UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NESPRESSO USA, INC.,
Petitioner,

v.

K-FEE SYSTEM GMBH,
Patent Owner.

Case IPR2024-00254
U.S. Patent No. 11,465,829

DECLARATION OF IAN B. BROOKS
IN SUPPORT OF THE PATENT OWNER'S
RESPONSE UNDER 37 C.F.R. § 42.120

I, Ian B. Brooks, make the following Declaration pursuant to 28 U.S.C. § 1746:

1. I am a partner at the law firm of McDermott Will & Emery LLP and counsel in this proceeding, representing Patent Owner K-fee System GmbH ("K-fee" or "Patent Owner").

2. I provide this Declaration in connection with the above-identified *Inter Partes* Review proceeding that was requested at the United States Patent and Trademark Office ("USPTO") by Nespresso USA, Inc. ("Nespresso" or "Petitioner"). Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge.

3. Exhibit 2021 is a true and correct copy of United States Patent Number 10,294,020 to David Nordqvist, Daniel Abegglen, Amaud Gerbaulet, and Christian Jarisch, which was downloaded on September 24, 2024 at my direction from the USPTO Patent Center website and is a record of the USPTO to which all parties have access. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

4. Exhibit 2022 is a true and correct copy of Amaud Gerbaulet's Declaration under 37 C.F.R. § 1.132 for United States Application Number 14/358,404, assigned to Nestec SA and dated February 25, 2016. Exhibit 2022 was

downloaded on September 24, 2024 at my direction from the USPTO Patent Center website and is a record of the USPTO to which all parties have access. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

5. Exhibit 2023 is a true and correct copy of Alfred Yoakim's Declaration under 37 C.F.R. § 1.132 for United States Application Number 12/602,542, assigned to Societe des Produits Nestle SA (formerly Nestec SA) and dated June 18, 2014. Exhibit 2023 was downloaded on September 24, 2024 at my direction from the USPTO Patent Center website and is a record of the USPTO to which all parties have access. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

6. Exhibit 2024 is a true and correct copy of United States Patent Number 5,103,081 to Laren D. Fisher, Leonard I Vedeen, and Leroy N. Gutknecht, which was downloaded on September 24, 2024 at my direction from the USPTO Patent Center website and is a record of the USPTO to which all parties have access. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

7. Exhibit 2026 is a true and correct copy of Alfred Yoakim's Declaration under 37 C.F.R. § 1.132 for United States Application Number 14/358,361, assigned to Nestec SA and dated February 8, 2016. Exhibit 2026 was downloaded on September 24, 2024 at my direction from the USPTO Patent Center website and is a record of the USPTO to which all parties have access. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

8. Exhibit 2027 is a true and correct copy of United States Patent Number 9,277,837 to Alfred Yoakim, Jean-Paul Denisart, and Antoine Ryser, which was downloaded on September 24, 2024 at my direction from the USPTO Patent Center website and is a record of the USPTO to which all parties have access. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

9. Exhibit 2028 is a true and correct copy of United States Patent Number 9,271,598 to Alfred Yoakim, Jean-Paul Denisart, and Antoine Ryser, which was downloaded on September 24, 2024 at my direction from the USPTO Patent Center website and is a record of the USPTO to which all parties have access. This document has been marked with an exhibit label and page numbers on each page at

the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

10. Exhibit 2029 is a true and correct copy of United States Patent Number 9,668,604 to Alfred Yoakim, Jean-Paul Denisart, Antoine Ryser, and Alexandre Perentes, which was downloaded on September 24, 2024 at my direction from the USPTO Patent Center website and is a record of the USPTO to which all parties have access. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

11. Exhibit 2030 is a true and correct copy of United States Patent Application Number 14/901,912 (assigned to Societe des Produits Nestle SA (formerly Nestec SA)) Response to February 8, 2018 Office Action, which is dated June 8, 2018. Exhibit 2030 was downloaded on September 24, 2024 at my direction from the USPTO Patent Center website and is a record of the USPTO to which all parties have access. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

12. Exhibit 2031 is a true and correct copy of United States Patent Application Number 16/956,726 (assigned to Societe des Produits Nestle SA (formerly Nestec SA)) Response to September 9, 2022 Office Action, which is dated

December 8, 2022. Exhibit 2031 was downloaded on September 26, 2024 at my direction from the USPTO Patent Center website and is a record of the USPTO to which all parties have access. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

13. Exhibit 2032 is a true and correct copy of WO2010076048, entitled "Capsule with flow control and filtering member," which issued on July 8, 2010. This document was downloaded on September 26, 2024 at my direction from the Espacenet website and is a record of Espacenet to which all parties have access. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

14. I make this declaration of my own personal knowledge. If called to testify as to the truth of the matters stated herein, I could and would testify competently.

15. I declare under penalty of perjury that the foregoing is true and correct. Executed this 1st day of October, 2024, at Washington, D.C.

/Ian B. Brooks/
Ian B. Brooks