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

BRAIN CORPORATION, Plaintiff, v. AVIDBOTS CORP. AND AVIDBOTS USA CORP., Defendant.	Case No. 1:24-cv-12569 Honorable Jeremy C. Daniel

DEFENDANT AVIDBOTS'S FINAL INVALIDITY CONTENTIONS

[redacted]

Moreover, Brain's vague allegations on long-felt need, commercial success, industry recognition, and copying are untethered to the Asserted Claims. Brain establishes no nexus between the claims and any of the alleged secondary indicia of non-obviousness. Thus, Avidbots disagree that these are evidence of secondary considerations of nonobviousness tied to the Challenged Claims. To the extent Brain alleges that any secondary considerations of non-obviousness are tied to the Challenged Claims, Avidbots reserves the right to address such allegations. In any event, where, as here, there is a strong showing of obviousness, the Federal Circuit has held that even relevant secondary considerations supported by substantial evidence do not dislodge the primary conclusion of obviousness. *Ohio Willow Wood Co. v. Alps S., LLC*, 735 F.3d 1333, 1344 (Fed. Cir. 2013).

4. Prior Art Date

U.S. Application No. 15/340,807 (hereinafter, "the '807 application"), which led to the '325 Patent, was filed on November 1, 2016. To the extent that Plaintiff asserts that the '325 Patent is entitled to an earlier priority date based on any provisional application, or that certain references are not prior art due to a disclosure under 35 U.S.C. § 102(b)(1)(B), Plaintiff has the burden of proof and has not demonstrated an earlier priority date. *See* § I.A, *supra*.

F. Prior Art Invalidity of U.S. Patent No. 10,823,576

Each Asserted Claim of the '576 Patent is invalid at least in view of the prior art invalidity grounds outlined in this section.

Further, Avidbots has filed Petitions for Inter Partes Review ("IPR") with the United States Patent and Trademark Office ("PTO"), seeking to invalidate all claims in each of the five Brain patents that are at issue in this lawsuit. ECF 104; Case No. IPR2025-01600 (Petition for IPR of the '780 Patent); IPR2025-01601 (Petition for IPR of the '539 Patent); Case No. IPR2025-01602 (Petition for IPR of the '325 Patent); Case No. IPR2025-01603 (Petition for IPR of the '576

Patent); IPR2025-01604 (Petition for IPR of the '436 Patent). To the extent that the grounds set forth in this are the same or similar to those laid out in Avidbots's Petitions for IPR of Brain's Asserted Patents, those Petitions and all supporting documents attached thereto, including motivations to combine, are incorporated by reference in this section as if fully set forth herein.

In light of Brain's deficient infringement contentions, Avidbots reserves the right to amend these contentions as Brain's positions in this case (and/or the known facts of the case) develop. Avidbots further reserves the right to amend these contentions in response to a ruling from the Court, including any Claim Construction. Such amendment may include, without limitation, inclusion or substitution of different references, whether now known or unknown, and identification of further disclosures within the references described below and in the exhibits to these Final Contentions wherein each element of the Asserted Claims of the '576 Patent are found.

1. Asserted Prior Art and Grounds

Avidbots identifies in the table below prior art now known to Avidbots that anticipates and/or renders obvious the Asserted Claims of the '576 Patent. Each of the following patents, publications, systems, and products is prior art under at least 35 U.S.C. §§ 102(a)(1) or (2), as applicable. Avidbots's reliance on each prior art reference below includes the reference itself, anything incorporated by the reference, and any testimony by those with knowledge of the reference, such as named authors and inventors.

The exhibits listed in the table below are charts setting forth where in the prior art references each element of the Asserted Claims of the '325 Patent are found.

Exhibit[22]	Reference
D-1	Stachniss et al., *Springer Handbook of Robotics, Chapter 46: Simultaneous Localization and Mapping*, Springer (2d ed.) (Jan. 1, 2016) ("Stachniss")
D-9	Edwin B. Olson, *Robust and Efficient Robotic Mapping*, Massachusetts Institute of Technology (2008) ("Olson")
D-10	U.S. Patent No. 9,538,892 ("Fong (892)")
D-11	Prassler et al., *Springer Handbook of Robotics, Chapter 65: Domestic Robots,* Springer (2d ed.) ("Prassler")
D-12	iRobot Roomba 980 ("Roomba 980")

Avidbots further identifies that these references form the following invalidity grounds for each of the Asserted Claims of the '576 Patent.

Ground No.	Type	Reference(s)	Claims
1	Anticipation	Olson.	17, 21, 22, 23
2	Obviousness	Olson in combination with Fong (892).	12, 17, 21, 22, 23
3	Obviousness	Stachniss in combination with Prassler.	12, 17, 21, 22, 23
4	Obviousness	Stachniss in combination with Fong (892).	12
5	Obviousness	Roomba in combination with Olson and Fong (892).	12, 17, 21, 22, 23

2. Anticipation (Ground 1)

Each of the Asserted Claims of the '576 Patent, excepting claim 12, are anticipated by Olson for the reasons laid out in Exhibit D-9. To the extent that any limitation is not explicitly disclosed by Olson, that limitation is disclosed inherently and/or would have been within the common knowledge of a person of ordinary skill in the art.

[22] *See supra* note 19.