) U.S. Patent Nos. 10,001,780 and 10,379,539, (2) U.S. Patent Nos. 10,274,325 and 10,823,576, and (3) U.S. Patent No. 10,728,436 (collectively, the "Asserted Patents").

After obtaining an extension of time to respond, Petitioner unsuccessfully moved to dismiss PO's complaint. EX2004, ¶ 4. Petitioner then retaliated against PO by asserting meritless claims that PO infringes Petitioner's patents. *Id.*

B. The Parties Have Largely Completed Discovery

In the fourteen months that the district court case has been pending, the parties engaged in significant discovery. The Local Patent Rules ("LPR") in the Northern District of Illinois set aggressive deadlines for contentions and fact discovery. EX2005. For example, the LPR set the following deadlines: (1) initial disclosures due 14 days after the answer, (2) initial infringement contentions due 14 days later, (3) initial non-infringement, unenforceability, and invalidity contentions due 14 days later, and (4) responses to initial non-infringement, unenforceability, and invalidity contentions due 14 days later. EX2005, §§2.1, 2.2, 2.3, 2.5. The parties thus began exchanging contentions promptly even before the district court issued a schedule.

In June 2025, the district court issued a schedule for adjudicating the parties' patent infringement claims. *See* EX2006 (parties' proposed schedule and order adopting schedule). That schedule set the following deadlines: (1) final infringement and invalidity contentions due January 14, 2026, (2) final responsive contentions due February 11, 2026, (3) close of fact discovery on March 25, 2026, and (4) claim construction briefing from April to May 2026. *Id.*, 8-9.

Given these deadlines, the parties spent the past fourteen months substantially completing discovery. The parties served and responded to nearly 200 requests for production and 40 interrogatories. EX2004, ¶7. The parties have now ***completed*** both ESI and standard document productions totaling over 1.4 million pages. *Id.*, ¶8. They also produced hundreds of thousands of source code files for inspection. *Id.*, ¶9. The parties have also completed over 65 hours of depositions, including nearly all technical depositions necessary for final contentions. *Id.*, ¶10. They also provided testimony on over 100 Rule 30(b)(6) topics. *Id.*, ¶11. And the parties took significant third-party discovery. *Id.*, ¶12.

The district court has also been extremely involved in pushing the case forward. The court has now held a total of twelve hearings, including status hearings as often as every two weeks at times during the discovery period. *Id.*, ¶13.

C. Petitioner Delays Seeking IPR

PO repeatedly informed Petitioner that it should promptly petition for IPR if it intended to do so. When Petitioner suggested it might petition for IPR in an April 2025 joint status report, PO responded “[i]f [Petitioner] were truly interested in efficiency, it would petition for IPR promptly” instead of seeking to “delay this case as long as possible and then petition for IPR and seek a stay at the last minute.” EX2007, 19. Petitioner did not file any IPR petitions at that time.

In June 2025, the parties filed another joint report adjusting the schedule to accommodate Petitioner’s patent allegations. When Petitioner again suggested it might petition for IPR, PO again responded that Petitioner should “petition for IPR promptly” instead of delaying. EX2006, 12. Again, Petitioner did not do so.

Petitioner finally filed this petition on December 1, 2025—nearly an entire year after PO filed suit. Paper 1. The PTO accorded the Petition a filing date on December 4, 2025. Paper 3. An institution decision is expected by June 4, 2026. If instituted, a final written decision would be expected by June 4, 2027.

D. Petitioner Delays Petitioning For IPR Of The Other Patents

Between October 30, 2025 to December 4, 2025, Petitioner filed five IPR petitions on each of the Asserted Patents, including the present Petition. *See* IPR 2025-01600, IPR2025-01601, -01602, IPR2025-01603, -01604. These filings were completed just days before the statutory deadline of December 10, 2025. EX2004,

¶ 3; EX2009. Institution decisions are expected by June 2026. If instituted, final written decisions would be expected by June 2027. In addition to the current request, PO will ask the Patent Office to exercise its discretion and deny institution of each IPR.

E. The Court Denies Petitioner’s Motion To Stay

After petitioning at the last minute, Petitioner then delayed its motion to stay until January 2, 2026—one month after Petitioner filed this IPR. EX2004, ¶4. PO opposed the next business day. *Id.* On January 20, 2026, the district court denied Petitioner’s motion to stay. *See* EX2023.

III. ARGUMENT

In determining whether to exercise its discretionary power under § 314(a), the PTAB balances the six factors set forth in *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11, at 6 (Mar. 20, 2020) (precedential) (“*Fintiv*”). The Director also considers other factors, including settled expectations of the parties, the strength of the unpatentability challenge, and other considerations. *See* USPTO Director Memo, *Interim Processes for PTAB Workload Management* (March 26, 2025); *see also* USPTO Director Memo, *Director Institution of AIA Trial Proceedings* (October 17, 2025). Here, the discretionary denial factors weigh heavily against instituting IPR.

A. Fintiv Factor 1: Petitioner Cannot Show The Parallel District Court Litigation Was Stayed Or Is Likely To Be Stayed

Factor 1 asks “whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted.” *Fintiv*, Paper 11 at 6. Here, Factor 1 weighs in favor of denying institution because the district court has already denied Petitioner’s motion to stay pending IPR. EX2023.

Moreover, the district court is unlikely to grant a stay even if Petitioner were to move to stay again after institution. In denying Petitioner’s motion to stay, the Court emphasized Petitioner’s delay in filing a motion to stay and concluded that the “Court further declines to stay this case.” EX2023, 1. Petitioner’s delay will only be exacerbated if Petitioner were to move to stay again after the institution decision several months away. Further, before an institution decision is expected in June 2026, the parties will have already completed fact discovery, served all final contentions, and completed claim construction briefing. EX2004, ¶14. Thus, the court’s reasoning for denying a stay would be amplified given the passage of time. Accordingly, Factor 1 weighs strongly in favor of denying institution.

B. Fintiv Factor 2: The District Court Trial Will Likely Occur Before A Final Written Decision

A trial date scheduled earlier than the projected statutory deadline for a final written decision weighs against institution. *Fintiv*, Paper 11 at 9. Here, the district court has not scheduled a trial date because courts in the Northern District of Illinois

typically do not set a trial date until after claim construction. However, the Patent Local Rules provide aggressive default deadlines that have resulted in a claim construction hearing scheduled for June 17, 2026—just a few weeks after the deadline to institute IPR. Given the stage of the case, PO currently estimates trial will be scheduled for March 2027. *See* EX2006, 11. Thus, trial will likely occur months before the June 2027 statutory deadline for a final written decision. Assuming trial occurs as expected, that schedule weighs against instituting IPR. *See Immersion Sys. LLC v. Midas Green Techs., LLC*, IPR2021-01176, Paper 16 at 12-13 (PTAB Jan. 6, 2022) (district court trial “three months prior to when a final written decision would be statutorily due” weighs in favor of exercising discretion to deny petition). Indeed, the speed and frequency with which the district court has held hearings and ruled on motions indicates that trial is likely to proceed as expected with minimal to no delays. *See* EX2023 (denying motion to stay filed 18 days earlier).

Even if trial were delayed and occurred after the projected final written decision, this factor would at most be neutral in view of the length of time this patent has been in force and the stage of the district court proceedings. *See Advanced Micro Devices, Inc. v. Concurrent Ventures, LLC*, IPR2025-00223, Paper 9, at 2 (PTAB June 12, 2025) (finding trial would occur after final written decision, but denying institution “because of the parties’ meaningful investment in the district court

proceedings”); *Intel Corp. v. General Video LLC*, IPR2025-01036, Paper 13, at 2-3 (PTAB October 17, 2025) (finding trial would occur after final written decision, but denying institution based on settled expectations); *Micron Tech., Inc. v. Palisade Techs., LLP*, IPR2025-01008, Paper 15, at 2-3 (PTAB October 17, 2025) (finding it was unclear whether trial would occur after the final written decision, but denying institution based on settled expectations); *see also Sun Pharm. Indus., Inc. v. Nivagen Pharm., Inc.*, IPR2025-00893, Paper 18, at 2-3 (PTAB September 19, 2025) (denying institution even though trial would occur more than two years *after* final written decision and PO identified no settled expectations because patent was in force for only one year). Accordingly, Factor 2 weighs in favor of denying institution or is, at most, neutral.

C. Fintiv Factor 3: The Parties Have Substantially Invested In The District Court Litigation

“[M]ore work completed by the parties and court in the parallel proceeding tends to support” a finding that “instituting would lead to duplicative costs.” *Fintiv*, Paper 11 at 10. Here, the parties’ substantial efforts in the district court weigh heavily against institution.

As described above, the parties have already engaged in motion practice regarding PO’s Complaint and Petitioner’s Answer and Counterclaims. EX2004, ¶4. PO and Petitioners have already exchanged both initial and *final* infringement and invalidity contentions and are scheduled to exchange final

noninfringement and validity contentions on February 11, 2026. *Id.* at ¶ 6; EX2021.

In its infringement contentions, PO showed in detail how Petitioners' Accused Products infringe multiple claims of the Asserted Patents, including the '539 Patent.

The parties have also completed the bulk of discovery in the district court case, including by (a) completing both ESI and standard document productions totaling over 1.4 million pages of documents, (b) making hundreds of thousands of source code files available for inspection, (c) responding to nearly 200 requests for production and 40 interrogatories, (d) serving subpoenas totaling 271 topics on 27 third parties, (e) providing testimony on over 100 Rule 30(b)(6) topics, and (f) taking over 65 hours of depositions. EX2004, ¶¶7-12. The district court has been extremely involved in pushing the case forward and has already held twelve hearings. *Id.*, ¶13. The parties have also substantially focused the dispute by narrowing to just 20 claims per side total. *Id.*, ¶14; EX2021, 2.

Moreover, the parties will incur additional costs even before any decision on institution. In addition to final contentions in January and mid-February, the parties will: (a) exchange claim terms for construction on February 25, 2026, (b) narrow to ten claim terms on March 4, 2026, (c) complete fact discovery on March 25, 2026, (d) file opening claim construction briefs on April 1, 2026, and (e) file responsive claim construction briefs on April 29, 2026. EX2006, 9.

Further, claim construction briefing will be complete on May 20, 2026—

before the institution deadline. A claim construction hearing is set for June 17. Thus, the district court will be addressing claim construction and summary judgment long before the PTAB addresses the same issues. Any final written decision would simply revisit the earlier rulings from the district court. Such duplicative efforts contradict the main purpose of inter partes review—“to establish a more efficient and streamlined patent system that will improve patent quality and *limit unnecessary and counterproductive litigation costs.*” Practice Guide at 56 (emphasis added) (internal citation omitted). Instead of limiting unnecessary litigation costs, Petitioner aggressively litigated the district court case for nearly a year before petitioning for IPR at the last minute. Accordingly, Factor 3 weighs in favor of denying institution.

D. Fintiv Factor 4: The Issues Raised In The Petition Overlap With The District Court Issues

“[I]f the petition includes the same or substantially the same claims, grounds, arguments, and evidence as presented in the parallel proceeding, this fact has favored denial.” *Fintiv*, Paper 11 at 12. This Petition addresses all claims of the ’539 Patent that PO asserts in the district court. The Petition also relies on the same combinations of art asserted in the district court. *Compare* Pet., 3 (relying on Beardsley, Castellanos, Khatib, Yamamoto, and Scholz) *with* EX2021, 3-4, 20 (same grounds). In fact, Petitioner’s final invalidity contentions expressly incorporate by reference its IPR Petition. EX2021, 17-18.

Further, Petitioner's *Sotera* stipulation (Pet., 2) does not ensure the IPR proceeding is a true alternative to district court litigation. A *Sotera* stipulation "does not ensure" that an IPR proceeding would be a "true alternative" if "Petitioner's invalidity arguments in the district court are more expansive" and include "unpublished system prior art" not mooted by the *Sotera* stipulation. *Motorola Sols. v. Stellar, LLC*, IPR2024-01205, Paper 19 at 3–4 (PTAB Mar. 28, 2025) (denying institution). Here, Petitioner's final contentions in the district court confirm that even if instituted, Petitioner will seek to rely on the same Beardsley, Khatib, and Scholz references relied upon in its IPR proceeding by merely combining them with "Avidbots System Art." EX2021, 3-4, 20. Thus, Petitioner's *Sotera* stipulation will not eliminate duplication of efforts between the district court and the PTAB.

Further, Petitioner did ***not*** provide any stipulation addressing duplicative efforts and potentially inconsistent decisions in three of the five related IPRs it filed (IPR2025-01602, -01603, and -01604). That provides a further reason to deny institution of all petitions because it guarantees that these IPRs would not be a "true alternative" to the copending litigation. Indeed, the USPTO recently proposed adding 37 C.F.R. §42.108(d) which "would provide that the Office ***will not institute*** an IPR when a petitioner intends to pursue invalidity challenges under §§ 102 or 103 in other venues" and "would further require the Petitioner to file the stipulation in any other venue where it is litigating with the patent owner." Revision to Rules of

Practice Before the Patent Trial and Appeal Board, 90 Fed. Reg. 48335, 48338 (Oct. 17, 2025) (emphasis added).

Petitioner’s search disclosure (Paper 3) should also be entitled to little weight because it does not reveal “new or underutilized pathways relevant to Office search practice” or attempt to show Office error. *See* Director Memo, Voluntary Search Disclosure Declarations as a Favorable Factor in Institution Decisions (November 17, 2025), p. 2. Rather, Petitioner admits it merely Google-searched basic terms like “map,” “navigation,” “footprint,” “forces,” “robot,” and “autonomous navigation” for about one workday and reviewed the results for only “[t]wo to three hours.” Paper 3 at 2. The Patent Office has already performed a full, professional prior art search using structured tools, databases, and methodologies developed over decades. *See* EX1002, 96-99 (examiner’s search strategy). Petitioner’s cursory search of just a few hours is not a reason to supplant the Office’s work. Accordingly, Factor 4 weighs in favor of denying institution.

E. Fintiv Factor 5: Petitioner Is The Defendant In The District Court

Factor 5 weighs in favor of denying institution because Petitioners are the defendants in the parallel district court proceeding. *See Fintiv*, Paper 11 at 9.

F. Fintiv Factor 6 And Other Circumstances Favor Denial

Several other circumstances also favor denial, either under *Fintiv* Factor 6 or more broadly under the guidelines in the Director memoranda.

First, PO’s “settled expectations” favor discretionary denial. The ’539 Patent issued August 2019 and has been in force for over six years. EX1001, Cover; *see Kahoot! AS v. Interstellar Inc.*, IPR2025-00696, Paper 12 (July 31, 2025) (discretionary denial where “challenged patent has been in force for over six years, creating strong settled expectations”). Further, the ’539 Patent is a continuation of an earlier application filed in 2016, nearly ten years ago, and published in 2018, nearly eight years ago. *Id.* That application issued over six years ago as U.S. Patent No. 10,001,780.

Moreover, evidence from the district court also shows that Petitioner has been

[REDACTED] EX2010 [REDACTED]

[REDACTED] EX2011 [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
EX2012 at 152:10-153:11. [REDACTED]

[REDACTED] *See* EX2013-EX2015; EX2012 at 212:5-213:5 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

EX2015 at -290, -403; EX2012 at 220:10-221:7

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

EX2013; EX2012 at 226:18-

22, 231:22-232:5, 232:20-233:4.

[REDACTED]

[REDACTED]

[REDACTED]

EX2018

[REDACTED]

PO has also marked products with the '780 Patent (the ancestor to the '539 Patent), since as early as 2019. EX2016. Thus, Petitioner knew of or was willfully blind to the patent family of the '539 Patent more than six years before it petitioned for IPR.

Second, the merits of the Petition are weak. Every independent claim requires that each of a robot's poses along a route has a "plurality of points disposed therein" and that repulsive forces are computed on those plurality of points. Yet none of the Petition's grounds identify a plurality of points or show that any forces are computed on more than one point for each pose.

The Petition also fails to satisfy 37 C.F.R. § 42.104(b)(3) because in district court, Petitioner is arguing that claim terms present in every claim are indefinite, yet here the Petition argues that no construction of any terms are necessary. Pet., 5; EX2021, 32-33. Petitioner never mentions that it is advancing different claim constructions between the district court and PTAB, let alone provide a sufficient explanation why those different positions are warranted. *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 at 4-5 (Nov. 3, 2025) (precedential); *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 at 2-4 (Nov. 5, 2025) (informative) (vacating and denying institution where petitioner argued in district court that a claim limitation is indefinite but argued no claim terms required construction in IPR petition).

The Petition also fails to demonstrate that the non-patent literature qualifies as prior art and instead improperly incorporated public accessibility arguments from an expert declaration. Pet., 4. But even if considered, that expert declaration merely repeats the hearsay dates appearing in documents.

PO's forthcoming Preliminary Response will provide further details and additional reasons why the Petition's arguments are meritless.

Third, the district court is a more efficient forum for this dispute. For example, a jury could better evaluate the credibility of Petitioner's declarants through live testimony and cross-examination. This IPR will also involve detailed

discussion of objective indicia of nonobviousness, including copying and commercial success, which would involve evidence better suited for a jury.

Additionally, the district court has already required PO to narrow the dispute to just 20 claims total across all five asserted patents. For the '539 Patent, PO has already narrowed the dispute to just **4 claims**—Claims 1, 3, 4, and 6. EX2021, 2. In contrast, the PTAB lacks these efficiency tools and must issue a final written decision that fully addresses not only ***all challenged claims*** but also ***all grounds***. *See SAS Inst., Inc. v. Iancu*, 584 U.S. 357, 371 (2018); July 29, 2025 Memorandum from Scott R. Boalick, Chief Administrative Patent Judge to Members of the Patent Trial and Appeal Board re Final Written Decision Procedures for AIA Trial Proceedings. Here, the Petition effectively challenges ***all 20 claims at least three times over***. Pet., 3. Thus, the PTAB is a far less efficient forum for resolving this dispute.

Fourth, there have been no new changes in the law or new judicial precedent issued since the issuance of the '539 Patent that could affect patentability.

Fifth, compelling economic or national security interests warrant denial. PO is the U.S. leader in the robotic cleaning space and is headquartered in San Diego, California. In contrast, Petitioner is a foreign corporation attempting to enter the United States market and supplant PO through unauthorized use of PO's patented

technology. The United States has a compelling interest in preventing such foreign companies from using the PTAB to further such purposes.

Finally, Petitioner appears to have engineered the timing of its IPR petition to obtain the benefit of duplicative challenges to the '539 Patent in district court *and* in the PTAB. Doing so would tie up the PTAB's limited resources for Petitioner's benefit at the expense of patent owners in this and other PTAB proceedings. Accordingly, Petitioner's request for review in this proceeding would frustrate the PTAB's ability to comply with pendency goals for ex parte appeals and statutory deadlines for other AIA proceedings. *See* 35 U.S.C. § 316(b). Accordingly, Factor 6 and additional considerations weigh in favor of denying institution.

IV. CONCLUSION

Accordingly, PO respectfully requests the Director deny institution.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, pursuant to 37 C.F.R. §42.6(e), a true and correct copy of **PATENT OWNER'S BRIEF IN SUPPORT OF DISCRETIONARY DENIAL UNDER 35 U.S.C. §314(a) and EXHIBITS 2003-2016, 2018, 2021, and 2023** are being served electronically on February 4, 2026, to the e-mail addresses shown below:

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