

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Shenzhen Zhiyi Technology Co. Ltd., d/b/a iLife,
Petitioner

v.

iRobot Corp.,
Patent Owner.

Patent No. 6,809,490 to Jones et al.

IPR Case No. IPR2017-02061

REQUEST FOR REHEARING

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| 1001 | U.S. Patent No. 6,809,490 (“490 patent”) |
| 1002 | File history of U.S. Patent No. 6,809,490 |
| 1003 | Declaration of C. Douglass Locke, Ph.D., Regarding Invalidity of the Challenged Claims of U.S. Patent No. 6,809,490 (“Locke”) |
| 1004 | Certified Translation of Japanese Unexamined Patent Application Publication H11-212642, published August 6, 1999 (“Ueno-642”) |
| 1005 | U.S. Patent No. 6,493,612 to Bissett (“Bissett-612”) |
| 1006 | Japanese Unexamined Patent Application Publication H11-212642, published August 6, 1999 (non-translated) |
| 1007 | Affidavit certifying translation of Japanese Unexamined Patent Application Publication H11-212642 |
| 1008 | Joint Claim Construction Chart, as submitted in Investigation No. 337-TA-1057, August 18, 2017 |
| 1009 | U.K. Patent Application 9827758 |
| 1010 | PCT Publication WO 00/38026 |

Shenzhen Zhiyi Technology Co. Ltd., d/b/a iLife (“Petitioner”) requests rehearing under § 42.71(d) of the institution decision issued March 12, 2018 (“Decision”) in the above-identified matter. Specifically, the Board’s Decision relative to Ground 1 (claims 1-3, 7, and 12) misapprehended Petitioner’s argument with respect to limitation 1(d) of the ’490 patent and the corresponding disclosures of the Ueno-642 reference (Ex. 1004).

I. THE BOARD MISAPPREHENDED PETITIONER’S ARGUMENT WITH RESPECT TO LIMITATION 1(D)

Under § 42.71(d), “A party dissatisfied with a decision may file a single request for rehearing without prior authorization from the Board.... The request must specifically identify all matters the party believes the Board misapprehended or overlooked, and the place where each matter was previously addressed in a motion, an opposition, or a reply.”

As explained below, the Board misapprehended Petitioner’s argument regarding limitation 1(d), and this misapprehension was the basis for denying institution of Ground 1. This misapprehension may have been due to misleading arguments made by Patent Owner.

Limitation 1(d) requires:

“said control system configured to operate the robot in a plurality of operational modes and to select from among the plurality of modes in real time in response to signals generated by the

obstacle detection sensor, said plurality of operational modes comprising: ...”

Claims 2, 3, 7, and 12 all depend from claim 1. The Decision denying institution with respect to claims 1-3, 7, and 12 was based on the alleged failure of Ueno-642 to disclose limitation 1(d). (Decision at 10.)

A. The Board misapprehended Petitioner’s argument regarding how limitation 1(d) is met by Ueno-642.

The Decision states that the “critical language” at issue in limitation 1(d) requires:

“that the control system ‘*select[s] from among the plurality of modes ... in response to signals generated by the obstacle detection sensor.*’ This requires, in practical application, that the system can choose a mode in which to operate (‘select from among’), based on inputs from the obstacle sensor (‘in response to signals’).”

(Decision at 6 (italic emphasis in the Decision, underline emphasis added).)

According to the Board’s analysis of limitation 1(d), it requires that the system choose a mode in which to operate based on inputs from the obstacle sensor.

Ueno-642 discloses this requirement, as shown in the Petition. Petitioner’s analysis of limitation 1(d) is set forth in the Petition at pages 18-22 of the Petition, with specific citations related to this aspect of limitation 1(d) set forth in at least pages 19-21.

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