

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. IPR2026-00395
Patent No. 11,003,191

**PATENT OWNER'S BRIEF REQUESTING THAT INSTITUTION OF THE
PETITION BE DENIED ON DISCRETIONARY GROUNDS**

Table of Contents

I.	Introduction.....	1
II.	Procedural Background.....	2
III.	The Director Should Exercise Discretion to Deny Institution.	3
A.	Compelling Economic Interests Favor Denial of Institution.	3
1.	The Products Accused of Infringement in a Parallel Proceeding Are Manufactured by the RPI In China, with No Corresponding Investment by Petitioner in U.S. Operations.	3
2.	Patent Owner’s Polaris Line of Products Compete with the Accused Products, and Patent Owner Has Hundreds of Employees in the United States.....	5
3.	Beatbot Has Raised More Than \$140 Million in Funding.	6
B.	The <i>General Plastic</i> Factors Confirm Denial Is Appropriate.	7
1.	<i>General Plastic</i> Factor 1: Whether the Same Petitioner Previously Filed a Petition Directed to the Same Claims of the Same Patent.	7
2.	<i>General Plastic</i> 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.	9
3.	<i>General Plastic</i> Factor 3: Whether at the Time of Filing 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.	10
4.	<i>General Plastic</i> 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.	11
5.	<i>General Plastic</i> 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.....	12
6.	<i>General Plastic</i> Factor 6: The Finite Resources of the Board.....	12
7.	<i>General Plastic</i> Factor 7: Issue a Final Determination No Later Than One Year After the Date on Which the Director Notices Institution of Review	13
IV.	Conclusion.....	13

Table of Exhibits

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	Order Lifting Stay, <i>Beatbot Tech. (USA) Co. Ltd. v. Zodiac Pool Sys. LLC</i> , No. 3:25-cv-01946 (Dkt. 43) (S.D. Cal. filed Mar. 6, 2026)
2005	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”)
2006	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”)
2007	36Kr English, <i>Beatbot secures funding from Meituan and co to take premium pool cleaning robots global</i> , KrAsia (Sept. 24, 2025), https://kr-asia.com/beatbot-secures-funding-from-meituan-and-co-to-take-premium-pool-cleaning-robots-global
2008	<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)), https://cnmra.com/beatbot-completed-1-billion-yuan-financing-round-with-long-z-investments-as-the-sole-lead-investor/
2009	Declaration of Xingdi Li in <i>Beatbot Technology (USA) Co. Ltd. V. Zodiac Pool Systems LLC</i> , No. IPR2026-00200, Ex. 1021.
2010	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)
2011	Nathanael Greene, <i>Why the Beatbot AquaSense 2 Series Dominates High-End Pool Cleaning</i> , Beatbot (Mar. 12, 2025), https://beatbot.com/blogs/robotic-pool-cleaner/why-the-beatbot-aquasense-2-series-dominates-high-end-pool-cleaning?utm_source=aidrivennexis&utm_medium=paid_buy
2012	Declaration of Misty Madrid
2013	<i>Nothing Beats a Beatbot</i> , Beatbot, https://beatbot.com/pages/our-story (last visited Mar. 19, 2026)

I. Introduction

Zodiac Pool Systems LLC (“Zodiac” or “Patent Owner”) respectfully requests that the Director exercise discretion to deny institution of the Petition for IPR of U.S. Patent No. 11,003,191 (the “Challenged Patent”).

Patent Owner has a vested economic interest in the Challenged Patent—Patent Owner has hundreds of employees in the United States—and Patent Owner’s Polaris line of pool cleaners compete directly with Petitioner’s products. In contrast, Petitioner is a shell corporation that has no material presence in the United States. Instead, real party in interest Xingmai Innovation Technology (Suzhou) Co., Ltd. manufactures the products accused of infringement in China.

Economic interests aside, this case presents a textbook illustration of why discretionary denial furthers the objectives of the IPR process. Instituting rewards Petitioner’s tactical maneuvering—Petitioner was well aware of the Petition it now seeks to join at the time it filed its first Petition for IPR. Nevertheless, Petitioner went forward with a Petition on different grounds. Only after its first Petition for IPR was denied institution did Petitioner attempt to join this proceeding. The Director should not reward such gamesmanship by instituting a duplicative proceeding and granting joinder. Doing so unfairly multiplies the proceedings against Patent Owner and cuts against public interest in protecting domestic economic investment.

II. Procedural Background

The Challenged Patent is subject to three litigations, including two declaratory judgment actions and an infringement action. First, Petitioner brought a declaratory judgement (“Petitioner DJ”) against Patent Owner on July 31, 2025, seeking a finding of no infringement. *See* Ex. 2001. Thereafter, Petitioner (the Plaintiff) pled the affirmative defense of invalidity (Ex. 2002) and filed a motion for judgement on the pleadings on the basis that the claims of the Challenged Patents *are invalid* under 35 U.S.C. § 101. Ex. 2003. The Court recently lifted the stay, and the litigation is now proceeding. Ex. 2004.

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 ’191 Patent (IPR2026-00158) (the “Wybotics IPR”).¹ The Wybotics IPR challenged claims 1–3 of the ’191 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 15, 2026.

¹ Patent Owner brought an infringement action on May 23, 2025, against Wybotics and asserted the ’191 Patent by later amendment on September 22, 2025. *See* Ex. 2005. Wybotics filed a declaratory judgment action on September 24, 2025, seeking a finding of no infringement. *See* Ex. 2006.

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 (IPR2026-00202) (“Beatbot’s First Petition”) challenging the exact same claims as 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.

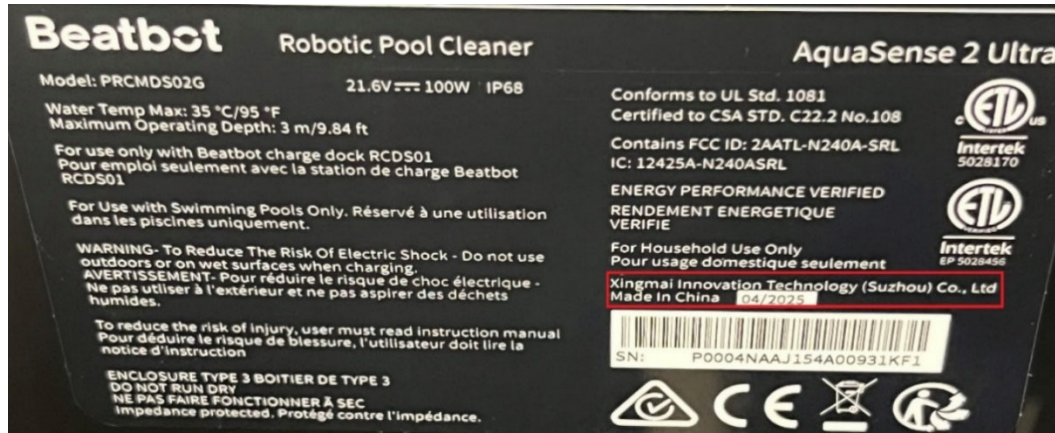
III. The Director Should Exercise Discretion to Deny Institution.

A. Compelling Economic Interests Favor Denial of Institution.

1. The Products Accused of Infringement in a Parallel Proceeding Are Manufactured by the RPI In China, with No Corresponding Investment by Petitioner in U.S. Operations.

Petitioner does not have a manufacturing presence in the United States, nor is it taking concrete steps to invest in American manufacturing. Petitioner is a shell corporation, and real party in interest Xingmai Innovation Technology (Suzhou) Co., Ltd. manufactures products in China and sells its finished products in the United States. Ex. 2007; Ex. 2008. Indeed, the very product addressed in the Petitioner DJ is not manufactured in the United States but imported from China. This is evidenced

by the label below, which demonstrates that the product (the AquaSense 2 Ultra) is “Made in China” by Xingmai Innovation Technology (Suzhou) Co., Ltd.



Beatbot attempted to rebut these facts in connection with Beatbot’s first Petition addressing the Challenged Patent by averring, “Beatbot maintains a meaningful and growing U.S. commercial presence: a U.S. customer support line; pop-up retail demonstrations in cities including Miami and Scottsdale; sales through Amazon and its U.S.-facing website; and sponsorship of the U.S. SailGP Team.” *Beatbot Tech (USA) Co. LTD. v. Zodiac Pools Systems LLC*, No. IPR2026-00202, Paper 9 at 3 (P.T.A.B. Apr. 28, 2026). Tellingly, this says nothing about any manufacturing, and whatever a “pop-up retail demonstration[]” may be, the use of “pop-up” makes clear that there is no **permanent** investment in the United States, much less investment in manufacturing in the United States. Further, sales through Amazon and a Website do not suggest United States employees. Indeed, in attempting to suggest a large United States presence, Beatbot’s declarant acknowledged that it maintains a total of just three (3) United States-based

personnel, none of whom is involved in design or manufacturing. *Id.* at Ex. 1021, ¶ 10 (“Beatbot maintains three (3) U.S.-based personnel who perform functions such as U.S. sales and marketing user research.”).²

Far from supporting an argument about investment in the United States, the testimony Beatbot presented confirms the glaring lack of investment in anything other than selling into the United States market. The accused product is made outside the United States, and Petitioner has no discernable presence in the United States, weighing heavily in favor of denial.

2. Patent Owner’s Polaris Line of Products Compete with the Accused Products, and Patent Owner Has Hundreds of Employees in the United States.

There is no dispute that the parties are competitors. Indeed, Petitioner acknowledged as much when it sought to stay its own litigation, stating in briefing to the Southern District of California that “the parties are competitors.” Ex. 2010 at 2. This admission notwithstanding, Beatbot’s marketing materials make clear that it competes with Patent Owner’s Polaris line of pool cleaners. Ex. 2011 at 1 (stating Beatbot’s *AquaSense 2 Ultra* is a “competitor[]” of *Patent Owner’s Polaris* product).

Further, Patent Owner has significant investments in the United States. Indeed, Patent Owner has 623 employees in the United States. Ex. 2012 ¶ 3. Further,

² Attached here as Ex. 2009.

Patent Owner is part of the same corporate umbrella as multiple other companies that produce pool-related products for sale in the United States, and all those companies have more than 1,000 U.S.-based employees, including employees in Georgia, California, Arizona, Utah, Ohio, Oregon, Tennessee, Florida, Washington, and Maryland. *Id.* ¶ 4. Thus, in contrast to Petitioner—which has just three United States-based employees—Patent Owner is a major employer in the United States, which weighs heavily in favor of denial.

3. Beatbot Has Raised More Than \$140 Million in Funding.

Petitioner can present no credible case that it is a “small business.” To the contrary, Petitioner and the other RPIs claim to have sold products in more than forty countries, to have more than “500+ total patents” over “100,000+” customers, and that their products are sold in more than “2000+” stores. Ex. 2013 at 17. Indeed, Beatbot was a major presenter at CES 2026. *See* Beatbot, *Beatbot at CES 2026*, YouTube (Jan. 12, 2026), <https://www.youtube.com/watch?v=4yAFX9gfRZA>. Moreover, Beatbot’s latest round of funding from numerous foreign-based venture capital investment firms further illustrates that Beatbot is not a small business. Ex. 2007 (“Beatbot, a Chinese company that develops high-end robotic pool cleaners, has raised around RMB 1 billion (USD 140 million) in a new funding round led by DragonBall Capital, the investment arm of Meituan.”). Simply put, Petitioner has no argument that it is a small company, much less United States-based.

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

The Director should also consider the *General Plastic* factors, all of which confirm that this follow-on Petition and the associated request for joinder should be denied. “[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).” USPTO, 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.

1. *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 exact same claims of the ’191 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.” Paper 3 at 12. 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).³ *Apple* further confirmed that “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.” *Id.* at 8.

Factor 1 weighs against institution and joinder here.

³ In its Reply in support of its Motion for Joinder (Paper 8) Beatbot attempts to distinguish *Apple* by citing to the non-precedential decision *Intel Corp. v. VLSI Tech LLC*, IPR2022-00366, Paper 14 (PTAB June 8, 2022). First, a non-precedential decision in *Intel* does not somehow countermand the precedential decision in *Apple*. Second, the decision in *Intel* did not address the factual situation here—where the Petitioner seeking joinder was fully aware of the Petition it now seeks to join at the time it filed its Original Petition. As explained, Beatbot was aware of, and had the opportunity to join the IPR it now seeks to join at the time Beatbot made the strategic decision to file its Original Petition.

2. 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 the 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.⁴

B. Related Matters

To the best of Petitioner's knowledge, the '191 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*, IPR2026-00159 (PTAB).

Petitioner is also concurrently filing Petitions for *Inter Partes* Review of U.S. Patent Nos. 11,880,207 and 11,262,766 which are related to the '191 Patent challenged herein.

⁴ Beatbot appears to have inadvertently identified the proceeding challenging the related '207 Patent in these Mandatory Notices—the proceeding challenging the '191 Patent was IPR2026-00158.

Beatbot's First Petition at 104 (IPR2026-00202, 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." Paper 3 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.

3. *General Plastic* Factor 3: Whether at the Time of Filing 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.

**4. *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 Challenged Patent—which it admits is no later than July 17, 2025 (Paper 3 at 2)—because Fu-

007 is cited on the face of the Challenged 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.

5. 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.” Paper 3 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.

6. 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.

7. *General Plastic* Factor 7: Issue a Final Determination No 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 all of the reasons above, Patent Owner respectfully requests that the Director exercise discretion to deny institution of the Petition.

Dated: August 10, 2026

By: /Michael Morlock/

Michael Morlock

Reg. No. 62,245

Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **PATENT OWNER'S BRIEF REQUESTING THAT INSTITUTION OF THE PETITION BE DENIED ON DISCRETIONARY GROUNDS** has been served electronically via email upon the following:

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Dated: August 10, 2026

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