

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS  
AMERICA, INC.,

Petitioners

v.

WHIRLPOOL CORPORATION

Patent Owner

---

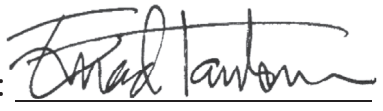
Case IPR2026-00337  
Patent 10,512,385

---

**DECLARATION OF DR. EMAD TANBOUR**

***Mail Stop "PATENT BOARD"***

Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Signed: 

Dr. Emad Tanbour

July 16, 2026

## TABLE OF CONTENTS

|                                                                                                      |    |
|------------------------------------------------------------------------------------------------------|----|
| I. Introduction.....                                                                                 | 1  |
| II. Professional Background.....                                                                     | 2  |
| III. Materials Considered.....                                                                       | 5  |
| IV. Legal Principles .....                                                                           | 5  |
| A. Claim Construction .....                                                                          | 5  |
| B. Anticipation.....                                                                                 | 6  |
| C. Obviousness .....                                                                                 | 6  |
| D. Person of Ordinary Skill in the Art.....                                                          | 9  |
| V. The Level of Ordinary Skill in the Art .....                                                      | 10 |
| VI. Analysis .....                                                                                   | 10 |
| A. Technology Background.....                                                                        | 10 |
| B. Overview of the '385 Patent .....                                                                 | 11 |
| C. The References Addressed by Dr. Cameron.....                                                      | 15 |
| D. Overview of the Asserted References.....                                                          | 15 |
| 1. German Patent No. DE6810173U (“Bosch”).....                                                       | 15 |
| 2. Ochoa (U.S. Patent No. 6,869,029) .....                                                           | 18 |
| E. Bosch in View of Ochoa does not render obvious Claims 13 and 17 .....                             | 20 |
| 1. No Motivation to Combine Bosch and Ochoa.....                                                     | 20 |
| 2. Claims 13 and 17: upwardly angled or opposing inclined<br>portion formed in the bottom wall ..... | 21 |
| 3. Claims 13 and 17: curved mounting portions adjacent to the<br>spray tube .....                    | 25 |

**I. Introduction**

1. My name is Emad Tanbour. I am over eighteen years of age, of sound mind, and qualified to make the statements set forth in this Declaration. With the exception of the legal principles counsel has supplied to me, all the facts and statements contained herein are within my personal knowledge and are in all respects true and correct.

2. I have been asked by Whirlpool Corporation (“Whirlpool” or “Patent Owner”) to submit this declaration in response to a Petition in IPR2026-00337 from Samsung Electronics Co. Ltd., and Samsung Electronics, America, Inc., (“Samsung” or “Petitioner”) regarding U.S. Patent No. 10,512,385 (“the ’385 Patent”).

3. I am being compensated for my time at my current standard rate of \$595 per hour for the services that I provide in connection with this case. That compensation is not contingent upon my performance, the outcome of the case, or any issues involved in or related to this case.

4. I declare under penalty of perjury that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. I further understand that willful false statements and the like are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code.

5. I previously submitted several declarations in connection with the district court litigation between Whirlpool and Samsung. I have expanded on my opinions offered in those declarations here, as necessary.

## **II. Professional Background**

6. I am a Professor of Mechanical Engineering at Gameabove College of Engineering and Technology at Eastern Michigan University in Ypsilanti, Michigan, where I have taught since 2016.

7. I graduated third in my cohort from Jordan University of Science and Technology in 1987 with a B.S. in Mechanical Engineering. I then graduated in 1990 with a Master of Science in Mechanical Engineering also from Jordan University of Science and Technology. I then received a full scholarship to pursue graduate studies toward my Ph.D. in Mechanical Engineering from the University of Iowa in the United States. During my time at Iowa, I worked on thermal design of all control circuits for NASA Cassini spacecraft ultimately launched to Saturn. I graduated from University of Iowa in 1997–1998 with my doctorate degree in Mechanical Engineering.

8. Upon graduation from my undergraduate institution, I worked for several years in engineering and technical teaching in the areas of Mechanical Engineering. Upon retaining my master's degree, I worked in other engineering capacities until I joined Gail Industries, a manufacturer of high-pressure plunger

pumps and hydraulics systems until graduation from my Ph.D. program. Upon completing my doctorate degree in Mechanical Engineering, I joined the corporate tech center of HNI, the office furniture and fireplace manufacturer for eight years where I managed R&D of hearth appliances and office furniture components and systems. I then joined A. O. Smith, the largest water heater manufacturer in North America as the Product Development Engineering Manager. I stayed in that position for over 4 years. I then transitioned to academia and served in many capacities in teaching and leadership, and I am currently a full professor and chair of Mechanical Engineering at Eastern Michigan University. While serving in academia for the past 16+ years, I served as a technical expert on several patent-related cases related to various appliances such as water heaters, heat exchangers, condensers, air conditioners, microwaves, refrigerators, and ice makers. I also worked on designs of various appliances such as combined heat pumps and water heaters.

9. I now have more than 38 years of combined experience in Mechanical Engineering in both academia and industry. My industry experience spans over 18 years working for corporate America with focus on the areas of product development—specifically with respect to energy efficient appliances—as well as with thermal systems design and engineering management.

10. I am also an innovator with over 21 U.S. pending and issued patents, many if not all of which resulted in products sold in North America. Most of my

innovations are in the field of sustainable design of domestic and commercial appliances.

11. I am the recipient of the Arch T. Colwell Award from the Society of Automotive Engineers and served for five years as an ABET industry consultant.

12. I am a product design and development expert with decades of proven field experience in designing appliances and appliance systems and components. I also lead the capstone design courses in my Mechanical Engineering program at Eastern Michigan University where I teach principles of product development engineering and product realization. I am a named inventor in over 21 U.S. patents and prior art publications related to appliance design and improvements.

13. I am an expert engineering designer of various appliance components and assemblies, and I have designed appliance components made of wire structures such as the dish racks relevant in the current case. I have extensive experience in designing appliance components to provide functions similar to the dish rack of a dishwasher. I also have significant experience in designing moving parts common in most appliances that are more complex than the dish rack.

14. I have included a copy of my curriculum vitae and litigation work experience with this Declaration, which details my professional qualifications and lists my publications, awards, research grants, and other professional activities.

### **III. Materials Considered**

15. Among the materials I have reviewed in forming my opinions are the '385 Patent, its prosecution history, as well as the patents, references, and other materials cited in this expert declaration.

16. I have also reviewed the declaration of Dr. Kimberly K. Cameron (Exhibit 1002) and the art referenced in that declaration.

### **IV. Legal Principles**

17. I am not a lawyer. In forming my opinions as set forth in this Declaration, I have relied upon legal principles supplied to me by attorneys for Atlas. In forming my opinions, I have not relied upon Patent Owner's attorneys for any purpose other than the following legal principles.

#### **A. Claim Construction**

18. I understand that determining whether a patent claim is valid requires a two-step analysis. First, the claim must be construed. Second, the properly construed claim must be compared to the prior art.

19. With respect to the first step, I understand that claims are construed from the perspective of a person of ordinary skill in the art ("POSITA") at the time of the purported invention. I understand that, absent a disclaimer or express definition, claim terms are given their plain and ordinary meaning to a POSITA in view of the specification and file history and the knowledge of a POSITA. Unless

otherwise noted, I have applied what I consider to be the plain and ordinary meaning of all terms as understood by a POSITA at the time of the invention.

**B. Anticipation**

20. I understand that, although not expressly disclosed, subject matter may be inherently disclosed in a prior art reference where that subject matter is necessarily present in the subject matter disclosed and would be understood to be so by those of ordinary skill in the art. I understand that the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.

21. I understand that a claim is invalid if each and every element of the claim is disclosed in a single prior art reference with the elements arranged as specified in the claim, either expressly or inherently. I understand that invalidity based on the disclosure of a single prior art reference in this manner is called anticipation.

**C. Obviousness**

22. I understand that a claim would have been obvious under 35 U.S.C. § 103 if one or more prior art references disclose every claim limitation in such a way so as to render the claim, as a whole, obvious to a person of ordinary skill in the art at the time the purported invention was made.

23. In determining whether or not a patented invention would have been obvious, the following factors should be considered: (a) the scope and content of the prior art; (b) the differences between the prior art and the claims at issue; (c) the level of ordinary skill in the art; and (d) whatever “secondary considerations” may be present.

24. I understand that certain “secondary considerations” may be relevant in determining whether or not an invention would have been obvious, and that these secondary considerations may include commercial success of a product using the invention, if that commercial success is due to the invention; long-felt but unsolved need for the invention; evidence of copying of the claimed invention by others; industry acceptance; initial skepticism of the invention; failure of others to solve the problem; praise of the invention by others; the taking of licenses under the patents by others; and simultaneous invention by others (which may be an indication that the claimed invention was the result of ordinary skill in the art).

25. I understand that a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. While multiple prior art references or elements may, in some circumstances, be combined to render a patent claim obvious, I understand that I should consider whether there is an apparent reason to combine the prior art references or elements in the way the patent claims. To determine whether such an

apparent reason exists to combine the prior art references or elements in the way a patent claims, it will often be necessary to look to the interrelated teaching of multiple patents, to the effects of demands known to the design community or present in the marketplace, and to the background knowledge possessed by a person having ordinary skill in the art.

26. I also understand that when the prior art teaches away from combining prior art references or certain known elements, discovery of a successful means of combining them is more likely to be non-obvious. A prior art reference may be said to teach away from a patent when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the patent or would be led in a direction divergent from the path that was taken by the patent.

27. I also understand that it is not permissible to use hindsight in assessing whether a claimed invention is obvious. Rather, I understand that, to assess obviousness, you must place yourself in the shoes of a person having ordinary skill in the relevant field of technology at the time the inventions were made who is trying to address the issues or solve the problems faced by the inventor and ignore the knowledge you currently now have of the inventions.

28. I also understand that there are numerous ways in which to articulate the legal standard for obviousness, including: (1) combining prior art elements according to known methods to yield predictable results, (2) simple substitution of

one known element for another to obtain predictable results, (3) use of a known technique to improve similar devices (methods, or products) in the same way, (4) applying a known technique to a known device, method, or product ready for improvement to yield predictable results, (5) choosing from a finite number of identified, predictable solutions with a reasonable expectation of success, (6) known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art, and (7) some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

**D. Person of Ordinary Skill in the Art**

29. I understand that the meaning of claim terms and a patent's validity are to be determined from the vantage point of one of ordinary skill in the art at the time of the invention (a "POSITA"). In determining who would be one of such ordinary skill, I understand it is appropriate to consider criteria such as: (a) the type of problems encountered in the art; (b) prior art solutions to those problems; (c) the rapidity with which innovations are made; (d) the sophistication of the technology; and (e) the education level of active workers in the field.

## **V. The Level of Ordinary Skill in the Art**

30. For the purposes of this declaration supporting the Patent Owner's Preliminary Response, I have been asked to apply the same POSITA definition as Dr. Cameron and assume that a POSITA "would have had at least a bachelor's degree in mechanical engineering or a related field, and two years of experience in the design or development of consumer appliances, including dishwashers or comparable fluid-delivery systems, with additional education substituting for experience and vice versa." EX1002 ¶ 20. I understand that if trial is instituted, I will have the opportunity to propose my own definition of a POSITA.

## **VI. Analysis**

31. I have been asked to opine on a limited number of issues for the purpose of supporting the Patent Owner's Preliminary Response. I understand that if trial is instituted, then I will have the opportunity to submit additional analysis on these and other issues.

### **A. Technology Background**

32. The technology at issue in this case relates to the market category of household dishwashers. My understanding is that well-known brands, such as Whirlpool, KitchenAid, Maytag, JennAir, Samsung, LG, Bosch, GE, and Frigidaire, exist within this category that is divided into price segments. This matter concerns dishwashers sold at the premium price point.

33. I understand that a dishwasher is a common household appliance used for cleaning soiled dishware. I understand that a dishwasher tub is defined by its plain meaning and is the interior cavity that holds the dirty dishes and contains the water, sprayers, filters, and other components needed for the washing cycle.

34. I have reviewed and examined the patent at issue.

**B. Overview of the '385 Patent**

35. I understand that U.S. Patent No. 10,512,385 (“the '385 Patent”) was filed on March 30, 2018, and issued on December 24, 2019. EX1001, Cover.

36. The named inventors of the '385 Patent are Barry E. Tuller, Steven B. Balinski, David Jason Brightbill, Frederick Thomas Roderick, Joseph T. Ferencevich, Ryan Kevin Roth, and William J. Snell.

37. The '385 Patent claims priority to U.S. Provisional Pat. App. No. 61/946,101, which was filed on February 28, 2014.

38. Claim 13 of the '385 Patent recites:

13[pre]. A dishwasher, comprising:

[a] a tub defining a treating chamber receiving dishes for treatment;

[b] a spray system providing treating liquid to the treating chamber; and

[c(i)] a dish rack located in the tub and selectively moveable between a

loading position, where at least a portion of the dish rack extends

exteriorly of the tub, and a treating position where the dish rack

is located entirely within the treating chamber and [c(ii)] having a bottom wall, a side wall extending upwardly from the bottom wall and terminating in an upper edge, the bottom wall including a flat central portion, curved mounting portions at opposing ends of the flat central portion and opposing inclined portions, [c(iii)] each of the opposing inclined portions extending from one of the curved mounting portions to respective portions of the side wall, the opposing inclined portions configured to support a side wall of a glass; and

[d(i)] a spray tube having nozzles configured to emit spray along each of the opposing inclined portions into an interior of the glass, [d(ii)] the spray tube located directly adjacent to one of the curved mounting portions of the bottom wall and carried with the dish rack between the loading position and the treating position.

39. Claim 17 of the '385 Patent recites:

17[pre]. A dishwasher, comprising:

[a] a tub defining a treating chamber receiving dishes for treatment;  
[b] a spray system providing treating liquid to the treating chamber; and  
[c(i)] a dish rack located in the tub and selectively moveable into and out of the tub, [c(ii)] the dish rack having a bottom wall, a side

wall extending upwardly from the bottom wall and terminating in an upper edge, [c(iii)] with an upwardly angled portion formed in the bottom wall comprising a plurality of spaced apart inclined portions forming the bottom wall and terminating at the side wall, [c(iv)] wherein two adjacent inclined portions of the plurality of spaced apart inclined portions are configured to cradle a glass at an inclined angle and prevent the glass from rolling and a contoured portion formed in the bottom wall configured to prevent glasses from sliding down the inclined angle; and

[d(i)] a spray tube having nozzles emitting spray along the angled portion;

[d(ii)] wherein the contoured portion is further configured to form a curved mounting portion adjacent which the spray tube is mounted such that the spray tube is carried with the dish rack.

40. Figure 1, Figure 8, and Figure 9 illustrate embodiments that cover all claim elements of asserted claims 13 and 17:

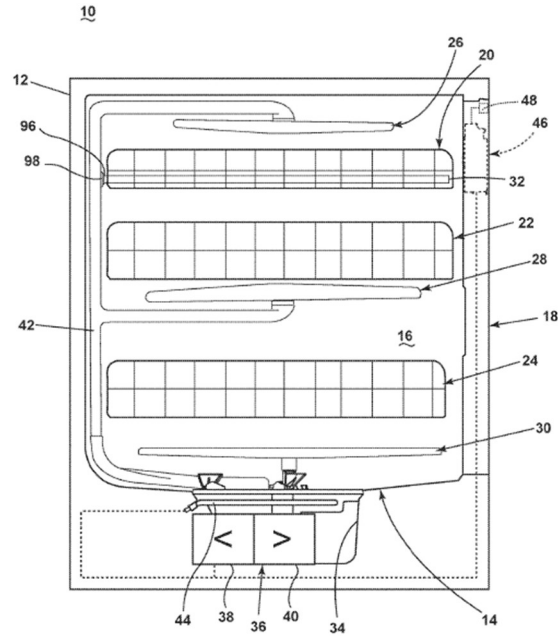


FIG. 1

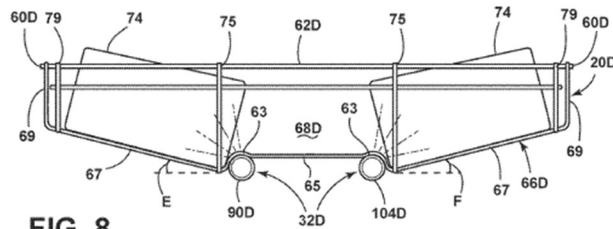


FIG. 8

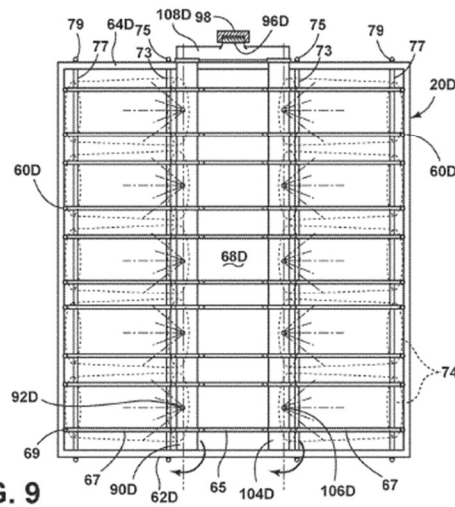


FIG. 9

**C. The References Addressed by Dr. Cameron**

41. In her declaration, Dr. Cameron addressed the following references in making her assertions with respect to the '385 Patent:

- Bosch (German Patent No. DE6810173U)
- Ochoa (U.S. Patent No. 6,869,029), issued March 22, 2005<sup>1</sup>
- Schessl (U.S. Patent No. 10,045,681), issued August 14, 2018<sup>2</sup>

**D. Overview of the Asserted References**

**1. German Patent No. DE6810173U (“Bosch”)**

42. Bosch discloses dishwashers with a dish rack such that “the hollow vessels” are “placed in the dish rack at least approximately horizontally” EX1007 at 0004. Bosch explains that prior to its teaching, “the device for spraying the dishes [wa]s usually located under the dish rack,” which was “disadvantageous” because “the spray jets are trapped in hollow containers and may cause light items such as cups and glasses to be lifted.” *Id.* 0003-0004. Bosch further explained that “[t]hese items can easily be damaged when they subsequently drop back onto the dish rack.”

---

<sup>1</sup> I previously provided my opinions on the publication of the patent application that led to the Ochoa patent. The discussion and figures in both versions of Ochoa appear to be the same, and my opinions as applied to both versions are the same.

<sup>2</sup> I have been asked to focus my analysis on Bosch and Ochoa for the purpose of this declaration and Whirlpool’s preliminary response.

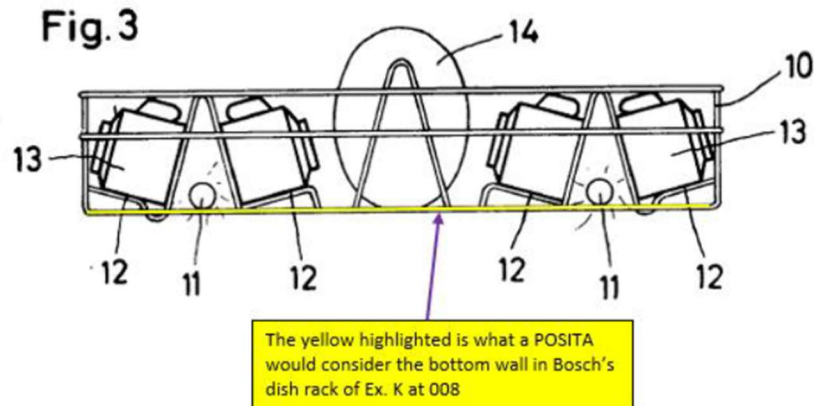
*Id.* at 0004. Bosch teaches designing and arranging the dish rack and spraying device of the dishwasher to avoid this lifting and damage of the “lightweight hollow vessels” such that “the spray jets hit the inside of the hollow vessels placed in the dish rack at least approximately horizontally.” *Id.* at 0004.

43. None of Bosch’s five claims includes a claim element that references inclined or angled portions, which is a key innovation disclosed repeatedly in Claims 13 and 17 of the ’385 Patent. In fact, Bosch’s first three claims teach that the “spray jets” “hit the inside of the hollow vessels placed on the dish rack at least approximately horizontally.” EX1007 at 0008. The remaining two claims are focused on the spray tube. *Id.* at 0009.

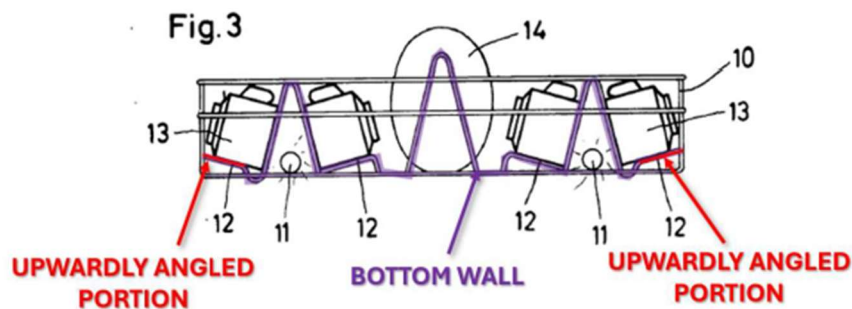
44. The bottom walls of the dish racks disclosed in the ’385 Patent and Bosch are also fundamentally different. The ’385 Patent discloses that “the angled portions” are “formed in the bottom wall,” EX1001, 1:46-47, and are thus an integral part of the bottom wall. Put differently, the angled portions are not added or welded to the bottom wall. Rather, the bottom wall disclosed in the ’385 Patent is itself predominantly made of integrally formed angled or inclined portions.

45. By contrast, the bottom wall of Bosch’s dish rack is flat with no angled or inclined portions. A POSITA would understand that the portions to form the dish holders 12 in FIG. 3 of Bosch are added-on or welded L shapes and are not formed as part of the bottom wall:

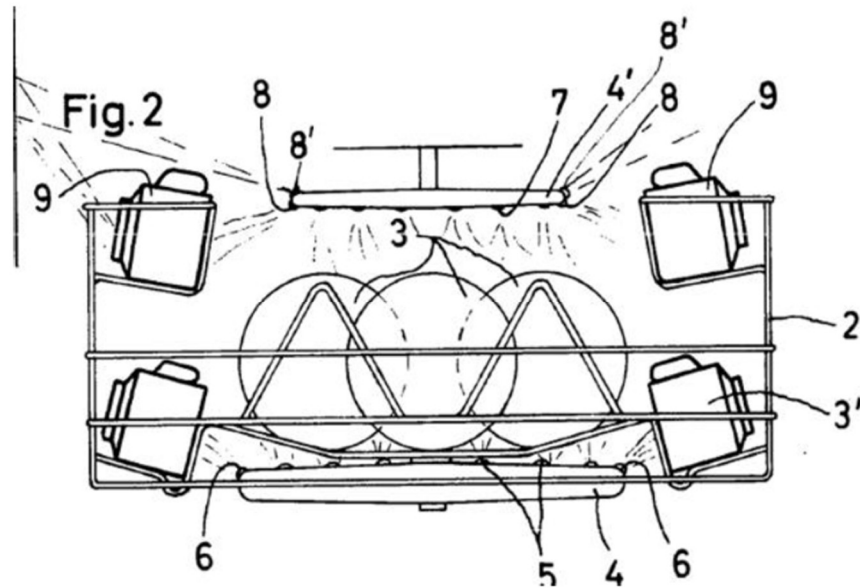
Bosch's Bottom Wall (Yellow)



Dr. Cameron's Bottom Wall (Purple):



46. Indeed, a POSITA examining FIG. 2 in Bosch will realize that the cup 9 is also mounted on the side of rack 2 (as shown below in FIG. 2) as a welded or add-on piece. The patent refers to that piece as “dish holder” 12 in rack 10 in FIG. 3 (also shown above), and none of the claims lists “dish holder” 12 in the elements.



## 2. Ochoa (U.S. Patent No. 6,869,029)

47. Ochoa focuses on a water spray system for a dishwasher. *See* EX1011, 1:5–7 (disclosing, “in particular, [ ]a dishwasher water spray system for more thoroughly washing and rinsing items in the lateral sides and corners of the dishwasher”). Ochoa does not reference any inclined or angled portions of a dish rack at all.

48. The Examiner was aware of the application that became Ochoa during the prosecution of the '385 Patent. EX1002 ¶¶ 50–51, p. 24 n.3. Dr. Cameron contends she is using Ochoa in a different manner than the examiner. *Id.*

49. Dr. Cameron erroneously states that Ochoa teaches a curved mounting portion adjacent to which the spray tube is mounted. *E.g., id.* ¶70, 76–77. Ochoa, however, has no disclosure on any curved mounting portion. To the extent that Dr.

Cameron bases her opinion solely on what appears to be protrusions projecting upwards in FIG. 4, those protrusions are not disclosed as such in Ochoa's claims. In fact, a POSITA would understand that the purpose of the protrusions is merely to create room for the spray tubes, not to cradle any cups. Both FIG. 3 (which is a plan view at line 3–3 of FIG. 2) and FIG. 4 (which is a front elevation view of the upper dish rack shown in FIG. 3) appear to confirm my understanding that the protrusions simply make space for the spray tubes. I note, however, that a POSITA would not even look to FIG. 3 and FIG. 4 in the first place because they are incomplete. FIG. 3, for instance, has unexplained missing lines.

50. Dr. Cameron also emphasizes that Ochoa “teaches a dish rack comprising of a ‘wire basket constructed in a conventional manner with a plurality of crisscrossing and encircling wire segments connected to each other to provide space for supporting cups, glasses, small dishware, long utensils and the like in the usual manner.’” *Id.* ¶ 64 (quoting Ochoa 3:4–9). This quote ending in the term “in the usual manner” emphasizes that the core teaching of Ochoa is not the dish rack but rather the water spray system. As to the dish rack, Ochoa merely notes that it is “conventional” and allows dishware and utensil to be loaded “in the usual manner.” It notes that the dish rack has “crisscrossing and encircling wire segments” without disclosing any manner in which the wire segments should “crisscross[] and encircl[e]” in order to create “inclined portions” that “cradle a glass at an inclined

angle and prevent the glass from rolling and a contoured portion formed in the bottom wall configured to prevent glasses from sliding down the inclined angle.” EX1001, 12:48–52. Ochoa discloses no invention to prevent rolling and sliding of glasses, and it discloses no inclined or angled portions of the dish rack on which to mount glasses.

**E. Bosch in View of Ochoa does not render obvious Claims 13 and 17**

51. Dr. Cameron opines that Bosch in view of Ochoa renders obvious Claims 13 and 17 of the ’385 Patent. I disagree because Bosch in view of Ochoa does not disclose the limitations of those claims alone or in combination.

**1. No Motivation to Combine Bosch and Ochoa**

52. I disagree with Dr. Cameron that a POSITA would have had motivation to combine the teachings of Bosch and Ochoa. Dr. Cameron writes that both of these references are generally directed to a dish rack of a dishwasher. However, Ochoa is directed specifically to a water spray system for a dishwasher. Further, the core teaching disclosed in Bosch does not solve the problems addressed by the ’385 Patent (including but not limited to the problem of the rolling and sliding of glasses on a dish rack, the problem of most space in household dishwasher tubs being taken up by two racks or, at most, two racks and a third shallow rack for only silverware and other low-profile utensils, etc.). A POSITA would not have looked to two references, neither of which solve the problems addressed by the ’385 Patent, for the

innovations disclosed in that Patent. Dr. Cameron's use of Bosch and Ochoa is the antithesis of a proper obviousness analysis; using impermissible hindsight, she searches the prior art to retroactively piece together isolated features. Even if a POSITA would have had motivation to combine Bosch and Ochoa (which he would not have), the combination does not address the problem that the '385 Patent addresses for the reasons below.

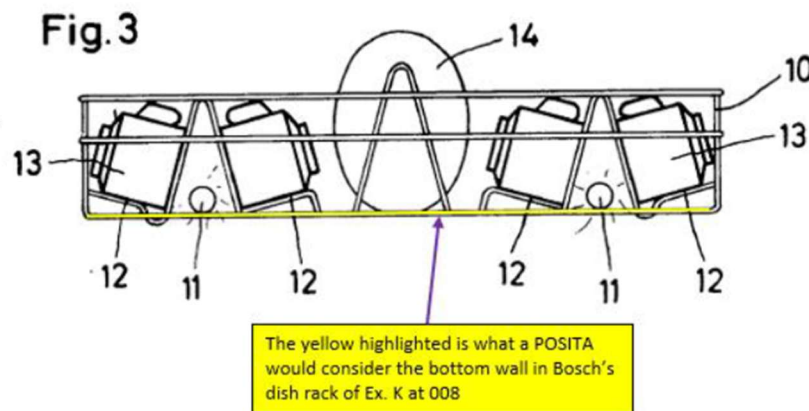
**2. Claims 13 and 17: upwardly angled or opposing inclined portion formed in the bottom wall**

53. Claim 13 includes "opposing inclined portions" and Claim 17 includes "an upwardly angled portion," and Dr. Cameron points to the same part for both. EX1002 ¶¶96, 117. Bosch's dish rack does not include an upwardly angled portion or opposing inclined portions formed in the bottom wall. As discussed above, Bosch focuses on the spray jets of the dishwasher and the fact that the liquid from the jets "hit the inside of the hollow vessels placed on the dish rack at least approximately horizontally." EX1007 at 0008. Further, the "dish holders" in Bosch's dish rack are not "formed in the bottom wall," but rather are added-on or welded L shapes that are distinct from the bottom wall. Thus, even if Bosch has "upwardly angled portions"

or “a plurality of spaced apart inclined portions,” they are not formed in the bottom wall.<sup>3</sup>

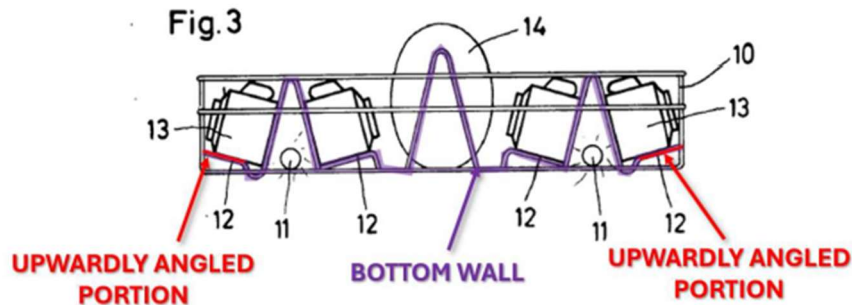
54. As illustrated in the annotated FIG. 3 below, the yellow highlighted—not including the zigzag line annotated in Dr. Cameron’s report—is what a POSITA would consider the bottom wall in the Bosch dish rack. EX1007 at 0008.

### Bosch’s Bottom Wall (Yellow)



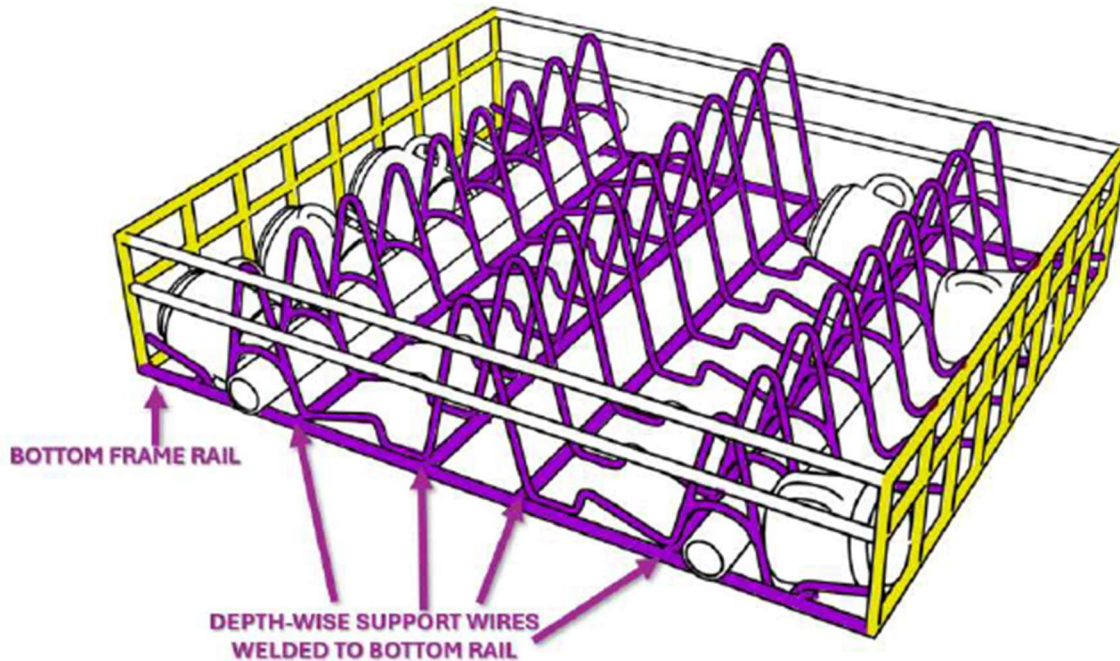
<sup>3</sup> As noted above, a POSITA examining FIG. 2 in Bosch will realize that the dish holder of hollow vessel 9 is also mounted on the side of rack 2 (as shown above in FIG. 2) as a welded or add-on piece. The patent refers to that piece as “dish holder” 12 in rack 10 in FIG. 3 and none of the claims lists “dish holder” 12 in the elements.

**Dr. Cameron's Bottom Wall (Purple)**



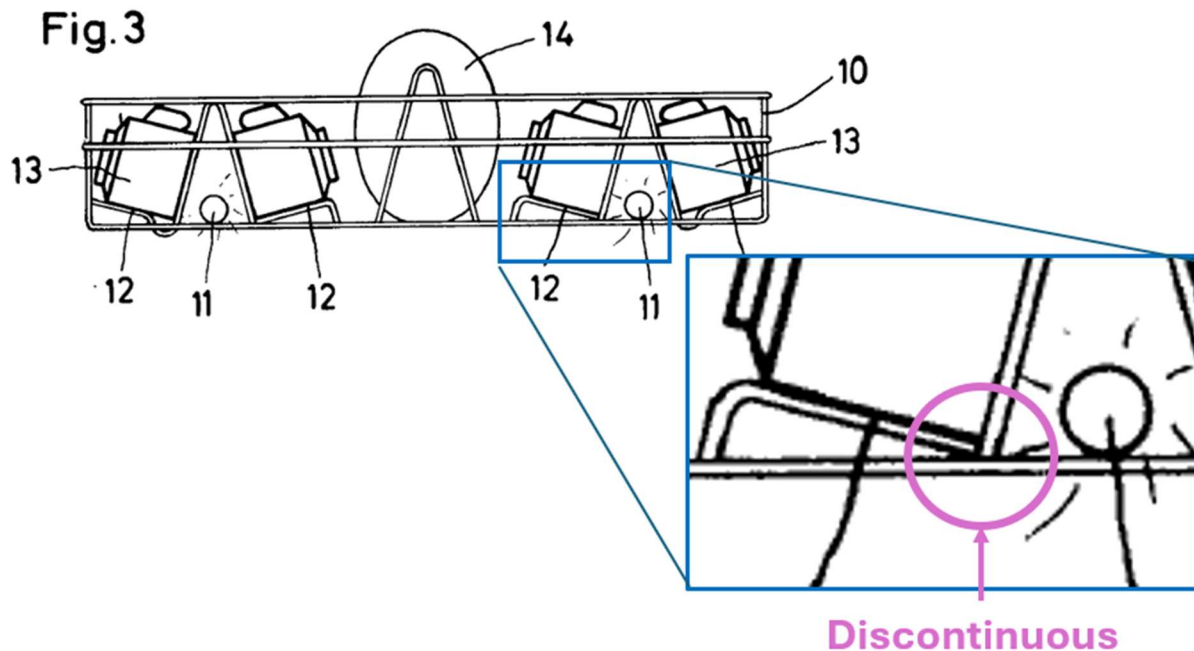
55. Dr. Cameron's bottom wall incorrectly includes every part of the dish rack above the bottom of the rack other than the side wall. It even includes the highest part of the dish rack, the top of the dish holder for plates. A POSITA would not draw the conclusion that everything Dr. Cameron identifies is the bottom wall.

56. Dr. Cameron's proposed bottom wall seems to be based on her theory that a POSITA would not understand Bosch to only include support wires running from the front to back of the dish rack, as she illustrates below:



EX1002 ¶125. A POSITA would not reach this conclusion. Instead, a POSITA would recognize that Bosch's dish holders and dish holders for plates are welded above horizontal running wires supporting that also support the spray tubes from below, in addition to the "depth-wise support wires" in Dr. Cameron's figure and similar to the structure of Ochoa.

57. Dr. Cameron also mistakenly believes that the dish holder and dish holder for plates of Bosch are formed by a single wire. Again, a POSITA would recognize they are not. A POSITA would understand each of the holders in Bosch is a different piece welded above the support wires at the base of the dishrack, and likely staggered front to back. This is illustrated in Bosch's FIG. 3 where it identifies four separate "dish holder 12s" and a "dish holder for plates 14." Bosch also shows that the two dish holders on each side of the dish rack and not a single piece:

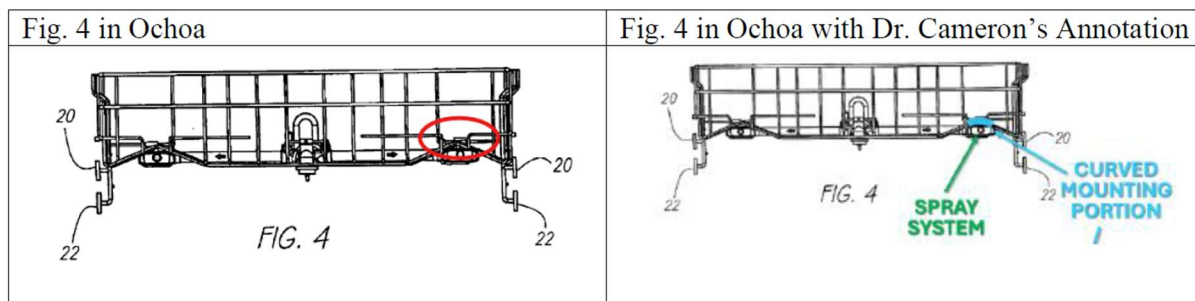


58. Since a POSITA would understand that the “bottom wall” of Bosch is only the bottom layer of support wires, and not the dish holder and dish holder for plates above it, I disagree with Dr. Cameron that Bosch discloses that angled or inclined portions of the bottom wall claimed by claims 13 and 17. Because the bottom wall is only the flat base of Bosch’s dish rack, Bosch’s bottom wall does not include the features of Claims 13 and 17, including the inclined or angled portions.

**3. Claims 13 and 17: curved mounting portions adjacent to the spray tube**

59. Claims 13 and 17 both include a “curved mounting portion.” Bosch in view of Ochoa does not teach these claim elements. I agree that Bosch discloses spray tubes that are arranged “fixedly” within the dish rack, but those tubes are mounted to the flat bottom wall, not to any curvature. Ochoa also does not teach a

“curved mounting portion.” Dr. Cameron relies on FIG. 4 of Ochoa to say that Ochoa discloses this claim element, but that figure shows no curved mounting portion. Rather, it shows a protrusion to create space for the spray tube. Dr. Cameron appears to have drawn in a curved portion to the figure when the figure itself does not show curves. Furthermore, a POSITA looking at FIG. 4 of Ochoa will have a hard time imagining mounting a cup or a glass in the space between the protrusion and the side wall. A POSITA looking at FIG. 4 of Ochoa would understand the protrusion is in the bottom wall to house the spray tube and has no function similar to the curved mounting portion of preventing glasses (absent from Ochoa) from sliding.



60. Even if Ochoa discloses a curved mounting portion, which it does not, the sprayer in Ochoa is not mounted to such a portion. As shown in FIG. 7 of Ochoa, the sprayer is mounted to the front at “support mechanism 33”:

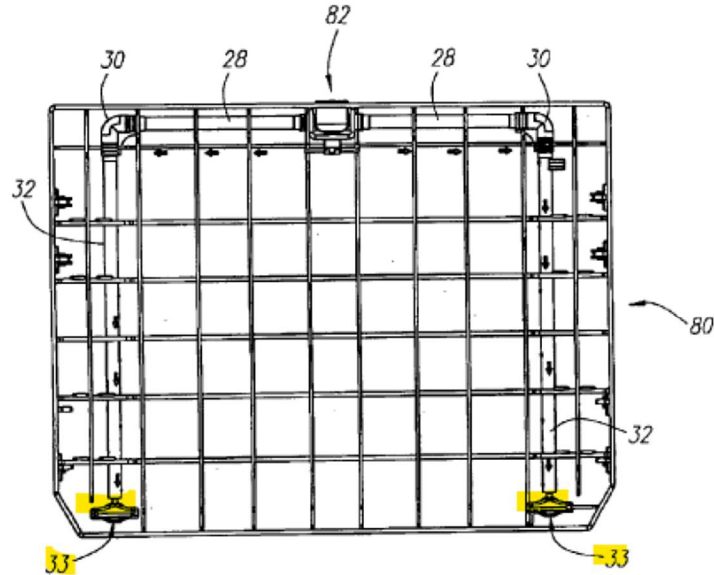


FIG. 7

This mounting placement is also visible in FIG. 19 of Ochoa, which illustrates wire drop-downs for holding sprayers at the front of the rack:

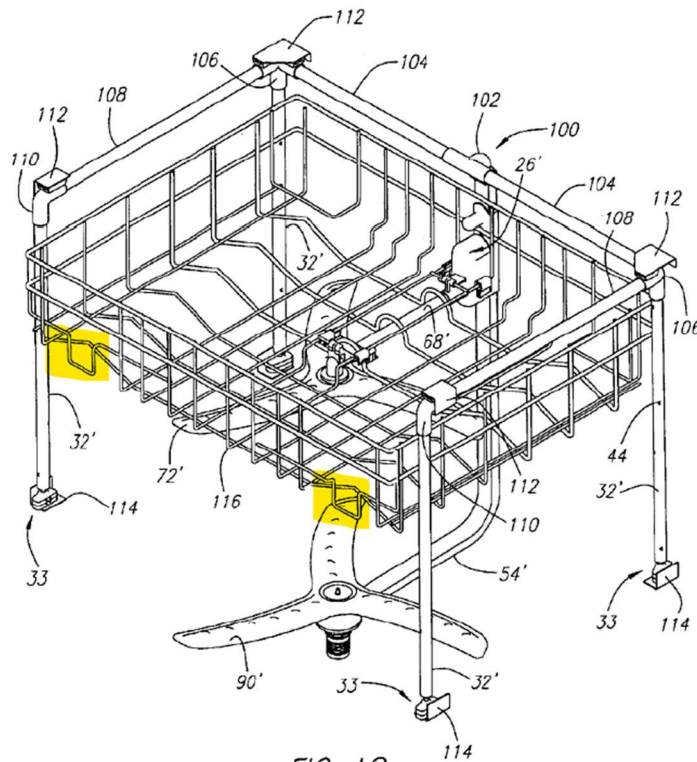


FIG. 19

At the back of the rack, the sprayers are held by “elbow 30” as shown in FIG. 12:

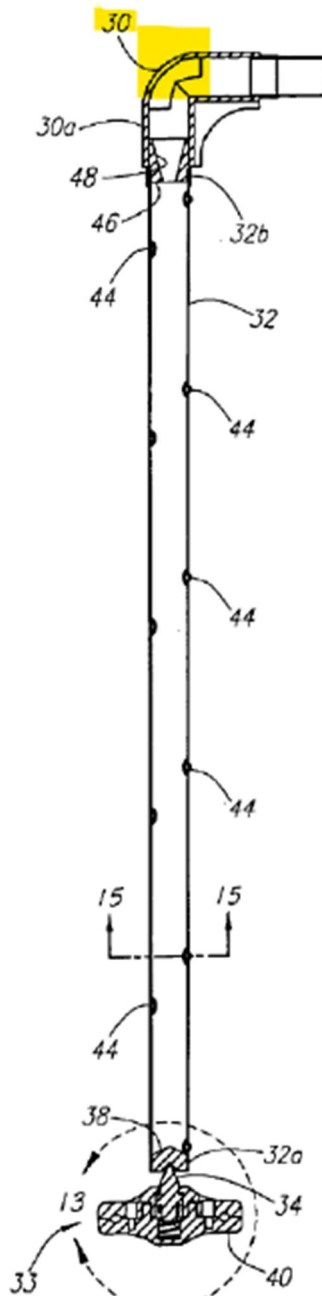


FIG. 12

Nothing in Ochoa discloses or even suggests that the sprayer is mounted from above.

A POSITA trying to combine Ochoa with Bosch would instead use Ochoa's mounting mechanism 33, rather than add additional wiring to Bosch's dish holders.