



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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NOTICE OF ALLOWANCE AND FEE(S) DUE

25215 7590 05/10/2023
The Dobrusin Law Firm P.C.
29 W. Lawrence Street
Suite 210
Pontiac, MI 48342

EXAMINER

JENNISON, BRIAN W

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 05/10/2023

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/330,572	05/26/2021	Marc Krüger	1859.029USC9	6528

TITLE OF INVENTION: PORTION CAPSULE HAVING AN IDENTIFIER

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1200	\$0.00	\$0.00	\$1200	08/10/2023

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 40% the amount of undiscounted fees, and micro entity fees are 20% the amount of undiscounted fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications. **Because electronic patent issuance may occur shortly after issue fee payment, any desired continuing application should preferably be filed prior to payment of this issue fee in order not to jeopardize copendency.**

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

25215 7590 05/10/2023
The Dobrusin Law Firm P.C.
29 W. Lawrence Street
Suite 210
Pontiac, MI 48342

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/330,572	05/26/2021	Marc Krüger	1859.029USC9	6528

TITLE OF INVENTION: PORTION CAPSULE HAVING AN IDENTIFIER

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nonprovisional	UNDISCOUNTED	\$1200	\$0.00	\$0.00	\$1200	08/10/2023

EXAMINER	ART UNIT	CLASS-SUBCLASS
JENNISON, BRIAN W	3761	426-115000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/AIA/122 or PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/AIA/47 or PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

1 _____

(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. Fees submitted: ☐ Issue Fee ☐ Publication Fee (if required)

4b. Method of Payment: (Please first reapply any previously paid fee shown above)

☐ Electronic Payment via Patent Center or EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

5. Change in Entity Status (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



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The Dobrusin Law Firm P.C. 29 W. Lawrence Street Suite 210 Pontiac, MI 48342			JENNISON, BRIAN W	
			ART UNIT	PAPER NUMBER
			3761	
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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.** Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b) (2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 17/330,572	Applicant(s) Krüger, Marc	
	Examiner BRIAN W JENNISON	Art Unit 3761	AIA (FITF) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/26/2021.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are 1-20. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
Certified copies:
a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)	5. ☐ Examiner's Amendment/Comment
2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____.	6. ☒ Examiner's Statement of Reasons for Allowance
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____.	7. ☐ Other _____.
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.	

/BRIAN W JENNISON/ Primary Examiner, Art Unit 3761	
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Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions.

Allowable Subject Matter

Claims 1-20 are allowed.

The following is an examiner's statement of reasons for allowance: allowance of claims 1-20 is indicated as none of the cited prior art discloses or suggests the wall region includes radially spaced and vertically oriented grooves that are free from extending entirely to the bottom region, a width of the side wall defined between each of the plurality of grooves is wider than a width of each of plurality of grooves, wherein the capsule has an identifier, which makes it possible to individualize the single-serve capsule, the identifier is a barcode on the wall region and on a bottom side of the flange.

The closest prior art is Yoakim (US 2010/0239734), Denisart (WO 2010/026053), Boyd (US 2002/0048621) and Aker (US 2010/0078480). These references fail to disclose most of the claimed limitations such as, the identifier on the bottom of the flange and the cavity being free of a filter. The other pertinent references either do not meet the priority date or, in the Examiner's opinion, are not able to be combined.

It should also be noted the amount of references cited, a significant portion being filings from a third party, are not considered an undue burden.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN W JENNISON whose telephone number is (571)270-5930. The examiner can normally be reached M-Th 9-5.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: <https://patentcenter.uspto.gov>. Visit <https://www.uspto.gov/patents/apply/patent-center> for more information about Patent Center and <https://www.uspto.gov/patents/docx> for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRIAN W JENNISON/
Primary Examiner, Art Unit 3761
5/1/2023

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	17/330,572
	Filing Date	05-26-2021
	First Named Inventor	Marc Krüger
	Art Unit	~~TBA~~ 3761
	Examiner Name	~~TBA~~ Brian Jennison
	Attorney Docket Number	1859.029USC9

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1.	Petition For Inter Partes Review of U.S. Patent No. 11,254,491 (IPR2022-01574), including the references included in Petitioner's Exhibit List.	
	2.	Declaration of Michael Jobin filed with the Petition For Inter Partes Review of U.S. Patent No. 11,254,491 (IPR2022-01574).	
	3.	English Machine Translation of the Statement filed by Nestlé Nespresso SA on October 31, 2022 in the pending foreign proceeding in Switzerland.	X
	4.	English Machine Translation of the Statement filed by Société des Produits Nestlé S.A. on October 20, 2022 in the Federal Patent Court in Switzerland.	X
	5.	Applicant statements included in the IDS Transmittal Letter filed on November 23, 2022 (i.e., "Applicant Statement on the Petition For Inter Partes Review of US 11,254,491")	

EXAMINER SIGNATURE			
Examiner Signature	/BRIAN W JENNISON/	Date Considered	05/01/2023
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

Filed via EFS @ USPTO.gov on July 29, 2021
Practitioner's Docket No. 1859.029USC9 (KRU0022-WO-US-T10)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc KRÜGER	Art Unit: 3761
Application No.: 17/330,572	Examiner: TBA
Filed: May 26, 2021	Conf. No.: 6528
For: PORTION CAPSULE HAVING AN IDENTIFIER	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant submits this statement in accordance with its duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Copies of foreign patent documents and non-patent literature together with a listing on form PTO/SB/08a are submitted herewith. Applicant includes English translations from the European Patent Office and/or Japanese Patent Office websites and are subject to the caveat expressed on the translations. Applicant respectfully solicits the Examiner's consideration of the cited references and entry thereof into the record of this application.

This Information Disclosure Statement is being submitted prior to the mailing of a first Office Action or Notice of Allowance. No fees are believed to be due; however, if any fee is due with the filing of this paper, please charge the amount to Deposit Account 50-1097.

Date: July 29, 2021

/Paul J. Palinski/

Paul J. Palinski

Customer No. 25215

Reg. No. 71,080
Attorney for Applicant
The Dobrusin Law Firm, P.C.
29 W. Lawrence Street - Suite 210
Pontiac, MI 48342
(248) 292-2920

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /B.W.J/

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	17/330,572
	Filing Date	May 26, 2021
	First Named Inventor	Marc KRÜGER
	Art Unit	3761
	Examiner Name	~~TBA~~ Brian Jennison
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

FOREIGN PATENT DOCUMENTS							
Examiner Initial*	Cite No.	Foreign Document Number	Country Code	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document	T ⁵
	1.	200435370	KR	Y1	01/18/2007	Unknown	X
NON-PATENT LITERATURE DOCUMENTS							
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.					T ⁵
	1.	Petition for Inter Partes Review of U.S. Patent No. 10,870,531 (IPR2021-01223), dated July 12, 2021.					
	2.	Petition for Inter Partes Review of U.S. Patent No. 10,858,176 (IPR2021-01221), dated July 12, 2021.					
	3.	Petition for Inter Partes Review of U.S. Patent No. 10,858,177 (IPR2021-01222), dated July 12, 2021.					
	4.	Declaration of Michael Jobin, Exhibit 1003 from Petition for Inter Partes Review of U.S. Patent No. 10,858,177 (IPR2021-01222), dated July 12, 2021.					
	5.	Declaration of Michael Jobin, Exhibit 1003 from Petition for Inter Partes Review of U.S. Patent No. 10,858,176 (IPR2021-01221), dated July 12, 2021.					
	6.	Declaration of Michael Jobin, Exhibit 1003 from Petition for Inter Partes Review of U.S. Patent No. 10,870,531 (IPR2021-01223), dated July 12, 2021.					
EXAMINER SIGNATURE							
Examiner Signature		/BRIAN W JENNISON/			Date Considered		05/01/2023
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

Filed via EFS @ USPTO.gov on November 18, 2021
Practitioner's Docket No. 1859.029USC9 (KRU0022-WO-US-T10)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc KRÜGER	Art Unit: TBA
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Date: November 18, 2021

/Paul J. Palinski/

Paul J. Palinski

Customer No. 25215

Reg. No. 71,080
Attorney for Applicant
The Dobrusin Law Firm, P.C.
29 W. Lawrence Street - Suite 210
Pontiac, MI 48342
(248) 292-2920

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /B.W.J/

K-FEE SYSTEM GMBH, EX2013, page 11
NESPRESSO USA, INC. v. K-FEE SYSTEM GMBH
IPR2023-00485, U.S. PATENT 11,230,430

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	17/330,572
	Filing Date	May 26, 2021
	First Named Inventor	Marc Krüger
	Art Unit	~~TBA~~ 3761
	Examiner Name	~~TBA~~ Brian Jennison
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

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Sheet 1 of 8

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K-FEE SYSTEM GMBH, EX2013, page 12
 NESPRESSO USA, INC. v. K-FEE SYSTEM GMBH
 IPR2023-00485, U.S. PATENT 11,230,430

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Sheet 2 of 8

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K-FEE SYSTEM GMBH, EX2013, page 13
 NESPRESSO USA, INC. v. K-FEE SYSTEM GMBH
 IPR2023-00485, U.S. PATENT 11,230,430

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Sheet 3 of 8

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K-FEE SYSTEM GMBH, EX2013, page 14
NESPRESSO USA, INC. v. K-FEE SYSTEM GMBH
IPR2023-00485, U.S. PATENT 11,230,430

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Sheet 4 of 8

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K-FEE SYSTEM GMBH, EX2013, page 15
NESPRESSO USA, INC. v. K-FEE SYSTEM GMBH
IPR2023-00485, U.S. PATENT 11,230,430

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Sheet 5 of 8

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K-FEE SYSTEM GMBH, EX2013, page 16
 NESPRESSO USA, INC. v. K-FEE SYSTEM GMBH
 IPR2023-00485, U.S. PATENT 11,230,430

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	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

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	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

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EXAMINER SIGNATURE			
Examiner Signature	/BRIAN W JENNISON/	Date Considered	05/01/2023
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

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	Art Unit	3761
	Examiner Name	Jennison, Brian W.
	Attorney Docket Number	1859.029USC9

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
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EXAMINER SIGNATURE			
Examiner Signature	/BRIAN W JENNISON/	Date Considered	05/01/2023
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

Filed via EFS @ USPTO.gov on July 29, 2022
Practitioner's Docket No. 1859.029USC9 (KRU0022-WO-US-T10)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc KRÜGER	Art Unit: TBA
Application No.: 17/330,572	Examiner: TBA
Filed: May 26, 2021	Conf. No.: 6528
For: PORTION CAPSULE HAVING AN IDENTIFIER	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
BEFORE THE MAILING OF A FIRST OFFICE ACTION**

Applicant submits this statement in accordance with its duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Nothing in this Submission or in any other Submission should be regarded as a disclaimer of claim scope. No statement by Applicant or related companies in any foreign proceeding should be regarded as a disclaimer or other surrender of claim scope in this proceeding.

Because the various foreign proceedings referred to in this and previous Submission involve different claims and context than those pending in this application, nothing cited in this Submission should constitute an acquiescence or adoption of any position advanced in foreign proceedings.

Copies of foreign patent documents and non-patent literature, together with a listing on form PTO/SB/08a are submitted herewith.

No fees are due for the filing of this Submission. But if any fee is due, please charge our deposit account number: 50-1097.

Summary Of Foreign Proceedings

Applicant has been forthcoming in advising the various USPTO Examiners examining the patent applications in this family that Applicant and an Adverse Party¹ are involved in foreign adversarial proceedings in which the Adverse Party is relying on positions that, upon inquiry, are believed to be

¹ As the Office will be able to glean from the submissions, the Adverse Party is one or more companies having Nespresso and/or Nestle in its name.

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K-FEE SYSTEM GMBH, EX2013, page 21
NESPRESSO USA, INC. v. K-FEE SYSTEM GMBH
IPR2023-00485, U.S. PATENT 11,230,430

consistent with those made in previously cited Information Disclosure Statements, including European opposition proceedings and as to which we update the Office to advise that the Adverse Party filed an appeal from the decision of the European Patent Office Opposition Decision that upheld the European patent.

The Undersigned has also been advised that pending in France and Switzerland are nullity proceedings attacking the validity of the opposed patents in those countries. The Adverse Party has also filed an opposition to a Japanese patent. As understood by the Undersigned, the Adverse party has advanced arguments and grounds in the French, Swiss, and Japanese proceedings that are similar to the prior arguments, papers, and oppositions by that Party, which have been cited to the USPTO in the prior filed Information Disclosure Statement (See e.g., Submission dated 06-20-2022). There are also non-infringement proceedings in Europe that are being defended by the Adverse Party based on similar positions taken in the United States that the accused products do not have a barcode as that term was construed.

Accompanying this Submission at Cite No. 14 is a filing by Nestle Nespresso SA dated June 13, 2022 referring to a contingent counterclaim in Switzerland. In that Submission, there is reference to additional potential prior art on pages 16 and 44-47 of the English translation (capsules for the classic Nespresso System Special Edition). As understood, Nestle Nespresso did not allege that the lines on those capsules perform any function in relation to a beverage making machine.

To the extent that the Examiner desires further information on any of the adversarial proceedings, the Examiner is kindly requested to inform the Undersigned.

Foreign Vindication Proceedings

An Adverse Party has filed proceedings in Germany and Switzerland in which, as understood by the undersigned, allege the Asserted Patents were not conceived by the named inventor, Marc Krüger, and instead were derived from others, including without limitation by individuals at Nespresso's affiliates and/or individuals at Eugster/Frismag AG. To the extent that the Examiner desires further information on any of the adversarial proceedings, the Examiner is kindly requested to inform the Undersigned.

Claim Construction Order

It will be observed from the Claim Construction Order cited in a previous Information Disclosure Statement that certain aspects of foreign proceedings are being relied upon by the Adverse Party in the Capsule Litigation. For purposes of the present examination, Applicant desires that prosecution be conducted providing the broadest reasonable meaning of the claim terms without limiting those claim terms to any features allegedly distinguished in foreign proceedings, and Applicant makes no reliance on

any arguments made by representatives of Applicant in any such foreign proceedings. To the extent that the Examiner desires further information, the Examiner is kindly requested to inform the Undersigned.

Preliminary Invalidity Contentions

Preliminary Invalidity Contentions have been filed by the Adverse Party against Applicant's commonly-owned US Patent 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx). The Preliminary Invalidity Contentions allege invalidity of US Patent 11,254,491 under 35 U.S.C. § 102, 103, and 112. The Exhibits and Claim Charts referred to in the Preliminary Invalidity Contentions are submitted herewith.

Request For Patent Cancellation of Korean Patent No 10-2318476, mailed June 20, 2022 (hereafter "Request")

A Request has been filed in the Korean Intellectual Property Office by the Adverse party to Cancel Korean Patent No 10-2318476. Upon inquiry, it is understood that the proceeding advances arguments and grounds that are consistent with the prior arguments, papers, and oppositions, which have been cited to the Office in prior Information Disclosure Statements. Request appears to rely on references including: WO 2005/079638 A1, US 2010/0078480 A1, JP 2003-235733, WO 2005/044067 A1, US 2002/0048621 A1, KR 200435370, WO 01/99047 A1, US 6,645,537 B2, EP 1849718 A1, WO 2010/041179 A1, US 2006/0233921 A1. To the extent that the Examiner desires further information on this proceeding, the Examiner is kindly requested to inform the Undersigned.

Notification Of Reasons for Revocation Of Japanese Patent No. 694164, dated June 22, 2022 (hereafter "Notification")

A Notification has been issued by the Japanese Patent Office against Japanese Patent No. 6941640. Upon inquiry, it is understood that the proceeding advances arguments and grounds that are consistent with the prior arguments, papers, and oppositions, which have been cited to the Office in prior Information Disclosure Statements. The JP Notification relies on JP 2013-526316, which is understood to be an equivalent of WO2011141532A and US 2013/0064937 A1; WO 02/28241 A; US 2010/0078480; WO 2010/026053 A1; EP 1722398 A1; EP 0455337 A1; US 5,285,041; WO 01/99047 A; WO 01/60712; and JP 2013-530798. To the extent that the Examiner desires further information on this proceeding, the Examiner is kindly requested to inform the Undersigned.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /B.W.J/

Date: July 29, 2022

Customer No. 25215

/Paul J. Palinski/

Paul J. Palinski

Reg. No. 71,080

Attorney for Applicant

The Dobrusin Law Firm, P.C.

29 W. Lawrence Street - Suite 210

Pontiac, MI 48342

(248) 292-2920

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	17/330,572
	Filing Date	May 26, 2021
	First Named Inventor	Marc Krüger
	Art Unit	~~TBA~~ 3761
	Examiner Name	~~TBA~~ Brian Jennison
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

U.S. PATENTS					
Examiner Initials*	Cite No.	Patent Number	Kind Code	Issue Date	Name of Patentee or Applicant of cited Document
	1.	726,793		04/28/1903	Bezzera
	2.	3,387,553		10/24/1965	Tavera
	3.	3,437,253		04/08/1969	Davis et al.
	4.	5,261,558		11/16/1993	Claydon
	5.	6,142,063		11/07/2000	Beaulieu et al.

U.S. PATENT APPLICATION PUBLICATIONS					
Examiner Initials*	Cite No.	Publication Number	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document
	1.	2002/0078831	A1	06/27/2002	Cai
	2.	2004/0112222	A1	06/17/2004	Fischer
	3.	2006/0233921	A1	10/19/2006	Mock et al.
	4.	2006/0230941	A1	10/19/2006	Ryser et al.
	5.	2008/0105131	A1	05/08/2008	Castellani
	6.	2009/0205747	A1	08/20/2009	Lillard, Jr.
	7.	2011/0265659	A1	11/03/2011	Giua
	8.	2012/0269933	A1	10/25/2012	Rapparini
	9.	2013/0099597	A1	04/25/2013	Perentes

FOREIGN PATENT DOCUMENTS							
Examiner Initial*	Cite No.	Foreign Document Number	Country Code	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document	T ⁵
	1.	2145759	EP	A1	01/20/2010	Geerts et al.	
	2.	2001/060712	WO	A1	08/23/2001	Sweeney et al.	
	3.	2010/034663	WO	A1	04/01/2010	Ozanne et al.	
	4.	2010/099806	WO	A1	09/10/2010	Rossi	

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1.	Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	

Sheet 1 of 3

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /B.W.J/

K-FEE SYSTEM GMBH, EX2013, page 25
 NESPRESSO USA, INC. v. K-FEE SYSTEM GMBH
 IPR2023-00485, U.S. PATENT 11,230,430

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	17/330,572
	Filing Date	May 26, 2021
	First Named Inventor	Marc Krüger
	Art Unit	TBA
	Examiner Name	TBA
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

2.	Appendix A - Obviousness Chart for U.S. Patent No. 11,254,491 referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGR _x).	
3.	Exhibit A-1 Invalidity of U.S. Patent No. 11,254,491 in view of Denisart, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGR _x).	
4.	Exhibit A-2 Invalidity of U.S. Patent No. 11,254,491 in view of Giua, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGR _x).	
5.	Exhibit A-3 Invalidity of U.S. Patent No. 11,254,491 in view of Jarisch, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGR _x).	
6.	Exhibit A-4 Invalidity of U.S. Patent No. 11,254,491 in view of Jarisch 929, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGR _x).	
7.	Exhibit A-5 Invalidity of U.S. Patent No. 11,254,491 in view of Mahlich, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGR _x).	
8.	Exhibit A-6 Invalidity of U.S. Patent No. 11,254,491 in view of Panesar, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGR _x).	
9.	Exhibit A-7 Invalidity of U.S. Patent No. 11,254,491 in view of Rossi, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGR _x).	
10.	Exhibit A-8 Invalidity of U.S. Patent No. 11,254,491 in view of Ruchonnet, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGR _x).	
11.	Exhibit A-9 Invalidity of U.S. Patent No. 11,254,491 in view of Yoakim, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGR _x).	
12.	Espresso Coffee, The Science of Quality, Second Edition, Edited By	

Sheet 2 of 3

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /B.W.J/

K-FEE SYSTEM GMBH, EX2013, page 26
NESPRESSO USA, INC. v. K-FEE SYSTEM GMBH
IPR2023-00485, U.S. PATENT 11,230,430

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	17/330,572
	Filing Date	May 26, 2021
	First Named Inventor	Marc Krüger
	Art Unit	TBA
	Examiner Name	TBA
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

		Andrew Illy and Rinantonio Viani, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGR _x).	
	13.	11 - Packaging and the Shelf Like of Coffee, ISBN 9781420078442, Food Packaging and Shelf Life: A Practical Guide (2009), referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGR _x).	
	14.	Nestle Nespresso SA Reply dated June 13, 2022 to Defendant K-fee System GmbH contingent counterclaim	X
	15.	Summary of Foreign Proceedings, Foreign Vindication Proceedings, Claim Construction Order, Preliminary Invalidity Contentions, Request For Patent Cancellation of Korean Patent No 10-2318476, Notification Of Reasons for Revocation Of Japanese Patent No. 694164 included in the Transmittal Letter filed by Applicant on July 26, 2022.	

EXAMINER SIGNATURE			
Examiner Signature	/BRIAN W JENNISON/	Date Considered	05/01/2023
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	17/330,572
	Filing Date	05-26-2021
	First Named Inventor	Marc Krüger
	Art Unit	3761
	Examiner Name	Jennison, Brian W.
	Attorney Docket Number	1859.029USC9

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1	Petition For Inter Partes Review of US Patent No. 10,994,923 (IPR2023-00502) filed by Nespresso USA, INC. dated January 24, 2023	
	2	Declaration Of Michael Jobin (IPR2023-00502), dated January 24, 2023.	
	3	Petition For Inter Partes Review of US Patent No. 11,230,430 (IPR2023-00485) filed by Nespresso USA, INC. dated January 24, 2023	
	4	Declaration Of Michael Jobin (IPR2023-00485), dated January 24, 2023.	
	5	Petitioner's Reply to Patent Owner's Preliminary Response (IPR2022-01574) filed by Nespresso USA, INC. dated February 16, 2023	
	6	First Amended Complaint For Declaratory Judgement (Case No. 2:22-cv-9295) filed by Nespresso USA, Inc. dated January 19, 2023.	
	7	English Translation of the Presentation by Nestle Nespresso SA dated March 22, 2023 to the Swiss Federal Patent Court in the Swiss dispute against K-fee System GmbH.	X
	8	English Translation of the Preliminary Opinion of Judge Breimi of the Swiss Federal Patent Court, dated 23 January 2023.	X
	9	Applicant statements included in the IDS Transmittal Letter filed on April 06, 2023 concerning the IPR Petitions filed against Applicant's US Patents 10,994,923 and 11,230,430; Summary List of Potentially Relevant References; and Declaratory Judgement.	

EXAMINER SIGNATURE			
Examiner Signature	/BRIAN W JENNISON/	Date Considered	05/01/2023
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

K-FEE SYSTEM GMBH, EX2013, page 29
NESPRESSO USA, INC. v. K-FEE SYSTEM GMBH
IPR2023-00485, U.S. PATENT 11,230,430

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	17/330,572
	Filing Date	May 26, 2021
	First Named Inventor	Marc Krüger
	Art Unit	~~TBA~~ 3761
	Examiner Name	~~TBA~~ Brian Jennison
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

U.S. PATENTS					
Examiner Initials*	Cite No.	Patent Number	Kind Code	Issue Date	Name of Patentee or Applicant of cited Document
	1.	7,461,584		12/09/2008	Blanc et al.

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1.	Notice of References cited by the USPTO Examiner in US Application No. 17/844,372 (Atty Docket No. 1859.029USC15), dated August 11, 2022.	

EXAMINER SIGNATURE			
Examiner Signature	/BRIAN W JENNISON/	Date Considered	05/01/2023
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

Filed via EFS @ USPTO.gov on May 26, 2021
Practitioner's Docket No. 1859.029USC9 (KRU0022-WO-US-T10)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger	Art Unit: TBA
Application No.: TBA	Examiner: TBA
Filed: Herewith	Conf. No.: TBA
For: PORTION CAPSULE HAVING AN IDENTIFIER	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Applicant submits this statement in accordance with its duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Form PTO/SB/08a is submitted herewith. Copies of foreign patent documents and non-patent literature have not been provided due to their presence in the parent application to this application (see MPEP 609.02(A)(2)), and Applicant notes that this section requires the Examiner to consider all of the references previously submitted to the USPTO even if not listed in any Information Disclosure Statement filed in this application. Applicant is resubmitting these references on the attached form PTO/SB/08a so that all of the references are listed on the face of the patent. However, to the extent that any references have been inadvertently overlooked, or otherwise are not resubmitted on this form, Applicant respectfully requests consideration of the previously submitted references as is set forth in MPEP 609.02(A)(2) and inclusion of such references on the face of the patent. Applicant respectfully solicits the Examiner's consideration of the cited references and entry thereof into the record of this application.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /B.W.J/

This Information Disclosure Statement is being submitted prior to the mailing of a first Office Action or Notice of Allowance. No fees are believed to be due; however, if any fee is due with the filing of this paper, please charge the amount to Deposit Account 50-1097.

Date: May 26, 2021

/Paul J. Palinski/

Customer No. 25215

Paul J. Palinski
Reg. No. 71,080
Attorney for Applicant
The Dobrusin Law Firm, P.C.
29 W. Lawrence Street - Suite 210
Pontiac, MI 48342
(248) 292-2920

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	~~TBA~~ 17330572
	Filing Date	~~Herewith~~ 5/26/2021
	First Named Inventor	Marc Krüger
	Art Unit	~~TBA~~ 3761 Brian Jennison
	Examiner Name	~~TBA~~
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

U.S. PATENTS					
Examiner Initials*	Cite No.	Patent Number	Kind Code	Issue Date	Name of Patentee or Applicant of cited Document
	1.	2,778,739		01/22/1957	Rodth
	2.	3,183,096		05/11/1965	Hiscock
	3.	3,501,896	A	03/24/1970	Stoeser et al.
	4.	3,631,793		06/23/1969	Bednartz
	5.	3,640,727		02/08/1972	Heusinkveld
	6.	4,136,202		01/23/1979	Favre
	7.	4,389,925		06/28/1983	Piana
	8.	4,534,985		08/13/1985	Gasau
	9.	4,540,595		09/10/1985	Acitelli et al.
	10.	4,644,151	A	05/12/1987	Piet
	11.	4,676,482	A1	11/04/1987	Marvin et al.
	12.	4,742,645		05/10/1988	Johnston
	13.	4,859,337		08/22/1989	Woltermann
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	15.	4,867,993		09/19/1989	Nordskog
	16.	4,976,179		12/11/1990	Lacroux-Cazenave
	17.	5,012,629		05/07/1991	Rehman et al.
	18.	5,028,769	A	07/02/1991	Claypool et al.
	19.	5,108,768	A	04/28/1992	So
	20.	5,194,553	A	03/16/1993	Freeburne et al.
	21.	5,242,702	A	09/07/1993	Fond
	22.	5,243,164	A	09/07/1993	Erickson et al.
	23.	5,251,758	A	10/12/1993	Kolacek
	24.	5,285,041	A	02/08/1994	Wright
	25.	5,402,707	A	04/04/1995	Fond et al.
	26.	5,460,078	A	10/24/1995	Weller
	27.	5,496,573	A	03/05/1996	Tsuji et al.
	28.	5,501,945	A	03/26/1996	Kanakkanatt
	29.	5,535,765	A	07/16/1996	Takashima
	30.	5,601,716	A	02/11/1997	Heinrich et al.
	31.	5,637,850	A	06/10/1997	Honda
	32.	5,656,311	A	08/12/1997	Fond
	33.	5,656,318	A	08/12/1997	Fond et al.
	34.	5,677,522	A	10/14/1997	Rice et al.
	35.	5,725,261	A	03/10/1998	Rahn
	36.	5,840,189	A	11/24/1998	Sylvan et al.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	TBA
	Filing Date	Herewith
	First Named Inventor	Marc Krüger
	Art Unit	TBA
	Examiner Name	TBA
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

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38.	5,895,672	A	04/20/1999	Cooper
39.	5,897,899	A	04/27/1999	Fond
40.	5,917,165	A	06/29/1999	Platt et al.
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45.	6,153,026	A	11/28/2000	Michotte
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50.	6,440,256	B1	08/27/2002	Gordon et al.
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52.	6,589,577	B2	07/08/2003	Lazaris et al.
53.	6,598,800	A1	07/29/2003	Schmit et al.
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65.	7,543,527	B2	06/09/2009	Schmed
66.	7,552,672	B2	06/30/2009	Schmed
67.	7,595,870	B2	09/29/2009	Ringlien
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71.	7,935,646	B2	05/03/2011	Viazmensky et al.
72.	7,946,217	B2	05/24/2011	Favre et al.
73.	7,981,451	B2	07/19/2011	Ozanne
74.	8,039,029	B2	10/18/2011	Ozanne
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	TBA
	Filing Date	Herewith
	First Named Inventor	Marc Krüger
	Art Unit	TBA
	Examiner Name	TBA
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

	76.	8,088,423	B2	01/03/2012	Ohresser et al.
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	87.	8,505,440	B2	08/13/2013	Kirschner et al.
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	TBA
	Filing Date	Herewith
	First Named Inventor	Marc Krüger
	Art Unit	TBA
	Examiner Name	TBA
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	TBA
	Filing Date	Herewith
	First Named Inventor	Marc Krüger
	Art Unit	TBA
	Examiner Name	TBA
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

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	Filing Date	Herewith
	First Named Inventor	Marc Krüger
	Art Unit	TBA
	Examiner Name	TBA
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

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	Filing Date	Herewith
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	Art Unit	TBA
	Examiner Name	TBA
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	TBA
	Filing Date	Herewith
	First Named Inventor	Marc Krüger
	Art Unit	TBA
	Examiner Name	TBA
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

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	Filing Date	Herewith
	First Named Inventor	Marc Krüger
	Art Unit	TBA
	Examiner Name	TBA
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	TBA
	Filing Date	Herewith
	First Named Inventor	Marc Krüger
	Art Unit	TBA
	Examiner Name	TBA
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	TBA
	Filing Date	Herewith
	First Named Inventor	Marc Krüger
	Art Unit	TBA
	Examiner Name	TBA
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

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	Filing Date	Herewith
	First Named Inventor	Marc Krüger
	Art Unit	TBA
	Examiner Name	TBA
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	TBA
	Filing Date	Herewith
	First Named Inventor	Marc Krüger
	Art Unit	TBA
	Examiner Name	TBA
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	TBA
	Filing Date	Herewith
	First Named Inventor	Marc Krüger
	Art Unit	TBA
	Examiner Name	TBA
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

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46.	Oral Letter regarding the opposition Procedure dated March 16, 2020 for EP 3023362	
47.	Opposition oral letter regarding the opposition procedure dated March 16, 2020 for EP 023362	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	TBA
	Filing Date	Herewith
	First Named Inventor	Marc Krüger
	Art Unit	TBA
	Examiner Name	TBA
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

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	Examiner Name	TBA
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

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	82.	Photo taken in Nespresso store	
	83.	Marketing brochure "i6 Grands Crus – geschaffen um Ihre Sinne zu überraschen"	
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	87.	Invoice for various Nespresso capsules, dated December 02, 2009	
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	100.	"European Printing Ink Association " Guideline on Printing Inks	
	101.	leaflet on printing inks for food packages from the division "Printing Inks" of the Association of the German Paint and Printing Ink Industry	
	102.	EuPIA Exclusion List for Printing Inks and Related Products	
	103.	EuPIA Guideline on Good Manufacturing Practices for the Production of Packaging Inks formulated for use on the non-food contact surfaces of food packaging and articles intended to come into contact with food	
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	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

	105	Council Directive 89/109/EEC relating to materials and articles intended to come into contact with foodstuffs	
	106	Policy Statement on Packaging Inks applied to the non-food contact surface of Food Packaging of the public health committee of the council of Europe	
	107	Nestle Guidance Note on Packaging Inks	
	108	Council Directive on the colouring matters authorised for use in foodstuffs intended for human consumption	
	109	Council Directive 89/107/EEC on the approximation of the laws of the Member States concerning food additives authorized for use in foodstuffs intended for human consumption	
	110	European Parliament and Council Directive 94/36/EC on colours for use in foodstuffs	
	111	Excerpt from the textbook "Plastics Packaging – Properties, Processing, Applications and Regulations" by Selke/Culter/Hernandez	
	112	"Lexikon Verpackungstechnik" by Bleisch/Goldhahn/Schricker/Vogt;	
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	115	Excerpt from publication "Grundzüge der Lebensmitteltechnik" of 2004 by Tscheuschner	
	116	Excerpt from publication "Produkt-bkobilanz vakuumverpackter Rostkaffee" of 1999 by Diers/Langowski/Pannkoke	
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	120	Supplemental arguments filed by Societe des Produits Nestle S.A. in the opposition against European Patent No. EP3521209, dated January 07, 2021.	
	121	Supplemental arguments filed by Societe des Produits Nestle S.A. in the opposition against European Patent No. EP3023362, dated January 07, 2021.	
	122	Suggestion for Declaration of Interference dated Sept. 30, 2019	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	TBA
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	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

EXAMINER SIGNATURE			
Examiner Signature	/BRIAN W JENNISON/	Date Considered	05/01/2023
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

Filed via EFS @ USPTO.gov on January 3, 2022
Practitioner's Docket No. 1859.029USC9 (KRU0022-WO-US-T10)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc KRÜGER	Art Unit: TBA
Application No.: 17/330,572	Examiner: TBA
Filed: May 26, 2021	Conf. No.: 6528
For: PORTION CAPSULE HAVING AN IDENTIFIER	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant submits this statement in accordance with its duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Copies of foreign patent documents and non-patent literature together with a listing on form PTO/SB/08a are submitted herewith. Applicant includes English translations from the European Patent Office and/or Japanese Patent Office websites and are subject to the caveat expressed on the translations. Applicant respectfully solicits the Examiner's consideration of the cited references and entry thereof into the record of this application.

This Information Disclosure Statement is being submitted prior to the mailing of a first Office Action or Notice of Allowance. No fees are believed to be due; however, if any fee is due with the filing of this paper, please charge the amount to Deposit Account 50-1097.

Date: January 3, 2022

/Paul J. Palinski/

Paul J. Palinski

Customer No. 25215

Reg. No. 71,080
Attorney for Applicant
The Dobrusin Law Firm, P.C.
29 W. Lawrence Street - Suite 210
Pontiac, MI 48342
(248) 292-2920

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /B.W.J/

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	17/330,572
	Filing Date	May 26, 2021
	First Named Inventor	Marc Krüger
	Art Unit	~~TBA~~ 3761
	Examiner Name	~~TBA~~ Brian Jennison
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

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	2.	2010/125326	WO	A1	11/04/2010	Hansen et al.	
	3.	2012/057257	WO	A1	05/03/2012	Fujiki et al.	

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1.	English Translation of JPH1-233688	
	2.	Exhibit A-1 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	3.	Exhibit A-2 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	4.	Exhibit A-3 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	5.	Exhibit A-4 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	6.	Exhibit A-5 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	7.	Exhibit A-6 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	8.	Exhibit A-7 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	9.	Exhibit A-8 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	

Sheet 1 of 3

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /B.W.J/

K-FEE SYSTEM GMBH, EX2013, page 60
NESPRESSO USA, INC. v. K-FEE SYSTEM GMBH
IPR2023-00485, U.S. PATENT 11,230,430

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	17/330,572
	Filing Date	May 26, 2021
	First Named Inventor	Marc Krüger
	Art Unit	TBA
	Examiner Name	TBA
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

	10.	Exhibit A-9 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	11.	Exhibit B-1 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	12.	Exhibit B-2 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	13.	Exhibit B-3 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	14.	Exhibit B-4 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	15.	Exhibit B-5 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	16.	Exhibit B-6 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	17.	Exhibit B-7 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	18.	Exhibit B-8 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	19.	Exhibit B-9 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	20.	Exhibit C-1 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	21.	Exhibit C-2 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	22.	Exhibit C-3 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	23.	Exhibit C-4 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	24.	Exhibit C-5 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	25.	Exhibit C-6 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	26.	Exhibit C-7 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	27.	Exhibit C-8 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	28.	Exhibit C-9 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	29.	Exhibit A - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	

Sheet 2 of 3

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /B.W.J/

K-FEE SYSTEM GMBH, EX2013, page 61
NESPRESSO USA, INC. v. K-FEE SYSTEM GMBH
IPR2023-00485, U.S. PATENT 11,230,430

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	17/330,572
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	First Named Inventor	Marc Krüger
	Art Unit	TBA
	Examiner Name	TBA
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

	30.	Exhibit B - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	31.	Exhibit C - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	32.		
	33.		

EXAMINER SIGNATURE			
Examiner Signature	/BRIAN W JENNISON/	Date Considered	05/01/2023
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

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Practitioner's Docket No. 1859.029USC9 (KRU0022-WO-US-T10)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc KRÜGER	Art Unit: TBA
Application No.: 17/330,572	Examiner: TBA
Filed: May 26, 2021	Conf. No.: 6528
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Commissioner for Patents
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Date: June 23, 2022

/Paul J. Palinski/

Paul J. Palinski

Customer No. 25215

Reg. No. 71,080
Attorney for Applicant
The Dobrusin Law Firm, P.C.
29 W. Lawrence Street - Suite 210
Pontiac, MI 48342
(248) 292-2920

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	17/330,572
	Filing Date	May 26, 2021
	First Named Inventor	Marc Krüger
	Art Unit	~~TBA~~ 3761
	Examiner Name	~~TBA~~ Brian Jennison
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

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Examiner Initials*	Cite No.	Patent Number	Kind Code	Issue Date	Name of Patentee or Applicant of cited Document
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Sheet 1 of 4

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K-FEE SYSTEM GMBH, EX2013, page 64
 NESPRESSO USA, INC. v. K-FEE SYSTEM GMBH
 IPR2023-00485, U.S. PATENT 11,230,430

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	17/330,572
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	Examiner Name	TBA
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	24.	2021/0269232	A1	09/02/2021	Krüger		
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Examiner Initial*	Cite No.	Foreign Document Number	Country Code	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document	T ⁵
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NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1.	Nespresso Vertuo Plus User Manual, accessed on April 22, 2022, from: https://www.nespresso.com/shared_res/manuals/vertuoline/www.VERTUOPLUS_C_NESPRESSO_ZI(EN_FR_ES).pdf , and under Document Properties in Adobe includes a 10/6/2016 Created Date and a 10/6/2016 Modified Date.	
	2.	Final Order On Claim Construction, dated March 10, 2022, in Case No. 2:21-cv-03402-GW (AGRx)	
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	6.	Petitioner's Request For Rehearing Of The PTAB's Denial of Inter Partes Review of U.S. Patent No. 10,858,176, filed on February 17, 2022.	
	7.	Petitioner's Request For Rehearing Of The PTAB's Denial of Inter Partes Review of U.S. Patent No. 10,858,177, filed on February 17, 2022.	
	8.	Petitioner's Request For Rehearing Of The PTAB's Denial of Inter Partes Review of U.S. Patent No. 10,870,531, filed on February 17, 2022.	
	9.	Redacted Memorandum Of Points And Authorities In Support Of Nespresso USA, INC.'s Motion For Summary Judgement of Noninfringement, dated April 01, 2022, in Case No. 2:21-cv-03402-GW (AGRx)	
	10.	Redacted Nespresso USA, INC.'S Separate Statement Of Uncontroverted Facts And Conclusions Of Law In Support Of Its Motion For Summary Judgement Of Noninfringement, dated April 01, 2022, in Case No. 2:21-cv-03402-GW (AGRx)	
	11.	Redacted Declaration of Christian Jarisch, dated March 30, 2022, and filed in Case No. 2:21-cv-03402-GW (AGRx) on April 01, 2022.	
	12.	Opposition Appeal Against EP 3023362, dated December 20, 2021, and appended documents.	
	13.	Exhibit 1045 (English Translation of DE 10 2011 010 534.4) filed by Nespresso USA in IPR2021-01223	
	14.	Exhibit 1046 (English Translation of DE 10 2010 031 988.0) filed by Nespresso USA in IPR2021-01223	

Sheet 3 of 4

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /B.W.J/

K-FEE SYSTEM GMBH, EX2013, page 66
NESPRESSO USA, INC. v. K-FEE SYSTEM GMBH
IPR2023-00485, U.S. PATENT 11,230,430

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	17/330,572
	Filing Date	May 26, 2021
	First Named Inventor	Marc Krüger
	Art Unit	TBA
	Examiner Name	TBA
	Attorney Docket Number	1859.029USC9 (KRU0022-WO-US-T10)

	15.	Exhibit 1047 (English Translation of DE 10 2010 044 251.8) filed by Nespresso USA in IPR2021-01223	
	16.	Third Party Observations against EP 19 165 220.5 (3 533 726), filed by Société des Produits Nestle S.A., August 26, 2021	
	17.	Opposition against EP 3 521 209, filed by Société des Produits Nestle S.A., January 22, 2020	
	18.	Suggestion for declaration of Interference dated September 30, 2019.	

EXAMINER SIGNATURE			
Examiner Signature	/BRIAN W JENNISON/	Date Considered	05/01/2023
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			