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. IPR2026-00393

U.S. Patent No. 11,262,766 B2

PETITIONER'S REPLY IN SUPPORT OF MOTION FOR JOINDER TO *INTER PARTES* REVIEW IPR2026-00159

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I. Introduction

Patent Owner's Opposition argues that joinder should be denied under the *General Plastic* factors, Opp. 2–10, and because Dr. Janét's declaration (EX1032) makes the Petition more than a true "me-too" petition, Opp. 2–4. Both arguments fail under on-point Board precedent, and the Motion should be granted.

II. *General Plastic* Does Not Warrant Denial

A. Beatbot's Prior Petition Was Not Denied on the Merits

Patent Owner's *General Plastic* arguments rely primarily on *Apple Inc. v. Uniloc 2017 LLC*, IPR2020-00854, Paper 9 (PTAB Oct. 28, 2020) ("*Uniloc*"). Opp. 2–3, 5–10. But the *Apple* fact pattern does not apply arguments in *Intel Corp. v. VLSI Tech. LLC*, IPR2022-00366, Paper 14 at 8–9 (PTAB June 8, 2022) ("*Intel*"). In *Uniloc*, the petition was denied because "the evidence and arguments presented failed to meet substantively the reasonable likelihood threshold required for institution," whereas Intel's earlier petitions "were denied in light of a potential overlap with district-court litigation… . The Board did not consider the substantive merits." *Id.* at 9. Thus, "this case presents a situation notably different from *Uniloc*." *Id.* Here, likewise, the Director denied Beatbot's prior IPR "after review of discretionary and non-merits considerations," without evaluating the § 314(a) merits. IPR2026-00200, Paper 10 at 2–3; Mot. 3–4; *see also Code200, UAB v. Bright Data Ltd.*, IPR2022-00862, Paper 19 at 37 (PTAB Oct. 19, 2022) (noting

that earlier petition "was not considered on the merits" and finding *Uniloc* "distinguishable from this case here because *Uniloc* addressed a situation after a denial of an earlier petition on the merits").

B. The *General Plastic* Factors Favor Joinder

Factors 1–3. The factors themselves favor joinder. Factors 1–3 target "roadmapping," a concern absent in *Intel* because "Intel's Petition makes no changes from the instituted [lead] petition." *Intel*, Paper 14 at 11. Likewise here Beatbot's Petition is identical to the instituted petition in IPR2026-00159: the same claims, same grounds, same prior art, and same expert declaration (EX1010). None were revised using Patent Owner's prior filings. Mot. 1–2, 7–8.

Factors 4–5. These factors "have limited relevance" where the joinder petition "raises no new challenges." *Intel*, Paper 14 at 11–12. Beatbot's earlier petition relied on an entirely different set of prior art, Mot. 3, so there has been no shifting of prior art or arguments.

Factor 6. Patent Owner argues Beatbot should not "stand in to continue a proceeding that would otherwise be terminated" on settlement. Opp. 9–10. *Intel* squarely rejected this argument: "That statement is true for ***all*** joinder authorized by § 315(c). We are not persuaded to weigh it in favor of exercising our discretion to deny joinder here." *Intel*, Paper 14 at 14 (emphases added). The Board will expend resources on the instituted grounds regardless of joinder, and consolidation

advances resolution of the identified examination error regarding Fu. IPR2026-00159, Paper 11 at 2–4 (Director's Decision); Paper 12 (Institution); Mot. 12–13.

Factor 7. The understudy role injects no new issues, so no schedule adjustments are required. *See* Opp. 10 (Factor 7 "appears neutral").

III. Dr. Janét's Declaration Introduces No New Evidence or Opinions

A. Board Precedent Permits a Separate Adopting Expert Declaration

In *Everlight Electronics Co. v. Document Security Systems, Inc.*, IPR2018-01225, Paper 14 (PTAB Sept. 27, 2018) ("*Everlight*"), the Board granted joinder even though the joining petitioner "relie[d] on a different expert," where that expert "reviewed and agreed with the expert declaration supporting [the lead petitioner's] IPR" and the petitioner's "expert declaration [wa]s substantially identical," *id.* at 4. The joinder petition thus "does not present any ground or matter not already at issue in the [lead] IPR." *Id.* at 6. Dr. Janét reviewed the Reinholtz declaration (EX1010) and "agree[s] with the facts, analysis, and conclusions in the Reinholtz declaration" and "adopt[s] the testimony in sections IV–XIV of the Reinholtz declaration… as [his] own for purposes of this proceeding," offering no new opinions. EX1032 ¶ 23. In *Intel* the Board found that declarations presented "to show Petitioner's ability to produce… declarants for cross-examination" "do not meaningfully change the substantive evidence in this

case" and do not "significantly alter the evidentiary record." *Intel*, Paper 14 at 15. Dr. Janét's declaration serves the same purpose.

B. Patent Owner Ignores Dr. Janét's Operative Paragraph

Patent Owner selectively quotes Dr. Janét's reservations of rights (EX1032 ¶¶ 20–22) while ignoring paragraph 23, which adopts Dr. Reinholtz §§ IV–XIV "as [his] own" with no new opinions. Opp. 3–4; EX1032 ¶ 23. The reservations are boilerplate materially identical to Dr. Reinholtz's own. *Compare* EX1032 ¶¶ 20–22 *with* EX1010 ¶¶ 20–22. So, if they transformed an adopting declaration into a new, broader submission, then the Reinholtz declaration on which the original IPR was instituted would have the same purported defect.

C. The Understudy Stipulation Resolves Any Deposition Burden

While Wybotics remains a party, Beatbot will make no substantive filing and will introduce no argument, discovery, or evidence not already introduced by Wybotics. Mot. 10–11. No separate deposition of Dr. Janét is required. Opp. 4. This mirrors the commitment credited in *Everlight*: the joining petitioner agreed to "rely entirely on, and be bound by, the expert declaration(s) and deposition in [the lead] IPR" unless the lead petitioner was terminated. *Everlight*, Paper 14 at 6. Should Wybotics cease to participate, Beatbot will present Dr. Janét for a deposition on the adopted opinions, which is the declarant-availability function credited in *Intel*. *Intel*, Paper 14 at 15.

IV. The Remaining Joinder Factors Favor Grant

The traditional joinder considerations also favor grant. *See Kyocera Corp. v. Softview LLC*, IPR2013-00004, Paper 15 at 4 (PTAB Apr. 24, 2013). The Motion was timely filed within one month of the May 19, 2026 institution. *See* 37 C.F.R. § 42.122(b); Mot. 5. Joinder will not affect the schedule given Beatbot's understudy role on an identical Petition. Mot. 8–9.

Although the stay in *Beatbot Technology (USA) Co. Ltd. v. Zodiac Pool Systems LLC*, No. 3:25-cv-01946 (S.D. Cal.), was lifted on July 14, 2026, *Fintiv* factors still favor joinder. Beatbot concurrently submits a *Sotera*-plus stipulation that, upon joinder, it will not pursue against claims 1–5 of the '766 Patent in the district court action any ground raised or that reasonably could have been raised in this proceeding under 35 U.S.C. §§ 102 or 103, or any indefiniteness ground, mirroring the stipulation on which the Wybotics IPR was instituted. Mot. 13–14. This eliminates any risk of duplicative litigation or conflicting rulings. Finally, reaching the merits of the identified examination error regarding Fu serves the public interest in patent quality. IPR2026-00159, Paper 11 at 2–4 (Director's Decision); Paper 12 (Institution); Mot. 12–13.

V. Conclusion

Based on the foregoing, Beatbot respectfully requests that the Board grant the Motion for joinder.

Dated: August 6, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing PETITIONER's REPLY IN SUPPORT OF MOTION FOR JOINDER TO INTER PARTES REVIEW IPR2026-00159 (and the accompanying Petition and supporting materials) has been served in its entirety by electronic mail on counsel for the petitioner in IPR2026-00159 and on counsel of record for Patent Owner:

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