

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

---

Case IPR2017-02061  
Patent 6,809,490

---

**PATENT OWNER'S  
PRELIMINARY RESPONSE**

**TABLE OF CONTENTS**

	<b><u>Pages</u></b>
I. INTRODUCTION .....	1
II. OVERVIEW OF the '490 PATENT .....	1
III. LEVEL OF ORDINARY SKILL IN THE ART .....	2
IV. THE PETITION FAILS TO MEET THE REQUIREMENTS OF 37 C.F.R. § 42.104(B) FOR CLAIM ELEMENTS THAT INVOKE 35 U.S.C. § 112, PARA. 6.....	5
A. Petitioner has Failed to “Identify the Specific Portions of the Specification that Describe the Structure” Under 37 C.F.R. § 42.104(b) .....	6
B. Petitioner’s Failure Warrants Denial of Institution.....	7
C. Reliance on Arguments or Citations in the ITC Claim Construction Constitutes Improper Incorporation by Reference.....	10
V. THE BOARD SHOULD EXERCISE ITS DISCRETION UNDER 35 U.S.C. § 325(d).....	11
A. Ueno-642 Discloses the Same Random and Spiral Travel Modes as Ueno-025 .....	13
B. A Version of Ueno Having an Obstacle Follow Mode was Considered During Prosecution.....	15
C. Portions of Ueno-642 Cited for the Added “select...” Limitation are Present in Ueno-025 and have Already Been Considered by the Patent Office.....	17
D. Application of 35 U.S.C. § 325(d) is Appropriate .....	22
VI. UENO-642 FAILS TO DISCLOSE ELEMENT 1[d] – “said control system configured to ... select from among the plurality of modes in real time in response to signals generated by the obstacle detection sensor” .....	23
A. Ueno-642’s “travel mode pointer” Does Not Change in Response to Sensor Signals .....	26

**TABLE OF CONTENTS (cont'd)**

	<b><u>Pages</u></b>
B. Transitioning Modes After the Robot has Traveled “for a planned time (or distance)” is Not in Response to Sensor Signals.....	27
C. Uneo-642 Prioritizes “Operations,” not Operating Modes .....	28
VII. CONCLUSION.....	29

**TABLE OF AUTHORITIES**

<b><u>CASES</u></b>	<b><u>PAGES</u></b>
<i>Apple Inc. v. ContentGuard Holdings, Inc.</i> , IPR2015-00456.....	7, 9
<i>Apple Inc. v. Core Wireless Licensing S.A.R.L.</i> , IPR2015-01902 .....	8
<i>Arctic Cat, Inc., v. Polaris Industries, Inc.</i> , IPR2017-00199 .....	23
<i>Carefusion Corp. v. Baxter Int., Inc.</i> , IPR2016-01456.....	7
<i>Conopco v. The Procter &amp; Gamble Company</i> , IPR2013-00510 .....	10
<i>Conopco, Inc. v. The Procter &amp; Gamble Co.</i> , IPR2014-00628.....	16, 23
<i>Cultec, Inc. v. Stormtech LLC</i> , IPR2017-00777 .....	23
<i>Facebook, Inc. v. Sound View Innovations, LLC</i> , IPR2017-00985.....	9
<i>Fidelity Nat’l Info. Serv., Inc. v. Datatransury Corp.</i> , IPR2014-00489 .....	10
<i>HP Inc. v. Memjet Technology Ltd.</i> , IPR2016-00356.....	8
<i>Intelligent Bio-Systems, Inc. v. Illumina Cambridge LTD.</i> , IPR2013-00517 .....	10
<i>Kingston Technology Company, Inc. v. Polaris Innovations Ltd.</i> , IPR2017-00114 .....	8
<i>Oil States Energy Servs. LLC v. Greene’s Energy Group, LLC</i> , Case No. 16-712, certiorari granted (U.S. Jun. 12, 2017) .....	1
<i>Panel Claw, Inc. v. Sunpower Corp.</i> , IPR2014-00388.....	8
<i>Power Integrations, Inc. v. Lee</i> , 797 F.3d 1318, 1326 (Fed. Cir. 2015).....	9
<i>Tempur Sealy Int’l, Inc. v. Select Comfort Corp.</i> , IPR2014-01419,.....	10
<i>Unified Patents Inc. v. John L. Berman</i> , IPR2016-01571 .....	12, 22
<b><u>STATUTES</u></b>	<b><u>PAGES</u></b>
35 U.S.C. § 112(f).....	1, 5, 8
35 U.S.C. § 323 .....	1

35 U.S.C. § 325(d) .....11, 12, 22, 23

**REGULATIONS**

**PAGES**

37 C.F.R. § 42.104(b) .....1,5, 6, 8, 11

37 C.F.R. § 42.6(a)(3) .....10

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.