

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

WYBOTICS, CO. LTD.  
Petitioner

v.

ZODIAC POOL SYSTEMS LLC  
Patent Owner

---

Case No. IPR2026-00159  
Patent No. 11,262,766

---

**PETITIONER'S RESPONSE TO PATENT OWNER'S BRIEF  
REQUESTING THAT INSTITUTION OF THE PETITION  
BE DENIED ON DISCRETIONARY GROUNDS**

## TABLE OF CONTENTS

|                                                                                                      | Page |
|------------------------------------------------------------------------------------------------------|------|
| TABLE OF AUTHORITIES .....                                                                           | ii   |
| PETITIONER’S UPDATED EXHIBIT LIST.....                                                               | v    |
| I. INTRODUCTION .....                                                                                | 1    |
| II. PROSECUTION OF THE ZODIAC PATENT FAMILY .....                                                    | 2    |
| III. INSTITUTION IS WARRANTED IN THIS CASE .....                                                     | 4    |
| A. The Examiner Committed Material Errors During Prosecution .....                                   | 4    |
| B. Co-Pending Litigation Between Zodiac And Wybotics Does<br>Not Support Discretionary Denial.....   | 8    |
| 1. Factor 1: Likelihood That Litigation Will Be Stayed.....                                          | 9    |
| 2. Factor 2: Time to Trial .....                                                                     | 11   |
| 3. Factor 3: Parties’ and Court’s Investment of Resources .....                                      | 11   |
| 4. Factor 4: Preventing Duplicative Adjudication .....                                               | 12   |
| 5. Factor 5: Same Parties .....                                                                      | 12   |
| 6. Factor 6: The Merits of Wybotics’ Petition Are Strong .....                                       | 13   |
| C. The Beatbot Actions Do Not Support Discretionary Denial .....                                     | 15   |
| D. Zodiac Has No Settled Expectations, Nor Do Its Purported<br>Economic Interests Favor Denial ..... | 16   |
| E. Wybotics’ Reliance On Expert Testimony Was Appropriate.....                                       | 18   |
| IV. CONCLUSION.....                                                                                  | 20   |

## TABLE OF AUTHORITIES

### Page

#### CASES

|                                                                                                                                                           |    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| <i>Aylo Freesites Ltd v. WellcomeMat, LLC</i> ,<br>IPR2024-00710, Paper 13 (Sep. 5, 2024) .....                                                           | 12 |
| <i>Bonerge Lifescience (Hunan) Co., v. Nanjing Nutra. Bio-Tech Co.</i> ,<br>IPR2025-01593, Paper 7 (Jan. 2, 2026) .....                                   | 19 |
| <i>Cambridge Indus. USA, Inc. v. Applied Optoelects., Inc.</i> ,<br>IPR2025-00437, Paper 10 (June 26, 2025) .....                                         | 18 |
| <i>Certain Robotic Pool Cleaners &amp; Components Thereof</i> ,<br>Inv. No. 337-TA-1326, Order No. 16, EDIS Doc. ID 790733<br>(USITC Feb. 21, 2023) ..... | 10 |
| <i>CliniComp Int'l, Inc. v. Cerner Corp.</i> ,<br>No. 3:17-cv-02479, Dkt. 29 (S.D. Cal. Oct. 30, 2018) .....                                              | 15 |
| <i>Comm'n Techs., Inc. v. Samsung Elecs. Am. Inc.</i> ,<br>No. 2:21-cv-00444, Dkt. 134 (E.D. Tex. Feb. 2, 2023) .....                                     | 9  |
| <i>Foras Techs. Ltd. v. Volkswagen AG</i> ,<br>No. 2:23-cv-00314, Dkt. 92 (E.D. Tex. July 25, 2024) .....                                                 | 9  |
| <i>GD Energy Prods., LLC v. Kerr Machine Co.</i> ,<br>PGR2025-00031, Paper 11 (June 25, 2025) .....                                                       | 18 |
| <i>Intas Pharms. Ltd. v. Atossa Theraps., Inc.</i> ,<br>IPR2025-00799, Paper 12 (Aug. 29, 2025) .....                                                     | 16 |
| <i>iRhythm Techs., Inc. v. Welch Allyn, Inc.</i> ,<br>IPR2025-00378, Paper 10 (June 6, 2025) .....                                                        | 18 |
| <i>Light &amp; Wonder, Inc. v. Evolution Malta Ltd.</i> ,<br>IPR2025-01072, Paper 11 (Oct. 17, 2025) .....                                                | 16 |

## TABLE OF AUTHORITIES

(continued)

Page

|                                                                                                                          |    |
|--------------------------------------------------------------------------------------------------------------------------|----|
| <i>Maxeon Solar Pte. Ltd. v. Canadian Solar Inc.</i> ,<br>No. 2:24-cv-00210, Dkt. 67 (E.D. Tex. July 1, 2025).....       | 9  |
| <i>Multi-Color Corp. v. Brook &amp; Whittle Ltd.</i> ,<br>PGR2025-00025, Paper 10 (July 16, 2025).....                   | 15 |
| <i>Orca Sec. Ltd. v. Wiz, Inc.</i> ,<br>IPR2025-01083, Paper 10 (Oct. 17, 2025) .....                                    | 16 |
| <i>Padagis US LLC v. Neurelis, Inc.</i> ,<br>IPR2025-00464, Paper 12 (July 16, 2025) (informative).....                  | 4  |
| <i>POSCO Co. v. ArcelorMittal</i> ,<br>IPR2025-00370, Paper 10 (June 25, 2025).....                                      | 15 |
| <i>Qualcomm Inc. v. Apple Inc.</i> ,<br>No. 3:17-cv-02403, Dkt. 177 (S.D. Cal. Aug. 29, 2018) .....                      | 15 |
| <i>Resonant Sys., Inc. v. Nintendo Co.</i> ,<br>No. 2:25-cv-00090, Dkt. 57 (E.D. Tex. July 28, 2025).....                | 9  |
| <i>Resonant Sys., Inc. v. Samsung Elecs. Co.</i> ,<br>No. 2:22-cv-00423, Dkt. 83 (E.D. Tex. Mar. 8, 2024).....           | 9  |
| <i>Samsung Elecs. Co. v. Wilus Inst. of Standards &amp; Tech. Inc.</i> ,<br>IPR2025-00935, Paper 12 (Sep. 26, 2025)..... | 16 |
| <i>Spectrum Sols. LLC v. DNA Genotek Inc.</i> ,<br>IPR2022-00134, Paper 7 (June 6, 2022).....                            | 3  |
| <i>Taction Tech., Inc. v. Apple Inc.</i> ,<br>3:21-cv-00812, Dkt. 76 (S.D. Cal. Jan. 26, 2022) .....                     | 15 |
| <i>TAS Energy, Inc. v. San Diego Gas &amp; Elec. Co.</i> ,<br>No. 3:12-cv-02777, Dkt. 64 (S.D. Cal. Feb. 26, 2014) ..... | 15 |

## TABLE OF AUTHORITIES

(continued)

Page

|                                                                                                                                           |    |
|-------------------------------------------------------------------------------------------------------------------------------------------|----|
| <i>TikTok Inc. v. Cellspin Soft, Inc.</i> ,<br>IPR2024-00757, Paper 12 (Oct. 21, 2024) .....                                              | 17 |
| <i>Twitch Interactive, Inc. v. RazDog Holdings LLC</i> ,<br>IPR2025-00308, Paper 19 (May 16, 2025).....                                   | 18 |
| <i>Village Green Techs., LLC v. Samsung Elecs. Co.</i> ,<br>No. 2:22-cv-00099, Dkt. 48 (E.D. Tex. Jan. 25, 2023) .....                    | 9  |
| <i>Zhuhai CosMX Battery Co. v. Ningde Amperex Tech. Ltd.</i> ,<br>IPR2025-00432, Paper 9 (July 2, 2025) .....                             | 16 |
| <i>Zodiac Pool Sys. LLC v. Tianjin Wangyuan Env't Prot. &amp; Tech Co.</i> ,<br>No. 2:20-cv-09085, Dkt. 24 (C.D. Cal. Mar. 3, 2023) ..... | 9  |

### STATUTES

|                       |       |
|-----------------------|-------|
| 35 U.S.C. § 102 ..... | 1, 12 |
| 35 U.S.C. § 103 ..... | 1, 12 |

### OTHER AUTHORITIES

|                         |    |
|-------------------------|----|
| 37 C.F.R. § 42.65 ..... | 18 |
|-------------------------|----|

### Petitioner's Updated Exhibit List

| No.         | Description                                                                                                            |
|-------------|------------------------------------------------------------------------------------------------------------------------|
| EX1001      | [Reserved]                                                                                                             |
| EX1002      | File History of United States Patent No. 11,003,191                                                                    |
| EX1003      | U.S. Patent No. 11,262,766 (the “’766 Patent”)                                                                         |
| EX1004      | File History of United States Patent No. 11,262,766                                                                    |
| EX1005      | [Reserved]                                                                                                             |
| EX1006      | File History of United States Patent No. 11,880,207                                                                    |
| EX1007      | CN 101139007 B (“Fu”)                                                                                                  |
| EX1008      | U.S. Patent Pub. No. 2012/0169497 (“Schnittman”)                                                                       |
| EX1009      | File History of U.S. Patent Application No. 16/416,840                                                                 |
| EX1010      | Declaration of Charles Reinholtz                                                                                       |
| EX1011      | U.S. Provisional Application 61/428,808 (the “’808 provisional”)                                                       |
| EX1012      | Redline comparison between Schnittman and the ’808 provisional                                                         |
| EX1013      | U.S. Patent Pub. No. 2010/0299016 (“Benzler”)                                                                          |
| EX1014      | International Patent Pub. No. 2012/023676 (“Hong”)                                                                     |
| EX1015      | U.S. Patent Pub. No. 2012/0006352 (“Holappa”)                                                                          |
| EX1016      | U.S. Patent No. 5,205,174 (“Silverman”)                                                                                |
| EX1017      | SubjuGator 2011, University of Florida, RoboSub 2011 Competition Paper Submission                                      |
| EX1018      | U.S. Patent No. 8,364,309 (“Bailey”)                                                                                   |
| EX1019      | U.S. Patent Pub. No. 2011/0139727 (“Hui”)                                                                              |
| EX1020-1029 | [Reserved]                                                                                                             |
| EX1030      | U.S. Patent No. 3,439,368 (“Myers II”)                                                                                 |
| EX1031      | U.S. Patent No. 5,351,355 (“Chiniara”)                                                                                 |
| EX1032-1035 | [Reserved]                                                                                                             |
| EX1036      | File History of United States Patent No. 9,388,595                                                                     |
| EX1037      | File History of United States Patent No. 9,995,051                                                                     |
| EX1038      | File History of United States Patent No. 10,338,599                                                                    |
| EX1039      | File History of United States Patent No. 10,739,785                                                                    |
| EX1040      | [Reserved]                                                                                                             |
| EX1041      | Hong Kong Stock Exchange Guide for New Listing Applicants                                                              |
| EX1042      | Wybotics Co. Ltd. Company Profile ( <a href="http://www.wybotics.com">www.wybotics.com</a> )                           |
| EX1043      | Plaintiffs Beatbot Technology (USA) Co., Ltd. <i>et al</i> , Motion to Stay, Case No. 3:25-cv-01946-GPC-JLB (S.D.Cal.) |

| No.    | Description                                                                                                                                                     |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EX1044 | Order on Zodiac’s Motion to Dismiss, Transfer or Stay, Case No. 2:25-cv-08526-MCS-AGR (C.D. Cal.)                                                               |
| EX1045 | “The Marshall plan: Texas judge again the king of patent litigation,” <a href="http://www.dallasnews.com">www.dallasnews.com</a> (June 17, 2025)                |
| EX1046 | Docket Navigator, Time to Milestones, Judge Rodney Gilstrap (2026)                                                                                              |
| EX1047 | Examples of Trial Dates Being Delayed in Cases Before Judge Gilstrap (ED Texas)                                                                                 |
| EX1048 | [Reserved]                                                                                                                                                      |
| EX1049 | Identification of Material Omitted from Respondents’ Comparison of Petition for IPR of ’766 Patent with Expert Declaration of Dr. Charles F. Reinholtz (EX2011) |
| EX1050 | [Reserved]                                                                                                                                                      |
| EX1051 | Wybotics; “ <i>Sotera-plus</i> ” stipulation                                                                                                                    |
| EX1052 | Wybotics’ Complaint, Case No. 2:25-cv-08526-MCS-AGR (C.D. Cal. Sept. 9, 2025)                                                                                   |
| EX1053 | Wybotics’ Motion to Transfer, Case No. 2:25-cv-582-JRG-RSP (E.D. Tex. Dec. 15, 2025)                                                                            |
| EX1054 | Time-to-trial Statistics for CDCA                                                                                                                               |

## I. INTRODUCTION

Wybotics, Co. Ltd. (“Wybotics”) opposes Zodiac Pool Systems LLC’s (“Zodiac”) Request for Discretionary Denial (“Request”). The core purposes of America Invents Act trials are to strengthen the integrity of the U.S. patent system by ensuring that only valid and properly granted patents remain in force and to provide a more efficient alternative to federal court litigation. The challenged patent, U.S. Patent No. 11,262,766 (“the ’766 Patent”), issued as a result of material examiner error. During prosecution of this family which includes seven continuation applications, the Examiner issued an office action in two applications but allowed five others without substantive comment. This is true despite the fact that there was anticipating prior art in the record in every application in the family. This is most plainly illustrated by the *clear anticipation of claims 1-4 by Fu (EX1007)*. The Examiner erred in failing to apply Fu to reject the claims of the ’766 Patent, and IPR institution is warranted at least to address this error.

Zodiac argues that discretionary denial is appropriate in view of the *Fintiv* factors and alleged settled expectations, but none of these arguments has merit. The district court litigation is in its infancy, and the final written decision in this proceeding will likely issue before the district court trial occurs. Regardless, the purported overlap between the PTAB and the district court is moot given Wybotics’ broad “*Sotera-plus*” stipulation to not pursue in the district court any invalidity grounds under §§ 102 or 103 should IPR be instituted. EX1051. Zodiac’s settled-expectations argument likewise fails at least because the ’766 Patent is barely four

years old. All of these alleged reasons for discretionary denial are dwarfed by the Examiner's clear error in missing the anticipation of the claims by Fu.

Based on a holistic assessment of the facts and evidence presented here, including (a) the Examiner's material error in failing to apply the anticipatory Fu reference cited by applicant on an IDS, (b) the fact an IPR is likely to conclude before the co-pending litigation matter, (c) Wybotics' broad *Sotera*-plus stipulation, (d) the '766 patent's youth (issued in March 2022), and (e) the strong merits of the Petition, Wybotics requests that the Director deny Zodiac's Request and institute IPR.

## II. PROSECUTION OF THE ZODIAC PATENT FAMILY

The '766 Patent is the sixth application in a chain of continuations covering robotic pool cleaners. Early in the family, Zodiac presented the Fu reference (EX1007, CN101139007) on an IDS. EX1036 at 44. ***Fu clearly anticipates claims 1-4 of the '766 Patent***, and the Examiner erred by never applying Fu in a rejection to any claim in the family.

Specifically, in the first application, the Examiner allowed the claims after a single office action and amendment. *Id.* at 276-283. ***After*** the Examiner had drawn his conclusion as to allowability, the applicant then submitted a post-allowance IDS disclosing eleven references—including Fu and Benzler (US 2010/0299016, EX1013), also asserted here—and requested continued examination in light of these references. *Id.* at 40-46. The Examiner did not substantively address any of the new references and allowed the application again, citing the same reasons for allowance. *Id.* at 24-31. For the second and third applications, the Examiner likewise did not apply Fu in any rejections. EX1037, EX1038.

In the fourth application, applicant tried to obtain broader claims that lacked the limitations the Examiner previously found necessary for patentability. EX1039 at 198. The Examiner rejected the proposed claims as anticipated in light of US 2013/0152970 (“2013 Porat”), parroting the arguments of a third-party submitter who provided the reference and failing to even verify its prior art status. *Id.* at 131, 165-168. Again, Fu was overlooked. Applicant traversed the rejection by showing that 2013 Porat was, in fact, not prior art. *Id.* at 124-126. Again missing anticipation by Fu, the Examiner withdrew all prior art rejections and allowed the application. *Id.* at 99.

The applicant again sought broad coverage in the fifth application. EX1002 at 40-41. In remarks submitted with a preliminary amendment, the applicant implied that the Examiner need not substantively examine the claims, citing the Examiner’s allowance of the claims in the parent patent: “All of current claims 20-22 retain features identified by the Examiner as patentable in the Allowed Parent Application.” *Id.* at 42-43. In line with the applicant’s suggestion, the Examiner did not make any prior-art rejections and again failed to apply Fu.

Following the pattern established in the first five prosecutions, the Examiner never applied Fu to the sixth (the ’766 Patent) or seventh application. EX1004, EX1006. At no time during the prosecution of any member of the Zodiac patent family did the Examiner mention (let alone analyze or apply) Fu. The disregard for Fu is particularly egregious because it maps cleanly onto every limitation of claims 1-4, as detailed in the Petition (at 9-28) and below. *Spectrum Sols. LLC v. DNA Genotek Inc.*, IPR2022-00134, Paper 7 at 13 (June 6, 2022) (granting institution

“[g]iven the simple nature of [the examiner] error (not applying a known anticipatory prior art reference), and the strength of the anticipation showing in the Petition”).

### III. INSTITUTION IS WARRANTED IN THIS CASE

#### A. The Examiner Committed Material Errors During Prosecution

Wybotics’ Petition should be instituted to correct material errors in the examination process. *Padagis US LLC v. Neurelis, Inc.*, IPR2025-00464, Paper 12 at 3 (July 16, 2025) (informative) (declining to discretionarily deny where petitioner demonstrated material error during examination). The Examiner erred by not applying *Fu*, a clearly anticipatory reference cited on an IDS, to reject the claims.

The Examiner identified claim 1’s “controller” limitations in his reasons for allowance of the ’766 patent. EX1004, 133-138. These limitations recite: “a controller (i) positioned on or in the body, (ii) in electronic communication with the at least one camera, and (iii) configured to generate, in response to the captured image, at least one control signal to cause movement of the body within the swimming pool to, or away from, the first portion of the submerged surface.” EX1003, Claim 1. ***Fu clearly discloses this.*** As the Petition explained (at 16-18), *Fu*’s underwater cleaning robot includes a control system with central processor (*i.e.*, “controller”) located in a

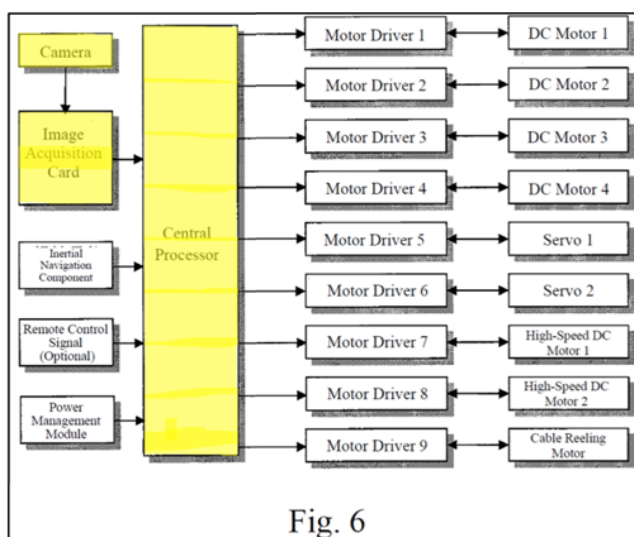


Fig. 6

“control system box 8” fixed to the robot’s housing and in electronic communication

with so-called “monitoring cameras.” EX1007, ¶[0024]. Fu states that *the monitoring cameras are “connected to the central processor via [an] image acquisition card,”* as depicted in Figure 6 (reproduced above with color added). The image acquisition card serves as an electronic interface that transmits an image from the monitoring cameras to the central processor for processing, such that Fu’s controller (control system with central processor) is “in electronic communication with the at least one camera [monitoring cameras],” as claimed. Pet., 16-18; EX1010, ¶¶243-247.

Fu’s control system with central processor is also “configured to generate, in response to the captured image, at least one control signal to cause movement of the body within the swimming pool to, or away from, the first portion of the submerged surface.” EX1003, Claim 1; Pet., 19-21. Specifically, Fu’s central processor receives the image captured by monitoring cameras via the image acquisition card, and based on the captured image, *“control signals are generated by the central processor, which autonomously plans paths and actions ... to drive the robot’s execution layer [i.e., motor drivers that drive wheels 3] and complete the underwater cleaning task.”* EX1007, ¶[0025]; see also *id.*, ¶¶[0010], [0026] (“The underwater cleaning robot controls its actions according to control commands issued by the central processor.”). Fu also discloses that “[t]he monitoring cameras 2 and the image acquisition card constitute the environmental perception layer of the control system,” which “constitutes the input part of the control system.” *Id.*, ¶[0024]. “[I]nformation from the environmental perception layer” (*i.e.*, the image captured by monitoring cameras 2) is expressly identified in Fu as the basis upon

which “control signals are generated by the central processor ... to drive the robot[.]” *Id.*, ¶[0025].

Thus, Fu’s central processor receives the image from the monitoring cameras containing visible dirt or debris on the “submerged surface” to assess the “level of cleanliness” of the pictured region. *Id.*, ¶¶[0024]-[0026]. Based on that assessment, the central processor plans “cleaning movements and adjusts the working state of the four cleaning driving wheels 3” to “perform tasks such as moving forward, backward, [and] turning.” *Id.*, ¶[0026]. ***Any robot movement is necessarily “to, or away from, the first portion of the submerged surface” captured by Fu’s monitoring cameras.*** EX1010, ¶¶248-252. For at least these reasons and those in the Petition (at 16-21, 28-30), Fu discloses the “controller” limitations that led to allowance of the ’766 patent. EX1004, 133-138.

Fu clearly discloses the remainder of claim 1, which merely recites well-known components commonly found in robotic pool cleaners at the time of the alleged invention:

| <b><u>’766 Patent Claim 1</u></b>                                                                             | <b><u>Fu – Example Disclosure (EX1007)</u></b>                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. A self-propelled pool cleaner for cleaning debris from a submerged surface of a swimming pool, comprising: | <p>Fu discloses “<b><i>an underwater cleaning robot</i></b>” designed for “<b><i>underwater cleaning of swimming pool floors and walls.</i></b>” EX1007, Abstract. Fu’s robot is self-propelled, having “cleaning driving wheels 3” that “are controlled by their respective motor drivers, allowing for independent movement.” <i>Id.</i>, ¶[0026].</p> <div data-bbox="1045 1402 1386 1625" data-label="Image"> <p>Fig. 1</p> </div> |

| '766 Patent Claim 1                                                                                                                                | Fu – Example Disclosure (EX1007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. a vehicle body;                                                                                                                                 | Fu’s FIG. 1 depicts “the underwater cleaning robot,” including a “ <i>robot housing body</i> .” <i>Id.</i> , ¶[0014].                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| b. means for moving the vehicle body within the swimming pool;                                                                                     | <p>This limitation is a means-plus-function (MPF) term with corresponding structures that include “wheels, rollers, tracks or other surface contacting members powered by a motor and the like.” EX1003, 3:31-43; Pet., 6-7, 13-14.</p> <p>Fu discloses “<i>driving wheels</i>” <i>powered by “cleaning driving wheel DC motors 7.”</i> EX1007, ¶¶[0007], [0024].</p>                                                                                                                                                                                                                   |
| c. a filter configured to retain debris collected from the submerged surface;                                                                      | <p>Fu discloses a drainage mechanism “compris[ing] a water discharger, a water flow channel 24 ..., <i>a water flow filter screen 23</i>, and a water inlet [26] with an anti-backflow device 25.” <i>Id.</i>, ¶[0024]; Figs. 3, 5 (example schematics of drainage mechanism). “[W]ater passes through the water filter screen 23, which filters out debris.” <i>Id.</i>, ¶[0026]. The debris is retained within the drainage mechanism, and “clean water is then discharged” back into the swimming pool. <i>Id.</i></p> <div data-bbox="907 848 1386 1041" data-label="Image"> </div> |
| d. at least one camera mounted directly or indirectly to the body for capturing an image of at least a first portion of the submerged surface; and | Fu’s robot comprises “ <i>monitoring cameras</i> .” <i>Id.</i> , ¶[0024]. The robot “uses its monitoring cameras 2 to capture images of the pool floor” ( <i>id.</i> , ¶¶[0010], [0026]), and the monitoring cameras also capture images of objects within the swimming pool, <i>e.g.</i> , the pool surface itself, as well as debris, dirt, or any other visible particles present on or near the pictured surface. The “monitoring cameras 2 are installed on the two front panels of the robot main housing body.” <i>Id.</i> , ¶[2004]; <i>see also</i> EX1010, ¶¶240-242.         |
| e. [the “controller” limitations]                                                                                                                  | Fu discloses the “controller” limitations for the reasons explained above and in the Petition (at 16-21, 28-30).                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

The Petition and expert declaration of Dr. Charles F. Reinholtz (EX1010) explain in further detail how Fu anticipates this claim and also claims 2-4.

In sum, the Examiner repeatedly overlooked knockout, anticipatory prior art in Fu that was made of record in an IDS. This was material error, and IPR should be instituted to correct this error.

**B. Co-Pending Litigation Between Zodiac And Wybotics Does Not Support Discretionary Denial**

Zodiac argues that the *Fintiv* factors support discretionary denial. Req., 4-14. That is incorrect.

Zodiac sued Wybotics for alleged infringement of several patents in the EDTX on May 23, 2025. Four months later (September 2025), Zodiac first asserted the '766 Patent in the EDTX Litigation. Only two months after the '766 Patent was asserted (November 2025), Wybotics filed this IPR. Little effort on invalidity has been expended by either party or the court in the litigation, where invalidity contentions were only recently served (January 2026). An unrealistic trial date in EDTX is scheduled for April 19, 2027, but as explained below for *Fintiv* factor two, this will not likely be the actual trial date. If history is any indication, trial will be delayed, and this IPR will finish first. Further, Wybotics has made a broad, *Sotera*-plus stipulation that moots Zodiac's inefficiency arguments. EX1051. The *Fintiv* factors do not support discretionary denial for these reasons and those below.<sup>1</sup>

---

<sup>1</sup> On September 9, 2025, Wybotics filed an action in the CDCA seeking a declaratory judgment of noninfringement. EX1052. Wybotics then moved to transfer venue from EDTX to CDCA. EX1053. The CDCA action is currently stayed pending

### 1. Factor 1: Likelihood That Litigation Will Be Stayed

Zodiac criticizes Wybotics for not seeking a stay of the EDTX Litigation before institution, but shows that if Wybotics had so moved, it would have been futile. Req., 4. Zodiac then speculates that if IPR is instituted, the court in EDTX is unlikely to stay the case. *Id.* But Zodiac’s speculation is unfounded because Judge Gilstrap has a track record of staying similar cases once IPR has been instituted. *See, e.g., Resonant Sys., Inc. v. Samsung Elecs. Co.*, No. 2:22-cv-00423, Dkt. 83 (E.D. Tex. Mar. 8, 2024); *Comm’n Techs., Inc. v. Samsung Elecs. Am. Inc.*, No. 2:21-cv-00444, Dkt. 134 (E.D. Tex. Feb. 2, 2023); *Foras Techs. Ltd. v. Volkswagen AG*, No. 2:23-cv-00314, Dkt. 92 (E.D. Tex. July 25, 2024); *Maxeon Solar Pte. Ltd. v. Canadian Solar Inc.*, No. 2:24-cv-00210, Dkt. 67 (E.D. Tex. July 1, 2025); *Resonant Sys., Inc. v. Nintendo Co.*, No. 2:25-cv-00090, Dkt. 57 (E.D. Tex. July 28, 2025); *Village Green Techs., LLC v. Samsung Elecs. Co.*, No. 2:22-cv-00099, Dkt. 48 (E.D. Tex. Jan. 25, 2023).

---

EDTX’s decision on the motion to transfer. EX1044 at 5. No trial date has been set, and the median time-to-trial for the CDCA is currently 25.5 months. EX1054. Even if the stay were lifted now, the CDCA trial would be unlikely to occur until at least October 2027, months after the projected June 2027 statutory deadline for a final written decision, and the current stay will only further delay the CDCA trial. The CDCA action does not support discretionary denial for at least these reasons, as well as Wybotics’ *Sotera*-plus stipulation (applicable to both the EDTX and CDCA) and the strong merits of the Petition.

In fact, all the stay factors weigh in favor of a stay if IPR is instituted. *First*, Zodiac will not be unduly prejudiced by a stay. It claims prejudice because “the IPRs challenge just three of five asserted patents.” Req., 5. But Zodiac omits that it sued Wybotics for infringement of the remaining two patents four years ago and after seven months of litigation voluntarily dismissed the cases. *Zodiac Pool Sys. LLC v. Tianjin Wangyuan Env’t Prot. & Tech Co.*, No. 2:20-cv-09085, Dkt. 24 (C.D. Cal. Mar. 3, 2023); *Certain Robotic Pool Cleaners & Components Thereof*, Inv. No. 337-TA-1326, Order No. 16, EDIS Doc. ID 790733 (USITC Feb. 21, 2023). Moreover, Zodiac sent a cease-and-desist letter to Wybotics in June 2024 (EX2013), waited nearly a year to sue (May 2025), and then waited four more months to add the ’766 Patent to the suit (EX2002 at 25). In contrast, Wybotics filed this IPR just two weeks after Zodiac’s infringement contentions identified the claims it alleges are infringed, and two months after it asserted the ’766 Patent at all. Given the significant delays of Zodiac’s own making, it cannot now claim prejudice when Wybotics moved promptly to seek IPR.

*Second*, Zodiac attempts to mischaracterize the EDTX Litigation as “advanced” (Req., 5), but not much has actually happened. The parties have exchanged infringement and invalidity contentions and produced some documents and responded to interrogatories, but the alleged “extensive briefing” noted by Zodiac involves purely procedural issues that do not concern the validity of the claims. Req., 5. Indeed, where the case will be litigated remains unsettled as the CDCA DJ case is stayed pending the EDTX’s decision on which court should

preside over the dispute. EX1044 at 5. There have been no claim construction briefing, expert reports, or depositions. The litigation is not advanced.

*Third*, even though Wybotics seeks IPR for less than all of the asserted patents in the EDTX Litigation, the IPRs have the potential to remove entirely three patents from suit, which is the ultimate simplification of those issues.

## **2. Factor 2: Time to Trial**

Although the current trial date in EDTX is April 19, 2027, it is not a realistic one. Trial delays are the norm in cases before Judge Gilstrap because his docket is extremely congested, and he has a practice of postponing and rescheduling trials. In fact, Judge Gilstrap's docket is by far the most congested of any district court judge in the country. EX1045 (Judge Gilstrap "was assigned 795 new patent lawsuits in 2024—six times more than any other federal judge in the U.S."); EX1046. Compared to the unspecified district-wide data submitted by Zodiac (EX2008), recent statistics show that **the average time to trial in Judge Gilstrap's court is 25.1 months**, but could be as long as 87 months. EX1046. Further, a review of Judge Gilstrap's cases where the trial date was delayed shows that he rescheduled trials an average of 4.25 times per case with an average total delay of 95 days. EX1047. Thus, the trial in the EDTX Litigation realistically will not happen until at least July 23, 2027, or even much later, which will be after the June 2027 projected statutory deadline for a final written decision. This factor favors institution.

## **3. Factor 3: Parties' and Court's Investment of Resources**

As discussed in Section III.B.1, Zodiac exaggerates the progress of the EDTX Litigation. In fact, neither the parties nor the Court has invested significant resources

yet. The bulk of the efforts expended involve procedural issues, largely caused by Zodiac’s failure to properly serve Wybotics (which is what prompted Wybotics to seek a continuance of the scheduling conference Zodiac mentions (Req., 7)). Assuming no discretionary denial, institution will be decided in just a few months (June 2026), and not much more will have happened by that time. Claim construction in EDTX is not scheduled to start until June 2026, and discovery does not close until November 2026. EX2003 at 4-5.

#### **4. Factor 4: Preventing Duplicative Adjudication**

Wybotics has stipulated that if IPR is instituted, Petitioner will not pursue in the EDTX or CDCA litigations any invalidity grounds under §§ 102 or 103. EX1051. Wybotics’ broad stipulation guarantees that there will be no §§ 102 or 103 prior-art invalidity grounds in the district court litigations, thus ensuring that the IPR will be a true alternative to the district court litigation for prior art-based invalidity challenges. This factor weighs strongly against discretionary denial.

#### **5. Factor 5: Same Parties**

When the IPR petitioner and the defendant in the parallel proceeding are the same party, this “adds little if anything to the discretionary denial analysis.” *Aylo Freesites Ltd v. WellcomeMat, LLC*, IPR2024-00710, Paper 13 at 17-18 (Sep. 5, 2024). Such overlap is commonplace and does not itself favor denial “unless the petitioner is not named as a defendant (or declaratory judgment plaintiff) in parallel district court patent litigation.” *Id.* Here, Wybotics is a defendant and declaratory judgment plaintiff in the related litigations, making this factor neutral.

## 6. Factor 6: The Merits of Wybotics' Petition Are Strong

Wybotics' prior art includes a silver bullet anticipatory reference. Fu discloses the exact pool cleaning robot that the '766 Patent purportedly invented, and Schnittman proves that the technology of the '766 patent was also well known for surface-cleaning robots generally.

Zodiac asserts that the merits of Wybotics' position are allegedly "weak," but its position is without merit. *First*, Zodiac claims that Wybotics' assertion of Fu as both anticipating and rendering obvious alone or in combination with Benzler somehow signals weakness. Req., 11-12. On the contrary, Wybotics' additional arguments buttress its showing that Fu anticipates with additional reasons that the Challenged Claims are not patentable.

*Second*, despite its bare and unsubstantiated allegations that the Fu is weak prior art, Zodiac could only identify one immaterial claim limitation it contends is not taught by Fu—"a filter configured to retain debris collected from the submerged surface." Req., 12. But Zodiac's position is contrary to the clear disclosure in Fu. *See* Pet., 14-15. Fu discloses a "drainage mechanism" that is comprised of multiple components, including "a water flow channel 24 ..., *a water flow filter screen 23*, and a water inlet [26] with an antibackflow device 25." EX1007, ¶[0024]. "[P]ool water [is drawn] ... into the water flow channel 24 through the water inlet [26]," and once inside the flow channel 24, the "water passes through the water flow filter screen 23, which filters out debris, and the clean water is then discharged." *Id.*, ¶[0026]. "[T]he anti-backflow device 25 ... prevents debris from flowing out of the water flow channel 24" (*id.*), such that debris filtered out by the

filter screen 23 is retained within the water flow channel 24 of the drainage mechanism. EX1010, ¶¶236-239. Fu also describes that “[w]hen the debris [inside the water flow channel 24] reaches a certain density, [the underwater cleaning robot] issues a ‘debris full’ alarm,” further confirming that the drainage mechanism is configured to retain the debris collected from the submerged surface. EX1007, ¶[0026]. Accordingly, Fu’s drainage mechanism discloses the claimed “filter configured to retain debris collected from the submerged surface” at least because the drainage mechanism includes (i) the water flow filter screen 23 for filtering debris collected from a pool floor, and (ii) water flow channel 24 for retaining this debris. The fact that Zodiac could not muster a better argument to distinguish the prior art speaks volumes about the strength of Fu as an anticipatory reference.

*Third*, Zodiac argues that the combination of Schnittman with Benzler and/or Bailey is purportedly weak because (1) a POSA would not have been motivated to combine the references, and (2) Schnittman is allegedly cumulative of Kawakami and Bailey of Giordano. Neither position has merit. Zodiac offers *no evidence* about what a POSA might have been motivated to do in light of these references, and its attorney argument cannot overcome Dr. Reinholtz’s well-reasoned testimony explaining reasons why a POSA would have been motivated to combine Schnittman, Benzler, and/or Bailey, and well equipped to modify Schnittman’s cameras for use under water. *E.g.*, EX1010, ¶¶295-304.

Zodiac’s argument that Schnittman is allegedly cumulative of Kawakami, and Bailey of Giordano, is irrelevant. Req., 13-14. As with Fu and Benzler, there is no evidence that the Examiner ever actually considered Kawakami or Giordano, alone

or in combination with any other reference. And, in all events, Schnittman is not cumulative of Kawakami, nor is Bailey of Giordano. As it relates to the Challenged Claims, Schnittman discloses, for example, a camera for capturing an image, and a filter. EX1008 at ¶¶[0123], [0204]-[0205]. But Kawakami does not disclose a camera or an image captured by the robot; it uses a “floor reflectivity sensor.” EX2010 at 2:64-3:9. Nor does it disclose a filter; instead, it teaches the use of sponges mounted to the robot to scrub the floor. *Id.* at 2:45-63. Similarly, Giordano is not cumulative of Bailey because Giordano does not disclose a portable electronic device in electronic communication with the controller of a mobile robot that “may be used with or in ... a pool” or may be a “pool cleaning robot[.]” EX1018, 3:46-49, 17:26-29. Giordano instead concerns above-water robots. EX2011, FIG. 1 (depicting a car robot on dry land).

### **C. The Beatbot Actions Do Not Support Discretionary Denial**

Zodiac’s Request notes that an unrelated third party, Beatbot, filed a DJ action against the ’766 Patent on July 31, 2025. But when petitioner is not a party to the other litigation and, like here, has no substantive relationship with the defendant or DJ plaintiff in the other litigation, this “counsel[s] against discretionary denial.” *See POSCO Co. v. ArcelorMittal*, IPR2025-00370, Paper 10 at 2 (June 25, 2025); *Multi-Color Corp. v. Brook & Whittle Ltd.*, PGR2025-00025, Paper 10 at 2 (July 16, 2025).

Zodiac argues that “[t]he Beatbot DJ is scheduled for a pretrial conference on March 19, 2027 ... suggesting that trial will occur before the statutory deadline to issue a Final Written Decision” (Req., 3), but this date is speculative at best. Beatbot has moved to stay (EX1043), and similar pre-institution stays are routinely granted

in SDCA. *See, e.g., CliniComp Int'l, Inc. v. Cerner Corp.*, No. 3:17-cv-02479, Dkt. 29 (S.D. Cal. Oct. 30, 2018) (Curiel, J.); *TAS Energy, Inc. v. San Diego Gas & Elec. Co.*, No. 3:12-cv-02777, Dkt. 64 (S.D. Cal. Feb. 26, 2014) (Curiel, J.); *Qualcomm Inc. v. Apple Inc.*, No. 3:17-cv-02403, Dkt. 177 (S.D. Cal. Aug. 29, 2018); *Taction Tech., Inc. v. Apple Inc.*, 3:21-cv-00812, Dkt. 76 (S.D. Cal. Jan. 26, 2022). Accordingly, the Beatbot DJ action does not support discretionary denial.

Beatbot also filed an IPR against the '766 Patent on January 26, 2026, over two months after the filing of Wybotics' IPR. The Beatbot IPR will conclude after Wybotics' IPR and does not support discretionary denial.

**D. Zodiac Has No Settled Expectations, Nor Do Its Purported Economic Interests Favor Denial**

Zodiac argues that it “has settled expectations as to the validity of its patent portfolio” (Req., 15), but the '766 Patent issued on March 1, 2022. It is barely four years old. Zodiac has no settled expectations regarding the '766 Patent. This and the errors detailed above weigh heavily in favor of institution.

Zodiac cites no authority to support its assertion of settled expectations. Req., 19-20. Nor could it, because “[e]arly challenges favor robust, predictable patent rights and weigh against discretionary denial.” *Carbyne*, Paper 11 at 3. Indeed, the youth of a challenged patent has repeatedly weighed against discretionary denial. *Orca Sec. Ltd. v. Wiz, Inc.*, IPR2025-01083, Paper 10 at 2 (Oct. 17, 2025) (“[T]he challenged patents have not been in force for a significant period of time (issued in 2023 and 2024). Accordingly, Patent Owner has not developed strong settled expectations that favor discretionary denial.”); *Light & Wonder, Inc. v. Evolution*

*Malta Ltd.*, IPR2025-01072, Paper 11 at 2 (Oct. 17, 2025) (same result for patents that issued in 2020, 2021, and 2023).

Going further, challenges to young patents have routinely outweighed other discretionary considerations. *Samsung Elecs. Co. v. Wilus Inst. of Standards & Tech. Inc.*, IPR2025-00935, Paper 12 at 2-3 (Sep. 26, 2025) (holding that the challenged patent’s youth helps outweigh *Fintiv* considerations that favor denial); *Zhuhai CosMX Battery Co. v. Ningde Amperex Tech. Ltd.*, IPR2025-00432, Paper 9 at 2-3 (July 2, 2025) (same); *Intas Pharms. Ltd. v. Atossa Theraps., Inc.*, IPR2025-00799, Paper 12 at 2-3 (Aug. 29, 2025) (holding that the challenged patent’s youth helps outweigh a disputed covenant not to sue).

In its settled-expectations argument, Zodiac—whose parent company is headquartered in France—tries to present itself as an American enterprise (Req., 18-19), but its biased rhetoric and misleading quotations should not sway the analysis simply because Petitioner is a Chinese company. On the contrary, an IPR “proceeding does not concern Petitioner’s intellectual property or business activities, but is solely directed to the patentability challenges raised against Patent Owner’s patent claims in the Petition.” *TikTok Inc. v. Cellspin Soft, Inc.*, IPR2024-00757, Paper 12 at 4 (Oct. 21, 2024) (rejecting assertion of prevailing U.S. economic interests against institution of TikTok’s IPR).

In an effort to unfairly cast Wybotics in a bad light, Zodiac mischaracterizes disclosures from Wybotics’ public stock offering regarding the recognition and enforcement of judgments in China as somehow “boasting its ability to skirt enforcement” or “seek[ing] to avoid liability for infringement.” Req., 2, 20. These

statements are nothing of the sort. In accordance with the Hong Kong Exchange’s requirements for new applicants, Wybotics was required to make certain disclosures, including “risks of effective service of legal process or enforceability of foreign judgment.” EX1041 at 132, § 3.3, n.1. The quotation that Zodiac negatively misconstrues is one such required disclosure, using standard language commonly incorporated in such filings to describe limits on service and enforcement in China.

Wybotics was founded over 20 years ago in China by Chinese citizens who naturally operate their business from the country where they reside. EX2014 at 173-174; EX1042. There is nothing untoward about Wybotics’ decision—since 2005—to be headquartered in China. Further, Zodiac falsely labels Wybotics a “recalcitrant” infringer (Req., 20) but omits the reasons that Wybotics said it “expect[s] to be able to continue to sell our products in Europe and the United States,” which include Wybotics’ contention that Zodiac’s patents “are invalid and not infringed,” the fact that “many of the accused products are our outdated products that we have already discontinued sales,” and Wybotics’ ongoing commitment to comply with U.S. laws and judgments (including seeking declaratory judgments and IPR of asserted patents because it respects U.S. laws). EX2014 at 269. Zodiac’s so-called economic arguments are both legally irrelevant and factually unfounded.

#### **E. Wybotics’ Reliance On Expert Testimony Was Appropriate**

Wybotics submitted the expert declaration of Dr. Reinholtz in support of its Petition. EX1010. As required by the rules, Dr. Reinholtz’s testimony properly discloses the “underlying facts or data on which the opinion is based.” 37 C.F.R. § 42.65(a). His focused testimony provides helpful context, explains the technology

and terms of art, and correlates the prior-art references to the limitations in the Challenged Claims. Zodiac claims that Wybotics’ Petition and Dr. Reinholtz’s declaration are purportedly “identical” and his testimony is conclusory and unsupported. Req., 16-18. Zodiac is wrong as a matter of law and fact.

*First*, since the March 2025 memo, reliance on expert testimony has been found to favor discretionary denial only when unsupported expert testimony was offered to fill gaps in the prior art—not because the Petition and declaration were supposedly too similar. *iRhythm Techs., Inc. v. Welch Allyn, Inc.*, IPR2025-00378, Paper 10 at 2-3 (June 6, 2025) (rejecting assertion that petitioner is “over-reliant on expert testimony” when nothing “suggest[s] Petitioner is using its expert to fill gaps in the prior art”); *Cambridge Indus. USA, Inc. v. Applied Optoelects., Inc.*, IPR2025-00437, Paper 10 at 2 (June 26, 2025) (same); *Twitch Interactive, Inc. v. RazDog Holdings LLC*, IPR2025-00308, Paper 19 at 3 (May 16, 2025) (same); *GD Energy Prods., LLC v. Kerr Machine Co.*, PGR2025-00031, Paper 11 at 2 (June 25, 2025) (finding detailed expert testimony was “merely complying with regulations requiring disclosure of ‘underlying facts or data.’”). As another petitioner aptly explained: “A Petition is not an exercise in creative writing or thesaurus usage such that the evidentiary weight afforded to expert opinion is contingent upon the number of clerical rewrites of that expert’s chosen words and phrases.” *Bonerge Lifescience (Hunan) Co., v. Nanjing Nutra. Bio-Tech Co.*, IPR2025-01593, Paper 7 at 12 (Jan. 2, 2026); *id.*, Paper 9 at 2 (Jan. 27, 2026) (denying motion for discretionary denial).

Ignoring the relevant legal standard, Zodiac cobbles together inapposite decisions to manufacture the proposition that too much petition-expert overlap

should weigh in favor of discretionary denial. Req., 17. But each of the decisions Zodiac cites was decided *before* the Office introduced bifurcated review, involved the Board’s *merits* evaluation of whether to institute review, and discounted the proffered testimony because it was conclusory and unsupported, not because of any alleged similarities with the Petition. *Id.*

*Second*, Zodiac’s argument is built on the false premise that Dr. Reinholtz’s testimony “merely parrots the Petition.” *Id.* It does not. Zodiac’s “comparison” of the Petition and Dr. Reinholtz’s testimony (Exhibit 2011) is misleading at best. Zodiac strategically omitted from its comparison the portions of Dr. Reinholtz’s testimony that differ from the Petition. EX1049. For example, in the first entry, Zodiac omitted more than half of Dr. Reinholtz’s ¶68 (detailed description of the elements recited in the claims) and all of ¶70 (significant events from prosecution history) and ¶71 (summary of Examiner’s review and Dr. Reinholtz’s conclusion that “the purportedly inventive feature asserted by the Examiner was very well known in the art”). *Id.* The omitted material plainly shows that Dr. Reinholtz did much more than “merely parrot” the Petition. *Id.* Further, Zodiac’s supposed accounting of similarities based on the number of pages in the Petition is also misleading because it ignores, for example, the “Technology Background” section in Dr. Reinholtz’s declaration (EX1010, ¶¶80-89), describing in detail the state of the art at the time of the alleged invention, which is not detailed in the Petition.

#### **IV. CONCLUSION**

For all these reasons, Wybotics respectfully requests that this IPR be instituted.

Dated: March 2, 2026

Respectfully submitted,

*/Joshua R. Nightingale/*

Joshua R. Nightingale

Reg. No. 67,865

JONES DAY

500 Grant Street, Suite 4500

Pittsburgh, PA 15219

(412) 394-7950

[jrnightingale@jonesday.com](mailto:jrnightingale@jonesday.com)

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Petitioner's Response To Patent Owner's Brief Requesting That Institution Of The Petition Be Denied On Discretionary Grounds, including all exhibits, was served on March 2, 2026 via email on Michael Morlock (Reg. No. 62,245), Lead Counsel for Patent Owner, at mmorlock@ktslaw.com, and Christopher Leah (Reg No. 76,388), Backup Counsel for Patent Owner, at cleah@ktslaw.com.

Date: March 2, 2026

/Joshua R. Nightingale/

Joshua R. Nightingale  
Reg. No. 67,865  
JONES DAY  
500 Grant Street, Suite 4500  
Pittsburgh, PA 15219  
(412) 394-7950  
jrnightingale@jonesday.com