

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NESPRESSO USA, INC.,
Petitioner,

v.

K-FEE SYSTEM GMBH,
Patent Owner.

IPR2024-00239
Patent 11,542,094 B2

Before GRACE KARAFFA OBERMANN, JON B. TORNQUIST, and
JAMES J. MAYBERRY, *Administrative Patent Judges*.

TORNQUIST, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

Nespresso USA, Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 1–20 of U.S. Patent No. 11,542,094 B2 (Ex. 1001, “the ’094 patent”). K-Fee System GmbH (“Patent Owner”) filed a Preliminary Response to the Petition. Paper 7 (“Prelim. Resp.”).

We have authority to determine whether to institute an *inter partes* review. 35 U.S.C. § 314 (2018); 37 C.F.R. § 42.4(a) (2022). The standard for institution is set forth in 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted “unless the Director determines . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

For the reasons set forth below, Petitioner does not demonstrate a reasonable likelihood of prevailing with respect to any of claims 1–20 of the ’094 patent. Accordingly, we do not institute an *inter partes* review.

II. BACKGROUND

A. *Related Matters*

The parties indicate that the ’094 patent is at issue in the following proceeding: *Nespresso USA, Inc. v. K-Fee System GmbH*, No. 2:22-cv-09295-GW-AGRx (C.D. Cal.). Pet. 87; Paper 3, 1.

B. *Real Parties-in-Interest*

Petitioner identifies itself and Nestlé USA, Inc., Nestlé Nespresso SA, and Société Des Produits Nestlé SA as the real parties-in-interest. Pet. 87. Patent Owner identifies itself as the real party-in-interest, and notes that it is a wholly owned subsidiary of Kruger GmbH & Co. KG. Paper 3, 1.

C. The '094 patent

The '094 patent, titled “Portion Capsule Having an Identifier,” issued January 3, 2023, from an application filed December 10, 2021, and ultimately claims priority to three German patent applications, the earliest of which was filed July 22, 2010. Ex. 1001, codes (22), (30), (45), (54), (60).

The '094 patent is directed to “[a] beverage system for making a beverage that includes a single-serve capsule and a beverage machine.” Ex. 1001, code (57), 1:6–8. We reproduce Figure 2A from the '094 patent below.

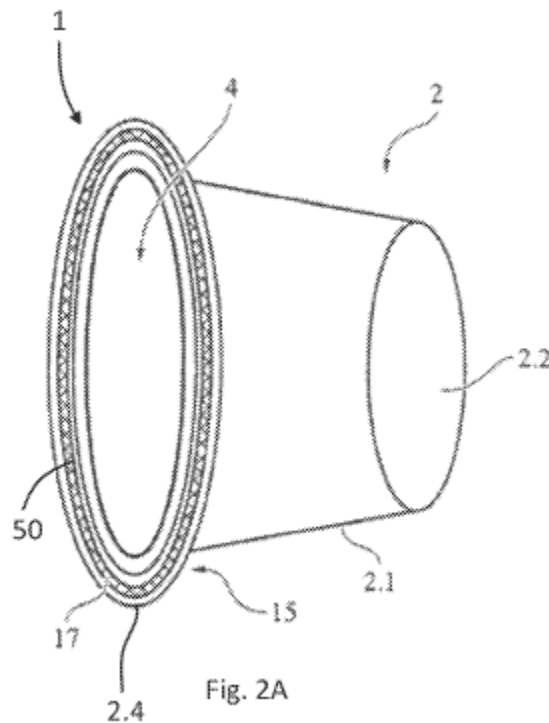


Figure 2A depicts “a portion capsule containing a barcode.” *Id.* at 7:33–34. Portion capsule 1 includes base element 2 with wall region 2.1 and bottom area 2.2. *Id.* at 8:45–47. “[P]ortion capsule 1 has a barcode 50 placed in the area of the membrane’s 4 top surface.” *Id.* at 8:47–49. “As shown by the arrow 15 the barcode 50 alternatively can be attached to the base element’s edge region being averted from the membrane 4.” *Id.* at 8:54–56. “Such a

barcode is read out by a detector 13 placed, for example, in the media chute. The barcode represents the identifier according to [the] invention.” *Id.* at 8:56–59.

Figures 16A from the '094 patent is reproduced below.

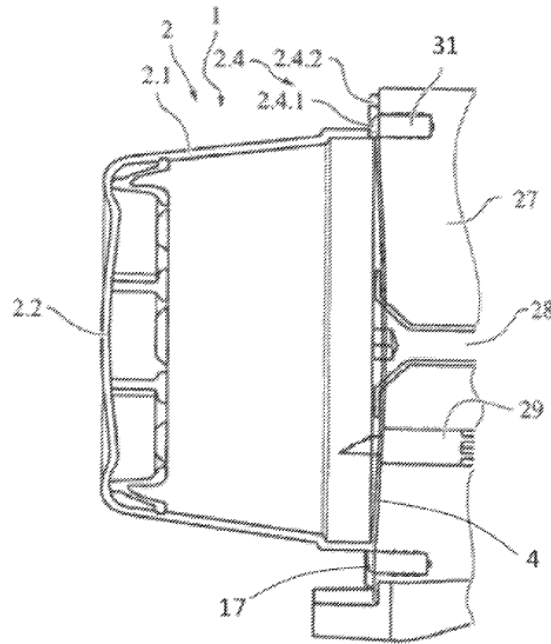


Fig. 16A

Figure 16A depicts “a portion capsule with a gearwheel placed in the brewing chamber.” Ex. 1001, 7:58–59. In the embodiment depicted in Figure 16A, mandrel 29 is used to form an opening in portion capsule 1. *Id.* at 10:31–34. Water from water inlet 28 flows into the portion capsule by passing the opening formed by mandrel 29. *Id.* Seal 31, which is attached to brewing chamber 27, interacts with seal surface 2.4.1 and “makes sure that the water coming from . . . water inlet 28 flows through the portion capsule by passing an opening, which is made by . . . mandrel 29, [rather] than around” the opening. *Id.* As seen in Figure 16A, seal 31 rests within a groove (not labeled).

D. Illustrative Claim

Claims 1 and 12 are independent, with challenged claims 2–11 depending, directly or indirectly, from claim 1 and challenged claims 13–20 depending, directly or indirectly, from claim 12. Ex. 1001, 13:30–16:26. Claim 1 is representative of the challenged claims and is reproduced below.

1. A beverage system comprising:
 - A) a single-serve capsule comprising:
 - i) a base element with a cavity, in which a beverage material is provided, the base element including a wall that is symmetrical about a central longitudinal axis thereof and having a closed, rounded bottom portion, the base element is free of a filter inside of the cavity;
 - ii) a flange extending outwardly from the base element, the flange having a top side and an opposing bottom side;
 - iii) a cover fastened to the top side of the flange, the cover is bowed outwardly in a central region of the cover relative to a peripheral region of the cover, the cover includes a region configured to be pierced at a location that is offset from the central longitudinal axis;
 - iv) a barrier layer to prevent moisture or aroma from escaping out of the single-serve capsule; and
 - v) an individualization identifier, which includes an optically detectable repeat pattern, provided on the bottom side of the flange;
 - B) a beverage machine comprising:
 - i) a capsule receptacle having a wall structure into which the single-serve capsule is received, the capsule receptacle defined by a base portion and an annular portion laterally extending outwardly from the base portion in a direction that is transverse to a longitudinal axis of the capsule receptacle;
 - ii) a chamfered mandrel that pierces the cover at the location that is offset from the central longitudinal axis;
 - iii) an optical sensor/detector positioned outside of the base portion of the wall structure of the capsule receptacle and below the annular portion, which directs a beam through a portion of the wall structure to read the individualization identifier on the single-serve capsule;

- iv) a pump that supplies water into the single-serve capsule only after the individualization identifier is read by the sensor/detector;
- v) *a groove that is laterally offset from the chamfered mandrel*; and
- vi) a seal that is at least partially seated in the groove and configured to bear against a top side of the cover in a region between the peripheral region of the cover and the region of the cover that is pierced by the chamfered mandrel.

Ex. 1001, 13:30–14:10 (limitations discussed herein are emphasized in italics).

E. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability (Pet. 20):¹

Claims Challenged	35 U.S.C. §	Reference(s)/Basis
1–3, 6–14, 18–20	103(a)	Yoakim ² , Jarisch 929 ³ , Rossi ⁴
4–5, 15–17	103(a)	Yoakim, Jarisch 929, Rossi, Castellani ⁵

Petitioner also relies upon the declaration testimony of Michael Jobin.

Ex. 1003.

¹ The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112–29, took effect on March 16, 2013. The ’094 patent claims priority to an application filed July 22, 2011. Ex. 1001, code (60). Thus, we apply the pre-AIA version of §103.

² US Publication No. 2010/0239734 A1, published September 23, 2010 (Ex. 1004).

³ US Publication No. 2013/0064929 A1, published March 14, 2013 (Ex. 1006).

⁴ WO 2010/099806 A1, published September 10, 2010 (Ex. 1041).

⁵ US Publication No. 2008/0105131 A1, published May 8, 2008 (Ex. 1009).

III. ANALYSIS

A. Legal Standard

A patent claim is unpatentable under 35 U.S.C. § 103(a) if the differences between the claimed subject matter and “the prior art are such that the subject matter, as a whole, would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) when in evidence, objective evidence of nonobviousness. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

B. Level of Ordinary Skill in the Art

In order to determine whether an invention would have been obvious at the time the application was filed, we consider the level of ordinary skill in the pertinent art. *Graham*, 383 U.S. at 17. In assessing the level of ordinary skill in the art, various factors may be considered, including the “type of problems encountered in the art; prior art solutions to those problems; rapidity with which innovations are made; sophistication of the technology; and educational level of active workers in the field.” *In re GPAC, Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995) (quotation omitted).

Petitioner contends that one of ordinary skill in the art would have had “a bachelor’s degree in engineering plus five years of experience in design

of mechanical beverage systems, or similar products, and experience with sensors for recognizing an identifier.” Pet. 16 (citing Ex. 1003 ¶ 40).

Patent Owner does not address the level of skill possessed by the ordinarily skilled artisan.

On this record, we adopt Petitioner’s definition of the person of ordinary skill in the art as it appears consistent with the prior art of record. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001) (holding that the prior art itself can reflect the appropriate level of ordinary skill in the art).

C. Claim Construction

In an *inter partes* review proceeding, a patent claim is construed using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. § 282(b). 37 C.F.R. § 42.100(b) (as amended Oct. 11, 2018). This rule adopts the same claim construction standard used by Article III federal courts, which follow *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc), and its progeny. Under this standard, the words of a claim are generally given their “ordinary and customary meaning,” which is the meaning the term would have to a person of ordinary skill at the time of the invention, in the context of the entire patent including the specification. *See Phillips*, 415 F.3d at 1312–13.

Petitioner identifies “apparent interpretations that [Patent Owner] offered in its infringement contentions” before the district court, but contends that “for this proceeding, no claim terms require formal construction.” Pet. 16–20.

Patent Owner contends that the claim phrase “a groove that is laterally offset from the chamfered mandrel” requires construction. Prelim. Resp. 8–9, 52–56. We agree.

a groove that is laterally offset from the chamfered mandrel

1. *The Parties’ Arguments*

Independent claims 1 and 12 both recite “(v) a groove that is laterally offset from the chamfered mandrel.” Ex. 1001, 14:4–5, 15:19–20. Both parties appear to agree that the ordinary meaning of “laterally” is “off to the side.” Pet. 62; Prelim. Resp. 56–57; Ex. 1003 ¶ 294 (Mr. Jobin testifying that “dictionary definitions confirm that the term laterally means ‘off to the side (in either direction)’”). Petitioner contends, however, that the claim language as a whole should be construed to mean that the groove is “off to the side (in either direction) of the *central axis* of the chamfered mandrel.” Pet. 62 (citing Ex. 1003 ¶ 294; Exs. 1059–1061) (emphasis added). Petitioner’s obviousness arguments also imply that only a portion of the groove needs to be off to the side of the central axis of the chamfered mandrel. *Id.*

Patent Owner disagrees as to both points, asserting that the plain words of the claim language itself requires that the entire groove be off to the side of the chamfered mandrel, and not merely the central axis of the mandrel. Prelim. Resp. 54, 57.

2. *Analysis*

In construing claim terms, we start with the intrinsic evidence, including the claims, written description and, if in evidence, the prosecution history of the relevant patent(s). *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996). When appropriate, we may also

consider extrinsic evidence, including dictionary definitions and expert testimony. *Phillips*, 415 F.3d at 1318. And, as noted above, the words of a claim are generally given their “ordinary and customary meaning,” which is the meaning the term would have to a person of ordinary skill at the time of the invention, in the context of the entire patent including the specification. *See Phillips*, 415 F.3d at 1312–13.

a. *Claims*

Both parties appear to agree that “laterally” means “off to the side,” and Petitioner asserts that the claim as a whole requires that the groove be off to the side (in either direction) of the central axis of the chamfered mandrel. Pet. 62; Prelim. Resp. 56; Ex. 1003 ¶ 294; Ex. 1059, 3 (defining “lateral” as “of, at, towards, or from the side or sides”); Ex. 1060, 3 (defining “lateral” as “of or relating to the side”); Ex. 1061, 3 (defining “lateral” as “of or pertaining to the side; situated at, proceeding from, or directed to a side”).

The express language of the claim, however, does not support using the “central axis” as the measuring point for determining if one object is laterally offset from another. For example, the term “central axis” is not used in the relevant claim phrase and the dictionary definitions of “lateral” relied upon by Petitioner and Mr. Jobin to show the ordinary meaning of the claim term do not suggest that the “central axis” is the reference point for determining whether a first object is “laterally offset” from a second object. As such, we determine that the claim language supports Patent Owner’s

construction requiring that the “groove” be “off to the side” of the entire mandrel, and not merely the “central axis” of the mandrel. Prelim. Resp. 54.

We must also resolve whether the entire groove is required to be laterally offset from the chamfered mandrel, or only a portion of it. On this point, the claims do not use the term “portion,” but rather specify that the “groove” is “laterally offset from the chamfered mandrel.” Ex. 1001, 14:4–5, 15:19–20. This suggests that the entire “groove” must be offset from the “chamfered mandrel.”

b. Written Description

The written description of the '094 patent is generally consistent with Patent Owner's construction. Figure 16A of the '094 patent is reproduced below (as annotated and rotated by Patent Owner).

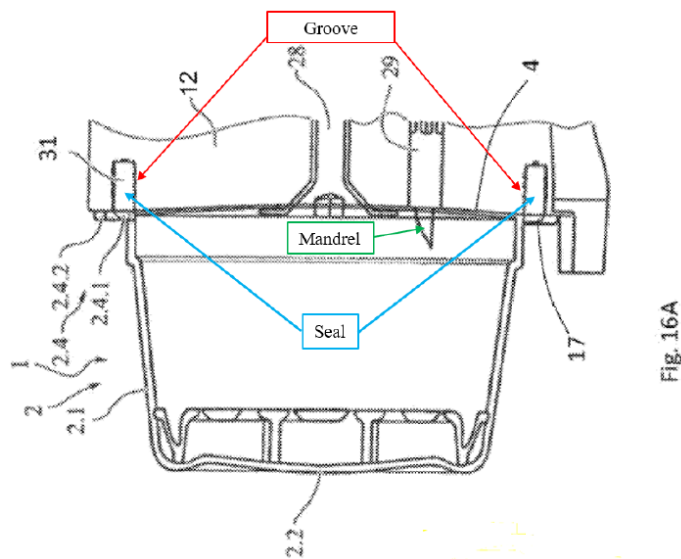


Figure 16A (rotated 90 degrees) shows a portion capsule with a gearwheel placed in the brewing chamber. Ex. 1001, 7:58–59. In this embodiment, mandrel 29 is used to make an opening in the portion capsule, and seal 31 “makes sure that the water coming from a water inlet 28 flows through the

portion capsule by passing an opening,” rather than flowing around it. *Id.* at 10:31–34.

Although the ’094 patent does not refer to the recess in which seal 31 sits as a “groove,” it appears that seal 31 in Figure 16A is seated within some type of groove in the device, and Figure 16A depicts the groove completely to the side of the chamfered mandrel. Although not dispositive, this embodiment is consistent with Patent Owner’s construction.

c. Prosecution History

The prosecution history may also provide guidance as to the correct meaning of a claim term. *See Phillips*, 415 F.3d at 1317. Neither party, however, identifies any portion of the prosecution history that would provide guidance as to: (1) whether the claimed groove must be offset from the central axis of the chamfered mandrel, as opposed to the mandrel as a whole, or (2) whether the claimed groove must be entirely “off to the side” of the chamfered mandrel.

d. Expert Testimony

Mr. Jobin testifies that, “[b]ased on the claim language,” the relevant claim phrase requires that the “groove” is “off to the side (in either direction) of *the central axis* of the chamfered mandrel.” Ex. 1003 ¶ 294 (emphasis added). Mr. Jobin’s conclusory testimony, however, fails to explain why the measuring point for determining if the “groove” is “laterally offset” from the chamfered mandrel is the “central axis of the chamfered mandrel,” as opposed to the mandrel as a whole. *Id.* As such, this testimony is not persuasive. *Phillips*, 415 F.3d at 1318 (explaining that “conclusory, unsupported assertions by experts as to the definition of a claim term are not useful to a court”).

3. *Construction*

In view of the intrinsic evidence of the '094 patent, we determine that, on this record, the claim phrase “a groove that is laterally offset from the chamfered mandrel” requires that the groove be entirely “off to the side” of any part of the chamfered mandrel.⁶

D. *Obviousness in View of Yoakim, Jarisch 929, and Rossi*

Petitioner contends that the subject matter of claims 1–3, 6–14, and 18–20 would have been obvious in view of the combined disclosures of Yoakim, Jarisch 929, and Rossi. Pet. 35–73.

1. *Yoakim*

Yoakim, titled “Method for Preparing a Beverage or Food Liquid and System Using Brewing Centrifugal Force,” published September 23, 2010, from an application filed May 7, 2010. Ex. 1004, codes (22), (43), (54). Yoakim “relates to a capsule, device, system and method for preparing a beverage or food liquid from a food substance which is brewed or extracted by using centrifugal forces exerted on a capsule which contains the substance.” *Id.* ¶ 2.

Yoakim’s device identifies different capsules and operates its beverage device based on predetermined parameters for the identified capsule, including flow rate and volume of liquid to be injected into the capsule. Ex. 1004 ¶ 25; *see, e.g., id.* ¶ 192 (“[T]he control unit may be

⁶ Our construction is consistent with the construction for the same term reached in a related proceeding. *See Nespresso USA, Inc. v. K-Fee Sys. GmbH*, IPR2022-01574, Paper 29, 25–31, 32–45 (PTAB April 10, 2024). We note, however, that Petitioner filed a request for Director Review of the Final Written Decision in IPR2022-01574, and the request is still pending. IPR2022-01574, Paper 30.

associated to a capsule recognition system enabling to recognize the types of capsules, i.e., espresso, lungo, cappuccino, long coffee (e.g., 180-400 ml), latte, tea, etc., and to adjust the speed and/or other brewing parameters (e.g., water temperature) according the capsule which is inserted in the device.”). “A recognition system uses a code on the capsule and recognized by the device, such as a color, a barcode, an RFID, a magnetic code, ferromagnetic micro-wires or labels, shapes and combinations thereof.” *Id.* ¶ 192.

Yoakim’s Figure 1 is reproduced below.

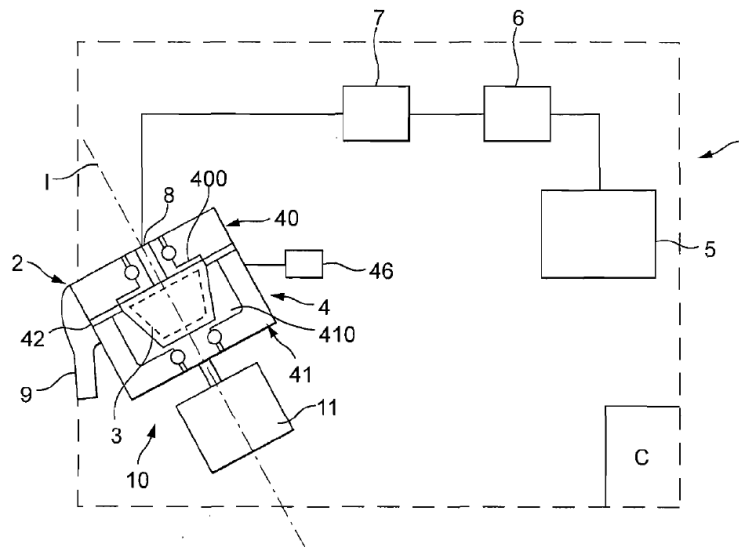


FIG. 1

Figure 1 is “a schematic representation of [Yoakim’s] system.” Ex. 1004 ¶ 30. System 1 includes device 2 and capsule 3, with device 2 having brewing module 4, which receives capsule 2 for brewing. *Id.* ¶ 180. After brewing, the capsule is removed and discarded. *Id.* Module 4 is connected to water reservoir 5, with the water delivered to module 4 by low pressure pump 6. *Id.* Water heater 7 heats the water to the desired temperature for the capsule. *Id.*

One embodiment of the beverage system is depicted in Figure 35. We reproduce below Petitioner’s annotated version of Figure 35 (Pet. 61).

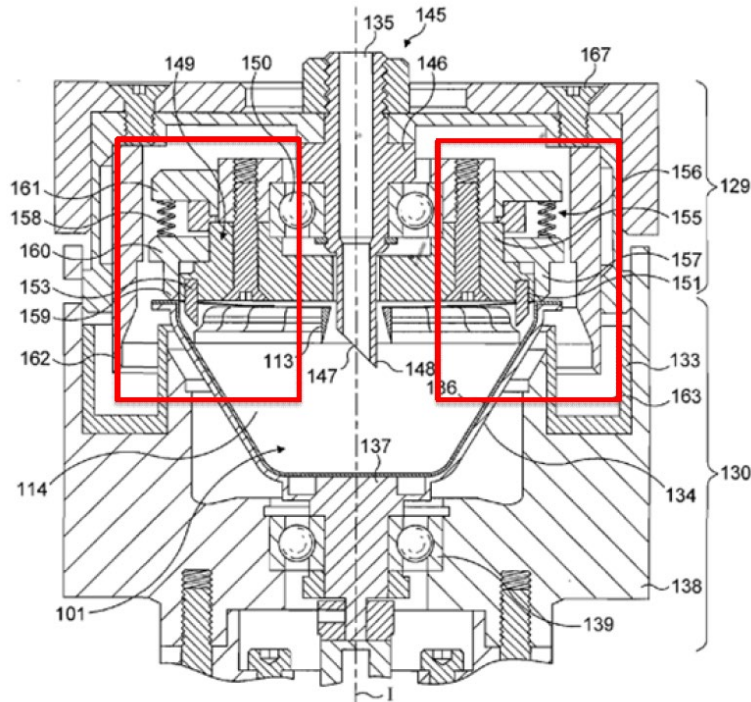


FIG. 35

Figure 35 is an enlarged version of Yoakim’s Figure 34, which is a cross-sectional view of a beverage production module. Ex. 1004 ¶¶ 63–64.

Petitioner annotates the figure with two rectangular boxes to emphasize Yoakim’s flow restriction means. *See* Pet. 61.

Yoakim describes that annular engaging portion 157 is biased under the force of elastic loading means 158, which can be a spring. Ex. 1004 ¶ 436. Spring 158 interacts with base portion 160 of annular engaging portion 157 and counter-force portion 161 to force pressing peripheral surface 159 against the rim of a capsule. *Id.*; *see also id.* at Fig. 35 (showing spring 158, annular engaging portion 157, with pressing peripheral surface 159 and base portion 160, and counter-force portion 161).

2. Jarisch 929

Jarisch 929, titled “Support and Capsule for Preparing a Beverage by Centrifugation, System and Method for Preparing a Beverage by

Centrifugation,” published March 14, 2013, from an application filed May 12, 2011. Ex. 1006, codes (22), (43), (54). Jarisch 929 “relates in particular to coding supports adapted to store information related to a capsule, capsules associated with/or embedding coding supports, [and] reading and processing arrangements for reading and using such information for preparing a beverage.” *Id.* ¶ 1.

Figure 2 of Jarisch 929 is reproduced below.

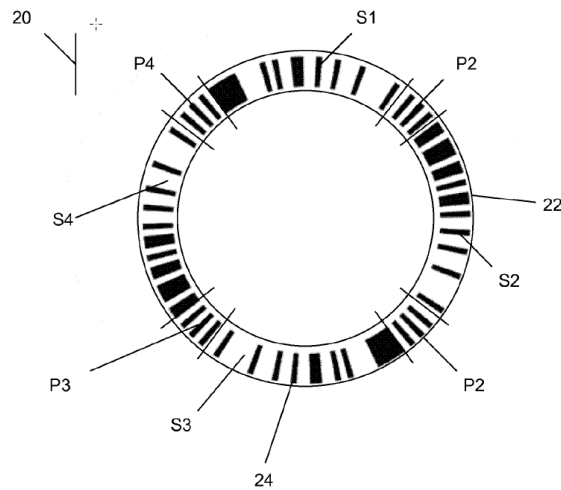


Fig. 2

Figure 2 depicts support 20, which is part of the beverage capsule. Ex. 1006 ¶ 51. As shown in Figure 2, support 20 includes “section 22 on which at least one sequence S1, S2, S3, S4 of symbols 24 is represented so as that each symbol is sequentially readable, by a reading arrangement of an external device,” with “each sequence coding a set of information related to the capsule.” *Id.* The information may include “information related to parameters for preparing a beverage with the capsule,” “information for retrieving locally and/or remotely parameters for preparing a beverage with the capsule,” “information related to the manufacturing of the capsule,” or “information for retrieving locally and/or remotely information related to the

manufacturing of the capsule.” *Id.* ¶¶ 52–55. “The sequence is preferably repeated along the circumference in order to ensure a reliable reading.” *Id.* ¶ 68.

“The support can be part of, or be formed directly on, the body of the capsule. The support can also be disposed on the bottom side of the rim of the capsule.” Ex. 1006 ¶ 64; *see, e.g., id.* ¶ 90 (“[C]apsule 7 may comprise a support mounted having at least one sequence 70, and mounted on the bottom side 72 of the rim 73 of the capsule.”).

3. Rossi

Rossi, titled “System of Edible-Product Making Machine and Load Element and Process for Control of Machine,” published September 10, 2010. Ex. 1041, codes (43), (54). Rossi “relates to a system of an edible-product making machine and a load element [(e.g., a capsule containing coffee powder)], and a process for controlling the operation of the edible-product making machine.” *Id.* at 1.⁷

Rossi states that using the wrong capsule or operating conditions “may cause the machine to malfunction and can prejudice the safety and integrity of the machine and . . . may harm the user.” Ex. 1041, 3. To address this and other concerns, Rossi discloses a process for controlling the operation of an edible-product making machine, with a first step of recognizing an identifying element and a validation element, a second step of validating the validation element, and a third step of operating the machine only if the identifying element is recognized and the validation element is validated. *Id.* at 4. Rossi explains that

⁷ Our citations to Rossi are to the original page numbers of the document.

The use of an identification element and recognition means, as well as the step of recognising the identification element allows the machine to recognise the load element and, hence, its contents. This in turn enables the machine to automatically select the operating conditions appropriate for that specific load element. This prevents the user from having to verify the contents of the load element, and from having to know and select the operating conditions appropriate therefor. It also helps to prevent the safety hazard associated with the use of inappropriate operating conditions.

Id. at 5.

4. Analysis—Independent Claims 1 and 12

Independent claims 1 and 12 recite “a groove that is laterally offset from the chamfered mandrel.” Ex. 1001, 14:4–5, 15:19–20. Relying on the embodiments depicted in Figures 35 and 38 of Yoakim, Petitioner contends Yoakim discloses a groove that is laterally offset from a chamfered mandrel. Pet. 61–62. Enlarged depictions of portions of Figures 35 and 38 of Yoakim are reproduced below, with Petitioner’s colored annotations.

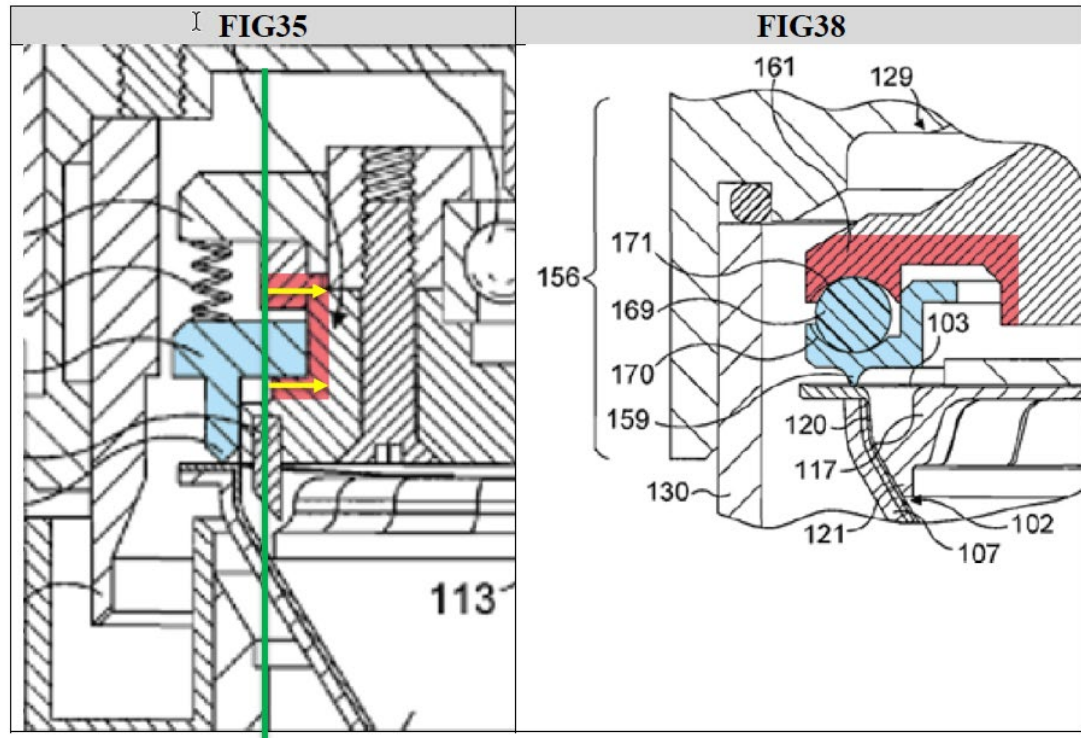


Figure 35 is an enlarged view of the beverage production module of Figure 34 (the complete version of Figure 35 (with Petitioner’s annotations) is reproduced above in the summary of Yoakim) and Figure 38 is an enlarged portion of a different beverage production module. Ex. 1004 ¶¶ 64, 67.

Petitioner contends that in the embodiment depicted in Figure 35 of Yoakim, a seal (blue) is mounted in a groove (red) and this groove is laterally offset (yellow arrows) from the central axis (vertical green line) of the chamfered mandrel. Pet. 62. As shown in the annotated version of Figure 35 above, however, the alleged groove (red) is above the chamfered mandrel, as opposed to being “off to the side” of the chamfered mandrel. Indeed, portions of the alleged “groove” can be found on either side of the central axis of the chamfered mandrel.⁸ As such, we are not persuaded that

⁸ Patent Owner raises a significant argument as to whether the space

Petitioner demonstrates that Yoakim discloses the “groove” limitation of independent claims 1 and 12.

Figure 38 does not depict a chamfered mandrel, and the description of Figure 38 in Yoakim indicates that in this embodiment “the water injector can be a simple water outlet connectable to an inlet of the capsule with no puncture means.” Ex. 1004 ¶ 447. As such, Petitioner does not sufficiently demonstrate that Figure 38 discloses a groove that is laterally offset from a chamfered mandrel.

Petitioner asserts that it would also have been obvious to a person of ordinary skill in the art “to utilize the claimed groove and seal configuration in the brewing head of the centrifugal brewing unit in order to achieve ‘the advantage of a control of the pressure of liquid exerted in the capsule at the level of the device,’” and to “‘optimize interaction of water and the ground coffee particles to obtain a good extraction of the coffee and aroma compounds.’” Pet. 63 (citing Ex. 1004 ¶¶ 384–385; Ex. 1003 ¶¶ 296–297).

That argument, however, does not explain why it would have been obvious to laterally offset the groove of Yoakim from the chamfered mandrel. Rather, as demonstrated by Mr. Jobin’s testimony, this argument relates to the general use of a sealing member in a groove, to the extent it was ultimately determined that such a configuration is not expressly disclosed in Yoakim. *Id.*; Ex. 1003 ¶ 296 (“It would have been obvious to one skilled in the art to position a sealing member in a groove to solidify the

between counter-force portion 161 and engaging portion 157 in Figure 35 of Yoakim is more appropriately identified as the claimed “groove.” Prelim. Resp. 60–61. We need not resolve this issue, however, as Petitioner does not persuasively demonstrate that either potential “groove” is “laterally offset” from the chamfered mandrel.

placement of the seal and improve its sealing stability and strength. Furthermore, it would have been obvious to one skilled in the art to utilize *a groove and seal configuration* in the brewing head”) (emphasis added).

Even if we interpret the recited portion of the Petition as an argument for placing the groove entirely to the side of the mandrel in Yoakim, the Petition does not persuasively explain why one of ordinary skill in the art would have sought to do so. In Figure 35 of Yoakim, the seal and groove, as well as an elastic loading means, act as a valve means to control the level of pressure exerted in the capsule and “optimize interaction of water and the ground coffee particles to obtain a good extraction of the coffee and aroma compounds.” Ex. 1004 ¶¶ 370–372, 382, 396–398, 434–436, 445; Ex. 1003 ¶¶ 286–290; Pet. 63. These are the same beneficial properties relied upon by Petitioner to support the proposed combination, and Petitioner does not persuasively explain why one of ordinary skill in the art would have modified Yoakim in order to achieve results that are already obtained in the identified embodiment. Pet. 63.

In view of the foregoing, we determine that Petitioner does not demonstrate a reasonable likelihood that claims 1 and 12 would have been obvious over the combined disclosures of Yoakim, Jarisch 929, and Rossi.

5. Analysis—Claims 2, 3, 6–11, 13, 14, and 18–20

Petitioner’s arguments with respect to dependent claims 2, 3, 6–11, 13, 14, and 18–20 do not resolve the deficiencies noted above with respect to independent claims 1 and 12. As such, Petitioner does not demonstrate a reasonable likelihood that these claims would have been obvious over the combined disclosures of Yoakim, Jarisch 929, and Rossi.

E. Obviousness in View of Yoakim, Jarish 929, Rossi, and Castellani

Petitioner contends that the subject matter of claims 4, 5, and 15–17 would have been obvious in view of the combined disclosures of Yoakim, Jarish 929, Rossi, and Castellani. Pet. 73–79. Claims 4 and 5 indirectly depend from independent claim 1, and claims 15–17 depend indirectly from independent claim 12.

Petitioner’s arguments with respect to these claims do not resolve the deficiencies noted above with respect to the “groove” limitations recited in independent claims 1 and 12. Accordingly, Petitioner has not demonstrated a reasonable likelihood that claims 4, 5, and 15–17 would have been obvious in view of the combined disclosures of Yoakim, Jarish 929, Rossi, and Castellani.

IV. CONCLUSION

For the foregoing reasons, we determine that Petitioner has not demonstrated a reasonable likelihood of prevailing with respect to at least one of the claims challenged in the Petition. Accordingly, we do not institute an *inter partes* review.

V. ORDER

For the foregoing reasons, it is:

ORDERED that the Petition is DENIED.

IPR2024-00239
Patent 11,542,094 B2

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