

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COLGATE-PALMOLIVE COMPANY,
Petitioner,

v.

NOBLE INNOVATIONS NC L.L.C.,
Patent Owner

IPR2023-01254
U.S. Patent No. 8,881,332

DECLARATION OF KEN CAPECE

1. I, Ken Capece, make this Declaration. I am over 21 years of age and otherwise competent to make this declaration.

2. I am a Director, Patent & Legal Operations at Colgate-Palmolive Company. I have been employed and working as full-time employee in the Colgate Patent Department since February 1, 2006. Prior to that, between June 5, 2005 and February 1, 2006, I was a consultant to the Colgate Patent Department providing patent operations and docketing services.

3. I have been asked to provide my recollection of the circumstances of the submission of the Colgate-Palmolive Company Invention Record numbered 8310 (the "Invention Record") referencing an invention title of "Prong bead retention" being submitted as Exhibit 1020 in the above-captioned *inter partes* review proceeding before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I am not being compensated for making this Declaration.

4. In early 2007, it was our standard process in the Colgate Patent Department to receive completed and signed invention records from inventors in either paper or electronic form. If submitted electronically, such invention records would be submitted via email to the Colgate Patent Department as a PDF attachment. Whether submitted in paper or electronic form, upon receipt, an Administrative Assistant or Patent Paralegal in the Colgate Patent Department

would first manually open a new invention record in our electronic docketing system (at that time, IPMaster), and then manually enter bibliographic information from the received invention record into the newly created record in the electronic docketing system including information such as, for example, title, inventor names, and submission date. A copy of the PDF or scanned copy of the paper submission would typically also be attached to the newly created electronic record. Each newly created electronic record would have a unique automatically-generated invention record number along with an automatically-generated record creation date.

5. On or around February 27, 2007, the Invention Record titled "Prong bead retention" was provided to the Colgate Patent Department. On February 27, 2007, I manually created a new invention record in the IPMaster electronic docketing system. The newly created record was given the unique automatically-generated invention record number 8310. I then manually entered bibliographic information from the received invention record into the newly created record in the electronic docketing system including the title, the inventor names, and submission date. The electronic record for Invention Record 8310, submitted as Exhibit [1025], shows automatically-generated record creation information as: "PATGEN1 27-Feb-2007 01:41 PM." My username in IPMaster at the time was PATGEN1.

6. Subsequently, in 2014, the Colgate Patent Department switched to another electronic docketing system, Computer Packages Inc. (CPI). All patent data, including all bibliographic data and metadata for all invention records and related patents and filed patent applications, was mapped over from IPMaster to CPI.

7. Based on the information retrievable in CPI, I can confirm that a patent application based on this Invention Record was prepared and filed on January 24, 2008 as U.S. Patent Application No. 12/018,817, which was filed as a continuation-in-part of U.S. Patent Application No. 11/314,716, filed Dec. 21, 2005, now U.S. Patent No. 7,478,959.

8. I declare that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: July 26, 2024


Ken Capece