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. IPR2026-00394
Patent No. 11,880,207

PATENT OWNER'S OPPOSITION TO MOTION FOR JOINDER

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I. Introduction

Beatbot seeks to avoid the consequence of the denial of its first petition by joining the Wybotics IPR. Beatbot's motion for joinder should be denied based at least on the fairness and efficiency concerns over serial attacks reflected in the factors in *General Plastic*, which weigh against joinder and institution.

II. Procedural Background

On November 25, 2025, Wybotics, Co. Ltd. f/k/a Tianjin Wangyuan Environmental Protection and Technology Co., Ltd. ("Wybotics") filed a Petition challenging the claims of the '207 Patent (IPR2026-00160) (the "Wybotics IPR"). The Wybotics IPR challenged claims 1-8, 11-14, and 19 of the '207 Patent on various prior art grounds. On February 2, 2026, Patent Owner filed a brief requesting that the Director exercise discretion to deny institution, and thereafter, on March 2, 2026, Patent Owner filed its Preliminary Response. The Director granted institution of the Wybotics IPR on May 19, 2026.

Petitioner Beatbot Technology (USA) Co. Ltd. ("Beatbot" or "Petitioner") did not join the Wybotics IPR when it was filed or file a copy shortly thereafter. Rather, on January 26, 2026, two-full months after Wybotics filed its Petition, Beatbot filed a separate petition for *inter partes* review (IPR2026-00201) ("Beatbot's First Petition") challenging all of the claims addressed in the Wybotics IPR but relying on entirely different prior art and grounds. On March 30, 2026, Patent Owner filed

its brief requesting that the Director exercise discretion to deny institution, and on April 28, Patent Owner filed its Preliminary Response. The Director denied institution of Beatbot's First Petition on May 19, 2026.

III. Joinder and Institution Should Be Denied

A. Beatbot's "Silent Understudy" Argument Is Legally and Factually Flawed and Does Not Avoid a *General Plastic* Analysis.

Rather than addressing the *General Plastic* factors, Beatbot instead suggests that the *General Plastic* factors do not warrant denial because it allegedly is a "silent understudy." Mot. at 10. The Board's Precedential decision in *Apple Inc. v. Uniloc 2017 LLC*, soundly rejects this "understudy" theory, including in a situation where the two Petitioners—Apple and Microsoft—were separate and unrelated. As the Board has explained "Petitioner's understudy argument ***is not persuasive here where the copied petition is Petitioner's second challenge to the patent***, and should [Wybotics] settle, Petitioner would stand in to continue a proceeding that would otherwise be terminated. In effect, it would be as if [Beatbot] had brought the second challenge to the patent in the first instance. This is the kind of serial attack that *General Plastic* was intended to address." *Apple Inc. v. Uniloc 2017 LLC*, IPR2020-00854, Paper 9 at 4 (P.T.A.B. Oct. 28, 2020) (Precedential) (emphasis added).

Further, Beatbot's suggestion that its "Petition is a 'me-too' petition that is substantively identical to the petition in the Wybotics IPR" is incorrect. Beatbot argues that its new Petition "is supported by the same combined declaration of Dr.

Charles F. Reinholtz (Ex. 1010) that Wybotics submitted in the Wybotics IPR." Mot. at 1. This ignores that Beatbot submits the testimony of ***both*** Dr. Charles F. Reinholtz (Ex. 1010) and also the additional testimony of Dr. Jason Janét purporting to adopt the Reinholtz Declaration (Ex. 1032). The Janét declaration is new and not previously presented in the Wybotics IPR.

This is more than a procedural issue. Beatbot suggests that "only a single deposition of the declarant is needed in the joined proceeding" (Mot. at 8) but never addresses how Zodiac is to proceed with deposition should Wybotics settle and Beatbot give up its "Silent Understudy" role. Must Zodiac undergo the burden and expense of conducting a separate cross-examination of both Dr. Reinholtz and Dr. Janét? Does Beatbot even have the capacity to present Dr. Reinholtz for deposition given that the declaration Beatbot presents as Exhibit 1010 makes clear it was not prepared for Beatbot at all? *See* Ex. 1010 ¶ 1 ("I have been retained by ***counsel for Petitioner Wybotics, Co. Ltd. f/k/a Tianjin Wangyuan Environmental Protection and Technology Co., Ltd. ('Wybotics' or 'Petitioner'***) to investigate and opine on certain issues relating to its Petitions . . . ."); ¶ 36 ("I have requested the attorneys from Jones Day, ***who represent Wybotics***, to provide me with guidance as to the applicable law in this matter.").

This notwithstanding, Dr. Janét does not acknowledge a role as an "understudy," instead expressly reserving the right to "rebut arguments raised by the

Patent Owner" (Ex. 1032, ¶ 20), "supplement this declaration in response to additional evidence that may become known" (*id.* ¶ 21), and "[i]n connection with any testimony I may be asked to give . . . use as exhibits various documents that relate to matters set forth in this declaration." *Id.* ¶ 22. Simply put, the scope of the evidence that Beatbot seeks to introduce is fundamentally different and broader than the scope of evidence in the Wybotics IPR.

Beatbot's suggestion that it is a "silent understudy" and that its "Petition introduces nothing new" is legally and factually insufficient to avoid a proper analysis under the *General Plastic* Factors.

B. The *General Plastic* Factors Confirm Denial Is Appropriate.

As the moving party, Beatbot has the burden of proof to establish that it is entitled to the requested relief. 37 C.F.R. §§ 42.20(c), 42.122(b). "[C]onsideration of the non-exclusive factors set out in *General Plastic Industrial Co. v. Canon Kabushiki Kaisha*, IPR2016-01357, at 16 (PTAB Sept. 6, 2017) (Paper 19) (precedential as to § II.B.4.i), may support the exercise of the Board's discretion to deny institution under 35 U.S.C. § 314(a)." Office Patent Trial Practice Guide, 77.

Beatbot's First Petition was filed after the Wybotics IPR. The Board denied institution of Beatbot's First Petition. Beatbot should not be able to use a joinder motion as an end-run around its failed petition under the circumstances of this case. The factors outlined in *General Plastic* weigh against institution and joinder here.

i. *General Plastic* Factor 1: Whether the Same Petitioner Previously Filed a Petition Directed to the Same Claims of the Same Patent.

As explained, there is no dispute that Beatbot previously filed a petition challenging the same claims of the ’207 Patent—the First Beatbot Petition. The Board denied institution of that Petition.

Beatbot suggests that this factor can be discounted or even ignored because it “enter[s] as a passive copycat solely to preserve its rights in the event of a settlement between the original parties.” Mot. at 12. But the Board has rejected this exact theory in a precedential decision, explaining “the *General Plastic* factors are relevant to our determination whether denial is warranted under § 314(a), even when the petition filed is a follow-on petition and Petitioner is not seeking an active role in the ongoing IPR.” *Apple*, IPR2020-00854, Paper 9 at 8 (Precedential). Indeed, “Petitioner’s understudy argument ***is not persuasive here where the copied petition is Petitioner’s second challenge to the patent***, and should [Wybotics] settle, Petitioner would stand in to continue a proceeding that would otherwise be terminated. In effect, it would be as if [Beatbot] had brought the second challenge to the patent in the first instance. This is the kind of serial attack that *General Plastic* was intended to address.” *Id.* at 4 (emphasis added) (denying institution of joinder in view of the *General Plastic* factors).

Factor 1 weighs against institution and joinder here.

ii. *General Plastic* Factor 2: Whether at the Time of Filing the First Petition the Petitioner Knew or Should Have Known of the Prior Art Asserted in the Second Petition.

Beatbot has provided no indication that it was not aware of the art asserted in Wybotics IPR. Nor could it do so, as Beatbot filed its First Petition a full two months after the Wybotics IPR. Beatbot's First Petition identified in its Mandatory Notices the Wybotics IPR it now seeks to join as a "Related Matter," confirming that Beatbot was well-aware of the Wybotics IPR and the art on which it relied.[1]

B. Related Matters

To the best of Petitioner's knowledge, the '207 Patent has been involved in the following cases:

- Beatbot Technology (USA) Co. Ltd. et al v. Zodiac Pool Systems LLC, No. 3:25-cv-01946 (S.D. Cal.).
- Zodiac Pool Sys. LLC v. Wybotics, Co. Ltd., Case No. 2:25-cv-00582 (E.D. Tex).
- Wybotics Inc. et al v. Zodiac Pool Systems LLC. Case No. 2-25-cv-08526 (C.D. Cal.).
- Wybotics Inc. et al v. Zodiac Pool Systems LLC, IPR2026-00158 (PTAB).

Petitioner is also concurrently filing Petitions for *Inter Partes* Review of U.S. Patent Nos. the 11,003,191 and 11,262,766, which are related to the '201 Patent challenged herein.

[1] Beatbot appears to have inadvertently identified the proceeding challenging the related '191 Patent in these Mandatory Notices—the proceeding challenging the '207 Patent was IPR2026-00160.

Beatbot's First Petition at 104 (IPR2026-00201, Paper 2). Simply put, Beatbot has no basis to suggest that it was not aware of the Wybotics IPR and the prior art cited therein at the time it filed its First Petition.

More critically, Beatbot never addresses its prior knowledge of the Wybotics IPR, instead simply relying on its "understudy" theory, which as noted, the Board has rejected. Just as the Board found in *Apple*, Beatbot "failed to set forth facts or offer an explanation concerning its knowledge, at the time it filed the first petition, of the prior art asserted in the [IPR it seeks to join]. Because of the lack of explanation, . . . this second *General Plastic* factor weighs in favor of denying institution of the proceeding." *Apple*, IPR2020-00854, Paper 9 at 9 (Precedential).

Further, Beatbot is incorrect to rely on its claims "that Wybotics provided a persuasive showing that the Office potentially erred during prosecution." Mot. at 12. Were this correct, then Beatbot could and should have filed its copy of the Wybotics IPR at or near when Wybotics filed it. Instead, Beatbot filed its own entirely different Petition, and only after that Petition was denied, sought to join the earlier filed Wybotics Petition.

Thus, Factor 2 also weighs against institution and joinder.

iii. *General Plastic* Factor 3: Whether at the Time of Filing of the Second Petition the Petitioner Already Received the Patent Owner's Preliminary Response to the First Petition or Received the

Board's Decision on Whether to Institute Review in the First Petition.

Beatbot's First Petition had already been denied by the Board when it filed its second petition and the related motion for joinder. The Director denied institution of Beatbot's First Petition on May 19, 2026, and Beatbot filed the present Petition on June 5, 2026. Thus, Beatbot had the benefit of Patent Owner's briefing on discretionary denial and its preliminary responses in both Beatbot's First Petition and the Wybotics IPR, when it chose to file this second Petition and its Motion for Joinder. *Apple*, IPR2020-00854, Paper 9 at 10 (Precedential) (denying institution and explaining "the third *General Plastic* factor addresses whether [Petitioner] had access to a Board decision or a preliminary response concerning its first petition, such that [Petitioner] would have been in a position to gain a benefit from having that information before filing its second petition.").

Thus, Factor 3 weighs against institution and joinder.

iv. *General Plastic* Factor 4: The Length of Time Elapsed Between the Time the Petitioner Learned of the Prior Art Asserted in the Second Petition and Filing of the Second Petition.

Beatbot has not explained when it learned of the art asserted in its Second Petition, but, at a minimum it should have known of its first primary reference, Ex. 1007 (CN101139007A ("Fu-007")) as soon as it became aware of the '207 Patent—which it admits is no later than July 17, 2025 (Mot. at 2)—because Fu-007 is cited on the face of the '207 Patent. Further, as noted above, Beatbot learned of the full

analysis applied by Wybotics on or around the date Wybotics filed the Petition that Beatbot seeks to join. As noted, this was two full months before Beatbot filed its First Petition, which was ultimately denied. Beatbot offers no explanation for its delay in filing this Petition and joinder request, beyond that it wants two bites at the invalidity apple—its Petition and Wybotics's Petition as well.

Thus, Factor 4 weighs against institution and joinder in this case.

v. *General Plastic* Factor 5: Whether the Petitioner Provides Adequate Explanation for the Time Elapsed Between the Filings of Multiple Petitions Directed to the Same Claims of the Same Patent.

Beatbot offers no explanation for the time elapsed between the two Petitions. Instead, Beatbot urges that its position as an understudy nulls any concerns of duplicative proceedings because Beatbot "enter[s] as a passive copycat solely to preserve its rights in the event of a settlement between the original parties." Mot. at 12. As explained, the Board has rejected this exact theory in a precedential decision. *Apple*, IPR2020-00854, Paper 9 at 4, 8 (Precedential). Factor 5 weighs against institution and joinder here.

vi. *General Plastic* Factor 6: The Finite Resources of the Board

It is appropriate to consider the resources of the Board in the event Wybotics were to cease participation in the Wybotics IPR. But for joinder by Beatbot, that proceeding would terminate. Thus, Beatbot primarily seeks the right to continue that proceeding if Wybotics ceases to participate, and the Board's expending of resources

in those circumstances should be considered.

It would be an inefficient use of Board resources to allow Beatbot to continue the Wybotics IPR when its own petition was denied, and considering all other factors discussed above. Indeed, as the Board has explained "because this is [Beatbot]'s second petition, should [Wybotics] settle, [Beatbot] would stand in to continue a proceeding that would otherwise be terminated. Joinder in this circumstance would allow [Beatbot] to continue a proceeding, even after settlement with the primary petitioner, based on a second attempt by [Beatbot]." *Apple*, IPR2020-00854, Paper 9 at 12 (Precedential) (finding "that this sixth *General Plastic* factor weighs in favor of denying institution of the proceeding" and denying institution).

Thus, Factor 6 weighs against institution and joinder.

vii. *General Plastic* Factor 7: Issue a Final Determination Not Later Than One Year After the Date on Which the Director Notices Institution of Review

Factor 7 appears neutral in relation to denying institution and joinder.

IV. Conclusion

For the foregoing reasons joinder and institution should be denied.

Dated: July 6, 2026

By: */Michael Morlock/*
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CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24(d), the undersigned certifies that this Opposition complies with the page limit of 37 C.F.R. § 42.24(b)(3) because it contains fewer than the limit of 15 pages, excluding the parts of the brief exempted by 37 C.F.R. § 42.24(a)(1).

Dated: July 6, 2026

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **PATENT OWNER'S OPPOSITION TO PETITIONER'S MOTION FOR JOINDER** has been served electronically via email upon the following:

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