

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C. 20436

Before The Honorable Thomas B. Pender
Administrative Law Judge

In the Matter of

**CERTAIN ROBOTIC VACUUM
CLEANING DEVICES AND
COMPONENTS THEREOF SUCH AS
SPARE PARTS**

Investigation No. 337-TA-1057

RESPONDENTS' DISCLOSURE OF INVALIDITY CONTENTIONS

Pursuant to Ground Rule 7.5 in the above-captioned Investigation, Respondents Shenzhen Silver Star Intelligent Technology Co., Ltd., The Black & Decker Corporation and Black & Decker (U.S.) Inc. ("Black & Decker U.S.") (collectively, "Black & Decker"), Shenzhen Zhiyi Technology Co., Inc. ("Zhiyi"), Hoover, Inc., Royal Appliance Manufacturing Co., Inc. d/b/a TTO Floor Care North America, Inc., Bobsweep, Inc., Bobsweep USA, BISSELL Homecare, Inc., and Matsutek Enterprises Co., Ltd. hereby set forth their invalidity contentions

Discovery in this Investigation is continuing. Respondents' invalidity contentions are made to the best of their knowledge and understanding, which may change as facts and evidence are made available to them and/or based on the forthcoming claim construction order. Therefore, Respondents reserve the right to seek relief to amend and supplement these contentions. In addition, because a claim construction order has not issued, these contentions may assume constructions from either the Complainant or the Respondents. Any comparison of a claim term

to the prior art expressly or implicitly using a construction offered by Complainant is not a concession or admission to the correctness of that construction, and is simply done out of an abundance of caution in the event that such construction is adopted. Likewise, for any claim term Respondents contend to be indefinite, any comparison of that claim term to the prior art is not a concession that the term is definite, and instead is simply done out of an abundance of caution.

To the extent an Asserted Patent or a claim thereof is against less than all Respondents and not the basis for a domestic industry contention, the contentions herein with respect to that patent or claim thereof are on behalf of just those Respondents against whom that patent or claim is asserted.

These contentions are made in view of the priority dates alleged in Complainant's Ground Rule 7.1 Disclosure. If the Complainant obtains leave to assert an earlier priority date for any Asserted Patent or claim thereof, Respondents reserve the right to supplement their contentions in view of the allegedly earlier priority date.

All pin cites are exemplary in nature. Respondents reserve the right to rely on supplemental citations and authorities to supplement all arguments made herein. Respondents also reserve the right to rely on additional citations to reply to any unforeseen rebuttals the Complainant may make.

For any priority date alleged, Respondents do not concede that Complainant is entitled to be accorded priority benefit to that date. The burden resides with Complainant to establish entitlement to an alleged priority date. Respondents do not assume any burden to disprove that priority claim when asserting intervening references (i.e., references having an effective prior art date between an Asserted Patent's actual and priority date).

Zhiyi has also filed IPRs against asserted patents under the case numbers IPR2017-02050, IPR2017-02061, IPR2017-02078, IPR2017-02133, IPR2017-02137. Each is incorporated by reference herein and all arguments made therein should be considered to have been made entirely as part of these invalidity contentions. To the extent any IPRs are filed with the USPTO in the future, their contents should additionally be considered incorporated by reference at the time of filing and all arguments made therein apply to these contentions. Those IPR Petitions can be found in the Bates ranges 1057PriorArt005621-1057PriorArt005676, 1057PriorArt004582-1057PriorArt004627, 1057PriorArt005549-1057PriorArt00562, 1057PriorArt010293-1057PriorArt010347, 1057PriorArt011639-1057PriorArt011693, 1057PriorArt011694-1057PriorArt011765.

I. IDENTIFICATION OF PRIOR ART AND PRIORITY DATES (G.R. 7.5.1(1) and (2))

Per Ground Rule 7.5.1(1), the chart below includes for each prior art patent (or published application), its number, country of origin, date of issue (or publication), and the patentee (or applicant) name. Per Ground Rule 7.5.2, the priority dates for those patents/applications are also included where applicable. Because the Asserted Patents are pre-AIA patents, the foreign filing priority dates for foreign applications are omitted, as they are not relevant.

<u>Number</u>	<u>Country</u>	<u>Issue or Publication Date</u>	<u>Name of Patentee/ Applicant</u>	<u>Priority Date</u>	<u>Bates Range</u>
JP 11-212642	Japan	8/6/99	Ueno	N/A	SS_ITC_00043650-90
US 6,941,199	USA	9/6/05	Bottomley	7/20/98	SS_ITC_00054816-26
WO 00/04430	PCT	1/27/00	Bottomley	7/20/98	SS_ITC_00055403-32
WO 93/03399	PCT	2/18/93	Ohman	N/A	SS_ITC_00055974-94
WO 00/38025	PCT	6/29/00	Bisset '025	N/A	SS_ITC_00055603-49
WO 00/38026	PCT	6/29/00	Bisset '026	N/A	SS_ITC_00055650-84
DE 19849978	Germany	5/11/00	Erwin	N/A	1057PriorArt007187-1057PriorArt007194; 1057PriorArt007195-1057PriorArt007198; 1057PriorArt007175-1057PriorArt007186
US 2002/0156556	USA	8/26/03	Ruffner	7/12/99	SS_ITC_00050682-727
JP 2002321180	Japan	11/5/02	Koji	N/A	SS_ITC_00044138-67
JP 2002354139	Japan	12/6/02	Koichi	N/A	SS_ITC_00044024-45
US 6,584,376	USA	6/24/03	Van Kommer	11/30/99	SS_ITC_00054621-29
JP 2004136144	Japan	5/13/04	Kazuhiro	N/A	SS_ITC_00044236-44 SS_ITC_00044315-41
US 6,535,793	USA	3/18/03	Allard	5/1/00	1057PriorArt008477-1057PriorArt008498
US 5,682,313	USA	10/28/97	Edlund	6/5/95	SS_ITC_00018844-53
US 6,076,025	USA	6/13/00	Ueno	1/29/97	SS_ITC_00054141-62
US 5,109,566	USA	5/5/92	Kobayashi	6/28/1990	SS_ITC_00052690-717
US 6,574,536	USA	6/3/03	Kawagoe	1/29/96	SS_ITC_00023545-78
US 7,218,994	USA	5/15/07	Kanda	10/1/02	SS_ITC_00059864-82

<u>Number</u>	<u>Country</u>	<u>Issue or Publication Date</u>	<u>Name of Patentee/ Applicant</u>	<u>Priority Date</u>	<u>Bates Range</u>
US 7,873,448	USA	1/18/11	Takeda	12/10/02	SS_ITC_00059940-64
US 4,920,520	USA	4/24/90	Gobel	9/8/87	SS_ITC_00052458-64
US 6,324,462	USA	11/27/01	Kageyama	8/22/97	SS_ITC_00059357-69
US 2005/0171637	USA	8/4/05	Tani	1/30/04	SS_ITC_00058618-29
US 4,967,862	USA	11/6/90	Pong	3/13/89	SS_ITC_00058902-18
US 5,935,179	USA	8/10/99	Kleiner	4/30/96	SS_ITC_00019588-601
US 6,809,490	USA	10/26/04	Jones	6/12/01	1057PriorArt005255-1057PriorArt005282
US 2005/0192707	USA	9/1/05	Park	2/27/04	1057PriorArt005283-1057PriorArt005297
US 2003/0334898	USA	2/20/03	Shamoon	8/20/01	1057PriorArt011603-1057PriorArt011620
JP 2000207215	Japan	7/28/08	Takimoto	N/A	1057PriorArt002618-1057PriorArt002636
GB 1062102	GB	3/15/67	Slay	N/A	SS_ITC_00042726-38
WO 02/06744	PCT	9/6/2002	Haegermarck	N/A	1057PriorArt006139-1057PriorArt006153
US 2004/0143927	USA	7/29/04	Haegermarck	1/25/02	1057PriorArt011822-1057PriorArt011831
US 6,481,515	USA	11/19/02	Kirkpatrick	5/30/00	SS_ITC_00054506-27
U.S. 4,932,489	USA	6/12/90	Evans	4/7/88	1057PriorArt003393-1057PriorArt003402
U.S. 6,389,329	USA	5/14/02	Colens	5/26/00, 11/27/97	SS_ITC_00056858-75
WO 99/28800	PCT	6/19/99	Colens	N/A	1057PriorArt005938-1057PriorArt005986
U.S. 500,976	USA	7/4/1893	Tangenberg		1057PriorArt011263-1057PriorArt011265
U.S. 6,594,844	USA	7/22/03	Jones	1/24/00	SS_ITC_00054648-73
U.S. 5,293,955	USA	1/15/94	Lee	12/30/91	SS_ITC_00018147-59
U.S. 5,279,672	USA	1/18/94	Windsor	6/29/92	SS_ITC_00052855-73

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