

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of

CERTAIN ROBOTIC FLOOR
CLEANING DEVICES AND
COMPONENTS THEREOF

Investigation No. 337-TA-1252

**COMPLAINANT’S RESPONSE TO RESPONDENTS’ MOTION TO SUBMIT NOTICE
REGARDING IPR2021-0054 (MOT. DKT. 1252-049C)**

Complainant iRobot Corporation (“iRobot” or “Complainant”) respectfully submits this brief response to Shark’s “Motion to Submit Notice of Issuance of Final Written Decision of the Patent Trial and Appeal Board in IPR2021-0054 Relating to U.S. Patent No. 9,884,423” (the “Motion”). While written as seeking leave to “submit” the PTAB’s final written decision, Shark uses its Motion to submit an untimely reply to its Petition for Review. Not only is this procedurally improper, but the arguments raised in the Motion are substantively wrong and misrepresent the PTAB’s findings regarding U.S. Patent No. 9,884,423 (the “423 Patent”).

At trial, iRobot asserted that Shark’s IQ and ION robots infringe claim 9, which requires “avoiding, by the robotic cleaning device, the right signal and the left signal while an energy level of the battery of the robotic cleaning device remains above a predetermined energy level.” ’423 Patent, Cl. 9. As iRobot explained and as Shark did not contest, Shark’s robots meet this claim limitation because they use signals from their base station to trigger dock avoidance maneuvers. iRobot’s Post-HB at 38–39. Likewise, iRobot argued that its DI Products practice claim 9 because they too read a signal emitted from the base station to trigger dock avoidance. *Id.* at 55. To escape infringement and technical DI, Shark argued that claim 9 is far narrower in scope, and that neither iRobot’s nor Shark’s robots practice the claim because they do not “simultaneously” detect “the

left *and* right signal” to trigger dock avoidance. *Id.* at 24–27. The FID squarely rejected Shark’s “unduly restrictive” arguments and agreed with iRobot. FID at 61–65, 89–90. Shark’s Petition for Review recasts these same arguments which again should be rejected. *See* Shark Pet. at 51–55; iRobot’s Resp. at 22–25.

Shark’s selective quoting of the FWD from the PTAB is not, as Shark argues, “relevant to SharkNinja’s petition for review on whether iRobot’s domestic industry products practice claim 9.” Motion at 2. Shark suggests that the PTAB rested its decision on the notion that it allegedly construed claim 9 to require avoidance based on detecting the “right and left signals.” This is incorrect and ignores the full context of the PTAB’s findings. The PTAB determined that the plain and ordinary meaning of “avoiding” in the context of the ’423 Patent requires “more than not attempting to detect the signals” and refers to a robot “moving away from the base station or altering its course to avoid the base station.” FWD at 53. The PTAB then determined that claim 9 is valid over Shark’s prior art, including a robot that “did not attempt to detect (i.e., avoid) infrared signals” (Jeon) and another robot that triggered avoidance behavior “on detecting reflections of IR signals from the robot off of obstacles” (Jones). *Id.* (citations omitted). The PTAB specifically agreed with iRobot that the prior art did not describe “a robot detecting and avoiding *an infrared signal emitted by a charging base station.*” *Id.* (citations omitted). Thus, the PTAB focused on whether the prior art taught avoidance based on an infrared signal from the base station—which the prior art did not teach—which is consistent with iRobot’s argument and the ALJ’s FID findings that claim 9 is practiced by robots that avoid their base station using the left signal, right signal, both, or another signal, so long as that signal comes from the base station.

Moreover, Shark’s unsolicited re-argument of claim 9 should have no bearing on the Commission’s determination of whether a violation has occurred, which is only relevant to

enforcing remedial orders against Shark’s infringing products. *See, e.g., Certain Unmanned Aerial Vehicles & Components Thereof*, Inv. No. 337-TA-1133, Comm’n Op., 2020 WL 5407477, at *1 (Sept. 8, 2020) (“The Commission has determined to issue a limited exclusion order and cease and desist orders The Commission, however, has determined to suspend enforcement of those remedial orders, including the bond provision, pending resolution of the . . . Final Written Decision finding . . . the only claims still at issue, are unpatentable.”).

Dated: November 18, 2022

Respectfully submitted,

/s/ Paul F. Brinkman, P.C.

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CERTIFICATE OF SERVICE

I, Celina M. Moo-Penn, hereby certify that on November 18, 2022, copies of the foregoing document were filed and served upon the following parties as indicated:

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