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

ONE WORLD TECHNOLOGIES, INC., D/B/A TECHTRONIC INDUSTRIES POWER EQUIPMENT,
Petitioner,

v.

CHERVON (HK) LIMITED,
Patent Owner.

Case IPR2020-00886
Patent 9,826,686

PATENT OWNER'S AUTHORIZED MOTION TO STRIKE

I. INTRODUCTION

Petitioner's Reply includes numerous new improper arguments, rationales, and theories (collectively, "Arguments") that should be stricken because they were not included in the Petition or Petitioner's supporting expert declaration. Petitioner's new Arguments include, *inter alia*, (i) new proposed combinations of, and modifications to, the asserted references (including new proposed combinations of references that were not asserted in the Petition); (ii) new proposed motivations to combine the asserted references; and (iii) new positions regarding what the asserted references disclose. Petitioner's new Arguments go well beyond merely responding to the arguments raised in Patent Owner's Response and instead are an unmistakable attempt to alter Petitioner's *prima facie* invalidity case after Patent Owner demonstrated that Petitioner had failed to meet its burden of proving obviousness through the undisputed testimony of Patent Owner's and Petitioner's experts. The Reply's dearth of citations to the Petition and Petitioner's supporting expert declaration,[1] and the fact that Petitioner's new arguments consist solely of attorney argument,[2] emphasize the impropriety of Petitioner's new Arguments. Accordingly, Patent Owner respectfully requests that

[1] The Reply cites to the Petition or the supporting expert declaration only a handful of times. (*See* Reply at 5, 7, 8, 11, 13, 16-21, 23, 26, 28.)

[2] Petitioner chose not to support its Reply with a reply expert declaration.

the Board strike Petitioner's Reply in its entirety, or at the very least strike the new Arguments.

II. LEGAL STANDARDS

Pursuant to 37 C.F.R. § 42.23(b), a petitioner may not bolster its original case-in-chief with new theories and evidence in its reply brief. *Intelligent Bio-Systems, Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1369 (Fed. Cir. 2016). A reply may not "proceed in a new direction with a new approach as compared to the positions taken in a prior filing." Consolidated Trial Practice Guide (Nov. 2019) at 74. For example, a "[p]etitioner may not submit new evidence or argument in a reply that it could have presented earlier, e.g. to make out a prima facie case of unpatentability." *Id*. at 73; *see also id*. at 74. The Board may strike improper new reply arguments. *Id*. at 80-81.

III. ARGUMENT

A. The Board Should Strike Petitioner's Reply In Its Entirety.

The Board should strike Petitioner's Reply in its entirety. "Once the Board identifies new issues presented for the first time in reply, neither this court nor the Board must parse the reply brief to determine which, if any, parts of that brief are responsive and which are improper." *Intelligent Bio-Sys.*, 821 F.3d at 1369. The Board "will not attempt to sort proper from improper portions of the reply." *Id*. (citations omitted).

Here, Petitioner's Reply includes numerous new Arguments that were not included in the Petition or Petitioner's supporting expert declaration, and which go well beyond the proper scope of a Reply because they are unmistakably intended to alter Petitioner's *prima facie* obviousness case. The Board need not parse these improper new Arguments from the rest of the Reply, and should strike the Reply in its entirety.

B. Petitioner's New Argument That It Is Not Relying On Outils' Figure 1 Embodiment And Is Instead Relying On Only Outils' Figure 10 Embodiment Should Be Stricken [All Asserted Grounds].

The Petition and Petitioner's supporting expert declaration relied on only Outils' Figure 1 embodiment, and certain components of only that embodiment (*i.e.*, cable 29, hold-to-run component 30, and the electrical supply contactor),[3] for multiple claim limitations. (Petition at 31-32 (relying on the "operation assembly 30" of Outils' Figure 1 embodiment for the claimed "operation assembly," reproducing Outils' Figure 1, and citing to portions of Outils that relate only to Outils' Figure 1 embodiment); *id*. at 40 (relying on the hold-to-run component 30,

[3] Petitioner concedes in the Reply that Outils' hold-to-run component 30, cable 29, and electrical supply contactor are disclosed only as part of Outils' Figure 1 embodiment, and that Outils' Figure 1 and Figure 10 embodiments are separate. (Reply at 8-10, 23-24, 27-28.)

cable 29, and electrical supply contactor of Outils' Figure 1 embodiment for the claimed "first control device configured to be controlled by the operation assembly" and citing a portion of Outils that relates only to Outils' Figure 1 embodiment); *id*. at 39, 41, 45, 47-49, 65; EX1003, ¶¶ 72, 83, 85, 86, 95, 98, 99, 103, 128; EX2028 at 84:5-85:11.) The Board confirmed that Petitioner relied on only the hold-to-run component 30, cable 29, and electrical supply contactor of Outils' Figure 1 embodiment for the claimed "operation assembly" and "first control device configured to be controlled by the operation assembly." (Institution Decision ("ID") at 41, 45-46.) Now, despite admitting that it relied on the Figure 1 embodiment's components in the Petition (Reply at 8, 24 n. 10), Petitioner changes its invalidity theory by asserting in its Reply that it is relying solely on Outils' Figure 10 embodiment. (*Id*. at 8-9 (failing to cite to the Petition or Petitioner's supporting declaration).)

C. Petitioner's New Argument That It Is Not Relying On Outils' Cable 29 Should Be Stricken [All Asserted Grounds].

For the claim limitation "a first control device configured to be controlled by the operation assembly," the Petition and Petitioner's supporting expert declaration unmistakably relied on Outils' cable 29 as the connection between Outils' hold-to-run component 30 (*i.e.*, the alleged "operation assembly") and Outils' electrical supply contactor (*i.e.*, the alleged "first control device"). (Petition at 31, 40, 49, 65; EX1003, ¶¶ 72, 103, 128.) The Board confirmed Petitioner's position that

"component 30 controls the contactor through cable 29." (ID at 41, 46.) Now, Petitioner changes its invalidity theory by asserting in its Reply that it is not relying on Outils' cable 29. (Reply at 8-11, 23-24, 27-28 (failing to cite to the Petition or Petitioner's supporting declaration).)

D. Petitioner's New Proposed Combination Of Outils With 16 CFR 1205 Should Be Stricken [All Asserted Grounds].

The Petition and Petitioner's supporting expert declaration did not include 16 CFR 1205 in any of the asserted obviousness grounds, did not propose modifying Outils in view of 16 CFR 1205 to add a "manual on/off component" to the top of Outils' handle, and did not propose modifying Outils to include a "contactor." (Petition at 4, 30-33; EX1003, ¶¶ 28, 70-74.) Indeed, the Board confirmed that the Petition does not include 16 CFR 1205 as a reference in the asserted grounds. (ID at 55.) Petitioner's Reply raises the new, attorney-only argument that a "POSITA would know that Outils ***must*** have a manual on/off component, and it must be atop Outils' handle 1 just like component 30 (Figure 1) with its own associated contactor because 16 CFR 1205.5(c) mandates it." (Reply at 9-10 (failing to cite to expert testimony, the Petition, or Petitioner's supporting declaration).)

E. Petitioner's New Argument Regarding What Outils Purportedly Discloses Should Be Stricken [All Asserted Grounds].

The Petition and Petitioner's supporting expert declaration did not assert that a POSITA would have understood Outils' Figure 10 embodiment to include the Figure 1 embodiment's hold-to-run component 30. (Petition at 31-32 (Petitioner relying solely on Outils' Figure 1 and its accompanying text for the "operation assembly" limitation); EX1003, ¶¶ 70-72.) The Board confirmed that Petitioner relied solely on Outils' Figure 1 and its accompanying text for the "operation assembly" limitation. (ID at 41.) Petitioner's Reply raises the new, attorney-only argument that a "POSITA would have understood Outils' Figure 10 to include hold-to-run lever 30 (or comparable regulation-compliant component) and its electric supply contactor from Figure 1 but without cable 29 acting as a Bowden cable" in view of a single sentence in Outils' background section discussing prior art lawnmowers. (Reply at 10-11 (citing EX1014, Outils, at 2:24-27, and citing to portions of the Petition and Petitioner's supporting declaration that do not support Petitioner's new argument).) Notably, neither the Petition nor Petitioner's supporting declaration cited to Outils at 2:24-27. (*See generally* Petition; EX1003.)

F. Petitioner's New Proposed Motivation To Combine Outils With Roelle Should Be Stricken [All Asserted Grounds].

The Petition and Petitioner's supporting expert declaration failed to explain why, and provided no evidence to support the assertion that, it would be "dangerous" to allow Outils' handle to rotate from the non-use position of Figure 7

to the in-use position of Figure 6. (Petition at 34-37; EX1003, ¶¶ 75-81.) Petitioner's Reply raises the new, attorney-only argument that Outils' handle inadvertently rotating from a non-use position to an in-use position would be "dangerous" in view of the "possibility of the handle hitting the user as he/she leans over." (Reply at 12 (failing to include any evidentiary or record citations).)

G. Petitioner's New Annotated Figure In Support Of Its Proposed Outils And Matsunaga Combination And Any Related Argument Should Be Stricken [All Asserted Grounds].

Petitioner's Reply includes a new annotated figure to attempt to explain how Petitioner proposes combining Outils with Matsunaga. (Reply at 14 (failing to cite to the Petition or Petitioner's supporting declaration); *see generally* Petition; EX1003 (failing to include new annotated figure in the Petition or the supporting declaration).)

H. Petitioner's New Proposed Combination Of Outils With Matsunaga Should Be Stricken [All Asserted Grounds].

The Petition and Petitioner's supporting expert declaration proposed implementing only Outils' actuator 23 and/or hold-to-run component 30 with Matsunaga's switches 11 or 12, and did not propose implementing Outils' electrical supply contactor with Matsunaga's switches 11 or 12. (Petition at 43-45, 47-48, 50, 66-67; EX1003, ¶¶ 90-91, 94, 99, 102-103, 107, 131.) The Board confirmed that Petitioner proposed implementing Outils' actuator 23 with Matsunaga's switches 11 or 12. (ID at 49-50, 53.) Petitioner's Reply raises the

new, attorney-only argument that a "POSITA would have found it obvious to replace the contactor associated with Outils' lever 30 with Matsunaga's low-current switch 11 and high-power switch Q1." (Reply at 14 n. 7 (failing to include any evidentiary or record citations).)

I. Petitioner's New Proposed Motivation To Combine Outils With Matsunaga Should Be Stricken [All Asserted Grounds].

The Petition and Petitioner's supporting expert declaration failed to explain why, and provided no evidence to support the assertion that, it is "dangerous" to pass high current through contact switches, and did not say anything about an alleged "electrical shock hazard." (Petition at 42; EX1003, ¶ 88.) Petitioner's Reply raises the new, attorney-only argument that "Outils' actuator 23 [is located] immediately adjacent the cut-grass chute where wet grass collects and where Outils' user's hands are expected to reach to clear grass," and that the "motivation to avoid high current and electrical shock hazards in that location is clear." (Reply at 15 (failing to include any evidentiary or record citations).)

J. Petitioner's New Argument Regarding Whether Matsunaga Is Analogous Art Should Be Stricken [All Asserted Grounds].

The Petition and Petitioner's supporting expert declaration failed to assert that Matsunaga is analogous to the '26686 patent and failed to identify any problems that the '26686 patent and/or Matsunaga are allegedly directed to. (*See generally* Petition; EX1003.) The Board confirmed that Petitioner did not assert

that Matsunaga is analogous to the '26686 patent. (ID at 50-51.) Petitioner's Reply raises the new, attorney-only argument that "Matsunaga is pertinent to the problems of the Challenged Patent because it is concerned with providing switches (*e.g.*, switch 11) that turn on/off switches lying in a power supply circuit between a battery and a motor in a mowing gardening tool." (Reply at 7 (failing to cite to expert testimony, the Petition, or Petitioner's supporting declaration).)

K. Petitioner's New Argument Regarding Whether Nakano Is Analogous Art Should Be Stricken [Ground 2].

The Petition and Petitioner's supporting expert declaration failed to assert that Nakano is analogous to the '26686 patent, failed to assert that Nakano discloses a lawnmower, conceded that Nakano discloses an electric bush cutter, failed to identify any problem that Nakano is allegedly directed to, and said nothing about encountering obstacles such as tree trunks, rocks, or fences. (*See generally* Petition (Petitioner failing to assert that Nakano is analogous art); *see also id*. at 54, 57 (Petitioner conceding that Nakano is directed to an electric bush cutter); EX1003, ¶¶ 117, 119.) The Board confirmed that Nakano is directed toward a bush cutter and that Petitioner did not assert that Nakano is analogous to the '26686 patent. (ID at 15-16, 58, 59.) Petitioner's Reply raises the new, attorney-only argument that Nakano discloses a lawnmower and that "Nakano's mower and other mowers are analogous because they share the problem of (undesirably) encountering obstacles like tree trunks, rocks or fences." (Reply at

17-18 (failing to cite to expert testimony, the Petition, or Petitioner's supporting declaration).)

L. Petitioner's New Annotated Figures In Support Of Its Proposed Combination Of Outils With Nakano And Matsunaga And Any Related Argument Should Be Stricken [Ground 2]

Petitioner's Reply includes new annotated figures to attempt to explain how it proposes combining Outils with Nakano and Matsunaga. (Reply at 22 (failing to cite to the Petition or Petitioner's supporting declaration); *see generally* Petition; EX1003 (failing to include new annotated figures in the Petition or Petitioner's supporting declaration).)

M. Petitioner's New Proposed Motivations To Combine Outils With Nakano Should Be Stricken [Ground 2].

The Petition and Petitioner's supporting expert declaration failed to assert that a POSITA would have been motivated to combine Nakano with Outils, and said nothing about Nakano purportedly addressing "convenient storage." (Petition at 54-64; EX1003, ¶¶ 116-126; ID at 58-61 (failing to identify any alleged motivation to combine Nakano with Outils).) Petitioner asserts for the first time in its Reply that a POSITA would have been motivated to combine Nakano with Outils because (i) Nakano purportedly "provides added safety" (Reply at 28; *see also id*. at 27); and (ii) "Nakano's safety telescoping mechanism addresses [] convenient storage (one of the motivations to make Outils' handle telescoping, *see supra*)" (*id*. at 27).

IV. CONCLUSION

Accordingly, for at least the foregoing reasons, Patent Owner's respectfully requests that the Board strike Petitioner's Reply in its entirety, or at the very least strike each of the above-identified new Arguments.

Respectfully submitted,

Dated: June 14, 2021

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the below date, I caused the forgoing to be served by electronic mail to the following:

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SUMMARY OF PETITIONER'S NEW REPLY ARGUMENTS

Petitioner's New Attorney-Only Argument	What the Petition Stated	What Petitioner's Expert Stated	What the Institution Decision Stated
Petitioner raises the new argument that it is relying solely on the embodiment of Outils' Figure 10. (Reply at 8-9 (failing to cite to the Petition or the supporting declaration); *see also* Reply at 8 (Petitioner admitting that it relied on Figure 1's hold-to-run component 30 for the claimed "operation assembly"); Reply at 8-10 (Petitioner admitting that Outils' hold-to-run component 30, cable 29, and electrical supply contactor are part of Outils' Figure 1 embodiment); Reply at 24 n. 10 (Petitioner admitting that it relied on the Figure 1 embodiment's hold-to-run component 30, cable 29, and electrical supply contactor in the Petition).)	Petitioner relied on components that are disclosed solely with respect to Outils' Figure 1 embodiment (i.e., cable 29, hold-to-run component 30, and the electrical supply contactor) for multiple claim limitations in the Petition. (*See* Petition at 31-32 (relying on the "operation assembly 30" of Outils' Figure 1 for the claimed "operation assembly," reproducing Outils' Figure 1, and citing only to portions of Outils that relate exclusively to Outils' Figure 1 embodiment); *id*. at 40 (relying on the hold-to-run component 30, cable 29, and electrical supply contactor of Outils' Figure 1 for the claimed "first control device configured to be controlled by the operation assembly" and citing a portion of Outils	Petitioner's expert relied on components that are disclosed solely with respect to Outils' Figure 1 embodiment (i.e., cable 29, hold-to-run component 30, and the electrical supply contactor) for multiple claim limitations in the supporting expert declaration. (EX1003, ¶¶ 72, 83, 85, 86, 95, 98, 99, 103, 128; *see also* EX2028 at 84:5-85:11 (Petitioner's expert admitting that he relied on the hold-to-run component 30, cable 29, and electrical supply contactor of Outils' Figure 1 embodiment).)	ID at 41 (confirming that Petitioner relied on the hold-to-run component 30 of Outils' Figure 1 embodiment for the claimed "operation assembly"); *id*. at 45-46 (confirming that Petitioner relied on the hold-to-run component 30, cable 29, and electrical supply contactor of Outils' Figure 1 embodiment for the claimed "first control device configured to be controlled by the operation assembly")

	that relates only to Outils' Figure 1 embodiment); *see also id*. at 39, 41, 45, 47-49, 65.)		
Petitioner raises the new argument that it is not relying on Outils' cable 29. (Reply at 23-24, 27-28 (failing to cite to the Petition or Petitioner's supporting expert declaration).)	The Petition relied on cable 29 as the connection between hold-to-run component 30 (i.e., the alleged "operation assembly") and the electrical supply contactor (i.e., the alleged "first control device). (Petition at 31, 40, 49, 65.)	Petitioner's expert relied on cable 29 as the connection between hold-to-run component 30 (i.e., the alleged "operation assembly") and the electrical supply contactor (i.e., the alleged "first control device). (EX1003, ¶¶ 72, 103, 128; EX2028 at 85:2-10 (Petitioner's expert confirming that he relied on cable 29 as the connection between hold-to-run component 30 and the electrical supply contactor).)	ID at 41, 46 (confirming Petitioner's position that "component 30 controls the contactor through cable 29.")
Petitioner raises the new argument that a "POSITA would know that Outils ***must*** have a manual on/off component, and it must be atop Outils' handle 1 just like component 30 (Figure 1) with its own associated contactor because 16 CFR 1205.5(c) mandates it." (Reply at 9-10 (citing only EX1008, 16 CFR 1205, at pg. 8).)	The Petition did not include 16 CFR 1205 in any of its proposed obviousness grounds (Petition at 4), and did not propose adding a "manual on/off component" to Outils in view of 16 CFR 1205 (*id*. at 30-33)	Petitioner's supporting expert declaration does not include 16 CFR 1205 in any of its proposed obviousness grounds (EX1003, ¶ 28), and does not propose adding a "manual on/off component" to Outils in view of 16 CFR 1205 (*id*., ¶¶ 70-74)	ID at 55 ("we disagree with Patent Owner's reading of the Petition to include 16 CFR 1205.05 as a reference in the asserted grounds.")
Petitioner raises the new argument that a "POSITA would have understood Outils' Figure 10 to include hold-to-run lever 30 (or comparable regulation-	At no point does the Petition cite to the sentence that Petitioner relies on in the Reply, and at no point	At no point does Petitioner's supporting expert declaration cite to the sentence that Petitioner relies on in the	ID at 41 (confirming that Petitioner relied solely on Outils' Figure 1 and its accompanying text for the

compliant component) and its electric supply contactor from Figure 1 but without cable 29 acting as a Bowden cable" in view of a single sentence in Outils' background section discussing prior art lawnmowers. (Reply at 10-11 (citing EX1014, Outils, at 2:24-27).)	does the Petition assert that a POSITA would have understood Outils' Figure 10 embodiment to include the Figure 1 embodiment's hold-to-run component 30 (Petition at 31-32 (Petitioner relying solely on Outils' Figure 1 and its accompanying text for the "operation assembly" limitation))	Reply, and at no point does the supporting declaration assert that a POSITA would have understood Outils' Figure 10 embodiment to include the Figure 1 embodiment's hold-to-run component 30 (EX1003, ¶¶ 70-72)	"operation assembly" limitation)
Petitioner raises the new argument that Outils' handle inadvertently rotating from a non-use position to an in-use position would be "dangerous" in view of the "possibility of the handle hitting the user as he/she leans over." (Reply at 12 (failing to include any evidentiary or record citations).)	The Petition does not assert any alleged possibility of Outils' handle hitting the user. (Petition at 34-37.)	Petitioner's supporting expert declaration does not assert any alleged possibility of Outils' handle hitting the user. (EX1003, ¶¶ 75-81.)	
Petitioner includes a new annotated figure to attempt to explain how it proposes combining Outils with Matsunaga. (Reply at 14 (failing to cite to the Petition or supporting expert declaration); *see also* Reply at 13 (Petitioner admitting that it did not include the new annotated figure in the Petition or the supporting expert declaration).)	Annotated figure does not appear anywhere in the Petition. (*See generally* Petition.)	Annotated figure does not appear anywhere in the declaration. (*See generally* EX1003.)	
Petitioner raises the new argument that a "POSITA would have found it obvious to replace the contactor associated with	Petitioner proposed implementing only Outils' actuator 23 and/or hold-to-	Petitioner's expert proposed implementing only Outils' actuator 23 and/or hold-to-	ID at 49-50, 53 (confirming that Petitioner proposed implementing Outils'

Outils' lever 30 with Matsunaga's low-current switch 11 and high-power switch Q1." (Reply at 14 n. 7 (Petitioner failing to support its new argument with any evidentiary or record citations).)	run component 30 with Matsunaga's switches 11 or 12. (Petition at 43-45, 47-48, 50, 66-67.) At no point did the Petition propose implementing Outils' electrical supply contactor with Matsunaga's switches 11 or 12.	run component 30 with Matsunaga's switches 11 or 12. (EX1003, ¶¶ 90-91, 94, 99, 102-103, 107, 131.) At no point did Petitioner's expert propose implementing Outils' electrical supply contactor with Matsunaga's switches 11 or 12.	actuator 23 with Matsunaga's switches 11 or 12)
Petitioner raises the new argument that "Outils' actuator 23 [is located] immediately adjacent the cut-grass chute where wet grass collects and where Outils' user's hands are expected to reach to clear grass," and that the "motivation to avoid high current and electrical shock hazards in that location is clear." (Reply at 15 (Petitioner failing to support its new argument with any evidentiary or record citations).)	The Petition fails to explain why, and provides no evidence or citation to support the assertion that, it is "dangerous" to pass high current through contact switches. (Petition at 42.) The Petition also says nothing about an "electrical shock hazard."	Petitioner's supporting expert declaration fails to explain why, and provides no evidence or citation to support the assertion that, it is "dangerous" to pass high current through contact switches. (EX1003, ¶ 88.) The declaration also says nothing about an "electrical shock hazard."	
Petitioner raises the new argument that "Matsunaga is pertinent to the problems of the Challenged Patent because it is concerned with providing switches (*e.g.*, switch 11) that turn on/off switches lying in a power supply circuit between a battery and a motor in a mowing gardening tool." (Reply at 7 (citing only to EX1006, Matsunaga, at FIG. 2).)	The Petition fails to specify any problems the '26686 patent or Matsunaga are allegedly directed to, and fails to even assert that the '26686 patent and Matsunaga are analogous. (*See generally* Petition.)	Petitioner's supporting expert declaration fails to specify any problems the '26686 patent or Matsunaga are allegedly directed to, and fails to even assert that the '26686 patent and Matsunaga are analogous. (*See generally* EX1003.)	The Board confirmed that Petitioner did not assert that the '26686 patent and Matsunaga are analogous. (ID at 50-51.)
Petitioner raises the new argument that Nakano discloses a lawnmower, and that "Nakano's mower and other mowers are	The Petition fails to assert that the '26686 patent and Nakano are analogous,	Petitioner's supporting expert declaration fails to assert that the '26686 patent	ID at 15-16, 59 (confirming that Nakano is directed toward a bush cutter); *id*. at

analogous because they share the problem of (undesirably) encountering obstacles like tree trunks, rocks or fences.". (Reply at 17-18 (Petitioner failing to support its new argument with citations to the Petition or the supporting expert declaration).)	does not assert that Nakano discloses a lawnmower, concedes that Nakano discloses an electric bush cutter (Petition at 54, 57), fails to specify any problem that Nakano is allegedly directed to, and says nothing about encountering obstacles	and Nakano are analogous, does not assert that Nakano discloses a lawnmower, concedes that Nakano discloses an electric bush cutter (EX1003, ¶¶ 117, 119), fails to specify any problem that Nakano is allegedly directed to, and says nothing about encountering obstacles	58 (confirming that Petitioner did not assert that the '26686 patent and Nakano are analogous)
Petitioner includes new annotated figures to attempt to explain how it proposes combining Outils with Nakano and Matsunaga. (Reply at 22 (failing to cite to the Petition or supporting expert declaration).)	Annotated figure does not appear anywhere in the Petition. (*See generally* Petition.)	Annotated figure does not appear anywhere in the declaration. (*See generally* EX1003.)	
Petitioner raises the new argument that a POSITA would have been motivated to combine Nakano with Outils because (i) Nakano purportedly "provides added safety" (Reply at 28; *see also id*. at 27), and (ii) "Nakano's safety telescoping mechanism addresses [] convenient storage (one of the motivations to make Outils' handle telescoping, *see supra*)" (Reply at 27)	The Petition fails to assert that a POSITA would have been motivated to combine Nakano with Outils and says nothing about Nakano addressing "convenient storage." (Petition at 54-64.)	Petitioner's supporting expert declaration fails to assert that a POSITA would have been motivated to combine Nakano with Outils and says nothing about Nakano addressing "convenient storage." (EX1003, ¶¶ 116-126.)	ID at 58-61 (failing to identify any alleged motivation to combine Nakano with Outils in the Petition)