

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Beatbot Technology (USA) Co. LTD.,
Petitioner

v.

Zodiac Pool Systems LLC
Patent Owner

Case No. IPR2026-00201
Patent No. 11,880,207

PATENT OWNER'S PRELIMINARY RESPONSE

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	BACKGROUND	2
	A. Pool Cleaner Technology.....	2
	B. Person of Ordinary Skill in the Art.	3
	C. The '207 Patent Underwent Thorough Prosecution Addressing Similar Prior Art as the Petition.	3
III.	THE BOARD SHOULD DENY INSTITUTION OF THE PETITION.....	6
	A. The Prosecution History, Including Very Similar Art, Weighs in Favor of Denial Under § 325(d).....	6
	1. Part 1 of <i>Advanced Bionics</i> : During Prosecution of the Challenged Patent and Its Parent the '595 Patent, the Office Considered Substantially the Same Prior Art and Arguments Petitioner Presents.....	7
	2. Part 2 of <i>Advanced Bionics</i> : Petitioner Failed to Demonstrate that the Office Erred in a Manner Material to the Patentability of the Challenged Claims.....	12
	B. The Petition's Single Reference Obviousness Challenges in Grounds 1A, 2A, and 3 Are Legally Insufficient, and Unsupported By Appropriate Expert Testimony.....	13
	C. Petitioner's Inconsistent Claim Construction Positions Before the Board and District Court Amount to Abuse of Process.....	15
	D. Petitioner's Expert Declaration Parrots the Petition and Thus the Testimony Provided Therein Should Be Given No Weight.	19
	E. Petitioner Failed to Shoulder Its Burden with Respect to Multiple Elements of the Independent Claims.....	26
	F. This Petition Should Be Denied as Duplicative if the Board Institutes the Earlier Wybotics IPR of the Challenged Patent.	26
IV.	CONCLUSION.....	27

EXHIBIT LIST

No.	Description
2001	Complaint, <i>Beatbot Tech. (USA) Co. Ltd. v. Zodiac Pool Sys. LLC</i> , No. 3:25-cv-01946 (Dkt. 1) (S.D. Cal. July 31, 2025) (“Petitioner DJ”)
2002	Beatbot’s Answer to Counterclaims, <i>Beatbot Tech. (USA) Co. Ltd. v. Zodiac Pool Sys. LLC</i> , No. 3:25-cv-01946 (Dkt. 15) (S.D. Cal. filed Oct. 14, 2025)
2003	Motion to Dismiss, <i>Beatbot Tech. (USA) Co. Ltd. v. Zodiac Pool Sys. LLC</i> , No. 3:25-cv-01946 (Dkt. 32) (S.D. Cal. filed Mar. 6, 2026)
2004	(Intentionally omitted.)
2005	Invalidity Contentions, <i>Beatbot Tech. (USA) Co. Ltd. v. Zodiac Pool Sys. LLC</i> , No. 3:25-cv-01946 (S.D. Cal. served Feb. 9, 2026)
2006	(Intentionally omitted.)
2007	Complaint, <i>Zodiac Pool Sys. LLC v. Wybotics, Co. Ltd.</i> , No. 2:25-cv-582-JRG-RSP (E.D. Tex. filed May 23, 2025) (the “Texas Litigation”)
2008	First Amended Scheduling Order in the Texas Litigation, <i>Zodiac Pool Sys. LLC v. Wybotics, Co. Ltd.</i> , No. 2:25-cv-582-JRG-RSP (E.D. Tex. filed Dec. 17, 2025)
2009	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 “Wybotics DJ”)
2010	Petition for <i>Inter Partes</i> Review under 37 C.F.R. § 42.100, <i>Wybotics Co. Ltd. v. Zodiac Pool Sys., LLC</i> , IPR2026-00158, Paper 2 (P.T.A.B. Nov. 25, 2025) (“Wybotics Petition”)
2011	Memorandum from Coke Morgan Stewart to All PTAB Judges, <i>Interim Processes for PTAB Workload Management</i> (Mar. 26, 2025) (the “Interim Processes Memo”)

2012	Motion to Stay, <i>Beatbot Tech. (USA) Co. Ltd. v. Zodiac Pool Sys. LLC</i> , No. 3:25-cv-01946 (Dkt. 27) (S.D. Cal. filed Jan. 28, 2026)
2013	Prosecution History of U.S. Patent No. 9,388,595, U.S. Patent Application No. 13/545,918
2014	36Kr English, <i>Beatbot secures funding from Meituan and co to take premium pool cleaning robots global</i> , KrAsia (Sept. 24, 2025)
2015	<i>Beatbot completed 1 billion yuan financing round, with Long-Z Investments as the sole lead investor</i> , CMRA Mobile Robot Alliance (Sept. 22, 2025)
2016	Texas Secretary of State, Beatbot Technology (USA) Co. LTD.
2017	Nathanael Greene, <i>Why the Beatbot AquaSense 2 Series Dominates High-End Pool Cleaning</i> , Beatbot (Mar. 12, 2025)
2018	Declaration of Misty Madrid
2019	<i>Nothing Beats a Beatbot</i> , Beatbot, https://beatbot.com/pages/our-story (last visited Mar. 19, 2026)
2020	FAQs for Interim Processes for PTAB Workload Management (“FAQs”)
2021	Chart Comparing the Petition to the Declaration
2022	Letter from Zodiac to Beatbot (July 17, 2025)
2023	U.S. Patent Application No. 19/343,629
2024	Order Granting Plaintiffs’ Motion to Stay, Denying Plaintiffs’ Motion to Dismiss, <i>Beatbot Tech. (USA) Co. Ltd. v. Zodiac Pool Sys. LLC</i> , No. 3:25-cv-01946 (Dkt. 37) (S.D. Cal. Mar. 30, 2026)
2025	U.S. Patent Publication No. 2010/0299016 A1 (“Benzler”)
2026	U.S. Patent No. 7,362,351 (“Meniere”)

I. INTRODUCTION

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

The Petition relies on prior art that either the Examiner considered, or that is cumulative of prior art the Examiner considered, during prosecution of the application that led to the Challenged Patent. Yet despite relying on prior art cited on the face of the Challenged Patent, the Petition never identifies, much less *explains*, any error by the Office during prosecution of the application or its parent applications. Petitioner does not do so, because there was no error. The claims are valid.

Petitioner also improperly contends at District Court that claims are indefinite, but, without explanation, in this proceeding contends that the same claims are shown in the prior art. Further, Petitioner presents multiple “obviousness” grounds that are legally improper as they rely on a single reference without any explanation of any purported modification. These errors notwithstanding, the “expert” declaration Petitioner submits purporting to be from Dr. Janét is largely just a word-for-word copy of the Petition itself, confirming that no reliable expert testimony supports the Petition’s faulty conclusions. Institution should be denied.

II. BACKGROUND

A. Pool Cleaner Technology.

Maintaining the cleanliness of swimming pools has historically posed significant challenges. Ex. 1001, 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 lacked the ability to provide monitoring to verify cleaning coverage, making it difficult for users to determine whether additional cleaning was necessary. *Id.*

The Challenged 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.*, *e.g.*, 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. Ex. 2013, ¶¶ [0020]–[0021]. In some embodiments, the controller determines cleanliness characteristics of the surfaces. *Id.* Based on this analysis, 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 identifies debris and directs movement of the pool cleaner toward the debris. In further embodiments, the controller identifies objects or areas of the pool and directs movement of the pool cleaner away from those identified objects or areas. *Id.*, ¶¶ [0020]–[0023].

The many advantages and benefits of the claimed pool cleaning system demonstrate that the USPTO’s decision to grant the Challenged 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 electrical engineering, mechanical engineering, physics, or computer engineering, with at least two years of experience with autonomous camera-based robotic cleaning systems. Pet. at 18.

C. The ’207 Patent Underwent Thorough Prosecution Addressing Similar Prior Art as the Petition.

Patent Owner filed its Application for the Challenged Patent on January 10, 2022. Ex. 1002 at 1. 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 those Patents by reference in their entirety. *Id.*

During prosecution of the Challenged Patent, the Examiner considered CN Patent Application 101139007 to Fu (“Fu-007”) (Ex. 1007), U.S. Patent Application No. 2010/0299016 to Benzler (“Benzler”) (Ex. 2025), and U.S. Patent No. 7,362,351 (“Meniere”) (Ex. 2026), among others. *Id.* at 71; *see also* Ex. 1001, Cover. Further, the Examiner had already considered Fu-007, Benzler, and Meniere during the prosecution of the ’595 Patent. Ex. 2013 at 190, 483–84.

During the prosecution of the ’595 Patent, the Examiner rejected claims as anticipated by WO 2012/023676 (“Hong”) and as obvious over Hong in view of secondary references. Ex. 2013 at 117–24. The Examiner made rejections based on 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. 2013 at 114–15.

Patent Owner overcame all of the rejections. Explaining that “the cleaner of Hong is responsive to blockages along it[s] travel path, as opposed to seeking out

and identifying unclean portions of the pool that the cleaner has previously traversed.

[Thus,] 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. 2013 at 206.

Patent Owner also argued that “although the Hong cleaner may repeatedly drive over portions of it[s] 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. 2013 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. 2013 at 212.

The Examiner accepted these arguments and thereafter issued the Notice of Allowance. Ex. 2013 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).

Institution should be denied because the same 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 in this and prior applications.

1. Part 1 of *Advanced Bionics*: During Prosecution of the Challenged Patent and Its Parent the '595 Patent, the Office Considered Substantially the Same Prior Art and Arguments Petitioner Presents.

As explained in further detail above, the Challenged Patent is a continuation of the '595 Patent, prosecution of which began in 2012. During this time the Examiner considered Fu-007 (Ex. 1007), a reference relied upon in the Petition, and additional references that are cumulative of other art cited in the Petition.

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 Challenged 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 . . . 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.”).

Fu-007 (Ex. 1007) is cited on the face of the Challenged Patent and was already considered by the Examiner. Ex. 1001, Cover. Similarly, Benzler is cited on the face of both the Challenged Patent and its parent the '595 Patent. Benzler describes a robotic vehicle with a drive means having a steering device for steering the robotic vehicle. Ex. 2025, ¶ [0037] (“robotic vehicle 2 comprises . . . drive means, in particular a drive motor and a steering device for steering the robotic vehicle 2 or two drive units, which both together create a differential drive”).

Like Benzler, Petitioner’s primary reference in Grounds 2A-2C, German Publication No. DE2007053310A1 (Ex. 1006, “Knoll”), relates to a robotic vehicle with drives mean for driving and steering the robotic vehicle on a working area. Ex. 1006, Claim 1. Both Benzler and Knoll similarly describe robotic vehicles with a control unit to process distance information of the vehicle based on the boundary line/surface and then use that information to drive and steer the vehicle. *Compare* Ex. 2025, ¶ [0026] (“As an improvement of the invention it is advantageously provided that the logic unit calculates the driving instructions depending on distance

information that is determined from the image data of the camera, due to which the control unit activates the drive means, in such a way that the robotic vehicle drives along the work area in several rounds, which means ring tracks, whereby the round contours are oriented at the internal or external border contour.”), *with* Ex. 1006 at [0007] (“The boundary surface is the peripheral wall of a pool, for example, or the walls of a room or a courtyard, or a curb, or the like. The distance-determining device supplies, preferably continuously, distance information about the distance, in particular the smallest distance, of a reference point of the robotic vehicle to the boundary line and/or boundary surface. The control unit processes this distance information and uses it to drive and steer the robotic vehicle in a controlled manner, for example in such a way that the robotic vehicle maintains a constant distance from the boundary line and/or boundary surface during forward travel.”).

Thus, both Benzler and Knoll relate to robotic vehicles that determine distance to a boundary line or surface and based on that distance information, control driving and steering so as to navigate along the boundary. The Petition wholly ignores the similarity between Benzler and Knoll. Similarly, the Petition ignores that it relies upon art cited on the face of the Challenged Patent. Thus, the Petition wholly fails to establish that the prior art cited therein is different than the art cited during prosecution. Further, the Petition never even attempts to establish some error by the Office in its analysis of this art prior to issuing the Challenged Patent.

Petitioner also ignores that its reference U.S. Publication No. 2008/0048870 (“Laitta”) (Ex. 1012) is substantially similar to many references cited on the face of the Challenged Patent. Specifically, Laitta is substantially similar to Meniere. Both Laitta and Meniere describe systems for detecting an object in a zone in a water setting captured by a camera. *See* Ex. 1012, ¶ [0015] (“The system according to a preferred embodiment of the present invention comprises a sensing system adapted to define sensing areas and events that would result in an alarm condition, suitably via video analysis sensing.”); Ex. 2026, 16:16–25 (“Preferably, the said system using one or the other of the foregoing two methods also includes emitting means 716 for emitting a warning signal 711 according to the detection criteria described hereinabove, especially in the presence of a stationary object situated under the Surface of a water/air interface. For example, in the case of application of the system according to the invention to surveillance of a swimming pool, the system activates a horn or a pager to alert the lifeguards when a swimmer has been motionless for too long under the water surface.”). The Examiner considered Meniere during the prosecution of the Challenged Patent. Ex. 2013 at 120–22.

Not only has the Office already considered the same or substantially the same art, the Examiner also already considered similar arguments during the prosecution of the ’595 Patent. Petitioner claims that “a controller positioned on or in the body, in electronic communication with the at least one camera, and 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” is obvious. *See* Pet. at 37–38, 62–65, 84–85. 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. 2013 at 118. Patent Owner overcame this rejection. Ex. 2013 at 204. This is the same argument Petitioner makes. Pet. at 24 (“Specifically, both use a controller to generate . . . control signals to cause movement of the pool cleaning body within the swimming pool.”).

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. 2013 at 212. Petitioner makes the same argument as the Examiner and cites prior art already considered by the Examiner, which were overcome by Patent Owner. Thus, Petitioner’s 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) (noting “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. IMB Corp.*, No. CBM2016-00075, Paper 16 at 10–11 (P.T.A.B. Dec. 15, 2016). Thus, institution should be denied.

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 because there was none.

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 deny institution under § 325(d). *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. The Petition’s Single Reference Obviousness Challenges in Grounds 1A, 2A, and 3 Are Legally Insufficient, and Unsupported By Appropriate Expert Testimony.

Petitioner characterizes certain grounds as obviousness challenges and yet fails to complete a full obviousness analysis. Petitioner specifically fails to identify any claim element that is missing from the references it cites for Grounds 1A, 2A, and 3.

This is legally insufficient. Obviousness challenges require Petitioner to “ascertain[] the difference[] between the claimed invention and the prior art,” which is one of the *Graham* factors. MPEP § 2141. The Federal Circuit has repeatedly held that a “determination of whether a patent claim is invalid as obvious under § 103 requires consideration of all four *Graham* factors.” *Apple Inc. v. Samsung Elecs. Co.*, 839 F.3d 1034, 1048 (Fed. Cir. 2016); *Luv n’ Care, Ltd. v. Laurain*, 98 F.4th 1081, 1100 (Fed. Cir. 2024) (same); *Anderson’s-Black Rock, Inc. v. Pavement Salvage Co.*, 396 U.S. 57, 62, (1969) (“Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. We

admonished that ‘strict observance’ of those requirements is necessary.” (internal citations omitted)).

Here, Petitioner does not identify any differences between the Challenged Patent and the cited prior art. *See* Ground 1A, 2A, and 3. Instead, Petitioner repeatedly asserts that a single reference “discloses or suggests” each claim element, without identifying any gap in the reference that would need to be addressed or explaining how a POSITA would know to bridge such a gap. Although Petitioner asserts that a “POSITA would have understood” that the prior art discloses the claim elements, Petitioner never explains how that understanding fills any missing information, because Petitioner never identifies one. In doing so, Petitioner plainly skips the threshold requirement of ascertaining differences between the claims and the prior art as required by *Graham*.

This deficiency is not cured by Petitioner’s reliance on an expert declaration. An expert cannot supply an obviousness analysis where the Petition itself fails to identify what is missing from the prior art. Without first articulating a gap between the challenged claims and the cited reference, there is nothing for an expert to bridge.

Further, even if there was a gap disclosed, as explained in detail below, Petitioner’s expert merely opines that a POSITA would have “understood” the reference to disclose the claimed elements. Such testimony does not substitute the required identification of differences or a reasoned explanation for modification or

combination. Absent a clearly identified gap and a supported rationale for filling it, the expert declaration amounts to little more than parroting the Petition and does not acknowledge, much less satisfy, Petitioner's burden under § 103.

C. 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 a multitude of factors. Ex. 2011 at 4–5. The Board should deny institution here.

As one example, Petitioner takes inconsistent positions regarding the scope of the Challenged Claims 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 Commun’s, 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 (*see, e.g.*, Pet. at 5). Petitioner seeks to have the terms of the Challenged Claims applied as broadly as possible in attempting to invalidate them before the Board, while simultaneously arguing that the Asserted Claims 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 require construction. Pet. at 5. 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* Pet. at 6–104. Likewise, Petitioner’s expert, Dr. Janét, was advised by Petitioner that no terms of the Challenged Claims require construction other than the “mean-plus-function (MPF) limitation.” Ex. 1003, ¶ 65. In the district court, however, Petitioner contends that “[b]ased on Beatbot’s apparent claim interpretations, Beatbot’s claims are invalid under 35 U.S.C. § 112.” Ex. 2005 at 14.

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. *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”).

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.¹ Nor does the Patent Office tolerate such conflicting positions. Indeed,

¹ The Director should discount Petitioner’s *Sotera* stipulation in view of Petitioner’s indefiniteness positions, none of which the stipulation precludes. As noted, on March 6, 2026, *after* it submitted its purported *Sotera* stipulation, Petitioner filed a motion for judgment on the pleadings challenging the validity of the claims under 35 U.S.C. § 101. Ex. 2003. The Court denied this motion, without prejudice, pending the

as Director Squires has recently explained in a precedential decision, “when a petitioner takes alternative positions before the Board and a district court that petitioner 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).

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 and observing “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*, IPR2025-01055, Paper 11 at 12 (P.T.A.B. Nov. 21, 2025) (denying institution where “[c]ontrary 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”).

outcome of this IPR. Ex. 2024. Thus, regardless of whether this proceeding is instituted, Petitioner may re-raise its invalidity defense in the District Court.

Petitioner fails to shoulder its 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. This favors denial. *See Tesla*, IPR2025-00340, Paper 18 at 3–4. Indeed, Petitioner’s gamesmanship regarding the proper construction of the Challenged Claims is reason alone to deny its Petition. *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.

D. Petitioner’s Expert 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. Janét. *See* Ex. 1003, (the “Janét Declaration”). The Janét Declaration simply parrots the Petition, as opposed to providing any insightful expert opinions and analysis. For all these reasons, the Janét 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 Janét 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 Janét Declaration simply restates the attorney argument set forth in the Petition itself, without any meaningful discussion or elaboration, let alone expertise. *Compare* Ex. 1003, ¶¶ 191–94, *with* Pet. at 42–43; *see also* Ex. 2021.

One example highlighting the similarity is Dr. Janét’s purported testimony addressing element 8[b]. As shown below, Petitioner does not even attempt to conceal that the Petition is nothing more than a copy-paste of the same analysis from the Janét Declaration minus some transitional phrases. The added highlights indicate the non-substantive phrases omitted 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. 1003, ¶¶ 172–178	Petition at 35–36
174. To the extent that this element is found not to be taught or suggested by Cui, in my opinion, it is disclosed or suggested by the Cui-Fu-007 combination.	To the extent that this element is found not to be taught or suggested by Cui, it is disclosed or suggested by the Cui-Fu-007 combination. Janét, ¶¶174-179.
175. As explained in §§VII.A.7 (Claim 7) and VII.A.8.b (8[b]), Cui already discloses that its computer 7 (controller) controls the cleaner (equipment) based on the detected debris level (cleanliness).	As explained in §§IV.A.7 (Claim 7) and IV.A.8.b (8[b]), Cui discloses that its computer 7 (controller) controls the cleaner (equipment) based on the detected debris level (cleanliness).
176. As explained in §VII.B.1 (Fu-007 summary), Fu-007 teaches threshold based cleanliness control by setting “a swimming pool cleanliness image threshold,” determining “a cleanliness level of the bottom of the swimming pool by comparing the image(s) with the threshold,” and adjusting “operating conditions of the four cleaning drive wheels...to complete the cleaning task”	As explained in §IV.B.1, Fu-007 teaches threshold-based cleanliness control by setting “a swimming pool cleanliness image threshold,” determining “a cleanliness level of the bottom of the swimming pool by comparing the image(s) with the threshold,” and adjusting “operating conditions of the four cleaning drive wheels...to complete the cleaning task”

based on the comparison. Fu-007, pp.10, 14-16, Claim 7. 177. As explained in §VII.B.2, a POSITA would have been motivated to incorporate the threshold-setting control logic taught by Fu-007 into Cui's system with a reasonable expectation of success. In the modified Cui system would set "a swimming pool cleanliness image threshold," "determine a cleanliness level" from the images from Cui's camera, and compare this "cleanliness level" to the "threshold" to "plan[] a cleaning movement." Fu-007, pp. 10, 14-16. 178. In addition to the reasons explained in §VII.B.2, a POSITA would have recognized that Fu-007's approach enables the controller to "determine[] a cleanliness level" and "autonomously plan[]" a "path and an action." Fu-007, pp.10, 14-16. A POSITA would have understood this as an enhancement to move beyond Cui's control (slowing down for debris) and implement more energy-saving cleaning plans (e.g., cleaning only the areas "outside" the "threshold"), resulting in a more efficient and reliable autonomous cleaner.	based on the comparison. Fu-007, pp.10, 14-16, Claim 7; Janét, ¶176. As explained in §IV.B.2, a POSITA would be motivated to incorporate Fu-007's cleanliness-threshold control logic into Cui's system, such that the modified system would set "a swimming pool cleanliness image threshold," "determine a cleanliness level" from the images from Cui's camera, and compare this "cleanliness level" to the "threshold" to "plan[] a cleaning movement." Fu-007, pp.10, 14-16; Janét, ¶177. 179. In addition to the reasons explained in §IV.B.2, a POSITA would have recognized that Fu-007's "threshold" comparison allows the controller to "determine[] a cleanliness level" and, as a result, "autonomously plan[]" a "path and an action." Fu-007, pp.10, 14-16; Janét, ¶178. A POSITA would have understood this as an enhancement to move beyond Cui's control (slowing down for debris) and implement more energy-saving cleaning plans (e.g., cleaning only the areas outside the "threshold"), resulting in a more efficient, reliable autonomous cleaner. Janét, ¶178.
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Put another way, the Janét 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 Janét 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. Janét’s purported testimony at paragraphs 215–18 claiming to analyze the preamble of claim 1 by comparison to Knoll, with the analysis of that claim element at pages 54–55 of the Petition:

Ex. 1003, ¶¶ 215–18	Petition at 54–55
215. It is my opinion that Knoll discloses or suggests 1[pre].	Knoll discloses or suggests 1[pre]. Janét, ¶¶215-218.
216. Knoll discloses an “autonomous robotic vehicle 1 designed as a pool cleaning vehicle” with “drive means (12) for driving and steering” and a control unit 11 that controls drive means 12 and is “designed to automatically calculate a trajectory.” Knoll, Abstract; [0027]-[0028]; Claims 2, 4, 14, FIG. 1 (annotated below).	Knoll discloses an “autonomous robotic vehicle 1 designed as a pool cleaning vehicle” with a control unit 11 that controls drive means 12 “for driving and steering.” Knoll, Abstract; [0027]-[0028]; Claims 2, 4, 14, FIG. 1 (annotated below).
[images omitted]	[images omitted]
217. Knoll’s robotic vehicle is a self-propelled pool cleaning system because it is a “pool robot with a suction and/or filter and/or cleaning device” and its “drive means” propels the vehicle under the control of the control unit. Knoll, [0007], [0028].	Knoll’s robotic vehicle is a self-propelled pool cleaning system, because it includes “suction and/or filter and/or cleaning device” and its “drive means” propels the vehicle under the control of the control unit. Knoll, [0007], [0028]; Janét, ¶217.

218. Knoll’s robotic vehicle equipped with a suction/filter/cleaning device, cleans debris from a submerged surface of a swimming pool because it operates on a working area 3 formed by the pool bottom and “delimited by four pool walls...forming a circumferential boundary surface 4.” Knoll, [0021], [0027]–[0028], FIG. 1 (below). A POSITA would have understood that the pool bottom and walls are submerged when the pool is in normal service, and pool-cleaning robots are intended to operate in filled pools, so the device cleans debris from submerged pool surfaces.	Knoll’s robotic vehicle cleans debris from a submerged surface of a swimming pool, because it includes a suction/filter/cleaning device and operates on a working area 3 formed by the pool bottom. Knoll, [0021], [0027]–[0028], FIG. 1 (below); Janét, ¶218. A POSITA would have understood that Knoll’s robotic vehicle is intended to operate in filled pools and thus cleans debris from submerged pool surfaces. Janét, ¶218.
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Above, the two statements are almost entirely the same. 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 charts above, Dr. Janét does exactly that—attempt to supply a limitation missing from the prior art by merely parroting the Petition.

The Petition and Dr. Janét’s purported expert testimony are replete with other similar examples of Dr. Janét’s parroting the Petition. *See* Ex. 2021.

Dr. Janét’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 Ltd.*,

IPR2019-00616, Paper 7 at 15–16. Dr. Janét’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.

Petitioner’s heavy reliance on expert testimony—including to “gap fill” holes with the supposed understanding, motivations, and expectations of a POSITA—is further indication that its invalidity challenges are more suitable for district court litigation than for the expedited review provided by an IPR. *See* Pet. at 12, 13, 14, 16, 19, 23, 24, 25, 26, 27, 28, 30, 36, 44, 51, 52, 55, 56, 59, 61, 63, 64,. 65, 67, 69, 70, 71, 72, 73, 74, 82, 89, 90, 95, 98, 99, 101, and 103 (“A POSITA would have understood”). “[T]he Petition’s extensive reliance on conclusory expert testimony to gap-fill holes in the prior art demonstrates discretionary denial is appropriate.” *Google LLC v. Cerence Operating Co.*, No. IPR2024-01465, 2025 WL 1182608, at *6 (P.T.A.B. Apr. 23, 2025).

In addition, the repetitive testimony presented by Petitioner’s expert, which lacks further analysis or reasoning beyond that set forth in the Petition, is insufficient

to fill the gaps. Thus, Petitioner's overreliance on expert testimony weighs in favor of denial.

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

Notwithstanding the similarity of the art and arguments presented in the Petition and during prosecution of the Challenged Patent, Petitioner also 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. Petitioner does not shoulder its burden, including in view of its reliance upon an expert declaration that, other than boilerplate, parrots the Petition. *See* III.D *supra*. Institution should be denied.

F. This Petition Should Be Denied as Duplicative if the Board Institutes the Earlier Wybotics IPR of the Challenged Patent.

If the Board institutes the Wybotics IPR regarding the same Challenged Patent, then this Petition should be denied as it would be a parallel petition regarding the same patent at the same time.

The Patent Trial and Appeal Board states that "[t]wo or more petitions filed against the same patent at or about the same time (e.g., before the first preliminary response by the patent owner) may place a substantial and unnecessary burden on the Board and the patent owner and could raise fairness, timing, and efficiency concerns." Patent Trial & Appeal Bd., Consolidated Practice Guide (Nov. 2019). In

the case of parallel petitions, the Board considers the “substantial and unnecessary burden on the Board and the patent owner” as well as “fairness, timing, and efficiency concerns.” *Id.* In this case, the presence of parallel petitions places an unnecessary burden on the Board and the Patent Owner and strongly implicates fairness and efficiency concerns.

And while the Board acknowledges limited circumstances where parallel petitions may be necessary “including, for example, when the patent owner has asserted a large number of claims in litigation,” none of these circumstances are present in this case. *Id.* Indeed, the Petition here and in the Wybotics IPR both found more than sufficient space to challenge every claim in view of multiple grounds.

Accordingly, the “volume of claims” clearly does not require the parallel petitions. Nor does the fact that different references are asserted in this proceeding and the Wybotics IPR provide justification for a parallel petition here. *Shenzhen Root Tech. Co., Ltd. v. Chiaro Tech. Ltd.*, IPR2024-00953, Paper 18 (P.T.A.B. Dec. 16, 2024). Institution should be denied for this additional reason.

IV. CONCLUSION

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

Dated: April 28, 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 6,566 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: April 28, 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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