

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Wybotics, Co. Ltd. f/k/a Tianjin Wangyuan
Environmental Protection and Technology Co., Ltd.
Petitioner

v.

Zodiac Pool Systems LLC
Patent Owner

Case No. IPR2026-00160
Patent No. 11,880,207

PATENT OWNER'S PRELIMINARY RESPONSE

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EXHIBIT LIST

Exhibit No.	Description
2001	Memorandum: “Interim Processes for PTAB Workload Management,” March 26, 2025 (the “Interim Processes Memo”)
2002	Complaint, <i>Zodiac Pool Sys. LLC v. Wybotics, Co. Ltd. f/k/a Tianjin Wangyuan Env’t Prot. & Tech. Co.</i> , No. 2:25-cv-582-JRG-RSP (E.D. Tex. filed May 23, 2025) (the “Texas Litigation”)
2003	First Amended Scheduling Order in the Texas Litigation (Dkt. 53)
2004	First Amended Complaint, <i>Wybotics Inc. v. Zodiac Pool Sys. LLC</i> , No. 2:25-cv-08526 CAS (AGRx) (C.D. Cal. filed Sept. 24, 2025) (the “Petitioner DJ”)
2005	Complaint, <i>Beatbot Tech. (USA) Co. Ltd. v. Zodiac Pool Sys. LLC f/k/a Zodiac Pool Sys., Inc.</i> , No. 3:25-cv-01946 (S.D. Cal. July 31, 2025) (“Beatbot DJ”)
2006	Case Management Order in the Beatbot DJ (Dkt. 18)
2007	IPR2026-00202, Paper 2, Petition for <i>Inter Partes</i> Review of U.S. Patent 11,880,207 (“Beatbot Petition”)
2008	Statistics for Time to Trial – Eastern District of Texas
2009	Proposed Rule by the Patent and Trademark Office on October 17, 2025, 37 CFR 42 (“Proposed Rule”)
2010	U.S. Patent No. 5,613,261 (“Kawakami”)
2011	Chart Comparing the Petition to the Declaration
2012	FAQs for Interim Processes for PTAB Workload Management (“FAQs”)
2013	June 4, 2024, Letter from Zodiac to Wybotics
2014	Application Proof of Wybotics Co., LTD
2015	Prosecution History of U.S. Patent No. 9,388,595
2016	FAQs for Interim Director Discretionary Process
2017	U.S. Patent No. 9,388,595 (“the ’595 Patent”)

I. INTRODUCTION

Zodiac Pool Systems LLC (“Zodiac” or “Patent Owner”) submits this Preliminary Response to Petitioner Wybotics, Co. Ltd.’s (“Wybotics” or “Petitioner”) petition for inter partes review of U.S. Patent No. 11,880,207 (“the ’207 Patent”).

The Petition relies on prior art that either the Examiner considered, or is cumulative of the prior art the Examiner considered, during prosecution of the application that led to the ’207 Patent. Yet despite relying on prior art cited on the face of the ’207 Patent, the Petition never identifies, much less *explains*, any error by the Office during prosecution of the application or its parent applications.

Further, the Petition includes other abuses and errors as well. Petitioner takes blatantly contrary claim construction positions between this proceeding and the district court, without explanation. In the district court, Petitioner contends that multiple claim terms are indefinite and thus not amenable to construction. Yet both the Petition and the supporting declaration of Dr. Charles F. Reinholtz (Ex. 1010) interpret these same claim elements and do not propose them for construction. Petitioner offers no explanation for its inconsistent positions between venues, nor is there an explanation. This is fatal to the Petition.

These errors notwithstanding, the “expert” declaration Petitioner submits purporting to be from Dr. Reinholtz is largely just a word-for-word copy of the

Petition itself, confirming that no reliable expert testimony supports the Petition's faulty conclusions.

The Petition is also legally deficient. Grounds 1a-1b are based on single references and each ground fails to establish that every claim element is found in the lone cited reference. Grounds 1c-2 introduce inapposite secondary references that fail to cure these deficiencies, and Petitioner further fails to explain how the knowledge of a person of ordinary skill in the art ("POSITA") would substitute the claim limitations not disclosed in the prior art. As such, the Petition does not present legally viable anticipation and obviousness theories and each Ground fails. The Board should deny institution.

II. BACKGROUND

A. Pool Cleaner Technology.

Maintaining the cleanliness of swimming pools has historically posed significant challenges. Ex. 1005, 1:26–31. Manual cleaning of the floor and sides of a swimming pool is often tedious, time-consuming, and labor-intensive. As a result, automated robotic pool cleaners were developed to alleviate this burden and improve the efficiency of pool maintenance. *Id.*, 1:35–54. While such automated pool cleaners offered improvements over manual methods, ensuring that all portions of a pool's submerged surfaces were satisfactorily cleaned remained a challenge. *Id.* Moreover, these systems typically lacked the ability to provide monitoring to verify

cleaning coverage, making it difficult for users to determine whether additional cleaning was necessary. *Id.*

The '207 Patent addresses these challenges and claims a novel and nonobvious pool cleaning system using “a self-propelled pool cleaner” with a “filter configured to retain the debris collected from the submerged surface,” and “at least one camera to capture imagery of the pool surface.” *Id.*, 1:35–44. A controller, in electronic communication with the camera, processes the captured imagery and generates control signals to direct the movement of the pool cleaner. *Id.* In some embodiments, the controller may determine cleanliness characteristics of the surfaces. *Id.* Based on this analysis, in those embodiments, the controller generates control signals to direct the movement of the pool cleaner, ensuring thorough coverage and enabling re-cleaning of areas that do not meet predefined cleanliness thresholds. *Id.* In other embodiments, the controller may identify debris and direct movement of the pool cleaner towards the debris based on that identification. In further embodiments, the controller may identify objects or areas of the pool and direct movement of the pool cleaner away from those identified objects or areas for various reasons.

The many advantages and benefits of the claimed pool cleaning system demonstrate that the USPTO’s decision to grant the '207 Patent is consistent with

the primary goal of the patent system: rewarding innovation for the benefit of society.

B. Person of Ordinary Skill in the Art.

For the limited purpose of this Preliminary Response, Patent Owner does not dispute Petitioner's definition of a POSITA as having a bachelor's degree in mechanical or electrical engineering or a related field, and two years of experience in designing and developing robotic pool cleaners or similar products, which additional experience substituting for education and vice versa. Petition at 6.

C. The '207 Patent and Its Parent Underwent Thorough Prosecution Addressing Similar Prior Art as the Petition.

Zodiac filed its Application for the '207 Patent on January 10, 2022. Ex. 1006 at 2. The Application claimed priority to U.S. Patent No. 9,388,595 ("the '595 Patent"), filed July 10, 2012, and incorporated the '595 Patent by reference in its entirety. *Id.* at 4. The Application also noted that it was a continuation of U.S. Patent No. 11,262,766 ("the '766 Patent"), U.S. Patent No. 11,003,191 ("the '191 Patent"), U.S. Patent No. 10,739,785 ("the '785 Patent"), U.S. Patent No. 10,338,599 ("the '599 Patent"), and U.S. Patent No. 9,995,051 ("the '051 Patent") and incorporated the '766 Patent, the '191 Patent, the '785 Patent, the '599 Patent, and the '051 Patent by reference in their entirety. *Id.* at 30.

During prosecution of the '207 Patent, the Examiner considered CN Patent Application 101139007 to Fu ("Fu") (Ex. 1007), U.S. Patent Application No.

2010/0299016 to Benzler (“Benzler”) (Ex. 1013), and U.S. Patent No. 5,613,261 to Kawakami (“Kawakami”) (Ex. 2010), among others. *Id.* at 71–72; *see also* Ex. 1005, Cover. The Examiner first considered Fu, Benzler, and Kawakami during the prosecution of the ’595 Patent. Ex. 2015 at 484, 490.

Furthermore, during the prosecution of the ’595 Patent, the Examiner rejected claims as anticipated by WO 2012/023676 (“Hong”) and rejected claims as obvious over Hong in view of secondary references. Ex. 2015 at 117–24. The Examiner made rejections based Hong’s disclosure of a cleaning robot that had cameras obtaining location information from the cleaning robot and controlling the location of the cleaning robot in the pool. Ex. 2015 at 114–15. Patent Owner overcame all of the rejections. Patent Owner’s Amendment distinguished the invention covered in the ’595 application from Hong. Ex. 2015 at 206–09. The Amendment stated that

the cleaner of Hong is responsive to blockages along its travel path, as opposed to seeking out and identifying unclean portions of the pool that the cleaner has previously traversed. Hong fails to teach, disclose or even suggest the claimed limitations of . . . “identify portions of the water containing surfaces of the pool that have not been cleaned by the pool cleaning vehicle to satisfy a predefined threshold; and automatically generate second control signals to steer the robotic pool cleaning vehicle to reclean the identified portions of the water containing surfaces based upon the signals from the camera.”

Ex. 2015 at 206.

Patent Owner also argued that “although the Hong cleaner may repeatedly drive over portions of its cleaning path, such movement is because of obstructions

that are sensed by current load sensors,” and it “does not look back over the path it already traversed.” Ex. 2015 at 204. Thus Hong, alone or in combination with the secondary references, did not teach, suggest, or predict the limitation of “a controller in electronic communication with the camera to generate control signals to steer the vehicle, wherein the controller automatically steers the robotic pool cleaning vehicle to reclean identified portions of the water containing surfaces still having debris based on the signals from the camera.” Ex. 2015 at 212. Thereafter, based on these amendments and arguments, the Patent Office issued the Notice of Allowance. Ex. 2015 at 473.

III. THE BOARD SHOULD DENY INSTITUTION OF THE PETITION.

A. The Prosecution History, Including Very Similar Art, Weighs in Favor of Denial Under § 325(d).

The Board should exercise its discretion to deny institution under § 325(d) because the Petition presents “the same or substantially the same prior art or arguments previously . . . presented to the Office,” 35 U.S.C. § 325(d), and because Petitioner failed to meet its burden to show material error with respect to such art or arguments. *Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH*, IPR2019-01469, Paper 6 (P.T.A.B. Feb. 13, 2020) (precedential) (“*Advanced Bionics*”); *Becton, Dickinson & Co. v. B. Braun Melsungen AG*, IPR2017-01586, Paper 8 (P.T.A.B. Dec. 15, 2017) (precedential as to Section III.C.5, first paragraph) (“*Becton*”).

Under *Advanced Bionics*, the Board first considers “whether the same or substantially the same art previously was presented to the Office or whether the same or substantially the same arguments previously were presented to the Office.” IPR2019-01469, Paper 6 at 7–8. If “either condition of [the] first part of the framework is satisfied,” the Board then considers “whether the petitioner has demonstrated that the Office erred in a manner material to the patentability of challenged claims.” *Id.* at 8. “If the petitioner fails to show that the Office erred, the Director may exercise his discretion not to institute *inter partes* review.” *Id.* (citing *Becton*, IPR2017-01586, Paper 8 at 24).

Here, institution should be denied because the same art or substantially the same prior art and arguments were previously presented to the Office, the Examiner correctly resolved them, and Petitioner does not even attempt to shoulder its burden of establishing errors in the Examiner’s analysis of the prior art in this and prior applications.

1) Part 1 of *Advanced Bionics*: The Prosecution History of the ’207 Patent Considered Substantially the Same Prior Art and Arguments Petitioner Presents.

As explained in further detail above, the ’207 Patent is a continuation of the ’595 Patent, prosecution of which began in 2012. During this time the Examiner considered references that are the same or substantially similar as the references relied upon by the Petitioner.

The prosecution history of the '595 Patent is relevant under § 325(d) for determining whether to institute a petition for IPR of its child, the '207 Patent. *Edge Endo, LLC v. Michael Scianamblo*, IPR2018-01321, Paper 15 at 15–16 (P.T.A.B. Jan. 14, 2019) (exercising discretion to deny institution under § 325(d), and “find[ing] that the respective prosecutions of the related [patents] are pertinent for consideration of whether to exercise our discretion to deny institution under Section 325(d)”); *Microsoft Corp. v. Koninklijke Philips N.V.*, IPR2018-00279, Paper 11 at 9–19 (P.T.A.B. June 8, 2018).

Further, there are similarities between the art in this Petition and the art in the '595 Patent's prosecution. This is another factor that weighs against institution. *See Juniper Networks, Inc. v. Mobile Telecomms. Techs., LLC*, IPR2017-00642, 2018 WL 1358386, at *4 (P.T.A.B. Mar. 14, 2018); 35 U.S.C. § 325(d) (“In determining whether to institute . . . the Director may take into account whether, and reject the petition or request because, the same or substantially the same prior art or arguments previously were presented to the Office.”).

Both Fu (Ex. 1007) and Benzler (Ex. 1013) are cited on the face of the '207 Patent and were already considered by the Examiner. Ex. 1005, Cover. Similarly, Kawakami is cited on the face of both the '207 Patent, and its parent the '595 Patent. Kawakami describes an autonomous cleaning robot that detects the degree of dirt on a surface using sensors and dynamically controls the robot's cleaning mode in

response to the sensor input. Ex. 2010, 1:40–45 (“a cleaner provided with a sensor for detecting the degree of dirt of an object being cleaned, and a driving controller for controlling the movement of the cleaner in accordance with the degree of dirt of an object being cleaned”).

Similarly, Petitioner’s primary reference used in Ground 2, U.S. Patent Pub. No. 2012/0169497 (Ex. 1008, “Schnittman”), relates to an autonomous robot with a debris sensor that detects debris entering the robot’s bin, and which adjusts cleaning behavior based on sensor input. Ex. 1008, [0044] (“a method of operating an autonomous cleaning apparatus includes controlling a drive system of the cleaning apparatus to move the cleaning apparatus over a cleaning surface, receiving a signal from a debris sensor of the cleaning apparatus, moving the cleaning apparatus along the heading in the direction of the detected debris”). Both Kawakami and Schnittman similarly provide a land cleaner that adjusts cleaning behavior based on detection of dirt/debris. *See, e.g.*, Ex. 2010 (“a cleaner provided with a sensor for detecting the degree of dirt of an object being cleaned, and a driving controller for controlling the movement of the cleaner in accordance with the degree of dirt of an object being cleaned”); Ex. 1008 at [0044] (“controlling a drive system of the cleaning apparatus to move the cleaning apparatus over a cleaning surface, receiving a signal from a debris sensor of the cleaning apparatus, moving the cleaning apparatus along the heading in the direction of the detected debris”). Thus, both Kawakami and

Schnittman relate to autonomous cleaners that adjust their cleaning behavior based on dirt or debris detected.

The Petition wholly ignores the similarity between Kawakami and Schnittman. Similarly, the Petition ignores that it relies upon art cited on the face of the '207 Patent. Indeed, the Petition does not even acknowledge that Fu and Benzler were considered by the Examiner during prosecution of the '207 Patent. Thus, the Petition wholly fails to establish that the prior art cited therein is different than the art cited during prosecution. The Petition instead presents similar art to what the Examiner considered without explaining any error by the Examiner or how these references do anything to address the deficiency. Indeed, the Petition never even attempts to establish some error by the Office in its analysis of this art prior to issuing the '207 Patent.

Not only has the Patent Office already considered the same or sustainably similar art, the Examiner also already considered similar arguments during the prosecution of the '595 Patent. Petitioner claims that “a controller . . . configured to generate, in response to the captured image, at least one control signal to cause movement of the body . . .” is not new. Petition at 1 (internal citations omitted). The Examiner considered these same arguments during prosecution of the '595 Patent. As explained above, the Examiner first rejected claims based on the similar argument that “the system receives signals as to the location information and

controlling the said location of the cleaning robot . . . as it traverses the water containing surfaces.” Ex. 2015 at 118. Patent Owner overcame this rejection. *Id.* at 204. This is substantially similar to the argument Petitioner makes.

Patent Owner distinguished the prior art from the claimed invention because the prior art did not disclose “a controller in electronic communication with the camera to generate control signals to steer the vehicle, wherein the controller automatically steers the robotic pool cleaning vehicle to reclean identified portions of the water containing surfaces still having debris based on the signals from the camera.” Ex. 2015 at 212. Petitioner makes the same argument as the Examiner and cites prior art already considered by the Examiner, and thus its arguments were previously considered by the Examiner.

The similarity in the art and arguments presented in the petition and addressed by the Examiner further counsels against institution. *See Fox Factory, Inc. v. SRAM, LLC*, IPR2016-01876, Paper 8 at 7 (P.T.A.B. Apr. 3, 2017) (“there are the interests in conserving the resources of the Office and granting patent owners repose on issues and prior art that have been considered previously”); *Kayak Software Corp. v. IBM, Corp.*, No. CBM2016-00075, Paper 16 at 10–11 (P.T.A.B. Dec. 15, 2016).

2) Part 2 of *Advanced Bionics*: Petitioner Failed to Demonstrate that the Office Erred in a Manner Material to the Patentability of the Challenged Claims.

The second prong of the *Advanced Bionics* test is met because Petitioner completely failed to set forth any evidence of material error committed by the Office. Petitioner does not even allege “material error” by the Office. Petition at 1. Instead, the Petition states simply “the Examiner performed essentially no substantive review of the prior art.” *Id.* This does not articulate “material error,” nor does it address that the Examiner previously considered the prior art at issue during prosecution.

More critically, this unsupported statement offers no description of what the Examiner’s error may have been. Petitioner identifies no prior material error by the Examiner because there was none. In any event, the Board has declined “to guess or develop its own theory on what error may have been committed in prior proceedings over the [challenged] patent where the now-asserted prior art was at issue.” *Atrium Med. Corp. v. Bard Peripheral Vascular, Inc.*, IPR2021-01197, Paper 11 at 23 (P.T.A.B. Jan. 10, 2022). Accordingly, Petitioner has not, and cannot, meet its burden of establishing that “the Office erred in a manner material to the patentability of challenged claims.” *Advanced Bionics*, IPR2019-01469, Paper 6 at 7–11.

Because Petitioner identifies no material error, the Board should exercise its discretion under § 325(d) and deny institution. *See, e.g., ABS Glob., Inc. v. Cytonome/ST LLC*, IPR2021-00306, Paper 13 at 13–14, 16 (P.T.A.B. June 7, 2021).

B. Petitioner’s Inconsistent Claim Construction Positions Before the Board and District Court Amount to Abuse of Process.

The Board “retains discretion to deny institution for proceedings where abuse has been demonstrated.” Katherine K. Vidal, Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation at 5 (P.T.A.B. June 21, 2022); *see id.* at 9 (“[E]ven if the PTAB does not deny institution under *Fintiv*, it retains the right to deny institution for other reasons under 35 U.S.C. §§ 314(a), 324(a), and 325(d). For example, the PTAB may deny institution if other pertinent circumstances are present, such as abuse of process by a petitioner.”). The Board should so exercise its discretion to deny institution here.

As one example, Petitioner has taken inconsistent positions regarding the scope of the Challenged Claims of the ’207 Patent in different forums. *Cf. ResMed Corp. v. Cleveland Med. Devices Inc.*, IPR2023-00565, Paper 13 at 17 (P.T.A.B. Sept. 25, 2023) (“We agree with Patent Owner that on the facts of this case, by providing inconsistent positions regarding the proper construction of the claims, Petitioner is not being transparent. . . . The potential for conflicting decisions favors denial.”); *Kiosoft Techs., LLC v. PayRange, Inc.*, IPR2021-00086, Paper 12 at 16 (P.T.A.B. Mar. 22, 2021) (“Thus, regardless of the Petition’s merits, the potential problems inherent in the inconsistent claim constructions set forth by Petitioner between the Petition and its proposals at the district court warrant us to find that factor 6 weighs in favor of denying institution.”); *Comcast Cable Commu’ns, LLC*

v. Promptu Sys. Corp., CBM2018-00033, Paper 9 at 10–11 (P.T.A.B. Oct. 10, 2019)

(Petitioner’s reliance on “competing claim construction arguments that impact *central aspects* of both trials” weighs against institution because the Board would risk a decision contradicting the claim construction adopted in the other case or having to abandon its own case to be consistent with the claim construction advocated in the other trial); *Facebook, Inc. v. Sound View Innovations, LLC*, IPR2017-00998, Paper 13 at 8, 17 (P.T.A.B. Sept. 5, 2017) (denying institution where the Petitioner “did not inform the panel that Petitioner had taken a very different claim construction position before the district court, it did not inform the panel that the different position was then under consideration by the district court, nor did it explain the reason for Petitioner’s change of heart”); *id.* at 17–18 (“At the very least, Petitioner’s failure to inform us of its differing claim construction arguments before the district court raises the specter of lack of candor.”)

Indeed, Petitioner’s positions in the parallel district court proceeding conflict with its positions in the Petition regarding the scope of the Challenged Claims of the ’207 Patent (*see, e.g.*, Petition at 5–6). Petitioner seeks to have the terms of the ’207 Patent applied as broadly as possible in attempting to invalidate the claims of the ’207 Patent before the Board, while simultaneously arguing that several terms are indefinite under 35 U.S.C. § 112 in the district court.

In particular, Petitioner represents that no terms, other than one “mean-plus-function” claim, in the Challenged Claims of the ’207 Patent require construction. Petition at 5–6. And, in setting forth its grounds in the Petition, Petitioner necessarily understands the definite meaning of those claims and contends that the asserted prior art references disclose the various claim elements based solely on their plain language, as opposed to any specific construction. *See* Petition at 7–74. Likewise, Petitioner’s expert, Dr. Reinholtz, declares that the Challenged Claims of the ’207 Patent are “construed . . . in accordance with its plain and ordinary meaning as of the purported July 2012 priority date of the challenged patents.” Ex. 1010, ¶ 76.

In the district court, however, Petitioner contends that multiple claim elements/terms in the Challenged Claims are “Indefinite”—including “to, or away from, the first [object/portion],” “a control action for the at least one piece of equipment,” and “a control response.”¹ The Petition and Dr. Reinholtz’s declaration interpret “to, or away from, the first [object/portion]” to mean “any robot movement.” Petition at 18 (“A POSA would have recognized that any robot movement would necessarily be ‘to, or away from, the first portion.’”); Ex. 1010, ¶ 386 (same). They also interpret “a control action for the at least one piece of equipment” to mean “control signals regarding cleaning movement and wheel

¹ Patent Owner did not attach the invalidity contentions as they are designated as confidential.

adjustments,” Petition at 22; Ex. 1010 ¶ 402. Lastly, the Petition and declaration interpret “a control response” to mean “control signal to adjust the robot’s cleaning movements and working state of the wheels.” Petition at 28; Ex. 1010 ¶ 427.

Petitioner’s inconsistency between the two forums “calls to mind the well quoted phrase: ‘When I use a word,’ Humpty Dumpty said, in a rather scornful tone, ‘it means just what I choose it to mean-neither more nor less.’” *Honeywell Int’l, Inc. v. ITT Indus., Inc.*, No. 02-73948, 2005 WL 5416765, at *7–8 (E.D. Mich. May 17, 2005) (quoting Lewis Carroll, *Through the Looking Glass* from Alice’s Adventures in Wonderland, Chapter VI, Humpty Dumpty (1865)). Such an inconsistency amounts to an “abuse of process.” See Vidal, *supra*, at 4, 9; see also *Facebook*, IPR2017-00998, Paper 13 at 17–18 (noting Petitioner’s “differing claim construction arguments before the district court raises the specter of lack of candor”). Just as “claims are construed the same way for both invalidity and infringement,” *Amgen Inc. v. Hoechst Marion Roussel, Inc.*, 314 F.3d 1313, 1330 (Fed. Cir. 2003), a Petitioner must take consistent positions regarding claim construction before the Board and in any parallel proceeding, including district court litigation.

It is impossible to reconcile Petitioner’s apparent position that it cannot understand these terms in a different venue, yet that these terms are met by prior art

in this venue.² Nor does the Patent Office tolerate such conflicting positions. Indeed, as Director Squires has recently explained in a precedential decision “when a petitioner takes alternative positions before the Board and a district court that petition should, *at a minimum*, explain why alternative positions are warranted.” *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 at 3–4 (Dir. Squires Nov. 3, 2025) (precedential) (emphasis added). Further, that Petitioner advances indefiniteness is similarly insufficient. *Generac Power Sys., Inc. v. Champion Power Equip., Inc.*, IPR2025-00805/IPR2025-00951, Paper 40 at 4 (Dir. Squires Feb. 3, 2026) (denying institution in view of “Generac’s . . . inconsistent claim construction positions.”); *Tesla, Inc. v. Intell. Ventures II, LLC*, IPR2025-00340, Paper 18 at 3 (Dir. Squires Nov. 5, 2025) (denying institution in view of “Petitioner’s statement that it cannot raise indefiniteness challenges in an *inter partes* review is not a sufficient explanation. Indeed, the statement amounts to an assertion that a petitioner should be permitted to raise inconsistent invalidity challenges in the two forums”); *see also Am. Airlines, Inc. v. Intell. Ventures I LLC*,

² To the extent Petitioner later files a *Sotera*-type stipulation, such stipulation should be discounted as untimely filed after Patent Owner’s brief on discretionary denial, and thus, not properly filed “as soon as practicable, so that the patent owner may address the impact of the stipulation in its discretionary denial brief.” Ex. 2016 at 3 (“If a petitioner chooses to file a stipulation, such as a *Sotera* stipulation, they should file it as soon as practicable, so that the patent owner may address the impact of the stipulation in its discretionary denial brief.”) (available at <https://www.uspto.gov/patents/ptab/interim-director-discretionary-process>).

IPR2025-01055, Paper 11 at 12 (P.T.A.B. Nov. 21, 2025) (denying institution where “Contrary to its position in this case, in district court, Petitioner argues that several limitations in the Challenged Claims . . . are indefinite, and not subject to reasonable interpretation”).

Petitioner fails to meet this burden. Indeed, Petitioner does not even *acknowledge* the inconsistency in its position, much less *explain* why it has raised inconsistent claim constructions in the two forums. Thus, these aspects of the Request favor discretionary denial. *See Tesla*, IPR2025-00340, Paper 18 at 3–4. Petitioner’s gamesmanship regarding the proper construction of the Challenged Claims is reason alone to deny its Petition. *See Vidal, supra*, at 4, 9; *see also ResMed Corp.*, IPR2023-00565, Paper 13 at 17; *Kiosoft Techs.*, IPR2021-00086, Paper 12 at 16; *Comcast*, CBM2018-00033, Paper 9 at 10–11; *Facebook*, IPR2017-00998, Paper 13 at 8, 16–18.

C. Petitioner’s Expert’s Declaration Parrots the Petition and Thus the Testimony Provided Therein Should Be Given No Weight.

As noted above, in support of its Petition, Petitioner submits a declaration from its expert, Dr. Reinholtz. *See* Ex. 1010, (the “Reinholtz Declaration”). As discussed above, the Reinholtz Declaration is necessarily suspect given that portions of it regarding claim construction of the Challenged Claims are directly contradicted by the claim construction position in the district court litigation. Moreover, the Reinholtz Declaration simply parrots the Petition, as opposed to providing any

insightful expert opinions and analysis. For all these reasons, the Reinholtz Declaration should not be entitled to any weight—and, as such, Petitioner has necessarily failed to carry its burden with respect to institution.

As the Board has consistently recognized, a declaration that repeats the petition verbatim “is conclusory and unsupported, adds little to the conclusory assertion for which it is offered to support, and is entitled to little weight.” *Xerox Corp. v. Bytemark, Inc.*, IPR2022-00624, Paper 9, 2022 WL 3648989, at *6 (P.T.A.B. Aug. 24, 2022) (precedential) (denying institution where Petitioner’s expert “offers only a verbatim restatement of the assertion being supported, without any supporting evidence or technical reasoning.”). Simply put, an expert declaration that “merely parrots the Petition” is entitled to “little to no weight.” *E.g.*, *MarkForged Inc. v. Continuous Composites, Inc.*, IPR2022-01431, Paper 7 at 14 (P.T.A.B. Jan. 18, 2023) (“[Expert’s] declaration testimony on this point is entitled to little to no weight as it merely parrots the Petition.”); *LG Elecs. Inc. v. Jawbone Innovations, LLC*, IPR2023-01111, Paper 10 at 15 (P.T.A.B. Jan. 9, 2024) (“Petitioner’s expert merely parrots the Petition. Thus, Petitioner’s conclusory assertion is unpersuasive.”); *see Content Square SAS v. Medallia Inc.*, IPR2022-00316, Paper 13 at 38 (P.T.A.B. July 14, 2022) (“Merely repeating an argument from the Petition in the declaration of a proposed expert, does not give that argument

enhanced probative value.”); *Man Wah Holdings Ltd. v. Rafeel Sys., LLC*, IPR2019-00616, Paper 7 at 15–16 (P.T.A.B. Aug. 21, 2019) (same).

Such is the case here with respect to the Reinholtz Declaration. Indeed, with respect to issues such as the alleged disclosures of the prior art and the purported motivation(s) to combine the disparate prior art references asserted by Petitioner—areas on which expert testimony may be critical—the Reinholtz Declaration simply restates the attorney argument set forth in the Petition itself, without any meaningful discussion or elaboration, let alone expertise. *Compare* Ex. 1010, ¶¶ 444–48 with Petition at 35–37; *see also* Ex. 2011.

One example highlighting the similarity is Dr. Reinholtz purported testimony addressing element 1[c]. As shown below, Dr. Reinholtz does not even attempt to conceal that his opinion is nothing more than a copy-paste of the same analysis in the Petition. Such expert “testimony” does nothing to help the Board address the prior art or the purported motivations to make the modifications that Petitioner proposes:

Ex. 1010, ¶¶ 372–74	Petition at 13–14
372. The drainage mechanism “comprises a water discharger, a water flow channel 24 . . . , a water flow filter screen 23, and a water inlet [26] with an anti-backflow device 25.” <i>Id.</i> , ¶[0024]. During operation, “the drainage propeller high-speed DC motor 14 ... drives the drainage propeller 11 to rotate	The drainage mechanism “comprises a water discharger, a water flow channel 24 . . . , a water flow filter screen 23, and a water inlet [26] with an anti-backflow device 25.” <i>Id.</i> , ¶[0024]. During operation, “the drainage propeller high-speed DC motor 14 ... drives the drainage propeller 11 to rotate ...

<p>... expel[ling] water from within the robot's water flow channel 24, creating a high negative pressure inside." <i>Id.</i>, ¶[0026]. This negative pressure "draws pool water from the bottom of the robot into the water flow channel 24 through the water inlet [26]." <i>Id.</i> Once in 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." <i>Id.</i></p> <p>373. Fu further makes clear that the drainage mechanism retains the debris that is filtered out from the pool water. "An anti-backflow device 25 is installed above the water inlet 26," which opens "[w]hen water flows in through the inlet," and closes "[w]hen the water flow stops," thus "prevent[ing] debris from flowing out of the water flow channel 24." <i>Id.</i> Thus, debris that is filtered out by the filter screen 23 is retained within the water flow channel 24. 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 as claimed. <i>Id.</i></p> <p>374. Thus, Fu discloses "a filter [filter of Fu's drainage mechanism] configured to retain debris collected from the submerged surface."</p>	<p>expel[ling] water from within the robot's water flow channel 24, creating a high negative pressure inside." <i>Id.</i>, ¶[0026]. This negative pressure "draws pool water from the bottom of the robot into the water flow channel 24 through the water inlet [26]." <i>Id.</i> Once in flow channel 24, the "water passes through the water flow filter screen 23, which filters out debris, and the clean water is then discharged." <i>Id.</i></p> <p>The drainage mechanism also retains the debris that is filtered out from the water. "An anti-backflow device 25 is installed above the water inlet 26," which opens "[w]hen water flows in through the inlet," and closes "[w]hen the water flow stops," thus "prevent[ing] debris from flowing out of the water flow channel 24." <i>Id.</i> Thus, the debris is retained within water flow channel 24. Fu also describes that "[w]hen the debris [inside water flow channel 24] reaches a certain density, [the robot] issues a 'debris full' alarm," further confirming that the drainage mechanism retains the debris. <i>Id.</i></p> <p>Thus, Fu discloses "a filter [filter screen 23 of Fu's drainage mechanism] configured to retain debris collected from the submerged surface."</p>
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Put another way, the Reinholtz Declaration is almost identical to the Petition.

But a purported expert merely parroting the Petition cannot give any insight into what a POSITA may or may not be motivated to do. *See LG Elecs.*, IPR2023-01111, Paper 10 at 15; *Content Square*, IPR2022-00316, Paper 13 at 38.

There are numerous other instances where the Reinholtz Declaration is a near exact copy of the Petition, and the Petition purports to rely on those conclusory arguments. As one of many examples, compare Dr. Reinholtz purported testimony at paragraphs 359–62 claiming to analyze the preamble of claim 1 by comparison to Fu, with the analysis of that claim element at pages 9–10 of the Petition:

Ex. 1010, ¶¶359–62	Petition at 9–10
<p>359. To the extent limiting, the preamble of claim 1 is disclosed by Fu. Fu discloses “an underwater cleaning robot” designed “for the underwater cleaning of swimming pool floors and walls.” EX1007, Abstract. An example of Fu’s underwater cleaning robot is depicted in Figure 1:</p> <p>Fig. 1</p> <p><i>Id.</i>, Fig. 1.</p> <p>360. Fu’s robot includes, among other components, “a drainage mechanism [and] a cleaning and mobility platform.”</p>	<p>To the extent limiting, claim 1’s preamble is disclosed by Fu. EX1010, ¶¶359-363. Fu discloses “an underwater cleaning robot” designed “for the underwater cleaning of swimming pool floors and walls.” EX1007, Abstract.</p> <p>Fig. 1</p> <p><i>Id.</i>, Fig. 1. (underwater cleaning robot).</p> <p>Fu’s robot comprises “a drainage mechanism [and] a cleaning and mobility platform.” <i>Id.</i>, ¶[0024]. The</p>

<p><i>Id.</i>, ¶[0024]. The cleaning and mobility platform enables the robot to move around the pool and remove debris from its surfaces, <i>e.g.</i>, using brushes. <i>Id.</i>, ¶¶[0010], [0024]-[0026] (“brush-cleaning”). The drainage mechanism “draws pool water from the bottom of the robot” such that the “water passes through the water flow filter screen 23, which filters out debris, and the clean water is then discharged.” <i>Id.</i>, ¶[0026]. Thus, Fu’s underwater cleaning robot is “for cleaning debris from a submerged surface of a swimming pool.”</p> <p>361. Fu further discloses that its robot is self-propelled. The robot’s cleaning and mobility platform comprises “four independent cleaning driving wheels 3” that “are controlled by their respective motor drivers, allowing for independent movement.” <i>Id.</i>, ¶[0026]. In the autonomous mode, “control signals are generated by the central processor, which autonomously plans paths and actions ... to drive the robot’s execution layer and complete the underwater cleaning task.” <i>Id.</i>, ¶[0025]. The execution layer comprises the motor drivers and the cleaning driving wheel DC motors 7, which drive the cleaning driving wheels 3. <i>Id.</i>, ¶[0024]. Fu’s robot is thus “self-propelled” because it moves without external propulsion. Fu also describes various components for powering such movement, including an onboard “rechargeable battery box.” <i>Id.</i>, ¶¶[0007], [0008], [0024], [0025]. 362.</p>	<p>cleaning and mobility platform enables the robot to move around the pool and remove debris from its surfaces, <i>e.g.</i>, using brushes. <i>Id.</i>, ¶¶[0010], [0024]-[0026] (“brush-cleaning”). The drainage mechanism “draws pool water from the bottom of the robot” such that the “water passes through the water flow filter screen 23, which filters out debris, and the clean water is then discharged.” <i>Id.</i>, ¶[0026]. Thus, Fu’s robot is a “pool cleaning system for cleaning debris from a submerged surface of a swimming pool.”</p> <p>Fu’s robot is also self-propelled. The robot’s cleaning and mobility platform comprises “four independent cleaning driving wheels 3” that “are controlled by their respective motor drivers, allowing for independent movement.” <i>Id.</i>, ¶[0026]. In the autonomous mode, “control signals are generated by the central processor, which autonomously plans paths and actions ... to drive the robot’s execution layer and complete the underwater cleaning task.” <i>Id.</i>, ¶[0025]. The execution layer comprises motor drivers and cleaning driving wheel DC motors 7, which drive cleaning driving wheels 3. <i>Id.</i>, ¶[0024]. Fu’s robot is thus “self-propelled” because it moves without external propulsion. Fu also describes various components for powering such movement, including an onboard “rechargeable battery box.” <i>Id.</i>, ¶¶[0007], [0008], [0024], [0025].</p>
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As detailed below for elements 1a-1f, Fu's underwater cleaning robot discloses all the features recited in claim 1 ("vehicle body," "means for moving the vehicle body," "filter," "at least one camera," and "controller"), and thus discloses the "pool cleaning system" recited in the preamble.	As detailed below for elements 1a-1f, Fu's robot discloses all the features of claim 1, thus, Fu discloses a "self-propelled pool cleaning system [underwater cleaning robot] for cleaning debris from a submerged surface of a swimming pool."
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Other than the Petition adding some additional words in original above, the two statements are almost entirely the same. Another example of parroting is below, addressing whether claims 1–3, 5–8,12–14, and 19 would have been obvious over Fu:

Ex. 1010, ¶¶437–40	Petition at 30–32
437. Fu anticipates claim 1 of the '207 Patent. <i>See</i> Ground 1a above. However, should the Board find that Fu does not anticipate claim 1 because it allegedly lacks at least one control signal that causes movement of the body "to, or away from, the first object," ¹⁵ Fu nevertheless would have rendered obvious this claim.	Fu anticipates claim 1. Section IV.A.2. However, to the extent the Board finds that Fu does not anticipate claim 1 for allegedly lacking at least one control signal that causes movement of the body "to, or away from, the first object," ¹ Fu nevertheless would have rendered obvious this claim. EX1010, ¶¶437-440.
438. Fu already teaches acquiring images of submerged pool surfaces (EX1007, ¶[0026]), comparing these images to a cleanliness image threshold (<i>id.</i>), and "plan[ning] ... cleaning movements" and "adjust[ing] the working state of the four cleaning drive wheels 3 ... to complete the cleaning task" based on this comparison (<i>id.</i>). A POSA would have found it obvious to implement motion control in Fu to	Fu already teaches acquiring an image of submerged pool surfaces, comparing the image to a cleanliness image threshold, and "plan[ning] ... cleaning movements" and "adjust[ing] the working state of the four cleaning drive wheels 3 ... to complete the cleaning task" based on this comparison. EX1007, ¶[0026]. A POSA would have found it obvious to implement motion control in Fu to direct the cleaning robot

<p>direct the cleaning robot toward (i) pictured regions containing a first object falling below the cleanliness threshold, and (ii) away from pictured regions containing the first object falling above the cleanliness threshold.</p>	<p>toward (i) pictured regions containing a first object falling below the cleanliness threshold, and (ii) away from pictured regions containing the first object falling above the cleanliness threshold. EX1010, ¶¶437-440.</p>
<p>439. Given Fu's use of image-based cleanliness determination to adjust wheel speeds and movement paths, it would have been a routine and predictable application for a POSA to configure Fu's central processor to generate control signals directing the robot toward the first object when it is in subthreshold (<i>i.e.</i>, relatively dirty area). A POSA would have been motivated to do so because moving the robot toward dirtier areas improves cleaning efficiency and task completion time. Likewise, it would have been a routine and predictable application to configure Fu's central processor to generate control signals directing the robot away from the first object when it is present in above-threshold (<i>i.e.</i>, relatively clean) photographed regions. Implementing such control behaviors in Fu would have required no more than routine software configuration within a POSA's skill. Such implementation would reflect only routine, predictable applications of well-known control techniques, requiring no new hardware and instead leveraging Fu's disclosed central processor. A POSA would have thus had a reasonable expectation of success in implementing Fu with the claimed "at least one control signal to cause movement of the body within the</p>	<p>Given Fu's use of image-based cleanliness determination to adjust wheel speeds and movement paths, it would have been a routine and predictable application for a POSA to configure Fu's central processor to generate control signals directing the robot toward the first object when it is in a subthreshold (<i>i.e.</i>, relatively dirty) area. <i>Id.</i> A POSA would have been motivated to do so because moving the robot toward dirtier areas improves cleaning efficiency and task completion time. <i>Id.</i> Likewise, it would have been a routine and predictable application to configure Fu's central processor to generate control signals directing the robot away from the first object when it is present in an above-threshold (<i>i.e.</i>, relatively clean) area. <i>Id.</i> As explained by Dr. Reinholtz, implementing such control behaviors in Fu would have required no more than routine software configuration within a POSA's skill. <i>Id.</i> Such implementation would reflect routine, predictable applications of well-known control techniques, requiring no new hardware and instead leveraging Fu's disclosed central processor. <i>Id.</i> A POSA would have thus had a reasonable expectation of success in implementing Fu with the "at least one control signal to cause movement of</p>

<p>swimming pool to, or away from, the object.”</p> <p>440. Accordingly, even if Fu were found not to anticipate, it would have rendered obvious claim 1 for at least these reasons.</p>	<p>the body within the swimming pool to, or away from, the object.” <i>Id.</i></p> <p>Accordingly, Fu would have rendered obvious claim 1. <i>Id.</i></p>
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This issue continues throughout the claim set, including for example, the passage below addressing claim 5:

Ex. 1010, ¶409	Petition at 24
<p>409. Fu discloses dependent claim 5. . . . Additionally, as explained with respect to element 2b above, Fu’s robot comprises “monitoring cameras 2” that “are installed on the two front panels of the robot main housing body.” EX1007, ¶[0024]. Thus, Fu anticipates “[t]he pool system of claim 2, wherein the one or more cameras [monitoring cameras 2] are mounted on the at least one piece of equipment [underwater cleaning robot].”</p>	<p>Fu discloses claim 5. <i>Id.</i>, ¶409. As explained for element 2b, Fu’s monitoring cameras 2 are “installed on the two front panels of the robot main housing body.” Section IV.A.3.c; EX1007, ¶[0024]. Thus, Fu anticipates claim 5: “ the one or more cameras [monitoring cameras 2] are mounted on the at least one piece of equipment [underwater cleaning robot].”</p>

Indeed, parroting such as this is “particularly problematic in cases where, like here, expert testimony is offered not simply to provide a motivation to combine prior-art teachings, but rather to supply a limitation missing from the prior art.” *Xerox*, 2022 WL 3648989, at *6. In the chart above, Dr. Reinholtz does exactly that—attempt to supply a limitation missing from the prior art by merely parroting the Petition.

The Petition and Dr. Reinholtz’s purported expert testimony are replete with other similar examples of Dr. Reinholtz’s parroting the Petition. *See* Ex. 2011.

Dr. Reinholtz’s declaration is thus nothing more than a copy of the Petition itself, with almost the exact same words in the exact same order. And “merely repeating conclusory arguments does not help the Board, the trier of fact in this proceeding, understand the evidence or to determine a fact in issue.” *Man Wah Holdings*, IPR2019-00616, Paper 7 at 15–16. Dr. Reinholtz’s unhelpful declaration should therefore be given no weight. *See, e.g., MarkForged*, IPR2022-01431, Paper 7 at 14 (“[Expert’s] declaration testimony on this point is entitled to little to no weight as it merely parrots the Petition.”); *Xerox*, 2022 WL 3648989, at *6. And without expert testimony, Petitioner cannot satisfy its burden of demonstrating a reasonable likelihood that its purported prior art discloses the elements of the challenged claims or that a person of ordinary skill in the art would be motivated to combine the prior art at issue.

D. Petitioner Failed to Shoulder Its Burden with Respect to Multiple Elements of the Independent Claims.

Petitioner failed to meet its burden to show that there is “a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314. Thus, institution should be denied.

The Petition cites to two primary references: Fu and Schnittman. Grounds 1a–1c all depend on Fu as the primary reference. Petition at i–ii. Fu fails to teach or

suggest multiple elements required by the '207 Patent. Furthermore, Benzler, a secondary reference Petitioner depends on in combination with Fu, fails to cure the deficiencies. Grounds 2a–2b depend on Schnittman as the primary reference, and Schnittman fails to teach or suggest (i) a “self-propelled pool cleaner for cleaning debris from a submerged surface of a swimming pool” or (ii) “a filter configured to retain debris collected from the submerged surface.” Petitioner cites to Benzler and Fu as secondary references, but these also do not cure the deficiency in Schnittman.

Second, these claims recite a claim term that Petitioner contends in the district court is indefinite, and thus, in that forum Petitioner, is unable to provide a sufficient meaning in order to determine whether the claim is met. In particular, Petitioner contends that the following term is indefinite: “to, or away from, the first [object/portion],” “a control action for the at least one piece of equipment,” and “a control response.” Nevertheless, in this forum, Petitioner claims it is fully able to understand these claim terms, but in doing so Petitioner provides no cognizable construction or interpretation of the claim in view of the cited art. Thus, Petitioner cannot argue here that these elements are met by prior art, while simultaneously urging in the district court that it has no idea what key terms within these elements mean.

E. Patent Owner Has Settled Expectations as to the '207 Patent.

Patent Owner has settled expectations based on the terminal disclaimers filed in the '207 Patent because the terminal disclaimer limited the '207 Patent term to the '595 Patent,³ and the '207 claims are similar to the claims in the '595 Patent. The '595 Patent issued more than nine years ago. *See* Ex. 2017, Cover. During that long period since issuance, Zodiac has paid all maintenance fees and developed strong expectations that the patents will remain in force. *See Datadome S.A. v. Arkose Labs Holdings, Inc.*, Nos. IPR2025-00693, IPR2025-00694, 2025 WL 2368856, at *1 (P.T.A.B. Aug. 14, 2025) (denying institution and noting where “the challenged patents have been in force for approximately seventeen years and ten years, creating strong settled expectations for Patent Owner”); *Dabico Airport Sols. v. AXA Power ApS*, IPR2025-00408, Paper 21 at 3 (P.T.A.B. June 18, 2025) (“Although there is no bright-line rule when expectations become settled, in general, the longer the patent has been in force, the more settled expectations should be.”). No proceeding should be instituted.

IV. CONCLUSION

For all the foregoing reasons, the Petitioner fails to carry its burden, and no proceeding should be instituted.

³ The '207 Patent issued with a terminal disclaimer to the '051 Patent, which issued with a terminal disclaimer to the '595 Patent. Therefore the '207 Patent's ultimate terminal disclaimer limits its term to the '595 Patent.

Dated: March 2, 2026

Respectfully submitted,

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CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. § 42.24(d), the undersigned certifies that this Preliminary Response contains 7,702 words according to the word-processing program used to prepare this paper. The foregoing word count complies with the 14,000 word type-volume limit specified by 37 C.F.R. § 42.24(b)(1).

Dated: March 2, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Patent Owner's Mandatory Notice Pursuant to 37 C.F.R. § 42.8 has been served electronically via email upon the following:

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