

From: [Director Discretionary Decision](#)
To: [Director DI](#); [Director Discretionary Decision](#); Canavera-ptab@perkinscoie.com
Cc: Canavera-ptab@perkinscoie.com; yuan-ptab@perkinscoie.com; [Perkins-Service-Xingmai-Zodiac-IPRs@perkinscoie.com](#); mmorlock@ktslaw.com; cleah@ktslaw.com
Subject: RE: IPR2026-00200, IPR2026-00201, IPR2026-00202 — Petitioner's Request for Authorization to File a 10-Page Reply Addressing Discretionary-Denial Arguments in Patent Owner's Preliminary Responses
Date: Tuesday, May 19, 2026 3:18:38 PM

The request is denied as moot.

From: Trials <Trials@USPTO.GOV>
Sent: Tuesday, May 5, 2026 8:23 AM
To: Director_DI <Director_DI@uspto.gov>
Cc: Trials <Trials@USPTO.GOV>
Subject: FW: IPR2026-00200, IPR2026-00201, IPR2026-00202 — Petitioner's Request for Authorization to File a 10-Page Reply Addressing Discretionary-Denial Arguments in Patent Owner's Preliminary Responses

Please see the below request

Thanks
Andrew

From: Canavera, Kyle Ryan (Perkins Coie)
Sent: Monday, May 4, 2026 8:05 PM
To: Trials
Cc: Canavera-ptab@perkinscoie.com; yuan-ptab@perkinscoie.com; [Perkins-Service-Xingmai-Zodiac-IPRs@perkinscoie.com](#); mmorlock@ktslaw.com; cleah@ktslaw.com
Subject: IPR2026-00200, IPR2026-00201, IPR2026-00202 — Petitioner's Request for Authorization to File a 10-Page Reply Addressing Discretionary-Denial Arguments in Patent Owner's Preliminary Responses

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Dear Hon. Members of the Board:

Petitioner Beatbot Technology (USA) Co. Ltd. respectfully requests authorization to file a 10-page reply in each of the above-captioned proceedings, limited to addressing discretionary-denial arguments in Patent Owner Zodiac Pool Systems LLC's Patent Owner Preliminary Responses ("POPRs"), filed April 28, 2026. Patent Owner opposes the requested authorization for the reasons below, but to the extent Petitioner receives additional briefing, Patent Owner requests and additional brief of similar length.

Consistent with the Board's admonition that the parties not raise legal arguments in emails to the Board, Petitioner states briefly the issue below. Petitioner can provide a more detailed explanation if requested by the Board.

Issue: Patent Owner's POPRs consist primarily of discretionary denial arguments, including expanded and new arguments over those raised in Patent Owner's earlier-filed requests for discretionary denial. Petitioner has not had an opportunity to respond to the discretionary-denial arguments raised in the POPRs and so seeks a 10-page reply in each proceeding to do so.

Petitioner's Statement: As noted below, Petitioner opposes Patent Owner's request for a sur-reply. The POPRs should not have contained any discretionary denial arguments: "The petitioner and the patent owner should not present discretionary considerations in the petition or the Patent Owner Preliminary Response (POPR), respectively." [Interim Director Discretionary Process](#). Between the requests for discretionary denial and POPRs, Patent Owner has now submitted over 40 pages of discretionary denial briefing, and further briefing by Patent Owner should not be necessary.

Patent Owner's Statement: The premise of Petitioner's Request is wrong. The current PTAB FAQs, expressly state that the POPR "is an opportunity for a patent owner ... to argue that the Board should not institute an AIA trial **based on discretionary factors.**" [PTAB AIA Trials FAQ](#) (*Institution Phase* "Q. Is a patent owner required to file a preliminary response to a petition? A...The patent owner preliminary response is an opportunity for a patent owner ... to argue that the Board should not institute an AIA trial based on discretionary factors...."). This aside, Patent Owner does not agree that issues such as such as 325(d), the scope of the claims, and the weight to be accorded Petitioner's expert testimony are somehow outside the scope of a POPR. Nevertheless, Patent Owner made clear to Petitioner that it would consider agreeing to this request if Petitioner agreed to Patent Owner receiving a Sur-Reply of similar length. Petitioner refused stating Petitioner "would strongly oppose such a request." To the extent the Board is inclined to grant Petitioner additional briefing, Patent Owner requests a Sur-Reply of similar length.

Availability: Counsel for the parties are available at the following times should the Board desire to hold a teleconference:

- Friday, May 8: 9:00 am – 4:00 pm (Eastern)

Respectfully,

Kyle R. Canavera
Wei Yuan
Bing Ai
Babak Tehranchi
Xiaobing Zhang

Counsel for Petitioner Beatbot

Kyle Canavera

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