

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHARKNINJA OPERATING LLC,
SHARKNINJA MANAGEMENT LLC, AND
SHARKNINJA SALES COMPANY,
Petitioner,

v.

BISSELL INC.,
Patent Owner.

IPR2022-01175
Patent 10,925,455 B1

Before BENJAMIN D. M. WOOD, NEIL T. POWELL, and
CARL M. DEFRANCO, *Administrative Patent Judges*.

POWELL, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

A. *Background and Summary*

BISSELL Inc. (“Bissell”) is the owner of U.S. Patent No. 10,925,455 B1 (Ex. 1001, “the ’455 patent”). SharkNinja Operating LLC, SharkNinja Management LLC, and SharkNinja Sales Company (collectively, “SharkNinja”) filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claims 1–20 of the ’455 patent. Bissell filed a preliminary response (Paper 6, “Prelim. Resp.”). Pursuant to 35 U.S.C. § 314, an *inter partes* review of claims 1–20 of the ’455 patent was instituted on all presented challenges. Paper 12. Bissell filed a response (Paper 14, “PO Resp.”), SharkNinja filed a reply (Paper 22, “Pet. Reply”), and Bissell followed with a sur-reply (Paper 23, “PO Sur-Reply”). We held an oral hearing on October 31, 2023, a transcript of which is in the record. Paper 39 (“Hrg. Tr.”).

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is entered pursuant to 35 U.S.C. § 318(a). For the reasons below, we determine that SharkNinja demonstrates by a preponderance of the evidence that challenged claims 1–20 are unpatentable as anticipated under 35 U.S.C. § 102.

B. *Real Parties in Interest*

SharkNinja asserts that “real parties-in-interest are Petitioners SharkNinja Operating LLC, SharkNinja Management LLC, and SharkNinja Sales Company . . . , as well as EP Midco LLC and SharkNinja (Hong Kong) Company Limited.” Pet. vii. SharkNinja also identifies “JS Global Lifestyle Company Limited as a real party-in-interest in an abundance of caution.” *Id.*

Bissell asserts that BISSELL Inc. is the real party in interest, but also identifies BISSELL Homecare, Inc. in “an abundance of caution.” Paper 4, 2 (Bissell’s Mandatory Notices).

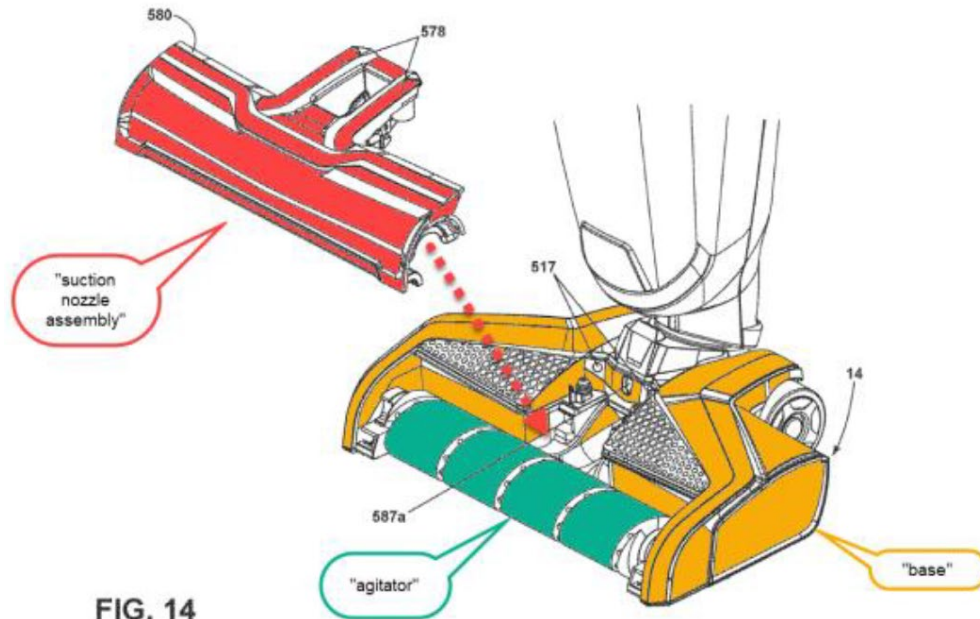
C. Related Matters

In addition to the instant Petition, SharkNinja also filed petitions challenging two related Bissell patents, namely, U.S. Patents 11,096,541 B2 (“the ’541 patent”) (IPR2022-01176) and 11,096,542 B2 (IPR2022-01177). *See* Pet. vii.

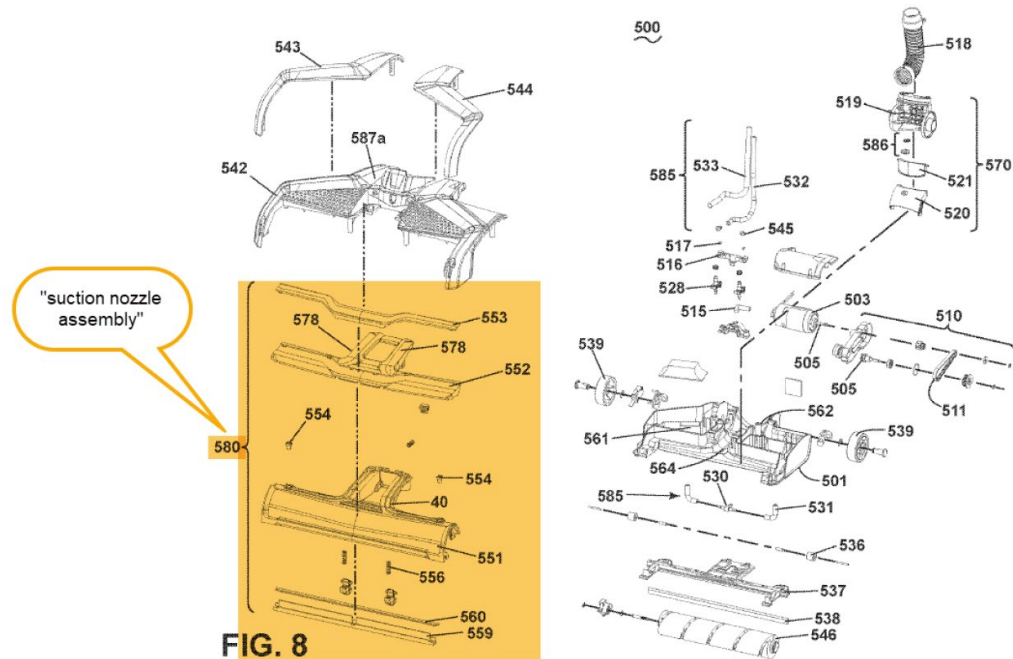
The ’541 patent is also the subject of an infringement action in *BISSELL Inc. v. Tineco Intelligent Technology Co., Ltd.*, No. 1:22-cv-00150 (D. Del.), filed May 20, 2022. *See* IPR2022-01176, Paper 4, 2. More notably, the ’541 patent is the subject of International Trade Commission Investigation No. 337-TA-1304, filed by Bissell against Tineco (“the related ITC proceeding”), which resulted in issuance of an “Initial Determination,” by Chief Administrative Law Judge (“ALJ”) Clark S. Cheney. *See* Ex. 2007 (“Initial Determination,” dated Mar. 23, 2023 (public version)). There, the ALJ found that “Tineco did *not prove* by clear and convincing evidence that claims 1 and 13 of the ’541 patent are invalid under § 102 or § 103.” *Id.* at 154 (emphasis added).

D. The ’455 Patent

The ’455 patent is directed to a multi-surface vacuum cleaning apparatus that includes a suction nozzle assembly provided on the base in fluid communication with a suction source. Ex. 1001, 1:43–50. Bissell’s (PO Resp. 18) annotated Figure 14 of the ’455 patent, reproduced below, depicts the various components of the vacuum cleaning apparatus.



As shown above, the vacuum cleaning apparatus comprises a suction nozzle assembly, a base, and an agitator. The suction nozzle assembly includes, for example, a nozzle housing, nozzle cover, fluid delivery channels, fluid dispensers, spray tips, a nozzle cover, and wipers. *Id.* at 8:11–34. Bissell’s (Prelim. Resp. 7, reproduced in Pet. Reply 12) annotated Figure 8 of the ’455 patent, reproduced below, depicts the exemplary parts of the suction nozzle assembly.



As shown above, annotated Figure 8 is an exploded view of the suction nozzle assembly (highlighted), as well as the base and agitator of the cleaning apparatus. According to the '455 patent, the suction nozzle assembly enhances cleaning in two ways. First, the suction nozzle assembly draws “soiled cleaning fluid and dirt” into the apparatus for simultaneous disposal. Ex. 1001, 14:58–62. The dual removal of fluid and dirt by the suction nozzle assembly works to “prevent streaking on the surface as well as to prevent dry debris scatter while agitator is activated.” *Id.* at 2:51–61. Second, the suction nozzle assembly enhances fluid distribution by providing fluid delivery channels 40 with spray tips 554 mounted horizontally along the suction nozzle assembly 580 “in order to wet the entire length of the brushroll 546.” *Id.* at 11:40–53.

E. Illustrative Claims

Claim 1, reproduced below, is the sole independent claim and is reproduced below with emphasis added to identify the limitations disputed by Bissell:

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