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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/963,392	10/11/2022	Marc Krüger	1859.029USC16	3924
25215	7590	03/30/2023		
The Dobrusin Law Firm P.C. 29 W. Lawrence Street Suite 210 Pontiac, MI 48342			EXAMINER CHOU, JIMMY	
			ART UNIT 3761	PAPER NUMBER
			NOTIFICATION DATE 03/30/2023	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<i>Applicant-Initiated Interview Summary</i>	Application No. 17/963,392	Applicant(s) Krüger, Marc		
	Examiner JIMMY CHOU	Art Unit 3761	AIA (First Inventor to File) Status No	Page 1 of 1

All Participants (applicant, applicants representative, PTO personnel)	Title	Type
JIMMY CHOU	Primary Examiner	Telephonic
Paul Palinski	Attorney of Record	

Date of Interview: 24 March 2023

Issues Discussed:

Other

Discussed about the invention with respect to a method of making a portion capsule. The attorney explains about the other co-pending US Applications in this patent family and on the recent IPR filings against Applicant's commonly owned patent applications and Board denied institution of these three IPR Petitions. Examiner has reviewed these references and did not find any issue with patent owner's foreign priority date.

/JIMMY CHOU/ Primary Examiner, Art Unit 3761	
Applicant is reminded that a complete written statement as to the substance of the interview must be made of record in the application file. It is the applicants responsibility to provide the written statement, unless the interview was initiated by the Examiner and the Examiner has indicated that a written summary will be provided. See MPEP 713.04 Please further see: MPEP 713.04 Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews, paragraph (b) 37 CFR § 1.2 Business to be transacted in writing	

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

INTERVIEW AGENDA

US Application No. 17/963,392 (1859.029USC16)

Date of Interview: March 24, 2023

Interview Purpose/Goal: To update Examiner Chou on the status of the other co-pending US Applications in this patent family and on the recent IPR filings against Applicant's commonly owned patent applications. Applicant wishes to also discuss/address any questions Examiner Chou may have about the references that Petitioner continues to rely on in its numerous submissions attacking Applicant's US and foreign patents.

Co-Pending US Patent Applications in this Family:

US App No.	Filing Date	US Examiner Name	Prosecution Status	Attorney Docket No.
17/108,175	12/1/2020	Jennison	Notice of Allowance	1859.029USC7
17/324,182	5/19/2021	Jennison	Notice of Allowance	1859.029USC8
17/330,572	5/26/2021	Jennison	Ready for Examination	1859.029USC9
17/963,392	10/11/2022	Chou	Response to Quayle filed on 03-10-2023	1859.029USC16

Petition For Inter Partes Review of US 10,994,923 (IPR2023-00502)

A Petition For Inter Partes Review was filed by Petitioner Nespresso USA, Inc. against Applicant's commonly owned US Patent No. 10,994,923 ('923 Petition). The '923 Petition relies on 1 ground, alleging claims 1-16 of the '923 Patent are obvious over US 2010/0239734 (Yoakim) in view of US 2013/0064937 (Jarisch) in further view of US 2012/0269933 (Rapparini). The '923 Petition also alleges patent owner's foreign priority documents do not provide written support for the claims of the '923 Patent.

Petition For Inter Partes Review of US 11,230,430 (IPR2023-00485)

A Petition For Inter Partes Review was filed by Petitioner Nespresso USA, Inc. against Applicant's commonly owned US Patent No. 11,230,430 ('430 Petition). The '430 Petition relies on 1 ground alleging claims 1-16 of the '430 Patent are obvious over US 2010/0239734 (Yoakim) in view of US 2013/0064937 (Jarisch) in view of WO 2010/099806 (Rossi) in further view of US 2008/0105131 (Castellani). The '430 Petition include Petitioner's statements alleging patent owner's foreign priority documents do not provide written support for the claims of the patent.

Pending Inter Partes Review of US 11,254,491 (IPR2022-01574)

The Examiner has been previously advised that a Petition For Inter Partes Review was filed by Petitioner Nespresso USA, Inc. against Applicant's commonly owned US Patent No. 11,254,491. A decision on the Petition is expected by or around mid to late April 2023.

Previously Filed Inter Partes Reviews of US 10,858,176 B2 (IPR2021-01221); US 10,858,177 B2 (IPR2021-01222); and US 10,870,531 B2 (IPR2021-01223)

The Examiner has been previously advised that Petitions For Inter Partes Review were filed by Petitioner Nespresso USA, Inc. against Applicant's commonly owned US Patent Nos. 10,858,176 B2 10,858,177 B2, and 10,870,531 B2. The Board denied institution of these three IPR Petitions and also denied rehearing requests.

Summary List of Potentially Relevant References Most Heavily Relied Upon By Petitioner

Petitioner alleges in its numerous IPR petitions that “K-fee never provided guidance on the relevance of its voluminous IDS references” (See page 2 of the ‘923 and the ‘430 Petitions).

Based upon the observed pattern and history of Petitioner and/or its affiliates world-wide filings against Applicant and its related patents, below is a summary of references that have been repeatedly relied upon by Petitioner and/or its affiliates in attacking the patentability of Applicant’s claims.

- US2008/0105131A1 (Castellani)
- US2010/0239734A1 (Yoakim)
- WO2005/044067A1 (Ruchonnet)
- WO2005/079638A1 (Panesar)
- WO2010/026053A1 (Denisart)
- WO2010/099806A1 (Rossi)
- US2002/0048621A1 (Boyd)
- WO2002/028241A1 (Boyd)
- US20060233921A1 (Mock)
- US2010/0078480A1 (Aker)
- US2012/0269933A1 (Rapparini)
- US2013/0064929A1 (Jarisch)
- US2013/0064937A1 (Jarisch)
- WO2011/141532A1 (Jarisch)
- EP0512468A1 (Fond)

Declaratory Judgement

Petitioner has filed another lawsuit against Applicant in the Central District of California (Case No. 2:22-cv-09295), seeking a declaratory judgement that Petitioner’s VERTO system and capsules do not infringe Applicant’s US Patent Nos: 11,465,829; 11,465,830; 11,542,094; 11,548,722; 11,554,910.