

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOM Enterprises, LLC,
Petitioner,

v.

ELAINE AND REINHOLD W. VIETH,
Patent Owners,

Case IPR 2023-00726
Patent 9,066,958

**PATENT OWNERS' COMBINED MOTION FOR ADDITIONAL
DISCOVERY UNDER 37 C.F.R. § 42.51(b)(2) AND
MEMORANDUM IN SUPPORT THEREOF**

TABLE OF EXHIBITS

Exhibit Number	Description
2001	Docket Sheet: 1:22-cv-00332-GBW Ddrops Company et al v. MOM Enterprises, LLC, Gregory B. Williams, presiding, Date filed: 03/16/2022, Date of last filing: 06/22/2023. Accessed through PACER, June 23, 2023.
2002	CIVIL DOCKET FOR CASE #: 0:15-cv-03981-WMW-SER, U.S. District Court, U.S. District of Minnesota (DMN), Accessed through PACER, June 23, 2023.
2003	CIVIL DOCKET FOR CASE #: 0:16-cv-04278-JNE-TNL, U.S. District Court, U.S. District of Minnesota (DMN), Accessed through PACER, June 23, 2023.
2004	Declaration of Chris Temovsky
2005	Claim Construction Order, Case 1:22-cv-00332-GBW, Ddrops Company et al v. MOM Enterprises, LLC, Gregory B. Williams, presiding, D.I. 72, Filed 06/02/23
2006	MARC STANDARDS, Library of Congress Network Development and MARC Standards Office, MARC 21 Format for Bibliographic Data, https://www.loc.gov/marc/ last accessed June 23, 2023
2007	U.S. Bureau of Labor Statistics, Occupational Outlook Handbook, Interpreters and Translators, https://www.bls.gov/ooh/media-and-communication/interpreters-and-translators.htm , last accessed June 23, 2023.
2008	Declaration of Reinhold Vieth
2009	Declaration of Warren D. Woessner
2010	Transcript of Markman Hearing, June 1, 2023, Case No. 1:22-cv-00332-GBW Ddrops Company et al v. MOM Enterprises, LLC, Gregory B. Williams, presiding
2011	Oxford English Reference Dictionary, 2 nd Edition, the Oxford University Press, 1996 (Definitions of adhere and viscosity)
2012	DECLARATION IN SUPPORT OF PATENT OWNERS' MOTION FOR PRO HAC VICE ADMISSION OF ALAN M. ANDERSON

2013	DECLARATION IN SUPPORT OF PATENT OWNERS' MOTION FOR PRO HAC VICE ADMISSION OF L. REAGAN FLORENCE
2014	DECLARATION IN SUPPORT OF PATENT OWNERS' MOTION FOR PRO HAC VICE ADMISSION OF MATTEW PALEN
2015	Transcript of 27 Oct. 2023 Board Conference Call
2016 [New]	Protective Order, Case 1:22-cv-00332-GBW, Ddrops Company et al v. MOM Enterprises, LLC, Gregory B. Williams, presiding, D.I. 25, Entered August 25, 2022.
2017 [New]	Anderson Declaration In Support of Patent Owners' Motion for Additional Discovery

This Motion and Memorandum is submitted on behalf of Patent Owners to compel production of certain sales data and market share information and certain documents relating to alleged copying. *See* Order, dated Oct. 30, 2023, Paper 23 at 4, 7. Patent Owners ask the Board to compel Petitioner to produce the discovery requested in the attached Appendix 1 (“Document Requests”).

Unlike the typical proceeding, Petitioner delayed filing its petition until 364 days after commencement of the underlying District Court litigation. By the time its petition was granted, the parties had produced and exchanged all (or nearly all) relevant documents. Anderson Decl., ¶5. Petitioner refused Patent Owner’s reasonable request to modify the underlying Protective Order to permit all documents produced in the underlying litigation to be used in this proceeding. *Id.*, ¶6. Petitioner’s Counsel stated:

Petitioner does not agree to modify the protective order in the district court to allow access to all documents for reasons other than for the district court litigation itself, including this parallel IPR proceeding. Petitioner is willing to entertain any reasonable request by trial counsel to allow such use for specific documents, and expect the same of a request to Patent Owner/Plaintiffs.

Id., ¶6, Ex. A. *See also* Ex. 2015, Transcript at 21-22. Thus, Petitioner has agreed to produce specifically-identified documents previously produced in the underlying

District Court litigation. Patent Owners have specifically identified such documents in their Document Requests.

Patent Owners may not simply use the Petitioner’s previously-produced documents in the IPR due to the language in the Protective Order in the District Court litigation. The Protective Order, Ex. 2016, permits the use of documents and information produced in the underlying litigation “solely for purposes of [that] action”. *Id.*, ¶2. The District Court Protective Order allows reference to designated documents “in a general way” provided that the “specific contents” are not disclosed. *Id.*, ¶21. Thus, Patent Owners may only refer in this motion to the requested documents in a “general way.” However, because Patent Owners’ counsel have already seen and reviewed the requested documents, they know that the documents directly rebut Petitioner’s obviousness arguments and are useful to establishing secondary indicia of non-obviousness. Anderson Decl., ¶s7-8.

Petitioner controls documents uniquely useful to defeating its obviousness assertions. Patent Owners would be highly prejudiced if the Board allowed a district court defendant to hide behind an overly strict application of the PTO rules and avoid allowing Patent Owners to have access to documents already produced in the now-stayed underlying litigation. Production of the documents requested “is in the interests of justice.” 37 CFR §42.51(b)(2)(i). The specifically-identified documents requested are necessary in light of “the totality of the relevant circumstances.” 77

Fed. Reg. 48,693 (Aug. 14, 2012) (citing *U.S. v. Roberts*, 978 F.2d 17, 22 (1st Cir. 1992)). There is no cognizable prejudice to the Petitioner to the production of the documents.

Patent Owners' Document Requests easily meet the framework established by *Garmin Int'l, Inc. v. Couzzo Speed Technologies LLC*, IPR2012-00001, Paper 26 at 6-7 (PTAB Mar. 5, 2013). Each of those factors supports Patent Owners' targeted Document Requests.

I. *Garmin* Factor 1

“[T]he requester of information should already be in possession of a threshold amount of evidence or reasoning tending to show beyond speculation that something useful will be uncovered.” *Id.* at 7. Here, Patent Owners have far more than that – their counsel has already reviewed the requested documents. Patent Owners' counsel is confident the requested documents are useful as being favorable in substantive value to counter Petitioner's obviousness arguments. Anderson Decl., ¶¶9-11. No “speculation” exists that the requested documents might be useful to Patent Owners. *Cf. Garmin*, at 8. The Document Requests seek documents that will contribute to proving secondary considerations of non-obviousness, *viz.* commercial success and copying.

The Board has already determined, “On this record, it appears that the ‘Baby Ddrops® product’ embodies the claimed invention. *See* Ex. 2004 ¶5 (discussing

Baby Ddrops composition, dose, and instructions for use).” Paper 10, at 41. Appendix 2 shows a side-by-side comparison of the ingredients and instructions for use of the Baby Ddrops® product and Petitioner’s baby vitamin D drops product.

Petitioner’s prior product was not successful in the marketplace. Accordingly, Petitioner embarked on a strategy to copy the “Baby Ddrops® product” and take market share from Ddrops, the acknowledged market leader. Petitioner changed the composition of its product to be identical; it did not test or consider any other composition in developing its knock-off product. Anderson Decl., ¶12. Appendix 3 shows a side-by-side comparison of Petitioner’s prior product and its current product. The change of ingredients from an unrecited composition to the composition recited in Claim 1 is the only difference that led to commercial success. Unlike the product in *Garmin*, no other features exist which potentially could be responsible for commercial success. *Cf. Garmin* at 8-9. *See* Anderson Decl., ¶13.

Petitioner’s copycat product has been commercially successful. Evidence of Petitioner’s sales, marketing plans and documents showing the difference between Petitioner’s past and current products show that the commercial success was because of the inventive features, and not some other reason. *Id.*, ¶14.

II. *Garmin* Factors 2–5.

Garmin factors 2-5 are easily satisfied and may be summarily considered. The Document Requests do not request information regarding Petitioner’s litigation

positions. Petitioner has designated all of the requested documents as “confidential” or “confidential – attorneys’ eyes only” pursuant to the Protective Order in the underlying District Court litigation. Anderson Decl., ¶8. Accordingly, Patent Owners may not use those documents absent an order requiring Petitioner to produce the documents. Patent Owners have no other means available to generate equivalent information. Petitioner need only produce – or more correctly authorize their use of in this proceeding – specifically-identified documents already produced in the underlying litigation.

Finally, by seeking only specified documents previously produced in the District Court action, the requests are easily understandable and essentially burdenless. Petitioner does not have to formally re-produce the requested documents. All it needs to do is to acknowledge “production” of the specified documents in this IPR. Patent Owners’ Document Requests are precisely what Petitioner previously offered, to “entertain any reasonable request by trial counsel to allow ... use [in this IPR] for specific documents” previously produced in the District Court action. *See* Anderson Decl., ¶6, Anderson Ex. A.

CONCLUSION

For the foregoing reasons, the Board should grant Patent Owners’ motion and compel Petitioner to produce the documents specifically identified to the discovery contained in Appendix 1.

Dated: November 9, 2023

Respectfully submitted,

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Counsel for Patent Owners

APPENDIX 1

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOM Enterprises, LLC,
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ELAINE AND REINHOLD W. VIETH,
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Case IPR 2023-00726
Patent 9,066,958

PATENT OWNERS' REQUESTS FOR PRODUCTION OF DOCUMENTS

The Patent Owners request that the Petitioner produce the documents described below at:

ALAN ANDERSON LAW FIRM LLC
Crescent Ridge Corporate Center
11100 Wayzata Blvd., Suite 545
Minneapolis, MN 55305

within 10 days after service, or at such other location and to which the parties may mutually agree.

Description of Documents:

1. Documents having document control numbers, beginning with the document control numbers shown below, i) sufficient to show Petitioner's sales of baby vitamin D (1 drop = 400 IU) Containing Vitamin D3 and Organic Medium Chain Triglyceride (MCT) oil ("Petitioner's current product") from the date of initial sale to present; and ii) sufficient to show Petitioner's sales of baby vitamin D (1 drop = 400 IU) Containing Vitamin D3 and sunflower oil, vitamin E ("Petitioner's predecessor product") as previously produced in the stayed litigation Ddrops Company et al. v. MOM Enterprises, LLC, C.A. No: 1:22-cv-00332-GBW, US District Court for the District of Delaware, and having Bates production number as follows: MOM_0004595; MOM_0004594; MOM_0004593; MOM_0004592; MOM_0004591; MOM_0004590; MOM_0004589; MOM_0004588; MOM_0004587; MOM_0004586; MOM_0004585; MOM_0004584; MOM_0004583; MOM_0004582; MOM_0004581;

MOM_0004580; MOM_0004579; MOM_0004578; MOM_0004577;
MOM_0004576; MOM_0004575; MOM_0004574; MOM_0004573;
MOM_0004570; MOM_0004569; MOM_0004568; MOM_0004567;
MOM_0004566; MOM_0004565; MOM_0004564; MOM_0004563;
MOM_0004560; MOM_0004559; MOM_0004558; MOM_0004557;
MOM_0004556; MOM_0004555; MOM_0004554; MOM_0004553;
MOM_0004552; MOM_0004551; MOM_0004550; MOM_0004549;
MOM_0004548; MOM_0004536; MOM_0004535; MOM_0002596;
MOM_0001727; MOM_0001417; MOM_0001283; MOM_0001071;
MOM_0000779; MOM_0000774; MOM_0000763; MOM_0000588;
MOM_0000587.

2. Documents having document control numbers listed below showing
Petitioner's market share of i) Petitioner's current product and ii) Petitioner's
predecessor product, from the date of initial sale to present as previously produced
in the stayed litigation Ddrops Company et al. v. MOM Enterprises, LLC, C.A. No:
1:22-cv-00332-GBW, US District Court for the District of Delaware, and having
Bates production numbers as follows: MOM_0000601; MOM_0000708;
MOM_0001418; MOM_0001443; MOM_0001463; MOM_0001489;
MOM_0001513; MOM_0001539; MOM_0001590; MOM_0001620;
MOM_0001643; MOM_0001661; MOM_0001687; MOM_0001702;

MOM_0001729; MOM_0001750; MOM_0001882; MOM_0001884;
MOM_0001890; MOM_0001895; MOM_0001926; MOM_0001993;
MOM_0001996; MOM_0002002; MOM_0002007; MOM_0002099;
MOM_0002157; MOM_0002250; MOM_0002303; MOM_0002313;
MOM_0002371; MOM_0002372; MOM_0002419; MOM_0002480;
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MOM_0002625; MOM_0002632; MOM_0002639; MOM_0002641;
MOM_0002651; MOM_0002707; MOM_0002708; MOM_0002712;
MOM_0002756; MOM_0002761; MOM_0002763; MOM_0002765;
MOM_0002774; MOM_0002797; MOM_0002847; MOM_0002848;
MOM_0002890; MOM_0002935; MOM_0002942; MOM_0004606.

3. The deposition transcript and Exhibits Nos. 1-23 of the Rule 30(b)(6) Deposition of Chantel Wood, testifying on behalf of Innovative Labs, the manufacturer of Petitioner's current product taken on September 6, 2023.

4. Documents having document control numbers listed below showing Petitioner's sales efforts, marketing efforts, and performance results for i) Petitioner's current product and ii) Petitioner's predecessor product, from the date of initial sale to present as previously produced in the stayed litigation Ddrops Company et al. v. MOM Enterprises, LLC, C.A. No: 1:22-cv-00332-GBW, US

District Court for the District of Delaware, and having Bates production numbers as follows: MOM_0000601; MOM_0000658; MOM_0000708; MOM_0000748; MOM_0001057; MOM_0001072; MOM_0001418; MOM_0001443; MOM_0001463; MOM_0001489; MOM_0001513; MOM_0001539; MOM_0001590; MOM_0001605; MOM_0001620; MOM_0001643; MOM_0001654; MOM_0001661; MOM_0001687; MOM_0001729; MOM_0001750; MOM_0001895; MOM_0001926; MOM_0001989; MOM_0002007; MOM_0002046; MOM_0002047; MOM_0002089; MOM_0002090; MOM_0002091; MOM_0002095; MOM_0002097; MOM_0002099; MOM_0002157; MOM_0002209; MOM_0002211; MOM_0002250; MOM_0002303; MOM_0002313; MOM_0002371; MOM_0002372; MOM_0002419; MOM_0002480; MOM_0002519; MOM_0002566; MOM_0002569; MOM_0002584; MOM_0002588; MOM_0002597; MOM_0002598; MOM_0002623; MOM_0002624; MOM_0002625; MOM_0002639; MOM_0002641; MOM_0002651; MOM_0002707; MOM_0002708; MOM_0002765; MOM_0002774; MOM_0002797; MOM_0002847; MOM_0002848; MOM_0002890; MOM_0002935; MOM_0002942; MOM_0003045; MOM_0003046; MOM_0003048; MOM_0003053; MOM_0003055; MOM_0003058; MOM_0003060; MOM_0003061; MOM_0003062; MOM_0003064;

MOM_0003065; MOM_0003066; MOM_0003067; MOM_0003678;
MOM_0004382; MOM_0004415; MOM_0004419; MOM_0004421;
MOM_0004423; MOM_0004429; MOM_0004473; MOM_0004606;
MOM_0000764; MOM_0001360; MOM_0001794; MOM_0001992;
MOM_0002589; MOM_0002590; MOM_0002591; MOM_0002592;
MOM_0002593.

5. Documents having document control numbers listed below showing the efforts to succeed in selling Petitioner's predecessor product evidencing attempted variations in product specifications, strategic product plans, instructions for use and administration, and ingredients in Petitioner's predecessor product, as previously produced in the stayed litigation Ddrops Company et al. v. MOM Enterprises, LLC, C.A. No: 1:22-cv-00332-GBW, US District Court for the District of Delaware and having Bates production numbers as follows:

MOM_0000574; MOM_0000578; MOM_0000583; MOM_0002825;
MOM_0002934; MOM_0002966; MOM_0002982; MOM_0003016;
MOM_0003019; MOM_0003025; MOM_0004234; MOM_0004238;
MOM_0004267; MOM_0004270; MOM_0004272; MOM_0004275;
MOM_0004281; MOM_0004286; MOM_0004288; MOM_0004289;
MOM_0004290; MOM_0004311; MOM_0004322; MOM_0004323.

6. Documents having document control numbers listed below showing the efforts to succeed in selling Petitioner's current product evidencing attempted variations in product specifications, strategic product plans, instructions for use and administration, and ingredients in Petitioner's predecessor product, as previously produced in the stayed litigation Ddrops Company et al. v. MOM Enterprises, LLC, C.A. No: 1:22-cv-00332-GBW, US District Court for the District of Delaware and having Bates production numbers as follows:

MOM_0000002; MOM_0000005; MOM_0000008; MOM_0000011;
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MOM_0005137; MOM_0005138; MOM_0005156; MOM_0005211;
MOM_0005226; MOM_0005239; MOM_0005243; MOM_0005245;
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MOM_0005284; MOM_0005285; MOM_0005286; MOM_0005291;
MOM_0005296; MOM_0005302.

Dated: November 9, 2023

Respectfully submitted,

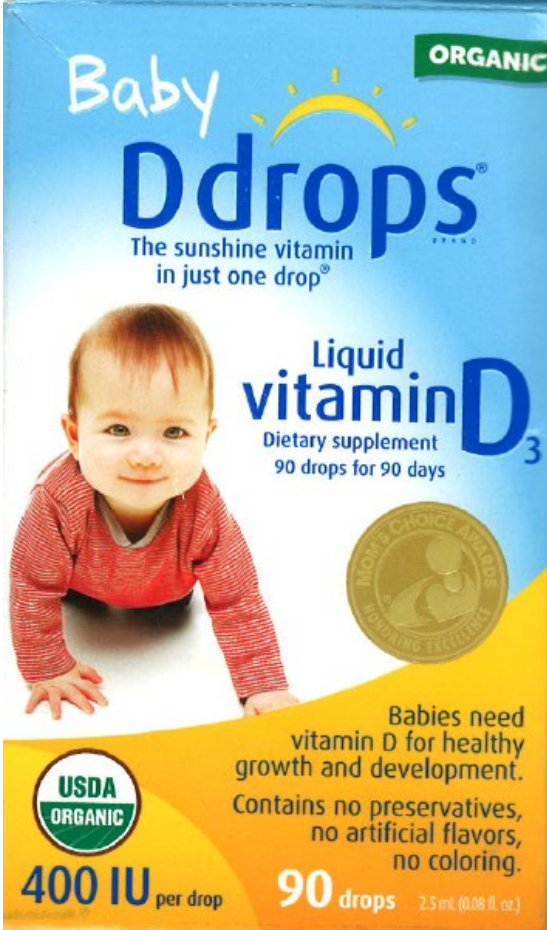
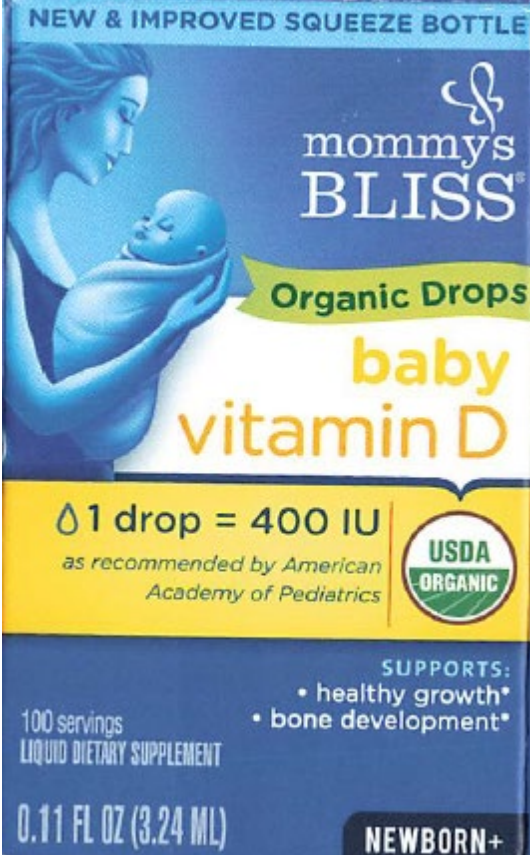
By: /Mark E Ungerman/
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Counsel for Patent Owners

APPENDIX 2

Comparison of Baby Ddrops® product to Petitioner's Infringement Product

<u>Baby Ddrops® product</u>	<u>Petitioner's Infringement Product</u>
 The image shows the packaging for Baby Ddrops, a liquid vitamin D3 dietary supplement. The box is primarily blue and yellow. At the top, it says "Baby Ddrops" in a large, stylized font, with "The sunshine vitamin in just one drop" underneath. A green banner in the top right corner says "ORGANIC". Below the brand name, it says "Liquid vitamin D3" and "Dietary supplement 90 drops for 90 days". A photograph of a smiling baby is on the left. A gold seal on the right says "A MAMA'S CHOICE AWARDS WINNING EXCELLENCE". At the bottom, it says "Babies need vitamin D for healthy growth and development. Contains no preservatives, no artificial flavors, no coloring." and "400 IU per drop 90 drops 2.5 mL (0.08 fl. oz.)". A USDA Organic seal is in the bottom left corner.	 The image shows the packaging for mommys BLISS baby vitamin D, a liquid dietary supplement. The box is primarily blue and yellow. At the top, it says "NEW & IMPROVED SQUEEZE BOTTLE". Below that, it says "mommys BLISS" in a stylized font, with "Organic Drops" underneath. A photograph of a mother holding her baby is on the left. The text "baby vitamin D" is in large, bold letters. Below that, it says "1 drop = 400 IU" and "as recommended by American Academy of Pediatrics". A USDA Organic seal is on the right. At the bottom, it says "100 servings LIQUID DIETARY SUPPLEMENT", "0.11 FL OZ (3.24 ML)", and "NEWBORN+". It also lists "SUPPORTS: • healthy growth • bone development".

Baby Ddrops® product

Supplement Facts

Serving Size 1 Drop (0.028 mL or 0.001 fl. oz.)
Servings Per Container 90

Amount Per Serving	% Daily Value
	Infants 0-12 months
Vitamin D3 (as Cholecalciferol)	10 mcg (400 IU) 100%

Other Ingredient:
Organic fractionated coconut oil.

Does not contain: Corn, casein, dairy, egg, fish, gluten, lactose, peanuts, shellfish, soy, starch, sugar, sulphites, wheat, yeast, preservatives, coloring or artificial flavors.

Directions: Infants less than 1 year old - Place 1 drop daily onto mother's nipple or on a clean surface, such as a washed finger, and allow baby to suck for at least 30 seconds. Or mix one drop daily with milk, juice or other food.



SPECIFICALLY DESIGNED FOR BREASTFED BABIES.

STORE BOTTLE UPRIGHT AND BETWEEN 40°F AND 85°F. KEEP OUT OF REACH OF CHILDREN. DO NOT USE IF SECURITY SEAL ON BOTTLE IS BROKEN.

SCAN TO LEARN MORE



Petitioner's Infringement Product

Supplement Facts

Serving Size: 1 drop (0.026 mL) daily
Servings Per Container: 100

Amount Per Serving	% Daily Value
	Infants 0-12 months
Vitamin D3 10 mcg (400 IU) (cholecalciferol)	100%

OTHER INGREDIENTS: Organic Medium Chain Triglyceride (MCT) Oil.

Manufactured for MOM Enterprises, Inc.
Richmond, CA 94804 t: 877.457.4955
mommysbliss.com



Certified Organic by:
Quality Assurance International

CAUTION: KEEP OUT OF REACH OF CHILDREN.
Please consult your doctor prior to use.

STORAGE: Store in a cool dry place. Recap tightly.

*This statement has not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

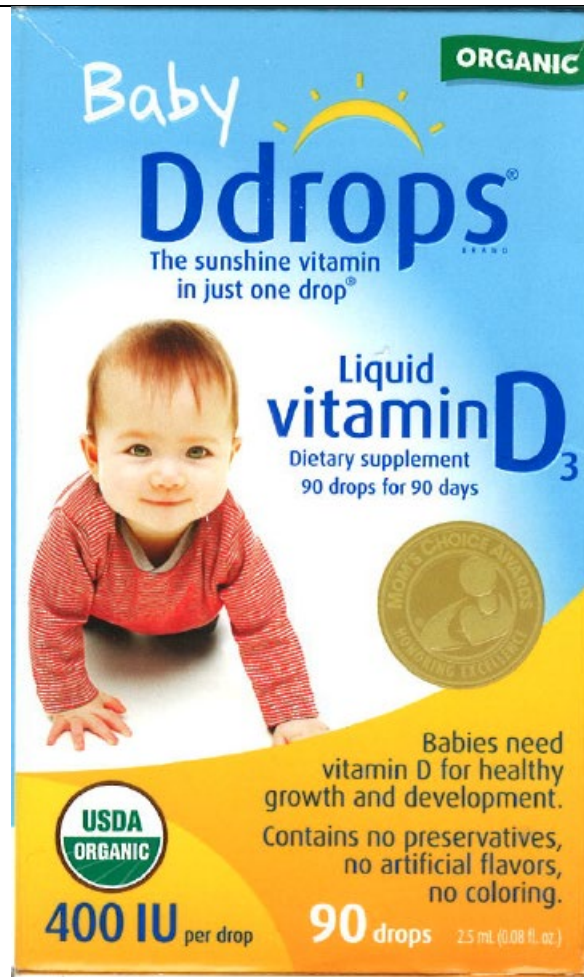


PLEASE RECYCLE

All packaging is free of BPA, PVC, and phthalates.
Printed with vegetable-based ink.

<u>Baby Ddrops® product</u>	<u>Petitioner's Infringement Product</u>
 Vitamin D is important for healthy growth and development in infancy and childhood especially for normal bone growth and muscle strength.* The American Academy of Pediatrics recommends that infants who are breastfed or partially breastfed should be supplemented with 400 IU of vitamin D daily.* Ddrops Company Woodbridge, ON L4L 5Z4 Canada www.vitaminDdrops.com 1-844-433-7677 Certified Organic by: Quality Assurance International Registered TM of Ddrops Company U.S. Patent 9066958 The Mom's Choice Awards Honoring Excellence logo is a trademark of the Mom's Choice Awards.    nongmoproject.org * These statements have not been evaluated by the FDA. This product is not intended to diagnose, treat, cure or prevent any disease.	 for moms, by moms Our family-run company was founded by my mom, who raised three children while working as a nurse and certified midwife. Driven by compassion for other moms, she created Mommy's Bliss to safely and naturally bring families back to wellness. As a new mom myself, I understand how important it is to choose products that I trust to work effectively and safely and make my little ones happy!  Yasmin Kaderali mom, daughter & CEO  bliss for every baby Your purchase supports improving the health of 20,000+ children around the globe. Learn more at: www.mommysbliss.com/foundation. Women Owned and Led  

Baby Ddrops® product

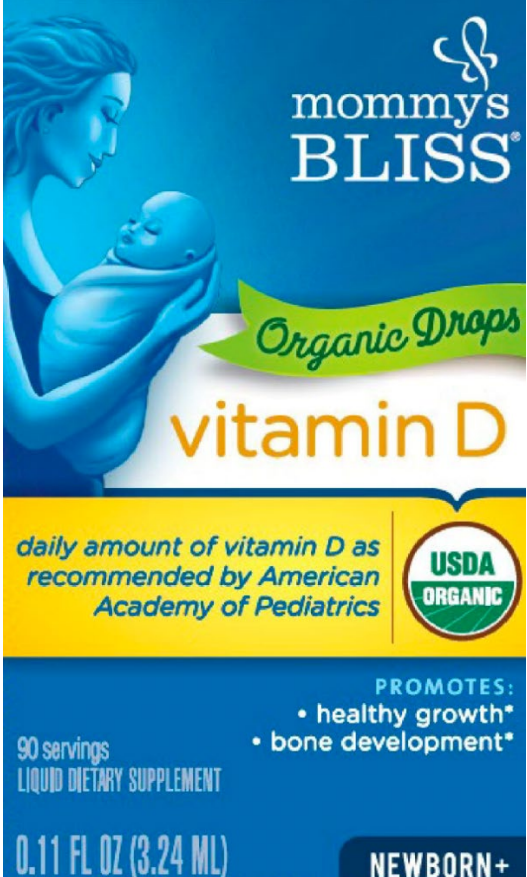
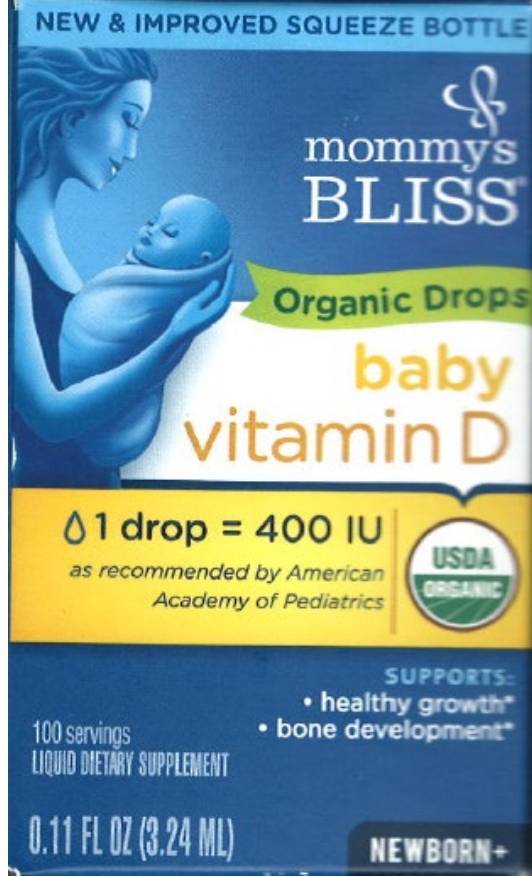


Petitioner's Infringement Product



Appendix 3

Red circles and arrows are provided for focus.

Petitioner's pre-infringement product	Petitioner's infringement product
	

Petitioner's pre-infringement product

vitamin D organic drops provide the recommended amount of vitamin D for healthy growth* and bone development* for babies who are breastfed.

 **400 IU OF VITAMIN D PER SERVING**  **ONLY 1 DROP REQUIRED PER DAY**  **NO REFRIGERATION NEEDED**  **NO ARTIFICIAL FLAVORS OR COLORS**

free of
THE TOP 8 ALLERGENS

☒ Peanuts	☒ Fish
☒ Wheat	☒ Shellfish
☒ Eggs	☒ Tree Nuts
☒ Milk	☒ Soy

directions Invert bottle 2-3 times prior to removing cap. Remove cap, hold upside down and wait for one drop. Immediately turn bottle upright after one drop is dispensed. Place one drop daily onto mother's nipple or a pacifier, or mix with formula, juice or other foods. Do not exceed recommended serving.

RECOMMENDED SERVING: 1 drop daily for all ages

 See all of our health and wellness products at www.mommysbliss.com

Petitioner's infringement product

baby vitamin D organic drops provide the recommended amount of vitamin D for healthy growth and bone development for infants who are breastfed.*

 **400 IU OF VITAMIN D PER SERVING**  **ONLY 1 DROP REQUIRED PER DAY**  **NO REFRIGERATION NEEDED**  **NO ARTIFICIAL FLAVORS OR COLORS**

free of
THE TOP 8 ALLERGENS

☒ Peanuts	☒ Fish
☒ Wheat	☒ Shellfish
☒ Eggs	☒ Tree Nuts
☒ Milk	☒ Soy

directions Tilt bottle and squeeze gently to dispense one drop. Place one drop daily onto mother's nipple or a pacifier, or mix with formula, breast milk, juice, or other foods. Do not administer directly into infant's mouth. Do not exceed recommended daily serving.

RECOMMENDED SERVING: 1 drop daily

 See all of our health and wellness products at www.mommysbliss.com

Petitioner's pre-infringement product	Petitioner's infringement product
for moms, by moms Our family run company was founded by my mom, who raised three children while working as a nurse & certified midwife. Driven by compassion for other moms, she created Mommy's Bliss to safely and naturally bring families back to wellness. As a new mom myself, I understand how important it is to choose products that I trust to work effectively, safely and make my little ones happy!  Yasmin Kaderali mom, daughter & CEO  bliss for every baby Your purchase supports improving the health of 20,000+ children around the globe. Learn more at: www.mommysbliss.com/foundation. Women Owned ♀ and Led  Contents Tested & Certified	for moms, by moms Our family-run company was founded by my mom, who raised three children while working as a nurse and certified midwife. Driven by compassion for other moms, she created Mommy's Bliss to safely and naturally bring families back to wellness. As a new mom myself, I understand how important it is to choose products that I trust to work effectively and safely and make my little ones happy!  Yasmin Kaderali mom, daughter & CEO  bliss for every baby Your purchase supports improving the health of 20,000+ children around the globe. Learn more at: www.mommysbliss.com/foundation. Women Owned ♀ and Led  

Petitioner's pre-infringement product

Supplement Facts

Serving Size: 1 drop (0.036 ML)
Servings Per Container: 90

	Amount Per Serving	% Daily Value
Vitamin D3	400 IU	100%

OTHER INGREDIENTS: Organic sunflower oil, Vitamin E (to maintain freshness).

Manufactured for MOM Enterprises, Inc.
Richmond, CA 94804 t: 877.457.4955
mommysbliss.com



Certified Organic by:
Quality Assurance International

CAUTION: KEEP OUT OF REACH OF CHILDREN.
Please consult your doctor prior to use.

STORAGE: Store in a cool dry place. Recap tightly.

*This statement has not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

PLEASE
RECYCLE



Packaging is made from 100% recycled paperboard with a minimum of 50% post consumer waste. Printed with vegetable based ink.

Petitioner's infringement product

Supplement Facts

Serving Size: 1 drop (0.026 mL) daily
Servings Per Container: 100

	Amount Per Serving	% Daily Value
		Infants 0-12 months

Vitamin D3 10 mcg (400 IU) 100%
(cholecalciferol)

OTHER INGREDIENTS: Organic Medium Chain Triglyceride (MCT) Oil.

Manufactured for MOM Enterprises, Inc.
Richmond, CA 94804 t: 877.457.4955
mommysbliss.com



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PLEASE
RECYCLE

All packaging is free of BPA, PVC, and phthalates. Printed with vegetable-based ink.

CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. § 42.6(e) that on October 24, 2023,
**PATENT OWNER'S COMBINED MOTION FOR ADDITIONAL
DISCOVERY UNDER 37 C.F.R. § 42.51(b)(2) AND MEMORANDUM IN
SUPPORT THEREOF** is being served, by filing this document through the Patent
Trial and Appeal Case Tracking System (P-TACTS) and by electronic mail as
directed by Petitioner upon the following counsel of record for Petitioners:

David B. Conrad
Lance E. Wyatt
Sarika Patel
Casey Kraning
Fish and Richardson P.C.
To: IPR53953-0001IP1@fr.com

/Mark E Ungerman/
Mark E. Ungerman