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NOTE: This form is to be submitted with the Power of Attorney by Applicant form (PTO/AIA/82B) to identify the application to which the Power of Attorney is directed, in accordance with 37 CFR 1.5, unless the application number and filing date are identified in the Power of Attorney by Applicant form. If neither form PTO/AIA/82A nor form PTO/AIA82B identifies the application to which the Power of Attorney is directed, the Power of Attorney will not be recognized in the application.

Application Number	
Filing Date	July 11, 2017
First Named Inventor	Marc KRÜGER
Title	PORTION CAPSULE HAVING AN IDENTIFIER
Art Unit	N/A
Examiner Name	N/A
Attorney Docket Number	26571-0030-D2

SIGNATURE of Applicant or Patent Practitioner

Signature	/Bruce J. Wolstoncroft/	Date (Optional)	July 11, 2017
Name	Bruce J. Wolstoncroft	Registration Number	32,075
Title (if Applicant is a juristic entity)			
Applicant Name (if Applicant is a juristic entity)			

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. If more than one applicant, use multiple forms.



*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in either the attached transmittal letter or the boxes below:

Application Number	Filing Date

(Note: The boxes above may be left blank if information is provided on form PTO/AIA/82A.)

☒ I hereby appoint the Patent Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above:

26587

OR

☐ I hereby appoint Practitioner(s) named in the attached list (form PTO/AIA/82C) as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the patent application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above. (Note: Complete form PTO/AIA/82C.)

Please recognize or change the correspondence address for the application identified in the attached transmittal letter to:

☒ The address associated with the above-mentioned Customer Number

OR

☐ The address associated with Customer Number:

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OR

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Country				
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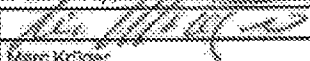
I am the Applicant (if the Applicant is a juristic entity, list the Applicant name in the box):

K-FEE SYSTEM GMBH

- ☐ Inventor or Joint Inventor (title not required below)
- ☐ Legal Representative of a Deceased or Legally Incapacitated Inventor (title not required below)
- ☒ Assignee or Person to Whom the Inventor is Under an Obligation to Assign (provide signer's title if applicant is a juristic entity)
- ☐ Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document) (provide signer's title if applicant is a juristic entity)

SIGNATURE of Applicant for Patent

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant (e.g., where the applicant is a juristic entity).

Signature		Date (Optional)	17th of April 2014
Name	Marc Krüger		
Title	CEO, K-FEE SYSTEM GMBH		

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. If more than one applicant, use multiple forms.

☒ Total of 1 forms are submitted.

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		2017-07-11
	First Named Inventor	Marc KRÜGER	
	Art Unit	N/A	
	Examiner Name	N/A	
	Attorney Docket Number	26571-0030-D2	

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	7444925	B2	2008-11-04	Machlich	
	2	6994879	B2	2006-02-07	Cirigliano et al.	
	3	6655260	B2	2003-12-02	Lazaris et al.	
	4	6645537	B2	2003-11-11	Sweeney et al.	
	5	5243164		1993-09-07	Erickson et al.	
	6	5108768		1992-04-28	So	
	7	4867993		1989-09-19	Nordskog	
	8	7595870	B2	2009-09-29	Ringlien	

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

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First Named Inventor	Marc KRÜGER	
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9	5677522		1997-10-14	Rice et al.	
10	5637850		1997-06-10	Honda	
11	5251758		1993-10-12	Kolacek	
12	5028769		1991-07-02	Claypool et al.	
13	4644151		1987-02-17	Juvinall	

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Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	20140224130	A1	2014-08-14	Castellani et al.	
	2	20140141129	A1	2014-05-22	Greene	
	3	20130312619	A1	2013-11-28	Spiegel et al.	
	4	20130064929	A1	2013-03-14	Jarisch et al.	

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5	20120207893	A1	2012-08-16	Kruger	
6	20120060697	A1	2012-03-15	Ozanne	
7	20110142996	A1	2011-06-16	Kruger	
8	20110097450	A1	2011-04-28	Kruger	
9	20100132564	A1	2010-06-03	Ozanne et al.	
10	20100078480	A1	2010-04-01	Aker	
11	20080302251	A1	2008-12-11	Rijskamp et al.	
12	20080187638	A1	2008-08-07	Hansen	
13	20070203587	A1	2007-08-30	Erlandsson et al.	
14	20040089158	A1	2004-05-13	Mahlich	
15	20030172813	A1	2003-09-18	Schifferle	

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16	20020048621	A1	2002-04-25	Boyd et al.	
17	20010047724	A1	2001-12-06	Lazaris et al.	
18	20010038204	A1	2001-11-08	Nojima et al.	
19	20020048621	A1	2002-04-25	Boyd et al.	
20	20020020659	A1	2002-02-21	Sweeney et al.	
21	20010047724	A1	2001-12-06	Lazaris et al.	
22	20070157821	A1	2007-07-12	Panesar et al.	
23	20160242594	A1	2016-08-25	Empl et al.	
24	20160045060	A1	2016-02-18	Flick	
25	20150297023	A1	2015-10-22	Hansen et al.	
26	20150029702	A1	2015-01-29	Foley	

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27	20130064937	A1	2013-03-14	Jarisch et al.
28	20120295234	A1	2012-11-22	Rognon et al.
29	20080245236	A1	2008-10-09	Ternite et al.
30	20030222089	A1	2003-12-04	Hale
31	20020020659	A1	2002-02-21	Sweeney et al.

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	1	2010516364	JP	A	2010-05-20			
	2	2009084061	WO	A1	2009-07-09	ESSENCE-SBT SA		
	3	2009511143	JP	A	2009-03-19			
	4	1974638	EP	A1	2008-10-01	Tchibo GmbH		

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5	2912124	FR	A1	2008-08-08	Compagnie Mediterraneenne Des Cafe		
6	2008090122	WO	A2	2008-07-31	Nestec S.A.		
7	101090657	CN	A	2007-12-19	Kraft Foods R&D Inc.		
8	1849718	EP	A1	2007-10-31	Cafe do Brasil S.p.A.		
9	2007522856	JP	A	2007-08-16			
10	2006014936	WO	A2	2006-02-09	Kraft Foods R&D Inc.		
11	2005079638	WO	A1	2005-09-01	Kraft Foods R&D Inc.		
12	2005044067	WO	A1	2005-05-19	Griffes, Consulting, S.A.		
13	1471012	EP	A2	2004-10-27	Ideacorp AG		
14	2003265320	JP	A	2003-09-24	Schifferle, Rene		
15	02/078498	WO	A1	2002-10-10	Eugster/Frismag AG		

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16	2001082699	JP	A	2001-03-30	Suzuki Akitomo, Suzuki Masayo		
17	0468079	EP	A1	1992-01-29	Societes Des Produits Nestle S.A.		
18	0468078	EP	A1	1992-01-29	Societes Des Produits Nestle S.A.		
19	H0394377	JP	A	1991-04-19	NEC Corp		
20	2556323	FR	A1	1985-06-24	Munier Rene		
21	102011010534	DE	A1	2012-08-09	K Fee System GmbH		
22	2476633	EP	A1	2012-07-18	Delica AG		
23	2287090	EP	A1	2011-02-23	Nestec SA		
24	202009014945	DE	U1	2010-09-23	Nestec SA		
25	2010041179	WO	A2	2010-04-15	Ethical Coffee Company SA		
26	202009014945	DE	U1	2010-10-28	Nestec SA		

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	Examiner Name	N/A	
	Attorney Docket Number		26571-0030-D2

27	1792850	EP	A1	2007-06-06	Tchibo GMBH		
28	102006004329	DE	A1	2007-08-09	Braun GMBH		
29	01/60712	WO	A1	2001-08-23	Keurig, Inc.		
30	2384133	EP	B1	2013-03-27	Nestec S.A.		
31	1796516	EP	B1	2008-09-10	Kraft Foods R&D, Inc.		
32	2007/042486	WO	A2	2007-04-19	Cense D'Almez S.A.		
33	1586534	EP	A1	2005-10-19	MDS Global Holding Ltd.		

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	Examiner Name	N/A	
	Attorney Docket Number		26571-0030-D2

EXAMINER SIGNATURE			
Examiner Signature		Date Considered	
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>			
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First Named Inventor	Marc KRÜGER	
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Examiner Name	N/A	
Attorney Docket Number	26571-0030-D2	

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Bruce J. Wolstoncroft/	Date (YYYY-MM-DD)	2017-07-11
Name/Print	Bruce J. Wolstoncroft	Registration Number	32,075

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Electronic Patent Application Fee Transmittal				
Application Number:				
Filing Date:				
Title of Invention:		PORTION CAPSULE HAVING AN IDENTIFIER		
First Named Inventor/Applicant Name:		Marc KRÜGER		
Filer:		Bruce James Wolstoncroft/Kerri Smith		
Attorney Docket Number:		26571-0030-D2		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
UTILITY APPLICATION FILING	1011	1	280	280
UTILITY SEARCH FEE	1111	1	600	600
UTILITY EXAMINATION FEE	1311	1	720	720
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1600

Electronic Acknowledgement Receipt

EFS ID:	29752457
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	26587
Filer:	Bruce James Wolstoncroft/Kerri Smith
Filer Authorized By:	Bruce James Wolstoncroft
Attorney Docket Number:	26571-0030-D2
Receipt Date:	11-JUL-2017
Filing Date:	
Time Stamp:	17:51:40
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$ 1600
RAM confirmation Number	071217INTEFSW00004899501059
Deposit Account	501059
Authorized User	Kerri Smith

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

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37 CFR 1.19 (Document supply fees)

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37 CFR 1.20 (Post Issuance fees)
37 CFR 1.21 (Miscellaneous fees and charges)

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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		A5848607.pdf	225723	yes	20
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	Abstract		20	20	
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PORTION CAPSULE HAVING AN IDENTIFIER

CROSS REFERENCE TO RELATED APPLICATIONS

[0001] This application claims benefit from and is a divisional of U.S. Application No. 15/211,823 filed July 15, 2016 entitled PORTION CAPSULE HAVING AN IDENTIFIER, which claims benefit from and is a continuation of U.S. Application No. 13/744,623, filed January 18, 2013, entitled PORTION CAPSULE HAVING AN IDENTIFIER, which claims benefit from International Application No. PCT/EP2011/003677, filed on July 22, 2011, entitled PORTION CAPSULE HAVING AN IDENTIFIER, which applications are hereby incorporated by reference in their entirety.

BACKGROUND

[0002] The present invention relates to a portion capsule for producing a beverage, comprising a base element having a cavity in which a beverage raw material is provided and which is closed by a membrane fastened to the base element.

[0003] Such capsules are well known and are being launched onto the market in abundant variety. Since these capsules are often quite similar, it is possible that the manufacturer's capsules are used in a coffee machine designed by another manufacturer, although they are not suited for it. This may result in significant security issues and/or the coffee machine may be damaged.

[0004] The object of the present invention is therefore to provide a portion capsule which only is suitable for a specific coffee machine.

SUMMARY

[0005] The object is accomplished according to the present invention by a portion capsule for producing a beverage, comprising a base element having a cavity in which a beverage raw material is provided and which is closed by a membrane fastened to the base element, wherein it has an identifier, which allows to individualize the respective portion capsule.

[0006] The present invention relates to a capsule for producing a beverage or foodstuff, comprising a base element having a cavity in which a beverage raw material is provided. Such capsules are, for example made of plastic, natural materials and/or biodegradable materials

and substantially have a base element, in particular a deep-drawn base element, i.e. it is substantially designed frustoconically or cylindrically. The beverage raw material is arranged within the portion capsule's cavity and is extracted and/or dissolved in a liquid, in particular water. After the beverage raw material has been filled into the cavity the base element is usually sealed by a membrane. In particular the membrane is localized on the opposite side of the base element's bottom. The membrane can be made of the same or different material as the base element and is substantially attached to the base element using a sealing and/or an adhesive bonding. Additionally the cavity could contain one or several built-in elements, such as, for example a filter, a non-woven, a felt, a shut-off device and/or something similar to those. For the case that a non-woven and a felt are arranged within the cavity, they are interconnected preferably. The non-woven and/or the felt can be made of several layers in such a way that the layers may differ in the kind of its starting material and/or its preparation. Moreover the membrane and/or the bottom can be provided with a plurality of recesses (holes).

[0007] According to the present invention, it is provided that the portion capsule has an identifier that allows to individualize the respective portion capsule. In the context of this invention individualizing means that the respective portion capsule can be assigned to a group of capsules that are suitable for the coffee machine preferably. It is not necessary that the coffee machine is able to specify and/or identify the portion capsule. In fact it is much more important that the coffee machine associates the portion capsule with a group of portion capsules, which is suitable for the coffee machine. In particular, individualizing means that those portion capsules that are not appropriate for the coffee machine cannot be inserted into and/or directly fall through the holder, which is designed for the portion capsules in the coffee machine, and/or the coffee machine operates only with the corresponding portion capsules. Preferably a sensor/detection system handles the identifier and compares it with a stored reference substantially. Preferably, the coffee machine, in particular the water-providing-pressure pump, will be activated if the detected identifier matches with the reference. Otherwise the coffee machine will not start operating. Preferably the detection system is placed in the region of the coffee machine's media chute designed for the portion capsules. According to another preferred embodiment of the invention, the detection system may be placed in the region of the brewing chamber. Another possible embodiment of the invention provides that the identifier prevents portion capsules from inserting into the coffee machine. Alternatively or additionally, means, in particular mechanical means, more preferably, one or

more gearwheels, may be added to the media chute in order to guarantee that incorrect portion capsule cannot be inserted into the coffee machines by passing the media chute.

[0008] Preferably the identifier is composed of surface areas having different optical properties, for example reflection. These surfaces may be localized on the membrane, the side wall and/or the bottom of the portion capsules. Preferably, the portion capsule has at least two areas which differ in their optical properties, for example the reflection characteristics.

[0009] The detection of a recess and/or a bulge is also preferred. Preferably, recess and bulges alternate and/or at least two recesses or bulges are separately placed from each other. Especially it is possible that the recess and/or the bulge form a gearwheel that is attached to the outer border and/or at least partially extends to the wall region of the portion capsule. The recess and/or bulge may be produced by any shaping method, for example by deep drawing, preferably.

[00010] Furthermore, the recess may be realized by removing material. In particular the material's remove can be accomplished by punching or using a laser on condition that this processing does not damage a barrier layer placed in the portion capsule's material, which prevents moisture or aroma from escaping out of the portion capsule and/or water vapor or oxygen enters the capsule. The reading of the identifier, which is encoded in the recess and/or bulge, may be a result from a mechanical and/or optical method, for example. Alternatively or additionally, the identifier can be used to avoid that the portion capsule is inserted into the coffee machine. This applies in particular to the media chute. For example it is possible to design a portion capsule comprising a ring gear that is placed on its circumference and is compatible with another ring gear, which is placed in the media chute. If the media chute's ring gear only revolves for a corresponding ring gear of the portion capsule and its revolving allows the portion capsule to pass, only portion capsules equipped with the proper ring gear will pass the insertion lock.

[00011] According to a further subject matter of a preferred development of the present invention, the identifier may be included in the membrane. Preferably, the identifier is a layer or partial layer of the membrane. Such identifiers may be an optically detectable material, for example a fluorescent material. Furthermore, the identifier may be designed with layers made

of metal or ferrous metal or stripes made of metal or ferrous metal in or on the membrane, respectively.

[00012] Preferably the identifier is a machine-readable imprint. This is realized with a print in food approved color, preferably. Fluorescent materials like paper or print materials, whose optical properties change under the influence of temperature, are favored also. Preferably the print is a barcode, a logo or a rapport.

[00013] According to a further subject matter of a preferred development of the present invention, the identifier is an electrically conductive section, which can be placed all over the portion capsule, but is localized on the side wall, the edge and / or the floor preferably. The electrically conductive section, which is inserted into the coffee machine, can become part of an electric circuit and causes therefore a measurable change, which leads to the identification of the respective portion capsule. In a further preferred embodiment, the identifier is a section made of a ferromagnetic material.

[00014] Another construction version favors a RFID chip being the identifier.

[00015] If the portion capsule is customized according to the invention, portion capsules that are not in line with the coffee machine will be prevented from inserting into the coffee machine. Furthermore it is possible that the identifier allows to identify the portion capsule located in the brewing chamber in such a way that the production process of beverage or food may be controlled, for example by adjusting the temperature, the pressure and/or the amount of water.

[00016] According to a further subject matter of a preferred development of the present invention, the portion capsule's material is weakened in the bottom area caused by a selective material removal, for example by using a laser. The weakening is provided for piercing the portion capsules using a mandrel. This procedure is needed for the beverage's preparation. Since the material is weakened in the section, which is treated with a laser and is supposed to be pierced using the mandrel, the degree of necessary force for piercing the portion capsule is reduced. The mandrel of such coffee machines is usually equipped with a force limitation that limits the force, which is dedicated for pressing the mandrel against the portion capsule's bottom. This preparation avoids that portion capsules having no appropriate weakening can be

used in such a coffee machine. Consequently the weakening represents another kind of identifier.

[00017] According to a further subject matter of a preferred development of the present invention, the portion capsule has an edge region, which is preferably attached to the base element. Preferably, the edge is located opposite of the base element's bottom area. After the raw material has been filled in the portion capsule, a membrane can be attached to this edge region, for instance. Moreover the edge can also be designed for guiding the portion capsule into the chute in order to position the portion capsule in the brewing chamber properly. Simultaneously it is possible to use the surface of the edge for stopping and/or sealing.

[00018] Preferably provision is made for the portion capsule to have means for fit locking, friction locking and/or detection in the edge region. The means for fit locking and/or friction locking may be used to activate a complementary mechanism, which is located in the coffee machine, in order to allow inserting the portion capsule into the coffee machine and/or starting a sensor, like a gearwheel, that transmits a signal to a control unit depending on whether the portion capsule corresponds to the coffee machine or not. Alternatively or additionally, a detector may identify the means for fit locking, friction locking and/or detection in order to check that the portion capsule is suitable to the respective coffee machine.

[00019] Preferably the means for fit locking, friction locking and/or detection is a gearwheel or a gearwheel's segment, which are located, in particular, in the outer area of the edge region. The teeth of the gearwheel or the gearwheel's segment may be shaped in any commonly used form, which is known, for example, by an expert from gear manufacturing. Preferably it is provided that these teeth are triangular, rectangular, square or wavy.

[00020] Preferably there is a sealing surface, that is arranged on the interior side relative to the gearwheel or the gearwheel's segment.

[00021] Another and preferred state-of-the-art technology is a portion capsule for producing a beverage, comprising a base element substantially designed frustoconically or cylindrically, having a cavity in which a beverage raw material is provided and which is closed by a membrane fastened to the base element with the base element having a wall region and the base element having a bottom area, which is preferably located opposite to the

membrane, with the wall region having several grooves and the grooves which are located between membrane and bottom area covering the wall region along its height at least partially. The grooves may be also located in the edge region, in particular on the outer area of the edge region.

[00022] This portion capsule has the advantage over the portion capsule according to the state-of-the-art technology that, for instance, the grooves reinforce the base element's wall region. On the one side these grooves make the portion capsule more stable towards mechanical forces and prevent the portion capsule from deformation and buckling, in particular. The arrangement of the grooves, which are located at the wall region, additionally improves the performance of the portion capsule while the extraction liquid flows through it in the brewing chamber, since the arrangement of the grooves, in particular those partially expending over the wall region between membrane and bottom area, increase quality and reliability of the extraction process significantly. According to the invention another advantage is that the base element's thickness can be reduced, because the use of grooves improves the physical stability. The production of the portion capsule is therefore much less expensive and more environmentally friendly. On the other side the grooves reduce or avoid the contact between the portion capsule's wall region and the wall of the brewing chamber. As a result ejecting or removing the portion capsule from the brewing chamber is made easier. Another advantage of using a plurality of grooves is that the stream of the extraction liquid, which flows along the base element in the cavity, can be optimized by choosing a grooves' structure that is able, for example, to generate on the one hand a better or stronger turbulence in the extraction liquid or on the other hand a more uniform (laminar) flow of the extraction liquid, in the wall region. The control of the liquid may be obtained by the structure of the grooves itself or by using simple means additionally. A stronger turbulence compared to the one known in the state-of-the-art has the advantage that no unintended and casual main streams are formed in the raw materials. Instead the extraction liquid equally flows through the raw material in all of the volume. Thus the extraction process is much more efficient and can be controlled more precisely and reproducibly.

[00023] In particular the raw material may be coffee powder (especially ground roasted coffee), chocolate powder, milk powder, tea or the like. Alternatively, it is conceivable that the raw material is a beverage's extract, such as instant coffee for example.

[00024] In particular, the grooves are recesses and bulges, which are preferably directed along a main extension and are preferably extended along the wall portion or the periphery of the edge region. More preferably, the grooves are formed as webs and/or notches. A gearwheel, for instance, may be obtained by the grooves. Therefore the grooves are part of the base elements' wall, optionally located on the inner side facing to the cavity and/or on the outside facing away from the cavity.

[00025] According to a preferred embodiment of the present invention, it is provided that the grooves form an identifier that allows individualizing the portion capsule. In the context of this invention individualizing preferably means that the respective portion capsule can be assigned to a group of capsules that are suitable for the respective coffee machine or the machine producing a beverage. It is not necessary that the coffee machine or the device for producing a beverage is able to specify and/or identify the portion capsule. It is more important that the device for producing a beverage, in particular a coffee machine, associates the portion capsule with a group of portion capsules, which is appropriate for the respective device for producing a beverage, in particular a coffee machine. In particular, individualizing means that those portion capsules that are not appropriate for the coffee machine (or the device producing the beverage) cannot be inserted into and/or directly fall through the holder, which is designed for the portion capsules in the coffee machine (or the device producing the beverage), and/or the coffee machine (or the device producing the beverage) operates only with corresponding portion capsules ("proper portion capsule"). In particular, individualizing means that the coffee machine or the device producing the beverage will not operate properly in the intended use, if the used portion capsule is not customized according to the invention. Preferably a sensor/detection system, attached to the coffee machine or the device producing the beverage, records the identifier and substantially compares it with a stored reference. In particular, it is possible that such an identification process is based on a mechanical fitting, especially a fitting of a gearwheel or of a contour comparable with a gearwheel, which is attached to the device producing the beverage or the coffee machine and interacts with the portion capsule. It is preferred that the device for producing the beverage or the coffee machine only will operate, if the identifier matches to the reference or the mechanical fittings match with each other. In this case the device for producing the beverage particularly starts to operate, especially activates a pressure or water pump. The mean for detection or mechanical fitting is preferably located in the region of the media chute or in the region of the device for producing the beverage. Alternatively the identifier or the mechanical fitting may avoid that

an unsuitable portion capsule is inserted into the device for producing the beverage. A portion capsule, which is designed in accordance with the invention, makes it possible that a portion capsule that is not designed for the device for producing a beverage cannot be inserted into it. Additionally the identifier allows that the device for producing the beverage, especially the coffee machine, may specify the sort of the portion capsule and thereby control the production process of beverage and food by adapting, for example, the pressure, the temperature and/or the amount of water.

[00026] According to a further preferred embodiment of the present invention, it is provided that at least a part of the grooves and at least in a subarea parallel to the main plane of the membrane is gearwheel shaped.

[00027] According to the present invention it is an advantage that it is possible to increase the stability of the portion capsule's wall region, to realize improved turbulences of the extraction liquid and thereby to improve the extraction's process under the same conditions, for example, such as material thickness and the like. Another advantage is that it is easy to generate a mechanical identifier or a mechanical fitting that matches with a fitting tool that belongs to the device for producing a beverage. According to the invention it is an further advantage that, for example, a gearwheel, which is attached to the device for producing a beverage and is, for example, located in the region of the media chute or similar, can possibly interacts with the gearwheel's contour of the portion capsule. In this way it is possible to generate a mechanical fitting that allow to individualize the portion capsule as a proper one and/or to specify the sort of portion capsule and/or to rotate the portion capsule about an axis of rotation, that is perpendicular to the membrane's main plane, by using the gearwheel's arrangement. Such an embodiment of the invention makes it possible that the portion capsule is always opened with the device for producing a beverage on the same spot (with respect to its angular position) and therefore the raw material is extracted on the same manner. Moreover the grooves prevent the portion capsule from being inserted into the coffee machine.

[00028] In a preferred version of the invention, it is provided that there is a flange/edge region being averted from the bottom region, for fixing the membrane to the base element, where in the wall region between flange/edge region and bottom region preferably has a border and the grooves are being preferably extended to this border.

[00029] Because of this it is another advantage according to the invention that on the one hand the wall region can be constructed in a stable and reinforced manner and on the other hand the gearwheel shaped contour of the grooves, located at the wall region, is able to absorb a relative high load. With that it is possible that the portion capsule can be rotated easily and without any damaging of the portion capsule within the device for producing a beverage.

[00030] Preferably the base element's diameter is enlarged in the border's region compared to the wall region, which range from the border to the bottom region.

[00031] This gives rise to the advantageous possibility to stack portion capsule or portion capsules' base elements easily and robustly.

[00032] Moreover it is preferred that at least a part of the grooves are gearwheel shaped and at least a plane, which is at least partially gearwheel shaped, is parallel to the membrane in such a way that the gearwheel shaped contour expands over the borders or the flange/edge region.

[00033] Further preferred versions of the present invention relate to portion capsules that implement one or more of the following characteristics:

- the base element tapers in the direction of the flange in the border's region,
- the grooves directed toward the bottom region expand over the border's region,
- the grooves approximately cover 20% -80%, preferably 40% - 60% of the wall region, which is placed between the border and the bottom region,
- the grooves are constructed in such a way that the wall region is reinforced and/or the grooves causes an extraction liquid's turbulence in the cavity.

[00034] Other preferred versions of the present invention relate to portion capsules that are manufactured in such a way that the ratio of the diameter of that wall region of the base element which adjoins the flange to the diameter of the flange is between 0.85 and 0.89, and in particular substantially 0.87.

[00035] In a preferred version the wall region's diameter, which is adjacent to the flange, is 39 millimeter and the flange's diameter is 45 millimeter. Another advantageous version of the invention prefers a base element having a thicker wall region in the border's region compared to the wall region between bottom region and flange. Since the portion capsule's design, which contains grooves in the wall region, improve its stability, it is possible to save material by manufacturing the portion capsule and therefore to reduce cost and energy required for manufacturing the portion capsules.

[00036] According to the invention it is further provided that a filter element is arranged into the cavity. Such a filter element divides the cavity into a first region for accommodating the beverage raw material and into a second region for accommodating a beverage extract. In particular, it is provided that the filter element is made of a non-woven material.

[00037] According to a further subject matter or a preferred development of the present invention the portion capsule according to the invention is intended for the preparation of a hot beverage. In the following the invention is explained based on the Figures 1 – 22. These explanations do not restrict the general idea of the invention.

BRIEF DESCRIPTION OF THE DRAWINGS

[00038] **Figure 1** shows a portion capsule containing sections that differs optically.

[00039] **Figure 2** shows a portion capsule containing a barcode.

[00040] **Figure 3** shows a portion capsule with recesses and bulges.

[00041] **Figure 4** shows a portion capsule containing sections that differs optically.

[00042] **Figure 5** shows a portion capsule with a key function.

[00043] **Figure 6** shows a portion capsule's wall that is electrically conductive.

- [00044] **Figure 7** shows a portion capsule's wall containing sections that differs optically.
- [00045] **Figure 8** shows an enlarged pot construction of the portion capsule's wall.
- [00046] **Figure 9** shows an edge region that is electrically conductive.
- [00047] **Figure 10** shows a portion capsule containing a bottom that is electrically conductive.
- [00048] **Figure 11** shows an embodiment containing a layer that can be detected by a metal detector.
- [00049] **Figure 12** shows a metallic strainer.
- [00050] **Figure 13** shows a portion capsule containing a ferromagnetic section.
- [00051] **Figure 14** shows a portion capsule containing a barcode.
- [00052] **Figure 15** shows a portion capsule containing a section, which is electrically conductive, in the wall.
- [00053] **Figure 16** shows a portion capsule with a gearwheel placed in the brewing chamber.
- [00054] **Figures 17 a-c** show different embodiments of the portion capsule according to Figure 16.
- [00055] **Figure 18** shows the portion capsule according to the Figures 16 and 17, when the portion capsule is fit locking with a gearwheel.
- [00056] **Figures 19 and 20** show a schematic view of a portion capsule according to an embodiment of the presented invention.

[00057] **Figures 21 and 22** show two sectional views of the portion capsule according to an embodiment of the presented invention.

DETAILED DESCRIPTION

[00058] The view illustrated on the right side of **Figure 1** shows a portion capsule 1 comprising a base element 2 that has a wall region 2.1 and a bottom area 2.2. The wall region 2.1 and the bottom area 2.2 define a cavity, which may include the raw material and perhaps a built-in element. After filling the cavity is sealed by a membrane, which is preferably attached to the edge region 2.4 of the base element using seal or glue. This portion capsule can be inserted into a brewing chamber shown in Figure 12, with a liquid, in particular water, flowing through it. During this process the raw material is extracted or dissolved and therefore the beverage is produced. According to the invention the portion capsule has only one identifier that allows to determinate whether the respective portion capsule goes with the coffee machine's brewing chamber and the parameters for processing are chosen properly. If it is not the case, significant security issues arise. Inserting the wrong portion capsule, for example, endanger the brewing chamber's tightness. In this case hot water can be discharged under high pressure and therefore compromise the user's safety. Otherwise it is also possible that inserting the wrong portion capsule damages the coffee machine. In this example the identifier is represented by several raised areas 8, which differ in reflection properties from the sections between the raised areas. As shown by the arrows the bulges are passed by a mean for detection (here: an optical detector) that is able to differentiate between the unequal sections 5, 6 having different optical properties such as, for example, reflection. Switching between the different sections or the number of bulges represents the identifier. After the identifier has been read out the identifier is compared to a stored reference. If the identifier agrees with the reference, the coffee machine will start operating. Particularly the pump, which is for example responsible for pushing hot water through the brewing chamber, will not start operating, if the identifier does not agree with the reference.

[00059] All the remarks concerning the identifier apply to all the examples.

[00060] **Figure 2** shows another embodiment of the portion capsule according to the invention. Here the portion capsule has a barcode placed in the area of the membrane's top surface. This bar-code may be printed by material removal or may be generated by a medium that is integrated in the foil and can be detected optically such as a fluorescence agent.

Alternatively metal rings may be part of the foil or attached to the foil. The bar-code's section may be made of a ferromagnetic material. As shown by the arrow 15 the bar-code alternatively can be attached to the base element's edge region being averted from the membrane. Such a bar-code is read out by a detector 13 placed, for example, in the media chute. The bar-code represents the identifier according to invention.

[00061] **Figure 3** shows another embodiment of the portion capsule according to the invention. In the present case the identifier comprises recesses and bulges, which result from material removal or reshaping the portion capsule as shown here by the example of the portion capsule's wall 2.1. In the present case recesses and bulges interact with a mean for detection 13, which operates like a key, wherein the coffee machine only start operating, when all elements 13 are placed in the respective recess. Therefore an electric circuit may be changed or especially closed.

[00062] **Figure 4** shows an embodiment of the portion capsule being substantially identical to the embodiment illustrated in Figure 1. As an alternative version of the invention the figure additionally shows that the sections differing in terms of optical properties can be attached to the cover foil, for example in the form of a bar-code.

[00063] **Figure 5** shows an embodiment of the portion capsule being substantially identical to the embodiment illustrated in Figure 3. Again the recesses represent the key bit. The coffee machine only will start operating, if the recesses interact with the corresponding bulges and therefore an electric circuit is changed respectively. The placement of such a system is not restricted to the brewing chamber. For instance the system may be placed in the portion capsule's media chute.

[00064] **Figure 6** shows a version of the invention that includes an electric material forming a surrounding ring, which preferably has a raised form. The electrically conductive material is scanned by electric sliding contacts, which are placed in the media chute and form electric contacts of an electric circuit, while the portion capsule is inserted.

[00065] **Figure 7** an embodiment of the portion capsule being substantially identical to the embodiment illustrated in Figure 6, in which it is provided that the ring area has reflective or mat sections, for example in form of a covering, and allows a read-out by means for optical

detection, which are placed in the media chute and are part of a control current, while the portion capsule is inserted.

[00066] **Figure 8** shows a relative broad and raised ring which represents the identifier. The media chute is equipped with a corresponding vacancy that tests whether the portion capsule has the proper identifier. The broad ring is scanned, for example, by mechanical sensors, which are placed in the media chute and close the contacts of an electric circuit, while the portions capsule is inserted.

[00067] **Figure 9** shows another embodiment of the portion capsule according to the invention. In the present case an electrically conductive coat is integrated in the edge region's back and is scanned by electric sliding contacts, which are placed in the media chute and form electric contacts of an electric circuit, while the portion capsule is inserted.

[00068] **Figure 10** shows another embodiment of the portion capsule according to the invention. In the present case the portion capsule has an electrically conductive coat such as a conductive varnish layer or an aluminum foil. The coat is scanned by electric sliding contacts, which form electric contacts of an electric circuit, while the portion capsule is inserted.

[00069] **Figure 11** illustrates a version of the portion capsule having also an electrically conductive coat that is placed on its bottom and is identified by a metal sensor, which is placed in the chute and, for example, detects inductively, while the portion capsule is inserted.

[00070] The embodiment of the invention shown in **Figure 12** has a build-in element made of metal (here a strainer 19) that is recognized as identifier by a metal detector.

[00071] The version of the invention shown in **Figure 13** includes a ferromagnetic material placed at the portion capsule' bottom. The identifier is scanned, for example, by a magnet, which is placed in the chute, while the portion capsule is inserted. The ferromagnetic material acts as identifier.

[00072] **Figure 10** shows another embodiment which includes a bar-code placed in the region of the cover foil.

[00073] According to the embodiment shown in **Figure 15** a metallic ring is integrated in the wall and closes an electric circuit placed in region of the brewing chamber.

[00074] **Figure 16** shows another embodiment of the portion capsule 1 according to the invention. The illustrated portion capsule features a base element that is basically conical-shaped in the present case and has a bottom region 2.2 and a wall region 2.1. It is provided that the base element contains the raw material and, if necessary, build-in elements like a filter as illustrated here. The expert knows that the build-in element may also include other build-in elements. A flange/edge region 2.4, which is preferably circular and, for example, may be used for sealing a cover foil to it, is attached to the end of the base element, which is placed opposite to the bottom. The flange/edge region has means for fit locking, friction locking and/or detection 2.4.2 in the outer area (outer circumference). As especially shown in the Figures 17a – 17c the mean 2.4.2 is, in the present case, a gearwheel that is formed by several recesses/bulges evenly arranged in the edge region. Preferably, it is provided that the edge region has a sealing surface, which sealingly interacts with the sealing 21 attached to the brewing chamber 27, on the interior side of the gearwheel. The sealing 21 makes sure that the water coming from a water inlet 28 flows rather through the portion capsule by passing a opening, which has been made by a mandrel 29, than around it.

[00075] **Figures 17a – 17c** show different embodiments of the mean 2.4.2.. According to the version shown in Figure 17a the gearwheel has forty-five teeth. According to the version shown in Figure 17b or 17c the gearwheel has twenty-two or twenty-nine teeth, respectively. The expert knows that the manufactured teeth can be shaped arbitrarily. All Figures 17a – 17c demonstrate how the portion capsule 1 can be hold by a part of the brewing chamber 27 using two holding arms 30. The holding arms interacts with the mean 2.4.2. If they are not available, the holding arms will not hold the portion capsule and the portion capsule will not be inserted into the brewing chamber and will fall through it into a dropping box instead.

[00076] **Figure 18** shows the mean 2.4.2. along with an mean for fit locking 24, which is attached to the coffee machine and is represented by a pinion here. It is provided that the mean for fit locking 24 is placed in the media chute having a port for inserting the portion capsule in the coffee machine. The distance between the inner wall of the portion capsule 25 and the pinion 27 are designed in such a way that the portion capsule only will pass the port,

if the mean for fit locking is formed complementary to the teeth of the pinion 27. Only in this case the portion capsule rotates the pinion 24 while it falls. Both rotating and falling are represented by arrows in the figure. The portion capsule needs the rotation for passing the media chute's port and falling in the intended position afterwards. If the portion capsule has no or wrong mean of fit locking, it will be impossible to place the portion capsule by passing the media chute in the intended position. Additionally or alternatively it is provided that the pinion 24 has a pick-up that detects the rotary movement and transmits it to a control unit. If the rotation at least correspond a defined rotating element, the control unit will activate, for example, the brewing unit. The expert knows that the portion capsule's border may include means for friction locking that interacts with a mean, for example an edge, and shift it in such a way that the shift is detected and therefore the brewing chamber is activated.

[00077] The expert moreover knows that a sensor, being for example a camera, which detects the form of the mean 2.4.2., may be installed in the media chute. In the present case the form and/or the distance between the teeth may be detected. If the proper portion capsule was inserted, a resulting signal could be transmitted to a control unit, which activates the brewing chamber.

[00078] **Figure 19** schematically shows a view of another portion capsule's version according to an embodiment of the present invention. **Figure 20** illustrates the same portion capsule from a different point of view schematically. Figure 19 shows the front view of the portion capsule. Figure 20 shows the portion capsule viewed from an angle below. In all figures the portion capsule is labeled with the reference sign 1. The portion capsule substantially has a frustoconically shaped base element 2, which is formed similar to a pot and encloses a cavity 3. The cavity 3 is sealed by a membrane 4. Since the viewing direction of Figure 1 is essentially parallel to the plane, in which the membrane is located, the figure just adumbrate the membrane at the upper edge of the portion capsule. In particular the base element 2 comprises a soft, semi-rigid or rigid plastic material which is deep-drawn, preferably. The membrane comprises a foil made of plastic material or aluminum. Preferably the base element has a circumferential mounting flange 17 in the region of the membrane, with the membrane and the mounting flange 17 being firmly bonded, in particular by welding or gluing. Preferably a filter element, which is not specifically depicted in the figures, is placed within the base element 2. For instance, the filter element is made of thermoplastic resin such as, for example, polypropylene. The filter element could also be made of a non-

woven material such as, for example, thermoplastic resin. Preferably the filter element divides the cavity 3 in two sections. It is provided that the first section can be filled with a raw material and the second section can be filled with and particularly collect a beverage's extract, which is not shown, during the extractions process. Both sections are not illustrated individually.

[00079] The portion capsule is intended for inserting into a brewing chamber or a device for producing a beverage, which is not shown here. In particular such a device for producing a beverage is a coffee machine. The device for producing a beverage could be also a machine that produces a tea drink, a chocolate drink or any other beverage. Preferably an extraction liquid, which is particularly water or hot water, is brought under high pressure into the brewing chamber of the device for producing a beverage. The extraction liquid interacts with the raw material of the beverage in such a way that an extract of a beverage or a beverage is generated. In particular the filter element is utilized as a strainer for the extract of a beverage.

[00080] According to the invention the base element 2 has a wall region 12 and a bottom area 11. The wall region 12 basically ranges from the flange 17 to the bottom region 11. Several grooves 15 are placed in the wall region. In particular these grooves are keyways that are integrated in the wall region 12 and are facing the cavity 3 and range from the flange 17 to the bottom region 11 (i.e. they run perpendicular according to Figure 19). According to the invention provision is made for the grooves 15 to be extended vertically across the wall region, i.e. they run straight from the flange 17 to the bottom region 11, in which it is not necessary that they are extended over the whole length. The grooves are formed according to the invention in such a way that the wall region is reinforced or stiffened due to the grooves 15. Moreover the plurality of the grooves 15, which are distributed over the wall region 12, realize an adhesion between wall region 12 and the brewing chamber's wall of the device for producing a beverage after the extraction process. This makes it easier to eject the portion capsule from the brewing chamber automatically. The portion capsule's version represented in Figure 19 comprises a circumferential border 16 that is placed at the wall region 12 ranging from the flange 17 to the bottom area 11, namely adjacent to the flange 17 facing towards the bottom area 11. The border 16 has an enlarged diameter (parallel to the membrane 4) compared to the wall region's ranging from the border 16 to the bottom area 11. It is provided

that the border's contour 16 is designed in such a manner that the border's diameter tapers towards the flange 7.

[00081] It is provided according to the portion capsule's embodiment, which is represented in Figure 19 and is in accordance with the invention, that the grooves 15 are placed in the border's region in the first part, partially range from the border 16 to the bottom area 11 across the wall region 12, in the second part and then finally end. All in all the grooves cover, for example, around 50 % of the extension of the wall region 12, which ranges from the flange 7 to the bottom area 11, wherein one-third of the grooves' extension is placed in the border's region and two-thirds of the grooves' extension is placed in the remaining wall region 12 that range from the border 16 to the bottom area 11.

[00082] A portion capsule according to the invention is shown as sectional view along the portion capsule's extension regarding its height in **Figure 21**, i.e. the section's plane is perpendicular to the membrane's main plane. **Figure 22** also shows a portion capsule according to the invention in a sectional view portraying the sectional plane, which is parallel to the membrane's main plane. It is noticeable that the interior of the portion capsule's cavity is shown in Figure 21. The portion capsule's material or the base element's material is so thin that the implementation of grooves at the exterior shown in Figure 19 leads to corresponding convexities and impressions at the interior. Figure 22 particularly illustrates the gearwheel shaped contour resulting from insertion of grooves in the portion capsule's wall region.

CLAIMS

1. Single-serve capsule for making a beverage, having a basic element with a cavity, in which a raw beverage material is provided, the capsule having a peripheral region which is provided on the basic element, and the cavity being closed by a membrane, which is fastened on the peripheral region of the basic element, wherein the capsule has an identifier, which makes it possible to individualize the respective single-serve capsule, characterized in that the identifier is a barcode which is provided on that side of the peripheral region of the basic element which is directed away from the membrane.
2. Single-serve capsule according to Claim 1, characterized in that a sealing surface is provided on the peripheral region and/or flange.
3. Single-serve capsule according to Claim 1, characterized in that it has an insert element with an identifier.
4. Single-serve capsule for making a beverage, having an essentially frustoconical or cylindrical basic element with a cavity for accommodating a raw beverage material, and with a membrane which closes the cavity, characterized in that the basic element has a wall region, wherein the basic element also has, on that side of the single-serve capsule which is directed away from the membrane, a base region, wherein the wall region, or the outer circumference of a flange has a plurality of channels.
5. Single-serve capsule according to Claim 4, characterized in that the channels realize an identifier, which makes it possible to individualize the single-serve capsule.
6. Single-serve capsule according to Claim 4, characterized in that at least some of the channels, and at least in a sub-region in a plane parallel to the main plane along which the membrane extends, have a gear-wheel-like contour.
7. Single-serve capsule according to Claim 4, characterized in that the channels are designed such that the wall region is stiffened by means of the channels and/or in that the channels provide for turbulence of an extraction liquid flowing in the cavity.
8. Single-serve capsule according to Claim 4, characterized in that the cavity contains a filter element, which subdivides the cavity into a first region for accommodating the raw beverage material and into a second region for accommodating a beverage extract.
9. Use of a single-serve capsule according to Claim 1 for making a hot beverage.

PORTION CAPSULE HAVING AN IDENTIFIER

ABSTRACT

A portion capsule for producing a beverage includes a base element having a cavity in which a beverage raw material is provided and which is closed by a membrane fastened to the base element.

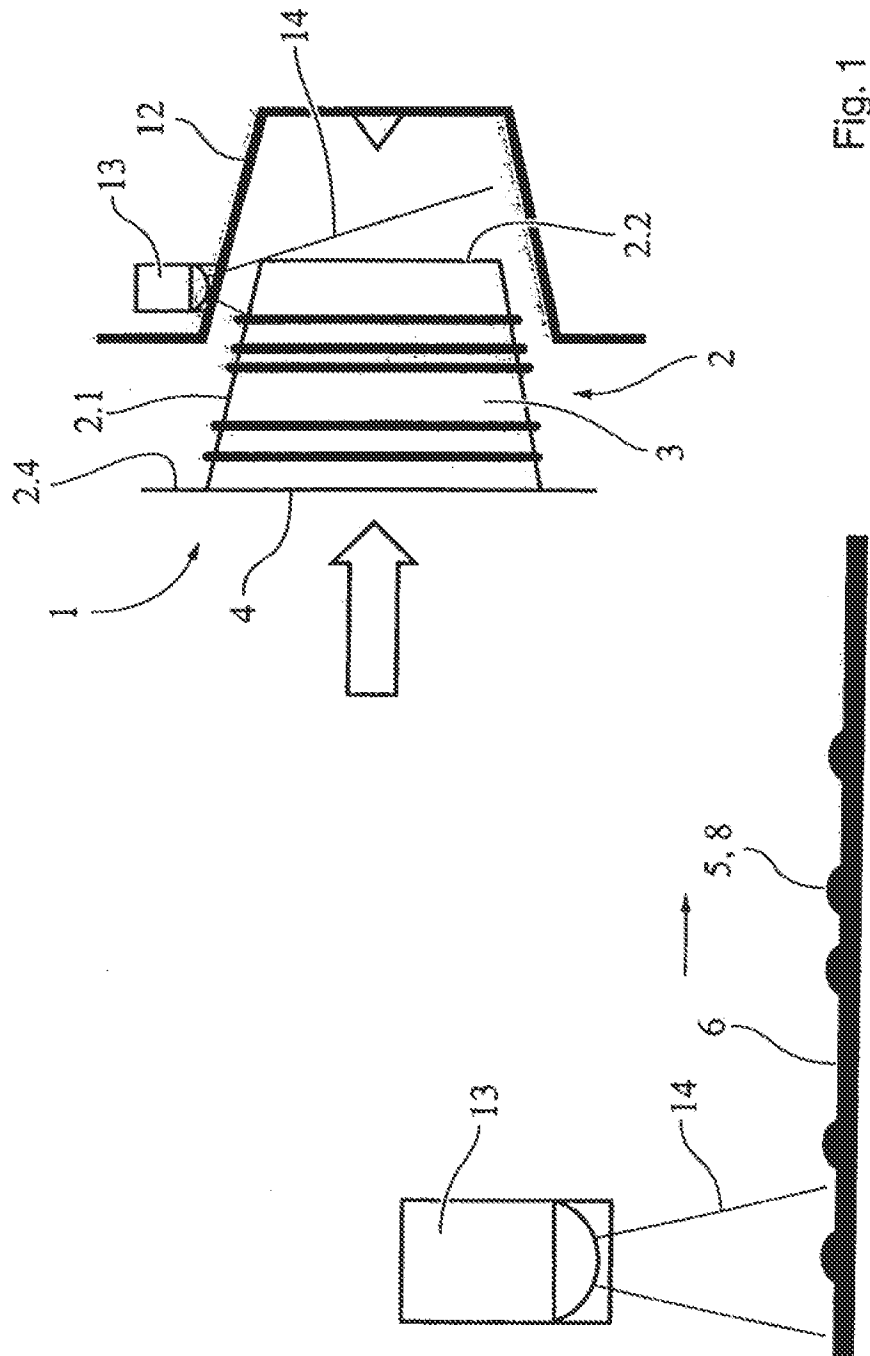


Fig. 1

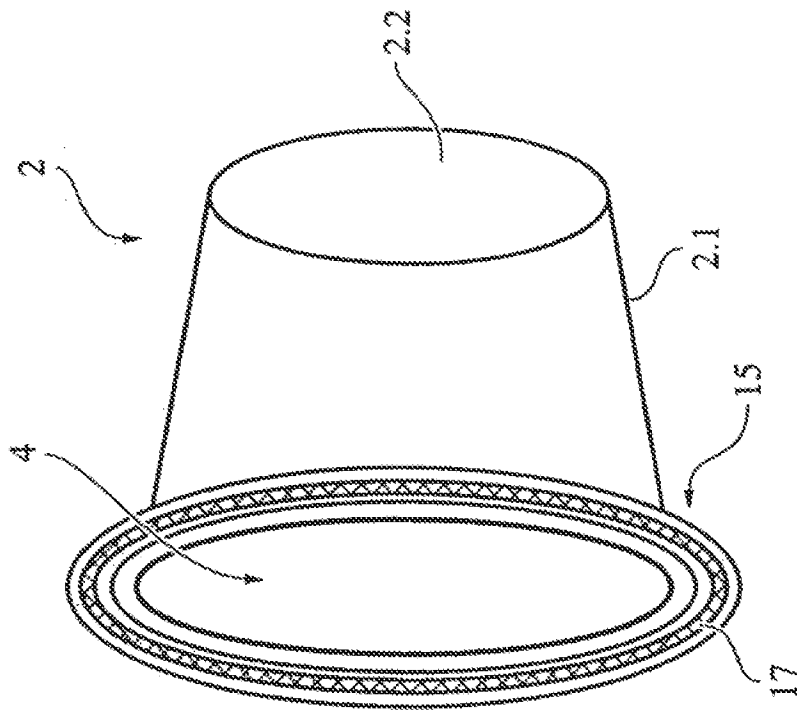
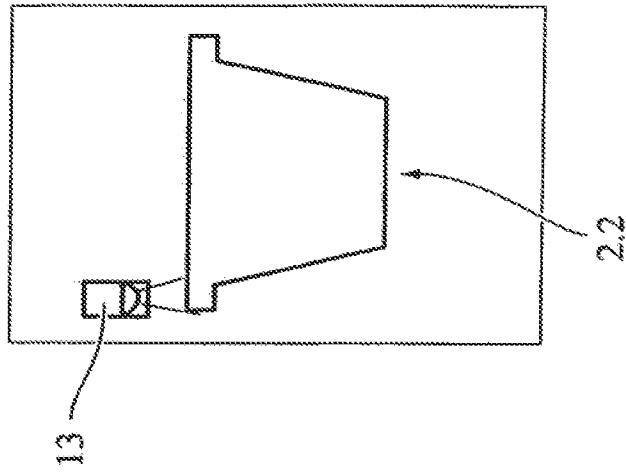


Fig. 2

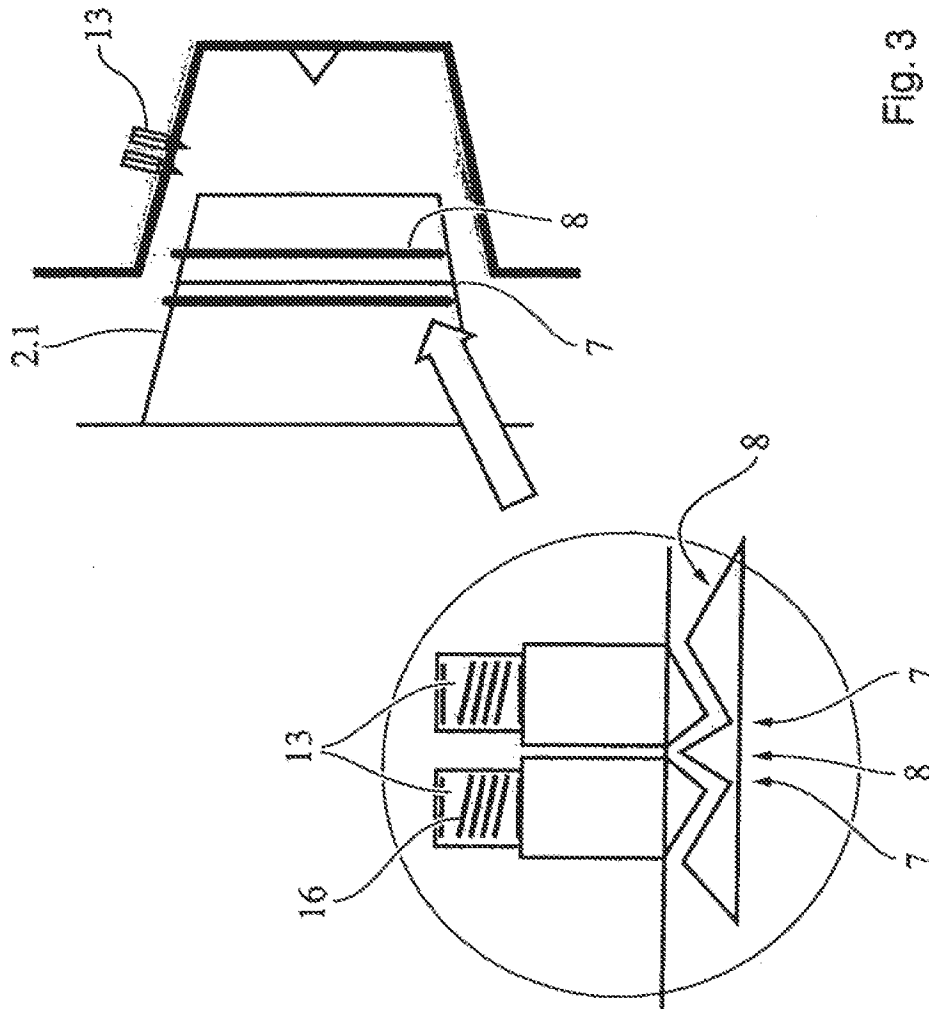
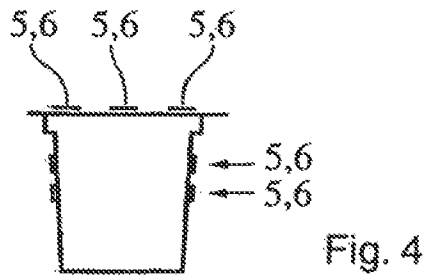
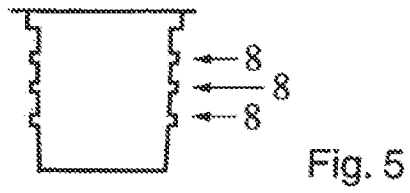
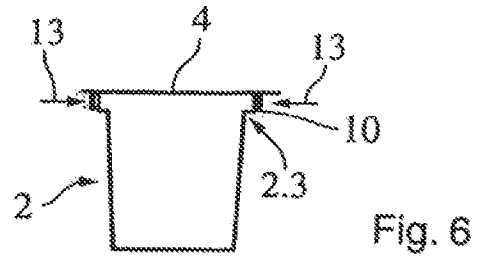
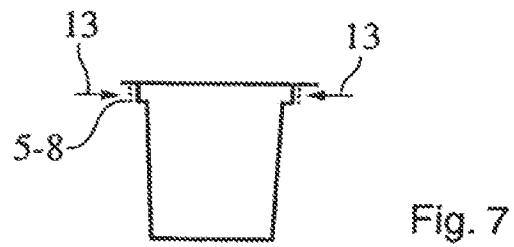
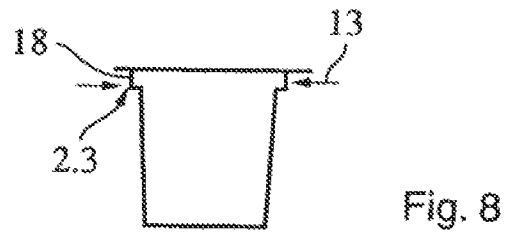
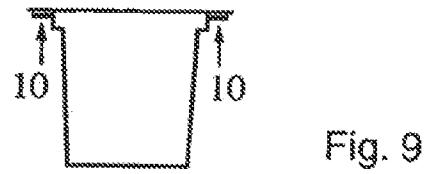
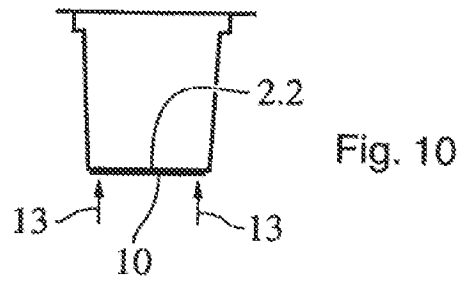
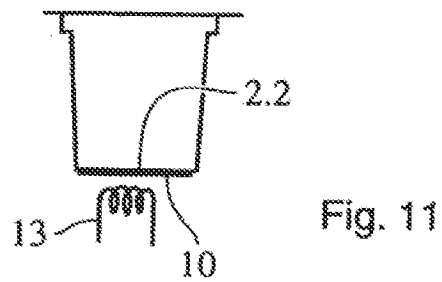
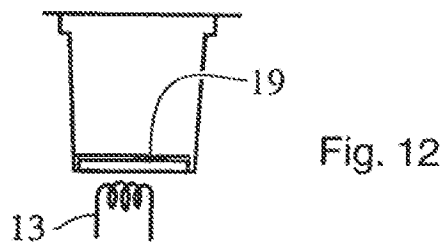
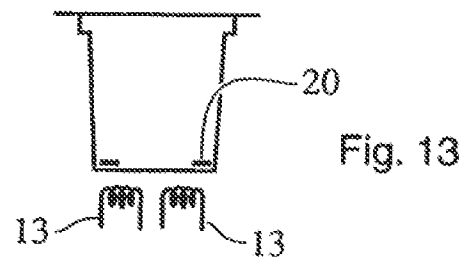
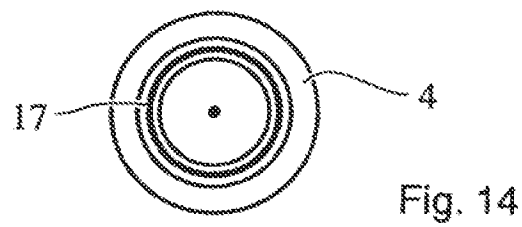
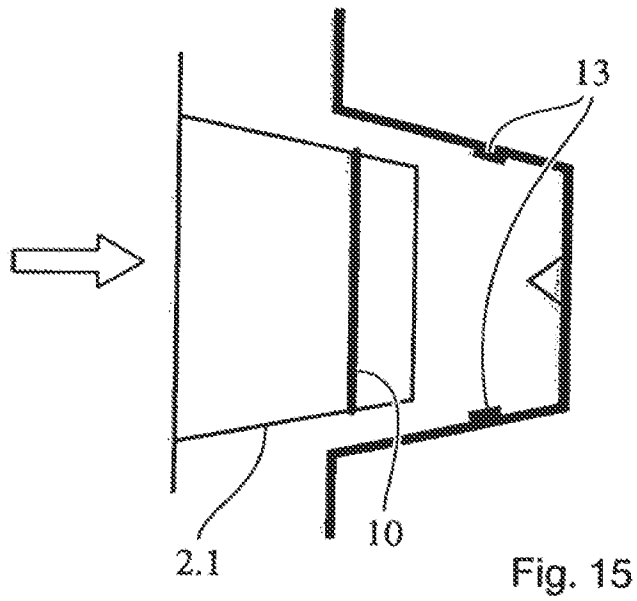


Fig. 3







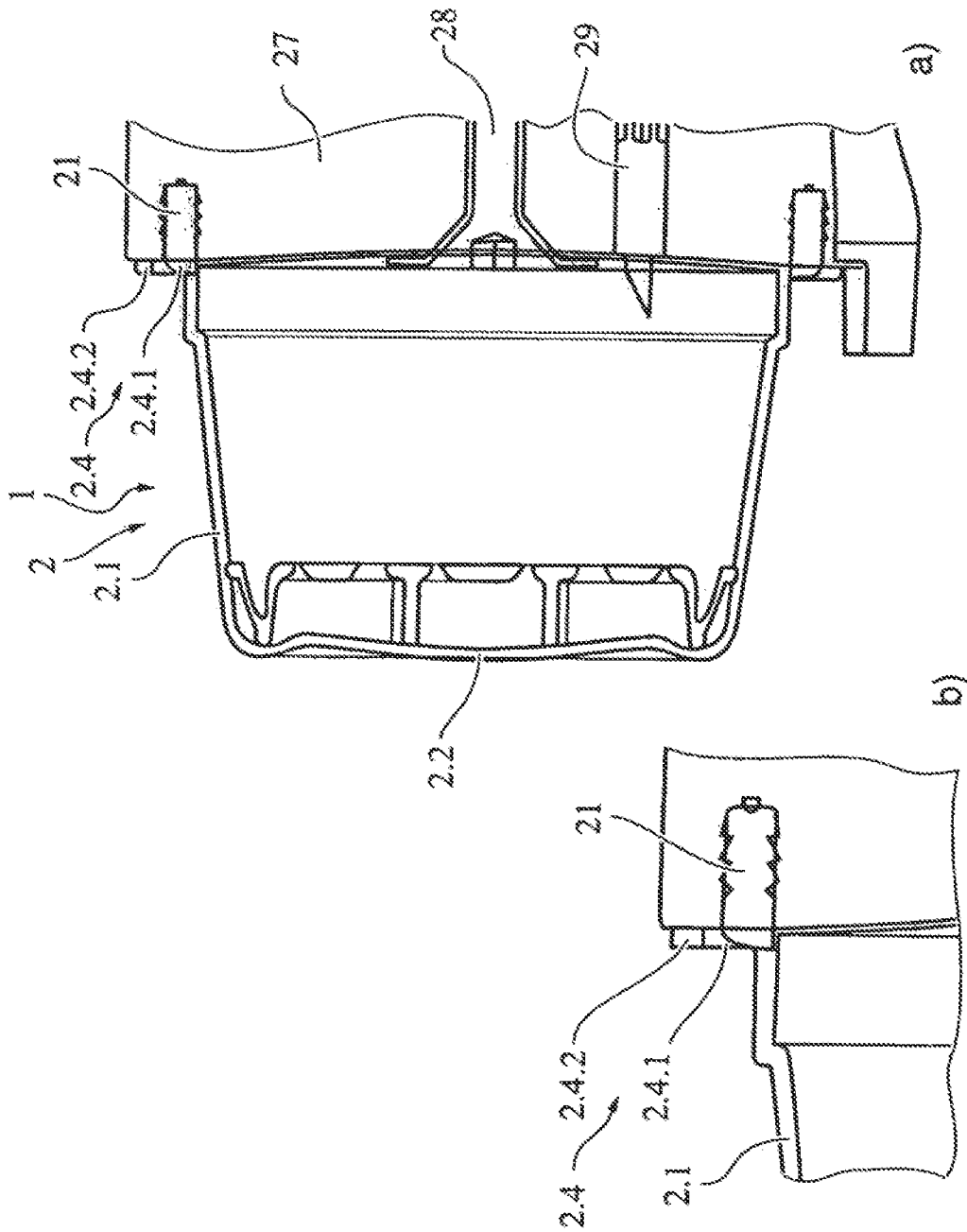


Fig. 16

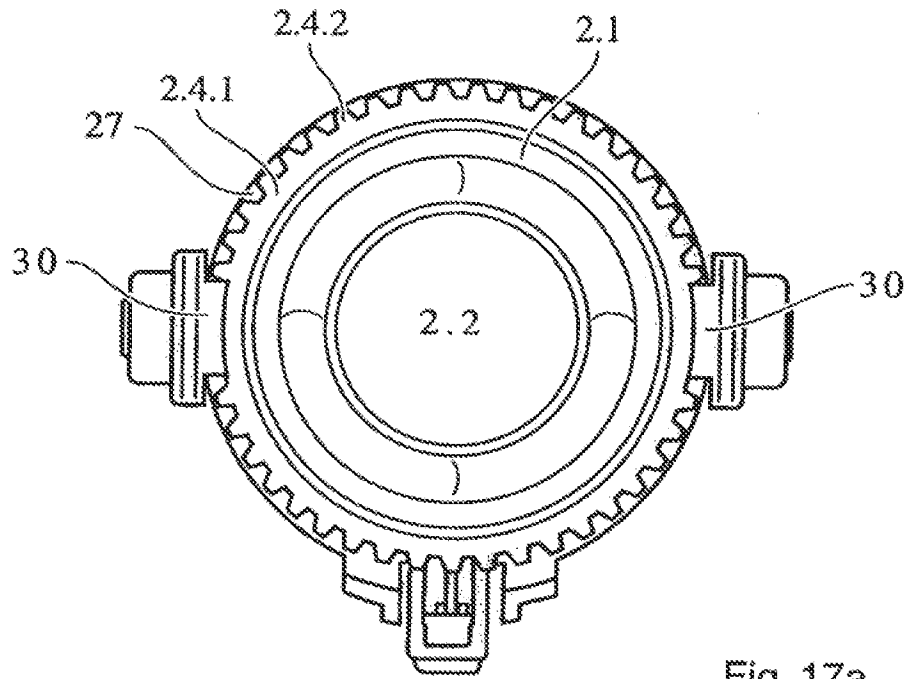


Fig. 17a

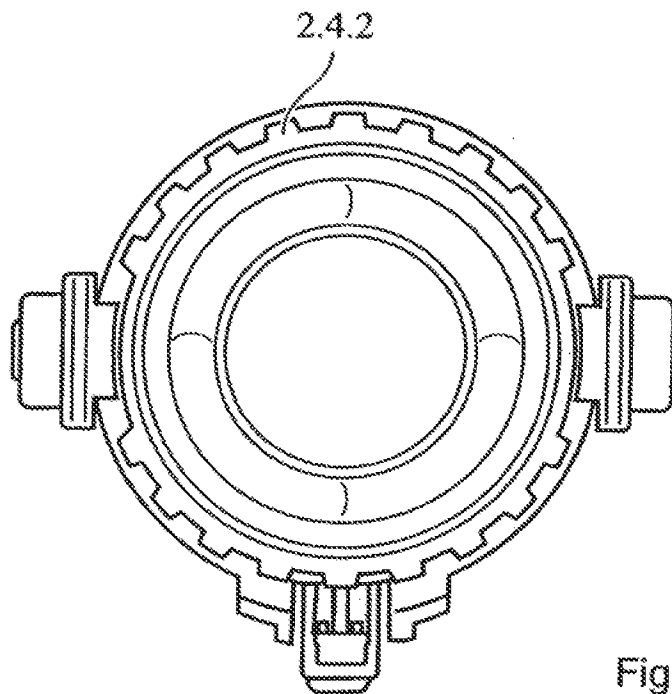
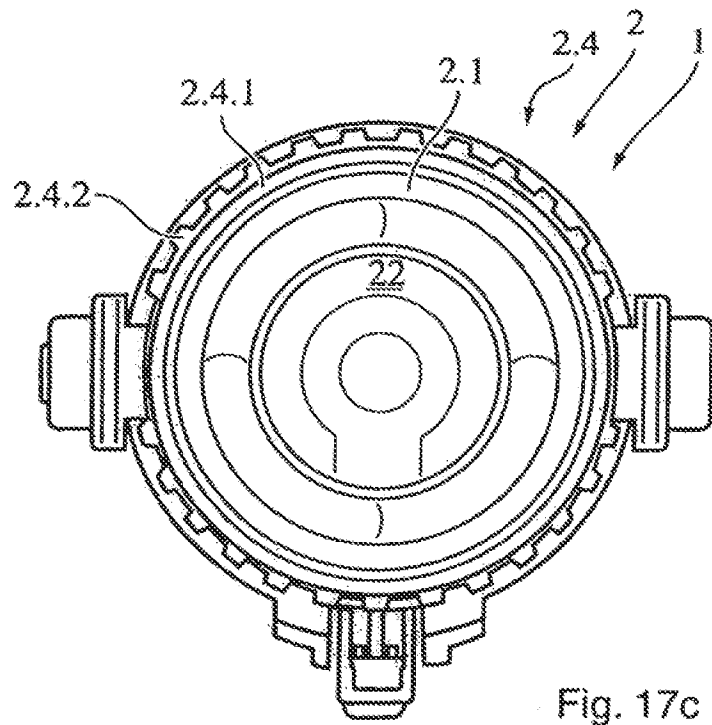


Fig. 17b



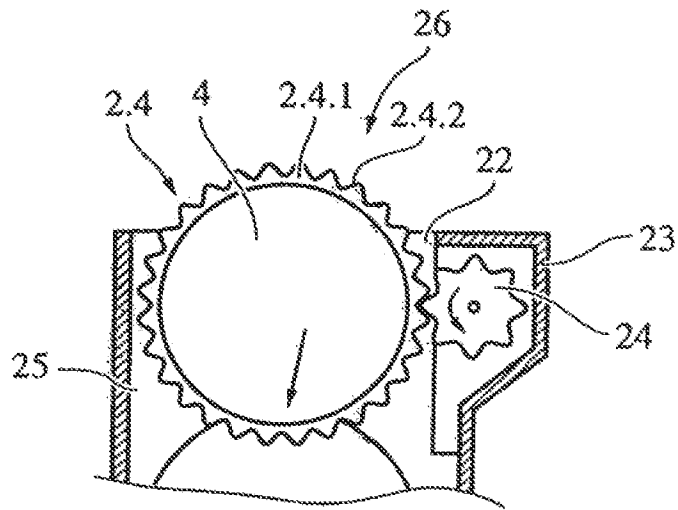
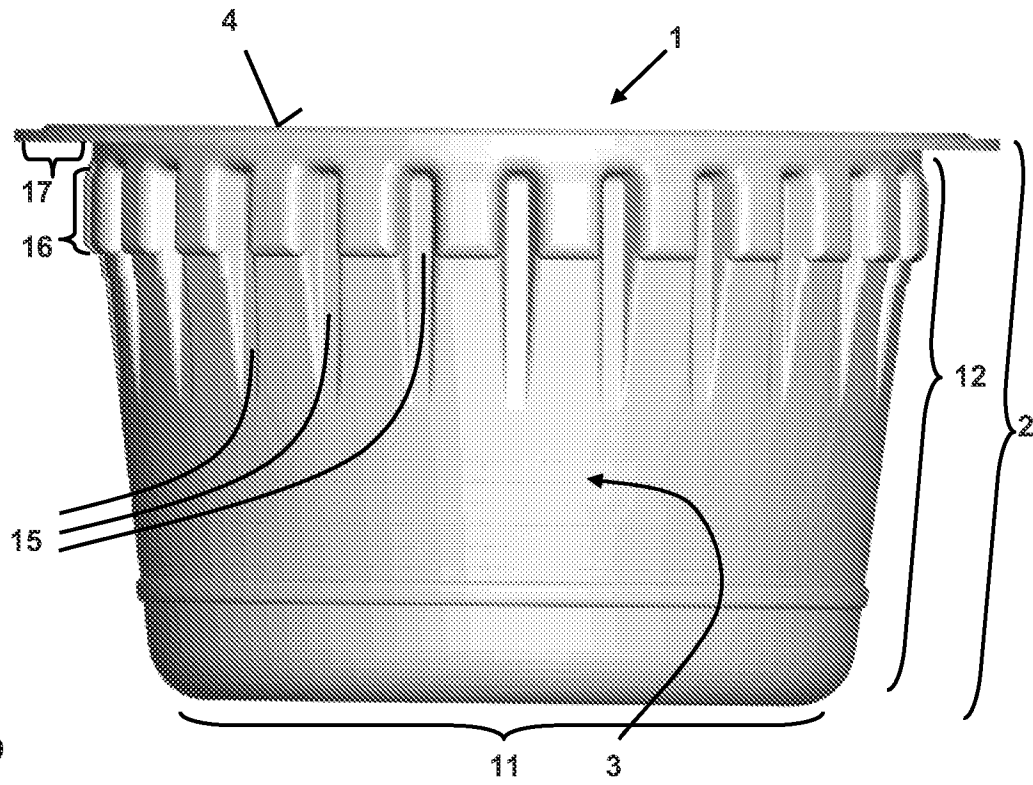


Fig. 18



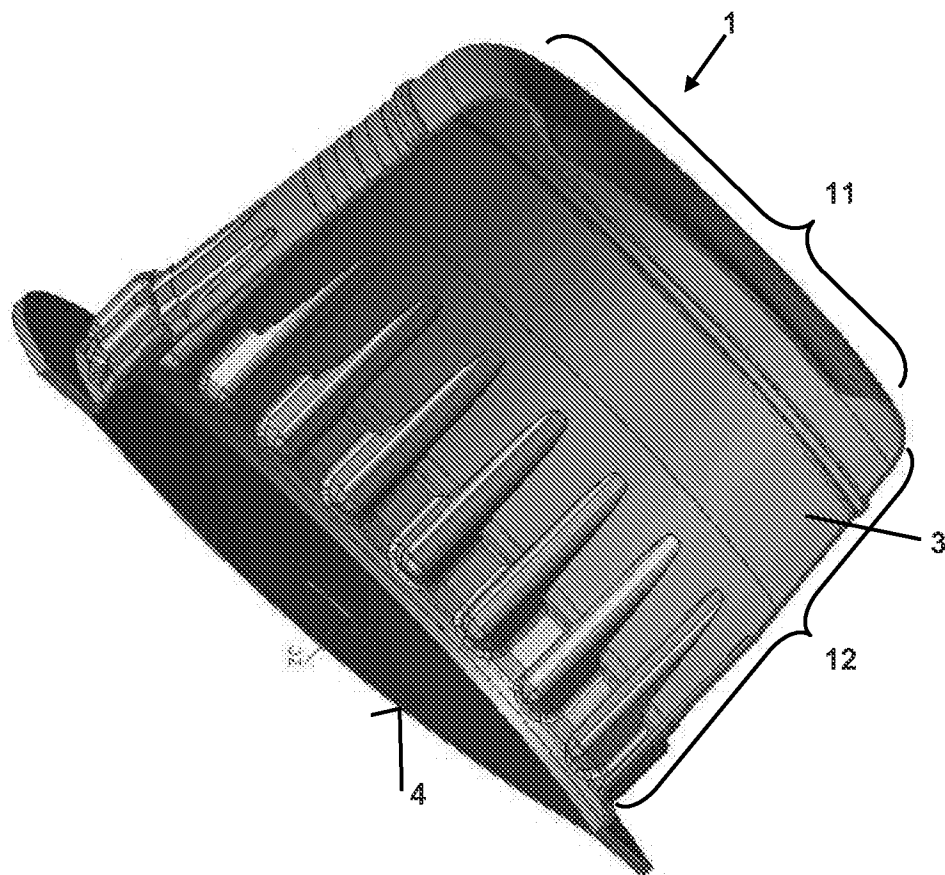


Fig. 21

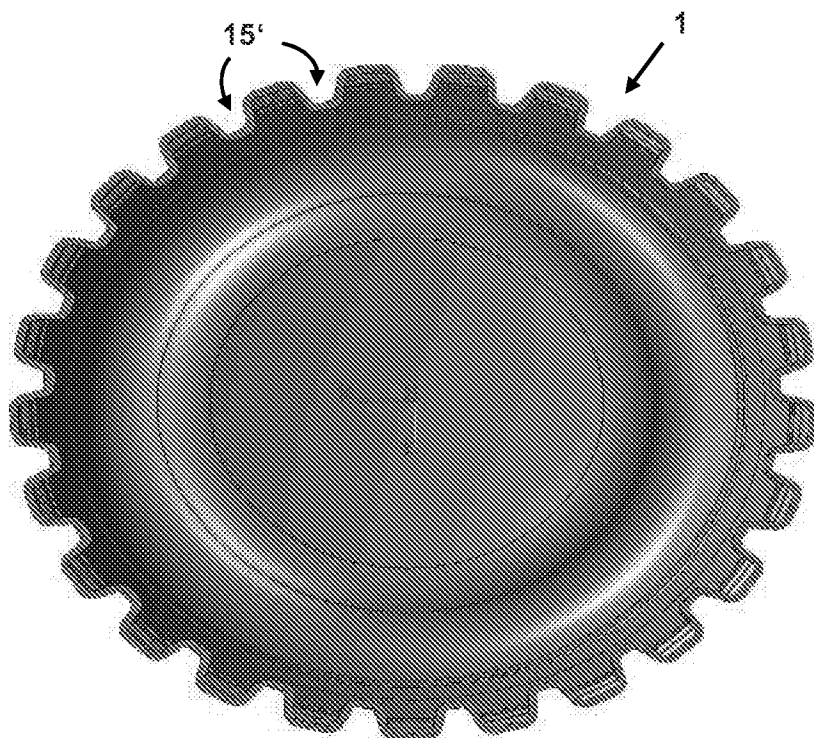


Fig. 22

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	26571-0030-D2
		Application Number	
Title of Invention	PORTION CAPSULE HAVING AN IDENTIFIER		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

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Title of the Invention	PORTION CAPSULE HAVING AN IDENTIFIER		
Attorney Docket Number	26571-0030-D2	Small Entity Status Claimed	☐
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	12	Suggested Figure for Publication (if any)	1

IPR2024-00299

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	26571-0030-D2
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Title of Invention	PORTION CAPSULE HAVING AN IDENTIFIER		

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Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

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☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

☐ **Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

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Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
	Division of	15211823	2016-07-15

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	26571-0030-D2
		Application Number	
Title of Invention	PORTION CAPSULE HAVING AN IDENTIFIER		
Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
15211823	Division of	13744623	2013-01-18
Prior Application Status	Abandoned	Remove	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
13744623	Continuation in part of	PCT/EP2011/003677	2011-07-22
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10 2010 031 988.0	DE	2010-07-22	
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Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013. NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.	Nespresso USA, Inc. Ex. 1002 PR 2014 00299
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	26571-0030-D2
	Application Number	
Title of Invention	PORTION CAPSULE HAVING AN IDENTIFIER	

Authorization or Opt-Out of Authorization to Permit Access:

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant **must opt-out** of the authorization by checking the corresponding box A or B or both in subsection 2 below.

NOTE: This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

A. Priority Document Exchange (PDX) - Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).

B. Search Results from U.S. Application to EPO - Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

☐ A. Applicant **DOES NOT** authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

☐ B. Applicant **DOES NOT** authorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

NOTE: Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	26571-0030-D2
		Application Number	
Title of Invention	PORTION CAPSULE HAVING AN IDENTIFIER		

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.					
Applicant	1	<input type="button" value="Remove"/>			
If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.					
<input type="button" value="Clear"/>					
☒ Assignee	Legal Representative under 35 U.S.C. 117		Joint Inventor		
Person to whom the inventor is obligated to assign.		Person who shows sufficient proprietary interest			
If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:					
<div></div>					
Name of the Deceased or Legally Incapacitated Inventor: <div></div>					
If the Applicant is an Organization check here. ☒					
Organization Name	K-FEE SYSTEM GMBH				
Mailing Address Information For Applicant:					
Address 1	Senefelder Str. 44				
Address 2					
City	Bergisch Gladbach	State/Province			
Country	DE	Postal Code	51469		
Phone Number		Fax Number			
Email Address					
Additional Applicant Data may be generated within this form by selecting the Add button. <input type="button" value="Add"/>					

Assignee Information including Non-Applicant Assignee Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	26571-0030-D2
		Application Number	
Title of Invention	PORTION CAPSULE HAVING AN IDENTIFIER		

Assignee 1				
Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.				
<input type="button" value="Remove"/>				
If the Assignee or Non-Applicant Assignee is an Organization check here. ☐				
Prefix	Given Name	Middle Name	Family Name	Suffix
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Mailing Address Information For Assignee including Non-Applicant Assignee:				
Address 1		<input type="text"/>		
Address 2		<input type="text"/>		
City	<input type="text"/>	State/Province	<input type="text"/>	
Country ⁱ	<input type="text"/>	Postal Code	<input type="text"/>	
Phone Number	<input type="text"/>	Fax Number	<input type="text"/>	
Email Address	<input type="text"/>			
Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button. <input type="button" value="Add"/>				

Signature:					<input type="button" value="Remove"/>
NOTE: This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). However, if this Application Data Sheet is submitted with the INITIAL filing of the application and either box A or B is not checked in subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c).					
This Application Data Sheet must be signed by a patent practitioner if one or more of the applicants is a juristic entity (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, all joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of all joint inventor-applicants.					
See 37 CFR 1.4(d) for the manner of making signatures and certifications.					
Signature	/Bruce J. Wolstoncroft/			Date (YYYY-MM-DD)	2017-07-11
First Name	Bruce J.	Last Name	Wolstoncroft	Registration Number	32,075
Additional Signature may be generated within this form by selecting the Add button. <input type="button" value="Add"/>					

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	26571-0030-D2
		Application Number	
Title of Invention	PORTION CAPSULE HAVING AN IDENTIFIER		

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	PORTION CAPSULE HAVING AN IDENTIFIER	
<p>As the below named inventor, I hereby declare that:</p> <p>This declaration is directed to: ☒ The attached application, or ☐ United States application or PCT international application number <u>PCT/EP2011/003677</u> filed on <u>July 22, 2011</u></p> <p>The above-identified application was made or authorized to be made by me.</p> <p>I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.</p> <p>I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.</p>		
<p>WARNING:</p> <p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p>		
<p>LEGAL NAME OF INVENTOR</p> <p>Inventor: <u>Marc KRÜGER</u> Date (Optional): <u>17.01.13</u></p> <p>Signature: <u><i>M. Krüger</i></u></p>		
<p>Note: An application data sheet (PTO/AIA/14 or equivalent), including naming the entire inventive entity, must accompany this form. Use an additional PTO/US/AIA/01 form for each additional inventor.</p>		

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to be filed (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-6199 and select option 2.

SCORE Placeholder Sheet for IFW Content

Application Number: 15646980

Document Date: 07/11/2017

The presence of this form in the IFW record indicates that the following document type was received in electronic format on the date identified above. This content is stored in the SCORE database.

- Drawings – Other than Black and White Line Drawings

Since this was an electronic submission, there is no physical artifact folder, no artifact folder is recorded in PALM, and no paper documents or physical media exist. The TIFF images in the IFW record were created from the original documents that are stored in SCORE.

To access the documents in the SCORE database, refer to instructions below.

At the time of document entry (noted above):

- Examiners may access SCORE content via the eDAN interface.
- Other USPTO employees can bookmark the current SCORE URL (<http://Score.uspto.gov/ScoreAccessWeb/>).
- External customers may access SCORE content via the Public and Private PAIR interfaces.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 15/646,980				
APPLICATION AS FILED - PART I										
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY				
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)			
BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A			N/A	280			
SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A	N/A			N/A	600			
EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A			N/A	720			
TOTAL CLAIMS <small>(37 CFR 1.16(j))</small>	9	minus 20 = *				x 80 =	0.00			
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	2	minus 3 = *				x 420 =	0.00			
APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							0.00			
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL		TOTAL	1600			
APPLICATION AS AMENDED - PART II										
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY		
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total <small>(37 CFR 1.16(i))</small>	*	Minus	**	=	x	=		x	=
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	=	x	=		x	=
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE			TOTAL ADD'L FEE	
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total <small>(37 CFR 1.16(i))</small>	*	Minus	**	=	x	=		x	=
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	=	x	=		x	=
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE			TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.										



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
15/646,980	07/11/2017	3742	1600	26571-0030-D2	9	2

CONFIRMATION NO. 3270

FILING RECEIPT



0000000092842447

26587
MCNEES WALLACE & NURICK LLC
100 PINE STREET
P.O. BOX 1166
HARRISBURG, PA 17108-1166

Date Mailed: 07/18/2017

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Inventor(s)

Marc KRÜGER, Bergisch-Gladbach, GERMANY;

Applicant(s)

K-FEE SYSTEM GMBH, Bergisch Gladbach, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 26587

Domestic Priority data as claimed by applicant

This application is a DIV of 15/211,823 07/15/2016
which is a DIV of 13/744,623 01/18/2013 ABN
which is a CIP of PCT/EP2011/003677 07/22/2011

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

GERMANY 10 2011 010 534.4 02/07/2011
GERMANY 10 2010 044 251.8 09/02/2010
GERMANY 10 2010 031 988.0 07/22/2010

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 07/18/2017

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 15/646,980**

Projected Publication Date: 10/26/2017

Non-Publication Request: No

Early Publication Request: No

Title

PORTION CAPSULE HAVING AN IDENTIFIER

Preliminary Class

099

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SelectUSA

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit <http://www.SelectUSA.gov> or call +1-202-482-6800.



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
15/646,980	07/11/2017	Marc KRUGER	26571-0030-D2

CONFIRMATION NO. 3270

PUBLICATION NOTICE



OC000000095034349

26587
MCNEES WALLACE & NURICK LLC
100 PINE STREET
P.O. BOX 1166
HARRISBURG, PA 17108-1166

Title:PORTION CAPSULE HAVING AN IDENTIFIER

Publication No.US-2017-0305654-A1

Publication Date:10/26/2017

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Public Records Division. The Public Records Division can be reached by telephone at (571) 272-3150 or (800) 972-6382, by facsimile at (571) 273-3250, by mail addressed to the United States Patent and Trademark Office, Public Records Division, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <https://portal.uspto.gov/pair/PublicPair>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

TRANSMITTAL FOR POWER OF ATTORNEY TO ONE OR MORE REGISTERED PRACTITIONERS

NOTE: This form is to be submitted with the Power of Attorney by Applicant form (PTO/AIA/82B) to identify the application to which the Power of Attorney is directed, in accordance with 37 CFR 1.5, unless the application number and filing date are identified in the Power of Attorney by Applicant form. If neither form PTO/AIA/82A nor form PTO/AIA/82B identifies the application to which the Power of Attorney is directed, the Power of Attorney will not be recognized in the application.

Application Number	15/646,980
Filing Date	July 11, 2017
First Named Inventor	Marc KRÜGER
Title	PORTION CAPSULE HAVING AN IDENTIFIER
Art Unit	1792
Examiner Name	BECKER, DREW E
Attorney Docket Number	1859.029USD2 (KRÜ0022-WO-US-T2)

SIGNATURE of Applicant or Patent Practitioner

Signature	/Paul J. Palinski/	Date (Optional)	March 12, 2018
Name	Paul J. Palinski	Registration Number	71,080
Title (if Applicant is a juristic entity)			
Applicant Name (if Applicant is a juristic entity)			

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. If more than one applicant, use multiple forms.

☐

*Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in either the attached transmittal letter or the boxes below.

Application Number	Filing Date

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☒ I hereby appoint the Patent Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above:

OR

25215

☐ I hereby appoint Practitioner(s) named in the attached list (form PTO/AIA/82C) as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the patent application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above. (Note: Complete form PTO/AIA/82C.)

Please recognize or change the correspondence address for the application identified in the attached transmittal letter or the boxes above to:

☒ The address associated with the above-mentioned Customer Number

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OR

Firm or
Individual Name

Address

City

State

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Email

I am the Applicant (if the Applicant is a juristic entity, list the Applicant name in the box):

K-fee System GmbH

- ☐ Inventor or Joint Inventor (title not required below)
- ☐ Legal Representative of a Deceased or Legally Incapacitated Inventor (title not required below)
- ☒ Assignee or Person to Whom the Inventor is Under an Obligation to Assign (provide signer's title if applicant is a juristic entity)
- ☐ Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document) (provide signer's title if applicant is a juristic entity)

SIGNATURE of Applicant for Patent

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant (e.g., where the applicant is a juristic entity).

Signature

Date (Optional)

Name

Mark Krüger

Title

CEO

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. If more than one applicant, use multiple forms.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1480, Alexandria, VA 22313-1480. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

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Electronic Acknowledgement Receipt	
EFS ID:	32017697
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	26587
Filer:	Paul J. Palinski/Becky Ballard
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	26571-0030-D2
Receipt Date:	12-MAR-2018
Filing Date:	11-JUL-2017
Time Stamp:	13:56:17
Application Type:	Utility under 35 USC 111(a)

Payment information:					
Submitted with Payment			no		
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Power of Attorney	PowerOfAttorney_1859_029US D2_KRU0022_WOUS_T2.pdf	843660	no	2
			e301038cce38fe14c3755f54e34d830dfa8cad08		
Warnings:			IPR2024-00299		

Information:	
Total Files Size (in bytes):	843660
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>	



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
15/646,980	07/11/2017	Marc KRÜGER	26571-0030-D2

CONFIRMATION NO. 3270

POWER OF ATTORNEY NOTICE



26587
MCNEES WALLACE & NURICK LLC
100 PINE STREET
P.O. BOX 1166
HARRISBURG, PA 17108-1166

Date Mailed: 03/15/2018

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/12/2018.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/mtklemichael/



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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2 (KRU0022-WO- CONFIRMATION NO. 3270 POA ACCEPTANCE LETTER

25215
The Dobrusin Law Firm P.C.
29 W. Lawrence Street, Ste. 210
SUITE 210
PONTIAC, MI 48342


"OC000000098049196"

Date Mailed: 03/15/2018

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/12/2018.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/mtklemichael/

Practitioner's Docket No. 1859.029USD2 (KRU0022-WO-US-T)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Becker, Drew E.

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicants submit this statement in accordance with their duty of disclosure under 37 CFR 1.56 and 1.97-1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Copies of foreign patent documents and non-patent literature together with a listing on form PTO/SB/08a are submitted herewith. Applicants include English translations from the European Patent Office website and are subject to the caveats expressed on the translations. Applicants respectfully solicit the Examiner's consideration of the cited references and entry thereof into the record of this application.

This Information Disclosure Statement is being submitted prior to the mailing of a first Office Action or Notice of Allowance. No fees are believed to be due, however, if any fee is due with the filing of this paper please charge the amount to deposit account 50-1097.

Date: March 16, 2018

/Paul J. Palinski/

Paul J. Palinski

Reg. No. 71,080

Attorney for Applicant

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Pontiac, MI 48342

(248) 292-2920

Customer No.: 25215

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1792
	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

U.S. PATENTS					
Examiner Initials*	Cite No.	Patent Number	Kind Code	Issue Date	Name of Patentee or Applicant of cited Document
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1792
	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1792
	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

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U.S. PATENT APPLICATION PUBLICATIONS					
Examiner Initials*	Cite No.	Publication Number	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document
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	3.	2002/0110626	A1	08/15/2002	Buckingham et al.
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1792
	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

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	146	2013/136209 (also published as US2016/0037961)	WO	A1	09/19/2013	Digiuni	
	147	2013/149354 (also published as US2015/0056351)	WO	A2	10/10/2013	Deuber	
	148	2013/171663 (also published as US2015/0128525)	WO	A1	11/21/2013	Bartoli et al.	
	149	2013/189555 (also published as 2015/0166204)	WO	A1	12/27/2013	Rea	
	150	2013/189923 (also published as US2015/0175347)	WO	A1	12/27/2013	Empl	
	151	2014/001563 (also published as US2015/0158666)	WO	A1	01/03/2014	Krueger et al.	
	152	2014/001564 (also published as US2015/0158665)	WO	A1	01/03/2014	Krueger et al.	
	153	2014/006048 (also published as US2015/0173558)	WO	A2	01/09/2014	Cross et al.	
	154	2014/049143 (also published as US2015/0274411)	WO	A2	04/03/2014	Krueger	
	155	2014/090567 (also published as US20150314954)	WO	A1	06/19/2014	Empl	
	156	2014/102702 (also published as US20150329282)	WO	A1	07/03/2014	Bartoli et al	
	157	2014/127863 (also published as US2015/0375926)	WO	A1	08/28/2014	Fischer	
	158	2014/128205 (also published as US2016/0058234)	WO	A1	08/28/2014	Eppler et al.	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1792
	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

	159	2014/131779 (also published as US2016/0001968)	WO	A1	09/04/2014	Krüger et al.	
	160	2015/028425 (also published as US2016/0194146)	WO	A2	03/05/2015	Schelch et al.	
	161	2015/075584	WO	A1	05/28/2015	Accursi	
	162	2015/107484	WO	A1	07/23/2015	Rivola et al.	
	163	2016/077916	WO	A1	05/26/2016	Hanneson et al.	
	164	98/51396	WO	A1	11/19/1998	Timmermann et al.	X
	165	99/58035 (also published as US5,895,672)	WO	A1	11/18/1999	Cooper	

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1.	Rawle, Alan, "Particle Sizing -- An Introduction" 2012; Silver Colloids, Edition or volume on Colloidal Silver	
EXAMINER SIGNATURE			
Examiner Signature		Date Considered	
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

Electronic Acknowledgement Receipt

EFS ID:	32076977
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/Becky Ballard
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2 (KRU0022-WO-
Receipt Date:	16-MAR-2018
Filing Date:	11-JUL-2017
Time Stamp:	14:59:44
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	Supplemental_IDS_1859_029USD2.pdf	2903870 b45e621ab529be86b7b496c0c2db990716a0b2a5	no	19

Warnings:

IPR2024-00299

Nespresso USA, Inc. Ex. 1002

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Information:					
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The page size in the PDF is too large. The pages should be 8.5 x 11 or A4. If this PDF is submitted, the pages will be resized upon entry into the Image File Wrapper and may affect subsequent processing					
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3	Foreign Reference	DE1207866B_w_EnglishTranslation.pdf	577851 e6783f45318bda3ce7f10a46631f4915c1948c4b	no	11
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Warnings:					
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6	Foreign Reference	DE102010034206A1_w_EnglishTranslation.pdf	1191042 3cba5399ae135d49101aa427b0df50bca07fa584	no	22
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IPR2024-00299

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IPR2024-00299

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18	Foreign Reference	JP2004097015A_w_EnglishTranslation.pdf	599161	no	12
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22	Foreign Reference	WO2010013146A2.pdf	781243	no	17
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26	Foreign Reference	WO2015075584A1.pdf	1223520	no	27
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30	Non Patent Literature	ParticleSizing.pdf	274827	no	4
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Total Files Size (in bytes):			40334080		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2 (KRU0022-WO-	3270
25215	7590	04/25/2018	EXAMINER	
The Dobrusin Law Firm P.C. 29 W. Lawrence Street, Ste. 210 SUITE 210 PONTIAC, MICHIGAN 48342 UNITED STATES OF AMERICA			BECKER, DREW E	
			ART UNIT	PAPER NUMBER
			1792	
			NOTIFICATION DATE	DELIVERY MODE
			04/25/2018	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):

dobrusin_PAIR@firsttofile.com
rmasquelier@patentco.com
serla@patentco.com

Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-3, drawn to a capsule with an barcode, classified in A47J 31/4492.

II. Claims 4-8, drawn to a capsule with channels, classified in B65D 85/8043.

III. Claim 9, drawn to a method, classified in A23F 5/04.

The inventions are independent or distinct, each from the other because:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as a capsule without channels. Also, subcombination II has separate utility such as a capsule without a barcode. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together.

Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the

present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

3. Inventions I and III are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the product of group I can be used in a materially different process, such as making a cold beverage.

4. Inventions II and III are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the product of group II can be used in a materially different process, such as making a cold beverage. Also, the method can be practiced by another and materially different product, such as a capsule without channels.

5. Restriction for examination purposes as indicated is proper because all the inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and/or examination burden if restriction were not required because one or more of the following reasons apply:

The groups possess different classification and would require separate searches.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103 or pre-AIA 35 U.S.C. 103(a) of the other invention.

The examiner has required restriction between product or apparatus claims and process claims. Where applicant elects claims directed to the product/apparatus, and all product/apparatus claims are subsequently found allowable, withdrawn process claims that include all the limitations of the allowable product/apparatus claims should be considered for rejoinder. All claims directed to a nonelected process invention must include all the limitations of an allowable product/apparatus claim for that process invention to be rejoined.

In the event of rejoinder, the requirement for restriction between the product/apparatus claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product/apparatus are found allowable, an otherwise proper restriction requirement between product/apparatus claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product/apparatus claim will not be rejoined. See MPEP § 821.04. Additionally, in order for rejoinder to occur, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product/apparatus claims. **Failure to do so may result in no rejoinder.** Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DREW E BECKER whose telephone number is (571)272-1396. The examiner can normally be reached on 8am-5pm Monday-Friday.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

Art Unit: 1792

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erik Kashnikow can be reached on 571-270-3475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DREW E BECKER/
Primary Examiner, Art Unit 1792



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 Alexandria, Virginia 22313-1450
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BIB DATA SHEET

CONFIRMATION NO. 3270

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
15/646,980	07/11/2017	426	1792	1859.029USD2 (KRU0022-WO-		
APPLICANTS K-FEE SYSTEM GMBH, Bergisch Gladbach, GERMANY; INVENTORS Marc KRÜGER, Bergisch-Gladbach, GERMANY; ** CONTINUING DATA ***** This application is a DIV of 15/211,823 07/15/2016 which is a DIV of 13/744,623 01/18/2013 ABN which is a CIP of PCT/EP2011/003677 07/22/2011 ** FOREIGN APPLICATIONS ***** GERMANY 10 2011 010 534.4 02/07/2011 GERMANY 10 2010 044 251.8 09/02/2010 GERMANY 10 2010 031 988.0 07/22/2010 ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 07/18/2017						
Foreign Priority claimed ☒ Yes ☐ No 35 USC 119(a-d) conditions met ☒ Yes ☐ No Verified and Acknowledged <u>/DREW E BECKER/</u> Examiner's Signature		☐ Met after Allowance Initials	STATE OR COUNTRY GERMANY	SHEETS DRAWINGS 12	TOTAL CLAIMS 9	INDEPENDENT CLAIMS 2
ADDRESS The Dobrusin Law Firm P.C. 29 W. Lawrence Street, Ste. 210 SUITE 210 PONTIAC, MI 48342 UNITED STATES						
TITLE PORTION CAPSULE HAVING AN IDENTIFIER						
FILING FEE RECEIVED 1600	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit		

Remarks

Petition for Extension of Time

Applicant petitions to extend the time period for responding to the Office Action mailed on April 25, 2018 by one month. The requisite fee is included herewith.

Election/Restriction

Without conceding the validity of the election/restriction requirement, Applicant elects, with traverse, to proceed with claims 1-3, drawn to a capsule with a barcode. Claims 4-9 are now withdrawn.

New claims 10-12 included herewith are believed to correspond to the elected claims, and Applicant requests they be examined with the elected claims.

Claim Amendments and New Claims

By way of the foregoing markings to show changes, claims 1-3 are amended and claims 10-12 are new. No new matter has been added. Claims 4-9 are withdrawn.

The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

Authorization for E-mail Communication

Recognizing that Internet communications are not secure, Applicant hereby authorizes the USPTO to communicate with any authorized representative concerning any subject matter of this application by electronic mail. Applicant understands that a copy of these communications will be made of record in the application file.

Conclusions

Applicant believes the claims are patentable; thus, Applicant respectfully requests that the Examiner pass the case to issue at the earliest convenience.

Should the Examiner have any questions, or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or has not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

If the Examiner has any questions with respect to this communication, the Examiner is kindly urged to call the undersigned.

Respectfully submitted,

Date: July 25, 2018

/Paul J. Palinski/

Paul J. Palinski
Registration No. 71,080
THE DOBRUSIN LAW FIRM, P.C.
29 W. Lawrence Street – Suite 210
Pontiac, MI 48342
248-292-2920

Customer No. 25215

Amendments to the Claims

1. (Currently Amended) Single-serve capsule for making a beverage, having a basic element with a cavity, in which a raw beverage material is provided, the capsule having a peripheral region ~~which that~~ is provided on the basic element, and the cavity being closed by a membrane; ~~which that~~ is fastened on the peripheral region of the basic element,
wherein the capsule has an identifier, which makes it possible to individualize the respective single-serve capsule, ~~characterized in that~~
~~wherein~~ the identifier is a barcode ~~which that~~ is provided on that side of the peripheral region of the basic element ~~which that~~ is directed away from the membrane.
2. (Currently Amended) Single-serve capsule according to Claim 1, ~~characterized in that~~ ~~wherein~~ a sealing surface is provided on the peripheral region and/or flange.
3. (Currently Amended) Single-serve capsule according to Claim 1, ~~characterized in that~~ ~~wherein~~ the capsule has an insert element with an identifier.
4. (Withdrawn) Single-serve capsule for making a beverage, having an essentially frustoconical or cylindrical basic element with a cavity for accommodating a raw beverage material, and with a membrane which closes the cavity, characterized in that the basic element has a wall region, wherein the basic element also has, on that side of the single-serve capsule which is directed away from the membrane, a base region, wherein the wall region, or the outer circumference of a flange has a plurality of channels.
5. (Withdrawn) Single-serve capsule according to Claim 4, characterized in that the channels realize an identifier, which makes it possible to individualize the single-serve capsule.
6. (Withdrawn) Single-serve capsule according to Claim 4, characterized in that at least some of the channels, and at least in a sub-region in a plane parallel to the main plane along which the membrane extends, have a gear-wheel-like contour.

7. (Withdrawn) Single-serve capsule according to Claim 4, characterized in that the channels are designed such that the wall region is stiffened by means of the channels and/or in that the channels provide for turbulence of an extraction liquid flowing in the cavity.
8. (Withdrawn) Single-serve capsule according to Claim 4, characterized in that the cavity contains a filter element, which subdivides the cavity into a first region for accommodating the raw beverage material and into a second region for accommodating a beverage extract.
9. (Withdrawn) Use of a single-serve capsule according to Claim 1 for making a hot beverage.
10. (New) Single-serve capsule according to Claim 1, wherein the barcode is printed by material removal.
11. (New) Single-serve capsule according to Claim 1, wherein the barcode is a medium that is integrated in the membrane.
12. (New) A single-serve capsule for making a beverage comprising:
 - a basic element with a cavity, in which a raw beverage material is provided,
 - a peripheral region provided on the basic element,
 - a membrane that is fastened on the peripheral region of the basic element, and
 - a sealing surface provided on the peripheral region and/or on a flange,wherein the capsule has an identifier, which makes it possible to individualize the single-serve capsule,
 - wherein the identifier is a barcode that is provided on that side of the peripheral region of the basic element that is directed away from the membrane, the barcode is printed by material removal.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Becker, Drew E.

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Attorney Docket: 1859.029USD2 (KRU0022-W0-US-T2)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO ELECTION REQUIREMENT, AND
A PETITION FOR AN EXTENSION OF TIME**

In response to the Election Requirement mailed on April 25, 2018, please enter the following amendments and consider the following remarks.

Electronic Patent Application Fee Transmittal				
Application Number:		15646980		
Filing Date:		11-Jul-2017		
Title of Invention:		PORTION CAPSULE HAVING AN IDENTIFIER		
First Named Inventor/Applicant Name:		Marc KRÜGER		
Filer:		Paul J. Palinski/Becky Ballard		
Attorney Docket Number:		1859.029USD2 (KRU0022-WO-		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 1 month with \$0 paid	1251	1	200	200
Miscellaneous:				
Total in USD (\$)				200

Electronic Acknowledgement Receipt

EFS ID:	33280076
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/Becky Ballard
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2 (KRU0022-WO-
Receipt Date:	25-JUL-2018
Filing Date:	11-JUL-2017
Time Stamp:	15:56:11
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$200
RAM confirmation Number	072618INTEFSW00002398501097
Deposit Account	501097
Authorized User	Paul Palinski

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

IPR2024-00299

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Page 118 of 867

37 CFR 1.19 (Document supply fees)
37 CFR 1.20 (Post Issuance fees)
37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		ResponseDated20180425_1859_029USD2.pdf	151700	yes	5
			acc.19cac477dd7c9ccf05fa1bf3af78ab7d77195		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		4	5	
	Claims		2	3	
	Response to Election / Restriction Filed		1	1	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	31226	no	2
			3debd7941e8ef47da67359ae866a7e2e142520ac		
Warnings:					
Information:					
Total Files Size (in bytes):			182926		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Practitioner's Docket No. 1859.029USD2 (KRU0022-WO-US-T)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Becker, Drew E.

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicants submit this statement in accordance with their duty of disclosure under 37 CFR 1.56 and 1.97-1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Copies of foreign patent documents and non-patent literature together with a listing on form PTO/SB/08a are submitted herewith. Applicants include English translations from the European Patent Office website and are subject to the caveats expressed on the translations. Applicants respectfully solicit the Examiner's consideration of the cited references and entry thereof into the record of this application.

This Information Disclosure Statement is being submitted prior to the mailing of a first Office Action or Notice of Allowance. No fees are believed to be due, however, if any fee is due with the filing of this paper please charge the amount to deposit account 50-1097.

Date: September 28, 2018

/Paul J. Palinski/

Paul J. Palinski

Reg. No. 71,080

Attorney for Applicant

The Dobrusin Law Firm, P.C.

29 W. Lawrence Street - Suite 210

Pontiac, MI 48342

(248) 292-2920

Customer No.: 25215

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1792
	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

U.S. PATENTS					
Examiner Initials*	Cite No.	Patent Number	Kind Code	Issue Date	Name of Patentee or Applicant of cited Document
	1.	4,540,595		09/10/1985	Acitelli et al.
	2.	4,976,179		12/11/1990	Lacrouts-Cazenave
	3.	5,242,702	A	09/07/1993	Fond
	4.	5,725,261	A	03/10/1998	Rahn
	5.	6,598,800	A1	07/29/2003	Schmit et al.
	6.	7,673,558	B2	03/09/2010	Panesar et al.
	7.	7,815,953	B2	10/19/2010	Mastropasqua et al.
	8.	8,039,034	B2	10/18/2011	Ozanne
	9.	8,039,034	B2	10/18/2011	Ozanne
	10.	8,109,200	B2	02/07/2012	Hansen
	11.	8,491,976	B2	07/23/2013	Sato et al.
	12.	9,072,402	B2	07/07/2015	Ryser

U.S. PATENT APPLICATION PUBLICATIONS					
Examiner Initials*	Cite No.	Publication Number	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document
	1.	2005/0045566	A1	03/03/2005	Larkin et al.
	2.	2006/0107841	A1	05/25/2006	Schifferle
	3.	2007/0257118	A1	11/08/2007	Riley et al.
	4.	2009/0004343	A1	01/01/2009	Xiong et al.
	5.	2009/0289121	A1	11/26/2009	Maeda et al.
	6.	2010/0000667	A1	01/07/2010	Funnell
	7.	2010/0054532	A1	03/04/2010	Mitte et al.
	8.	2011/0041702	A1	02/24/2011	Yoakim
	9.	2011/0250333	A1	10/13/2011	Ozanne
	10.	2013/0206011	A1	08/15/2013	Ozanne et al.
	11.	2013/0209620	A1	08/15/2013	Ozanne et al.

FOREIGN PATENT DOCUMENTS							
Examiner Initial*	Cite No.	Foreign Document Number	Country Code	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document	T ⁵
	1.	1774878 (also published as US8039034)	EP	A1	04/18/2007	Ozanne	
	2.	1233688	JP	A	09/19/1989	Yasuhiko	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1792
	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

	3.	2009-511143 (also published as US8039034)	JP	A	03/09/2009	Ozanne	
	4.	2010-500199 (also published as US 2010/0000667)	JP	A	01/07/2010	Funnell	
	5.	1020050107747	KR	A	11/15/2005	Halliday et al.	X

EXAMINER SIGNATURE

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Electronic Acknowledgement Receipt

EFS ID:	33863965
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/Becky Ballard
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2 (KRU0022-WO-
Receipt Date:	28-SEP-2018
Filing Date:	11-JUL-2017
Time Stamp:	15:01:34
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	Supplemental_IDS_1859_029USD2.pdf	459017 91ae1ad5e35bf717ed3758ae9fa68de0abf3a0ea	no	4

Warnings:

IPR2024-00299

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Information:					
This is not an USPTO supplied IDS fillable form					
2	Foreign Reference	JP1233688.pdf	297627 6953f2f556069a95f21e7e645886e94b18d76c9a	no	4
Warnings:					
Information:					
3	Foreign Reference	KR1020050107747.pdf	25101710 df63b987a31cd4cb75ec432e1c700b430ed96b9a	no	55
Warnings:					
Information:					
Total Files Size (in bytes):			25858354		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2 (KRU0022-WO-	3270
25215	7590	11/02/2018	EXAMINER	
The Dobrusin Law Firm P.C. 29 W. Lawrence Street, Ste. 210 SUITE 210 PONTIAC, MI 48342			BECKER, DREW E	
			ART UNIT	PAPER NUMBER
			1792	
			NOTIFICATION DATE	DELIVERY MODE
			11/02/2018	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):

dobrusin_PAIR@firsttofile.com
rmasquelier@patentco.com
serla@patentco.com

DETAILED ACTION

Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions.

Election/Restrictions

1. Applicant's election of group I in the reply filed on 7/25/18 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.01(a)).

Claims 4-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 112

2. The following is a quotation of 35 U.S.C. 112(b):
(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 11 is rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.
4. Claim 11 recites "the barcode is a medium that is integrated in the membrane". However, parent claim 1 required the "barcode is provided on... the basic element". It is not

clear how a single barcode can be on both elements. It is not clear if two barcodes are required or not.

Claim Rejections - 35 USC § 103

5. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, if the differences between the subject matter sought to be patented 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. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over WO 2005/044067A1 in view of Ternite [US 2008/0245236A1].

WO 2005/044067A1 teaches a beverage capsule comprising a basic element with a cavity (Figure 2, #13), raw beverage material within the cavity (page 10, line 6), a pierceable closing member fastened to the basic element (Figure 2, #14), a barcode identifier on the outer periphery of the basic element (Figure 2, #23), a flange on the basic element 6, #14) which served as a sealing surface, an inserted identifier (Figure 4-5, #20), and the capsule being disposable rather than reusable (page 11, lines 9-13).

WO 2005/044067A1 does not explicitly recite the cover being a membrane (claim 1).

Ternite et al teach a beverage capsule comprising a basic element (Figure 1, #2), a flange (Figure 1, #4), a foil cover sealed to the basic element (Figure 1, #6), and an identifier on the outer periphery of the capsule (paragraph 0046-0047).

It would have been obvious to one of ordinary skill in the art to incorporate the claimed membrane into the invention of WO 2005/044067A1, in view of Ternite et al, since both are

Art Unit: 1792

directed to beverage capsules, since WO 2005/044067A1 already included a piercable cover, since beverage capsules commonly used a foil or membrane as the cover as shown by Ternite et al, and since a membrane/foil would have ensured that the piercable cover of WO 2005/044067A1 was able to efficiently dispense the beverage.

7. Claims 10, 12 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over WO 2005/044067A1, in view of Ternite et al, as applied above, and further in view of Simon et al [US 2011/0089135A1].

WO 2005/044067A1 and Ternite et al teach the above mentioned components. WO 2005/044067A1 and Ternite et al do not explicitly recite material removal (claim 10, 12). Simon et al teach a plastic beverage container comprising external indicia created by laser etching and removal of material (paragraph 0066, 0069). It would have been obvious to one of ordinary skill in the art to incorporate the claimed material removal into the invention of WO 2005/044067A1, in view of Ternite et al and Simon et al, since all are directed to beverage capsules and/or containers, since WO 2005/044067A1 already included an external barcode identifier, since plastic beverage containers commonly included external indicia made by laser etching and removal of material as shown by Simon et al above, since beverage capsules often contained different ingredients and/or flavors, since the laser etching of Simon et al would have also provided desirable surface art, product information, and logos on the capsule of WO 2005/044067A1 so that the user was confident they were choosing the correct beverage capsule, and since etching of the barcode of WO 2005/044067A1 would have ensured that the information could still be read even if the UV ink became smudged or damaged during transport and shipping.

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8. Claim 11 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over WO 2005/044067A1, in view of Ternite et al, as applied above, and further in view of Aker [US 2010/0078480A 1].

WO 2005/044067A1 and Ternite et al teach the above mentioned components. WO 2005/044067A1 and Ternite et al do not explicitly recite the barcode in the membrane. Aker teaches a beverage capsule comprising a cover with a barcode (Figure 2A-B, #45, 50).). It would have been obvious to one of ordinary skill in the art to incorporate the claimed material removal into the invention of WO 2005/044067A1, in view of Ternite et al and Aker, since all are directed to beverage capsules, since WO 2005/044067A1 already included a barcode on its periphery, since beverage capsules commonly included a barcode on the cover as shown by Aker, and since multiple locations for the barcode would have better ensured that the information was readable in case one of the barcodes was damaged or smudged during transport and shipping.

Double Patenting

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the

Art Unit: 1792

examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP §§ 706.02(I)(1) - 706.02(I)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

10. Claims 1-3, 10-12 (particularly claim 3) are provisionally rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1, 5-10, 20-28 (particularly claim 1) of copending Application No. 15/211,823 in view of WO 2005/044067A1. The '823 application does not claim the identifier being a barcode on the basic element. WO 2005/044067A1 teaches a beverage capsule comprising a barcode identifier on the outer periphery of the basic element (Figure 2, #23). It would have been obvious to one of ordinary skill in the art to incorporate the claimed

This is a provisional nonstatutory double patenting rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DREW E BECKER whose telephone number is (571)272-1396. The examiner can normally be reached on 8am-5pm Monday-Friday.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is

Art Unit: 1792

encouraged to use the USPTO Automated Interview Request (AIR) at

<http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erik Kashnikow can be reached on 571-270-3475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DREW E BECKER/

Primary Examiner, Art Unit 1792

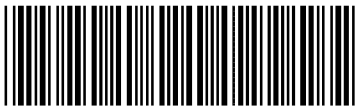
<i>Notice of References Cited</i>	Application/Control No. 15/646,980		Applicant(s)/Patent Under Reexamination KRÜGER, Marc	
	Examiner DREW E BECKER		Art Unit 1792	Page 1 of 1

U.S. PATENT DOCUMENTS						
*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-20100078480-A1	04-2010	AKER; Wynn L.	G06K19/06009	235/462.08
*	B	US-20080245236-A1	10-2008	Ternite; Rudiger	A47J31/0668	99/295
*	C	US-20110089135-A1	04-2011	SIMON; John B.	B65D1/40	215/379
*	D	US-5725261-A	03-1998	Rahn; Erwin P.G.	A01K11/001	292/307R
*	E	US-20080116105-A1	05-2008	Statham; Michael	B29C45/0013	206/534
*	F	US-20010038204-A1	11-2001	Nojima, Michihiro	G09F3/04	283/81
*	G	US-6817538-B2	11-2004	Afzali-Ardakani; Ali	G06K19/06028	235/494
*	H	US-20100147418-A1	06-2010	Piana; Stefan	G06K5/00	141/98
*	I	US-20100308061-A1	12-2010	Loulourgas; Demetre	B65D81/3869	220/592.2
*	J	US-20140046126-A1	02-2014	Gilligan; Thomas B.	A61D19/024	206/459.5
*	K	US-20100072272-A1	03-2010	Angros; Lee H.	B01L3/545	235/375
	L					
	M					

FOREIGN PATENT DOCUMENTS						
*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N	WO-2005044067-A1	05-2005	WO	RUCHONNET JEAN-FRANCOIS	A47J31/3623
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS						
*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)				
	U					
	V					
	W					
	X					

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Search Notes 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner DREW E BECKER	Art Unit 1792

CPC - Searched*		
Symbol	Date	Examiner
A47J 31/4492	10/26/2018	deb
B65D 85/8043, 65/466, 2203/10, 2203/06	10/26/2018	deb

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
426	115,77-84, 87	10/26/2018	deb

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
EAST: inventor name, coffee,tea,beverage,infus,identifier,barcode,brew, cartridge,capsule,pod,package,container	10/26/2018	deb

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

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Filed via EFS @ USPTO.gov on March 16, 2018

Practitioner's Docket No. 1859.029USD2 (KRU0022-WO-US-T)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Becker, Drew E.

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicants submit this statement in accordance with their duty of disclosure under 37 CFR 1.56 and 1.97-1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Copies of foreign patent documents and non-patent literature together with a listing on form PTO/SB/08a are submitted herewith. Applicants include English translations from the European Patent Office website and are subject to the caveats expressed on the translations. Applicants respectfully solicit the Examiner's consideration of the cited references and entry thereof into the record of this application.

This Information Disclosure Statement is being submitted prior to the mailing of a first Office Action or Notice of Allowance. No fees are believed to be due, however, if any fee is due with the filing of this paper please charge the amount to deposit account 50-1097.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1792
	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

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18	0468078	EP	A1	1992-01-29	Societes Des Produits Nestle S.A.		
19	H0394377	JP	A	1991-04-19	NEC Corp		
20	2556323	FR	A1	1985-06-24	Munier Rene		
21	102011010534	DE	A1	2012-08-09	K Fee System GmbH		
22	2476633	EP	A1	2012-07-18	Delica AG		
23	2287090	EP	A1	2011-02-23	Nestec SA		
24	202009014945	DE	U1	2010-09-23	Nestec SA		
25	2010041179	WO	A2	2010-04-15	Ethical Coffee Company SA		
26	202009014945	DE	U1	2010-10-28	Nestec SA		

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)

Application Number		
Filing Date		2017-07-11
First Named Inventor	Marc KRÜGER	
Art Unit		N/A
Examiner Name	N/A	
Attorney Docket Number		26571-0030-D2

27	1792850	EP	A1	2007-06-06	Tchibo GMBH		
28	102006004329	DE	A1	2007-08-09	Braun GMBH		
29	01/60712	WO	A1	2001-08-23	Keurig, Inc.		
30	2384133	EP	B1	2013-03-27	Nestec S.A.		
31	1796516	EP	B1	2008-09-10	Kraft Foods R&D, Inc.		
32	2007/042486	WO	A2	2007-04-19	Cense D'Almez S.A.		
33	1586534	EP	A1	2005-10-19	MDS Global Holding Ltd.		

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1		

If you wish to add additional non-patent literature document citation information please click the Add button

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT
(Not for submission under 37 CFR 1.99)

Application Number		
Filing Date		2017-07-11
First Named Inventor	Marc KRÜGER	
Art Unit		N/A
Examiner Name	N/A	
Attorney Docket Number		26571-0030-D2

EXAMINER SIGNATURE

Examiner Signature	/DREW E BECKER/	Date Considered	10/26/2018
--------------------	-----------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number			
Filing Date	2017-07-11		
First Named Inventor	Marc KRÜGER		
Art Unit	N/A		
Examiner Name	N/A		
Attorney Docket Number	26571-0030-D2		

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Bruce J. Wolstoncroft/	Date (YYYY-MM-DD)	2017-07-11
Name/Print	Bruce J. Wolstoncroft	Registration Number	32,075

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Filed via EFS @ USPTO.gov on September 28, 2018

Practitioner's Docket No. 1859.029USD2 (KRU0022-WO-US-T)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Becker, Drew E.

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicants submit this statement in accordance with their duty of disclosure under 37 CFR 1.56 and 1.97-1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Copies of foreign patent documents and non-patent literature together with a listing on form PTO/SB/08a are submitted herewith. Applicants include English translations from the European Patent Office website and are subject to the caveats expressed on the translations. Applicants respectfully solicit the Examiner's consideration of the cited references and entry thereof into the record of this application.

This Information Disclosure Statement is being submitted prior to the mailing of a first Office Action or Notice of Allowance. No fees are believed to be due, however, if any fee is due with the filing of this paper please charge the amount to deposit account 50-1097.

Date: September 28, 2018

/Paul J. Palinski/

Paul J. Palinski

Reg. No. 71,080

Attorney for Applicant

The Dobrusin Law Firm, P.C.

29 W. Lawrence Street - Suite 210

Pontiac, MI 48342

(248) 292-2920

Customer No.: 25215

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1792
	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

U.S. PATENTS					
Examiner Initials*	Cite No.	Patent Number	Kind Code	Issue Date	Name of Patentee or Applicant of cited Document
	1.	4,540,595		09/10/1985	Acitelli et al.
	2.	4,976,179		12/11/1990	Lacrouts-Cazenave
	3.	5,242,702	A	09/07/1993	Fond
	4.	5,725,261	A	03/10/1998	Rahn
	5.	6,598,800	A1	07/29/2003	Schmit et al.
	6.	7,673,558	B2	03/09/2010	Panesar et al.
	7.	7,815,953	B2	10/19/2010	Mastropasqua et al.
	8.	8,039,034	B2	10/18/2011	Ozanne
	9.	8,039,034	B2	10/18/2011	Ozanne
	10.	8,109,200	B2	02/07/2012	Hansen
	11.	8,491,976	B2	07/23/2013	Sato et al.
	12.	9,072,402	B2	07/07/2015	Ryser

U.S. PATENT APPLICATION PUBLICATIONS					
Examiner Initials*	Cite No.	Publication Number	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document
	1.	2005/0045566	A1	03/03/2005	Larkin et al.
	2.	2006/0107841	A1	05/25/2006	Schifferle
	3.	2007/0257118	A1	11/08/2007	Riley et al.
	4.	2009/0004343	A1	01/01/2009	Xiong et al.
	5.	2009/0289121	A1	11/26/2009	Maeda et al.
	6.	2010/0000667	A1	01/07/2010	Funnell
	7.	2010/0054532	A1	03/04/2010	Mitte et al.
	8.	2011/0041702	A1	02/24/2011	Yoakim
	9.	2011/0250333	A1	10/13/2011	Ozanne
	10.	2013/0206011	A1	08/15/2013	Ozanne et al.
	11.	2013/0209620	A1	08/15/2013	Ozanne et al.

FOREIGN PATENT DOCUMENTS							
Examiner Initial*	Cite No.	Foreign Document Number	Country Code	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document	T ⁵
	1.	1774878 (also published as US8039034)	EP	A1	04/18/2007	Ozanne	
	2.	1233688	JP	A	09/19/1989	Yasuhiko	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1792
	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

	3.	2009-511143 (also published as US8039034)	JP	A	03/09/2009	Ozanne	
	4.	2010-500199 (also published as US 2010/0000667)	JP	A	01/07/2010	Funnell	
	5.	1020050107747	KR	A	11/15/2005	Halliday et al.	X

EXAMINER SIGNATURE

Examiner Signature	/DREW E BECKER/	Date Considered	10/26/2018
--------------------	-----------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2 (KRU0022-WO-	3270
25215	7590	03/05/2019	EXAMINER	
The Dobrusin Law Firm P.C. 29 W. Lawrence Street, Ste. 210 SUITE 210 PONTIAC, MI 48342			BECKER, DREW E	
			ART UNIT	PAPER NUMBER
			1792	
			NOTIFICATION DATE	DELIVERY MODE
			03/05/2019	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):

dobrusin_PAIR@firsttofile.com
rmasquelier@patentco.com
serla@patentco.com

<i>Applicant-Initiated Interview Summary</i>	Application No. 15/646,980	Applicant(s) KRÜGER, Marc	
	Examiner DREW E BECKER	Art Unit 1792	AIA (FITF) Status No

All participants (applicant, applicants representative, PTO personnel):

(1) DREW E. BECKER. (3) ____.

(2) Paul Palinski. (4) ____.

Date of Interview: 26 February 2019.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☐ No.
If Yes, brief description: ____.

Issues Discussed ☐101 ☐112 ☐102 ☒103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1.

Identification of prior art discussed: WO 2005/044067A1, US 2013/0064937A1.

Substance of Interview

(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

The attorney and examiner discussed a proposed amendment to claim 1 which specifies that the identifier was located on the bottom of the flange, rather than on the base sidewall. The WO 2005/044067A1 reference does not appear to show this feature. However, further search and consideration will be required. The examiner also mentioned US 2013/0064937A1 which appears to teach an identifier located on the flange bottom (Figure 4). However, it is not clear if this reference has a valid date to be considered prior art due to the CIP in the chain of priority for the presently examined application. The examiner will need to study the priority documents for both the reference and the pending application upon receipt of applicant's formal response. The proposed claim amendment also included dependent claim limitations which would require an electrically conductive identifier, a metal identifier, and an electrical circuit for the media chute. These amendments would raise the option of electrical contact with the barcode, rather than scanning the barcode. These issues will also require further search and consideration..

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.

☒ Attachment

/DREW E BECKER/
Primary Examiner, Art Unit 1792

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiners responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicants correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,-
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicants record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiners version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, Interview Record OK on the paper recording the substance of the interview along with the date and the examiners initials.

Attn: Examiner Becker

Application No.: 15/646,980

Attorney Docket: 1859.029USD2 (KRU0022-W0-US-T2)

Proposed Amendment

1. (Proposed Amendment) Single-serve capsule for making a beverage, ~~having~~
comprising:

~~a basic-base~~ element with a cavity, in which a raw beverage material is provided, ~~the~~
~~capsule having~~

~~a peripheral-region~~ flange extending from ~~that is provided on the basic-base~~ element, and
~~the cavity being closed by~~

a membrane that is configured to close the cavity, the membrane is fastened on the to a top
side of the flange ~~peripheral-region of the basic-element, and~~

~~wherein the capsule has an~~ identifier, which makes it possible to individualize the
respective single-serve capsule,

wherein the identifier is a barcode that is provided on ~~that a bottom~~ side of the ~~peripheral~~
~~region of the basic-element~~ flange, the bottom side of the flange is opposite the top side of the
flange to which the membrane is fastened that is directed away from the membrane.

(Proposed Dependent) wherein the identifier is electrically conductive [0013]

(Proposed Dependent) wherein the identifier is made of metal. [0011]

(Proposed Dependent) The identifier is part of an electrical circuit after being inserted into
a media chute [0064, 0007]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Becker, Drew E.

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Attorney Docket: 1859.029USD2 (KRU0022-W0-US-T2)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE AND AMENDMENT

In response to the Office Action mailed November 2, 2018, please amend the above-identified application as follows and consider the following remarks.

Electronic Patent Application Fee Transmittal				
Application Number:		15646980		
Filing Date:		11-Jul-2017		
Title of Invention:		PORTION CAPSULE HAVING AN IDENTIFIER		
First Named Inventor/Applicant Name:		Marc KRÜGER		
Filer:		Paul J. Palinski/BECKY BALLARD		
Attorney Docket Number:		1859.029USD2 (KRU0022-WO-		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 2 months with \$0 paid	1252	1	600	600
Miscellaneous:				
SUBMISSION- INFORMATION DISCLOSURE STMT	1806	1	240	240
Total in USD (\$)				840

Electronic Acknowledgement Receipt

EFS ID:	35539976
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2 (KRU0022-WO-
Receipt Date:	27-MAR-2019
Filing Date:	11-JUL-2017
Time Stamp:	11:44:24
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$840
RAM confirmation Number	032719INTEFSW00010762501097
Deposit Account	501097
Authorized User	BECKY BALLARD

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

IPR2024-00299

Nespresso USA, Inc. Ex. 1002

Page 178 of 867

37 CFR 1.19 (Document supply fees)
37 CFR 1.20 (Post Issuance fees)
37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Oath or Declaration filed	Declaration_1859_029USD2_KRU0022_W0_US_T2.pdf	1201969	no	5
			dfc379800c5f686b0c67c4221a8f9df39a880d2		

Warnings:

Information:

2	Information Disclosure Statement (IDS) Form (SB08)	Supplemental_IDS_1859_029USD2_KRU0022_W0_US_T2.pdf	1353325	no	9
			bec96c57177551b1d9c6e803aabbfc866dd1cb6b		

Warnings:

Information:

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3	Foreign Reference	CA2886299A1.pdf	495931	no	19
			8e52aeb44c3c1c42d85584d591405007a69dca66		

Warnings:

The page size in the PDF is too large. The pages should be 8.5 x 11 or A4. If this PDF is submitted, the pages will be resized upon entry into the Image File Wrapper and may affect subsequent processing

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4	Foreign Reference	EP2284102A1.pdf	6977630	no	26
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5	Foreign Reference	EP2537778A1.pdf	1773898	no	31
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6	Foreign Reference	JP2002274000A_w_Trans.pdf	4673602	no	20
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IPR2024-00299

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7	Foreign Reference	JP2002347852A_w_Trans.pdf	5534696	no	22
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11	Foreign Reference	WO2008132571.pdf	9810894	no	54
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12	Foreign Reference	WO2009084061A1.pdf	628555	no	19
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44		NFOA_ResponseDated20181102_1859_029USD2_KRU0022_W0_US_T2.pdf	2009495	yes	12
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	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Applicant Arguments/Remarks Made in an Amendment		6	12	
	Claims		2	5	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
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45	Fee Worksheet (SB06)	fee-info.pdf	32988	no	2
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Information:					
Total Files Size (in bytes):			49700310		

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Becker, Drew E.

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Attorney Docket: 1859.029USD2 (KRU0022-W0-US-T2)

DECLARATION OF MARC KRÜGER UNDER 37 CFR 1.132

I, Marc Krüger, declare and say as follows:

- 1) I am the CEO at K-FEE SYSTEM GMBH, the current Assignee of US Application No. 15/646,980.
- 2) I have a degree in Business Administration
- 3) I have been employed in the industry relating to single-serve capsules for making a beverage for the past 10 years.
- 4) I am the inventor of US Application No. 15/646,980, and I am therefore familiar with the subject matter disclosed therein.
- 5) I have reviewed the Non-Final Office Action dated November 02, 2018 for US Application No. 15/646,980. I also reviewed the references cited in the aforementioned Non-Final Office Action.
- 6) I believe that none of the references cited by the Examiner in the aforementioned Non-Final Office Action teach or suggest the limitation included in the currently amended claim 1

that “the identifier is a barcode that is provided on a bottom side of the flange, the identifier extends around an entire circumference of the flange, the bottom side of the flange is opposite the top side of the flange to which the membrane is fastened.”

7) I believe that a person having ordinary skill in the art of beverage capsules for making a beverage would not seek to modify any of the references cited in the aforementioned Non-Final Office Action so that “the identifier is a barcode that is provided on a bottom side of the flange, the identifier extends around an entire circumference of the flange, the bottom side of the flange is opposite the top side of the flange to which the membrane is fastened” as now required by amended claim 1 because:

A) providing an identifier on a bottom side of the flange of the beverage capsule would require a identifier or barcode reader in the beverage machine to identify or read a very small, limited segment of the beverage capsule – the bottom side of the flange – as opposed to a very large area of the beverage capsule if an identifier was placed on a side of a capsule body or top surface of the lid, for example, as disclosed in the *Ruchonnet* reference (WO 2005/044067 A1) cited in the aforementioned Non-Final Office Action. As can be imagined any variations in the location of the identifier on the bottom side of the flange and/or the reader may fail to read the identifier, which may undesirably render the beverage capsule unusable in the beverage machine.

B) a reader that is configured to read an identifier that is a barcode on bottom side of the flange would need to be provided in a very specific location of a beverage machine into which the beverage capsule is loaded in order to read the bar code, for example in the media chute of the beverage machine, which based on my experience and understanding, has very little room for such readers.

C) the bottom side of the flange of the beverage capsule is typically used as a guiding or holding surface for the beverage capsule during or after loading of the beverage capsule into the beverage machine. During or after loading into the beverage machine, the barcode on the bottom side of the flange may become scratched or otherwise

damaged, which may render the barcode unreadable by the beverage machine, which may thus render the beverage capsule unusable in the beverage machine. I believe that a consumer would be very unhappy if even one of the beverage capsules was unusable in the beverage machine because of scratches or damage to the barcode on the bottom side of the flange.

D) the bottom side of the flange of the beverage capsule can be used a holding surface during packaging and/or transporting of the of the beverage capsules. During transporting of the beverage capsules, the barcode on the bottom side of the flange may be scratched or otherwise damaged, which may render the barcode unreadable by the beverage machine, which may render the beverage capsule unusable in a beverage machine. Again, I believe that a consumer would be very unhappy if even one of the beverage capsules was unusable in the beverage machine because of scratches or damage to the barcode on the bottom side of the flange.

E) the bottom side of the flange of the beverage capsule may be used as a sealing surface during brewing or as a guiding surface during loading of the beverage capsule through a slot or into the media chute of the beverage machine. During sealing, brewing, and/or loading of the beverage capsule into the beverage machine, the barcode on the bottom side of the flange may be scratched or otherwise damaged, which may render the barcode unreadable by the machine, which may render the beverage capsule unusable in a beverage machine.

F) during manufacturing of the beverage capsules, whether by injection molding or deep-drawing from a flat web, for example, very precise manufacturing or forming conditions must be maintained so that the identifier or barcode remains readable after molding or deep-drawing. Conversely, applying a barcode onto a bottom side of a flange after molding or forming is difficult to access since capsule body and/or side wall may obstruct access to provide the bar code on the bottom side of the flange.

8) For at least the aforementioned reasons, I believe it would be unpracticable for some having ordinary skill in the art to provide an identifier or barcode on a bottom side of the flange, the identifier extends around an entire circumference of the flange, the bottom side of the flange is opposite the top side of the flange to which the membrane is fastened.

9) At the time I invented the subject matter disclosed in US Application No. 15/646,980, I believe it was unconventional to provide an identifier that is a barcode on the bottom side of the flange as evidenced by the lack of such teachings in the art.

10) I believe that at least the following advantages are realized by “the identifier is a barcode that is provided on a bottom side of the flange, the identifier extends around an entire circumference of the flange, the bottom side of the flange is opposite the top side of the flange to which the membrane is fastened” as now required by claim 1 of US Application No. 15/646,980.

- A) The code is protected against the inflowing hot water during coffee brewing and ground coffee debris and residues, because the code is opposite from the area in which the capsule is punctured and the hot water flows in.
- B) The code is protected during transportation of the capsule and during insertion into a brewing machine, because the sidewall of the capsule body protect the code.
- C) More relevant human readable information can be provided on the membrane, because the membrane is not covered by the code.
- D) The seal between the capsule body and the membrane does not destroy the code, because the code is on the reverse side.
- E) In case the code is printed on the membrane prior to sealing, the read-of the code is not influenced by the alignment between membrane and capsule body.

11) In view of at least the aforementioned remarks, I believe that “the identifier is a barcode that is provided on a bottom side of the flange, the identifier extends around an entire circumference of the flange, the bottom side of the flange is opposite the top side of the flange to

which the membrane is fastened" as now required by claim 1 of US Application No. 15/646,980 is not a design choice if the Examiner should wish to argue this in a subsequent Office Action.

I hereby declare that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further 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, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 25th of March 2012

Signature: 
Marc Krüger

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Becker, Drew E.

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant submits this statement in accordance with its duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Copies of foreign patent documents and non-patent literature together with a listing on form PTO/SB/08a are submitted herewith. Applicant respectfully solicits the Examiner's consideration of the cited references and entry thereof into the record of this application. Applicant includes English translations from the European Patent Office and/or Japanese Patent Office websites and are subject to the caveat expressed on the translations.

This Information Disclosure Statement is being submitted after the mailing of a first Office Action and before a Notice of Allowance. A fee of \$240.00 is believed to be due; however, if any additional fee is due with the filing of this paper please charge the amount to Deposit Account 50-1097.

Date: March 27, 2019

/Paul J. Palinski/

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Pontiac, MI 48342

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Customer No. 25215

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1792
	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1792
	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1792
	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2

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Examiner Initial*	Cite No.	Foreign Document Number	Country Code	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document	T ⁵
	1.	2886299	CA	A1	04/03/2014	Krüger	
	2.	2902412 (also published as US2016/0001968)	CA	A1	09/04/2014	Krüger et al.	
	3.	101014513 (also published as US2009/0211458)	CN	A	08/08/2007	Denisart et al.	
	4.	102741136 (also published as US2011/0064852)	CN	A	10/17/2012	Torsten	
	5.	102958816 (also published as US2013/0055903)	CN	A	03/06/2013	Deuber	
	6.	104334473 (also published as US2015/0132441)	CN	A	02/04/2015	Accursi	
	7.	102012109186 (also published as US2015/0274411)	DE	A1	03/27/2014	Krüger	
	8.	1559351 (also published as US2005/0160919)	EP	A2	08/03/2005	Balkau	
	9.	2284102	EP	A1	02/16/2011	Schulte et al.	X

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1792
	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2

	10.	2384996 (also published as US 2013/0055903)	EP	A1	11/09/2011	Deuber	
	11.	2537778	EP	A1	12/26/2012	Pineschi	
	12.	2002-018213 (also published as US6,440,256)	JP	A	01/22/2002	Gordon et al.	
	13.	2002-274000	JP	A	09/25/2002	DAINIPPON PRINTING CO LTD	X
	14.	2002-347852	JP	A	12/04/2002	SHOWA DENKO PLASTIC PROD CO	X
	15.	2003-522567 (also published as US2003/033938)	JP	A	07/29/2003	Halliday et al.	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
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	25.	H06510682 (also published as US5,460,078)	JP	A	12/01/1994	Weller	
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	36.	2011/137550 (also published as US2013/0055903)	WO	A1	11/10/2011	Deuber	
	37.	2013/189923 (also published as US2015/0175347)	WO	A1	12/27/2013	Empl	
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NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1.	Notice of Opposition regarding EP3023362 filed July 30, 2018.	
	2.	Search Report for CN201180035944 mailed September 25, 2014.	X
	3.	First Office Action for Application No. CN201180035944 mailed October 10, 2014.	X
	4.	Second Office Action for Application No. CN201180035944 mailed April 21, 2015.	X
	5.	Third Office Action for Application No. CN201180035944 mailed November 12, 2015.	X
	6.	Notification to Grant Patent for Application No. CN201180035944 mailed May 25, 2016.	X
	7.	Search Report for CN201610644043 mailed May 11, 2018	X
	8.	First Office Action for CN201610644043 mailed May 28, 2018	X
	9.	Search Report and Written Opinion for PCT/EP2011/003677 mailed July 22, 2011.	
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	13.	Office Action for Application No. EP 15173071.0 dated November 5, 2015. (EP2957525)	
	14.	Third party observation for Application No. EP2957525 dated September 30, 2016.	
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	16.	First Office Action for Application No. EP 15197332.8 dated January 19, 2017. (EP3023361)	
	17.	Second Office Action for Application No. EP 15197332.8 dated May 24, 2017. (EP3023361)	
	18.	Third Office Action for Application No. EP 15197332.8 dated November 2, 2017. (EP3023361)	
	19.	Search Report and Written Opinion for Application No. EP 15197336.9 dated April 4, 2016 (EP3023362)	
	20.	Search Report and Written Opinion for Application No. EP 15197338.5 dated April 7, 2016 (EP3023363)	

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	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2

21.	Search Report for Application No. JP 2013-520009 dated November 25, 2014. (JP5946828)	X
22.	First Office Action for Application No. JP 2013-520009 dated December 10, 2014. (JP5946828)	X
23.	Second Office Action for Application No. JP 2013-520009 dated August 19, 2015. (JP5946828)	X
24.	Decision to Grant for Application No. JP 2013-520009 dated April 28, 2016. (JP5946828)	X
25.	Search Report for Application No. JP 2016-032427 dated November 21, 2016. (JP2016163691)	X
26.	First Office Action for Application No. JP 2016-032427 dated November 28, 2016. (JP2016163691)	X
27.	Second Office Action for Application No. JP 2016-032427 dated June 20, 2017. (JP2016163691)	X
28.	Search Report for Application No. JP 2017-034769 dated November 15, 2017. (JP2017148511)	X
29.	Office Action for Application No. JP 2017-034769 dated January 30, 2018. (JP2017148511)	X
30.	Office Action for Application No. KR 10-2013-7004356 dated April 5, 2018. (KR20137004356)	X
31.	Office Action for Application No. 10-2017-7019956 dated April 10, 2018. (KR20170087528)	X

EXAMINER SIGNATURE			
Examiner Signature		Date Considered	
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

REMARKS

In the Office Action mailed November 2, 2018, the Examiner rejected claims 1-3 and 10-12.

Claim Amendments

By way of the foregoing amendments and the markings to show changes, claims 1 and 10 are amended; claims 2-9, and 11-12 are cancelled; and claims 13-30 are new. No new matter has been added. Entry of the foregoing is respectfully requested.

The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicant from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled.

Extension of Time

Applicant petitions to extend the time period for responding to the Office Action mailed November 2, 2018 by two months. The requisite fee is included herewith.

Interview Summary

Applicant thanks Examiner Becker for the courtesies extended to Applicant's representative Paul Palinski during the telephonic interview conducted on February 26, 2018. During the interview, Applicant's representative discussed with Examiner Becker a proposed amendment to claim 1 to clarify that the identifier is located on a bottom side of the flange, the bottom side being opposite the top side of the flange to which the membrane is fastened. Examiner

Becker appeared to agree with Applicant's representative that the Ruchonnet (WO 2005/044067 A1) and Ternite (US 2008/0245236A1) references cited in this Office Action appear to be deficient in disclosing such placement of an identifier. However, Examiner Becker did state that further consideration of the Ruchonnet and Ternite references is needed.

During the interview, Examiner Becker also brought to the attention of Applicant's representative reference US2013/0064937. However, after reviewing Applicant's PCT application to which this pending application claims priority, Applicant's representative informed Examiner Becker that the US2013/0064937 reference is not a proper prior art reference.

Election/Restriction

Without conceding the validity of the election/restriction requirement, Applicant acknowledges withdrawal of claims 4-9.

Claim Rejections – 35 USC 112

Claim 11 is rejected under 35 USC 112 (pre-AIA), second paragraph, as allegedly being indefinite. This rejection is respectfully traversed. However, in the interest of expediting prosecution, claim 11 is now cancelled, thus rendering this rejection moot.

Claim Rejections – 35 USC 103

When determining if a claim is obvious, the Patent Office (hereafter "Office") must make "a searching comparison of the claimed invention -- including all its limitations -- with the teaching of the prior art." In re Ochiai, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). If just one claim limitation is not accounted for, then the Office will be unable to maintain its obviousness rejection, or the Office has failed to present a prima facie case of obviousness.

Claims 1-3 are rejected under pre-AIA 35 USC 103(a) as allegedly being unpatentable over "Ruchonnet" (WO 2005/044067 A1) in view of "Ternite" (US 2008/0245236A1). These rejections are respectfully traversed.

Claims 10, 12 are rejected under pre-AIA 35 USC 103(a) as allegedly being unpatentable over "Ruchonnet" (WO 2005/044067 A1) in view of "Ternite" (US 2008/0245236A1), and further in view of "Simon" (US 2011/0089135A1). These rejections are respectfully traversed.

Claim 11 is rejected under pre-AIA 35 USC 103(a) as allegedly being unpatentable over “Ruchonnet” (WO 2005/044067 A1) in view of “Ternite” (US 2008/0245236A1), and further in view of “Aker” (US 2010/0078480A1). This rejection is respectfully traversed.

Claim 1

Without conceding the validity of the rejection of claim 1, or the appropriateness of combining Ruchonnet and Ternite to reject claim 1, claim 1 is amended in the interest of expediting prosecution to clarify that the identifier is a barcode that is provided on a bottom side of the flange, the bottom side of the flange is opposite the top side of the flange to which the membrane is fastened. Applicant submits Ruchonnet and Ternite fail to disclose such a limitation.

While Ruchonnet appears to disclose a barcode 23 on a side wall of the receptacle (Figs. 2 and 3) and Ternite appears to disclose placing color codes on the cover 6 (Fig. 1) or on the side wall 3 (Fig. 2), neither reference appears to disclose or suggest the identifier is a barcode that is provided on a bottom side of the flange, the identifier extends around an entire circumference of the flange, the bottom side of the flange is opposite the top side of the flange to which the membrane is fastened, as now required by Applicant’s claim 1.

Applicant also notes that while Ternite discloses a portion capsule having color coding, Ternite explicitly states that “a barcode in the form of coloured strips does not fall within the meaning of the term “color coding” (emphasis added). Accordingly, Ternite appears to teach away from use of a barcode on a portion capsule and as such Ternite is not a relevant reference.

Applicant also submits in the interest of expediting prosecution that there are no rational reasons or motivation in the record or in any of the cited references to modify any of the references to provide a barcode on a bottom side of the flange, the bottom side of the flange is opposite the top side of the flange to which the membrane is fastened, as now required by Applicant’s claim 1.

Declaration of Marc Krüger under 37 CFR 1.132

Applicant includes herewith a 37 CFR 1.132 declaration by Marc Krüger, who believes that none of the references cited in this Office Action teach or suggest a barcode on a bottom side of the flange, the bottom side of the flange is opposite the top side of the flange to which the membrane is fastened, as now required by Applicant’s claim 1.

The Marc Krüger declaration provides numerous reasons why one having ordinary skill in the art would not seek to modify any of the references cited in this office action, including:

7A) placing a barcode on the bottom side of the flange would require a reader in a beverage machine to identify or read a very small, limited segment of the portion capsule – the bottom side of the flange - as opposed to a very large area if an identifier was placed on a side of a capsule body or top surface of the lid, for example, as disclosed in the Ruchonnet reference;

7B) a reader configured to read the barcode on the bottom side of the flange would have to be provided in a very specific location of a beverage machine into which the portion capsule is located in order to read the barcode, for example in the media chute, which typically has very little room for such readers;

7C) the bottom side of the flange is typically used as a guiding or holding surface for the capsule during or after insertion of the capsule into the coffee maker. During or after insertion into the coffee maker, the barcode on the bottom side of the flange may be scratched or otherwise damaged, which may render the barcode unreadable by the machine, which may render the portion capsule unusable in a beverage machine;

7D) the bottom side of the flange may be used as a holding surface during packaging and/or transporting of the capsules. During transporting of the capsules, the barcode on the bottom side of the flange may be scratched or otherwise damaged, which may render the barcode unreadable by the machine, which may render the portion capsule unusable in a beverage machine;

7E) the bottom side of the flange may also be used as a sealing surface during brewing or as a guiding surface during insertion of the portion capsule through a slot or into the media chute. During sealing, brewing, and/or insertion of the portion capsule into the beverage machine, the barcode on the bottom side of the flange may be scratched or otherwise damaged, which may render the barcode unreadable by the machine, which may render the portion capsule unusable in a beverage machine;

7F) during manufacturing of a portion capsule, whether by way of injection molding or deep-drawing from a flat web, for example, very precise manufacturing or forming conditions must be maintained and controlled so that the barcode is still readable after molding or deep-drawing. Conversely, applying a barcode onto a bottom side of a flange after forming is also difficult to access since capsule body and/or side wall may obstruct access to provide the bar code on the bottom side of the flange.

The Marc Krüger declaration also provides numerous long felt needs that are realized and can be appreciated by those having ordinary skill in the art by providing an identifier that is provided on a bottom side of the flange, including:

10A) the barcode is protected against the inflowing hot water during coffee brewing and ground coffee debris and residues, because the barcode is located on the bottom side of the flange which is in an area that is opposite from the area in which the capsule is punctured and the hot water flows in;

10B) the barcode is protected during transportation of the capsule and during insertion of the capsule into the brewing machine, because the sidewall of the capsule body protects the barcode located on the bottom side of the flange;

10C) relevant human readable information can be provided on the membrane, because the membrane is not covered by the barcode;

10D) a seal between the capsule body and the membrane does not damage or obstruct the barcode, since the barcode is on the bottom side of the flange;

10E) if the bar code is printed on the membrane prior to sealing to the capsule body, the reading of the barcode is not influenced by the alignment between the membrane and capsule body.

Claims depending from claim 1

Applicant requests the rejections of all claims depending from claim 1 be withdrawn due at least to their dependence on claim 1, which is believed to be in condition for allowance for at least the reasons mentioned above.

New Claims 13-30

New claims 13-30 are presented in this Response. Applicant respectfully requests the new claims be entered and examined. Applicant submits examining the new claims would not be an undue burden on the Examiner. Applicant believes the new claims 13-30 are patentable because the prior art, as best understood, is deficient in disclosing the limitations in the new claims.

Double Patenting

Claims 1-3 and 10-12 are provisionally rejected on the ground of nonstatutory double patenting as allegedly being unpatentable over claims 1, 5-10, 20-28 of co-pending Application No. 15/211,823 in view of Wo 2005/044067A1. This rejection is respectfully traversed.

Without conceding the validity of this alleged provisional nonstatutory double patenting rejection, Applicant submits the claims are patentably distinct because the amended claim 1 clarifies that the identifier is a barcode that is provided on a bottom side of the flange, the identifier extends around an entire circumference of the flange, the bottom side of the flange is opposite the top side of the flange to which the membrane is fastened. Therefore, Applicant requests the alleged provisional nonstatutory double patenting rejection be withdrawn, or in the alternative, requests it be held in abeyance until the claims are otherwise found to be allowable.

AUTHORIZATION FOR E-MAIL COMMUNICATION

Recognizing that Internet communications are not secure, the Applicant hereby authorizes the USPTO to communicate with any authorized representative concerning any subject matter of this application by electronic mail. The Applicant understands that a copy of these communications will be made of record in the application file.

CONCLUSIONS

In view of Applicant's amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicant submits that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience.

Should the Examiner have any questions or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or has not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Respectfully submitted,

Date: March 27, 2019

Customer No. 25215

/Paul J. Palinski/
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Amendments to the Claims

1) (Currently Amended) ~~Single~~A single-serve capsule for making a beverage, ~~having comprising:~~

~~a basic~~base element with a cavity, in which a raw beverage material is provided, ~~the capsule having~~

~~a peripheral region~~flange horizontally extending from that is provided on the basic base element, and the cavity being closed by

~~a membrane that is configured to close the cavity, the membrane is fastened on the to a top side of the flange~~peripheral region of the basic element, and

~~wherein the capsule has~~ an identifier, which makes it possible to individualize the respective single-serve capsule,

~~wherein the identifier is a barcode that is provided on that a bottom side of the peripheral region of the basic element~~flange, the identifier extends around an entire circumference of the flange, the bottom side of the flange is opposite the top side of the flange to which the membrane is fastened that is directed away from the membrane.

2) (Cancelled)

3) (Cancelled)

4) (Cancelled)

5) (Cancelled)

6) (Cancelled)

7) (Cancelled)

8) (Cancelled)

9) (Cancelled)

10) (Currently Amended) ~~Single~~The single-serve capsule according to Claim 1, wherein the barcode is printed by material removal.

11) (Cancelled)

12) (Cancelled)

- 13) (New) The single-serve capsule according to Claim 1, wherein the base element is made of metal.
- 14) (New) The single-serve capsule according to Claim 1, wherein the base element comprises a bottom and a wall region that extends between the flange and the bottom, wherein an outside of the wall region comprises one or more grooves that extend generally vertically and partially between the flange and the bottom.
- 15) (New) The single-serve capsule according to Claim 14, wherein the one or more grooves form one or more corresponding budes on an inside of the wall region that faces the cavity.
- 16) (New) The single-serve capsule according to Claim 1, wherein the base element comprises a bottom and a wall region that extends between the flange and the bottom, the side wall has an electrically conductive section.
- 17) (New) The single-serve capsule according to Claim 1, wherein the capsule is free of a filter.
- 18) (New) The single-serve capsule according to Claim 1, wherein the identifier comprises metal.
- 19) (New) The single-serve capsule according to Claim 1, wherein a ratio of a diameter of a wall region of the base element which adjoins the flange to a diameter of the flange is between 0.85 and 0.8.
- 20) (New) The single-serve capsule according to Claim 1, wherein the barcode extends around an entire perimeter of the base element.
- 21) (New) The single-serve capsule according to Claim 1, wherein the bar code has at two areas which differ in their optical properties.

- 22) (New) The single-serve capsule according to Claim 1, wherein the identifier is electrically conductive.
- 23) (New) The single-serve capsule according to Claim 1, wherein after the capsule is inserted into a coffee machine, a sensor/detection system of the coffee machine is configured to record the identifier and compares the identifier to a stored reference.
- 24) (New) The single-serve capsule according to Claim 1, wherein the identifier is a machine-readable imprint.
- 25) (New) A single-serve capsule for making a beverage, comprising:
a base element with a cavity, in which a raw beverage material is provided, the base element is made of metal,
a flange extending outwardly from a top portion of the base element,
a membrane that is configured to close the cavity, the membrane is fastened to a top side of the flange, and
an identifier that is a barcode that is provided on a bottom side of the flange, the bottom side of the flange is opposite the top side of the flange to which the membrane is fastened, the identifier extends around an entire perimeter of the base element,
wherein the base element comprises a bottom, and a wall region between the membrane and the bottom, the wall region comprising one or more grooves that extend at least partially between the membrane and the bottom, the one or more grooves form one or more corresponding budges on an inside of the wall region that faces the cavity,
wherein the capsule is free of a filter.
- 26) (New) The single-serve capsule according to Claim 25, wherein the side wall has an electrically conductive section.
- 27) (New) The single-serve capsule according to Claim 25, wherein the identifier is electrically conductive.

- 28) (New) The single-serve capsule according to Claim 26, wherein the identifier is electrically conductive.
- 29) (New) The single-serve capsule according to Claim 25, wherein the identifier becomes part of an electrical circuit after the capsule is inserted into a coffee machine.
- 30) (New) The single-serve capsule according to Claim 25, wherein a ratio of a diameter of the wall region of the base element which adjoins the flange to a diameter of the flange is between 0.85 and 0.8.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD				Application or Docket Number 15/646,980		Filing Date 07/11/2017		☐ To be Mailed	
Substitute for Form PTO-875									
ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO									
APPLICATION AS FILED - PART I									
		(Column 1)			(Column 2)				
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)	
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A			
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))		N/A		N/A		N/A			
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A			
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 = *				x \$80 =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 = *				x \$420 =			
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL			
APPLICATION AS AMENDED - PART II									
		(Column 1)			(Column 2)	(Column 3)			
AMENDMENT	03/27/2019	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0	x \$100 =		0	
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	= 0	x \$460 =		0	
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE		0	
		(Column 1)			(Column 2)	(Column 3)			
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	x \$0 =			
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x \$0 =			
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.						LIE			
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".						/ZURIASHWORK ZENEBE/			
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".									
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.									

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Becker, Drew E.

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant submits this statement in accordance with its duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Copies of foreign patent documents and non-patent literature, together with a listing on form PTO/SB/08a are submitted herewith.

This Information Disclosure Statement is being submitted after the mailing of a first Office Action and before a Notice of Allowance. A fee of \$240.00 is believed to be due; however, if any additional fee is due with the filing of this paper, please charge the amount to Deposit Account 50-1097.

Date: May 13, 2019

/Paul J. Palinski/

Paul J. Palinski

Reg. No. 71,080

Attorney for Applicant

The Dobrusin Law Firm, P.C.

29 W. Lawrence Street - Suite 210

Pontiac, MI 48342

(248) 292-2920

Customer No. 25215

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1792
	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1.	Decision on Appeal before the Patent Trial and Appeal Board for Appeal No. 2017-007984 dated May 10, 2019.	

EXAMINER SIGNATURE			
Examiner Signature		Date Considered	
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

Electronic Patent Application Fee Transmittal				
Application Number:		15646980		
Filing Date:		11-Jul-2017		
Title of Invention:		PORTION CAPSULE HAVING AN IDENTIFIER		
First Named Inventor/Applicant Name:		Marc KRÜGER		
Filer:		Paul J. Palinski/BECKY BALLARD		
Attorney Docket Number:		1859.029USD2 (KRU0022-WO-		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
SUBMISSION- INFORMATION DISCLOSURE STMT	1806	1	240	240
Total in USD (\$)				240

Electronic Acknowledgement Receipt

EFS ID:	35987069
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2 (KRU0022-WO-
Receipt Date:	13-MAY-2019
Filing Date:	11-JUL-2017
Time Stamp:	09:34:51
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$ 240
RAM confirmation Number	051319INTEFSW00009347501097
Deposit Account	501097
Authorized User	BECKY BALLARD

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

IPR2024-00299

Nespresso USA, Inc. Ex. 1002

Page 217 of 867

37 CFR 1.19 (Document supply fees)
37 CFR 1.20 (Post Issuance fees)
37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	Supplemental_IDS_1859_029U SD2.pdf	273294	no	2
			5b1b31b431b68c3d36470d21aa6000eae22eb39b		

Warnings:

Information:

This is not an USPTO supplied IDS fillable form

2	Non Patent Literature	DecisionOnAppeal.pdf	1347927	no	8
			75bf3a860a43126f1a1fcc0d88d53aed1b9d3b2b		

Warnings:

Information:

3	Fee Worksheet (SB06)	fee-info.pdf	30640	no	2
			59c82169f417b5950e96e9fc36a9036f1256f7e3		

Warnings:

Information:

Total Files Size (in bytes):	1651861
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

25215 7590 05/31/2019
The Dobrusin Law Firm P.C.
29 W. Lawrence Street, Ste. 210
SUITE 210
PONTIAC, MI 48342

EXAMINER	
BECKER, DREW E	
ART UNIT	PAPER NUMBER

1792

DATE MAILED: 05/31/2019

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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15/646,980 07/11/2017 Marc KRÜGER 1859.029USD2 3270
(KRU0022-WO-

TITLE OF INVENTION: PORTION CAPSULE HAVING AN IDENTIFIER

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1000	\$0.00	\$0.00	\$1000	09/03/2019

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

25215 7590 05/31/2019
The Dobrusin Law Firm P.C.
29 W. Lawrence Street, Ste. 210
SUITE 210
PONTIAC, MI 48342

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

_____ (Typed or printed name)
_____ (Signature)
_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2 (KRU0022-WO-	3270

TITLE OF INVENTION: PORTION CAPSULE HAVING AN IDENTIFIER

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1000	\$0.00	\$0.00	\$1000	09/03/2019

EXAMINER	ART UNIT	CLASS-SUBCLASS
BECKER, DREW E	1792	426-115000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-09 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. Fees submitted: ☐ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies _____

4b. Method of Payment: (Please first reapply any previously paid fee shown above)

☐ Electronic Payment via EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

5. Change in Entity Status (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2 (KRU0022 WO)	3270
25215	7590	05/31/2019	EXAMINER	
The Dobrusin Law Firm P.C. 29 W. Lawrence Street, Ste. 210 SUITE 210 PONTIAC, MI 48342			BECKER, DREW E	
			ART UNIT	PAPER NUMBER
			1792	

DATE MAILED: 05/31/2019

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 15/646,980	Applicant(s) KRÜGER, Marc	
	Examiner DREW E BECKER	Art Unit 1792	AIA (FITF) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/27/19.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are 1,10 and 13-30. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) ☒ All b) ☐ Some *c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☒ Certified copies of the priority documents have been received in Application No. 13/744,623.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892) 2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>5/13/19, 3/27/19</u> . 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____. 4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. _____.	5. ☒ Examiner's Amendment/Comment 6. ☒ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____.
---	---

/DREW E BECKER/
Primary Examiner, Art Unit 1792

Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions.

Priority

1. The Application Data Sheet filed 7/11/17 appears to contain an error. It lists parent application 13/744,623 as a "Continuation-in-Part" of PCT/EP2011/003677. However, the Application Data Sheet of parent application 13/744,623 listed itself as a "Continuation" of PCT/EP2011/003677. A new corrected Application Data Sheet is requested. If this application is indeed a CIP of the PCT application, it is requested that applicant point out what changes were made (additions and deletions) to the disclosure of the PCT application.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 15, line 2 delete "budges" and insert –bulges--.

Claim 25, line 13 delete "budges" and insert –bulges--.

Claim 21, line 1 before “two” insert –least--.

Reasons for Allowance

3. Claims 1, 10, 13-30 are allowed.

4. The following is an examiner’s statement of reasons for allowance: the single-serve capsule of independent claims 1, 25 define over the prior art of record because the prior art does not teach, suggest, or render obvious an identifier as a barcode provided on a bottom side of the flange, extending around an entire circumference of the flange opposite the top side flange to which the membrane is fastened.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DREW E BECKER whose telephone number is (571)272-1396.

The examiner can normally be reached on 8am-5pm Monday-Friday.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

Art Unit: 1792

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erik Kashnikow can be reached on 571-270-3475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DREW E BECKER/
Primary Examiner, Art Unit 1792

Notice of References Cited	Application/Control No. 15/646,980		Applicant(s)/Patent Under Reexamination KRÜGER, Marc	
	Examiner DREW E BECKER		Art Unit 1792	Page 1 of 1

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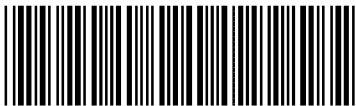
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	P					
	Q					
	R					
	S					
	T					

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	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Search Notes 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner DREW E BECKER	Art Unit 1792

CPC - Searched*		
Symbol	Date	Examiner
A47J 31/4492	10/26/2018	deb
B65D 85/8043, 65/466, 2203/10, 2203/06	10/26/2018	deb
updated, B65D 2081/001, 2081/007	05/23/2019	deb

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
426	115,77-84, 87	10/26/2018	deb
search	updated	05/23/2019	deb

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
EAST: inventor name, coffee,tea,beverage,infus,identifier,barcode,brew, cartridge,capsule,pod,package,container	10/26/2018	deb
updated	05/23/2019	deb
consulted William Krynski regarding US 2013/0064937A1	05/22/2019	deb

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
A47J	31/4492	05/23/2019	deb
B65D	2081/007, 85/8043, 2203/10, 2203/06	05/23/2019	deb

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<div>Search Notes</div> <div></div>	<div>Application/Control No.</div> <div>15/646,980</div>	<div>Applicant(s)/Patent Under Reexamination</div> <div>KRÜGER, Marc</div>
	<div>Examiner</div> <div>DREW E BECKER</div>	<div>Art Unit</div> <div>1792</div>

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Issue Classification 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner DREW E BECKER	Art Unit 1792

CPC						
Symbol				Type	Version	
B65D	/	85	/	8043	F	2013-01-01
A47J	/	31	/	4492	I	2013-01-01
B65D	/	2081	/	007	A	2013-01-01
B65D	/	2203	/	06	A	2013-01-01
B65D	/	2203	/	10	A	2013-01-01
B65D	/	65	/	466	A	2013-01-01

CPC Combination Sets							
Symbol				Type	Set	Ranking	Version
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NONE	Total Claims Allowed:		
(Assistant Examiner)	(Date)	20	
/DREW E BECKER/ Primary Examiner, Art Unit 1792	23 May 2019	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	2

Issue Classification 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner DREW E BECKER	Art Unit 1792

INTERNATIONAL CLASSIFICATION			
CLAIMED			
B65D	/	85	/ 804
NON-CLAIMED			
	/		/

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS

CROSS REFERENCES(S)						
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)					

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	20	
/DREW E BECKER/ Primary Examiner, Art Unit 1792 (Primary Examiner)	23 May 2019 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 2

Issue Classification 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner DREW E BECKER	Art Unit 1792

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47															
CLAIMS															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1	2	10	9	19	18	28								
	2		11	10	20	19	29								
	3		12	11	21	20	30								
	4	3	13	12	22										
	5	4	14	13	23										
	6	5	15	14	24										
	7	6	16	15	25										
	8	7	17	16	26										
	9	8	18	17	27										

NONE	Total Claims Allowed:	
(Assistant Examiner)	(Date)	20
/DREW E BECKER/ Primary Examiner, Art Unit 1792	23 May 2019	O.G. Print Claim(s)
(Primary Examiner)	(Date)	1
		O.G. Print Figure
		2

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Practitioner's Docket No. 1859.029USD2 (KRU0022-WO-US-T)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Becker, Drew E.

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant submits this statement in accordance with its duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Copies of foreign patent documents and non-patent literature, together with a listing on form PTO/SB/08a are submitted herewith.

This Information Disclosure Statement is being submitted after the mailing of a first Office Action and before a Notice of Allowance. A fee of \$240.00 is believed to be due; however, if any additional fee is due with the filing of this paper, please charge the amount to Deposit Account 50-1097.

Date: May 13, 2019

/Paul J. Palinski/

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1792
	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1.	Decision on Appeal before the Patent Trial and Appeal Board for Appeal No. 2017-007984 dated May 10, 2019.	

EXAMINER SIGNATURE			
Examiner Signature	/DREW E BECKER/	Date Considered	05/23/2019
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

Filed via EFS @ USPTO.gov on March 27, 2019
Attorney Docket: 1859.029USD2 (KRU0022-W0-US-T2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

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Examiner: Becker, Drew E.

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Copies of foreign patent documents and non-patent literature together with a listing on form PTO/SB/08a are submitted herewith. Applicant respectfully solicits the Examiner's consideration of the cited references and entry thereof into the record of this application. Applicant includes English translations from the European Patent Office and/or Japanese Patent Office websites and are subject to the caveat expressed on the translations.

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	Art Unit	1792
	Examiner Name	Becker, Drew E.
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	Art Unit	1792
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	Attorney Docket Number	1859.029USD2

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NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
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	11.	Office Action for Application No. EP 15174333.3 dated August 16, 2016. (EP2952453)	
	12.	Search Report and Written Opinion for Application No. EP 15173071.0 dated November 5, 2015. (EP2957525)	
	13.	Office Action for Application No. EP 15173071.0 dated November 5, 2015. (EP2957525)	
	14.	Third party observation for Application No. EP2957525 dated September 30, 2016.	
	15.	Search Report and Written Opinion for Application No. EP 15197332.8 dated April 12, 2016. (EP3023361)	
	16.	First Office Action for Application No. EP 15197332.8 dated January 19, 2017. (EP3023361)	
	17.	Second Office Action for Application No. EP 15197332.8 dated May 24, 2017. (EP3023361)	
	18.	Third Office Action for Application No. EP 15197332.8 dated November 2, 2017. (EP3023361)	
	19.	Search Report and Written Opinion for Application No. EP 15197336.9 dated April 4, 2016 (EP3023362)	
	20.	Search Report and Written Opinion for Application No. EP 15197338.5 dated April 7, 2016 (EP3023363)	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1792
	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2

21.	Search Report for Application No. JP 2013-520009 dated November 25, 2014. (JP5946828)	X
22.	First Office Action for Application No. JP 2013-520009 dated December 10, 2014. (JP5946828)	X
23.	Second Office Action for Application No. JP 2013-520009 dated August 19, 2015. (JP5946828)	X
24.	Decision to Grant for Application No. JP 2013-520009 dated April 28, 2016. (JP5946828)	X
25.	Search Report for Application No. JP 2016-032427 dated November 21, 2016. (JP2016163691)	X
26.	First Office Action for Application No. JP 2016-032427 dated November 28, 2016. (JP2016163691)	X
27.	Second Office Action for Application No. JP 2016-032427 dated June 20, 2017. (JP2016163691)	X
28.	Search Report for Application No. JP 2017-034769 dated November 15, 2017. (JP2017148511)	X
29.	Office Action for Application No. JP 2017-034769 dated January 30, 2018. (JP2017148511)	X
30.	Office Action for Application No. KR 10-2013-7004356 dated April 5, 2018. (KR20137004356)	X
31.	Office Action for Application No. 10-2017-7019956 dated April 10, 2018. (KR20170087528)	X

EXAMINER SIGNATURE			
Examiner Signature	/DREW E BECKER/	Date Considered	05/23/2019
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Becker, Drew E.

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Attorney Docket No. 1859.029USD2 (KRU0022-WO-US-T)

REQUEST FOR A CORRECTED FILING RECEIPT

1. Attached is a copy of the official filing receipt received from the USPTO in the above application for which issuance of a corrected filing receipt is respectfully requested.
2. Applicant wishes to correct the continuity type of US 13/744,623, that US 13/744,623 is a continuation of PCT/EP2011/003677, and not a ~~CIP~~ of PCT/EP2011/003677.
3. Included herewith is a Corrected Application Data Sheet correcting the aforementioned continuity type information. The Corrected Application Data Sheet also includes corrections to the customer number, attorney docket number, and email address.
4. Applicant respectfully requests a corrected Filing Receipt be issued as quickly as possible. If any fees are due, please debit our deposit account: 50-1097 and reference our docket number: 1859.029USD2 (KRU0022-WO-US-T).

Date: May 31, 2019

/Paul J. Palinski/

Paul J. Palinski

Reg. No. 71,080

Attorney for Applicant

The Dobrusin Law Firm, P.C.

29 W. Lawrence Street - Suite 210

Pontiac, MI 48342

(248) 292-2920

Customer No. 25215

CORRECTED APPLICATION DATA SHEET

PTO/AIA/14 (11-15)

Approved for use through 04/30/2017. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	26571-0030-D2- 1859.029USD2
		Application Number	
Title of Invention	PORTION CAPSULE HAVING AN IDENTIFIER		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

Secrecy Order 37 CFR 5.2:

☐	Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
--------------------------	---

Inventor Information:

Inventor	1	Remove		
Legal Name				
Prefix	Given Name	Middle Name	Family Name	Suffix
	Marc		KRÜGER	
Residence Information (Select One) US Residency • Non US Residency Active US Military Service				
City	Bergisch-Gladbach	Country of Residence ¹	DE	
Mailing Address of Inventor:				
Address 1	Zaunkönigweg 1			
Address 2				
City	Bergisch-Gladbach	State/Province		
Postal Code	51467	Country ¹	DE	
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.				

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).				
☐ An Address is being provided for the correspondence information of this application.				
Customer Number	26587- 25215			
Email Address	patents@mcneeslaw.com	patmail@patentco.com	Add Email	Remove Email

Application Information:

Title of the Invention	PORTION CAPSULE HAVING AN IDENTIFIER			
Attorney Docket Number	26571-0030-D2- 1859.029USD2	Small Entity Status Claimed ☐		
Application Type	Nonprovisional			
Subject Matter	Utility			
Total Number of Drawing Sheets (if any)	12	Suggested Figure for Publication (if any)	1	

IPR2024-00299

CORRECTED APPLICATION DATA SHEET

PTO/AIA/14 (11-15)

Approved for use through 04/30/2017. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	26574-0030-D2- 1859.029USD2
	Application Number	
Title of Invention	PORTION CAPSULE HAVING AN IDENTIFIER	

Filing By Reference:

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

Publication Information:☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

☐ **Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ Limited Recognition (37 CFR 11.9)
Customer Number	26587- 25215		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
	Division of	15211823	2016-07-15

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Page 246 of 867

CORRECTED APPLICATION DATA SHEET

PTO/AIA/14 (11-15)

Approved for use through 04/30/2017. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	26574-0036-02	1859.029USD2
		Application Number		
Title of Invention	PORTION CAPSULE HAVING AN IDENTIFIER			
Prior Application Status	Pending			<input type="button" value="Remove"/>
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)	
15211823	Division of	13744623	2013-01-18	
Prior Application Status	Abandoned			<input type="button" value="Remove"/>
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)	
13744623	Continuation-in-part of	PCT/EP2011/003677	2011-07-22	
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.				<input type="button" value="Add"/>

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)¹ the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

Application Number	Country ¹	Filing Date (YYYY-MM-DD)	Access Code ¹ (if applicable)	<input type="button" value="Remove"/>
10 2011 010 534.4	DE	2011-02-07		
Application Number	Country ¹	Filing Date (YYYY-MM-DD)	Access Code ¹ (if applicable)	<input type="button" value="Remove"/>
10 2010 044 251.8	DE	2010-09-02		
Application Number	Country ¹	Filing Date (YYYY-MM-DD)	Access Code ¹ (if applicable)	<input type="button" value="Remove"/>
10 2010 031 988.0	DE	2010-07-22		
Additional Foreign Priority Data may be generated within this form by selecting the Add button.				<input type="button" value="Add"/>

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.

☐ NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

PR2024100299

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CORRECTED APPLICATION DATA SHEET

PTO/AIA/14 (11-15)

Approved for use through 04/30/2017. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	26574-0030-D2 1859.029USD2
	Application Number	
Title of Invention	PORTION CAPSULE HAVING AN IDENTIFIER	

Authorization or Opt-Out of Authorization to Permit Access:

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant **must opt-out** of the authorization by checking the corresponding box A or B or both in subsection 2 below.

NOTE: This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

A. Priority Document Exchange (PDX) - Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).

B. Search Results from U.S. Application to EPO - Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

☐ **A. Applicant DOES NOT** authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

☐ **B. Applicant DOES NOT** authorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

NOTE: Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

CORRECTED APPLICATION DATA SHEET

PTO/AIA/14 (11-15)

Approved for use through 04/30/2017. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	26571-0030-D2	1859.029USD2
	Application Number		
Title of Invention	PORTION CAPSULE HAVING AN IDENTIFIER		

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Applicant	1	Remove
------------------	---	------------------------

If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.

[Clear](#)

☒ Assignee	Legal Representative under 35 U.S.C. 117	Joint Inventor
---	--	----------------

Person to whom the inventor is obligated to assign. Person who shows sufficient proprietary interest

If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:

Name of the Deceased or Legally Incapacitated Inventor:

If the Applicant is an Organization check here. ☒

Organization Name K-FEE SYSTEM GMBH

Mailing Address Information For Applicant:

Address 1	Senefelder Str. 44		
Address 2			
City	Bergisch Gladbach	State/Province	
Country	DE	Postal Code	51469
Phone Number		Fax Number	
Email Address			

Additional Applicant Data may be generated within this form by selecting the Add button. [Add](#)

Assignee Information including Non-Applicant Assignee Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

IPR2024-00299

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CORRECTED APPLICATION DATA SHEET

PTO/AIA/14 (11-15)

Approved for use through 04/30/2017. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	26574-0036-D2	1859.029USD2
		Application Number		
Title of Invention	PORTION CAPSULE HAVING AN IDENTIFIER			

Assignee	1			
Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.				
				Remove
If the Assignee or Non-Applicant Assignee is an Organization check here.				☐
Prefix	Given Name	Middle Name	Family Name	Suffix
Mailing Address Information For Assignee including Non-Applicant Assignee:				
Address 1				
Address 2				
City		State/Province		
Country		Postal Code		
Phone Number		Fax Number		
Email Address				
Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button.				Add

Signature:[Remove](#)

NOTE: This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). However, if this Application Data Sheet is submitted with the INITIAL filing of the application and either box A or B is not checked in subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c).

This Application Data Sheet must be signed by a patent practitioner if one or more of the applicants is a juristic entity (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, all joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of all joint inventor-applicants.

See 37 CFR 1.4(d) for the manner of making signatures and certifications.

Signature	/Bruce J. Wolstoncroft/		<u>/PAUL J. PALINSKI/</u>		Date (YYYY-MM-DD)	2017-07-11 May 31, 2019	
First Name	Bruce J.	Paul	Last Name	Wolstoncroft	Palinski	Registration Number	32,075,71,080
Additional Signature may be generated within this form by selecting the Add button.						Add	

IPR2024-00299

Nespresso USA, Inc. Ex. 1002

CORRECTED APPLICATION DATA SHEET

PTO/AIA/14 (11-15)

Approved for use through 04/30/2017. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	26571-0030-D2	1859.029USD2
		Application Number		
Title of Invention	PORTION CAPSULE HAVING AN IDENTIFIER			

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	TOT CLAIMS	IND CLAIMS
15/646,980	07/11/2017	3742	1600	26571-0030-D2	9	2

CONFIRMATION NO. 3270

FILING RECEIPT



000000009264247

26587
MCNEES WALLACE & NURICK LLC
100 PINE STREET
P.O. BOX 1166
HARRISBURG, PA 17108-1166

Date Mailed: 07/18/2017

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Inventor(s)

Marc KRÜGER, Bergisch-Gladbach, GERMANY;

Applicant(s)

K-FEE SYSTEM GMBH, Bergisch Gladbach, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 26587**Domestic Priority data as claimed by applicant**

This application is a DIV of 15/211,823 07/15/2016
which is a DIV of 13/744,623 01/18/2013 ABN
which is a ~~CIP~~ CON of PCT/EP2011/003677 07/22/2011

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

GERMANY 10 2011 010 534.4 02/07/2011

GERMANY 10 2010 044 251.8 09/02/2010

GERMANY 10 2010 031 988.0 07/22/2010

Permission to Access Application via Priority Document Exchange: Yes**Permission to Access Search Results:** Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 07/18/2017

page 1 of 3

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 15/646,980**

Projected Publication Date: 10/26/2017

Non-Publication Request: No

Early Publication Request: No

Title

PORTION CAPSULE HAVING AN IDENTIFIER

Preliminary Class

099

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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Electronic Acknowledgement Receipt

EFS ID:	36168697
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2 (KRU0022-WO-
Receipt Date:	31-MAY-2019
Filing Date:	11-JUL-2017
Time Stamp:	14:36:53
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Corrected Filing Receipt	RequestForCorrectedFilingReceipt_1859_029USD2.pdf	2856113 ea586deb87a11a4759dc2503010ee5a01146032b	no	12

Warnings:

IPR2024-00299

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Page 256 of 867

Information:	
Total Files Size (in bytes):	2856113
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
15/646,980	07/11/2017	1792	1600	1859.029USD2	9	2

CONFIRMATION NO. 3270

CORRECTED FILING RECEIPT



0000000108639888

25215
The Dobrusin Law Firm P.C.
29 W. Lawrence Street, Ste. 210
SUITE 210
PONTIAC, MI 48342

Date Mailed: 06/05/2019

Receipt is acknowledged of this non-provisional utility patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF FIRST INVENTOR, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection.

Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a corrected Filing Receipt, including a properly marked-up ADS showing the changes with strike-through for deletions and underlining for additions. If you received a "Notice to File Missing Parts" or other Notice requiring a response for this application, please submit any request for correction to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections provided that the request is grantable.

Inventor(s)

Marc KRÜGER, Bergisch-Gladbach, GERMANY;

Applicant(s)

K-FEE SYSTEM GMBH, Bergisch Gladbach, GERMANY;

Power of Attorney: The patent practitioners associated with Customer Number 25215

Domestic Priority data as claimed by applicant

This application is a DIV of 15/211,823 07/15/2016
which is a DIV of 13/744,623 01/18/2013 ABN
which is a CON of PCT/EP2011/003677 07/22/2011

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

GERMANY 10 2011 010 534.4 02/07/2011

GERMANY 10 2010 044 251.8 09/02/2010

GERMANY 10 2010 031 988.0 07/22/2010

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 07/18/2017

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 15/646,980**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

PORTION CAPSULE HAVING AN IDENTIFIER

Preliminary Class

426

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

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Filed via EFS @ USPTO.gov on June 12, 2019
Practitioner's Docket No. 1859.029USD2 (KRU0022-WO-US-T)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Becker, Drew E.

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Attorney Docket: 1859.029USD2 (KRU0022-W0-US-T2)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 CFR 1.312

In response to the Notice of Allowance mailed May 31, 2019, Applicant wishes to bring to the attention of the Examiner the following amendments to Claims 21, 23, and 23. No new matter has been added.

Amendments to the Claims

- 1) (Previously Presented) A single-serve capsule for making a beverage, comprising:
a base element with a cavity, in which a raw beverage material is provided,
a flange horizontally extending from the base element,
a membrane that is configured to close the cavity, the membrane is fastened to a top side
of the flange, and
an identifier, which makes it possible to individualize the respective single-serve capsule,
wherein the identifier is a barcode that is provided on a bottom side of the flange, the
identifier extends around an entire circumference of the flange, the bottom side of the flange is
opposite the top side of the flange to which the membrane is fastened.
- 2) (Cancelled)
- 3) (Cancelled)
- 4) (Cancelled)
- 5) (Cancelled)
- 6) (Cancelled)
- 7) (Cancelled)
- 8) (Cancelled)
- 9) (Cancelled)
- 10) (Previously Presented) The single-serve capsule according to Claim 1, wherein the
barcode is printed by material removal.
- 11) (Cancelled)
- 12) (Cancelled)
- 13) (Previously Presented) The single-serve capsule according to Claim 1, wherein the
base element is made of metal.

14) (Previously Presented) The single-serve capsule according to Claim 1, wherein the base element comprises a bottom and a wall region that extends between the flange and the bottom, wherein an outside of the wall region comprises one or more grooves that extend generally vertically and partially between the flange and the bottom.

15) (Previously Presented) The single-serve capsule according to Claim 14, wherein the one or more grooves form one or more corresponding bulges on an inside of the wall region that faces the cavity.

16) (Previously Presented) The single-serve capsule according to Claim 1, wherein the base element comprises a bottom and a wall region that extends between the flange and the bottom, the side wall has an electrically conductive section.

17) (Previously Presented) The single-serve capsule according to Claim 1, wherein the capsule is free of a filter.

18) (Previously Presented) The single-serve capsule according to Claim 1, wherein the identifier comprises metal.

19) (Previously Presented) The single-serve capsule according to Claim 1, wherein a ratio of a diameter of a wall region of the base element which adjoins the flange to a diameter of the flange is between 0.85 and 0.8.

20) (Previously Presented) The single-serve capsule according to Claim 1, wherein the barcode extends around an entire perimeter of the base element.

21) (Currently Amended) The single-serve capsule according to Claim 1, wherein the bar-code has at least two areas which differ in their optical properties.

22) (Previously Presented) The single-serve capsule according to Claim 1, wherein the identifier is electrically conductive.

23) (Currently Amended) The single-serve capsule according to Claim 1, wherein after the capsule is inserted into a coffee machine, a sensor/detection system of the coffee machine is configured to record the identifier and compares the identifier to a stored reference.

24) (Previously Presented) The single-serve capsule according to Claim 1, wherein the identifier is a machine-readable imprint.

25) (Previously Presented) A single-serve capsule for making a beverage, comprising:
a base element with a cavity, in which a raw beverage material is provided, the base element is made of metal,
a flange extending outwardly from a top portion of the base element,
a membrane that is configured to close the cavity, the membrane is fastened to a top side of the flange, and
an identifier that is a barcode that is provided on a bottom side of the flange, the bottom side of the flange is opposite the top side of the flange to which the membrane is fastened, the identifier extends around an entire perimeter of the base element,
wherein the base element comprises a bottom, and a wall region between the membrane and the bottom, the wall region comprising one or more grooves that extend at least partially between the membrane and the bottom, the one or more grooves form one or more corresponding bulges on an inside of the wall region that faces the cavity,
wherein the capsule is free of a filter.

26) (Currently Amended) The single-serve capsule according to Claim 25, wherein the ~~side~~ wall ~~region~~ has an electrically conductive section.

27) (Previously Presented) The single-serve capsule according to Claim 25, wherein the identifier is electrically conductive.

28) (Previously Presented) The single-serve capsule according to Claim 26, wherein the identifier is electrically conductive.

29) (Previously Presented) The single-serve capsule according to Claim 25, wherein the identifier becomes part of an electrical circuit after the capsule is inserted into a coffee machine.

30) (Previously Presented) The single-serve capsule according to Claim 25, wherein a ratio of a diameter of the wall region of the base element which adjoins the flange to a diameter of the flange is between 0.85 and 0.8.

Remarks

By way of the foregoing amendments and the markings to show changes, claims 21, 23, and 26 are amended. No new matter has been added.

The claims as allowed are believed to be clear; however, in an abundance of caution, the foregoing claim amendments are submitted to further clarify the claims. These claim amendments do not change the scope of the as allowed claims. The claim amendments are believed to be proper under 37 CFR 1.312.

The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

Conclusions

In view of these amendments and remarks, Applicant believes this application is prepared for issuance. Applicant respectfully requests that a patent be issued as soon as possible.

Should the Examiner have any questions, or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or has not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Respectfully submitted,

Dated: June 12, 2019

/Paul J. Palinski/

Paul J. Palinski
Registration No. 71, 080
THE DOBRUSIN LAW FIRM PC
29 W. Lawrence Street, Suite 210
Pontiac, MI 48342
(248) 292-2920

Customer No. 25215

Electronic Patent Application Fee Transmittal				
Application Number:		15646980		
Filing Date:		11-Jul-2017		
Title of Invention:		PORTION CAPSULE HAVING AN IDENTIFIER		
First Named Inventor/Applicant Name:		Marc KRÜGER		
Filer:		Paul J. Palinski/BECKY BALLARD		
Attorney Docket Number:		1859.029USD2		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
UTILITY APPL ISSUE FEE	1501	1	1000	1000

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1000

Electronic Acknowledgement Receipt

EFS ID:	36275183
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	12-JUN-2019
Filing Date:	11-JUL-2017
Time Stamp:	13:30:15
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$ 1000
RAM confirmation Number	061219INTEFSW00011265501097
Deposit Account	501097
Authorized User	BECKY BALLARD

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

IPR2024-00299

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Page 270 of 867

37 CFR 1.19 (Document supply fees)
37 CFR 1.20 (Post Issuance fees)
37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	IssueFee_1859_029USD2.pdf	99672	no	1
			172d1af6b1f30d567ac6b6640564dbf6ab05096c		

Warnings:**Information:**

2		312Amendment_1859_029USD2.pdf	130522	yes	6
			2920bde2a21816c9e3fb9dae8e26a16da935368f		

Multipart Description/PDF files in .zip description

	Document Description	Start	End
	Amendment after Notice of Allowance (Rule 312)	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	6

Warnings:**Information:**

3	Fee Worksheet (SB06)	fee-info.pdf	30329	no	2
			02b967f5b0150bc7c1558c77de7e1f40f284cfe		

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New International Application Filed with the USPTO as a Receiving Office

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25215 7590 05/31/2019
The Dobrusin Law Firm P.C.
29 W. Lawrence Street, Ste. 210
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Becky Ballard	(Typed or printed name)
/Becky Ballard/	(Signature)
June 12, 2019	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2 (KRU0022-WO-	3270

TITLE OF INVENTION: PORTION CAPSULE HAVING AN IDENTIFIER

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1000	\$0.00	\$0.00	\$1000	09/03/2019

EXAMINER	ART UNIT	CLASS-SUBCLASS
BECKER, DREW E	1792	426-115000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-09 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 The Dobrusin Law Firm, P.C.

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

K-FEE SYSTEM GMBH

Bergisch Gladbach, Germany

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government4a. Fees submitted: ☒ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies _____

4b. Method of Payment: (Please first reapply any previously paid fee shown above)

☒ Electronic Payment via EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. 50-1097

5. Change in Entity Status (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29☐ Applicant asserting small entity status. See 37 CFR 1.27☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature /Paul J. Palinski/

Date June 12, 2019

Typed or printed name Paul J. Palinski

Registration No. 71,080



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270
25215	7590	06/21/2019	EXAMINER	
The Dobrusin Law Firm P.C.			BECKER, DREW E	
29 W. Lawrence Street, Ste. 210			ART UNIT	
SUITE 210			PAPER NUMBER	
PONTIAC, MI 48342			1792	
			NOTIFICATION DATE	DELIVERY MODE
			06/21/2019	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):

dobrusin_PAIR@firsttofile.com
rmasquelier@patentco.com
serla@patentco.com

Response to Rule 312 Communication	Application No.	Applicant(s)	
	15/646,980	KRÜGER, Marc	
	Examiner	Art Unit	AIA Status
	DREW E BECKER	1792	No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 12 June 2019 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☒ entered in part. See explanation below.

The change to claim 21 was not marked, and it has not been entered.

/DREW E BECKER/ Primary Examiner, Art Unit 1792	
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Filed via EFS @ USPTO.gov on June 12, 2019
Practitioner's Docket No. 1859.029USD2 (KRU0022-WO-US-T)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Becker, Drew E.

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Attorney Docket: 1859.029USD2 (KRU0022-W0-US-T2)

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AMENDMENT UNDER 37 CFR 1.312

In response to the Notice of Allowance mailed May 31, 2019, Applicant wishes to bring to the attention of the Examiner the following amendments to Claims 21, 23, and 23. No new matter has been added.



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29 W. Lawrence Street, Ste. 210			ART UNIT	
SUITE 210			PAPER NUMBER	
PONTIAC, MI 48342			1792	
			NOTIFICATION DATE	DELIVERY MODE
			06/25/2019	ELECTRONIC

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

dobrusin_PAIR@firsttofile.com
rmasquelier@patentco.com
serla@patentco.com

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR/ PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
15/646,980	07/11/2017	KRÜGER, Marc	1859.029USD2

The Dobrusin Law Firm P.C. 29 W. Lawrence Street, Ste. 210 SUITE 210 PONTIAC, MI 48342		EXAMINER	
		DREW E BECKER	
		ART UNIT	PAPER
		1792	20190618

DATE MAILED: _____

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

Commissioner for Patents

The IDS of 3/16/18 included an invalid US Patent Application Publication listed as #1 on page 3. The listed number "2001/0181001" is incorrect and has been corrected to read "2007/0181005. A copy of the corrected IDS is included.

/DREW E BECKER/
Primary Examiner, Art Unit 1792

Filed via EFS @ USPTO.gov on March 16, 2018

Practitioner's Docket No. 1859.029USD2 (KRU0022-WO-US-T)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Becker, Drew E.

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicants submit this statement in accordance with their duty of disclosure under 37 CFR 1.56 and 1.97-1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Copies of foreign patent documents and non-patent literature together with a listing on form PTO/SB/08a are submitted herewith. Applicants include English translations from the European Patent Office website and are subject to the caveats expressed on the translations. Applicants respectfully solicit the Examiner's consideration of the cited references and entry thereof into the record of this application.

This Information Disclosure Statement is being submitted prior to the mailing of a first Office Action or Notice of Allowance. No fees are believed to be due, however, if any fee is due with the filing of this paper please charge the amount to deposit account 50-1097.

Date: March 16, 2018

/Paul J. Palinski/

Paul J. Palinski

Reg. No. 71,080

Attorney for Applicant

The Dobrusin Law Firm, P.C.

29 W. Lawrence Street - Suite 210

Pontiac, MI 48342

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Customer No.: 25215

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
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	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

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	Art Unit	1792
	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
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	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

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/D.E.B./

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
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	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL **(Submitted Only via EFS-Web)**

Application Number	15/646,980	Filing Date	2017-07-11	Docket Number (if applicable)	1859.029USD2	Art Unit	1792
First Named Inventor	Mark Krüger			Examiner Name	Becker, Drew E.		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☐ Amendment/Reply

☒ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☒ Other

QPIDS Request

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

☒ The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
 The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to
 Deposit Account No 501097

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

Applicant Signature

Signature of Registered U.S. Patent Practitioner			
Signature	Paul J. Palinski/	Date (YYYY-MM-DD)	2019-07-03
Name	Paul J. Palinski	Registration Number	71080

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	15646980	
Filing Date	11-Jul-2017	
First Named Inventor	Marc KRÜGER	
Art Unit	1792	
Examiner Name	DREW BECKER	
Attorney Docket Number	1859.029USD2	
Title	PORTION CAPSULE HAVING AN IDENTIFIER	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
Petition Fee		
<div style="border: 1px solid black; padding: 5px;"> ☐ Small Entity </div>		
<div style="border: 1px solid black; padding: 5px;"> ☐ Micro Entity </div>		
<div style="border: 1px solid black; padding: 5px;"> ☒ Regular Undiscounted </div>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that :
- ☐ The RCE request ,submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors as evidenced by the power of attorney in the application
- ☐ A joint inventor; all of whom are signing this e-petition

Signature	/Paul J. Palinski/
Name	Paul J. Palinski
Registration Number	71080

Electronic Patent Application Fee Transmittal

Application Number:	15646980			
Filing Date:	11-Jul-2017			
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER			
First Named Inventor/Applicant Name:	Marc KRÜGER			
Filer:	Paul J. Palinski/BECKY BALLARD			
Attorney Docket Number:	1859.029USD2			
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
PETITION FEE- 37 CFR 1.17(H) (GROUP III)	1464	1	140	140
RCE- 1ST REQUEST	1801	1	1300	1300
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1440



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : July 3, 2019

In re Application of :

Marc KRÜGER

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 15646980

Filed : 11-Jul-2017

Attorney Docket No : 1859.029USD2

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed July 3, 2019 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 1792 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Electronic Acknowledgement Receipt

EFS ID:	36490776
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	03-JUL-2019
Filing Date:	11-JUL-2017
Time Stamp:	13:59:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$ 1440
RAM confirmation Number	070519INTEFSW00001393501097
Deposit Account	501097
Authorized User	BECKY BALLARD

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

IPR2024-00299

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Page 306 of 867

37 CFR 1.19 (Document supply fees)
37 CFR 1.20 (Post Issuance fees)
37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	RCE_1859_029USD2.pdf	1349954	no	3
			557830c97a3a519e7f7cb90d8d60f36e74548e31		
Warnings:					
Information:					
2	Quick Path Information Disclosure Statement	Supplemental_IDS_1859_029USD2.pdf	472439	no	3
			eafea290fb77ec2401c90d4dd4a75b6fdac8b97d		
Warnings:					
Information:					
3	Quick Path Information Disclosure Statement	QPIDS_1859_029USD2.pdf	178541	no	2
			c3e16623586d8f34433331a5fd3b39f5023e6e8d		
Warnings:					
Information:					
4	Other Reference-Patent/App/Search documents	EP0455337A1.pdf	2988123	no	13
			af226d165ddc861a123e6694d064194d0483677c		
Warnings:					
Information:					
5	Other Reference-Patent/App/Search documents	EP0638486B1.pdf	3643185	no	16
			7a0730992b995bb829ab42f354b719454319ef1f		
Warnings:					
Information:					
6	Other Reference-Patent/App/Search documents	EP1849718A1.pdf	2566701	no	10
			c1ee6493ca64c357a2fedcdbd5bb98a4b19caf06		
Warnings:					
Information:					

IPB2024-0020

IPR2024-00299

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Page 307 of 867

7	Other Reference-Patent/App/Search documents	EP2012994B1.pdf	3781327	no	23
			7eb30bdfc6f0ec2b16692e13c853751f1211e190		
Warnings:					
Information:					
8	Other Reference-Patent/App/Search documents	DE3432339A1.pdf	4981889	no	20
			97dfccdc174a1dfb815a350673ebcd903c4783d		
Warnings:					
Information:					
9	Other Reference-Patent/App/Search documents	JP2003235733A.pdf	6417667	no	18
			0023f7659f194276854217706980671c68949b97		
Warnings:					
Information:					
10	Other Reference-Patent/App/Search documents	WO0160712A1.pdf	3538235	no	20
			b2c1185e752def29ffe35d2c94a97449d4e4d2a7		
Warnings:					
Information:					
11	Other Reference-Patent/App/Search documents	WO2005047111A1.pdf	3621584	no	39
			6b8b692de911817b22f70b22802576edb393a6a9		
Warnings:					
Information:					
12	Other Reference-Patent/App/Search documents	WO2010026053A1.pdf	8996786	no	62
			dcc748095a7c2f915969778b1573eca5b2c72c2d		
Warnings:					
Information:					
13	Other Reference-Patent/App/Search documents	WO2010041179A2.pdf	3034151	no	19
			a79304ba5ca1ffe993f807d284957d51912bf3a7		
Warnings:					
Information:					

14	Other Reference-Patent/App/Search documents	WO2011047836A1.pdf	4380763	no	31
			e05206904550bf3bbcb241cabed375fd300d3353a		
Warnings:					
Information:					
15	Other Reference-Patent/App/Search documents	OppositionRequest_EuropeanPatent_EP3023362.pdf	3496205	no	23
			aace2a8fc81cf6cc662a2fb2f17e386946f70372		
Warnings:					
Information:					
16	Petition automatically granted by EFS	petition-request.pdf	31665	no	2
			03794e2eed944988ebd33ab86158b20dcc2ce017		
Warnings:					
Information:					
17	Fee Worksheet (SB06)	fee-info.pdf	32174	no	2
			a7ac513663d743ae7dea96e0803941607e8648e6		
Warnings:					
Information:					
Total Files Size (in bytes):			53511389		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 07/08/2019

FFARMER	SALE	#00000002	Mailroom Dt: 07/03/2019	501097	15646980
		01 FC : 1806	240.00 DA		

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	15/646,980
Filing Date	July 11, 2017
First Named Inventor	Marc Krüger
Art Unit	1792
Examiner Name	Becker, Drew E.
Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

	37.	2010/0239717	A1	09/23/2010	Yoakim et al.
	38.	2010/0239733	A1	09/23/2010	Yoakim et al.
	39.	2010/0239734	A1	09/23/2010	Yoakim, et al.
	40.	2010/0260915	A1	10/14/2010	Young
	41.	2010/0263329	A1	10/21/2010	Nash
	42.	2010/0288131	A1	11/18/2010	Kilber et al.
	43.	2010/0288133	A1	11/18/2010	Litzka et al.
	44.	2010/0303964	A1	12/02/2010	Beaulieu et al.
	45.	2011/0005399	A1	01/31/2011	Epars et al.
	46.	2011/0020500	A1	01/27/2011	Eichler et al.
	47.	2011/0033580	A1	02/10/2011	Biesheuvel et al.
	48.	2011/0064852	A1	03/17/2011	Mann
	49.	2011/0076361	A1	03/31/2011	Peterson et al.
	50.	2011/0189350	A1	08/04/2011	Van Belleghem et al.
	51.	2011/0250812	A1	10/13/2011	Pourdeyhi et al.
	52.	2011/0303095	A1	12/15/2011	Fu et al.
	53.	20110303095	A1	06/28/2007	Ternte et al. Fu et al. 12/201
	54.	2012/0006685	A1	01/12/2012	Van Engelen
	55.	2012/0058226	A1	03/08/2012	Winkler et al.
	56.	2012/0070542	A1	03/22/2012	Camera et al.
	57.	2012/0070543	A1	03/22/2012	Mahlich
	58.	2012/0070551	A1	03/22/2012	Mahlich
	59.	2012/0097041	A1	04/26/2012	Bucher et al.
	60.	2012/0097602	A1	04/26/2012	Tedford
	61.	2012/0121765	A1	05/17/2012	Kamerbeek et al.
	62.	2012/0123106	A1	05/17/2012	Joos
	63.	2012/0126834	A1	05/24/2012	Kleinhans
	64.	2012/0183657	A1	07/19/2012	Marina et al.
	65.	2012/0195155	A1	08/02/2012	Gennai et al.
	66.	2012/0201933	A1	08/09/2012	Dran et al.
	67.	2012/0251668	A1	10/04/2012	Wong, et al.
	68.	2012/0251672	A1	10/04/2012	Kamerbeek, et al.
	69.	2012/0258210	A1	10/11/2012	Wong et al.
	70.	2012/0295234	A1	11/22/2012	Rognon et al.
	71.	2012/0308688	A1	12/06/2012	Peterson et al.
	72.	2013/0059039	A1	03/07/2013	Trombetta et al.
	73.	2013/0084363	A1	04/04/2013	Krueger et al.
	74.	2013/0084376	A1	04/04/2013	Fischer et al.
	75.	2013/0101716	A1	04/25/2013	Beaulieu et al.
	76.	2013/0122153	A1	05/16/2013	Ferrier et al.
	77.	2013/0125762	A1	05/23/2013	Dogan et al.

Change(s) applied
to document,
/S.D./
6/17/2019



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270
25215	7590	07/11/2019	EXAMINER	
The Dobrusin Law Firm P.C.			BECKER, DREW E	
29 W. Lawrence Street, Ste. 210			ART UNIT	
SUITE 210			PAPER NUMBER	
PONTIAC, MI 48342			1792	
			NOTIFICATION DATE	DELIVERY MODE
			07/11/2019	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):

dobrusin_PAIR@firsttofile.com
rmasquelier@patentco.com
serla@patentco.com

Notice of Allowability	Application No. 15/646,980	Applicant(s) KRÜGER, Marc	
	Examiner DREW E BECKER	Art Unit 1792	AIA (FITF) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to QPIDS received 7/3/19.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are 1,10 and 13-30. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) ☐ All b) ☐ Some *c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)	5. ☐ Examiner's Amendment/Comment
2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>7/3/19</u> .	6. ☐ Examiner's Statement of Reasons for Allowance
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____.	7. ☐ Other _____.
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. _____.	

/DREW E BECKER/ Primary Examiner, Art Unit 1792	
--	--

Filed via EFS @ USPTO.gov on July 3, 2019
Practitioner's Docket No. 1859.029USD2 (KRU0022-WO-US-T)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Becker, Drew E.

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
Under 37 C.F.R. 1.97(e)(2) – Filed as a QPIDS Submission

Applicant submits this statement in accordance with their duty of disclosure under 37 CFR 1.56 and 1.97-1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Copies of non-patent literature together with a listing on form PTO/SB/08a are submitted herewith. Applicant respectfully solicits the Examiner's consideration of the cited references and entry thereof into the record of this application.

I, the person signing below, state that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge, after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. § 1.97(e)(2).

This Information Disclosure Statement is being submitted after payment of the issue fee under the QPIDS Program. The QPIDS Certification and Request form is being submitted concurrently with the Information Disclosure Statement, along with a Request for Continued Examination and an e-Petition to Withdraw from Issue. No additional fee is believed to be due, however, if any additional fee is due with the filing of this paper, please charge the amount to deposit account 50-1097.

Date: July 3, 2019

/Paul J. Palinski/

Paul J. Palinski

Reg. No. 71,080

Attorney for Applicant

The Dobrusin Law Firm, P.C.

29 W. Lawrence Street - Suite 210

Pontiac, MI 48342

(248) 292-2920

Customer No. 25215

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc KRÜGER
	Art Unit	1792
	Examiner Name	Becker, Drew E.
	Attorney Docket Number	1859.029USD2 (KRU0022-W0-US-T2)

U.S. PATENTS							
Examiner Initials*	Cite No.	Patent Number	Kind Code	Issue Date	Name of Patentee or Applicant of cited Document		
	1.	3,501,896	A	03/24/1970	Stoeser et al.		
	2.	5,243,164	A	09/07/1993	Erickson et al.		
U.S. PATENT APPLICATION PUBLICATIONS							
Examiner Initials*	Cite No.	Publication Number	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document		
	1.	2002/0148356	A1	10/17/2002	Lazaris et al.		
	2.	2004/0005384	A1	01/08/2004	Cai		
FOREIGN PATENT DOCUMENTS							
Examiner Initial*	Cite No.	Foreign Document Number	Country Code	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document	T ⁵
	1.	0455337	EP	A1	11/06/1991	Bentley et al.	
	2.	0638486	EP	B1	10/23/1996	Gibbs et al.	
	3.	1849718	EP	A1	10/31/2007	Rubino	
	4.	2012994	EP	B1	07/11/2012	Abegglen et al.	
	5.	3432339	DE	A1	03/13/1986	Gesen et al.	X
	6.	2003-235733	JP	A	08/26/2003	Mitsuaki	X
	7.	01/60712	WO	A1	08/23/2001	Sweeney et al.	
	8.	2005/047111	WO	A1	05/26/2005	Rapparini	
	9.	2010/026053	WO	A1	03/11/2010	Denisart et al.	
	10.	2010/041179	WO	A2	04/15/2010	Mariller	X
	11.	2011/047836	WO	A1	04/28/2011	Rapparini	
NON-PATENT LITERATURE DOCUMENTS							
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.					T ⁵
	1.	Opposition Request against European Patent No. EP 3 023 362 dated July 01, 2019.					

EXAMINER SIGNATURE			
Examiner Signature	/DREW E BECKER/	Date Considered	07/08/2019
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

Electronic Acknowledgement Receipt

EFS ID:	36490776
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	03-JUL-2019
Filing Date:	11-JUL-2017
Time Stamp:	13:59:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$1440
RAM confirmation Number	070519INTEFSW00001393501097
Deposit Account	501097
Authorized User	BECKY BALLARD

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

IPR2024-00299

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Page 317 of 867

United States Patent and Trademark Office

- Sales Receipt -

Adjustment date: 07/16/2019 SSANDARA

07/05/2019 INTEFSW 00001393 501097 15646980

02 FC:1801 1300.00 CR



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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	08/13/2019	10377561	1859.029USD2	3270

25215 7590 07/24/2019

The Dobrusin Law Firm P.C.
29 W. Lawrence Street, Ste. 210
SUITE 210
PONTIAC, MI 48342

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Marc KRÜGER, Bergisch-Gladbach, GERMANY;
K-FEE SYSTEM GMBH, Bergisch Gladbach, GERMANY;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Becker, Drew E.

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Attorney Docket: 1859.029USD2 (KRU0022-W0-US-T2)

**APPLICANT INTERVIEW SUMMARY AND
A REQUEST FOR ISSUANCE OF NOTICE AND OFFICE ACTION**

On August 07, 2019, the undersigned spoke with Examiner Becker via telephone. The purpose of the call was to draw the attention of the Office that the PAIR website indicated “Withdrawal Patent Case from Issue” as of July 30, 2019. However, to date, Applicant has received no written grounds for any such withdrawal. In the call of August 07, 2019, Applicant understood the Examiner as having indicated that the present application is being considered for possible Interference Proceedings with United States Patent Application No. 13/697,297, and that an Office Action is forthcoming.

As was explained to the Office during the August 07, 2019 call, Applicant seeks to understand the actions by the USPTO, and the reasoning for it. At this time, almost two weeks since the July 30, 2019 indication of the Withdrawal, Applicant remains without any formal Notice of Withdrawal From Issue to document that the application has been withdrawn from issue and reasons for that action.

Applicant respectfully requests that the Office provide Applicant with written notice of the withdrawal, with associated grounds for the withdrawal, and any associated Office Action.

Respectfully submitted,

Date: March 27, 2019

/Paul J. Palinski/

Paul J. Palinski

Reg. No. 71, 080

Attorney for Applicant

The Dobrusin Law Firm, P.C.

Tel: (248) 292-2920

Customer No. 25215

Electronic Acknowledgement Receipt

EFS ID:	36846146
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	12-AUG-2019
Filing Date:	11-JUL-2017
Time Stamp:	15:21:17
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Applicant summary of interview with examiner	ApplicantInterviewSummary_1859_029USD2.pdf	101463 4e2b039898d32b185b01016177dfa0ffcd50fd62	no	1

Warnings:

IPR2024-00299

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Page 321 of 867

Information:	
Total Files Size (in bytes):	101463
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>	



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270
25215	7590	08/13/2019	EXAMINER	
The Dobrusin Law Firm P.C. 29 W. Lawrence Street, Ste. 210 SUITE 210 PONTIAC, MI 48342			BECKER, DREW E	
			ART UNIT	PAPER NUMBER
			1792	
			NOTIFICATION DATE	DELIVERY MODE
			08/13/2019	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):

dobrusin_PAIR@firsttofile.com
patmail@patentco.com
rmasquelier@patentco.com

<i>Applicant-Initiated Interview Summary</i>	Application No. 15/646,980	Applicant(s) KRÜGER, Marc	
	Examiner DREW E BECKER	Art Unit 1792	AIA (FITF) Status No

All participants (applicant, applicants representative, PTO personnel):

(1) DREW E. BECKER. (3) ____.

(2) Paul Palinski. (4) ____.

Date of Interview: 06 August 2019.

Type: ☒ Telephonic ☐ Video Conference
 ☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☐ No.
 If Yes, brief description: ____.

Issues Discussed ☐101 ☐112 ☐102 ☐103 ☒Others
 (For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: all in general.

Identification of prior art discussed: US 20130064937.

Substance of Interview
 (For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

The examiner and attorney discussed the Patent Withdrawal Notice of 7/30/19 which will prevent this application from being issued on 8/13/19. A potential Interference with US 20130064937 was also discussed. The examiner indicated that the applicant will need to perfect their Foreign priority by submitting certified translations of the foreign priority documents (DE 10 2011 010 534.4; DE 10 210 044 251.8; and DE 10 2010 031 988.1). Otherwise, a rejection under 35 USC 102(e) may be necessary. See MPEP 216.

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.

☐ Attachment

/DREW E BECKER/ Primary Examiner, Art Unit 1792	
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Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiners responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicants correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,-
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicants record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiners version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, Interview Record OK on the paper recording the substance of the interview along with the date and the examiners initials.



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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	10/15/2019	10442612	1859.029USD2	3270

25215 7590 09/25/2019
The Dobrusin Law Firm P.C.
29 W. Lawrence Street, Ste. 210
SUITE 210
PONTIAC, MI 48342

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Marc KRÜGER, Bergisch-Gladbach, GERMANY;
K-FEE SYSTEM GMBH, Bergisch Gladbach, GERMANY;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.



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OCT 04 2019

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270

25215 7590 10/04/2019
The Dobrusin Law Firm P.C.
29 W. Lawrence Street, Ste. 210
SUITE 210
PONTIAC, MI 48342

EXAMINER

BECKER, DREW E

ART UNIT	PAPER NUMBER
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1792

NOTIFICATION DATE	DELIVERY MODE
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10/04/2019

ELECTRONIC

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

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rmasquelier@patentco.com
dobrusin_PAIR@firsttofile.com
patmail@patentco.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mailed: OCT 04 2019

In re Application of :
Marc KRÜGER : WITHDRAWAL
Serial No. 15/646,980 : FROM ISSUE
Filed: 07/11/2017 :

For: **PORTION CAPSULE HAVING AN IDENTIFIER:**

The above-identified application is withdrawn from issue after payment of the issue fee due to unpatentability of one or more claims. See 37 CFR 1.313 (b).

The above-identified application is hereby withdrawn from issue.

The issue fee is refundable upon written request. If, however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the application.

Telephone inquiries should be directed to Erik Kashnikow at 571-270-3475.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.


Gladys Corcoran, Director
Technology Center 1700
Chemical and Materials Engineering

The Dobrusin Law Firm P.C.
29 W. Lawrence Street, Ste. 210
SUITE 210
PONTIAC, MI 48342
UNITED STATES



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270
25215	7590	10/16/2019	EXAMINER	
The Dobrusin Law Firm P.C. 29 W. Lawrence Street, Ste. 210 SUITE 210 PONTIAC, MI 48342			BECKER, DREW E	
			ART UNIT	PAPER NUMBER
			1792	
			NOTIFICATION DATE	DELIVERY MODE
			10/16/2019	ELECTRONIC

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dobrusin_PAIR@firsttofile.com
patmail@patentco.com
rmasquelier@patentco.com

DETAILED ACTION

Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions.

Allowable Subject Matter

1. Applicant is advised that the Notice of Allowance mailed 7/11/19 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.
2. Prosecution on the merits of this application is reopened on claims 1, 10, 13-30 are considered unpatentable for the reasons indicated below:

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an applications filed in Germany on 2/7/11, 9/2/10, and 7/22/10. It is noted, however, that applicant has not filed a certified copy of the DE applications as required by 37 CFR 1.55.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112(a):

(a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to

enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of the first paragraph of pre-AIA 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 17, 19, 25-30 are rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for pre-AIA the inventor(s), at the time the application was filed, had possession of the claimed invention.

6. Claims 17 and 25 recite “the capsule is free of a filter”. This concept does not appear to be disclosed in the application.

7. Claims 19 and 30 recite a ratio of “between 0.85 and 0.8”, However, the application only appears to disclose a ratio of 0.85-0.89 (paragraph 0034).

8. The following is a quotation of 35 U.S.C. 112(b):

(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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9. Claims 1, 10, 13-30 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.

10. Claim 10 recites “the barcode is printed by material removal”. It is not clear how this would occur. Printing normally requires applying a material to a substrate. It is not clear how material removal could be considered “printing”.

11. Claims 1 and 25 require the “identifier is a barcode”. Dependent claim 17 recites “the identifier comprises metal”. Claims 22, 27-28 recite “the identifier is electrically conductive”. Claim 24 recites “the identifier is a machine-readable imprint”. Claim 29 recites “the identifier becomes part of an electrical circuit”. It is not clear if all of these limitations are describing a single barcode identifier, or whether plural different identifiers are being used on the same capsule.

12. Claims 17 and 25 recite “the capsule is free of a filter”. It is not clear how the capsule would function without a filter of some kind to retain the coffee material during extraction. It is not clear if this limitation simply means that the capsule does not possess a filter element within the base element cavity, or not. It is not clear how the capsule would function without any filter at all.

Claim Rejections - 35 USC § 103

13. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, if the differences between the subject matter sought to be patented 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. Patentability shall not be negated by the manner in which the invention was made.

14. Applicant cannot rely upon certified copies of the foreign priority applications to overcome this rejection because translations of said applications have not been made of record in accordance with 37 CFR 1.55. See MPEP §§ 215 and 216.

15. Claims 1, 13, 17-24 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Jarisch et al [US 2013/0064937A1] as in view of Aker [US 2010/0078480A1].

Jarisch et al teach a beverage capsule (title) comprising a base element with a cavity and raw beverage material (Figure 4-5, #69; paragraph 0036), a horizontal flange extending from the base element (Figure 4-5, #73), a membrane fastened to the top side of the flange (Figure 4-5, #60; paragraph 0036), an identifier in the form of a machine-readable code on the bottom side of the flange around its circumference/perimeter (Figure 4-5, # 72; paragraph 0022, 0037-0039, 0064), an absence of a filter within the cavity (Figures), the identifier including a metal and electrically conductive material (paragraph 0095), the identifier having areas with different optical properties (paragraph 0056-0059, 0078-0081, 0083-0085), and the capsule capable of being inserted into a coffee machine with a sensor/detector for storing and comparing the information (Figures 1, 4, #1, 12, 62).

Jarisch et al do not explicitly recite a barcode (claim 1), a ratio of 0.85-0.85 for the wall diameter and flange diameter (claim 19).

It would have been obvious to one of ordinary skill in the art to incorporate the claimed size ratio into the invention of Jarisch et al since Jarisch et al already included a capsule with walls and a flange (Figure 5) but simply did not mention the specific sizes of the capsule components, since the flange of Jarisch et al is only slightly larger than the base element, and since the claimed size ratio would have been used during the course of normal experimentation and optimization procedures due to factors such as the type of coffee material, the temperature of the water, the pressure of the water, the type of material used for the capsule, the physical dimensions of the coffee machine, and the configuration of the capsule gripping element of the coffee machine.

Aker teaches a beverage capsule with a circular barcode identifier around the circumference/perimeter of the capsule (Figure 2A-B, #46; paragraph 0017).

It would have been obvious to one of ordinary skill in the art to incorporate the claimed barcode into the invention of Jarisch et al, in view of Aker, since both are directed to beverage capsules, since Jarisch et al already included a machine-readable code around the circumference/perimeter of the flange bottom (Figure 4), since beverage capsules commonly included machine-readable code in the form of barcodes as shown by Aker (Figure 2A-B, #46; paragraph 0017), since barcodes were a common means for identifying food products and storing identifying information, and since the substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art.

16. Claim 10 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Jarisch et al, in view of Aker, as applied above, and further in view of Lacrouts-Cazenave [Pat. No. 4,976,179].

Jarisch et al and Aker teach the above mentioned concepts. Jarisch et al and Aker do not explicitly recite a barcode printed by material removal (claim 10). Lacrouts-Cazenave teaches a barcode made by removing material from a metal strip (Figure 1, #5-6). It would have been obvious to one of ordinary skill in the art to incorporate the claimed removed material into the invention of Jarisch et al, in view of Aker and Lacrouts-Cazenave, since all are directed to product with machine-readable codes, since Jarisch et al already included a metallic identifier (paragraph 0095), since Aker already included a barcode (paragraph 0017), since barcodes were commonly made from metal strips with removed bars as shown by Lacrouts-Cazenave (Figure 1, #5-6), and since this would have helped reduce the weight of the capsule of Jarisch et al and thus reduced shipping costs.

17. Claims 16 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Jarisch et al, in view of Aker as applied above, and further in view of WO 2005/044067A1.

Jarisch et al and Aker teach the above mentioned concepts. Jarisch et al do not explicitly recite a bottom and wall region with an electrically conductive section (claim 16). WO 2005/044067A1 teaches a beverage capsule comprising a base element with a bottom, a flange, and sidewalls (Figure 4-5) wherein the sidewalls include an electrically conductive identifier (Figure 4-5, #20). It would have been obvious to one of ordinary skill in the art to incorporate the claimed electrically conductive sidewall into the invention of Jarisch et al, in view of Aker and WO 2005/044067A1, since all are directed to beverage capsules, since Jarisch et al already included an electrically conductive identifier (paragraph 0095), since beverage capsules commonly included sidewalls with an electrically conductive identifier as shown by WO 2005/044067A1 (Figure 4-5, #20), since beverage capsule with sidewalls would have enabled

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the capsule of Jarisch et al to be used in other coffee machines which did not use centrifugal rotation, and since a back-up identifier would have ensured that the encoded information was read by the coffee machine.

18. Claims 14-15, 25, 27, 30 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Jarisch et al, in view of Aker, as applied above, and further in view of EP 1849718A1.

Jarisch et al and Aker teach the above mentioned concepts. Jarisch et al and Aker do not explicitly recite a wall region with vertical grooves (claim 14, 25), and the grooves being interior bulges (claim 15). EP 1849718A1 teaches a beverage capsule comprising sidewalls with vertical grooves which bulge inward which aid conveying the extraction fluid through the capsule (Figure 1-4, #5; paragraph 0019). It would have been obvious to one of ordinary skill in the art to incorporate the claimed vertical grooves and inward bulges into the invention of Jarisch et al, in view of Aker and EP 1849718A1, since all are directed to beverage capsules, since Jarisch et al already included a capsule with a base element, flange, and bottom (Figure 4-5), since beverage capsules commonly included vertical grooves which bulged inward as shown by EP 1849718A1 (Figure 1-4, #5), and since vertical grooves helped to prevent stagnation which providing optimal conveyance of the extraction fluid through the capsule as taught by EP 1849718A1 (paragraph 0019).

19. Claim 29 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Jarisch et al, in view of Aker and EP 1849718A1, as applied above, and further in view of Ozanne et al [US 2010/0132564A1].

Jarisch et al and Aker teach the above mentioned concepts. Jarisch et al and Aker do not explicitly recite the identifier becoming part of an electrical circuit of a coffee machine (claim 29). Ozanne et al teach a beverage system comprising a capsule with an identifier (Figure 1, #1, 6), a coffee machine which receives the capsule and completes an electrical circuit (Figure 1, #8, 17; paragraph 0068). It would have been obvious to one of ordinary skill in the art to incorporate the claimed electrical circuit into the invention of Jarisch et al, in view of Aker, EP 1849718A1, and Ozanne et al, since all are directed to beverage systems, since Jarisch et al already included a capsule with an identifier, since beverage capsules commonly included identifiers which completed an electrical circuit as shown by Ozanne et al (Figure 1), and since this would have provided an effective back-up means for identifying the capsule of Jarisch et al.

Double Patenting

20. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP §§ 706.02(I)(1) - 706.02(I)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-l.jsp.

21. Claims 1, 10, 13-30 (particularly claim 1) are provisionally rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-9 (particularly claim 2) of copending Application No. 16/438,818 (reference application). Although the claims at issue are not identical, they are not patentably distinct from each other because all of the claim limitations of present claim 1 are also present in claim 2 of application '818.

This is a provisional nonstatutory double patenting rejection because the patentably indistinct claims have not in fact been patented.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DREW E BECKER whose telephone number is (571)272-1396. The examiner can normally be reached on 8am-5pm Monday-Friday.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erik Kashnikow can be reached on 571-270-3475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1792

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DREW E BECKER/

Primary Examiner, Art Unit 1792

Notice of References Cited	Application/Control No. 15/646,980		Applicant(s)/Patent Under Reexamination KRÜGER, Marc	
	Examiner DREW E BECKER		Art Unit 1792	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-20100132564-A1	06-2010	Ozanne; Matthieu	A47J31/407	99/275
*	B	US-20130064937-A1	03-2013	Jarisch; Christian	A47J31/22	426/112
*	C	US-20100078480-A1	04-2010	AKER; Wynn L.	G06K19/06009	235/462.08
*	D	US-4976179-A	12-1990	Lacrouts-Cazenave; Joel G.	G06K1/02	234/1
*	E	US-5637850-A	06-1997	Honda; Takaharu	G06K1/126	235/454
*	F	US-20020020659-A1	02-2002	Sweeney, Richard	B65D85/8043	210/416.3
*	G	US-20110142996-A1	06-2011	KRUGER; Marc	B65B29/022	426/80
	H					
	I					
	J					
	K					
	L					
	M					

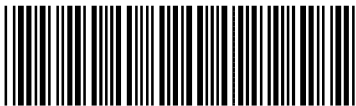
FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N	EP-1849718-A1	10-2007	EP	RUBINO MICHELE	B65D85/8043
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	translation of WO 2005/044067A1 (Year: 2005)
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<i>Search Notes</i> 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner DREW E BECKER	Art Unit 1792

CPC - Searched*		
Symbol	Date	Examiner
A47J 31/4492	10/26/2018	deb
B65D 85/8043, 65/466, 2203/10, 2203/06	10/26/2018	deb
updated, B65D 2081/001, 2081/007	10/08/2019	deb

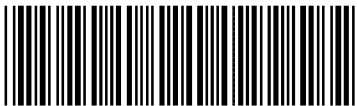
CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
426	115,77-84, 87	10/26/2018	deb
search	updated	10/08/2019	deb

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
EAST: inventor name, coffee,tea,beverage,infus,identifier,barcode,brew, cartridge,capsule,pod,package,container	10/26/2018	deb
updated	05/23/2019	deb
consulted William Krynski regarding US 2013/0064937A1	05/22/2019	deb
updated	10/08/2019	deb

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<i>Search Notes</i> 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner DREW E BECKER	Art Unit 1792

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
A47J	31/4492	05/23/2019	deb
B65D	2081/007, 85/8043, 2203/10, 2203/06	05/23/2019	deb

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270
25215	7590	01/23/2020	EXAMINER	
The Dobrusin Law Firm P.C.			SMITH, CHAIM A	
29 W. Lawrence Street, Ste. 210			ART UNIT	
SUITE 210			PAPER NUMBER	
PONTIAC, MI 48342			1792	
			NOTIFICATION DATE	DELIVERY MODE
			01/23/2020	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):

dobrusin_PAIR@firsttofile.com
patmail@patentco.com
rmasquelier@patentco.com

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiners responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicants correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,-
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicants record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiners version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, Interview Record OK on the paper recording the substance of the interview along with the date and the examiners initials.

Electronic Patent Application Fee Transmittal				
Application Number:		15646980		
Filing Date:		11-Jul-2017		
Title of Invention:		PORTION CAPSULE HAVING AN IDENTIFIER		
First Named Inventor/Applicant Name:		Marc KRÜGER		
Filer:		Paul J. Palinski/BECKY BALLARD		
Attorney Docket Number:		1859.029USD2		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
NOTICE OF APPEAL	1401	1	800	800
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Extension - 3 months with \$0 paid	1253	1	1400	1400
Miscellaneous:				
Total in USD (\$)				2200

Electronic Acknowledgement Receipt

EFS ID:	39168406
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	15-APR-2020
Filing Date:	11-JUL-2017
Time Stamp:	16:28:09
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 2200
RAM confirmation Number	E20204EG32518442
Deposit Account	
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

IPR2024-00299

Nespresso USA, Inc. Ex. 1002

Page 349 of 867

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notice of Appeal Filed	NoticeOfAppeal_1859_029USD2.pdf	500233	no	2
			fe5d36296fbee6a05520bcd575e10b7988cd284		
Warnings:					
Information:					
2	Notice of Appeal Filed	NoticeOfAppeal_PetitionForExtensionOfTime_1859_029USD2.pdf	130261	no	2
			0fefa8f5f6afd2da4dd96ad673f24a5cce252b5f		
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32744	no	2
			bfe444aeb8208f446b22c1b71c1990696d3e39b5		
Warnings:					
Information:					
Total Files Size (in bytes):			663238		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Smith, Chaim A.

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Attorney Docket No.: 1859.029USD2 (KRU0022-WO-US-T)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL AND
PETITION FOR EXTENSION OF TIME**

Notice of Appeal

Included herewith is a Notice of Appeal. It is believed that the Notice of Appeal is proper because Applicant/Appellant's claims have been twice rejected - See first office action dated 11-02-2018 and second office action dated 10-16-2019. The requisite fee is included herewith.

Petition for Extension of Time

Applicant petitions and requests to extend the time period for filing a reply in this application by 3 months. The requisite fee is included herewith.

Conclusions

Should the Examiner have any questions or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or has not paid a sufficient fee to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Respectfully submitted,

Date: April 15, 2020

Customer No. 25215

/Paul J. Palinski/

Paul J. Palinski

Reg. No. 71,080

Attorney for Applicant

The Dobrusin Law Firm, P.C.

29 W. Lawrence Street - Suite 210

Pontiac, MI 48342

(248) 292-2920

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Smith, Chaim A.

Filed: July 11, 2017

Conf. No.: 3270

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NOTICE OF APPEAL FROM THE EXAMINER TO THE PATENT TRIAL AND APPEAL BOARD		Docket Number (Optional) 1859.029USD2 (KRU0022-W0-US-T2)
I hereby certify that this correspondence is being facsimile transmitted to the USPTO, EFS-Web transmitted to the USPTO, or deposited with the United States Postal Service with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, on Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>April 15, 2020</u> . Signature <u>/Becky Ballard/</u> Typed or printed name <u>Becky Ballard</u>	In re Application of <u>Marc Krüger</u> Application Number <u>15/646,980</u> Filed <u>July 11, 2017</u> For PORTION CAPSULE HAVING AN IDENTIFIER Art Unit <u>1792</u> Examiner <u>Smith, Chaim A.</u>	
Applicant hereby appeals to the Patent Trial and Appeal Board from the last decision of the examiner.		
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ <u>800.00</u>		
☐ Applicant asserts small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by 50%, and the resulting fee is: \$ _____		
☐ Applicant certifies micro entity status. See 37 CFR 1.29. Therefore, the fee shown above is reduced by 75%, and the resulting fee is: \$ _____ Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.		
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☐ Payment by credit card. Form PTO-2038 is attached.		
☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____.		
☒ Payment made via EFS-Web.		
☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/AIA/22 or equivalent) is enclosed. For extensions of time in reexamination proceedings, see 37 CFR 1.550.		
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I am the		
☐ applicant		
☒ attorney or agent of record Registration number <u>71,086</u>		
☐ attorney or agent acting under 37 CFR 1.34 Registration number _____		
Signature <u>/Paul J. Palinski/</u>		
Typed or printed name <u>Paul J. Palinski</u>		
Telephone Number <u>248-292-2920</u>		
Date <u>April 15, 2020</u>		
NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.		
☒ * Total of <u>1</u> forms are submitted.		

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The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 15/646,980	Filing Date 07/11/2017	☐ To be Mailed
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ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

	(Column 1)	(Column 2)		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 = *		x \$80 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 = *		x \$420 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED - PART II

	(Column 1)		(Column 2)	(Column 3)			
AMENDMENT	11/13/2020	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 10	Minus	** 20	= 0	x \$100 =	0
	Independent (37 CFR 1.16(h))	* 1	Minus	*** 3	= 0	x \$480 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x \$0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x \$0 =	
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE		
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.						LIE	
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".						/SIERRA C RODGERS/	
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".							
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.							

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REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	15/646,980	Filing Date	2017-07-11	Docket Number (if applicable)	1859.029USD2 (KRU0022-W)	Art Unit	1792
First Named Inventor	Marc Krüger			Examiner Name	Smith, Chaim A		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____☐ Other _____☒ Enclosed☒ Amendment/Reply☐ Information Disclosure Statement (IDS)☐ Affidavit(s)/ Declaration(s)☐ Other _____**MISCELLANEOUS**☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)☐ Other _____**FEES**☒ The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to
Deposit Account No 501097**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**☒ Patent Practitioner Signature
Applicant Signature

Signature of Registered U.S. Patent Practitioner			
Signature	Paul J. Palinski/	Date (YYYY-MM-DD)	2020-11-12
Name	Paul J. Palinski	Registration Number	71080

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PORTION CAPSULE HAVING AN IDENTIFIER

~~CROSS REFERENCE TO RELATED APPLICATIONS~~

~~[0001] This application claims benefit from and is a divisional of U.S. Application No. 15/211,823 filed July 15, 2016 entitled PORTION CAPSULE HAVING AN IDENTIFIER,~~

~~which claims benefit from and is a continuation of U.S. Application No. 13/744,623, filed January 18, 2013, entitled PORTION CAPSULE HAVING AN IDENTIFIER, which claims benefit from International Application No. PCT/EP2011/003677, filed on July 22, 2011, entitled PORTION CAPSULE HAVING AN IDENTIFIER, which applications are hereby incorporated by reference in their entirety.~~

FIELD

[0001] These teachings relate to a portion capsule and method for producing a beverage.

BACKGROUND

[0002] The present invention relates to a portion capsule for producing a beverage, comprising a base element having a cavity in which a beverage raw material is provided and which is closed by a membrane fastened to the base element.

[0003] Such capsules are well known and are being launched onto the market in abundant variety. Since these capsules are often quite similar, it is possible that the manufacturer's

SUBSTITUTE SPECIFICATION
MARKED-UP COPY

capsules are used in a coffee machine designed by another manufacturer, although they are not suited for it. This may result in significant security issues and/or the coffee machine may be damaged.

[0004] The object of the present invention is therefore to provide a portion capsule which only is suitable for a specific coffee machine.

SUMMARY

[0005] The object is accomplished according to the present invention by a portion capsule for producing a beverage, comprising a base element having a cavity in which a beverage raw material is provided and which is closed by a membrane fastened to the base element, wherein it has an identifier, which allows to individualize the respective portion capsule.

[0006] The present invention relates to a capsule for producing a beverage or foodstuff, comprising a base element having a cavity in which a beverage raw material is provided. Such capsules are, for example made of plastic, natural materials and/or biodegradable materials and substantially have a base element, in particular a deep-drawn base element, i.e. it is substantially designed frustoconically or cylindrically. The beverage raw material is arranged within the portion capsule's cavity and is extracted and/or dissolved in a liquid, in particular water. After the beverage raw material has been filled into the cavity the base element is usually sealed by a membrane. In particular the membrane is localized on the opposite side of the base element's bottom. The membrane can be made of the same or different material as the base element and is substantially attached to the base element using a sealing and/or an adhesive bonding. Additionally the cavity could contain one or

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several built-in elements, such as, for example a filter, a non-woven, a felt, a shut-off device and/or something similar to those. For the case that a non-woven and a felt are arranged within the cavity, they are interconnected preferably. The non-woven and/or the felt can be made of several layers in such a way that the layers may differ in the kind of its starting material and/or its preparation. Moreover the membrane and/or the bottom can be provided with a plurality of recesses (holes).

[0007] According to the present invention, it is provided that the portion capsule has an identifier that allows to individualize the respective portion capsule. In the context of this invention individualizing means that the respective portion capsule can be assigned to a group of capsules that are suitable for the coffee machine preferably. It is not necessary that the coffee machine is able to specify and/or identify the portion capsule. In fact it is much more important that the coffee machine associates the portion capsule with a group of portion capsules, which is suitable for the coffee machine. In particular, individualizing means that those portion capsules that are not appropriate for the coffee machine cannot be inserted into and/or directly fall through the holder, which is designed for the portion capsules in the coffee machine, and/or the coffee machine operates only with the corresponding portion capsules. Preferably a sensor/detection system handles the identifier and compares it with a stored reference substantially. Preferably, the coffee machine, in particular the water-providing- pressure pump, will be activated if the detected identifier matches with the reference. Otherwise the coffee machine will not start operating. Preferably the detection system is placed in the region of the coffee machine's media chute designed for the portion capsules. According to another preferred embodiment of the invention, the detection system may be placed in the region of the

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brewing chamber. Another possible embodiment of the invention provides that the identifier prevents portion capsules from inserting into the coffee machine. Alternatively or additionally, means, in particular mechanical means, more preferably, one or more gearwheels, may be added to the media chute in order to guarantee that incorrect portion capsule cannot be inserted into the coffee machines by passing the media chute.

[0008] Preferably the identifier is composed of surface areas having different optical properties, for example reflection. These surfaces may be localized on the membrane, the side wall and/or the bottom of the portion capsules. Preferably, the portion capsule has at least two areas which differ in their optical properties, for example the reflection characteristics.

[0009] The detection of a recess and/or a bulge is also preferred. Preferably, recess and bulges alternate and/or at least two recesses or bulges are separately placed from each other. Especially it is possible that the recess and/or the bulge form a gearwheel that is attached to the outer border and/or at least partially extends to the wall region of the portion capsule. The recess and/or bulge may be produced by any shaping method, for example by deep drawing, preferably.

[00010] Furthermore, the recess may be realized by removing material. In particular the material's ~~remove~~removal can be accomplished by punching or using a laser on condition that this processing does not damage a barrier layer placed in the portion capsule's material, which prevents moisture or aroma from escaping out of the portion capsule and/or water vapor or oxygen enters the capsule. The reading of the identifier,

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which is encoded in the recess and/or bulge, may be a result from a mechanical and/or optical method, for example. Alternatively or additionally, the identifier can be used to avoid that the portion capsule is inserted into the coffee machine. This applies in particular to the media chute. For example it is possible to design a portion capsule comprising a ring gear that is placed on its circumference and is compatible with another ring gear, which is placed in the media chute. If the media chute's ring gear only revolves for a corresponding ring gear of the portion capsule and its revolving allows the portion capsule to pass, only portion capsules equipped with the proper ring gear will pass the insertion lock.

[00011] According to a further subject matter of a preferred development of the present invention, the identifier may be included in the membrane. Preferably, the identifier is a layer or partial layer of the membrane. Such identifiers may be an optically detectable material, for example a fluorescent material. Furthermore, the identifier may be designed with layers made of metal or ferrous metal or stripes made of metal or ferrous metal in or on the membrane, respectively.

[00012] Preferably the identifier is a machine-readable imprint. This is realized with a print in food approved color, preferably. Fluorescent materials like paper or print materials, whose optical properties change under the influence of temperature, are favored also. Preferably the print is a barcode, a logo or a ~~repeat~~repeat pattern.

[00013] According to a further subject matter of a preferred development of the present invention, the identifier is an electrically conductive section, which can be placed

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all over the portion capsule, but is localized on the side wall, the edge and/ or the floor preferably. The electrically conductive section, which is inserted into the coffee machine, can become part of an electric circuit and causes therefore a measurable change, which leads to the identification of the respective portion capsule. In a further preferred embodiment, the identifier is a section made of a ferromagnetic material.

[00014] Another construction version favors a RFID chip being the identifier.

[00015] If the portion capsule is customized according to the invention, portion capsules that are not in line with the coffee machine will be prevented from inserting into the coffee machine. Furthermore it is possible that the identifier allows to identify the portion capsule located in the brewing chamber in such a way that the production process of beverage or food may be controlled, for example by adjusting the temperature, the pressure and/or the amount of water.

[00016] According to a further subject matter of a preferred development of the present invention, the portion capsule's material is weakened in the bottom area caused by a selective material removal, for example by using a laser. The weakening is provided for piercing the portion capsules using a mandrel. This procedure is needed for the beverage's preparation. Since the material is weakened in the section, which is treated with a laser and is supposed to be pierced using the mandrel, the degree of necessary force for piercing the portion capsule is reduced. The mandrel of such coffee machines is usually equipped with a force limitation that limits the force, which is dedicated for pressing the mandrel against the portion capsule's bottom. This preparation avoids that portion capsules having

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no appropriate weakening can be used in such a coffee machine. Consequently the weakening represents another kind of identifier.

[00017] According to a further subject matter of a preferred development of the present invention, the portion capsule has an edge region, which is preferably attached to the base element. Preferably, the edge is located opposite of the base element's bottom area. After the raw material has been filled in the portion capsule, a membrane can be attached to this edge region, for instance. Moreover the edge can also designed for guiding the portion capsule into the chute in order to position the portion capsule in the brewing chamber properly. Simultaneously it is possible to use the surface of the edge for stopping and/or sealing.

[00018] Preferably provision is made for the portion capsule to have means for fit locking, friction locking and/or detection in the edge region. The means for fit locking and/or friction locking may be used to activate a complementary mechanism, which is located in the coffee machine, in order to allow inserting the portion capsule into the coffee machine and/or starting a sensor, like a gearwheel, that transmits a signal to a control unit depending on whether the portion capsule corresponds to the coffee machine or not. Alternatively or additionally, a detector may identify the mean for fit locking, friction locking and/or detection in order to check that the portion capsule is suitable to the respective coffee machine.

[00019] Preferably the means for fit locking, friction locking and/or detection is a gearwheel or a gearwheel' segment, which are located, in particular, in the outer area of

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the edge region. The teeth of the gearwheel or the gearwheel' segment may be shaped in any commonly used form, which is known, for example, by an expert from gear manufacturing. Preferably it is provided that these teeth are triangular, rectangular, square or wavy.

[00020] Preferably there is a sealing surface, that is arranged on the interior side relative to the gearwheel or the gearwheel' segment.

[00021] Another and preferred state-of-the-art technology is a portion capsule for producing a beverage, comprising a base element substantially designed frustoconically or cylindrically, having a cavity in which a beverage raw material is provided and which is closed by a membrane fastened to the base element with the base element having a wall region and the base element having a bottom area, which is preferably located opposite to the membrane, with the wall region having several grooves and the grooves which are located between membrane and bottom area covering the wall region along its height at least partially. The grooves may be also located in the edge region, in particular on the outer area of the edge region.

[00022] This portion capsule has the advantage over the portion capsule according to the state-of-the-art technology that, for instance, the grooves reinforce the base element's wall region. On the one side these grooves make the portion capsule more stable towards mechanical forces and prevent the portion capsule from deformation and buckling, in particular. The arrangement of the grooves, which are located at the wall region, additionally improves the performance of the portion capsule while the

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extraction liquid flows through it in the brewing chamber, since the arrangement of the grooves, in particular those partially expending over the wall region between membrane and bottom area, increase quality and reliability of the extraction process significantly. According to the invention another advantage is that the base element's thickness can be reduced, because the use of grooves improves the physical stability. The production of the portion capsule is therefore much less expensive and more environmentally friendly. On the other side the grooves reduce or avoid the contact between the portion capsule's wall region and the wall of the brewing chamber. As a result ejecting or removing the portion capsule from the brewing chamber is made easier. Another advantage of using a plurality of grooves is that the stream of the extraction liquid, which flows along the base element in the cavity, can be optimized by choosing a grooves' structure that is able, for example, to generate on the one hand a better or stronger turbulence in the extraction liquid or on the other hand a more uniform (laminar) flow of the extraction liquid, in the wall region. The control of the liquid may be obtained by the structure of the grooves itself or by using simple means additionally. A stronger turbulence compared to the one known in the state-of-the-art has the advantage that no unintended and casual main streams are formed in the raw materials. Instead the extraction liquid equally flows through the raw material in all of the volume. Thus the extraction process is much more efficient and can be controlled more precisely and reproducibly.

[00023] In particular the raw material may be coffee powder (especially ground roasted coffee), chocolate powder, milk powder, tea or the like. Alternatively, it is conceivable that the raw material is a beverage's extract, such as instant coffee for

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example.

[00024] In particular, the grooves are recesses and bulges, which are preferably directed along a main extension and are preferably extended along the wall portion or the periphery of the edge region. More preferably, the grooves are formed as webs and/or notches. A gearwheel, for instance, may be obtained by the grooves. Therefore the grooves are part of the base elements' wall, optionally located on the inner side facing to the cavity and/or on the outside facing away from the cavity.

[00025] According to a preferred embodiment of the present invention, it is provided that the grooves form an identifier that allows individualizing the portion capsule. In the context of this invention individualizing preferably means that the respective portion capsule can be assigned to a group of capsules that are suitable for the respective coffee machine or the machine producing a beverage. It is not necessary that the coffee machine or the device for producing a beverage is able to specify and/or identify the portion capsule. It is more important that the device for producing a beverage, in particular a coffee machine, associates the portion capsule with a group of portion capsules, which is appropriate for the respective device for producing a beverage, in particular a coffee machine. In particular, individualizing means that those portion capsules that are not appropriate for the coffee machine (or the device producing the beverage) cannot be inserted into and/or directly fall through the holder, which is designed for the portion capsules in the coffee machine (or the device producing the beverage), and/or the coffee machine (or the device producing the beverage) operates only with corresponding portion capsules ("proper portion capsule"). In particular, individualizing

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means that the coffee machine or the device producing the beverage will not operate properly in the intended use, if the used portion capsule is not customized according to the invention. Preferably a sensor/detection system, attached to the coffee machine or the device producing the beverage, records the identifier and substantially compares it with a stored reference. In particular, it is possible that such an identification process is based on a mechanical fitting, especially a fitting of a gearwheel or of a contour comparable with a gearwheel, which is attached to the device producing the beverage or the coffee machine and interacts with the portion capsule. It is preferred that the device for producing the beverage or the coffee machine only will operate, if the identifier matches to the reference or the mechanical fittings match with each other. In this case the device for producing the beverage particularly starts to operate, especially activates a pressure or water pump. The mean for detection or mechanical fitting is preferably located in the region of the media chute or in the region of the device for producing the beverage. Alternatively the identifier or the mechanical fitting may avoid that an unsuitable portion capsule is inserted into the device for producing the beverage. A portion capsule, which is designed in accordance with the invention, makes it possible that a portion capsule that is not designed for the device for producing a beverage cannot be inserted into it. Additionally the identifier allows that the device for producing the beverage, especially the coffee machine, may specify the sort of the portion capsule and thereby control the production process of beverage and food by adapting, for example, the pressure, the temperature and/or the amount of water.

[00026] According to a further preferred embodiment of the present invention, it is provided that at least a part of the grooves and at least in a subarea parallel to the main

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plane of the membrane is gearwheel shaped.

[00027] According to the present invention it is an advantage that it is possible to increase the stability of the portion capsule's wall region, to realize improved turbulences of the extraction liquid and thereby to improve the extraction's process under the same conditions, for example, such as material thickness and the like. Another advantage is that it is easy to generate a mechanical identifier or a mechanical fitting that matches with a fitting tool that belongs to the device for producing a beverage. According to the invention it is an further advantage that, for example, a gearwheel, which is attached to the device for producing a beverage and is, for example, located in the region of the media chute or similar, can possibly interacts with the gearwheel's contour of the portion capsule. In this way it is possible to generate a mechanical fitting that allow to individualize the portion capsule as a proper one and/or to specify the sort of portion capsule and/or to rotate the portion capsule about an axis of rotation, that is perpendicular to the membrane's main plane, by using the gearwheel's arrangement. Such an embodiment of the invention makes it possible that the portion capsule is always opened with the device for producing a beverage on the same spot (with respect to its angular position) and therefore the raw material is extracted on the same manner. Moreover the grooves prevent the portion capsule from being inserted into the coffee machine.

[00028] In a preferred version of the invention, it is provided that there is a flange/edge region being averted from the bottom region, for fixing the membrane to the base element, where in the wall region between flange/edge region and bottom region preferably has a border and the grooves are being preferably extended to this border.

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[00029] Because of this it is another advantage according to the invention that on the one hand the wall region can be constructed in a stable and reinforced manner and on the other hand the gearwheel shaped contour of the grooves, located at the wall region, is able to absorb a relative high load. With that it is possible that the portion capsule can be rotated easily and without any damaging of the portion capsule within the device for producing a beverage.

[00030] Preferably the base element's diameter is enlarged in the border's region compared to the wall region, which range from the border to the bottom region.

[00031] This gives rise to the advantageous possibility to stack portion capsule or portion capsules' base elements easily and robustly.

[00032] Moreover it is preferred that at least a part of the grooves are gearwheel shaped and at least a plane, which is at least partially gearwheel shaped, is parallel to the membrane in such a way that the gearwheel shaped contour expands over the borders or the flange/edge region.

[00033] Further preferred versions of the present invention relate to portion capsules that implement one or more of the following characteristics:

- the base element tapers in the direction of the flange in the border's region,
- the grooves directed toward the bottom region expand over the border's region,

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- the grooves approximately cover 20% -80%, preferably 40% - 60% of the wall region, which is placed between the border and the bottom region,
- the grooves are constructed in such a way that the wall region is reinforced and/or the grooves causes an extraction liquid's turbulence in the cavity.

[00034] Other preferred versions of the present invention relate to portion capsules that are manufactured in such a way that the ratio of the diameter of that wall region of the base element which adjoins the flange to the diameter of the flange is between 0.85 and 0.89, and in particular substantially 0.87.

[00035] In a preferred version, the wall region's diameter, which is adjacent to the flange, is 39 millimeters~~millimeter~~—and the flange's diameter is 45 millimeters~~millimeter~~. Another advantageous version of the invention prefers a base element having a thicker wall region in the border's region compared to the wall region between bottom region and flange. Since the portion capsule's design, which contains grooves in the wall region, ~~improve~~improves its stability, it is possible to save material by manufacturing the portion capsule and therefore to reduce cost and energy required for manufacturing the portion capsules.

[00036] According to the invention it is further provided that a filter element is arranged into the cavity. Such a filter element divides the cavity into a first region for accommodating the beverage raw material and into a second region for accommodating a beverage extract. In particular, it is provided that the filter

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element is made of a non-woven material.

[00037] According to a further subject matter or a preferred development of the present invention the portion capsule according to the invention is intended for the preparation of a hot beverage. In the following the invention is explained based on the Figures 1 - 22. These explanations do not restrict the general idea of the invention.

BRIEF DESCRIPTION OF THE DRAWINGS

[00038] **Figures 1A and 1B show**~~shows~~ a portion capsule containing sections that differs optically.

[00039] **Figures 2A, and 2B show**~~shows~~ a portion capsule containing a barcode.

[00040] **Figure 3** shows a portion capsule with recesses and bulges.

[00041] **Figure 4** shows a portion capsule containing sections that differs optically.

[00042] **Figure 5** shows a portion capsule with a key function.

[00043] **Figure 6** shows a portion capsule's wall that is electrically conductive.

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[00044] **Figure 7** shows a portion capsule's wall containing sections that differs optically.

[00045] **Figure 8** shows an enlarged pot construction of the portion capsule's wall.

[00046] **Figure 9** shows an edge region that is electrically conductive.

[00047] **Figure 10** shows a portion capsule containing a bottom that is electrically conductive.

[00048] **Figure 11** shows an embodiment containing a layer that can be detected by a metal detector.

[00049] **Figure 12** shows a metallic strainer.

[00050] **Figure 13** shows a portion capsule containing a ferromagnetic section.

[00051] **Figure 14** shows a portion capsule containing a barcode.

[00052] **Figure 15** shows a portion capsule containing a section, which is electrically conductive, in the wall.

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[00053] **Figures 16A and 16B** ~~show~~ shows a portion capsule with a gearwheel placed in the brewing chamber.

[00054] **Figures 17a-e** ~~17A-17C~~ show different embodiments of the portion capsule according to ~~Figure 16~~ Figures 16A and 16B.

[00055] **Figure 18** shows the portion capsule according to the Figures 16 A and 16B and Figures 17A-17C ~~17~~, when the portion capsule is fit locking with a gearwheel.

[00056] **Figures 19 and 20** show a schematic view of a portion capsule according to an embodiment of the presented invention.

[00057] **Figures 21 and 22** show two sectional views of the portion capsule according to an embodiment of the presented invention.

DETAILED DESCRIPTION

[00058] ~~The view illustrated on the right side of~~ **Figures 1A and 1B** ~~show~~ shows a portion capsule 1 comprising a base element 2 that has a wall region 2.1 and a bottom area 2.2. The wall region 2.1 and the bottom area 2.2 define a cavity 3, which may include the raw material and perhaps a built-in element. After filling, the cavity 3 is sealed by a membrane 4, which is preferably attached to the edge region 2.4 of the base element using seal or glue. This portion capsule can be inserted into a brewing chamber 12 ~~shown in Figure 12~~, with a liquid, in particular water, flowing through it. During this

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process, the raw material is extracted or dissolved and therefore the beverage is produced. According to the invention the portion capsule has only one identifier that allows to ~~determinate~~determine whether the respective portion capsule goes with the coffee machine's brewing chamber and the parameters for processing are chosen properly. If it is not the case, significant security issues arise. Inserting the wrong portion capsule, for example, endangers the brewing chamber's tightness. In this case hot water can be discharged under high pressure and therefore compromise the user's safety. Otherwise it is also possible that inserting the wrong portion capsule damages the coffee machine. In this example the identifier is represented by several raised areas 8, which differ in reflection properties from the sections between the raised areas. As shown by the arrows the bulges are passed by a mean for detection 13 (here: an optical detector) that is able to differentiate between the unequal sections 5, 6 having different optical properties such as, for example, reflection. Switching between the different sections or the number of bulges represents the identifier. After the identifier has been read out the identifier is compared to a stored reference. If the identifier agrees with the reference, the coffee machine will start operating. Particularly the pump, which is for example responsible for pushing hot water through the brewing chamber, will not start operating, if the identifier does not agree with the reference.

[00059] All the remarks concerning the identifier apply to all the examples.

[00060] **Figures 2A and 2B** ~~show~~shows another embodiment of the portion capsule 1 according to the invention. The portion capsule 1 comprises a base element 2 that has a wall region 2.1 and a bottom area 2.2. Here the portion capsule 1 has a barcode

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50 placed in the area of the membrane's 4 top surface. This ~~bar-code~~barcode may be printed by material removal or may be generated by a medium that is integrated in the foil and can be detected optically such as a fluorescence agent. Alternatively, metal rings may be part of the foil or attached to the foil. The barcode's ~~bar-code's~~ section may be made of a ferromagnetic material. As shown by the arrow 15 the ~~bar-code~~barcode 50 alternatively can be attached to the base element's edge region being averted from the membrane 4. Such a ~~bar-code~~barcode is read out by a detector 13 placed, for example, in the media chute. The ~~bar-code~~barcode represents the identifier according to invention.

[00061] **Figures 3A and 3B** ~~show~~shows another embodiment of the portion capsule 1 according to the invention. In the present case the identifier comprises recesses and bulges 7, 8, which result from material removal or reshaping the portion capsule as shown here by the example of the portion capsule's wall 2.1. In the present case, recesses and bulges interact with a means for detection 13, which operates like a key, wherein the coffee machine only start operating, when all elements ~~13-14~~ are placed in the respective recess 7. Therefore, an electric circuit may be changed or especially closed.

[00062] **Figure 4** shows an embodiment of the portion capsule being substantially identical to the embodiment illustrated in Figure 1. As an alternative version of the invention, the figure additionally shows that the unequal sections 5, 6 differing in terms of optical properties can be attached to the cover foil, for example in the form of a ~~bar-code~~barcode.

[00063] **Figure 5** shows an embodiment of the portion capsule being substantially

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identical to the embodiment illustrated in Figure 3 that includes recesses 7 and bulges 8. Again, the recesses represent the key bit. The coffee machine only will start operating, if the recesses interact with the corresponding bulges and therefore an electric circuit is changed respectively. The placement of such a system is not restricted to the brewing chamber. For instance, the system may be placed in the portion capsule's media chute.

[00064] **Figure 6** shows a version of the invention that includes a base element 2 and an electric material forming a surrounding ring 2.3, which preferably has a raised form. The electrically conductive material is scanned by means for detection 13 having electric sliding contacts, which are placed in the media chute and form electric contacts of an electric circuit, while the portion capsule is inserted.

[00065] **Figure 7** shows an embodiment of the portion capsule being substantially identical to the embodiment illustrated in Figure 6, in which it is provided that the ring area has reflective 21 or mat 22 sections, for example in form of a covering, and allows a read-out by means for detection 13 for optical detection, which are placed in the media chute and are part of a control current, while the portion capsule is inserted.

[00066] **Figure 8** shows a relative broad and raised ring 2.3 which represents the identifier. The media chute is equipped with a corresponding vacancy that tests whether the portion capsule has the proper identifier. The broad ring is scanned, for example, by means for detection 13 having mechanical sensors, which are placed in the media chute and close the contacts of an electric circuit, while the portions capsule is inserted.

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[00067] **Figure 9** shows another embodiment of the portion capsule according to the invention. In the present case an electrically conductive coat 10 is integrated in the edge region's back and is scanned by electric sliding contacts, which are placed in the media chute and form electric contacts of an electric circuit, while the portion capsule is inserted.

[00068] **Figure 10** shows another embodiment of the portion capsule according to the invention. In the present case the portion capsule has an electrically conductive coat 10 at the bottom area 2.2 such as a conductive varnish layer or an aluminum foil. The coat is scanned by means for detection 13 having electric sliding contacts, which form electric contacts of an electric circuit, while the portion capsule is inserted.

[00069] **Figure 11** illustrates a version of the portion capsule having also an electrically conductive coat 10 that is placed on its bottom 2.2 and is identified by a means for detection 13 having a metal sensor, which is placed in the chute and, for example, detects inductively, while the portion capsule is inserted.

[00070] The embodiment of the invention shown in **Figure 12** has a build-in element made of metal (here a strainer 19) that is recognized as identifier by a means for detection 13 having a metal detector.

[00071] The version of the invention shown in **Figure 13** includes a ferromagnetic material 20 placed at the portion capsule' bottom. The identifier is scanned, by means for detection 13 for example, by a magnet, which is placed in the chute, while the portion

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capsule is inserted. The ferromagnetic material acts as identifier.

[00072] **Figure 10-14** shows another embodiment which includes a ~~bar-code~~barcode placed in the region of the cover foil. The portion capsule includes a flange 17.

[00073] According to the embodiment shown in **Figure 15** a metallic ring 11 is integrated in the wall region 2.1 and closes means for detection 13 having an electric circuit placed in region of the brewing chamber.

[00074] **Figures 16A and 16B** ~~show~~shows another embodiment of the portion capsule 1 according to the invention. The illustrated portion capsule features a base element 2 that is basically conical- shaped in the present case and has a bottom region 2.2 and a wall region 2.1. It is provided that the base element contains the raw material and, if necessary, build-in elements like a filter as illustrated here. The expert knows that the build-in element may also include other build-in elements. A flange 17/edge region 2.4, which is preferably circular and, for example, may be used for sealing a cover foil 4 to it, is attached to the end of the base element, which is placed opposite to the bottom. The flange/edge region has means for fit locking, friction locking and/or detection 2.4.2 in the outer area (outer circumference). As especially shown in the Figures ~~17a-17e~~17A-17C, the means for fit locking, friction locking and/or detection ~~mean~~2.4.2 is, in the present case, a gearwheel that is formed by several recesses/bulges evenly arranged in the edge region. Preferably, it is provided that the edge region has a sealing surface 2.4.1, which sealingly interacts with the ~~sealing 21~~seal 31 attached to the brewing chamber 27, on the interior side of the gearwheel. The sealing ~~21~~31 makes sure that the water coming from

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a water inlet 28 flows ~~rather~~ through the portion capsule by passing an opening, which has been made by a mandrel 29, than around it.

[00075] **Figures ~~17a—17e~~17A-17C** show different embodiments of the means for fit locking, friction locking and/or detection ~~mean~~ 2.4.2. According to the version shown in Figure ~~17a~~17A, the gearwheel has forty-five teeth. According to the version shown in Figure ~~17b—17B~~ or ~~17e~~17C, the gearwheel has twenty-two or twenty-nine teeth, respectively. The expert knows that the manufactured teeth can be shaped arbitrarily. All Figures ~~17a—17e~~17A-17C demonstrate how the portion capsule 1 can be ~~hold~~held by a part of the brewing chamber 27 using two holding arms 30. The holding arms interacts with the means for fit locking, friction locking and/or detection ~~mean~~ 2.4.2. If they are not available, the holding arms will not hold the portion capsule and the portion capsule will not be inserted into the brewing chamber and will fall through it into a dropping box instead. The portion capsule has a base element 2, a wall region 2.1, a bottom area 2.2, a sealing surface 2.4.1, and an edge region 2.4.

[00076] **Figure 18** shows the ~~mean 2.4.2.~~ means for fit locking, friction locking and/or detection 2.4.2 along with ~~an~~ a mean for fit locking 24, which is attached to the coffee machine and is represented by a pinion here. It is provided that the mean for fit locking 24 is placed in the media chute or insertion shaft 26 of an insertion shaft housing 23 having a port for inserting the portion capsule in the coffee machine. The distance between the inner wall 25 of the portion capsule ~~25—1~~ and the mean for fit locking 24 ~~represented by the pinion—27~~ 24 are designed in such a way that the portion capsule only will pass the port, if the means for fit locking, friction locking and/or detection 2.4.2

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~~mean for fit locking~~ is formed complementary to the teeth of the mean for fit locking 24 represented by the ~~pinion-27~~. Only in this case the portion capsule rotates the mean for fit locking 24 represented by the pinion 24 while it falls. Both rotating and falling are represented by arrows in the figure. The portion capsule needs the rotation for passing the media chute's port and falling in the intended position afterwards. If the portion capsule has no or wrong mean of fit locking, it will be impossible to place the portion capsule by passing the media chute in the intended position. Additionally or alternatively, it is provided that the mean for fit locking 24 represented by the pinion 24 has a pick-up that detects the rotary movement and transmits it to a control unit. If the rotation at least corresponds a defined rotating element, the control unit will activate, for example, the brewing unit. The expert knows that the portion capsule's border may include means for friction locking that interacts with a mean, for example an edge, and shift it in such a way that the shift is detected and therefore the brewing chamber is activated. The portion capsule 1 has a cover foil 4 and a sealing surface 2.4.1.

[00077] The expert moreover knows that a sensor, being for example a camera, which detects the form of the ~~mean~~ means for fit locking, friction locking and/or detection 2.4.2., may be installed in the media chute. In the present case the form and/or the distance between the teeth may be detected. If the proper portion capsule was inserted, a resulting signal could be transmitted to a control unit, which activates the brewing chamber.

[00078] **Figure 19** schematically shows a view of another portion capsule's version according to an embodiment of the present invention. **Figure 20** illustrates the same portion capsule from a different point of view schematically. Figure 19 shows the front

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view of the portion capsule. Figure 20 shows the portion capsule viewed from an angle below. In all figures the portion capsule is labeled with the reference sign 1. The portion capsule substantially has a frustoconically shaped base element 2, which is formed similar to a pot and encloses a cavity 3. The cavity 3 is sealed by a membrane 4. Since the viewing direction of ~~Figure 1~~ Figure 19 is essentially parallel to the plane, in which the membrane is located, ~~the figure just adumbrate the membrane is~~ is at the upper edge of the portion capsule. In particular, the base element 2 comprises a soft, semi-rigid or rigid plastic material which is deep-drawn, preferably. The membrane comprises a foil made of plastic material or aluminum. Preferably the base element has a circumferential mounting flange 17 in the region of the membrane, with the membrane and the mounting flange 17 being firmly bonded, in particular by welding or gluing. Preferably a filter element, which is not specifically depicted in the figures, is placed within the base element 2. For instance, the filter element is made of thermoplastic resin such as, for example, polypropylene. The filter element could also be made of a non-woven material such as, for example, thermoplastic resin. Preferably the filter element divides the cavity 3 in two sections. It is provided that the first section can be filled with a raw material and the second section can be filled with and particularly collect a beverage's extract, which is not shown, during the extractions process. Both sections are not illustrated individually.

[00079] The portion capsule is intended for inserting into a brewing chamber or a device for producing a beverage, which is not shown here. In particular such a device for producing a beverage is a coffee machine. The device for producing a beverage could be also a machine that produces a tea drink, a chocolate drink or any other beverage. Preferably an extraction liquid, which is particularly water or hot water, is brought under

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high pressure into the brewing chamber of the device for producing a beverage. The extraction liquid interacts with the raw material of the beverage in such a way that an extract of a beverage or a beverage is generated. In particular the filter element is utilized as a strainer for the extract of a beverage.

[00080] According to the invention, the base element 2 has a wall region ~~42-2.1~~ and a bottom area ~~44-2.2~~. The wall region ~~42-2.1~~ basically ranges from the flange 17 to the bottom region ~~44-2.2~~. Several grooves ~~45-32~~ are placed in the wall region. In particular these grooves are keyways that are integrated in the wall region ~~42-2.1~~ and are facing the cavity 3 and range from the flange 17 to the bottom region ~~44-2.2~~ (i.e. they run perpendicular according to Figure 19). According to the invention provision is made for the grooves ~~45-32~~ to be extended vertically across the wall region, i.e. they run straight from the flange 17 to the bottom region ~~44-2.2~~, in which it is not necessary that they are extended over the whole length. The grooves are formed according to the invention in such a way that the wall region is reinforced or stiffened due to the grooves ~~45-32~~. Moreover, the plurality of the grooves ~~45-32~~, which are distributed over the wall region ~~42-2.1~~, realize an adhesion between wall region ~~42-2.1~~ and the brewing chamber's wall of the device for producing a beverage after the extraction process. This makes it easier to eject the portion capsule from the brewing chamber automatically. The portion capsule's version represented in Figure 19 comprises a circumferential border 16 that is placed at the wall region ~~42-2.1~~ ranging from the flange 17 to the bottom area ~~44-2.2~~, namely adjacent to the flange 17 facing towards the bottom area ~~44-2.2~~. The border 16 has an enlarged diameter (parallel to the membrane 4) compared to the wall region's ranging from the border 16 to the bottom area ~~44-2.2~~. It is provided that the border's contour 16

is designed in such a manner that the border's diameter tapers towards the flange ~~7~~
17.

[00081] It is provided according to the portion capsule's embodiment, which is represented in Figure 19 and is in accordance with the invention, that the grooves ~~15~~32 are placed in the border's region in the first part, partially range from the border 16 to the bottom area ~~11~~2.2 across the wall region ~~12~~2.1, in the second part and then finally end. All in all the grooves cover, for example, around 50 % of the extension of the wall region ~~12~~2.1, which ranges from the flange ~~7~~17 to the bottom area ~~11~~2.2, wherein one-third of the grooves' extension is placed in the border's region and two-thirds of the grooves' extension is placed in the remaining wall region ~~12~~2.1 that range from the border 16 to the bottom area ~~11~~2.2.

[00082] A portion capsule 1 according to the invention is shown as sectional view along the portion capsule's extension regarding its height in **Figure 21**, i.e. the section's plane is perpendicular to the membrane's main plane. **Figure 22** also shows a portion capsule according to the invention in a sectional view portraying the sectional plane, which is parallel to the membrane's main plane. It is noticeable that the interior of the portion capsule's cavity is shown in Figure 21. The portion capsule's material or the base element's material is so thin that the implementation of grooves 32 at the exterior shown in Figure 19 leads to corresponding convexities 34 and impressions at the interior. Figure 22 particularly illustrates the gearwheel shaped contour 36 resulting from insertion of grooves in the portion capsule's 1 wall region.

PORTION CAPSULE HAVING AN IDENTIFIER

FIELD

[0001] These teachings relate to a portion capsule and method for producing a beverage.

BACKGROUND

[0002] The present invention relates to a portion capsule for producing a beverage, comprising a base element having a cavity in which a beverage raw material is provided and which is closed by a membrane fastened to the base element.

[0003] Such capsules are well known and are being launched onto the market in abundant variety. Since these capsules are often quite similar, it is possible that the manufacturer's capsules are used in a coffee machine designed by another manufacturer, although they are not suited for it. This may result in significant security issues and/or the coffee machine may be damaged.

[0004] The object of the present invention is therefore to provide a portion capsule which only is suitable for a specific coffee machine.

SUMMARY

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[0005] The object is accomplished according to the present invention by a portion capsule for producing a beverage, comprising a base element having a cavity in which a beverage raw material is provided and which is closed by a membrane fastened to the base element, wherein it has an identifier, which allows to individualize the respective portion capsule.

[0006] The present invention relates to a capsule for producing a beverage or foodstuff, comprising a base element having a cavity in which a beverage raw material is provided. Such capsules are, for example made of plastic, natural materials and/or biodegradable materials and substantially have a base element, in particular a deep-drawn base element, i.e. it is substantially designed frustoconically or cylindrically. The beverage raw material is arranged within the portion capsule's cavity and is extracted and/or dissolved in a liquid, in particular water. After the beverage raw material has been filled into the cavity the base element is usually sealed by a membrane. In particular the membrane is localized on the opposite side of the base element's bottom. The membrane can be made of the same or different material as the base element and is substantially attached to the base element using a sealing and/or an adhesive bonding. Additionally the cavity could contain one or several built-in elements, such as, for example a filter, a non-woven, a felt, a shut-off device and/or something similar to those. For the case that a non-woven and a felt are arranged within the cavity, they are interconnected preferably. The non-woven and/or the felt can be made of several layers in such a way that the layers may differ in the kind of its starting material and/or its preparation. Moreover the membrane and/or the bottom can be provided with a plurality of recesses (holes).

[0007] According to the present invention, it is provided that the portion capsule has an

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identifier that allows to individualize the respective portion capsule. In the context of this invention individualizing means that the respective portion capsule can be assigned to a group of capsules that are suitable for the coffee machine preferably. It is not necessary that the coffee machine is able to specify and/or identify the portion capsule. In fact it is much more important that the coffee machine associates the portion capsule with a group of portion capsules, which is suitable for the coffee machine. In particular, individualizing means that those portion capsules that are not appropriate for the coffee machine cannot be inserted into and/or directly fall through the holder, which is designed for the portion capsules in the coffee machine, and/or the coffee machine operates only with the corresponding portion capsules. Preferably a sensor/detection system handles the identifier and compares it with a stored reference substantially. Preferably, the coffee machine, in particular the water-providing- pressure pump, will be activated if the detected identifier matches with the reference. Otherwise the coffee machine will not start operating. Preferably the detection system is placed in the region of the coffee machine's media chute designed for the portion capsules. According to another preferred embodiment of the invention, the detection system may be placed in the region of the brewing chamber. Another possible embodiment of the invention provides that the identifier prevents portion capsules from inserting into the coffee machine. Alternatively or additionally, means, in particular mechanical means, more preferably, one or more gearwheels, may be added to the media chute in order to guarantee that incorrect portion capsule cannot be inserted into the coffee machines by passing the media chute.

[0008] Preferably the identifier is composed of surface areas having different optical properties, for example reflection. These surfaces may be localized on the membrane, the

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side wall and/or the bottom of the portion capsules. Preferably, the portion capsule has at least two areas which differ in their optical properties, for example the reflection characteristics.

[0009] The detection of a recess and/or a bulge is also preferred. Preferably, recess and bulges alternate and/or at least two recesses or bulges are separately placed from each other. Especially it is possible that the recess and/or the bulge form a gearwheel that is attached to the outer border and/or at least partially extends to the wall region of the portion capsule. The recess and/or bulge may be produced by any shaping method, for example by deep drawing, preferably.

[0010] Furthermore, the recess may be realized by removing material. In particular the material's removal can be accomplished by punching or using a laser on condition that this processing does not damage a barrier layer placed in the portion capsule's material, which prevents moisture or aroma from escaping out of the portion capsule and/or water vapor or oxygen enters the capsule. The reading of the identifier, which is encoded in the recess and/or bulge, may be a result from a mechanical and/or optical method, for example. Alternatively or additionally, the identifier can be used to avoid that the portion capsule is inserted into the coffee machine. This applies in particular to the media chute. For example it is possible to design a portion capsule comprising a ring gear that is placed on its circumference and is compatible with another ring gear, which is placed in the media chute. If the media chute's ring gear only revolves for a corresponding ring gear of the portion capsule and its revolving allows the portion capsule to pass, only portion capsules equipped with the proper ring gear will pass the insertion

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lock.

[00011] According to a further subject matter of a preferred development of the present invention, the identifier may be included in the membrane. Preferably, the identifier is a layer or partial layer of the membrane. Such identifiers may be an optically detectable material, for example a fluorescent material. Furthermore, the identifier may be designed with layers made of metal or ferrous metal or stripes made of metal or ferrous metal in or on the membrane, respectively.

[00012] Preferably the identifier is a machine-readable imprint. This is realized with a print in food approved color, preferably. Fluorescent materials like paper or print materials, whose optical properties change under the influence of temperature, are favored also. Preferably the print is a barcode, a logo or a repeat pattern.

[00013] According to a further subject matter of a preferred development of the present invention, the identifier is an electrically conductive section, which can be placed all over the portion capsule, but is localized on the side wall, the edge and/ or the floor preferably. The electrically conductive section, which is inserted into the coffee machine, can become part of an electric circuit and causes therefore a measurable change, which leads to the identification of the respective portion capsule. In a further preferred embodiment, the identifier is a section made of a ferromagnetic material.

[00014] Another construction version favors a RFID chip being the identifier.

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[00015] If the portion capsule is customized according to the invention, portion capsules that are not in line with the coffee machine will be prevented from inserting into the coffee machine. Furthermore it is possible that the identifier allows to identify the portion capsule located in the brewing chamber in such a way that the production process of beverage or food may be controlled, for example by adjusting the temperature, the pressure and/or the amount of water.

[00016] According to a further subject matter of a preferred development of the present invention, the portion capsule's material is weakened in the bottom area caused by a selective material removal, for example by using a laser. The weakening is provided for piercing the portion capsules using a mandrel. This procedure is needed for the beverage's preparation. Since the material is weakened in the section, which is treated with a laser and is supposed to be pierced using the mandrel, the degree of necessary force for piercing the portion capsule is reduced. The mandrel of such coffee machines is usually equipped with a force limitation that limits the force, which is dedicated for pressing the mandrel against the portion capsule's bottom. This preparation avoids that portion capsules having no appropriate weakening can be used in such a coffee machine. Consequently the weakening represents another kind of identifier.

[00017] According to a further subject matter of a preferred development of the present invention, the portion capsule has an edge region, which is preferably attached to the base element. Preferably, the edge is located opposite of the base element's bottom area. After the raw material has been filled in the portion capsule, a membrane can be attached to this edge region, for instance. Moreover the edge can also designed for guiding

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the portion capsule into the chute in order to position the portion capsule in the brewing chamber properly. Simultaneously it is possible to use the surface of the edge for stopping and/or sealing.

[00018] Preferably provision is made for the portion capsule to have means for fit locking, friction locking and/or detection in the edge region. The means for fit locking and/or friction locking may be used to activate a complementary mechanism, which is located in the coffee machine, in order to allow inserting the portion capsule into the coffee machine and/or starting a sensor, like a gearwheel, that transmits a signal to a control unit depending on whether the portion capsule corresponds to the coffee machine or not. Alternatively or additionally, a detector may identify the mean for fit locking, friction locking and/or detection in order to check that the portion capsule is suitable to the respective coffee machine.

[00019] Preferably the means for fit locking, friction locking and/or detection is a gearwheel or a gearwheel' segment, which are located, in particular, in the outer area of the edge region. The teeth of the gearwheel or the gearwheel' segment may be shaped in any commonly used form, which is known, for example, by an expert from gear manufacturing. Preferably it is provided that these teeth are triangular, rectangular, square or wavy.

[00020] Preferably there is a sealing surface, that is arranged on the interior side relative to the gearwheel or the gearwheel' segment.

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[00021] Another and preferred state-of-the-art technology is a portion capsule for producing a beverage, comprising a base element substantially designed frustoconically or cylindrically, having a cavity in which a beverage raw material is provided and which is closed by a membrane fastened to the base element with the base element having a wall region and the base element having a bottom area, which is preferably located opposite to the membrane, with the wall region having several grooves and the grooves which are located between membrane and bottom area covering the wall region along its height at least partially. The grooves may be also located in the edge region, in particular on the outer area of the edge region.

[00022] This portion capsule has the advantage over the portion capsule according to the state-of-the-art technology that, for instance, the grooves reinforce the base element's wall region. On the one side these grooves make the portion capsule more stable towards mechanical forces and prevent the portion capsule from deformation and buckling, in particular. The arrangement of the grooves, which are located at the wall region, additionally improves the performance of the portion capsule while the extraction liquid flows through it in the brewing chamber, since the arrangement of the grooves, in particular those partially expending over the wall region between membrane and bottom area, increase quality and reliability of the extraction process significantly. According to the invention another advantage is that the base element's thickness can be reduced, because the use of grooves improves the physical stability. The production of the portion capsule is therefore much less expensive and more environmentally friendly. On the other side the grooves reduce or avoid the contact between the portion capsule's wall region and the wall of the brewing chamber. As a result ejecting or

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removing the portion capsule from the brewing chamber is made easier. Another advantage of using a plurality of grooves is that the stream of the extraction liquid, which flows along the base element in the cavity, can be optimized by choosing a grooves' structure that is able, for example, to generate on the one hand a better or stronger turbulence in the extraction liquid or on the other hand a more uniform (laminar) flow of the extraction liquid, in the wall region. The control of the liquid may be obtained by the structure of the grooves itself or by using simple means additionally. A stronger turbulence compared to the one known in the state-of-the-art has the advantage that no unintended and casual main streams are formed in the raw materials. Instead the extraction liquid equally flows through the raw material in all of the volume. Thus the extraction process is much more efficient and can be controlled more precisely and reproducibly.

[00023] In particular the raw material may be coffee powder (especially ground roasted coffee), chocolate powder, milk powder, tea or the like. Alternatively, it is conceivable that the raw material is a beverage's extract, such as instant coffee for example.

[00024] In particular, the grooves are recesses and bulges, which are preferably directed along a main extension and are preferably extended along the wall portion or the periphery of the edge region. More preferably, the grooves are formed as webs and/or notches. A gearwheel, for instance, may be obtained by the grooves. Therefore the grooves are part of the base elements' wall, optionally located on the inner side facing to the cavity and/or on the outside facing away from the cavity.

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[00025] According to a preferred embodiment of the present invention, it is provided that the grooves form an identifier that allows individualizing the portion capsule. In the context of this invention individualizing preferably means that the respective portion capsule can be assigned to a group of capsules that are suitable for the respective coffee machine or the machine producing a beverage. It is not necessary that the coffee machine or the device for producing a beverage is able to specify and/or identify the portion capsule. It is more important that the device for producing a beverage, in particular a coffee machine, associates the portion capsule with a group of portion capsules, which is appropriate for the respective device for producing a beverage, in particular a coffee machine. In particular, individualizing means that those portion capsules that are not appropriate for the coffee machine (or the device producing the beverage) cannot be inserted into and/or directly fall through the holder, which is designed for the portion capsules in the coffee machine (or the device producing the beverage), and/or the coffee machine (or the device producing the beverage) operates only with corresponding portion capsules ("proper portion capsule"). In particular, individualizing means that the coffee machine or the device producing the beverage will not operate properly in the intended use, if the used portion capsule is not customized according to the invention. Preferably a sensor/detection system, attached to the coffee machine or the device producing the beverage, records the identifier and substantially compares it with a stored reference. In particular, it is possible that such an identification process is based on a mechanical fitting, especially a fitting of a gearwheel or of a contour comparable with a gearwheel, which is attached to the device producing the beverage or the coffee machine and interacts with the portion capsule. It is preferred that the device for producing the

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beverage or the coffee machine only will operate, if the identifier matches to the reference or the mechanical fittings match with each other. In this case the device for producing the beverage particularly starts to operate, especially activates a pressure or water pump. The mean for detection or mechanical fitting is preferably located in the region of the media chute or in the region of the device for producing the beverage. Alternatively the identifier or the mechanical fitting may avoid that an unsuitable portion capsule is inserted into the device for producing the beverage. A portion capsule, which is designed in accordance with the invention, makes it possible that a portion capsule that is not designed for the device for producing a beverage cannot be inserted into it. Additionally the identifier allows that the device for producing the beverage, especially the coffee machine, may specify the sort of the portion capsule and thereby control the production process of beverage and food by adapting, for example, the pressure, the temperature and/or the amount of water.

[00026] According to a further preferred embodiment of the present invention, it is provided that at least a part of the grooves and at least in a subarea parallel to the main plane of the membrane is gearwheel shaped.

[00027] According to the present invention it is an advantage that it is possible to increase the stability of the portion capsule's wall region, to realize improved turbulences of the extraction liquid and thereby to improve the extraction's process under the same conditions, for example, such as material thickness and the like. Another advantage is that it is easy to generate a mechanical identifier or a mechanical fitting that matches with a fitting tool that belongs to the device for producing a beverage. According

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to the invention it is an further advantage that, for example, a gearwheel, which is attached to the device for producing a beverage and is, for example, located in the region of the media chute or similar, can possibly interacts with the gearwheel's contour of the portion capsule. In this way it is possible to generate a mechanical fitting that allow to individualize the portion capsule as a proper one and/or to specify the sort of portion capsule and/or to rotate the portion capsule about an axis of rotation, that is perpendicular to the membrane's main plane, by using the gearwheel's arrangement. Such an embodiment of the invention makes it possible that the portion capsule is always opened with the device for producing a beverage on the same spot (with respect to its angular position) and therefore the raw material is extracted on the same manner. Moreover the grooves prevent the portion capsule from being inserted into the coffee machine.

[00028] In a preferred version of the invention, it is provided that there is a flange/edge region being averted from the bottom region, for fixing the membrane to the base element, where in the wall region between flange/edge region and bottom region preferably has a border and the grooves are being preferably extended to this border.

[00029] Because of this it is another advantage according to the invention that on the one hand the wall region can be constructed in a stable and reinforced manner and on the other hand the gearwheel shaped contour of the grooves, located at the wall region, is able to absorb a relative high load. With that it is possible that the portion capsule can be rotated easily and without any damaging of the portion capsule within the device for producing a beverage.

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[00030] Preferably the base element's diameter is enlarged in the border's region compared to the wall region, which range from the border to the bottom region.

[00031] This gives rise to the advantageous possibility to stack portion capsule or portion capsules' base elements easily and robustly.

[00032] Moreover it is preferred that at least a part of the grooves are gearwheel shaped and at least a plane, which is at least partially gearwheel shaped, is parallel to the membrane in such a way that the gearwheel shaped contour expands over the borders or the flange/edge region.

[00033] Further preferred versions of the present invention relate to portion capsules that implement one or more of the following characteristics:

- the base element tapers in the direction of the flange in the border's region,
- the grooves directed toward the bottom region expand over the border's region,
- the grooves approximately cover 20% -80%, preferably 40% - 60% of the wall region, which is placed between the border and the bottom region,
- the grooves are constructed in such a way that the wall region is reinforced and/or the grooves causes an extraction liquid's turbulence in the cavity.

[00034] Other preferred versions of the present invention relate to portion capsules that are manufactured in such a way that the ratio of the diameter of that wall region of the base element which adjoins the flange to the diameter of the flange is between 0.85 and 0.89, and in particular substantially 0.87.

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[00035] In a preferred version, the wall region's diameter, which is adjacent to the flange, is 39 millimeters and the flange's diameter is 45 millimeters. Another advantageous version of the invention prefers a base element having a thicker wall region in the border's region compared to the wall region between bottom region and flange. Since the portion capsule's design, which contains grooves in the wall region, improves its stability, it is possible to save material by manufacturing the portion capsule and therefore to reduce cost and energy required for manufacturing the portion capsules.

[00036] According to the invention it is further provided that a filter element is arranged into the cavity. Such a filter element divides the cavity into a first region for accommodating the beverage raw material and into a second region for accommodating a beverage extract. In particular, it is provided that the filter element is made of a non-woven material.

[00037] According to a further subject matter or a preferred development of the present invention the portion capsule according to the invention is intended for the preparation of a hot beverage. In the following the invention is explained based on the Figures 1 - 22. These explanations do not restrict the general idea of the invention.

BRIEF DESCRIPTION OF THE DRAWINGS

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[00038] **Figures 1A and 1B show** a portion capsule containing sections that differs optically.

[00039] **Figures 2A, and 2B show** a portion capsule containing a barcode.

[00040] **Figure 3** shows a portion capsule with recesses and bulges.

[00041] **Figure 4** shows a portion capsule containing sections that differs optically.

[00042] **Figure 5** shows a portion capsule with a key function.

[00043] **Figure 6** shows a portion capsule's wall that is electrically conductive.

[00044] **Figure 7** shows a portion capsule's wall containing sections that differs optically.

[00045] **Figure 8** shows an enlarged pot construction of the portion capsule's wall.

[00046] **Figure 9** shows an edge region that is electrically conductive.

[00047] **Figure 10** shows a portion capsule containing a bottom that is electrically conductive.

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[00048] **Figure 11** shows an embodiment containing a layer that can be detected by a metal detector.

[00049] **Figure 12** shows a metallic strainer.

[00050] **Figure 13** shows a portion capsule containing a ferromagnetic section.

[00051] **Figure 14** shows a portion capsule containing a barcode.

[00052] **Figure 15** shows a portion capsule containing a section, which is electrically conductive, in the wall.

[00053] **Figures 16A and 16B show** a portion capsule with a gearwheel placed in the brewing chamber.

[00054] **Figures 17A-17C** show different embodiments of the portion capsule according to Figures 16A and 16B.

[00055] **Figure 18** shows the portion capsule according to the Figures 16 A and 16B and Figures 17A-17C, when the portion capsule is fit locking with a gearwheel.

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[00056] **Figures 19 and 20** show a schematic view of a portion capsule according to an embodiment of the presented invention.

[00057] **Figures 21 and 22** show two sectional views of the portion capsule according to an embodiment of the presented invention.

DETAILED DESCRIPTION

[00058] **Figures 1A and 1B** show a portion capsule 1 comprising a base element 2 that has a wall region 2.1 and a bottom area 2.2. The wall region 2.1 and the bottom area 2.2 define a cavity 3, which may include the raw material and perhaps a built-in element. After filling, the cavity 3 is sealed by a membrane 4, which is preferably attached to the edge region 2.4 of the base element using seal or glue. This portion capsule can be inserted into a brewing chamber 12, with a liquid, in particular water, flowing through it. During this process, the raw material is extracted or dissolved and therefore the beverage is produced. According to the invention the portion capsule has only one identifier that allows to determine whether the respective portion capsule goes with the coffee machine's brewing chamber and the parameters for processing are chosen properly. If it is not the case, significant security issues arise. Inserting the wrong portion capsule, for example, endangers the brewing chamber's tightness. In this case hot water can be discharged under high pressure and therefore compromise the user's safety. Otherwise it is also possible that inserting the wrong portion capsule damages the coffee machine. In this example the identifier is represented by several raised areas 8, which differ in reflection properties from the sections between the raised areas. As shown by the arrows the bulges are passed by a mean for detection 13 (here: an optical detector)

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that is able to differentiate between the unequal sections 5, 6 having different optical properties such as, for example, reflection. Switching between the different sections or the number of bulges represents the identifier. After the identifier has been read out the identifier is compared to a stored reference. If the identifier agrees with the reference, the coffee machine will start operating. Particularly the pump, which is for example responsible for pushing hot water through the brewing chamber, will not start operating, if the identifier does not agree with the reference.

[00059] All the remarks concerning the identifier apply to all the examples.

[00060] **Figures 2A and 2B** show another embodiment of the portion capsule 1 according to the invention. The portion capsule 1 comprises a base element 2 that has a wall region 2.1 and a bottom area 2.2. Here the portion capsule 1 has a barcode 50 placed in the area of the membrane's 4 top surface. This barcode may be printed by material removal or may be generated by a medium that is integrated in the foil and can be detected optically such as a fluorescence agent. Alternatively, metal rings may be part of the foil or attached to the foil. The barcode's section may be made of a ferromagnetic material. 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. Such a barcode is read out by a detector 13 placed, for example, in the media chute. The barcode represents the identifier according to invention.

[00061] **Figures 3A and 3B** show another embodiment of the portion capsule 1 according to the invention. In the present case the identifier comprises recesses and bulges

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7, 8, which result from material removal or reshaping the portion capsule as shown here by the example of the portion capsule's wall 2.1. In the present case, recesses and bulges interact with a means for detection 13, which operates like a key, wherein the coffee machine only start operating, when all elements 14 are placed in the respective recess 7. Therefore, an electric circuit may be changed or especially closed.

[00062] **Figure 4** shows an embodiment of the portion capsule being substantially identical to the embodiment illustrated in Figure 1. As an alternative version of the invention, the figure additionally shows that the unequal sections 5, 6 differing in terms of optical properties can be attached to the cover foil, for example in the form of a barcode.

[00063] **Figure 5** shows an embodiment of the portion capsule being substantially identical to the embodiment illustrated in Figure 3 that includes recesses 7 and bulges 8. Again, the recesses represent the key bit. The coffee machine only will start operating, if the recesses interact with the corresponding bulges and therefore an electric circuit is changed respectively. The placement of such a system is not restricted to the brewing chamber. For instance, the system may be placed in the portion capsule's media chute.

[00064] **Figure 6** shows a version of the invention that includes a base element 2 and an electric material forming a surrounding ring 2.3, which preferably has a raised form. The electrically conductive material is scanned by means for detection 13 having electric sliding contacts, which are placed in the media chute and form electric contacts of an electric circuit, while the portion capsule is inserted.

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[00065] **Figure 7** shows an embodiment of the portion capsule being substantially identical to the embodiment illustrated in Figure 6, in which it is provided that the ring area has reflective 21 or mat 22 sections, for example in form of a covering, and allows a read-out by means for detection 13 for optical detection, which are placed in the media chute and are part of a control current, while the portion capsule is inserted.

[00066] **Figure 8** shows a relative broad and raised ring 2.3 which represents the identifier. The media chute is equipped with a corresponding vacancy that tests whether the portion capsule has the proper identifier. The broad ring is scanned, for example, by means for detection 13 having mechanical sensors, which are placed in the media chute and close the contacts of an electric circuit, while the portions capsule is inserted.

[00067] **Figure 9** shows another embodiment of the portion capsule according to the invention. In the present case an electrically conductive coat 10 is integrated in the edge region's back and is scanned by electric sliding contacts, which are placed in the media chute and form electric contacts of an electric circuit, while the portion capsule is inserted.

[00068] **Figure 10** shows another embodiment of the portion capsule according to the invention. In the present case the portion capsule has an electrically conductive coat 10 at the bottom area 2.2 such as a conductive varnish layer or an aluminum foil. The coat is scanned by means for detection 13 having electric sliding contacts, which form electric contacts of an electric circuit, while the portion capsule is inserted.

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[00069] **Figure 11** illustrates a version of the portion capsule having also an electrically conductive coat 10 that is placed on its bottom 2.2 and is identified by a means for detection 13 having a metal sensor, which is placed in the chute and, for example, detects inductively, while the portion capsule is inserted.

[00070] The embodiment of the invention shown in **Figure 12** has a build-in element made of metal (here a strainer 19) that is recognized as identifier by a means for detection 13 having a metal detector.

[00071] The version of the invention shown in **Figure 13** includes a ferromagnetic material 20 placed at the portion capsule' bottom. The identifier is scanned, by means for detection 13 for example, by a magnet, which is placed in the chute, while the portion capsule is inserted. The ferromagnetic material acts as identifier.

[00072] **Figure 14** shows another embodiment which includes a barcode placed in the region of the cover foil. The portion capsule includes a flange 17.

[00073] According to the embodiment shown in **Figure 15** a metallic ring 11 is integrated in the wall region 2.1 and closes means for detection 13 having an electric circuit placed in region of the brewing chamber.

[00074] **Figures 16A and 16B** show another embodiment of the portion capsule 1 according to the invention. The illustrated portion capsule features a base element 2 that is basically conical- shaped in the present case and has a bottom region 2.2 and a wall

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region 2.1. It is provided that the base element contains the raw material and, if necessary, build-in elements like a filter as illustrated here. The expert knows that the build-in element may also include other build-in elements. A flange 17 /edge region 2.4, which is preferably circular and, for example, may be used for sealing a cover foil 4 to it, is attached to the end of the base element, which is placed opposite to the bottom. The flange/edge region has means for fit locking, friction locking and/or detection 2.4.2 in the outer area (outer circumference). As especially shown in the Figures 17A-17C, the means for fit locking, friction locking and/or detection 2.4.2 is, in the present case, a gearwheel that is formed by several recesses/bulges evenly arranged in the edge region. Preferably, it is provided that the edge region has a sealing surface 2.4.1, which sealingly interacts with the seal 31 attached to the brewing chamber 27, on the interior side of the gearwheel. The sealing 31 makes sure that the water coming from a water inlet 28 flows through the portion capsule by passing an opening, which has been made by a mandrel 29, than around it.

[00075] **Figures 17A-17C** show different embodiments of the means for fit locking, friction locking and/or detection 2.4.2. According to the version shown in Figure 17A, the gearwheel has forty-five teeth. According to the version shown in Figure 17B or 17C, the gearwheel has twenty-two or twenty-nine teeth, respectively. The expert knows that the manufactured teeth can be shaped arbitrarily. All Figures 17A-17C demonstrate how the portion capsule 1 can be held by a part of the brewing chamber 27 using two holding arms 30. The holding arms interacts with the means for fit locking, friction locking and/or detection 2.4.2. If they are not available, the holding arms will not hold the portion capsule and the portion capsule will not be inserted into the brewing chamber and will fall

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through it into a dropping box instead. The portion capsule has a base element 2, a wall region 2.1, a bottom area 2.2, a sealing surface 2.4.1, and an edge region 2.4.

[00076] **Figure 18** shows the means for fit locking, friction locking and/or detection 2.4.2 along with mean for fit locking 24, which is attached to the coffee machine and is represented by a pinion here. It is provided that the mean for fit locking 24 is placed in the media chute or insertion shaft 26 of an insertion shaft housing 23 having a port for inserting the portion capsule in the coffee machine. The distance between the inner wall 25 of the portion capsule 1 and the mean for fit locking 24 represented by the pinion 24 are designed in such a way that the portion capsule only will pass the port, if the means for fit locking, friction locking and/or detection 2.4.2 is formed complementary to the teeth of the mean for fit locking 24 represented by the pinion. Only in this case the portion capsule rotates the mean for fit locking 24 represented by the pinion 24 while it falls. Both rotating and falling are represented by arrows in the figure. The portion capsule needs the rotation for passing the media chute's port and falling in the intended position afterwards. If the portion capsule has no or wrong mean of fit locking, it will be impossible to place the portion capsule by passing the media chute in the intended position. Additionally or alternatively, it is provided that the mean for fit locking 24 represented by the pinion has a pick-up that detects the rotary movement and transmits it to a control unit. If the rotation at least corresponds a defined rotating element, the control unit will activate, for example, the brewing unit. The expert knows that the portion capsule's border may include means for friction locking that interacts with a mean, for example an edge, and shift it in such a way that the shift is detected and therefore the brewing chamber is activated. The portion capsule 1 has a cover foil 4 and a sealing surface 2.4.1.

[00077] The expert moreover knows that a sensor, being for example a camera, which detects the form of the means for fit locking, friction locking and/or detection 2.4.2., may be installed in the media chute. In the present case the form and/or the distance between the teeth may be detected. If the proper portion capsule was inserted, a resulting signal could be transmitted to a control unit, which activates the brewing chamber.

[00078] **Figure 19** schematically shows a view of another portion capsule's version according to an embodiment of the present invention. **Figure 20** illustrates the same portion capsule from a different point of view schematically. Figure 19 shows the front view of the portion capsule. Figure 20 shows the portion capsule viewed from an angle below. In all figures the portion capsule is labeled with the reference sign 1. The portion capsule substantially has a frustoconically shaped base element 2, which is formed similar to a pot and encloses a cavity 3. The cavity 3 is sealed by a membrane 4. Since the viewing direction of Figure 19 is essentially parallel to the plane, in which the membrane is located, the membrane is at the upper edge of the portion capsule. In particular, the base element 2 comprises a soft, semi-rigid or rigid plastic material which is deep-drawn, preferably. The membrane comprises a foil made of plastic material or aluminum. Preferably the base element has a circumferential mounting flange 17 in the region of the membrane, with the membrane and the mounting flange 17 being firmly bonded, in particular by welding or gluing. Preferably a filter element, which is not specifically depicted in the figures, is placed within the base element 2. For instance, the filter element is made of thermoplastic resin such as, for example, polypropylene. The filter element could also be made of a non-woven material such as, for example, thermoplastic resin.

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Preferably the filter element divides the cavity 3 in two sections. It is provided that the first section can be filled with a raw material and the second section can be filled with and particularly collect a beverage's extract, which is not shown, during the extractions process. Both sections are not illustrated individually.

[00079] The portion capsule is intended for inserting into a brewing chamber or a device for producing a beverage, which is not shown here. In particular such a device for producing a beverage is a coffee machine. The device for producing a beverage could be also a machine that produces a tea drink, a chocolate drink or any other beverage. Preferably an extraction liquid, which is particularly water or hot water, is brought under high pressure into the brewing chamber of the device for producing a beverage. The extraction liquid interacts with the raw material of the beverage in such a way that an extract of a beverage or a beverage is generated. In particular the filter element is utilized as a strainer for the extract of a beverage.

[00080] According to the invention, the base element 2 has a wall region 2.1 and a bottom area 2.2. The wall region 2.1 basically ranges from the flange 17 to the bottom region 2.2. Several grooves 32 are placed in the wall region. In particular these grooves are keyways that are integrated in the wall region 2.1 and are facing the cavity 3 and range from the flange 17 to the bottom region 2.2 (i.e. they run perpendicular according to Figure 19). According to the invention provision is made for the grooves 32 to be extended vertically across the wall region, i.e. they run straight from the flange 17 to the bottom region 2.2, in which it is not necessary that they are extended over the whole length. The grooves are formed according to the invention in such a way that the wall

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region is reinforced or stiffened due to the grooves 32. Moreover, the plurality of the grooves 32, which are distributed over the wall region 2.1, realize an adhesion between wall region 2.1 and the brewing chamber's wall of the device for producing a beverage after the extraction process. This makes it easier to eject the portion capsule from the brewing chamber automatically. The portion capsule's version represented in Figure 19 comprises a circumferential border 16 that is placed at the wall region 2.1 ranging from the flange 17 to the bottom area 2.2, namely adjacent to the flange 17 facing towards the bottom area 2.2. The border 16 has an enlarged diameter (parallel to the membrane 4) compared to the wall region's ranging from the border 16 to the bottom area 2.2. It is provided that the border's contour 16 is designed in such a manner that the border's diameter tapers towards the flange 17.

[00081] It is provided according to the portion capsule's embodiment, which is represented in Figure 19 and is in accordance with the invention, that the grooves 32 are placed in the border's region in the first part, partially range from the border 16 to the bottom area 2.2 across the wall region 2.1, in the second part and then finally end. All in all the grooves cover, for example, around 50 % of the extension of the wall region 2.1, which ranges from the flange 17 to the bottom area 2.2, wherein one-third of the grooves' extension is placed in the border's region and two-thirds of the grooves' extension is placed in the remaining wall region 2.1 that range from the border 16 to the bottom area 2.2.

[00082] A portion capsule 1 according to the invention is shown as sectional view along the portion capsule's extension regarding its height in **Figure 21**, i.e. the

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section's plane is perpendicular to the membrane's main plane. **Figure 22** also shows a portion capsule according to the invention in a sectional view portraying the sectional plane, which is parallel to the membrane's main plane. It is noticeable that the interior of the portion capsule's cavity is shown in Figure 21. The portion capsule's material or the base element's material is so thin that the implementation of grooves 32 at the exterior shown in Figure 19 leads to corresponding convexities 34 and impressions at the interior. Figure 22 particularly illustrates the gearwheel shaped contour 36 resulting from insertion of grooves in the portion capsule's 1 wall region.

Amendments to the Claims

1) – 24) (Cancelled)

25) (Currently Amended) A single-serve capsule for making a beverage, comprising:

a base element with a cavity, and in which a raw beverage material is provided, the base element is made of metal,

a flange extending outwardly from a top portion of the base element, and

a ~~membrane-metal cover~~ that is configured to close the cavity, the ~~membrane-metal cover~~ is fastened to a top side of the flange, ~~and~~

~~an identifier that is a barcode that is provided on a bottom side of the flange, the bottom side of the flange is opposite the top side of the flange to which the membrane is fastened, the identifier extends around an entire perimeter of the base element,~~

wherein the base element comprises a bottom, and a side wall region extending between the membrane-metal cover and the bottom, the side wall region comprising one or more comprises a plurality of radially spaced and vertically oriented grooves that are free from extending all the way to the bottom of the base element, the grooves are also free from extending all the way to a region of the side wall that is immediately adjacent to the flange extend at least partially between the membrane and the bottom, the one or more grooves form one or more corresponding bulges on an inside of the wall region that faces the cavity, the side wall comprising an electrically conductive section,

wherein the side wall has an inner surface defining the cavity that includes a plurality of radially spaced and vertically oriented ribs that are free from extending all the way to a bottom of the cavity, and

wherein the capsule is free of a filter.

26) (Cancelled)

27) (Cancelled)

28) (Cancelled)

29) (Cancelled)

30) (Currently Amended) The single-serve capsule according to Claim 25, wherein a ratio of a diameter of the side wall ~~region~~ of the base element which adjoins the flange to a diameter of the flange is between 0.85 and 0.89.

31) (New) The single-serve capsule according to Claim 25, wherein the base element and/or the cover are made of aluminum, and

wherein the base element comprises a circumferential border adjacent the flange, the border has a larger diameter compared to a diameter of the side wall.

32) (New) The single-serve capsule according to Claim 25, wherein the base element is deep drawn, and

wherein the cavity has grooves defined between the ribs, and the grooves in the cavity generate turbulence of water in the cavity.

33) (New) The single-serve capsule according to Claim 32, wherein the base element and the cover are made of the same material.

34) (New) The single-serve capsule according to Claim 25, wherein the side wall comprises an upper section and a lower section, the upper section is located adjacent to the flange, the lower section is located below the upper section, wherein the upper section comprises a circumferential border and the wall of the lower section is angled, with respect to the upper section, and is tapered towards a bottom of the base element.

35) (New) The single-serve capsule according to Claim 34, wherein the cover is bowed outwardly in a central region of the base element relative to a region of the cover adjacent to the flange.

36) (New) The single-serve capsule according to Claim 35, wherein the bottom of the base element comprises an indentation.

37) (New) The single-serve capsule according to Claim 31, wherein the bottom of the base element comprises an indentation, and

wherein the side wall comprises an upper section and a lower section, the upper section is located adjacent to the flange, the lower section is located below the upper section,

wherein the upper section comprises a circumferential border and the wall of the lower section is angled, with respect to the upper section, and is tapered towards a bottom of the base element.

38) (New) The single-serve capsule according to Claim 35, wherein the bottom of the base element comprises an indentation.

Amendments to the Specification

Included herewith is a Substitute Specification provided by way of a marked-up copy and a corresponding clean copy. No new matter has been added. Entry of the Substitute Specification is respectfully requested.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Smith, Chaim A

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Attorney Docket No.: 1859.029USD2 (KRU0022-WO-US-T2)

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE;
AMENDMENT;
PETITION FOR AN EXTENSION OF TIME; AND
REQUEST FOR CONTINUED EXAMINATION (RCE)**

In response to the Office Action mailed October 16, 2019, please amend the above-identified application as follows and consider the following remarks.

Electronic Patent Application Fee Transmittal				
Application Number:		15646980		
Filing Date:		11-Jul-2017		
Title of Invention:		PORTION CAPSULE HAVING AN IDENTIFIER		
First Named Inventor/Applicant Name:		Marc KRÜGER		
Filer:		Paul J. Palinski/BECKY BALLARD		
Attorney Docket Number:		1859.029USD2		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 5 months with \$0 paid	1255	1	3160	3160
Miscellaneous:				
RCE- 1ST REQUEST	1801	1	1360	1360
Total in USD (\$)				4520

Electronic Acknowledgement Receipt

EFS ID:	41102481
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	13-NOV-2020
Filing Date:	11-JUL-2017
Time Stamp:	03:24:18
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$4520
RAM confirmation Number	E2020AC424462691
Deposit Account	
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

IPR2024-00299

Nespresso USA, Inc. Ex. 1002

Page 424 of 867

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	RCE_1859_029USD2_KRU0022_WO_US_T.pdf	697622	no	3
			e20d7d6b051e6546ff2c441133e7ce92d57a2c34		
Warnings:					
Information:					
2	Specification	SubstituteSpecification_MarkedUpCopy_1859_029USD2_KRU0022_WO_US_T.pdf	183787	no	27
			0338936d6e35db53e2db8d5db925ba956ef36378		
Warnings:					
Information:					
3	Specification	SubstituteSpecification_CleanCopy_1859_029USD2_KRU0022_WO_US_T.pdf	176342	no	27
			eca86f1310a987086dc06ddf2ba70d092aefc117		
Warnings:					
Information:					
4		Response_1859_029USD2_KRU0022_WO_US_T.pdf	202998	yes	14
			0b20834fa7640be43eead62b2fb9e7ff2a55e89		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Applicant Arguments/Remarks Made in an Amendment		7	14	
	Drawings-only black and white line drawings		6	6	
	Claims		3	5	
	Specification		2	2	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
Warnings:					
Information:					
IPR2024-00299					

5	Fee Worksheet (SB06)	fee-info.pdf	32912	no	2
			68d17ff96004eccc9593819653c00dfa61169869		
Warnings:					
Information:					
Total Files Size (in bytes):				1293661	
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Amendments to the Drawings

Included herewith are Replacement Sheets. No new matter has been added. Entry of the Replacement Sheets is respectfully requested.

REMARKS

In the Office Action mailed October 16, 2019, the Examiner rejected claims 1,10 and 13-30. By way of the foregoing amendments and the markings to show changes Applicant has amended the claims. No new matter has been added.

The foregoing amendments are taken without prejudice and in the interest of expediting prosecution. There is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art. Applicant reserves the right to pursue the original claims, the previously presented claims, and/or the amended claims in another continuing application without limitation. Applicant is making no admissions with the foregoing claim amendments regarding any of the alleged teachings in the references relied upon by the Examiner in this office action and/or any of the Examiner's comments in the office action.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicant from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled.

Request for Continued Examination (RCE)

Included herewith is a Request for Continued Examination (RCE) and the requisite RCE fee.

Petition for an Extension of Time

Applicant petitions for an appropriate extension of time to maintain the pendency of this application. The requisite extension of time fee is included herewith. If any other fee is due, charge our Deposit Account No. 50-1097.

Co-Pending Applications

Applicant directs the Examiner's attention to the prosecution history of the following US applications in this family:

- US 16/438,818 filed on 06-12-2019

- US 16/860,432 filed on 04-28-2020
- US 16/860,441 filed on 04-28-2020
- US 16/538,752 filed on 08-12-2019

Claim Rejections – 35 USC 112

I. Claims 17, 19, 25-30 are rejected under 35 USC 112(a) or 35 USC 112 (pre-AIA) first paragraph, as allegedly failing to comply with the written description requirement for the reasons alleged on page 3 of the Office Action. This rejection is respectfully traversed.

The Office Action alleges “the capsule is free of a filter” is not disclosed in the application. Applicant respectfully disagrees, and submits this limitation is disclosed throughout Applicant’s application. For example, Applicant respectfully directs the Examiner’s attention to at least in the 3rd sentence of paragraph [0074], “It is provided that the base element contains the raw material and, if necessary, build-in elements like a filter” (*emphasis added*), and also to the 7th sentence of paragraph [0002], “Additionally the cavity could contain one or several built-in elements, such as, for example a filter” (*emphasis added*). Applicant submits at least these aforementioned passages sufficiently disclose a capsule that is free of a filter. Regarding the ratio limitation in claim 30, Applicant has corrected the typographical error to now recite the ratio is between 0.85 and 0.89.

In view of the foregoing remarks and the claim amendments submitted herewith, Applicant submits the alleged 35 USC 112(a) or 35 USC 112 (pre-AIA) first paragraph rejections are overcome, and Applicant respectfully requests they be withdrawn.

II. Claims 1, 10, 13-30 are rejected under 35 USC 112(b) or 35 USC 112 (pre-AIA) second paragraph, as allegedly being indefinite for the reasons alleged on page 4 of the Office Action. This rejection is respectfully traversed.

Claims 1, 10, 17, 22, 24, 28, 29 are cancelled in the interest of expediting prosecution and without prejudice; thus, the allegations regarding these claims on page 4 of the office action are moot.

Without conceding the validity of the allegations on page 4 of the office action regarding claim 25, Applicant has amended claim 25 in the interest of expediting prosecution in a manner that is believed to be sufficient to overcome this rejection.

Regarding the remarks on page 4 of the Office Action that it is not clear how the capsule would function without a filter, Applicant submits one having ordinary skill in the art understands that there may be several ways in which a capsule may function without a filter. For example, a non-limiting example is found in paragraph [00058] of Applicant's application, which recites in relevant part: "During this process the raw material is extracted or dissolved and therefore the beverage is produced."

In view of the claim amendments submitted herewith and the foregoing remarks, Applicant submits the alleged 35 USC 112(b) or 35 USC 112 (pre-AIA) second paragraph rejections are overcome, and Applicant respectfully requests they be withdrawn.

Claim Rejections – 35 USC 103

I. Claims 1, 13, 17-24 are rejected under 35 USC 103(a) as allegedly being unpatentable over "Jarisch" (US 2013/0064937A1) in view of "Aker" (US 2010/0078480A1). This rejection is respectfully traversed. However, without conceding the validity of the rejection of these claims or the appropriateness of the Examiner relying on a combination of Jarisch and Aker to reject these claims, claims 1, 13, and 17-24 are cancelled in the interest of expediting prosecution and without prejudice. Accordingly, the alleged obviousness rejection of these claims is moot.

II. Claim 10 is rejected under 35 USC 103(a) as allegedly being unpatentable over "Jarisch" (US 2013/0064937A1) in view of "Aker" (US 2010/0078480A1) and further in view of "Lacrouts-Cazenave" (US 4,976,179). This rejection is respectfully traversed. However, without conceding the validity of the rejection of claim 10 or the appropriateness of the Examiner relying on a combination of Jarisch, Aker, and Lacrouts-Cazenave to reject this claim, claim 10 is now cancelled in the interest of expediting prosecution and without prejudice. Accordingly, the alleged obviousness rejection of claim 10 is moot.

III. Claim 16 is rejected under 35 USC 103(a) as allegedly being unpatentable over "Jarisch" (US 2013/0064937A1) in view of "Aker" (US 2010/0078480A1) and further in view of "WO 2005/044067A1". This rejection is respectfully traversed. However, without conceding the validity of the rejection of this claim or the appropriateness of the Examiner relying on a combination of Jarisch, Aker, and WO 2005/044067A1 to reject this claim, claim 16 is now

cancelled in the interest of expediting prosecution and without prejudice. Accordingly, the alleged obviousness rejection of claim 16 is moot.

IV. Claims 14-15, 25, 27, and 30 are rejected under 35 USC 103(a) as allegedly being unpatentable over “Jarisch” (US 2013/0064937A1) in view of “Aker” (US 2010/0078480A1) and further in view of “EP1849718A1”. This rejection is respectfully traversed.

Claims 14-15

Without conceding the validity of the rejection of claims 14-15 or the appropriateness of the Examiner relying on a combination of Jarisch, Aker, and EP1849718A1 to reject these claims, claims 14-15 are now cancelled in the interest of expediting prosecution and without prejudice. Accordingly, the alleged obviousness rejection of claims 14-15 is moot.

Claim 25

Without conceding the validity of the rejection of claim 25 or the appropriateness of the Examiner relying on a combination of Jarisch, Aker, and EP1849718A1 to reject claim 25, claim 25 is amended in the interest of expediting prosecution to clarify that: the single-serve capsule comprises a metal cover that is configured to close the cavity; the side wall comprising a plurality of radially spaced and vertically oriented grooves that are free from extending all the way to the bottom of the base element, the grooves are also free from extending all the way into a region of the side wall that is immediately adjacent to the flange; the side wall comprising an electrically conductive section; and the side wall of the single-serve capsule has an inner surface defining the cavity that includes a plurality of radially spaced and vertically oriented ribs that are free from extending all the way to a bottom of the cavity. Applicant submits the Examiner will be unable to present sufficient evidence to support a finding that the cited references teach or suggest these clarifying amendments.

A. Applicant submits the Examiner will be unable to present evidence that Jarisch, Aker, and EP1849718A1 disclose a single-serve capsule having an inner surface defining the cavity that includes a plurality of radially spaced and vertically oriented ribs that are free from extending all the way to a bottom of the cavity. And, without relying on impermissible hindsight reasoning, Applicant believes the Examiner will be unable to present any rational reasoning for

one having ordinary skill in the art to modify any cited reference to include such arrangement of ribs.

While EP1849718A1 appears to disclose a capsule with internal bulges 53 and notches 50 therebetween, Applicant submits one having ordinary skill in the art can clearly see that the EP1849718A1 bulges 53 in Fig 8 reproduced below are not free from extending all the way to the bottom of the cavity as required by Applicant's claim. (See also EP1849718A1 at paragraph [0020]).

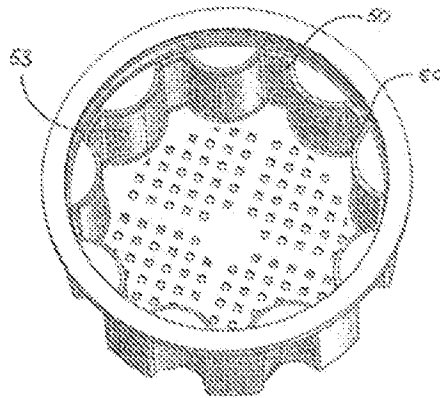


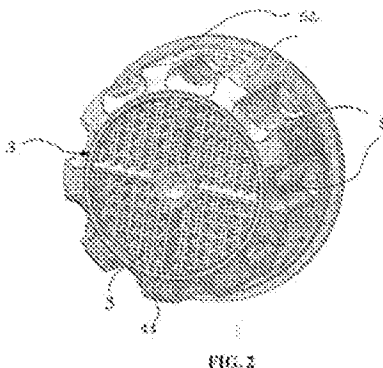
FIG. 8

Moreover, paragraph [0019] of EP1849718A1 discloses the benefits of a capsule that includes the structure of the notches 50 and bulges 53, “The presence and arrangement of the notches 50 allows, as already mentioned above, optimal conveyance of the extraction fluid within the capsule 1, preventing stagnation, allowing to accurately control and foresee the properties of said flow and generally to optimize the extraction process.” Paragraph [0020] of EP1849718A1 states the aforementioned benefits are enhanced by the structure of the internal grooves 50. Accordingly, Applicant submits one having ordinary skill in the art, especially after consulting at least the aforementioned passages of EP1849718A1, would not be motivated but discouraged from making any design changes to the EP1849718A1, for example, by making the bulges 53 and notches 50 free from extending all the way to the bottom of the cavity. The Examiner is kindly reminded that “A reference may be said to teach away when a person of ordinary skill, upon reading the reference . . . would be led in a direction divergent from the path that was taken by the applicant.” In re Gurley, 27 F.3d 551, 553 (Fed. Cir. 1994). Applicant also submits any design changes to the notches 50 and bulges 53 in EP1849718A1 may impact the conveyance of extraction fluid within the EP1849718A1 capsule 1 and negatively affect and/or render the

extraction process inoperable. The Examiner is further reminded that a reference may teach away from a use when that use would render the result inoperable. See *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1354 (Fed. Cir. 2001).

B. Applicant submits the Examiner will be unable to present evidence that Jarisch, Aker, and/or EP1849718A1 disclose a single-serve capsule having a side wall that includes a plurality of radially spaced and vertically oriented grooves that are free from extending all the way to the bottom of the base, and are also free from extending all the way into a region of the side wall that is immediately adjacent to the flange. And, without relying on impermissible hindsight reasoning, Applicant submits the Examiner will be unable to present any rational reasoning for one having ordinary skill in the art to modify Jarisch, Aker, and/or EP1849718A1 to include such a groove structure.

While EP1849718A1 appears to disclose a capsule with grooves 5, referring to EP1849718A1 Fig 2 reproduced immediately below, Applicant submits one having ordinary skill in the art can clearly see that the EP1849718A1 grooves 5 are not free from extending all the way to the bottom of the base element, as required by Applicant's claim. Applicant submits the Examiner will be unable to present any rational reasoning for one having ordinary skill in the art to modify EP1849718A1 (and/or Jarisch, Aker) to include such grooves that are free from extending all the way to the bottom of the base element without relying on impermissible hindsight reasoning.



C. In addition to the aforementioned amendments to claim 25 and corresponding remarks, Applicant submits the other limitations of claim 25, including: a metal cover, a side wall comprising an electrically conductive section, and a metal base element, further differentiate Applicant's claims. Accordingly, Applicant believes the alleged obviousness rejection of claim 25

has been overcome. Applicant respectfully requests the Examiner withdrawal the rejection of claim 25 and allow claim 25 and all depending claims.

V. Claim 29 is rejected under 35 USC 103(a) as allegedly being unpatentable over “Jarisch” (US 2013/0064937A1) in view of “Aker” (US 2010/0078480A1) and further in view of “Ozanne” (US 2010/0132564A1). This rejection is respectfully traversed.

Without conceding the validity of the rejection of claim 29 or the appropriateness of the Examiner relying on a combination of Jarisch, Aker, and Ozanne to reject claim 29, claim 29 is now cancelled in the interest of expediting prosecution and without prejudice. Accordingly, the alleged obviousness rejection of claim 29 is moot.

Double Patenting

Claims 1, 10, and 13-30 are provisionally rejected on the ground of nonstatutory double patenting as allegedly being unpatentable over claims 1-9 of co-pending application no. 16/438,818. This rejection is respectfully traversed. As a number of the claims of this application have been cancelled and/or amended in the interest of expediting prosecution and a final version of these claims is not yet known because they are subject to the other rejections above, Applicant submits a terminal disclaimer would be premature at this stage in prosecution. Moreover, this double patenting rejection is a provisional rejection. When these claims are otherwise allowable, Applicant will reconsider the double patenting rejection based on the allowed claims, should the Examiner wish to maintain the rejection. Accordingly, Applicant respectfully requests the double patenting rejection be withdrawn or held in abeyance until the claims are otherwise allowable.

CONCLUSIONS

In view of Applicant's amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicant submits that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any questions or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or has not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Respectfully submitted,

Date: November 12, 2020

Customer No. 25215

/Paul J. Palinski/

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 15/646,980	Filing Date 07/11/2017	☐ To be Mailed
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ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

	(Column 1)	(Column 2)		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 = *		x \$80 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 = *		x \$420 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED - PART II

	(Column 1)		(Column 2)	(Column 3)			
AMENDMENT	11/13/2020	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 10	Minus	** 20	= 0	x \$100 =	0
	Independent (37 CFR 1.16(h))	* 1	Minus	*** 3	= 0	x \$480 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x \$0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x \$0 =	
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE		
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.						LIE	
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".						/SIERRA C RODGERS/	
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".							
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.							

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Smith, Chaim A

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant submits this statement in accordance with its duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Copies of foreign patent documents and non-patent literature, together with a listing on form PTO/SB/08a, are submitted herewith. Applicant includes English translations from the European Patent Office websites and are subject to the caveat expressed on the translations. Applicant respectfully solicits the Examiner's consideration of the cited references and entry thereof into the record of this application.

This Information Disclosure Statement is being submitted before the mailing of a first Office action and after the filing of a request for continued examination (RCE), and therefore, no fees are believed to be due; however, if any fee is due with the filing of this paper, please charge the amount to Deposit Account 50-1097.

Date: November 16, 2020

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Attorney for Applicant

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	First Named Inventor	Marc KRÜGER
	Art Unit	1792
	Examiner Name	Smith, Chaim A.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T2)

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	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T2)

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	26.	Invoice for various Nespresso capsules, dated February 17, 2009	
	27.	Invoice for various Nespresso capsules, dated December 22, 2008	
	28.	User manual for the Tassimo@ brewing machine	
	29.	Web article discussing the T-discs@ cartridges	
	30.	Regulation No. 817.023.21 of the EDI on consumer goods	
	31.	Regulation No.817.022.31 of the EDI on the additives permitted in foodstuffs	
	32.	Regulation of the Swiss Federal Council on Foodstuffs and Consumer Goods	
	33.	"European Printing Ink Association " Guideline on Printing Inks	
	34.	leaflet on printing inks for food packages from the division "Printing Inks" of the Association of the German Paint and Printing Ink Industry	
	35.	EuPIA Exclusion List for Printing Inks and Related Products	
	36.	EuPIA Guideline on Good Manufacturing Practices for the Production of Packaging Inks formulated for use on the non-food contact surfaces of food packaging and articles intended to come into contact with food	
	37.	Commission Regulation (EC) No 2023/2006	
	38.	Council Directive 89/109/EEC relating to materials and articles	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc KRÜGER
	Art Unit	1792
	Examiner Name	Smith, Chaim A.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T2)

		intended to come into contact with foodstuffs	
	39.	Policy Statement on Packaging Inks applied to the non-food contact surface of Food Packaging of the public health committee of the council of Europe	
	40.	Nestle Guidance Note on Packaging Inks	
	41.	Council Directive on the colouring matters authorised for use in foodstuffs intended for human consumption	
	42.	Council Directive 89/107/EEC on the approximation of the laws of the Member States concerning food additives authorized for use in foodstuffs intended for human consumption	
	43.	European Parliament and Council Directive 94/36/EC on colours for use in foodstuffs	
	44.	Excerpt from the textbook "Plastics Packaging – Properties, Processing, Applications and Regulations" by Selke/Culter/Hernandez	
	45.	"Lexikon Verpackungstechnik" by Bleisch/Goldhahn/Schricker/Vogt;	
	46.	Paper titled "Aromaveränderung von vakuumverpacktem Kaffee bei unterschiedlichen Packstoffen" by Lindner-Steinert/Zou	
	47.	Paper "Die flexible Verpackung von morgen – Anforderungen an die Veredler" by Agulla/Langowski	
	48.	Excerpt from publication "Grundzüge der Lebensmitteltechnik" of 2004 by Tscheuschner	
	49.	Excerpt from publication "Produkt-bkobilanz vakuumverpackter Rostkaffee" of 1999 by Diers/Langowski/Pannkoke	
	50.	3 rd Party Observations in EP Patent Application No. 19 165 220.5 (3 533 726), dated June 19, 2020.	
	51.	Opposition Against EP Patent No. EP 3 023 362 dated July 13, 2020.	
	52.	Letter dated September 30, 2020 from file of US Application No. 16/517,054 (by SOCIETE DES PRODUITS NESTLE S.A.)	

EXAMINER SIGNATURE

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Electronic Acknowledgement Receipt	
EFS ID:	41126118
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	16-NOV-2020
Filing Date:	11-JUL-2017
Time Stamp:	09:53:39
Application Type:	Utility under 35 USC 111(a)

Payment information:					
Submitted with Payment			no		
File Listing:					
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<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Electronic Acknowledgement Receipt	
EFS ID:	41126343
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	16-NOV-2020
Filing Date:	11-JUL-2017
Time Stamp:	09:55:49
Application Type:	Utility under 35 USC 111(a)

Payment information:					
Submitted with Payment			no		
File Listing:					
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<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					



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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270
25215	7590	12/28/2020	EXAMINER	
The Dobrusin Law Firm P.C.			SMITH, CHAIM A	
29 W. Lawrence Street			ART UNIT	
Suite 210			PAPER NUMBER	
Pontiac, MI 48342			1792	
			NOTIFICATION DATE	DELIVERY MODE
			12/28/2020	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):

dobrusin_PAIR@firsttofile.com
patmail@patentco.com
rmasquelier@patentco.com

DETAILED ACTION

1. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.
2. The present application is being examined under the pre-AIA first to invent provisions.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Patent Trial and Appeal Board, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 13 November 2020 has been entered.

Claim Objections

4. Claim 38 is objected to under 37 CFR 1.75 as being a duplicate of claim 36. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 608.01(m).

Claim Rejections - 35 USC § 103

5. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, if the differences between the subject matter sought to be patented 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. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries for establishing a background for determining obviousness under pre-AIA 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 25 and 30 – 34 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Mahlich US 2004/0089158 in view of Sweeney et al. US 2002/0020659.

8. Regarding claims 25 and 31, Mahlich discloses a single serve capsule (1) capable of making a beverage (coffee) which comprises a base element with a cavity in which a raw beverage material is provided. The base element is made of metal (aluminium) and a flange (fig. 1a reference sign 2) extends outwardly from a top portion of the base element. In order that a beverage material that would necessarily be contained in said capsule a cover that is configured to close the cavity would obviously have to be fastened to a top side of the flange. Also because Mahlich discloses the single serve capsule would be made completely of metal (aluminium) it would have been obvious to have made the cover from the same metal. The base element

comprises a bottom, and a side wall extending between the cover and the bottom and since the side wall is made of metal it is seen that said side wall would comprise an electrically conductive section. Further the side wall has an inner surface defining the cavity and Mahlich does not disclose the capsule to have a filter which is to say Mahlich discloses the capsule is free of a filter (paragraph [0005], [0031] and fig. 1, 1 a. and 3).

9. Claim 25 differs from Mahlich in the side wall comprising a plurality of radially spaced and vertically oriented grooves that are free from extending all the way to the bottom of the base element and are also free from extending all the way to a region of the side wall that is immediately adjacent to the flange.

10. Sweeney discloses a single serve capsule (10) capable of making a beverage which comprises a base element with a cavity in which a raw beverage material (coffee) is provided, a metal cover, and the side wall has an inner surface defining the cavity that includes a plurality of radially spaced and vertically oriented ribs (spaced flutes) that are free from extending all the way to a bottom of the cavity (paragraph [0043], [0044], [0046], [0047] and fig. 9 and 10). Sweeney is providing a plurality of radially spaced and vertically oriented grooves that are free from extending all the way to the bottom of the base element and also free from extending all the way to a region of the side wall that is immediately adjacent to the flange for the art recognized as well as applicant's intended function which is to strengthen the capsule side wall to resist buckling of the capsule side wall when the capsule is used to make a beverage. To therefore modify Mahlich and provide a plurality of radially spaced and vertically oriented grooves as taught by Sweeney would have been an obvious matter of choice and/or design to the ordinarily skilled artisan.

11. Regarding claim 30, whilst Mahlich in view of Sweeney do not specifically disclose the recited ratio of 0.85 – 0.89 it would have been obvious to the ordinarily skilled artisan to choose the recited size ratios since Mahlich in view of Sweeney otherwise disclose the capsule as claimed without specific dimensions. Limitations relating to the size of the package are not seen as sufficient to patentably distinguish over the prior art. The mere scaling up of a prior art capsule capable of being so scaled, if such were the case, would not establish patentability in a claim to an old capsule so scaled.

12. Regarding claim 32, the limitation “deep drawn” is a method limitation and does not determine the patentability of the product, unless the process produces unexpected results. The method of forming the product is not germane to the issue of patentability of the product itself, unless Applicant presents evidence from which the Examiner could reasonably conclude that the claimed product differs in kind from those of the prior art. MPEP 2113. Furthermore, there does not appear to be a difference between the prior art structure and the structure resulting from the claimed method because Mahlich discloses the capsule would be formed by deep drawing (paragraph [0005]).

13. Claim 33, is rejected for the same reasons given above in the rejection of claim 25.

14. Regarding claim 34, Mahlich in view of Sweeney disclose the side wall of the capsule would comprise an upper section and a lower section with the upper section located adjacent to the flange. Further the lower section is located below the upper section, the upper section has a circumferential border and the wall of the lower section

is angled, with respect to the upper section, and is tapered towards a bottom of the base element ('659, fig. 9 and 10).

15. Claims 35 – 38 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Mahlich US 2004/0089158 in view of Sweeney et al. US 2002/0020659 in view of Denisart et al. US 2004/0228955.

16. Regarding claim 35, it is not seen that patentability would be predicated on the cover of the capsule being bowed outwardly in a central region of the base element relative to a region of the cover absent strong and compelling evidence to the contrary. Nevertheless, as further evidenced by Denisart it was common and conventional to pressurize single serve capsules with nitrogen or some other atmosphere free of oxygen to preserve a contained beverage ingredient which would provide a cover that is bowed outwardly in a central region of the base element relative to a region of the cover adjacent to the flange and it would have therefore been obvious to the ordinarily skilled artisan to have done so in order to further preserve the beverage ingredient contained in the capsule as taught by Denisart (paragraph [0072] and fig. 3).

17. Regarding claims 36 and 38, Mahlich in view of Sweeney in view of Denisart disclose the bottom of the would have an indentation (955, fig. 3, reference sign 16).

18. Claim 37 is rejected for the same reasons given in the rejection of claims 34, 34, and 38.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAIM A SMITH whose telephone number is (571)270-7369. The examiner can normally be reached on Monday-Thursday 09:00-18:00.

20. Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to telephone the Examiner.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erik Kashnikow can be reached on (571) 270-3475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <https://ppair-my.uspto.gov/pair/PrivatePair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C.S./
Chaim Smith
Examiner, Art Unit 1792
17 December 2020

/VIREN A THAKUR/
Primary Examiner, Art Unit 1792

Notice of References Cited	Application/Control No. 15/646,980		Applicant(s)/Patent Under Reexamination KRÜGER, Marc	
	Examiner CHAIM A SMITH		Art Unit 1792	Page 1 of 1

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
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	B					
	C					
	D					
	E					
	F					
	G					
	H					
	I					
	J					
	K					
	L					
	M					

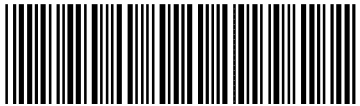
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	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

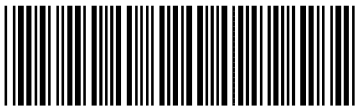
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	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<i>Index of Claims</i> 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
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✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

CLAIMS										
☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	12/17/2020								
	1	-								
	2	-								
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	4	-								
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	32	✓								
	33	✓								
	34	✓								
	35	✓								
	36	✓								
	37	✓								
	38	O								

<i>Search Notes</i> 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
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CPC - Searched*		
Symbol	Date	Examiner
A47J 31/4492	10/26/2018	deb
B65D 85/8043, 65/466, 2203/10, 2203/06	10/26/2018	deb
updated, B65D 2081/001, 2081/007	10/08/2019	deb

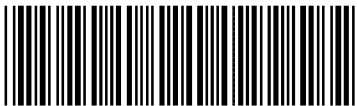
CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
426	115,77-84, 87	10/26/2018	deb
search	updated	10/08/2019	deb

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
EAST: inventor name, coffee,tea,beverage,infus,identifier,barcode, brew,cartridge,capsule,pod,package,container	10/26/2018	deb
updated	05/23/2019	deb
consulted William Krynski regarding US 2013/0064937A1	05/22/2019	deb
updated	10/08/2019	deb
Updated search	12/17/2020	CS
capsule, cartridge, pad, pod, metal, aluminum aluminium, nitrogen	12/17/2020	CS

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Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
A47J	31/4492	05/23/2019	deb
B65D	2081/007, 85/8043, 2203/10, 2203/06	05/23/2019	deb

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Attorney Docket No.: 1859.029USD2 (KRU0022-WO-US-T)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Smith, Chaim A

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant submits this statement in accordance with its duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Copies of foreign patent documents and non-patent literature, together with a listing on form PTO/SB/08a, are submitted herewith. Applicant includes English translations from the European Patent Office websites and are subject to the caveat expressed on the translations. Applicant respectfully solicits the Examiner's consideration of the cited references and entry thereof into the record of this application.

Filed via EFS @ USPTO.gov on November 16, 2020
Attorney Docket No.: 1859.029USD2 (KRU0022-WO-US-T)

This Information Disclosure Statement is being submitted before the mailing of a first Office action and after the filing of a request for continued examination (RCE), and therefore, no fees are believed to be due; however, if any fee is due with the filing of this paper, please charge the amount to Deposit Account 50-1097.

Date: November 16, 2020

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
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Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1.	Opposition Request against European Patent No. EP 3 023 362 dated July 01, 2019.	
	2.	Notice of opposition against EP Patent No. EP 3 521 207, dated Jan. 22, 2020.	
	3.	Notice of opposition against EP Patent No. EP 3 521 208, dated Feb. 19, 2020.	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc KRÜGER
	Art Unit	1792
	Examiner Name	Smith, Chaim A.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T2)

		https://en.wikipedia.org/wiki/Stamping_(metalworking) Post-published January 16, 2020.	
	10.	Wikipedia article "Tiefziehen" at https://de.wikipedia.org/wiki/Tiefziehen Post-published January 16, 2020.	
	11.	Suggestion for Declaration of Interference dated Sept. 30, 2019	
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	14.	Marketing brochure "Nespresso Varietäten mit 5 neuen Grand Crus"	
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	18.	Invoice for various Nespresso capsules, dated May 04, 2009	
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	28.	User manual for the Tassimo@ brewing machine	
	29.	Web article discussing the T-discs@ cartridges	
	30.	Regulation No. 817.023.21 of the EDI on consumer goods	
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	32.	Regulation of the Swiss Federal Council on Foodstuffs and Consumer Goods	
	33.	"European Printing Ink Association " Guideline on Printing Inks	
	34.	leaflet on printing inks for food packages from the division "Printing Inks" of the Association of the German Paint and Printing Ink Industry	
	35.	EuPIA Exclusion List for Printing Inks and Related Products	
	36.	EuPIA Guideline on Good Manufacturing Practices for the Production of Packaging Inks formulated for use on the non-food contact surfaces of food packaging and articles intended to come into contact with food	
	37.	Commission Regulation (EC) No 2023/2006	
	38.	Council Directive 89/109/EEC relating to materials and articles	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
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	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T2)

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	39.	Policy Statement on Packaging Inks applied to the non-food contact surface of Food Packaging of the public health committee of the council of Europe	
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	50.	3 rd Party Observations in EP Patent Application No. 19 165 220.5 (3 533 726), dated June 19, 2020.	
	51.	Opposition Against EP Patent No. EP 3 023 362 dated July 13, 2020.	
	52.	Letter dated September 30, 2020 from file of US Application No. 16/517,054 (by SOCIETE DES PRODUITS NESTLE S.A.)	

EXAMINER SIGNATURE

Examiner Signature	/CHAIM A SMITH/	Date Considered	12/18/2020
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



UNITED STATES PATENT AND TRADEMARK OFFICE

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BIB DATA SHEET

CONFIRMATION NO. 3270

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
15/646,980	07/11/2017	426	1792	1859.029USD2		
RULE						
APPLICANTS K-FEE SYSTEM GMBH, Bergisch Gladbach, GERMANY; INVENTORS Marc KRÜGER, Bergisch-Gladbach, GERMANY; ** CONTINUING DATA ***** This application is a DIV of 15/211,823 07/15/2016 ABN which is a DIV of 13/744,623 01/18/2013 ABN which is a CON of PCT/EP2011/003677 07/22/2011 ** FOREIGN APPLICATIONS ***** GERMANY 10 2011 010 534.4 02/07/2011 GERMANY 10 2010 044 251.8 09/02/2010 GERMANY 10 2010 031 988.0 07/22/2010 ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 07/18/2017						
Foreign Priority claimed ☒ Yes ☐ No 35 USC 119(a-d) conditions met ☒ Yes ☐ No Verified and Acknowledged <u>/CHAIM A SMITH/</u> Examiner's Signature		☐ Met after Allowance Initials	STATE OR COUNTRY GERMANY	SHEETS DRAWINGS 12	TOTAL CLAIMS 9	INDEPENDENT CLAIMS 2
ADDRESS The Dobrusin Law Firm P.C. 29 W. Lawrence Street Suite 210 Pontiac, MI 48342 UNITED STATES						
TITLE PORTION CAPSULE HAVING AN IDENTIFIER						
FILING FEE RECEIVED 1600	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit		

EAST Search History

EAST Search History (Prior Art)

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EAST Search History (Interference)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc KRÜGER Art Unit.: 1792
Application No.: 15/646,980 Examiner: Smith, Chaim A.
Filed: July 11, 2017 Conf. No.: 3270
For: Portion Capsule Having an Identifier

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant submits this statement in accordance with its duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Copies of foreign patent documents and non-patent literature, together with a listing on form PTO/SB/08a, are submitted herewith. Applicant respectfully solicits the Examiner's consideration of the cited references and entry thereof into the record of this application.

I, the person signing below, state that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge, after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. § 1.97(e)(2).

This Information Disclosure Statement is being submitted prior to the mailing of a Final Office Action or a Notice of Allowance, and therefore, no fees are believed to be due; however, if any fee is due with the filing of this paper, please charge the amount to deposit account 50-1097.

Date: January 20, 2021

/Paul J. Palinski/

Paul J. Palinski

Reg. No. 71,080

Attorney for Applicant

The Dobrusin Law Firm, P.C.

29 W. Lawrence Street - Suite 210

Pontiac, MI 48342

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Customer No. 25215

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc KRUGER
	Art Unit	1792
	Examiner Name	Smith, Chaim A.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T2)

FOREIGN PATENT DOCUMENTS							
Examiner Initial*	Cite No.	Foreign Document Number	Country Code	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document	T ⁵
	1.	1273528	EP	A1	01/08/2003	Yoakim et al.	X
	2.	2007/122144	WO	A1	11/01/2007	Blanc et al.	X
NON-PATENT LITERATURE DOCUMENTS							
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.					T ³
	1.	Supplemental arguments filed by Societe des Produits Nestle S.A. in the opposition against European Patent No. EP3521209, dated January 07, 2021.					
	2.	Supplemental arguments filed by Societe des Produits Nestle S.A. in the opposition against European Patent No. EP3023362, dated January 07, 2021.					
EXAMINER SIGNATURE							
Examiner Signature					Date Considered		
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

Electronic Acknowledgement Receipt	
EFS ID:	41685998
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	20-JAN-2021
Filing Date:	11-JUL-2017
Time Stamp:	09:43:37
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Payment information:					
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Information:					
4	Non Patent Literature	EP3023362_SubmissionDated_01_07_2021.pdf	7581253 fcd7fb51b3382d36f912d9c9193588415f6a3f48	no	44
Warnings:					
Information:					
5	Non Patent Literature	EP3521209_SubmissionDated_01_07_2021.pdf	2414999 81de310c7bd76b5261a5cbfa93569b6a2d789dba	no	15
Warnings:					
Information:					
Total Files Size (in bytes):			18936827		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Smith, Chaim A

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Attorney Docket No.: 1859.029USD2 (KRU0022-WO-US-T)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE AND AMENDMENT

In response to the Office Action mailed December 28, 2020, please amend the above-identified application as follows and consider the following remarks.

AMENDMENTS TO CLAIMS

1) – 24) (Cancelled)

25) (Currently Amended) A single-serve capsule for making a beverage, comprising:
a base element with a cavity, and in which a raw beverage material is provided,
the base element is made of metal,

a flange extending outwardly from a top portion of the base element, and

a metal cover that is configured to close the cavity, the metal cover is fastened to
a top side of the flange,

wherein the base element comprises a bottom, and a side wall extending between
the metal cover and the bottom, the side wall comprises a plurality of radially spaced and
vertically oriented grooves that are free from extending all the way to the bottom of the
base element, the grooves are also free from extending all the way to a region of the side
wall that is immediately adjacent to the flange, and a width of the side wall that is defined
in between each of the plurality of grooves is wider than a width of each of plurality of
grooves, the side wall comprising an electrically conductive section,

wherein the side wall has an inner surface defining the cavity that includes a
plurality of radially spaced and vertically oriented ribs-convexities that are free from
extending all the way to a bottom of the cavity, and

wherein the capsule is free of a filter.

26) (Cancelled)

27) (Cancelled)

28) (Cancelled)

29) (Cancelled)

30) (Previously Presented) The single-serve capsule according to Claim 25, wherein a ratio of a diameter of the side wall of the base element which adjoins the flange to a diameter of the flange is between 0.85 and 0.89.

31) (Currently Amended) The single-serve capsule according to Claim 25, wherein the base element and/or the cover are made of aluminum, and

wherein the base element comprises a circumferential border adjacent the flange, the circumferential border has a larger diameter compared to a diameter of the side wall in a region of the base element below the circumferential border.

32) (Currently Amended) The single-serve capsule according to Claim 25, wherein the base element is deep drawn, and

wherein the cavity has grooves defined between the ribsconvexities, and the grooves in the cavity generate turbulence of water in the cavity.

33) (Previously Presented) The single-serve capsule according to Claim 32, wherein the base element and the cover are made of the same material.

34) (Currently Amended) The single-serve capsule according to Claim 25, wherein the side wall comprises an upper section and a lower section, the upper section is located adjacent to the flange, the lower section is located below the upper section, wherein the

upper section comprises a circumferential border and the wall of the lower section is angled, ~~with respect to the upper section, and is tapered~~ from the circumferential border towards a bottom of the base element.

35) (Previously Presented) The single-serve capsule according to Claim 34, wherein the cover is bowed outwardly in a central region of the base element relative to a region of the cover adjacent to the flange.

36) (Previously Presented) The single-serve capsule according to Claim 35, wherein the bottom of the base element comprises an indentation.

37) (Cancelled)

38) (Cancelled)

39) (New) The single-serve capsule according to Claim 25, wherein each of the plurality of grooves are defined between an upper groove portion located in an upper section of the side wall and a lower groove portion located in a lower section of the side wall,

wherein a contour of the side wall in the upper section is different than a contour of the side wall in the lower section.

40) (New) The single-serve capsule according to Claim 39, wherein the single-serve capsule has a ring of electrically conductive material on the base element that is located immediately adjacent to a bottom side of the flange.

41) (New) The single-serve capsule according to Claim 40, wherein the metal cover comprises a cover peripheral edge that is free from extending to a peripheral edge of the flange.

42) (New) The single-serve capsule according to Claim 41, wherein a portion of the top side of the flange is not covered by the metal cover.

43) (New) The single-serve capsule according to Claim 42, wherein the single-serve capsule has an identifier comprising a barcode on the side wall of the base element.

REMARKS

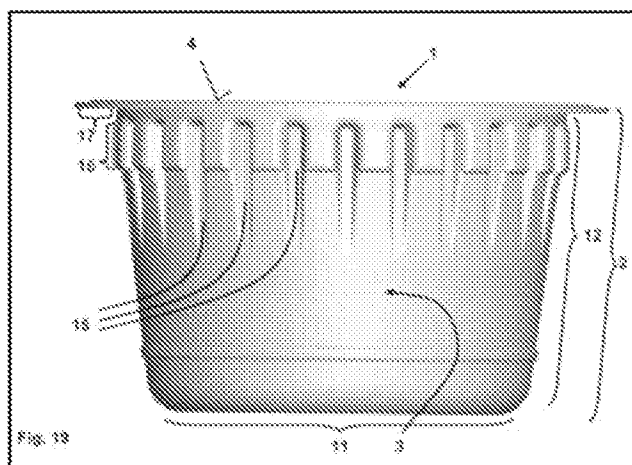
In the Office Action mailed December 28, 2020, the Examiner rejected claims 25 and 30-38.

Claim Amendments

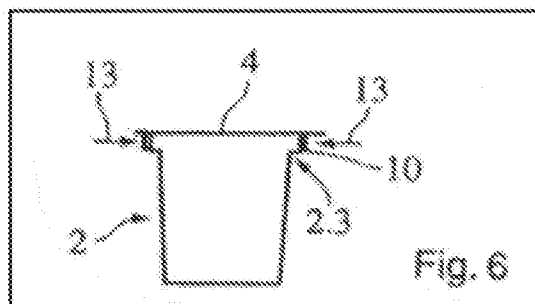
By way of the foregoing amendments and the markings to show changes Applicant has amended the claims and added new claims 39-43. No new matter has been added. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicant from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled.

Regarding the claim amendments and new claims, referring to Applicant's Fig. 19 reproduced below, one having ordinary skill in the art will appreciate that a width of the side wall of Applicant's claim capsule that is defined in between each of the plurality of grooves (15) is wider than a width of each of plurality of grooves (15); that each of the plurality of grooves (15) are defined between an upper groove portion located in an upper section of the side wall and a lower groove portion located in a lower section of the side wall, and a contour of the side wall in the upper section is different than a contour of the side wall in the lower section; and that the metal cover (4) comprises a cover peripheral edge that is free from extending to a peripheral edge of the flange; and that a portion of the top side of the flange is not covered by the metal cover (4).



Referring to Applicant's Fig. 6 reproduced below right and the corresponding description thereof, one having ordinary skill in the art can clearly appreciate that the single-serve capsule has a ring of electrically conductive material on the base element located immediately adjacent to a bottom side of the flange.



These and the other claim amendments and new claims are further supported throughout Applicant's application. Entry of these amendments and new claims is respectfully requested.

If the Examiner has any questions or comments regarding these amendments and/or new claims or wishes, Applicant kindly requests the Examiner contact the undersigned at the telephone number listed below.

Claim Objections

Claim 38 is objected to for the reasons alleged on page 2 of the Office Action. Without conceding the validity of this objection, claim 38 is cancelled in the interest of expediting prosecution thus render the objection moot. Applicant respectfully requests the objection be withdrawn.

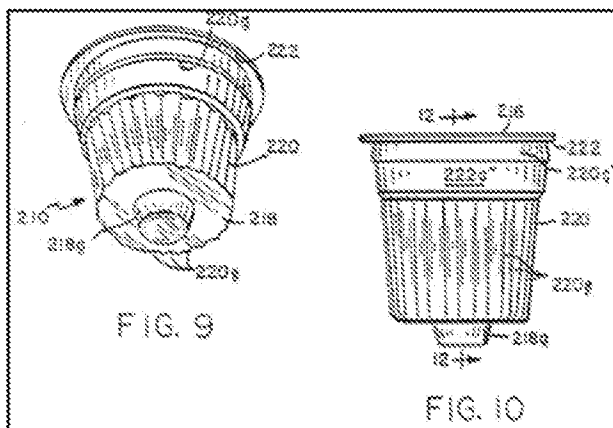
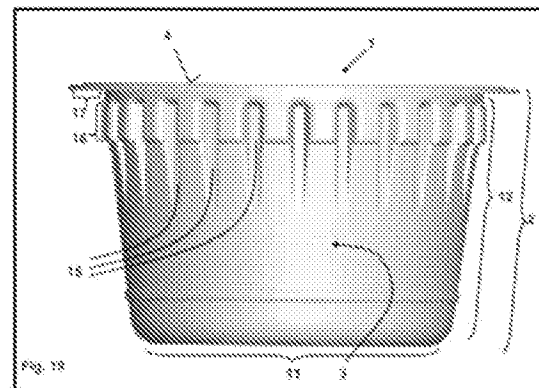
Claim Rejections - 35 USC 103

1. Claims 25 and 30-34 are rejected under pre-AIA 35 USC 103(a) as allegedly being unpatentable over “Mahlich” (US 2004/0089158) in view of “Sweeney” (US 2002/0020659). These rejections are respectfully traversed.

Claim 25

I. Without conceding the validity of the rejection of claim 25 or the appropriateness of the Office Action relying on a combination of Mahlich and Sweeney to reject claim 25, claim 25 is amended in the interest of expediting prosecution to clarify that a width of the side wall that is defined in between each of the plurality of grooves is wider than a width of each of plurality of grooves. Applicant submits the Office Action will be unable to present evidence that Mahlich and Sweeney teach or suggest this clarifying amendment.

On page 4 of the Office Action, Figs. 9 and 10 of Sweeney are relied upon for their alleged teachings of grooves. Without conceding the validity of this interpretation of Sweeney, comparing Figs. 9 and 10 of Sweeney reproduced below left to Applicant's Fig. 19 reproduced below right, Applicant submits one having ordinary skill in the art can appreciate that Sweeney does not teach or suggest a width of the side wall that is defined in between each of the plurality of grooves is wider than a width of each of plurality of grooves as now required by Applicant's amended claim 25. Applicant also submits there would be no reason to modify the Sweeney cartridge to include the very specific structure claimed by Applicant that a width of the side wall that is defined between each of the plurality of grooves is wider than a width of each of plurality of grooves, without improperly relying on impermissible hindsight reasoning and Applicant's disclosure as motivation.



II. On page 4 of the Office Action, it appears the Office Action has taken the position that Mahlich is free of a filter. Applicant respectfully disagrees. Mahlich states at paragraph [0004] that the single-serving pouch "enclose[s] a certain amount of pre-portioned coffee powder within a transparent material similar to that of coffee filter paper." Accordingly, Applicant respectfully requests the Examiner acknowledge Mahlich teaches a filter and thus does not remedy the deficiency in Sweeney of a capsule that is free of a filter.

III. For at least these reasons, Applicant submits the alleged obviousness rejection of claim 25 is overcome. Applicant respectfully requests the rejection of claim 25 and all depending claims be withdrawn, and the application be allowed as soon as possible.

2. **Claims 35-38 are rejected under pre-AIA 35 USC 103(a) as allegedly being unpatentable over "Mahlich" (US 2004/0089158) in view of "Sweeney" (US 2002/0020659) in view of "Denisart" (US 2004/0228955).** These rejections are respectfully traversed.

Without conceding the validity of the rejection of these claims, or the appropriateness of the Examiner relying on a combination of Mahlich, Sweeney, and Denisart to reject these claims, Applicant respectfully requests the Examiner withdrawal the rejection of claims 35-38 for at least their dependence on claim 25, which is believed to be in condition for allowance for at least the reasons mentioned above.

New Claims 39-43

New Claims 39-43 are presented in the interest of expediting prosecution to further define Applicant's single-serve capsule. Applicant believes these claims are novel and non-obvious and respectfully requests the Examiner acknowledge the same by allowing claims 39-43.

CONCLUSIONS

In view of Applicant's amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicant submits that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any questions or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or has not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Date: March 29, 2021

Customer No. 25215

/Paul J. Palinski/

Paul J. Palinski

Reg. No. 71,080

Attorney for Applicant

The Dobrusin Law Firm, P.C.

29 W. Lawrence Street - Suite 210

Pontiac, MI 48342

(248) 292-2920

Electronic Acknowledgement Receipt

EFS ID:	42303143
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	29-MAR-2021
Filing Date:	11-JUL-2017
Time Stamp:	10:49:35
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		NFOA_Response_1859_029USD2.pdf	3187623	yes	10
			dbb728c297318631809a06e65508afa72aad4c56		

IPR2024-00299

Nespresso USA, Inc. Ex. 1002

Page 503 of 867

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	10
Warnings:			
Information:			
Total Files Size (in bytes):		3187623	
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 15/646,980	Filing Date 07/11/2017	☐ To be Mailed
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ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 = *		x \$80 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 = *		x \$420 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED - PART II

	(Column 1)		(Column 2)	(Column 3)		RATE (\$)	ADDITIONAL FEE (\$)
AMENDMENT	03/29/2021	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA			
	Total (37 CFR 1.16(i))	* 13	Minus ** 20	= 0		x \$100 =	0
	Independent (37 CFR 1.16(h))	* 1	Minus *** 3	= 0		x \$480 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
						TOTAL ADD'L FEE	0
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus **	=		x \$0 =	
	Independent (37 CFR 1.16(h))	*	Minus ***	=		x \$0 =	
	☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
						TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.						LIE	
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".						/ANNIE C SINGLETON/	
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".							
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.							

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270
25215	7590	07/09/2021	EXAMINER	
The Dobrusin Law Firm P.C.			SMITH, CHAIM A	
29 W. Lawrence Street			ART UNIT	
Suite 210			PAPER NUMBER	
Pontiac, MI 48342			1792	
			NOTIFICATION DATE	
			DELIVERY MODE	
			07/09/2021	
			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):

dobrusin_PAIR@firsttofile.com
patmail@patentco.com
rmasquelier@patentco.com

DETAILED ACTION

1. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.
2. The present application is being examined under the pre-AIA first to invent provisions.

Claim Rejections - 35 USC § 103

3. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, if the differences between the subject matter sought to be patented 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. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 25, 30 – 34, 39 and 40 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Mahlich US 2004/0089158 in view of Sweeney et al. US 2002/0020659.
5. Regarding claim 25, Mahlich discloses a single serve capsule (1) capable of making a beverage (coffee) which comprises a base element with a cavity in which a raw beverage material is provided. The base element is made of metal (aluminium) and a flange (fig. 1a reference sign 2) extends outwardly from a top portion of the base element. In order that a beverage material that would necessarily be contained in said capsule a cover that is configured to close the cavity would obviously have to be

fastened to a top side of the flange. Also because Mahlich discloses the single serve capsule would be made completely of metal (aluminium) it would have been obvious to have made the cover from the same metal. The base element comprises a bottom, and a side wall extending between the cover and the bottom and since the side wall is made of metal it is seen that said side wall would comprise an electrically conductive section. Further the side wall has an inner surface defining the cavity and Mahlich does not disclose the capsule to have a filter which is to say Mahlich discloses the capsule is free of a filter (paragraph [0005], [0031] and fig. 1, 1a. and 3).

6. Claim 25 differs from Mahlich in the side wall comprising a plurality of radially spaced and vertically oriented grooves that are free from extending all the way to the bottom of the base element and are also free from extending all the way to a region of the side wall that is immediately adjacent to the flange.

7. Sweeney discloses a single serve capsule (10) capable of making a beverage which comprises a base element with a cavity in which a raw beverage material (coffee) is provided, a metal cover, and the side wall has an inner surface defining the cavity that includes a plurality of radially spaced and vertically oriented convexities (spaced flutes) that are free from extending all the way to a bottom of the cavity (paragraph [0043], [0044], [0046], [0047] and fig. 9 and 10). Sweeney is providing a plurality of radially spaced and vertically oriented grooves that are free from extending all the way to the bottom of the base element and also free from extending all the way to a region of the side wall that is immediately adjacent to the flange for the art recognized as well as applicant's intended function which is to strengthen the capsule side wall to resist buckling of the capsule side wall when the capsule is used to make a beverage. To

therefore modify Mahlich and provide a plurality of radially spaced and vertically oriented grooves as taught by Sweeney would have been an obvious matter of choice and/or design to the ordinarily skilled artisan.

8. Claim 25 now further recites “a width of the side wall that is defined in between each of the plurality of grooves is wider than a width of each of plurality of grooves”.

Once it was known to provide the base element with a plurality of grooves it is not seen that patentability would be predicated on the width of the grooves vs the width of the side wall defined between each of the plurality of the grooves. Regarding the width of the side wall that is defined in between each of the plurality of grooves being wider than a width of each of plurality of grooves, limitations relating to the width would be not sufficient to patentably distinguish over the prior art. The mere scaling up of a prior art width of the grooves vs the width of the side wall defined between each of the plurality of the grooves capable of being scaled up, if such were the case, would not establish patentability in a claim to an old capsule so scaled. Where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed capsule and a capsule having the claimed relative dimensions would not perform differently than the prior art capsule, the claimed capsule is not seen to be patentably distinct from the prior art capsule.

9. Regarding claim 30, whilst Mahlich in view of Sweeney do not specifically disclose the recited ratio of 0.85 – 0.89 it would have been obvious to the ordinarily skilled artisan to choose the recited size ratios since Mahlich in view of Sweeney otherwise disclose the capsule as claimed without specific dimensions. Limitations relating to the size of the package are not seen as sufficient to patentably distinguish

over the prior art. The mere scaling up of a prior art capsule capable of being so scaled, if such were the case, would not establish patentability in a claim to an old capsule so scaled.

10. Claim 31 is rejected for the same reasons given in the rejection of claim 25 above.

11. Claim 31 now further recites “the circumferential border has a larger diameter compared to a diameter of the side wall in a region of the base element below the circumferential border”. Mahlich in view of Sweeney discloses the circumferential border (220a') has a larger diameter compared to a diameter of the side wall (222a'') in a region of the base element below the circumferential border (paragraph [0046] and fig. 9 and 10).

12. Regarding claim 32, the limitation “deep drawn” is a method limitation and does not determine the patentability of the product, unless the process produces unexpected results. The method of forming the product is not germane to the issue of patentability of the product itself, unless Applicant presents evidence from which the Examiner could reasonably conclude that the claimed product differs in kind from those of the prior art. MPEP 2113. Furthermore, there does not appear to be a difference between the prior art structure and the structure resulting from the claimed method because Mahlich discloses the capsule would be formed by deep drawing (paragraph [0005]) and since the single serve capsule of Mahlich in view of Sweeney has grooves defined between the convexities as claimed it would be expected that the grooves in the cavity would generate turbulence of water in the cavity.

13. Claim 33, is rejected for the same reasons given above in the rejection of claim 25.

14. Regarding claim 34, Mahlich in view of Sweeney disclose the side wall of the capsule would comprise an upper section and a lower section with the upper section located adjacent to the flange. Further the lower section is located below the upper section, the upper section has a circumferential border and the wall of the lower section is tapered from the circumferential border towards a bottom of the base element ('659, fig. 9 and 10).

15. Regarding claim 39, Mahlich in view of Sweeney disclose each of the plurality of grooves are defined between an upper groove portion located in an upper section of the side wall and a lower groove portion located in a lower section of the side wall. Further as clearly seen in figure 9 of Sweeney a contour of the side wall in the upper section is wider, i.e. different than a contour of the side wall in the lower section which is narrower.

16. Regarding claim 40, Mahlich discloses the base element comprises a bottom, and a side wall extending between the cover and the bottom and since the side wall is made of metal it is seen that said side wall would comprise an electrically conductive section immediately adjacent the bottom of the flange (paragraph [0005]).

17. Claims 35 and 36 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Mahlich US 2004/0089158 in view of Sweeney et al. US 2002/0020659 in view of Denisart et al. US 2004/0228955.

18. Regarding claim 35, it is not seen that patentability would be predicated on the cover of the capsule being bowed outwardly in a central region of the base element relative to a region of the cover absent strong and compelling evidence to the contrary.

Nevertheless, as further evidenced by Denisart it was common and conventional to pressurize single serve capsules with nitrogen or some other atmosphere free of oxygen to preserve a contained beverage ingredient which would provide a cover that is bowed outwardly in a central region of the base element relative to a region of the cover adjacent to the flange and it would have therefore been obvious to the ordinarily skilled artisan to have done so in order to further preserve the beverage ingredient contained in the capsule as taught by Denisart (paragraph [0072] and fig. 3).

19. Regarding claim 36, Mahlich in view of Sweeney in view of Denisart disclose the bottom of the base element would have an indentation (955, fig. 3, reference sign 16).

20. Claims 41 and 42 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Mahlich US 2004/0089158 in view of Sweeney et al. US 2002/0020659 in view of Perentes et al. WO 2011/069829.

21. Claims 41 and 42 differ from Mahlich in view of Sweeney in the metal cover comprising a cover peripheral edge that is free from extending to a peripheral edge of the flange and a portion of the top side of the flange is not covered by the metal cover.

22. Perentes discloses a single serve capsule (fig. 2a, 2b) capable of making a beverage which comprises a base element with a cavity in which a raw beverage material (coffee powder) (page 11, paragraph 3) is provided and the base element is made of metal (aluminium), a flange extends outwardly from a top portion of the base element, and a metal cover (membrane 4) configured to close the cavity is fastened to a top side of the flange (page 14, paragraph 5). The base element comprises a bottom, and a side wall extends between the metal cover and the bottom. Further Perentes discloses the metal cover comprising a cover peripheral edge that is free from extending

to a peripheral edge of the flange and a portion of the top side of the flange not covered by the metal cover (width b) (page 18, paragraph 1 – page 19, paragraph 2 and fig. 2a, 2b). Perentes is providing a cover peripheral edge that is free from extending to a peripheral edge of the flange and a portion of the top side of the flange is not covered by the metal cover in order to delimit a portion of the rim to prevent distortion of the rim. To therefore modify Mahlich in view of Sweeney and provide a cover peripheral edge that is free from extending to a peripheral edge of the flange and a portion of the top side of the flange is not covered by the metal cover as taught by Perentes would have been an obvious matter of choice and/or design to the ordinarily skilled artisan.

23. Claim 43 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Mahlich US 2004/0089158 in view of Sweeney et al. US 2002/0020659 in view of Perentes et al. WO 2011/069829 as further evidenced by Ruchonnet WO 2005/044067.

24. Regarding claim 43, Mahlich in view of Sweeney in view of Perentes discloses the single serve capsule would have an identifier comprising a barcode of the a wall of the capsule. As further evidenced by Ruchonnet it was well established, common, and conventional in the art to provide barcodes on the side wall of the base element of a single serve capsule and it would have been obvious to do so given the prior art taken as a whole.

Response to Arguments

25. Applicant's arguments filed 29 March 2021 have been fully and carefully considered but they are not found persuasive.

26. Applicant urges that Sweeney does not disclose a width of the side wall that is defined in between each of the plurality of grooves is wider than a width of each of the

plurality of grooves and that to say otherwise would invoke impermissible hindsight.

These urgings are not deemed persuasive.

27. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

28. Further as set forth above in the rejection of claim 25 the mere scaling up of a prior art width of the grooves vs the width of the side wall defined between each of the plurality of the grooves capable of being scaled up, if such were the case, would not establish patentability in a claim to an old capsule so scaled.

29. Applicant urges that Mahlich does not disclose a capsule free of a filter citing paragraph [0004] of Mahlich. This urging is not found persuasive.

30. Paragraph [0004] of Mahlich is merely providing a discussion of the state of the art at the time of Mahlich's invention and not disclosing the capsule of Mahlich would have a filter.

Conclusion

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

32. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAIM A SMITH whose telephone number is (571)270-7369. The examiner can normally be reached on Monday-Thursday 09:00-18:00.

34. Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to please telephone the Examiner.

35. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erik Kashnikow can be reached on (571) 270-3475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

36. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <https://ppair-my.uspto.gov/pair/PrivatePair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C.S./
Chaim Smith
Examiner, Art Unit 1792
03 July 2021

/VIREN A THAKUR/
Primary Examiner, Art Unit 1792

Notice of References Cited	Application/Control No. 15/646,980		Applicant(s)/Patent Under Reexamination KRÜGER, Marc	
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U.S. PATENT DOCUMENTS						
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FOREIGN PATENT DOCUMENTS						
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	N	WO-2011/069829-A1	06-2011	WO	Perentes et al.	A47J31/22
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	P					
	Q					
	R					
	S					
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NON-PATENT DOCUMENTS						
*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)				
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	V					
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

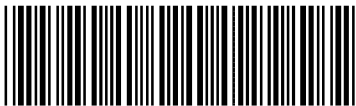
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✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

CLAIMS										
☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
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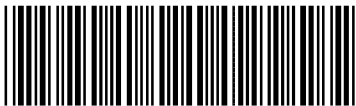
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B65D 85/8043, 65/466, 2203/10, 2203/06	10/26/2018	deb
updated, B65D 2081/001, 2081/007	10/08/2019	deb

CPC Combination Sets - Searched*		
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US Classification - Searched*			
Class	Subclass	Date	Examiner
426	115,77-84, 87	10/26/2018	deb
search	updated	10/08/2019	deb

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

/C.S./ Examiner, Art Unit 1792	<div> <div>IPR2024-00299</div> <div>Part of Paper No.: 20210702</div> </div>
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Search Notes		
Search Notes	Date	Examiner
EAST: inventor name, coffee,tea,beverage,infus,identifier,barcode, brew,cartridge,capsule,pod,package,container	10/26/2018	deb
updated	05/23/2019	deb
consulted William Krynski regarding US 2013/0064937A1	05/22/2019	deb
updated	10/08/2019	deb
Updated search	12/17/2020	CS
capsule, cartridge, pad, pod, metal, aluminum aluminium, nitrogen	12/17/2020	CS
Updated search	07/02/2021	CS

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
A47J	31/4492	05/23/2019	deb
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EAST Search History

EAST Search History (Prior Art)

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S32	1	boyd.in. and (capsule cartridge pod pad) same (coffee tea beverage) and bar near1 code	US-PGPUB; USPAT	OR	ON	2021/07/02 20:41
S33	1,129	(capsule cartridge pod pad) same (coffee tea beverage) and bar near1 code	US-PGPUB; USPAT	OR	ON	2021/07/02 20:41
S34	929	B65D85/8043.cpc. and (capsule cartridge pod pad) and rim	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2021/07/03 12:17
S35	37	ruchonnet.in.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2021/07/03 17:24

7/3/2021 6:50:16 PM

C:\Users\csmith4\Documents\EAST\Workspaces\15646980.wsp

Filed via EFS @ USPTO.gov on January 20, 2021
Practitioner's Docket No. 1859.029USD2 (KRU0022-WO-US-T2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc KRÜGER Art Unit.: 1792
Application No.: 15/646,980 Examiner: Smith, Chaim A.
Filed: July 11, 2017 Conf. No.: 3270
For: Portion Capsule Having an Identifier

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant submits this statement in accordance with its duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Copies of foreign patent documents and non-patent literature, together with a listing on form PTO/SB/08a, are submitted herewith. Applicant respectfully solicits the Examiner's consideration of the cited references and entry thereof into the record of this application.

I, the person signing below, state that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge, after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. § 1.97(e)(2).

This Information Disclosure Statement is being submitted prior to the mailing of a Final Office Action or a Notice of Allowance, and therefore, no fees are believed to be due; however, if any fee is due with the filing of this paper, please charge the amount to deposit account 50-1097.

Date: January 20, 2021

/Paul J. Palinski/

Paul J. Palinski

Reg. No. 71,080

Attorney for Applicant

The Dobrusin Law Firm, P.C.

29 W. Lawrence Street - Suite 210

Pontiac, MI 48342

(248) 292-2920

Customer No. 25215

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc KRUGER
	Art Unit	1792
	Examiner Name	Smith, Chaim A.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T2)

FOREIGN PATENT DOCUMENTS							
Examiner Initial*	Cite No.	Foreign Document Number	Country Code	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document	T ⁵
	1.	1273528	EP	A1	01/08/2003	Yoakim et al.	X
	2.	2007/122144	WO	A1	11/01/2007	Blanc et al.	X
NON-PATENT LITERATURE DOCUMENTS							
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.					T ³
	1.	Supplemental arguments filed by Societe des Produits Nestle S.A. in the opposition against European Patent No. EP3521209, dated January 07, 2021.					
	2.	Supplemental arguments filed by Societe des Produits Nestle S.A. in the opposition against European Patent No. EP3023362, dated January 07, 2021.					
EXAMINER SIGNATURE							
Examiner Signature		/CHAIM A SMITH/		Date Considered		07/03/2021	
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc KRÜGER Art Unit.: 1792
Application No.: 15/646,980 Examiner: Smith, Chaim A.
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Copies of foreign patent documents and non-patent literature, together with a listing on form PTO/SB/08a are submitted herewith.

This Information Disclosure Statement is being submitted after the mailing of a first Office Action and before a Notice of Allowance. A fee of \$260.00 is believed to be due; however, if any additional fee is due with the filing of this paper, please charge the amount to Deposit Account 50-1097.

Date: July 29, 2021

Customer No. 25215

/Paul J. Palinski/

Paul J. Palinski
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Attorney for Applicant
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(248) 292-2920

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc KRÜGER
	Art Unit	1792
	Examiner Name	Smith, Chaim A.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T2)

FOREIGN PATENT DOCUMENTS							
Examiner Initial*	Cite No.	Foreign Document Number	Country Code	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document	T ⁵
	1.	200435370	KR	Y1	01/18/2007	Unknown	X
NON-PATENT LITERATURE DOCUMENTS							
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.					T ⁵
	1.	Petition for Inter Partes Review of U.S. Patent No. 10,870,531 (IPR2021-01223), dated July 12, 2021.					
	2.	Petition for Inter Partes Review of U.S. Patent No. 10,858,176 (IPR2021-01221), dated July 12, 2021.					
	3.	Petition for Inter Partes Review of U.S. Patent No. 10,858,177 (IPR2021-01222), dated July 12, 2021.					
	4.	Declaration of Michael Jobin, Exhibit 1003 from Petition for Inter Partes Review of U.S. Patent No. 10,858,177 (IPR2021-01222), dated July 12, 2021.					
	5.	Declaration of Michael Jobin, Exhibit 1003 from Petition for Inter Partes Review of U.S. Patent No. 10,858,176 (IPR2021-01221), dated July 12, 2021.					
	6.	Declaration of Michael Jobin, Exhibit 1003 from Petition for Inter Partes Review of U.S. Patent No. 10,870,531 (IPR2021-01223), dated July 12, 2021.					
EXAMINER SIGNATURE							
Examiner Signature				Date Considered			
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

Electronic Patent Application Fee Transmittal				
Application Number:		15646980		
Filing Date:		11-Jul-2017		
Title of Invention:		PORTION CAPSULE HAVING AN IDENTIFIER		
First Named Inventor/Applicant Name:		Marc KRÜGER		
Filer:		Paul J. Palinski/BECKY BALLARD		
Attorney Docket Number:		1859.029USD2		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
SUBMISSION- INFORMATION DISCLOSURE STMT	1806	1	260	260
Total in USD (\$)				260

Electronic Acknowledgement Receipt

EFS ID:	43375469
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	29-JUL-2021
Filing Date:	11-JUL-2017
Time Stamp:	13:32:54
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$260
RAM confirmation Number	E20217SD33144012
Deposit Account	
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

IPR2024-00299

Nespresso USA, Inc. Ex. 1002

Page 537 of 867

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	Supplemental_IDS_1859_029U SD2.pdf	142187	no	2
			5e2b64a68a0a72e543e74bf77fb144f140ec7752		
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
2	Foreign Reference	KR200435370Y1.pdf	951633	no	18
			677d1f1ecf2910f9e2a879983555fa3760e18a2c		
Warnings:					
Information:					
3	Non Patent Literature	1_IPR_PETITION_Patent_10870 531.pdf	3053226	no	107
			f792d9ccf2e49a95160e34616ab2f7c48877eae8		
Warnings:					
Information:					
4	Non Patent Literature	2_IPR_PETITION_Patent_10858 176.pdf	3668767	no	107
			5d8f085de1926b4d61ed6bb25d7f1848551fca39		
Warnings:					
Information:					
5	Non Patent Literature	3_IPR_PETITION_Patent_10858 177.pdf	3148953	no	108
			28c83fff8984d23f1df67cc1f49394e523c2a dc9		
Warnings:					
Information:					
6	Non Patent Literature	4_Jobin_Declaration_Patent_1 0858177.pdf	9288294	no	315
			ffed0f580bdb54de34ea402081af5aab6e97f5fa		
Warnings:					
IPR2024-00299					

IPR2024-00299

Information:					
7	Non Patent Literature	5_Jobin_Declaration_Patent_1 0858176.pdf	9125112	no	341
			033c9b7b8768f8969b8b8189dbe0a62d9a3c74de		
Warnings:					
Information:					
8	Non Patent Literature	6_Jobin_Declaration_Patent_1 0870531.pdf	9441539	no	321
			5afaaab6ca65e10f371427ac0f915876d21ceaa0		
Warnings:					
Information:					
9	Fee Worksheet (SB06)	fee-info.pdf	38057	no	2
			91402cf5d287ad40f3f3bb49ce7664473339660b		
Warnings:					
Information:					
Total Files Size (in bytes):			38857768		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 15/646,980	Filing Date 07/11/2017	☐ To be Mailed
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ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

	(Column 1)	(Column 2)		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 = *		x \$80 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 = *		x \$420 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED - PART II

	(Column 1)		(Column 2)	(Column 3)			
AMENDMENT	09/14/2021	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 15	Minus	** 20	= 0	x \$100 =	0
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	= 0	x \$480 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	0
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x \$0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x \$0 =	
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.						SLIE	
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".						/KELLEY D DANTZLER/	
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".							
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.							

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL **(Submitted Only via EFS-Web)**

Application Number	15/646,980	Filing Date	2017-07-11	Docket Number (if applicable)	1859.029USD2 (KRU0022-W)	Art Unit	1792
First Named Inventor	Marc Krüger			Examiner Name	Smith, Chaim A		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☒ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☒ Other

Translations of Priority Applications

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

☒ The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
 The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to
 Deposit Account No 501097

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

Applicant Signature

Signature of Registered U.S. Patent Practitioner			
Signature	Paul J. Palinski/	Date (YYYY-MM-DD)	2021-09-14
Name	Paul J. Palinski	Registration Number	71080

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Smith, Chaim A

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

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Date: September 14, 2021

Customer No. 25215

/Paul Palinski/

Paul J. Palinski

Reg. No. 71.080

Attorney for Applicant

The Dobrusin Law Firm, P.C.

29 W. Lawrence Street - Suite 210

Pontiac, MI 48342

(248) 292-2920

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1792
	Examiner Name	Smith, Chaim A
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

U.S. PATENTS					
Examiner Initials*	Cite No.	Patent Number	Kind Code	Issue Date	Name of Patentee or Applicant of cited Document
	1.	3,521,207		07/21/1970	Britton et al.
	2.	4,534,985		08/13/1985	Gasau
	3.	4,540,595		09/10/1985	Acitelli et al.
	4.	4,644,151	A	05/12/1987	Piet
	5.	4,846,052	A	07/11/1989	Farve et al.
	6.	4,867,993		09/19/1989	Nordskog
	7.	5,028,769	A	07/02/1991	Claypool et al.
	8.	5,108,768	A	04/28/1992	So
	9.	5,242,702	A	09/07/1993	Fond
	10.	5,251,758	A	10/12/1993	Kolacek
	11.	5,656,316	A	08/12/1997	Fond et al.
	12.	5,677,522	A	10/14/1997	Rice et al.
	13.	5,725,261	A	03/10/1998	Rahn
	14.	6,025,000	A	02/15/2000	Fond et al.
	15.	6,527,181	B1	03/04/2003	Kleeberg et al.
	16.	6,598,800	A1	07/29/2003	Schmit et al.
	17.	6,655,260	B2	12/02/2003	Lazaris
	18.	6,817,538	B2	11/16/2004	Afzali-Ardakani et al.
	19.	6,994,879	B2	02/07/2006	Cirigliano et al.
	20.	7,444,925	B2	11/04/2008	Mahlich
	21.	7,595,870	B2	09/29/2009	Ringlien
	22.	7,673,558	B2	03/09/2010	Panesar et al.
	23.	7,815,953	B2	10/19/2010	Mastropasqua et al.
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	83.	PACKAGE ENGINEERING https://books.google.ch/books?id=DydNAAAA YAAJ&q=%22corrugated+plastic%22&dq=%22corrugated+plastic%22&hl=fr&sa=X&ved=2ahUKEwiq296WvaXvAhWIPOwKHfcaDrk4KBD oATAGeQOIBBAC	

EXAMINER SIGNATURE			
Examiner Signature		Date Considered	
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

Electronic Patent Application Fee Transmittal					
Application Number:		15646980			
Filing Date:		11-Jul-2017			
Title of Invention:		PORTION CAPSULE HAVING AN IDENTIFIER			
First Named Inventor/Applicant Name:		Marc KRÜGER			
Filer:		Paul J. Palinski/BECKY BALLARD			
Attorney Docket Number:		1859.029USD2			
Filed as Large Entity					
Filing Fees for Utility under 35 USC 111(a)					
Description		Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:					
Pages:					
Claims:					
Miscellaneous-Filing:					
Petition:					
Patent-Appeals-and-Interference:					
Post-Allowance-and-Post-Issuance:					
Extension-of-Time:					

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
RCE- 2ND AND SUBSEQUENT REQUEST	1820	1	2000	2000
Total in USD (\$)				2000

Electronic Acknowledgement Receipt

EFS ID:	43757702
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	14-SEP-2021
Filing Date:	11-JUL-2017
Time Stamp:	14:35:07
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$2000
RAM confirmation Number	E20219DE35390722
Deposit Account	
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

IPR2024-00299

Nespresso USA, Inc. Ex. 1002

Page 559 of 867

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		FOA_Response_1859_029USD2_KRU022_WO_US_T.pdf	144317	yes	10
			ab5228479f703cc46d930c0364b413daa47e208d		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	6	
	Applicant Arguments/Remarks Made in an Amendment		7	10	
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2	Request for Continued Examination (RCE)	RCE_1859_029USD2_KRU0022_WO_US_T.pdf	697669	no	3
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5	Interim Copy of the Foreign Priority Document	CertifiedEnglishTranslationOf_DE102011010534_4.pdf	3169171	no	21
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6	Foreign Reference	CA2902731A1.pdf	1871507	no	34
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7	Foreign Reference	EP0272432A1.pdf	488324	no	5
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8	Foreign Reference	EP0334572A1.pdf	3238573	no	31
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17	Foreign Reference	JPH02289207.pdf	583900	no	8
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31	Information Disclosure Statement (IDS) Form (SB08)	Supplemental_IDS_1859_029USD2_KRU022_WO_US_T.pdf	357450	no	13
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33	Non Patent Literature	2_BarcodeWikitionary.pdf	239692	no	2
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34	Non Patent Literature	3_DefinitionOfBarcode_ByMerr iam.pdf	181170	no	1
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35	Non Patent Literature	4_PotterMarthia_BARCODE.pdf	1685760	no	9
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36	Non Patent Literature	5_FairleyMichael_CodesAndCo ding.pdf	1323750	no	7
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38	Non Patent Literature	7_EnglishTranslation_JPH0123 3688A.pdf	187574	no	13
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39	Non Patent Literature	8_OliverRosenbaum_Das_Barcode_Lexicon.pdf	1594070	no	5
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41	Non Patent Literature	10_RalfJesse_Barcode_20190519.pdf	1887264	no	9
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42	Non Patent Literature	11_Declaration_Jarisch.pdf	215322	no	3
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43	Non Patent Literature	53_LetterRegardingOppositionEP3023362_20190304.pdf	173058	no	4
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44	Non Patent Literature	54_EP3023362B1_SubmissionDated_April_5_2019.pdf	119849	no	3
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45	Non Patent Literature	55_ThirdPartyObservations_EP3533726_DatedAugust26_2021.pdf	689133	no	10
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46	Non Patent Literature	56_EP3521210B1_SubmissionDated_October7_2020.pdf	3850935	no	94
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47	Non Patent Literature	57_EP3521210B1_NoticeOf_OppositionDated_January8_2020.pdf	4363536	no	68
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48	Non Patent Literature	58_OppositionAgainstEP3023362.pdf	2563206	no	29
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49	Non Patent Literature	59_Oral_LetterDated20200316.pdf	1454948	no	31
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50	Non Patent Literature	60_OppositionOralLetterDated20200316.pdf	2635290	no	43
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55	Non Patent Literature	67_EP3023362B1_SubmissionDated_April27_2021.pdf	1257710 c6262c91502b7bf6be96af3b71d14a3a6f36e1db	no	35
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Total Files Size (in bytes):			112714493		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Smith, Chaim A

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Attorney Docket No.: 1859.029USD2 (KRU0022-WO-US-T)

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE; AMENDMENT; AND
A REQUEST FOR CONTINUED EXAMINATION (RCE)

In response to the Office Action mailed July 9, 2021, please amend the above-identified application as follows and consider the following remarks.

AMENDMENTS TO THE CLAIMS

1) – 24) (Cancelled)

25) (Currently Amended) A single-serve capsule for making a beverage, comprising:

a base element with a cavity, ~~and in which a raw beverage material is provided~~, the base element is made of metal and has a central axis, the base element includes a wall that is rotationally-symmetrical about the central axis, the base element having an upper end portion and a lower end portion that is spaced from the upper end portion other along the central axis, the wall tapers inwardly from the upper end portion to the lower end portion, the cavity includes a barrier sheet,

a circular flange having an outer diameter, the circular flange extending outwardly from the upper end portion~~a top portion~~ of the base element, the circular flange having a top side and an opposing bottom side, and

a metal cover that is sealed to the top side of the flange and is dimensioned and configured for being pierced by a beverage making machine in a location offset from the central axis~~to close the cavity, the metal cover is fastened to a top side of the flange,~~

an identifier having a plurality of matte or reflective zones on the bottom side of the flange, the bottom side of the flange is dimensioned and configured to bear against a surface of a capsule insertion shaft of the beverage making machine after the capsule is inserted into the beverage making machine, the identifier configured to be read by a detector arranged in a region of the capsule insertion shaft, and

~~wherein the base element comprises a bottom, and a side wall extending between the metal cover and the bottom, the side wall comprises a plurality of radially spaced and vertically oriented grooves that are free from extending all the way to the bottom of the base element, the grooves are~~

~~also free from extending all the way to a region of the side wall that is immediately adjacent to the flange, the side wall comprising an electrically conductive section, wherein the side wall has an inner surface defining the cavity that includes a plurality of radially spaced and vertically oriented ribs that are free from extending all the way to a bottom of the cavity, and~~

wherein the capsule is free of a filter inside of the cavity.

26) (Cancelled)

27) (Cancelled)

28) (Cancelled)

29) (Cancelled)

30) (Currently Amended) The single-serve capsule according to Claim 25, wherein a ratio of a diameter of the ~~side wall~~ of the base element which adjoins the circular flange to a diameter of the circular flange is between 0.85 and 0.89.

31) (Currently Amended) The single-serve capsule according to Claim 25, wherein the base element and/or the metal cover are made of aluminum, and

wherein the base element comprises a circumferential border adjacent the circumferential flange, the circumferential border has a larger diameter compared to a diameter of the ~~side wall~~ in a region of the lower end portion ~~base element below the circumferential border~~.

32) (Cancelled)

33) (Currently Amended) The single-serve capsule according to ~~Claim 32~~Claim 25, wherein the base element and the cover are made of the same material.

34) (Cancelled)

35) (Currently Amended) The single-serve capsule according to ~~Claim 34~~Claim 25, wherein the metal cover is bowed ~~outwardly~~upwardly in a central region of the ~~base element~~metal cover relative to a peripheral region of the metal cover adjacent to the flange.

36) (Currently Amended) The single-serve capsule according to Claim 35, wherein ~~the a~~ bottom of the base element comprises an indentation.

37) (Cancelled)

38) (Cancelled)

39) (Cancelled)

40) (Currently Amended) The single-serve capsule according to ~~Claim 39~~Claim 25, wherein the upper end portion of the base element~~single-serve capsule~~ has a ring of electrically conductive material ~~on the base element that is located immediately adjacent to a bottom side of~~ the flange.

41) (Currently Amended) The single-serve capsule according to ~~Claim 40~~ Claim 35, wherein the metal cover comprises a cover peripheral edge that is free from extending to a peripheral edge of the circular flange.

42) (Cancelled)

43) (Cancelled)

44) (New) The single-serve capsule according to Claim 25, wherein the side wall comprises a concavity and/or a convexity.

45) (New) The single-serve capsule according to Claim 35, wherein the upper end portion of the base element has an annular convexity and the lower end of the base element has an annular concavity relative to the central axis.

46) (New) A single-serve capsule for making a beverage, comprising:

a base element with a cavity, in which a raw beverage material is provided, the base element is made of metal and has a central axis, the base element includes a wall that is rotationally-symmetrical about the central axis, the base element having an upper end portion and a lower end portion that is spaced from the upper end portion along the central axis, the wall tapers inwardly from the upper end portion to the lower end portion, the cavity includes a barrier sheet,

a circular flange having an outer diameter, the circular flange extending radially outwardly from the upper end portion of the base element about the central axis, the circular flange having a top side and a bottom side,

a metal cover that is sealed to the top side of the flange and is dimensioned and configured for being pierced by a beverage making machine in a location offset from the central axis, the metal cover is bowed upwardly in a central region of the base element relative to a region of the metal cover adjacent to the circular flange, and

an identifier having a plurality of matte or reflective zones on the bottom side of the flange, the bottom side of the flange is dimensioned and configured to bear against a surface of a capsule insertion shaft of the beverage making machine after the capsule is inserted into the beverage making machine, the identifier configured to be read by a detector arranged in a region of the capsule insertion shaft, and

wherein the capsule is free of a filter inside of the cavity.

47) (New) The single-serve capsule according to claim 46, wherein the upper end portion of the base element has a ring of electrically conductive material that is located immediately adjacent to the bottom side of the circular flange.

48) (New) The single-serve capsule according to claim 47, wherein the base element comprises a circumferential border adjacent the circular flange, the circumferential border has a larger diameter compared to a diameter of the wall in a region of the lower end portion.

49) (New) The single-serve capsule according to claim 48, wherein the wall comprises a concavity or a convexity.

50) (New) The single-serve capsule according to Claim 49, wherein a bottom of the base element comprises an indentation.

REMARKS

In the Office Action mailed July 9, 2021, the Examiner rejected claims 25, 30-36 and 39-43.

Claim Amendments

By way of the foregoing amendments and the markings to show changes Applicant has amended the claims. No new matter has been added. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicant from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled. Applicant reserves the right to pursue the original and/or previously presented claims in a subsequent application.

Priority Applications

To ensure a complete file wrapper, Applicant submits herewith English translations of the three priority applications. These translations were previously made of record in other applications in this patent family. Applicant respectfully requests the Examiner acknowledge receipt of these documents.

Claim Rejections – 35 USC 103

1. Claims 25, 30-34, 39, and 40 are rejected under 35 USC 103(a) as allegedly being unpatentable over “Mahlich” (US 2004/0089158) in view of “Sweeney” (US 2002/0020659). These rejections are respectfully traversed.

Without acquiescing in the validity of the rejection of claim 25, the Examiner’s characterization of the Mahlich and/or Sweeney teachings, and/or the appropriateness of the

Examiner relying on a combination of Mahlich and Sweeney to reject claim 25, claim 25 is amended in the interest of expediting prosecution to clarify various features single-serve capsule. Applicant submits the Examiner will be unable to present evidence that Mahlich and Sweeney teach or suggest all elements of amended claim 25. In particular, Applicant submits the Examiner will be unable to present evidence that Mahlich and Sweeney teach or suggest a single-serve capsule having “an identifier having a plurality of matte or reflective zones on the bottom side of the flange.” Accordingly, Applicant respectfully requests the rejection of claim 25 be withdrawn, claim 25 be allowed, and all claims depending from claim 25 be allowed.

2. Claims 35 and 36 are rejected under 35 USC 103(a) as allegedly being unpatentable over “Mahlich” (US 2004/0089158) in view of “Sweeney” (US 2002/0020659) in view of “Denisart” (US 2004/0228955). These rejections are respectfully traversed.

Without acquiescing in the validity of the rejection of claims 35 and 36, the Examiner’s characterization of the Mahlich, Sweeney, and/or Denisart teachings, and/or the appropriateness of the Examiner relying on a combination of Mahlich, Sweeney, and Denisart to reject claims 35 and 36, claims 35 and 36 are believed to be allowable for at least their dependence on independent claim 25. Accordingly, Applicant respectfully requests the Examiner withdrawal this rejection of claims 35 and 36 and allow claims 35 and 36.

3. Claims 41 and 42 are rejected under 35 USC 103(a) as allegedly being unpatentable over “Mahlich” (US 2004/0089158) in view of “Sweeney” (US 2002/0020659) in view of “Perentes” (WO 2011/069829). These rejections are respectfully traversed.

Without acquiescing in the validity of the rejection of claims 41 and 42, the Examiner’s characterization of the Mahlich, Sweeney, and/or Perentes teachings, and/or the appropriateness of the Examiner relying on a combination of Mahlich, Sweeney, and Perentes to reject claims 41 and 42, claim 41 is believed to be allowable for at least its dependence on independent claim 25. Claim 42 is cancelled without prejudice. Accordingly, Applicant respectfully requests the Examiner withdrawal this rejection of claims 41 and 42 and allow claim 41.

4. Claim 43 is rejected under 35 USC 103(a) as allegedly being unpatentable over “Mahlich” (US 2004/0089158) in view of “Sweeney” (US 2002/0020659) in view of “Perentes” (WO

2011/069829) as further evidenced by “Ruchonnet” (WO 2005/044067). These rejections are respectfully traversed.

Without acquiescing in the validity of the rejection of claim 43, the Examiner’s characterization of the Mahlich, Sweeney, Perentes, and/or Ruchonnet teachings, and/or the appropriateness of the Examiner relying on a combination of Mahlich, Sweeney, Perentes, and Ruchonnet to reject claims 43, claim 43 is cancelled without prejudice. Accordingly, Applicant respectfully requests the Examiner withdrawal this rejection of claims 43.

CONCLUSIONS

In view of Applicant's amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicant submits that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any questions or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or has not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Respectfully submitted,

Date: September 14, 2021

Customer No. 25215

/Paul Palinski/

Paul J. Palinski

Reg. No. 71.080

Attorney for Applicant

The Dobrusin Law Firm, P.C.

29 W. Lawrence Street - Suite 210

Pontiac, MI 48342

(248) 292-2920

Electronic Acknowledgement Receipt

EFS ID:	43760012
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	14-SEP-2021
Filing Date:	11-JUL-2017
Time Stamp:	14:37:25
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Non Patent Literature	70_EP3521208B1_SubmissionDated_March12_2021.pdf	606565 aed25cd67d942864bdb22d211e4618fc865ecd7a	no	14

Warnings:

IPR2024-00299

Nespresso USA, Inc. Ex. 1002

Page 579 of 867

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Total Files Size (in bytes):			127477789		

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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NOTICE OF ALLOWANCE AND FEE(S) DUE

25215 7590 10/07/2021
The Dobrusin Law Firm P.C.
29 W. Lawrence Street
Suite 210
Pontiac, MI 48342

EXAMINER	
SMITH, CHAIM A	
ART UNIT	PAPER NUMBER

1791

DATE MAILED: 10/07/2021

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270

TITLE OF INVENTION: PORTION CAPSULE HAVING AN IDENTIFIER

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1200	\$0.00	\$1000.00	\$200	01/07/2022

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

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By fax, send to: (571)-273-2885

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

25215 7590 10/07/2021
The Dobrusin Law Firm P.C.
29 W. Lawrence Street
Suite 210
Pontiac, MI 48342

Certificate of Mailing or Transmission

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_____ (Typed or printed name)
_____ (Signature)
_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270

TITLE OF INVENTION: PORTION CAPSULE HAVING AN IDENTIFIER

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1200	\$0.00	\$1000.00	\$200	01/07/2022

EXAMINER	ART UNIT	CLASS-SUBCLASS
SMITH, CHAIM A	1791	426-115000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-09 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

1 _____

(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. Fees submitted: ☐ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies _____

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5. Change in Entity Status (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270
25215	7590	10/07/2021	EXAMINER	
The Dobrusin Law Firm P.C. 29 W. Lawrence Street Suite 210 Pontiac, MI 48342			SMITH, CHAIM A	
			ART UNIT	PAPER NUMBER
			1791	
DATE MAILED: 10/07/2021				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 15/646,980	Applicant(s) KRÜGER, Marc	
	Examiner CHAIM A SMITH	Art Unit 1792	AIA (FITF) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for Continued Examination dated 14 September 2021.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are 25,30-31,33,35-36,40-41 and 44-50. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to **PPHfeedback@uspto.gov**.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. ____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892) 2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____. 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material ____. 4. ☒ Interview Summary (PTO-413), Paper No./Mail Date ____.	5. ☒ Examiner's Amendment/Comment 6. ☐ Examiner's Statement of Reasons for Allowance 7. ☐ Other ____.
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/CHAIM A SMITH/ Examiner, Art Unit 1792	/ERIK KASHNIKOW/ Supervisory Patent Examiner, Art Unit 1792
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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 September 2021 has been entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in an interview with Paul Palinski on 24 September 2021.

The application has been amended as follows:

In claim 25, line 5, the term - - other - - has been deleted.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAIM A SMITH whose telephone number is (571)270-7369. The examiner can normally be reached on Monday-Thursday 09:00-18:00.

5. Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to please telephone the Examiner.
6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erik Kashnikow can be reached on (571) 270-3475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <https://ppair-my.uspto.gov/pair/PrivatePair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHAIM A SMITH/
Examiner, Art Unit 1792
24 September 2021

/ERIK KASHNIKOW/
Supervisory Patent Examiner, Art Unit 1792

<i>Examiner-Initiated Interview Summary</i>	Application No. 15/646,980	Applicant(s) KRÜGER, Marc		
	Examiner CHAIM A SMITH	Art Unit 1792	AIA (First Inventor to File) Status No	Page 1 of 1

All Participants (applicant, applicants representative, PTO personnel)	Title	Type
CHAIM A SMITH	Examiner	Telephonic
PAUL PALINSKI	Attorney	

Date of Interview: 24 September 2021

Issues Discussed:

Proposed Amendment(s)

The Examiner telephoned Mr. Palinski to request an amendment to claim 25 that would place the application in condition for allowance. Agreement was reached. The term "other" in line 5 of claim 25 will be deleted and a Notice Of Allowance will be forthcoming.

/CHAIM A SMITH/ Examiner, Art Unit 1792	/ERIK KASHNIKOW/ Supervisory Patent Examiner, Art Unit 1792
<p>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</p> <p>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</p>	

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of 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.

Issue Classification 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1792

CPC						
Symbol					Type	Version
B65D	/	85	/	8043	F	2013-01-01
A47J	/	31	/	4492	I	2013-01-01
B65D	/	2203	/	10	A	2013-01-01
B65D	/	2203	/	06	A	2013-01-01
B65D	/	65	/	466	A	2013-01-01

CPC Combination Sets					
Symbol				Type	Set

/CHAIM A SMITH/ Examiner, Art Unit 1792 (Assistant Examiner)	23 September 2021 (Date)	Total Claims Allowed: 15	
/ERIK KASHNIKOW/ Supervisory Patent Examiner, Art Unit 1792 (Primary Examiner)	27 September 2021 (Date)	O.G. Print Claim(s) 25	O.G. Print Figure 2

Issue Classification 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1792

INTERNATIONAL CLASSIFICATION			
CLAIMED			
B65D	/	85	/ 804
NON-CLAIMED			
	/		/

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS

CROSS REFERENCES(S)						
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)					

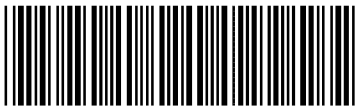
/CHAIM A SMITH/ Examiner, Art Unit 1792 (Assistant Examiner)	23 September 2021 (Date)	Total Claims Allowed: 15	
/ERIK KASHNIKOW/ Supervisory Patent Examiner, Art Unit 1792 (Primary Examiner)	27 September 2021 (Date)	O.G. Print Claim(s) 25	O.G. Print Figure 2

Issue Classification 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1792

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIMS															
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	6		15		24	4	33		42						
	7		16	1	25		34		43						
	8		17		26	5	35	10	44						
	9		18		27	6	36	8	45						

/CHAIM A SMITH/ Examiner, Art Unit 1792 (Assistant Examiner)	23 September 2021 (Date)	Total Claims Allowed: 15	
/ERIK KASHNIKOW/ Supervisory Patent Examiner, Art Unit 1792 (Primary Examiner)	27 September 2021 (Date)	O.G. Print Claim(s) 25	O.G. Print Figure 2

<i>Search Notes</i> 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1792

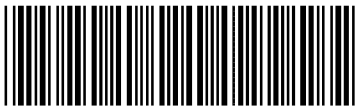
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updated, B65D 2081/001, 2081/007	10/08/2019	deb

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
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search	updated	10/08/2019	deb

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

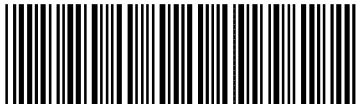
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<i>Search Notes</i> 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1792

Search Notes		
Search Notes	Date	Examiner
EAST: inventor name, coffee,tea,beverage,infus,identifier,barcode, brew,cartridge,capsule,pod,package,container	10/26/2018	deb
updated	05/23/2019	deb
consulted William Krynski regarding US 2013/0064937A1	05/22/2019	deb
updated	10/08/2019	deb
Updated search	12/17/2020	CS
capsule, cartridge, pad, pod, metal, aluminum aluminium, nitrogen	12/17/2020	CS
Updated search	07/02/2021	CS

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
A47J	31/4492	09/23/2021	CS
B65D	85/8043, 2203/10, 2203/06	09/23/2021	CS

/CHAIM A SMITH/ Examiner, Art Unit 1792	
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<i>Index of Claims</i> 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1792

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

CLAIMS										
☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
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<i>Index of Claims</i> 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1792

CLAIM		DATE								
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EAST Search History

EAST Search History (Prior Art)

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S31	7,254	(capsule cartridge pod pad) and bar near1 code and (coffee tea beverage)	US- PGPUB; USPAT	OR	ON	2021/07/02 20:39
S32	1	boyd.in. and (capsule cartridge pod pad) same (coffee tea beverage) and bar near1 code	US- PGPUB; USPAT	OR	ON	2021/07/02 20:41
S33	1,129	(capsule cartridge pod pad) same (coffee tea beverage) and bar near1 code	US- PGPUB; USPAT	OR	ON	2021/07/02 20:41
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EAST Search History (Interference)

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BIB DATA SHEET

CONFIRMATION NO. 3270

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
15/646,980	07/11/2017	426	1792	1859.029USD2		
RULE						
APPLICANTS K-FEE SYSTEM GMBH, Bergisch Gladbach, GERMANY; INVENTORS Marc KRÜGER, Bergisch-Gladbach, GERMANY; ** CONTINUING DATA ***** This application is a DIV of 15/211,823 07/15/2016 ABN which is a DIV of 13/744,623 01/18/2013 ABN which is a CON of PCT/EP2011/003677 07/22/2011 ** FOREIGN APPLICATIONS ***** GERMANY 10 2011 010 534.4 02/07/2011 GERMANY 10 2010 044 251.8 09/02/2010 GERMANY 10 2010 031 988.0 07/22/2010 ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 07/18/2017						
Foreign Priority claimed ☒ Yes ☐ No 35 USC 119(a-d) conditions met ☒ Yes ☐ No Verified and Acknowledged <u>/CHAIM A SMITH/</u> Examiner's Signature		☐ Met after Allowance Initials	STATE OR COUNTRY GERMANY	SHEETS DRAWINGS 12	TOTAL CLAIMS 9	INDEPENDENT CLAIMS 2
ADDRESS The Dobrusin Law Firm P.C. 29 W. Lawrence Street Suite 210 Pontiac, MI 48342 UNITED STATES						
TITLE PORTION CAPSULE HAVING AN IDENTIFIER						
FILING FEE RECEIVED 1600	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit		

Filed via EFS @ USPTO.gov on January 20, 2021
Practitioner's Docket No. 1859.029USD2 (KRU0022-WO-US-T2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc KRÜGER Art Unit.: 1792
Application No.: 15/646,980 Examiner: Smith, Chaim A.
Filed: July 11, 2017 Conf. No.: 3270
For: Portion Capsule Having an Identifier

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant submits this statement in accordance with its duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Copies of foreign patent documents and non-patent literature, together with a listing on form PTO/SB/08a are submitted herewith.

This Information Disclosure Statement is being submitted after the mailing of a first Office Action and before a Notice of Allowance. A fee of \$260.00 is believed to be due; however, if any additional fee is due with the filing of this paper, please charge the amount to Deposit Account 50-1097.

Date: July 29, 2021

Customer No. 25215

/Paul J. Palinski/

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc KRÜGER
	Art Unit	1792
	Examiner Name	Smith, Chaim A.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T2)

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Examiner Initial*	Cite No.	Foreign Document Number	Country Code	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document	T ⁵
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NON-PATENT LITERATURE DOCUMENTS							
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.					T ⁵
	1.	Petition for Inter Partes Review of U.S. Patent No. 10,870,531 (IPR2021-01223), dated July 12, 2021.					
	2.	Petition for Inter Partes Review of U.S. Patent No. 10,858,176 (IPR2021-01221), dated July 12, 2021.					
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	4.	Declaration of Michael Jobin, Exhibit 1003 from Petition for Inter Partes Review of U.S. Patent No. 10,858,177 (IPR2021-01222), dated July 12, 2021.					
	5.	Declaration of Michael Jobin, Exhibit 1003 from Petition for Inter Partes Review of U.S. Patent No. 10,858,176 (IPR2021-01221), dated July 12, 2021.					
	6.	Declaration of Michael Jobin, Exhibit 1003 from Petition for Inter Partes Review of U.S. Patent No. 10,870,531 (IPR2021-01223), dated July 12, 2021.					
EXAMINER SIGNATURE							
Examiner Signature		/CHAIM A SMITH/		Date Considered		09/23/2021	
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

Filed via EFS @ USPTO.gov on September 14, 2021
Attorney Docket No.: 1859.029USD2 (KRU0022-WO-US-T)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Smith, Chaim A

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Commissioner for Patents
P.O. Box 1450
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Copies of foreign patent documents and non-patent literature, together with a listing on form PTO/SB/08a, are submitted herewith. Applicant respectfully solicits the Examiner's consideration of the cited references and entry thereof into the record of this application.

Filed via EFS @ USPTO.gov on September 14, 2021
Attorney Docket No.: 1859.029USD2 (KRU0022-WO-US-T)

This Information Disclosure Statement is being submitted with a Request for Continued Examination, and therefore, no fees are believed to be due; however, if any fee is due with the filing of this paper, please charge the amount to Deposit Account 50-1097.

Date: September 14, 2021

Customer No. 25215

/Paul Palinski/

Paul J. Palinski

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	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

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	First Named Inventor	Marc Krüger
	Art Unit	1792
	Examiner Name	Smith, Chaim A
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

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	Filing Date	July 11, 2017
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	Art Unit	1792
	Examiner Name	Smith, Chaim A
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

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	First Named Inventor	Marc Krüger
	Art Unit	1792
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	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T)

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NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
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EXAMINER SIGNATURE			
Examiner Signature	/CHAIM A SMITH/	Date Considered	09/23/2021
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 15/646,980	Filing Date 07/11/2017	☐ To be Mailed
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ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 = *		x \$80 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 = *		x \$420 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED - PART II

	(Column 1)		(Column 2)	(Column 3)		RATE (\$)	ADDITIONAL FEE (\$)
AMENDMENT	10/08/2021	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA			
	Total (37 CFR 1.16(i))	* 19	Minus	** 20	= 0	x \$100 =	0
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	= 0	x \$480 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x \$0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x \$0 =	
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE		
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.						SLIE	
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".						/DEIDRE C KING-WOODWARD/	
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".							
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.							

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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**REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)**

Application Number	15/646,980	Filing Date	2017-07-11	Docket Number (if applicable)	1859.029USD2	Art Unit	1792
First Named Inventor	Marc Krüger			Examiner Name	Smith, Chaim A		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____☐ Other _____☒ Enclosed☒ Amendment/Reply☐ Information Disclosure Statement (IDS)☐ Affidavit(s)/ Declaration(s)☐ Other _____**MISCELLANEOUS**☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)☐ Other _____**FEES**☒ The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to
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Applicant Signature

Signature of Registered U.S. Patent Practitioner			
Signature	Paul J. Palinski/	Date (YYYY-MM-DD)	2021-10-08
Name	Paul J. Palinski	Registration Number	71080

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal				
Application Number:		15646980		
Filing Date:		11-Jul-2017		
Title of Invention:		PORTION CAPSULE HAVING AN IDENTIFIER		
First Named Inventor/Applicant Name:		Marc KRÜGER		
Filer:		Paul J. Palinski/BECKY BALLARD		
Attorney Docket Number:		1859.029USD2		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
RCE- 2ND AND SUBSEQUENT REQUEST	1820	1	2000	2000
Total in USD (\$)				2000

Electronic Acknowledgement Receipt

EFS ID:	43988008
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	08-OCT-2021
Filing Date:	11-JUL-2017
Time Stamp:	16:21:05
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$2000
RAM confirmation Number	E202108G21390655
Deposit Account	
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IPR2024-00299

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Page 634 of 867

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Response_1859_029USD2_KRU0022_WO_US_T2.pdf	145122	yes	10
			807baaf159114473a65b45d32299843673f5494a		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	2	
	Claims		3	8	
	Applicant Arguments/Remarks Made in an Amendment		9	10	
Warnings:					
Information:					
2	Request for Continued Examination (RCE)	RCE_1859_029USD2_KRU0022_WO_US_T2.pdf	697661	no	3
			bf0627599d1297b3c1475c6e4cad7550ab092f5a		
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	38018	no	2
			bff128dcbccc9c4de73955d8c38ea53afac82423		
Warnings:					
Information:					
Total Files Size (in bytes):			880801		

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Smith, Chaim A

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Attorney Docket No.: 1859.029USD2 (KRU0022-WO-US-T2)

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE AND AMENDMENT;
A REQUEST FOR CONTINUED EXAMINATION (RCE); AND
A REQUEST FOR AN EXAMINER INTERVIEW

In response to the Notice of Allowance mailed on October 07, 2021, please amend the above-identified application as follows and consider the following remarks.

A Request for Continued Examination (RCE) and requisite fee is included herewith.

Applicant thanks the Examiner for the courtesies of examining and allowing this patent application in recently mailed Notice of Allowance. Applicant also expresses its gratitude to the Office for the non-substantive status communications that transpired since the Interview of September 24, 2021 and the mailing of the Notice of Allowance, and Applicant acknowledges that it communicated with the Office on October 08, 2021 during which Applicant made clear its desire to file this RCE.

However, after a review of the Notice of Allowance and allowed claims, Applicant wishes to avoid the burden to itself and the USPTO, and the expense, of a potential adversarial proceeding based upon the prior request for interference filed against this application. Applicant believes it is

also entitled to additional claim coverage that was not necessarily contemplated in the allowed claims.

Accordingly, Applicant respectfully makes this Request for Continued Examination, and further requests that the accompanying claim amendments, and new claims included herewith, be entered, the Notice of Allowance be withdrawn, and the USPTO reopen prosecution to examine and allow the following amended and new claims. No new matter has been added.

Should the Examiner have any questions or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 309-3045.

AMENDMENTS TO THE CLAIMS

1) – 24) (Cancelled)

25) (Currently Amended) A single-serve capsule for making a beverage in a capsule recognizing beverage machine, comprising:

a base element with a cavity, in which a raw beverage material is provided, the base element is made of metal and has a central axis, the base element includes a wall that is rotationally-symmetrical about the central axis, the base element having an upper end portion and a lower end portion that is spaced from the upper end portion along the central axis, the wall tapers inwardly from the upper end portion to the lower end portion, ~~the cavity includes a barrier sheet,~~

a barrier sheet included in the cavity,

a circular flange having an outer diameter, the circular flange extending outwardly from the upper end portion of the base element, the circular flange having a top side and an opposing bottom side, and

a metal cover that is sealed to the top side of the flange and is dimensioned and configured for being pierced by ~~a~~ the capsule recognizing beverage making machine in a location offset from the central axis, wherein the metal cover is bowed upwardly and arcuately in a central region of the base element from a peripheral edge of the circular flange,

wherein the upper end portion of the base element has an annular convexity and the lower end of the base element has an annular concavity relative to the central axis, and

~~an identifier having a plurality of matte or reflective zones on the bottom side of the flange,~~
the bottom side of the flange is dimensioned and configured to bear against a surface of a capsule insertion shaft of the capsule recognizing beverage making machine after the capsule is inserted

into the capsule recognizing beverage making machine, ~~the identifier configured to be read by a detector arranged in a region of the capsule insertion shaft, and~~

wherein the capsule is free of a filter inside of the cavity.

26) (Cancelled)

27) (Cancelled)

28) (Cancelled)

29) (Cancelled)

30) (Previously Presented) The single-serve capsule according to Claim 25, wherein a ratio of a diameter of the wall of the base element which adjoins the circular flange to a diameter of the circular flange is between 0.85 and 0.89.

31) (Previously Presented) The single-serve capsule according to Claim 25, wherein the base element and/or the metal cover are made of aluminum, and

wherein the base element comprises a circumferential border adjacent the circumferential flange, the circumferential border has a larger diameter compared to a diameter of the wall in a region of the lower end portion.

32) (Cancelled)

33) (Previously Presented) The single-serve capsule according to Claim 25, wherein the base element and the cover are made of the same material.

34) (Cancelled)

35) (Currently Amended) The single-serve capsule according to ~~Claim 25~~Claim 31, wherein the metal cover is bowed upwardly in a central region of the metal cover relative to a peripheral region of the metal cover adjacent to the flange.

36) (Previously Presented) The single-serve capsule according to Claim 35, wherein a bottom of the base element comprises an indentation.

37) (Cancelled)

38) (Cancelled)

39) (Cancelled)

40) (Previously Presented) The single-serve capsule according to Claim 25, wherein the upper end portion of the base element has a ring of electrically conductive material.

41) (Currently Amended) The single-serve capsule according to Claim 35, wherein the metal cover comprises a ~~cover~~ peripheral edge that extends inward ~~of is free from extending to~~ a peripheral edge of the circular flange.

42) (Cancelled)

43) (Cancelled)

44) (Currently Amended) The single-serve capsule according to ~~Claim 25~~Claim 35, wherein ~~the side wall comprises a concavity and/or a convexity~~an identifier is located on the capsule and the identifier is detectable for recognizing the capsule by a sensor in the capsule recognizing beverage making machine.

45) (Cancelled)

46) (Currently Amended) A single-serve capsule for making a beverage in a capsule recognizing beverage machine, comprising:

a base element with a cavity, in which a raw beverage material is provided, the base element is made of metal and has a central axis, the base element includes a wall that is rotationally-symmetrical about the central axis, the base element having an upper end portion and a lower end portion that is spaced from the upper end portion along the central axis, the wall tapers inwardly from the upper end portion to the lower end portion, ~~the cavity includes a barrier sheet,~~

a barrier sheet included in the cavity,

a circular flange having an outer diameter, the circular flange extending radially outwardly from the upper end portion of the base element about the central axis, the circular flange having a top side and a bottom side,

a metal cover that is sealed to the top side of the flange and is dimensioned and configured for being pierced by ~~a~~the capsule recognizing beverage making machine in a location offset from the central axis, wherein the metal cover is bowed upwardly in a central region of the base element relative to a region of the metal cover adjacent to the circular flange, and

~~an identifier having a plurality of matte or reflective zones on the bottom side of the flange,~~
wherein the bottom side of the flange is dimensioned and configured to bear against a surface of a

capsule insertion shaft of the capsule recognizing beverage making machine after the capsule is inserted into the capsule recognizing beverage making machine, the identifier configured and located to be read by a detector after the capsule is arranged in a ~~region of the~~ the capsule insertion shaft, and

wherein the capsule is free of a filter inside of the cavity.

47) (Previously Presented) The single-serve capsule according to claim 46, wherein the upper end portion of the base element has a ring of electrically conductive material that is located immediately adjacent to the bottom side of the circular flange.

48) (Previously Presented) The single-serve capsule according to claim 47, wherein the base element comprises a circumferential border adjacent the circular flange, the circumferential border has a larger diameter compared to a diameter of the wall in a region of the lower end portion.

49) (Currently Amended) The single-serve capsule according to claim 48, wherein the wall comprises a concavity ~~or~~ and a convexity, and

wherein the upper end portion of the base element has an annular convexity and the lower end of the base element has an annular concavity relative to the central axis.

50) (Previously Presented) The single-serve capsule according to Claim 49, wherein a bottom of the base element comprises an indentation.

51) (New) The single-serve capsule according to Claim 25, wherein the single-serve capsule comprises an identifier having a plurality of matte or reflective zones, the identifier located on a side of the base element.

52) (New) The single-serve capsule according to Claim 25, wherein the bottom side of the flange is dimensioned and configured to bear against a surface of a capsule insertion shaft of the beverage making machine after the capsule is inserted into the beverage making machine.

53) (New) The single-serve capsule according to Claim 25, wherein the wall comprises a plurality of radially spaced and vertically oriented grooves.

54) (New) The single-serve capsule according to Claim 25, wherein the wall comprises a plurality of radially spaced and vertically oriented convexities.

55) (New) The single-serve capsule according to Claim 46, wherein the capsule comprises an identifier detectable for recognizing the capsule by a sensor in the capsule recognizing beverage making machine

REMARKS

In the Notice of Allowance mailed on October 07, 2021, claims 25,30-31,33,35-36,40-41 and 44-50 were allowed.

Claim Amendments

By way of the foregoing amendments and the markings to show changes Applicant has amended the claims. No new matter has been added.

Though not believed to be prior art, Applicant nevertheless notes that the currently presented claims patentably distinguish from at least the subject matter described and claimed in U.S. Patent No. 10,800,600, which granted from US 2013/0064937 A1, upon which a Suggestion of Interference previously was made identifying this file. Among the numerous features not disclosed in these latter publications are the barrier sheet, the claimed geometries, the cover configuration, etc. These features (alone and especially in combination) provide unique benefits and advantages in the manufacture and use of the claimed capsules independent from any identifier feature. Accordingly, Applicant believes the present claims are patentable over the prior art and other items of record in the present file.

The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art. Nothing herein should be construed as a waiver or disclaimer of any right to pursue the claimed subject matter of the previously allowed claims, and Applicant reserves the right to pursue some or all of them in a continuing application.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicant from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled. Applicant

reserves the right to pursue the original and/or previously presented claims in a subsequent application.

CONCLUSIONS

In view of Applicant's amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicant submits that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any questions or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or has not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due and please also consider this as a Request for Continued Examination.

Respectfully submitted,

Date: October 08, 2021

Customer No. 25215

/Paul Palinski/

Paul J. Palinski

Reg. No. 71.080

Attorney for Applicant

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270
25215	7590	10/29/2021	EXAMINER	
The Dobrusin Law Firm P.C.			SMITH, CHAIM A	
29 W. Lawrence Street			ART UNIT	
Suite 210			PAPER NUMBER	
Pontiac, MI 48342			1791	
			NOTIFICATION DATE	DELIVERY MODE
			10/29/2021	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):

dobrusin_PAIR@firsttofile.com
patmail@patentco.com
rmasquelier@patentco.com

DETAILED ACTION

1. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.
2. The present application is being examined under the pre-AIA first to invent provisions.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 08 October 2021 has been entered.

Claim Objections

4. Claim 46 is objected to because of the following informalities:
5. Regarding claim 46, in line 20 the claim recites "arranged in a the capsule insertion shaft". It would appear the claim should recite 'arranged in the capsule insertion shaft'.
6. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112(a):

(a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of the first paragraph of pre-AIA 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 25, 30, 31, 33, 35, 36, 40, 41, 44, and 46 – 55 are rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for applications subject to pre-AIA 35 U.S.C. 112, the inventor(s), at the time the application was filed, had possession of the claimed invention.

9. Claims 25 and 49 recite the upper end portion of the base element has an annular convexity. A careful review of the specification and drawings does not show any support for there to be an annular convexity in the upper end portion of the base element. Should applicant say that support for said convexity would be provided by figure 21, reference sign 4, it is to be noted that reference sign 4 refers to a metal cover which is separately claimed as “bowed upwardly in a central region of the base element” and thus not seen to read on the claim limitation of an annular convexity in the upper

end portion of the base element. Should applicant say that support for said convexity would be provided by grooves seen in figure 22 at reference sign 15', it is noted that the recited annular convexity in claims 25 and 49 is recited as singular that 15' shows a plurality of radially spaced and vertically oriented convexities each of which are not annular. Therefore the limitation recited in claims 25 and 49 that the base element has an annular convexity is seen to raise an issue of new matter and as such must be deleted.

10. Claims 25 and 46 recite that there would be "a barrier sheet included in the cavity". If this is to refer to a separate sheet which would not form or be a part of the base element then The Office is not able to find support for there being a separate barrier sheet as paragraph [00010] of applicant's specification only provides support for a "barrier layer placed in the portion capsule's material" which is to say the barrier layer, as disclosed is understood to be a barrier that is a portion of the material from which the base element would be made and ***not*** a separate sheet as recited in the claims. If applicant means that the recited barrier sheet would be a completely separate sheet then the recited barrier sheet raises an issue of new matter and as such must be deleted.

11. Claims 30, 31, 33, 35, 36, 40, 41, 44, 47, 48, and 50 – 55 are rejected by virtue of their dependence on a rejected claim from which they depend.

12. **The following is a quotation of 35 U.S.C. 112(b):**

(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 25, 30, 31, 33, 35, 36, 40, 41, 44, and 46 – 55 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor (or for applications subject to pre-AIA 35 U.S.C. 112, the applicant), regards as the invention.

14. Regarding claims 25 and 49, it is not understood how the upper end portion of the base element could have an annular convexity since the upper end portion of the base element is open until a cover has been applied which cover has been separately claimed as being bowed upwardly in a central region which would be seen as a convexity. For the purposes of examination the upwardly bowed cover has been treated as an annular convexity of the base element.

15. Regarding claim 25, there is no antecedent basis for the term “the lower end” recited in line 16 and 17.

16. Regarding claim 25, it is unclear if the “lower end portion” recited in line 5 and 6 is the same as the “lower end” recited in line 16 and 17.

17. Regarding claim 25, it is not clear that the “circular flange” recited in line 9 is the same as the “flange” recited in lines 12 and 19 or some other heretofore unrecited flange.

18. Regarding claim 31, there is no antecedent basis for the term “the circumferential flange”.

19. Regarding claim 35, it is not clear that “the flange” recited in line 3 is the same as the “circular flange” recited in claim 25 or some other heretofore unrecited flange.

20. Regarding claim 46, it is not clear that the “circular flange” recited in line 9 is the same as the “flange” recited in lines 12 and 17 or some other heretofore unrecited flange.

21. Regarding claim 46, line 19, there is no antecedent basis for the term “the identifier”.

22. Regarding claim 52, it is not clear that the “flange” recited in line 2 is the same as the “circular flange” recited in claim 25 or some other heretofore unrecited flange.

23. Regarding claim 52, there is no antecedent basis for the term “the beverage making machine”.

24. Regarding claim 52, it is unclear if the “beverage making machine” is the same as the “capsule recognizing beverage making machine” recited in claim 25 or a different beverage making machine.

25. Claims 30, 33, 40, 41, 44, 47 – 49 51, and 53 – 55 are rejected by virtue of their dependence on a rejected base claim.

26. **The following is a quotation of 35 U.S.C. 112(d):**

(d) REFERENCE IN DEPENDENT FORMS.—Subject to subsection (e), a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

The following is a quotation of pre-AIA 35 U.S.C. 112, fourth paragraph:

Subject to the following paragraph [i.e., the fifth paragraph of pre-AIA 35 U.S.C. 112], a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

27. Claims 33, 35, 36, 41, 44, and 52 are rejected under 35 U.S.C. 112(d) or pre-AIA 35 U.S.C. 112, 4th paragraph, as being of improper dependent form for failing to further

limit the subject matter of the claim upon which it depends, or for failing to include all the limitations of the claim upon which it depends.

28. Regarding claim 33, claim 25 from which claims 33 depends, recites both the base element and the cover to be made of metal, that is to say “the base element and the cover are made of the same material” as recited in claim 33. Whilst phrased somewhat differently since both the base element and the cover are both recited as being made of metal in claim 25 they are both made of the same material and therefore it is not seen that claim 33 is further limiting the subject matter of claim 25 from which it depends because the specification only provides support for the metal to be aluminium.

29. Regarding claim 35, claim 25 from which claim 35 ultimately depends, recites “the metal cover is bowed upwardly and arcuately in a central region of the base element from a peripheral edge of the circular flange”, whilst claim 35 recites “the metal cover is bowed upwardly in a central region of the metal cover relative to a peripheral region of the metal cover adjacent to the flange” which is to say that claim 35 is reciting essentially the same limitations of claim 25 from which claim 35 depends. Therefore claim 35 is not seen to be further limiting the subject matter of claim 25 upon which it ultimately depends.

30. Regarding claim 52, claim 25 from which the claim depends recites “the bottom side of the flange is dimensioned and configured to bear against a surface of a capsule insertion shaft of the capsule recognizing beverage making machine after the capsule is inserted into the capsule recognizing beverage making machine”, which is essentially the same limitation as recited in claim 52. Therefore claim 52 is not seen to be further limiting the subject matter of claim 25 from which it depends.

31. Applicant may cancel the claim(s), amend the claim(s) to place the claim(s) in proper dependent form, rewrite the claim(s) in independent form, or present a sufficient showing that the dependent claim(s) complies with the statutory requirements.

32. Claims 36, 41, and 44 are rejected by virtue of their dependence on a rejected claim from which they depend.

Claim Rejections - 35 USC § 103

33. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, if the differences between the subject matter sought to be patented 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. Patentability shall not be negated by the manner in which the invention was made.

34. The factual inquiries for establishing a background for determining obviousness under pre-AIA 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

35. Claims 25, 30, 31, 33, 36, 40, 44, 46 – 50, and 52 – 55 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Mahlich US 2004/0089158 in view of Sweeney et al. US 2002/0020659 in view of Denisart et al. US 2004/0228955.

36. First it is noted that the claims are clearly and unequivocally directed to a single serve capsule for making a beverage and ***not*** a capsule recognizing beverage machine and have been treated as such. At this time it is not seen that a capsule recognizing beverage machine has been positively recited in the claims. Applicant is hereby

advised that should such a capsule recognizing beverage machine be positively recited in the claims then the claims will be subjected to election by original presentation since the claims have heretofore been confined solely to a capsule.

37. Regarding claims 25, 33, and 46, Mahlich discloses a single serve capsule (1) capable of making a beverage (coffee) which comprises a base element with a cavity in which a raw beverage material is provided. The base element is made of metal (aluminium) (paragraph [0005]), has a central axis, includes a wall that is rotationally symmetrical about said central axis, there is an upper end portion and a lower end portion that is spaced from the upper end portion along the central axis and the wall tapers inwardly from the upper end portion to the lower end portion (paragraph [0030]).

Regarding "a barrier sheet included in the cavity", since applicant's specification discloses "a barrier layer placed in the portion capsule's material" it is understood that the portion capsules material, that is the material from which the base element would be made from, would serve to function as the barrier sheet and since Mahlich has disclosed the base element would be made of aluminium it is seen that the aluminium is acting as a barrier sheet and a barrier sheet is therefore included in the cavity. A circular flange (fig. 1a reference sign 2) extends outwardly from a top portion of the base element, said flange which would necessarily have a top side and an opposing bottom side. In order that a beverage material that would necessarily be contained in said capsule a cover that is configured to close the cavity would obviously have to be fastened to a top side of the flange as evidenced by figure 2. Also because Mahlich discloses the single serve capsule would be made completely of metal (aluminium) it would have been obvious to have made the cover from the same metal and, as clearly

seen in figure 2 (paragraph [0032]), Mahlich discloses that the upper portion of a capsule, i.e. the exterior upper end portion of the base element would have an annular convexity and the interior of the lower end portion of the base element would have an annular concavity making it obvious to the ordinarily skilled artisan to have provided such features to the capsule body as an obvious matter of choice and/or design. Since it is not seen how the upper end portion of the base element could have an annular convexity unless the cover would be closing the cavity, which as set forth above Mahlich has disclosed would be obvious, then it is seen that the metal cover is bowed upwardly and arcuately in a central region of the base element and would be capable of being pierced by a capsule recognizing beverage making machine. The bottom side of the flange is dimensioned wider than the upper base element and would therefore be capable of bearing against a surface of a capsule insertion shaft of a capsule recognizing beverage making machine. Further the side wall has an inner surface defining the cavity and Mahlich does not disclose the capsule to have a filter which is to say Mahlich discloses the capsule is free of a filter (paragraph [0005], [0031] and fig. 1, 1a, 2, and 3).

38. Further regarding the piercing of the metal cover, since Mahlich disclosed the single-serve capsule to be equipped with an identification code it is The Office's position that the metal cover disclosed by Mahlich would be capable of being pierced by capsule recognizing beverage making machine.

39. In the event that claims 25 and 46 can be construed as differing from Mahlich in the cover being made of metal and being pierceable or there being a cover at all, Sweeney discloses a single serve capsule (10) capable of making a beverage which

comprises a base element with a cavity and a flange in which a raw beverage material (coffee) is provided and a cover formed from impermeable materials, which would include metal, (aluminium) is sealed to the top side of the flange and dimensioned and configured to be pierced (paragraph [0045]). Sweeney is providing a cover on a capsule with a cover for the art recognized as well as applicant's intended function which is to contain beverage ingredients that would obviously be stored in said capsule as well as to maintain said ingredients in a fresh condition. To therefore modify Mahlich and provide a pierceable cover sealed to the top side of the flange as taught by Sweeney would have been an obvious matter of choice and/or design to the ordinarily skilled artisan.

40. Further regarding claims 25 and 46, as set forth above in the rejection it is The Office's position that Mahlich in view of Sweeney disclose the cover of the capsule being bowed outwardly and arcuately in a central region of the base element.

41. In the event that claims 25 and 46 can be construed as differing from Mahlich in view of Sweeney in the cover of the capsule being bowed outwardly and arcuately in a central region of the base element it is not seen that patentability would be predicated on the cover of the capsule being bowed outwardly and arcuately in a central region of the base element absent strong and compelling evidence to the contrary. Nevertheless, as further evidenced by Denisart it was common and conventional to pressurize single serve capsules with nitrogen or some other atmosphere free of oxygen to preserve a contained beverage ingredient which would provide a cover that is bowed outwardly in a central region of the base element relative to a region of the cover adjacent to the flange and it would have therefore been obvious to the ordinarily skilled artisan to have done

so in order to further preserve the beverage ingredient contained in the capsule as taught by Denisart (paragraph [0072] and fig. 3). To therefore modify Mahlich in view of Sweeney and have the cover of the capsule bowed outwardly and arcuately in a central region of the base element as taught by Denisart would have been an obvious matter of choice and/or design to the ordinarily skilled artisan.

42. With respect to the remaining recitations beginning for claim 25 “the bottom side of the flange is dimensioned and configured to bear against a surface of a capsule insertion shaft of the capsule recognizing beverage making machine after the capsule is inserted into the capsule recognizing beverage making machine,” and beginning for claim 46 “wherein the bottom side of the flange is dimensioned and configured to bear against a surface of a capsule insertion shaft of the capsule recognizing beverage making machine after the capsule is inserted into the capsule recognizing beverage making machine, the identifier configured and located to be read by a detector after the capsule is arranged in a the capsule insertion shaft” these are seen to be recitations regarding the intended use of the capsule.

43. In this regard applicant’s attention is invited to MPEP 2114 which states that “an apparatus must be distinguished from the prior art in terms of structure rather than function”. That is to say, apparatus claims cover what a device is, not what a device does. If the body of a claim fully and intrinsically sets forth all the limitations of the claimed invention, and then further limitations merely state, for example, the purpose or intended use of the invention, rather than any distinct structural definition of any of the claimed invention’s structural limitations, then any limitations regarding the intended use of the device are of no significance to claim construction. A claim containing a recitation

with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus if the prior art apparatus teaches all the structural limitations of the claim which Mahlich in view of Sweeney in view of Denisart obviously does. Further, if the prior art structure is capable of performing the intended use, then it meets the claim.

44. It is The Office's position that the further limitations do not state any distinct definition of any of the claimed invention's limitations and further that the purpose or intended use, i.e. for claim 25 "the bottom side of the flange is dimensioned and configured to bear against a surface of a capsule insertion shaft of the capsule recognizing beverage making machine after the capsule is inserted into the capsule recognizing beverage making machine," and for claim 46 "wherein the bottom side of the flange is dimensioned and configured to bear against a surface of a capsule insertion shaft of the capsule recognizing beverage making machine after the capsule is inserted into the capsule recognizing beverage making machine, the identifier configured and located to be read by a detector after the capsule is arranged in a the capsule insertion shaft", recited in the present claims does not result in a structural difference between the presently claimed invention and the prior art, that is Mahlich in view of Sweeney in view of Denisart and further that the prior art structure, which is identical and/or obvious in view of the prior art to that set forth in the present claims is capable of performing the recited purpose or intended use.

45. Regarding claim 30, whilst Mahlich in view of Sweeney in view of Denisart do not specifically disclose the recited ratio of 0.85 – 0.89 it would have been obvious to the ordinarily skilled artisan to choose the recited size ratios since Mahlich in view of

Sweeney in view of Denisart otherwise disclose the capsule as claimed without specific dimensions. Limitations relating to the size of the package are not seen as sufficient to patentably distinguish over the prior art. The mere scaling up of a prior art capsule capable of being so scaled, if such were the case, would not establish patentability in a claim to an old capsule so scaled.

46. Claims 31 and 48 are rejected for the same reasons given in the rejection of claims 25 and 46 above. Further regarding claims 31 and 48, Mahlich in view of Sweeney in view of Denisart discloses the circumferential border (220a') has a larger diameter compared to a diameter of the side wall (222a'') in a region of the base element below the circumferential border ('659, paragraph [0046] and fig. 9 and 10).

47. Claim 35 is rejected for the same reasons given above in the rejection of claim 25.

48. Regarding claims 36 and 50, Mahlich in view of Sweeney in view of Denisart disclose the bottom of the base element would have an indentation ('955, fig. 3, reference sign 16). Modification to include an indentation would have been an obvious matter of engineering and/or design choice.

49. Regarding claims 40 and 47, Mahlich in view of Sweeney in view of Denisart discloses the base element comprises a bottom, and a side wall extending between the cover and the bottom. Further since the side wall is made of metal it is seen that said side wall would comprise an electrically conductive section immediately adjacent the bottom of the flange ('158, paragraph [0005]).

50. Regarding claims 44 and 55, Mahlich in view of Sweeney in view of Denisart discloses an identifier would be located on the capsule which identifier would be detectable by a sensor ('158 paragraph [0014] – [0015]).

51. Claim 49 is rejected for the same reasons given above in the rejections of claims 25 and 46

52. Regarding claim 52 and the recitation “wherein the bottom side of the flange is dimensioned and configured to bear against a surface of a capsule insertion shaft of the beverage making machine after the capsule is inserted into the beverage making machine” these are seen to be recitations regarding the intended use of the capsule and are rejected as such for the same reasons given above in the rejections of claims 25 and 46.

53. Regarding claims 53 and 54, Mahlich in view of Sweeney in view of Denisart discloses the and the side wall has a plurality of radially spaced and vertically oriented grooves and convexities (spaced flutes 220e) ('659, paragraph [0043], [0044], [0046], [0047] and fig. 9 and 10). Modification to include vertical grooves and vertical convexities would have been obvious to one having ordinary skill in the art, for providing the requisite strength ('659 paragraph[0009]).

54. Claim 41 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Mahlich US 2004/0089158 in view of Sweeney et al. US 2002/0020659 in view of Denisart et al. US 2004/0228955 in view of Perentes et al. WO 2011/069829.

55. Claim 41 differs from Mahlich in view of Sweeney in view of Denisart in the metal cover comprising a cover peripheral edge that extends inward of a peripheral edge of the circular flange

56. Perentes discloses a single serve capsule (fig. 2a, 2b) capable of making a beverage which comprises a base element with a cavity in which a raw beverage material (coffee powder) (page 11, paragraph 3) is provided and the base element is made of metal (aluminium), a flange extends outwardly from a top portion of the base element, and a metal cover (membrane 4) configured to close the cavity is fastened to a top side of the flange (page 14, paragraph 5). The base element comprises a bottom, and a side wall extends between the metal cover and the bottom. Further Perentes discloses the metal cover comprising a cover peripheral edge that extends inward of a peripheral edge of the circular flange (width b) (page 18, paragraph 1 – page 19, paragraph 2 and fig. 2a, 2b). Perentes is providing a cover peripheral edge that extends inward of a peripheral edge of the circular flange in order to delimit a portion of the rim to prevent distortion of the rim. To therefore modify Mahlich in view of Sweeney in view of Denisart and provide a cover peripheral edge that extends inward of a peripheral edge of the circular flange as taught by Perentes would have been an obvious matter of choice and/or design to the ordinarily skilled artisan.

57. Claim 51 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Mahlich US 2004/0089158 in view of Sweeney et al. in view of US 2002/0020659 Denisart et al. US 2004/0228955 in view of Halliday et al. US 2003/0033938 as further evidenced by Aker US 2010/0078480 and Ruchonnet WO 2005/044067.

58. Regarding claim 51, Mahlich in view of Sweeney in view of Denisart discloses the single serve capsule would have an identifier comprising a barcode of the a wall of the capsule. Claim 51 differs from Mahlich in view of Sweeney in view of Denisart in the

identifier having a plurality of matte or reflective zones located on a side of the base element.

59. Halliday discloses that it was well established to place an identifier having a plurality of matte or reflective zones, i.e. a bar code (bar code printed onto the body of the cartridge) on the side of a capsule base element (paragraph [0031]). Halliday is providing an identifier having a plurality of matte or reflective zones on a capsule base element in order that the capsule may be recognized by a capsule recognizing beverage making machine which is applicant's reason for doing so as well. To therefore modify Mahlich in view of Sweeney in view of Denisart and provide an identifier having a plurality of matte or reflective zones as taught by Halliday would have been an obvious matter of choice and/or design to the ordinarily skilled artisan. Aker provides further evidence that a bar code would be an identifier having a plurality of matte or reflective zones (fig. 1A – 2B and fig. 4A – 5B). As further evidenced by Ruchonnet it was well established, common, and conventional in the art to provide identifiers on the side wall of the base element of a single serve capsule (fig. 2 and 3) and it would have been obvious to do so given the prior art taken as a whole.

Response to Arguments

60. It is noted that applicant has not presented any urgings against any of the art applied in any previous rejections only a statement that it is believed that the claims presented in this Request for Continued Examination.

Conclusion

61. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAIM A SMITH whose telephone number is (571)270-7369. The examiner can normally be reached Monday-Thursday 09:00-18:00.
62. Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to please telephone the Examiner.
63. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amber Orlando can be reached on (571) 270-3149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
64. Information regarding the status of published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: <https://patentcenter.uspto.gov>. Visit <https://www.uspto.gov/patents/apply/patent-center> for more information about Patent Center and <https://www.uspto.gov/patents/docx> for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C.S./
Chaim Smith
Examiner, Art Unit 1791
22 October 2021

/VIREN A THAKUR/
Primary Examiner, Art Unit 1792

<i>Examiner-Initiated Interview Summary</i>	Application No. 15/646,980	Applicant(s) KRÜGER, Marc		
	Examiner CHAIM A SMITH	Art Unit 1791	AIA (First Inventor to File) Status No	Page 1 of 1

All Participants (applicant, applicants representative, PTO personnel)	Title	Type
CHAIM A SMITH	Examiner	Telephonic
PAUL PALINSKI	Attorney	

Date of Interview: 08 October 2021

Issues Discussed:

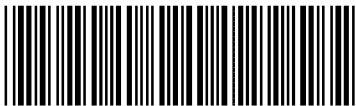
Other

In response to a Request for Continued Examination after a Notice Of Allowance the Examiner called to inquire as to the reasoning for the removal of various limitations that had previously been allowable subject matter and the addition of some new limitations. It was explained that the applicant was changing the focus of the claims. Mr. Paulinski was informed that an Action on the Merits would be forthcoming.

/CHAIM A SMITH/ Examiner, Art Unit 1791	
<p>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</p> <p>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</p>	

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of 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.

<i>Search Notes</i> 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1791

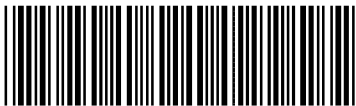
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updated, B65D 2081/001, 2081/007	10/08/2019	deb

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
426	115,77-84, 87	10/26/2018	deb
search	updated	10/08/2019	deb

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

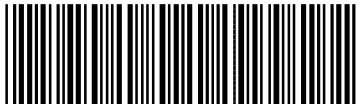
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<i>Search Notes</i> 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1791

Search Notes		
Search Notes	Date	Examiner
EAST: inventor name, coffee,tea,beverage,infus,identifier,barcode, brew,cartridge,capsule,pod,package,container	10/26/2018	deb
updated	05/23/2019	deb
consulted William Krynski regarding US 2013/0064937A1	05/22/2019	deb
updated	10/08/2019	deb
Updated search	12/17/2020	CS
capsule, cartridge, pad, pod, metal, aluminum aluminium, nitrogen	12/17/2020	CS
Updated search	07/02/2021	CS
Updated search	10/21/2021	CS

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
A47J	31/4492	09/23/2021	CS
B65D	85/8043, 2203/10, 2203/06	09/23/2021	CS

/C.S./ Examiner, Art Unit 1791	
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<i>Index of Claims</i> 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1791

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

CLAIMS										
☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
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<p><i>Index of Claims</i></p> 	<p>Application/Control No.</p> <p>15/646,980</p>	<p>Applicant(s)/Patent Under Reexamination</p> <p>KRÜGER, Marc</p>
	<p>Examiner</p> <p>CHAIM A SMITH</p>	<p>Art Unit</p> <p>1791</p>

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EAST Search History

EAST Search History (Prior Art)

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S19	13	B65D85/8043.cpc. and goglio	US- PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2020/12/17 23:02
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S22	51	B65D2203/10.cpc. and (capsule cartridge pod pad) and nitrogen	US- PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2020/12/17 23:47
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S36	0	single serve capsule making beverage base element cavity raw material provided metal central axis wall symmetrical upper end portion lower spaced tapers inwardly circular flange sealed identifier plurality matte reflective zones	US-PGPUB; USPAT; USOCR; EPO; JPO	AND	ON	2021/09/23 18:38

10/23/2021 12:30:13 PM

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc KRÜGER Art Unit.: 1792
Application No.: 15/646,980 Examiner: Smith, Chaim A.
Filed: July 11, 2017 Conf. No.: 3270
For: Portion Capsule Having an Identifier

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant submits this statement in accordance with its duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Copies of foreign patent documents and non-patent literature, together with a listing on form PTO/SB/08a are submitted herewith.

This Information Disclosure Statement is being submitted after the mailing of a first Office Action and before a Notice of Allowance. A fee of \$260.00 is believed to be due; however, if any additional fee is due with the filing of this paper, please charge the amount to Deposit Account 50-1097.

Date: January 3, 2022

Customer No. 25215

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Reg. No. 71,080
Attorney for Applicant
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29 W. Lawrence Street - Suite 210
Pontiac, MI 48342
(248) 292-2920

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc KRÜGER
	Art Unit	1791
	Examiner Name	Smith, Chaim A.
	Attorney Docket Number	1859.029USD2

U.S. PATENTS					
Examiner Initials*	Cite No.	Patent Number	Kind Code	Issue Date	Name of Patentee or Applicant of cited Document
	1.	4,846,052		07/11/1989	Farve et al.
	2.	7,856,920	B2	12/28/2010	Schmed et al.
	3.	8,087,347	B2	01/03/2012	Halliday et al.
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Examiner Initials*	Cite No.	Publication Number	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document
	1.	2011/0189362	A1	08/04/2011	Denisart et al.
	2.	2013/0129876	A1	05/23/2013	Ye et al.

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1.	Nespresso's Preliminary Invalidity Contentions from US District Court Central District of California Case No. 2:21-cv-3402 GW(ARGx), dated September 22, 2021.	
	2.	Exhibit A-1 – Nespresso’s Preliminary Invalidity Contentions dated September 22, 2021.	
	3.	Exhibit A-2 - Nespresso’s Preliminary Invalidity Contentions dated September 22, 2021.	
	4.	Exhibit A-3 - Nespresso’s Preliminary Invalidity Contentions dated September 22, 2021.	
	5.	Exhibit A-4 - Nespresso’s Preliminary Invalidity Contentions dated September 22, 2021.	
	6.	Exhibit A-5 - Nespresso’s Preliminary Invalidity Contentions dated September 22, 2021.	
	7.	Exhibit A-6 - Nespresso’s Preliminary Invalidity Contentions dated September 22, 2021.	
	8.	Exhibit A-7 - Nespresso’s Preliminary Invalidity Contentions dated September 22, 2021.	
	9.	Exhibit A-8 - Nespresso’s Preliminary Invalidity Contentions dated September 22, 2021.	
	10.	Exhibit A-9 - Nespresso’s Preliminary Invalidity Contentions dated September 22, 2021.	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc KRÜGER
	Art Unit	1791
	Examiner Name	Smith, Chaim A.
	Attorney Docket Number	1859.029USD2

	11.	Exhibit B-1 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	12.	Exhibit B-2 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	13.	Exhibit B-3 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	14.	Exhibit B-4 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	15.	Exhibit B-5 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	16.	Exhibit B-6 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	17.	Exhibit B-7 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	18.	Exhibit B-8 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	19.	Exhibit B-9 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	20.	Exhibit C-1 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	21.	Exhibit C-2 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	22.	Exhibit C-3 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	23.	Exhibit C-4 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	24.	Exhibit C-5 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	25.	Exhibit C-6 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	26.	Exhibit C-7 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	27.	Exhibit C-8 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	28.	Exhibit C-9 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	29.	Exhibit A - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	30.	Exhibit B - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	31.	Exhibit C - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc KRÜGER
	Art Unit	1791
	Examiner Name	Smith, Chaim A.
	Attorney Docket Number	1859.029USD2

EXAMINER SIGNATURE			
Examiner Signature		Date Considered	
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

Electronic Patent Application Fee Transmittal				
Application Number:		15646980		
Filing Date:		11-Jul-2017		
Title of Invention:		PORTION CAPSULE HAVING AN IDENTIFIER		
First Named Inventor/Applicant Name:		Marc KRÜGER		
Filer:		Paul J. Palinski/BECKY BALLARD		
Attorney Docket Number:		1859.029USD2		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
SUBMISSION- INFORMATION DISCLOSURE STMT	1806	1	260	260
Total in USD (\$)				260

Electronic Acknowledgement Receipt

EFS ID:	44650359
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	03-JAN-2022
Filing Date:	11-JUL-2017
Time Stamp:	11:42:25
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$ 260
RAM confirmation Number	E202213B42554703
Deposit Account	501097
Authorized User	BECKY BALLARD

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

37 CFR 1.16 (National application filing, search, and examination fees)

37 CFR 1.17 (Patent application and reexamination processing fees)

IPR2024-00299

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Page 685 of 867

37 CFR 1.19 (Document supply fees)
37 CFR 1.20 (Post Issuance fees)
37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	Supplemental_IDS_1859_029USD2.pdf	160978	no	4
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Information:					
This is not an USPTO supplied IDS fillable form					
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IPR2024-0029

IPR2024-00299

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Information:					
7	Non Patent Literature	Exhibit_A5_NespressosPreliminaryInvalidityContentions20210922.pdf	282716	no	23
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Information:					
29	Non Patent Literature	Exhibit_C9_NespressosPreliminaryInvalidityContentions20210922.pdf	770353	no	53
			cbd19523557577ec1a90b715bec6206b3ae60feb		
Warnings:					
Information:					
30	Non Patent Literature	Exhibit_A_NespressosPreliminaryInvalidityContentions20210922.pdf	2451240	no	192
			a32fe8e0e1fa86a396bcd89d88be3c766973d99		
Warnings:					
Information:					
31	Non Patent Literature	Exhibit_B_NespressosPreliminaryInvalidityContentions20210922.pdf	2070284	no	160
			a1fcd1201c0842fe90f656156e8562e6e6d2297c		
Warnings:					
Information:					
32	Non Patent Literature	Exhibit_C_NespressosPreliminaryInvalidityContentions20210922.pdf	2724474	no	214
			4e84ea3615748ee218d15a6ce8d6358d326d30b5		
Warnings:					
Information:					
33	Fee Worksheet (SB06)	fee-info.pdf	38057	no	2
			702476e1f8c0a8767a984f8cb1d141221a3b2613		
Warnings:					
Information:					
Total Files Size (in bytes):			18182515		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Smith, Chaim A

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Attorney Docket No.: 1859.029USD2 (KRU0022-WO-US-T2)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE;
AMENDMENT; AND
A PETITION FOR AN EXTENSION OF TIME**

In response to the Office Action mailed October 29, 2021, please amend the above-identified application as follows and consider the following remarks.

AMENDMENTS TO THE CLAIMS

1) – 24) (Cancelled)

25) (Currently Amended) A portion capsule~~single-serve capsule~~ for making a beverage and having an individualization identifier capable of being detected by a sensor/detection system for determining whether the portion capsule is suitable for a specific coffee machine, the portion capsule comprises:~~in a capsule recognizing beverage machine, comprising:~~

a base element with a cavity, in which a raw beverage material is provided, the base element is deep drawn, made of metal, and has an open upper end portion, a closed bottom, and a wall that extends from the open upper end portion to the closed bottom, the wall is rotationally symmetrical about a central longitudinal axis of the base element, the wall includes an outside surface and an inside surface that faces the beverage material, the base element has a first height that is defined between the open upper end portion and the closed bottom;~~a central axis, the base element includes a wall that is rotationally symmetrical about the central axis, the base element having an upper end portion and a lower end portion that is spaced from the upper end portion along the central axis, the wall tapers inwardly from the upper end portion to the lower end portion;~~

a flange extending outwardly from the wall at the open top end of the base element, the flange having a top side and an opposing bottom side, the individualization identifier is located on the bottom surface of the flange;

a plurality of vertically-orientated grooves arranged on the outside surface of the wall, the plurality of vertically-orientated grooves each have a radiused top end and a radiused top are spaced a distance between the flange and the closed bottom, the vertically-orientated grooves cover 20% to 80% of the wall between the flange and the closed bottom;

a plurality of vertically-orientated ribs arranged on the inside surface of the wall;

a barrier sheet to prevent moisture or aroma from escaping out of the portion capsule;~~included in the cavity,~~

~~—— a circular flange having an outer diameter, the circular flange extending outwardly from the upper end portion of the base element, the circular flange having a top side and an opposing bottom side, and~~

a ~~metal~~ cover comprising a metal foil that is sealed to the top side of the flange, the cover having a central region and a perimeter, the cover is bowed upwardly to a second height at the central region relative to the perimeter, the second height of the cover is less than the first height of the base element, the cover being dimensioned and configured to provide a sealing area that is configured to bear against a seal of the specific coffee machine, the cover being dimensioned and configured to provide a piercing area that is configured to be pierced by a mandrel of the specific coffee machine, the piercing area being laterally offset from the central longitudinal axis of the portion capsule;~~and is dimensioned and configured for being pierced by the capsule recognizing beverage making machine in a location offset from the central axis, wherein the metal cover is bowed upwardly and arcuately in a central region of the base element from a peripheral edge of the circular flange,~~

~~—— wherein the upper end portion of the base element has an annular convexity and the lower end of the base element has an annular concavity relative to the central axis, and the bottom side of the flange is dimensioned and configured to bear against a surface of a capsule insertion shaft of the capsule recognizing beverage making machine after the capsule is inserted into the capsule recognizing beverage making machine,~~

wherein the capsule is free of a filter inside of the cavity; and

wherein the individualization identifier:

i) comprises at least two areas which differ in their optically detectable reflection

properties;

ii) includes an optically detectable, machine readable, repeat pattern;

iii) encodes information used by specific the coffee machine to individualize the portion capsule so the portion capsule is permitted to be used with the coffee machine;

iv) encodes information used by the specific coffee machine to activate a pump of the specific coffee machine;

v) encodes information used by the specific coffee machine to control a beverage-making process, which includes setting a quantity of hot water, pressure of the hot water, and/or a temperature of the hot water;

vi) is provided on the outside surface of the wall of the base element; and

vii) is compared to a stored reference to determine if the portion capsule is suitable for the specific coffee machine.

26) – 55) (Cancelled)

56) (New) The portion capsule according to claim 25, wherein the individualization identifier is electrically conductive.

57) (New) The portion capsule according to claim 56, wherein the plurality of vertically-orientated ribs generate turbulence of the hot water in the cavity and impart rigidity to the wall of the base element, or both.

58) (New) The portion capsule according to claim 57, wherein the vertically-orientated grooves cover 40% to 60% of the wall between the flange and the closed bottom.

59) (New) The portion capsule according to claim 57, wherein the individualization identifier is a barcode.

60) (New) The portion capsule according to claim 57 wherein the individualization identifier exhibits a concavity and/or a convexity.

61) (New) The portion capsule according to claim 60, wherein a ratio of a diameter of the wall of the base element which adjoins the flange to a diameter of the flange is between 0.85 and 0.89.

62) (New) The portion capsule according to claim 60, wherein a ratio of a diameter of the wall of the base element which adjoins the flange to a diameter of the flange is between 0.85 and 0.89.

REMARKS

Petition For Extension Of Time

Applicant respectfully requests a three (3) month extension of time for replying to the Office Action mailed on October 29, 2021. The required fee is included herewith. To the extent the fee is deficient, please charge our Deposit Account No. 50-1097 for any fee which may be due.

Request For Interview

The Undersigned respectfully requests Examiner Smith schedule a telephonic interview to discuss the claim amendments submitted herewith and to discuss the subject matter of the Information Disclosure Statement to assure that he is sufficiently apprised of recent activities involving adversarial proceedings between Applicant and one or more companies affiliated with SOCIÉTÉ DES PRODUITS NESTLÉ S.A.¹ concerning the NESPRESSO VERTUO coffee capsules.

Claim Amendments

By way of the foregoing amendments and the markings to show changes Applicant has amended claim 25, cancelled the remaining previously presented claims, and added new claims 56-62. No new matter has been added. Applicant reserves the right to pursue the subject matter of the original and/or the previously presented claims in this application and/or in a subsequent application, such as a continuation or divisional application.

The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents or other claim scope (or under the doctrine of

¹ Nestle USA, Inc., Nestle Nespresso SA, and Societe Des Produits Nestle SA are identified as the real parties-in-interest in the IPR Proceedings.

equivalence) to which Applicant would otherwise be entitled in view of the prior art. Applicant reserves the right to pursue the original and/or previously presented claims in this application or in a subsequent application, such as a continuation and/or a divisional application.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicant from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents or other claim scope literal (or under the doctrine of equivalence) to which Applicant would otherwise be entitled.

For purposes of these examination proceedings, Applicant relies only upon amendments and arguments directly made by its undersigned United States Patent Attorneys / Agents. Accordingly, unless expressly replied upon by Applicant, any statement made by or on behalf of the Applicant to a foreign patent office by a foreign legal representative shall not be interpreted as a disclaimer before this Office. Also, for purposes of the present examination proceedings, claim terms should be given their plain and ordinary meaning in accordance with the Office's standard of review unless manifested expressly and unequivocally otherwise. If and to the extent it may be alleged that Applicant has made any disclaimers of claim scope by way of any prior submission to the Office in this application or in its parent applications, each such alleged disclaimer should be regarded as inapplicable to the present claims and for the present examination.

Claim Objection

Claim 46 is objected to for a minor typographical informality identified on page 2 of the Office Action. In the interest of expediting prosecution, claim 46 is cancelled. Accordingly, this objection is moot and Applicant respectfully requests the objection be withdrawn.

Claim Rejections – 35 USC 112

I. For the reasons alleged on pages 3-4 of the Office Action, Claims 25, 30, 31, 33, 35, 36, 40, 41, 44, and 46 - 55 are rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as allegedly failing to comply with the written description requirement. This rejection is respectfully traversed. In the interest of expediting prosecution, and without conceding in the validity of any allegation in the Office Action, the claims are amended in a manner believed to be sufficient to overcome and render this objection moot. Accordingly, Applicant respectfully requests this objection be withdrawn.

II. For the reasons alleged on pages 4-6 of the Office Action, Claims 25, 30, 31, 33, 35, 36, 40, 41, 44, and 46 - 55 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as allegedly being indefinite. This rejection is respectfully traversed. In the interest of expediting prosecution, and without conceding in the validity of any allegation in the Office Action, the claims are amended in a manner believed to be sufficient to overcome and render this objection moot. Accordingly, Applicant respectfully requests this objection be withdrawn.

III. For the reasons alleged on pages 6-8, Claims 33, 35, 36, 41, 44, and 52 are rejected under 35 U.S.C. 112(d) or pre-AIA 35 U.S.C. 112, 4th paragraph, as being of improper dependent form. This rejection is respectfully traversed. In the interest of expediting prosecution, and without conceding in the validity of any allegation in the Office Action, Claims 33, 35, 36, 41, 44, and 52

are now cancelled. Accordingly, this rejection is now moot, and Applicant respectfully requests it be withdrawn.

Claim Rejections – 35 USC 103

I. Claims 25, 30, 31, 33, 36, 40, 44, 46 - 50, and 52 - 55 are rejected under pre-AIA 35 U.S.C. 103(a) as allegedly being unpatentable over “Mahlich” (US 2004/0089158) in view of “Sweeney” (US 2002/0020659) in view of “Denisart” (US 2004/0228955). This rejection is respectfully traversed.

Without conceding the validity of the rejection of independent claim 25 or the appropriateness of the Examiner relying on a combination of Mahlich, Sweeney, and Denisart to reject claim 25, Applicant submits the combination of Mahlich, Sweeney, and Denisart fail to teach or suggest the portion capsule for making a beverage claimed by Applicant in amended independent claim 25 that includes: an individualization identifier capable of being detected by a sensor/detection system for determining whether the portion capsule is suitable for a specific coffee machine, the portion capsule comprises: a base element with a cavity, in which a raw beverage material is provided, the base element is deep drawn, made of metal, and has an open upper end portion, a closed bottom, and a wall that extends from the open upper end portion to the closed bottom, the wall is rotationally symmetrical about a central longitudinal axis of the base element, the wall includes an outside surface and an inside surface that faces the beverage material, the base element has a first height that is defined between the open upper end portion and the closed bottom; a flange extending outwardly from the wall at the open top end of the base element, the flange having a top side and an opposing bottom side, the individualization identifier is located on the bottom surface of the flange; a plurality of vertically-orientated grooves arranged on the outside surface of the wall, the plurality of vertically-orientated grooves each have a radiused top

end and a radiused top are spaced a distance between the flange and the closed bottom, the vertically-orientated grooves cover 20% to 80% of the wall between the flange and the closed bottom; a plurality of vertically-orientated ribs arranged on the inside surface of the wall; a barrier sheet to prevent moisture or aroma from escaping out of the portion capsule; a cover comprising a metal foil that is sealed to the top side of the flange, the cover having a central region and a perimeter, the cover is bowed upwardly to a second height at the central region relative to the perimeter, the second height of the cover is less than the first height of the base element, the cover being dimensioned and configured to provide a sealing area that is configured to bear against a seal of the specific coffee machine, the cover being dimensioned and configured to provide a piercing area that is configured to be pierced by a mandrel of the specific coffee machine, the piercing area being laterally offset from the central longitudinal axis of the portion capsule; wherein the capsule is free of a filter inside of the cavity; and wherein the individualization identifier: comprises at least two areas which differ in their optically detectable reflection properties; includes an optically detectable, machine readable, repeat pattern; encodes information used by specific the coffee machine to individualize the portion capsule so the portion capsule is permitted to be used with the coffee machine; encodes information used by the specific coffee machine to activate a pump of the specific coffee machine; encodes information used by the specific coffee machine to control a beverage-making process, which includes setting a quantity of hot water, pressure of the hot water, and/or a temperature of the hot water; is provided on the outside surface of the wall of the base element; and is compared to a stored reference to determine if the portion capsule is suitable for the specific coffee machine.

Applicant submits there would be no rational reason to modify the combination of Mahlich, Sweeney, and Denisart to include the features of the portion capsule claimed by Applicant in amended independent claim 25, without resorting to impermissible hindsight reasoning and using

Applicant's disclosure as a motivation. Accordingly, Applicant respectfully requests the Examiner withdrawal the rejection of claim 25 and allow claim 25 and all dependent claims.

II. Claim 41 is rejected under pre-AIA 35 U.S.C. 103(a) as allegedly being unpatentable over "Mahlich" (US 2004/0089158) in view of "Sweeney" (US 2002/0020659) in view of "Denisart" (US 2004/0228955) in view of "Perentes" (WO 2011/069829). This rejection is respectfully traversed.

Without conceding the validity of the rejection of claim 41 or the appropriateness of the Examiner relying on a combination of Mahlich, Sweeney, Denisart, and Perentes to reject claim 41, claim 41 is now cancelled. Accordingly, this rejection is now moot, and Applicant respectfully requests this rejection be withdrawn.

III. Claim 51 is rejected under pre-AIA 35 U.S.C. 103(a) as allegedly being unpatentable over "Mahlich" (US 2004/0089158) in view of "Sweeney" (US 2002/0020659) in view of "Denisart" (US 2004/0228955) in view of "in view of "Halliday" (US 2003/0033938) as further evidenced by "Aker" (US 2010/0078480) and "Ruchonnet" (WO 2005/044067). This rejection is respectfully traversed.

Without conceding the validity of the rejection of claim 51 or the appropriateness of the Examiner relying on a combination of Mahlich, Sweeney, Denisart, Perentes, Halliday, Aker, and Ruchonnet to reject claim 51, claim 51 is now cancelled. Accordingly, this rejection is now moot, and Applicant respectfully requests this rejection be withdrawn.

New Claims 56-62

In the interest of expediting prosecution, new dependent claims 56-62 are added. No new matter has been added. The new dependent claims are believed to be allowable for at least their dependence on independent claim 26. Accordingly, Applicant respectfully requests the Examiner enter, examine, and allow these new dependent claims.

CONCLUSIONS

In view of Applicant's amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicant submits that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any questions or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicant has not requested a sufficient extension and/or has not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Respectfully submitted,

Date: April 29, 2022

Customer No. 25215

/Paul J. Palinski/

Paul J. Palinski

Reg. No. 71,080

Attorney for Applicant

The Dobrusin Law Firm, P.C.

29 W. Lawrence Street - Suite 210

Pontiac, MI 48342

(248) 292-2920

Electronic Patent Application Fee Transmittal				
Application Number:		15646980		
Filing Date:		11-Jul-2017		
Title of Invention:		PORTION CAPSULE HAVING AN IDENTIFIER		
First Named Inventor/Applicant Name:		Marc KRÜGER		
Filer:		Paul J. Palinski/BECKY BALLARD		
Attorney Docket Number:		1859.029USD2		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	1253	1	1480	1480
Miscellaneous:				
Total in USD (\$)				1480

Electronic Acknowledgement Receipt

EFS ID:	45592951
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	29-APR-2022
Filing Date:	11-JUL-2017
Time Stamp:	14:49:52
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 1480
RAM confirmation Number	E20224SE50191335
Deposit Account	
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

IPR2024-00299

Nespresso USA, Inc. Ex. 1002

Page 707 of 867

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		NFOA_Response_1859_029USD2.pdf	180032	yes	13
			57f8c7b0a6335847bf4bc44e5ab97235d9e30946		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Request for Reconsideration-After Non-Final Rejection		1	1	
	Claims		2	5	
	Applicant Arguments/Remarks Made in an Amendment		6	13	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	38873	no	2
			c9868935de9eaff3b6511e1fc4cbc1e4c5a342bd		
Warnings:					
Information:					
Total Files Size (in bytes):			218905		

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New International Application Filed with the USPTO as a Receiving Office

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 15/646,980	Filing Date 07/11/2017	☐ To be Mailed
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ENTITY: ☒ LARGE ☐ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

	(Column 1)	(Column 2)		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 = *		x \$80 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 = *		x \$420 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED - PART II

	(Column 1)		(Column 2)	(Column 3)			
AMENDMENT	04/29/2022	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 8	Minus	** 20	= 0	x \$100 =	0
	Independent (37 CFR 1.16(h))	* 1	Minus	*** 3	= 0	x \$480 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x \$0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x \$0 =	
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE		
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.						LIE	
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".						/ROLITA M WIMBUSH/	
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".							
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.							

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1791

Application No.: 15/646,980

Examiner: Smith, Chaim A

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Practitioner's Docket No. 1859.029USD2 (KRU0022-WO-US-T2)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant submits this statement in accordance with its duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation. Copies of foreign patent documents and non-patent literature, together with a listing on form PTO/SB/08a are submitted herewith.

Applicant has been forthcoming in identifying to the USPTO ("Office") the various pending continuing applications sharing a common priority in this patent family. Applicant has also identified certain issued patents in this patent family are the subject of infringement litigation ("Capsule Litigation") between Applicant and one or more companies affiliated with SOCIÉTÉ DES PRODUITS NESTLÉ S.A ("Adverse Party")¹ concerning the NESPRESSO VERTUO coffee capsules.

Foreign Proceedings

Applicant has also been forthcoming in advising the Office that Applicant and the Adverse Party are involved in foreign adversarial proceedings in which the Adverse Party is relying on positions that, upon inquiry, are believed to be consistent with those made in previously cited Information Disclosure Statements, including European opposition proceedings and as to which we update the Office to advise that the Adverse Party filed an appeal from the decision of the European Patent Office Opposition

¹ Nestle USA, Inc., Nestle Nespresso SA, and Societe Des Produits Nestle SA have been identified as real parties-in-interest in certain proceedings, including proceedings before the PTAB.

Decision that upheld the European patent.

Also pending in France and Switzerland are nullity proceedings attacking the validity of the opposed patents in those countries. The Adverse Party has also filed an opposition to a Japanese patent. Upon inquiry, it is understood that the French, Swiss, and Japanese cases advance arguments and grounds that are consistent with the prior arguments, papers, and oppositions, which have been cited to the Office in prior Information Disclosure Statements. There are also non-infringement proceedings in Europe that are being defended by the Adverse Party based on similar positions taken in the United States that the accused products do not have a barcode as that term is construed. To the extent that the Examiner desires further information on any of the adversarial proceedings, the Examiner is kindly requested to inform the Undersigned.

Foreign Vindication Proceedings

The Adverse Party has filed proceedings in Germany and Switzerland in which, as understood by the undersigned, allege “the Asserted Patents were not conceived by the named inventor, Marc Krüger, and instead were derived from others, including without limitation by individuals at Nespresso’s affiliates and individuals at Eugster/Frismag AG (“Eugster”), including Mr. Daniel Fischer.” The above quote is taken from the Invalidity Contentions, cited in a prior Information Disclosure Statement.

Claim Construction Order

It will be observed from the Claim Construction Order cited in this Information Disclosure Statement that certain aspects of foreign proceedings are being relied upon by the Adverse Party in the Capsule Litigation. For purposes of the present examination, Applicant desires that prosecution be conducted providing the broadest reasonable meaning of the claim terms without limiting those claim terms to any features allegedly distinguished in foreign proceedings, and Applicant makes no reliance on any arguments made by representatives of Applicant in any such foreign proceedings.

PTAB Proceedings

The previously filed IPR petitions by the Adverse Party resulted in non-institution decisions by the PTAB as to which the Adverse Party has now requested reconsideration. Applicant assumes the Examiner is monitoring the ongoing pendency of IPR2021-01221 (against U.S. Patent No. 10,858,176), IPR2021-01221 (against U.S. Patent No. 10,858,176), and IPR2021-01223 (against U.S. Patent No. 10,870,531) and will be apprised of any updates through its own internal mechanisms. To the extent that the Examiner desires further information on these PTAB proceedings, the Examiner is kindly requested to inform the undersigned.

Interview Summary

Applicant thanks Examiner Smith for the courtesies extended to Applicant's representative Paul Palinski during the telephonic interview conducted on May 05, 2022. During the interview, Applicant's representative updated Examiner Smith about the various ongoing foreign proceedings with the Adverse Party, the status of the PTAB Proceedings (non-institution decisions and request for rehearing filed by the Adverse Party), and the numerous invalidity contentions raised by the Adverse Party (and cited in previous IDS Submissions). Applicant's representative also briefed Examiner Smith on the claim amendments filed on April 29, 2022 and that the instant Information Disclosure Statement would be forthcoming.

Conclusions

This Information Disclosure Statement fulfills Applicant's duty pursuant to 37 CFR 1.56 and is being submitted after the mailing of a first Office Action and before a Notice of Allowance. A fee of \$260.00 is believed to be due; however, if any additional fee is due with the filing of this paper, please charge the amount to Deposit Account 50-1097.

Date: May 05, 2022

Customer No. 25215

/Paul J. Palinski/

Paul J. Palinski

Reg. No. 71,080

Attorney for Applicant

The Dobrusin Law Firm, P.C.

29 W. Lawrence Street - Suite 210

Pontiac, MI 48342

(248) 292-2920

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1791
	Examiner Name	Smith, Chaim A
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T2)

U.S. PATENTS					
Examiner Initials*	Cite No.	Patent Number	Kind Code	Issue Date	Name of Patentee or Applicant of cited Document
	1.	D734,665	S	07/21/2015	Cahen et al.
	2.	3,744,026		07/03/1973	Wolff
	3.	6,079,315	A	06/27/2000	Beaulieu et al.
	4.	7,412,921	B2	08/19/2008	Hu et al.
	5.	9,756,974	B2	09/12/2017	Rivera

U.S. PATENT APPLICATION PUBLICATIONS					
Examiner Initials*	Cite No.	Publication Number	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document
	1.	2002/0144603	A1	10/10/2002	Taylor
	2.	2010/0078480	A1	04/01/2010	Aker
	3.	2010/0129512	A1	05/27/2010	Accursi
	4.	2013/0014648	A1	01/17/2013	Rognon et al.
	5.	2013/0236609	A1	09/12/2013	Magniet et al.
	6.	2014/0242239	A1	08/28/2014	Boggavarapu
	7.	2015/0017293	A1	01/15/2015	Carr et al.
	8.	2015/0047509	A1	02/19/2015	Trombetta et al.
	9.	2015/0225169	A1	08/13/2015	Jarisch
	10.	2015/0368033	A1	12/24/2015	Krug et al.
	11.	2016/0130076	A1	05/12/2016	Jarisch
	12.	2016/0174757	A1	06/23/2016	Rivera
	13.	2017/0071395	A1	03/16/2017	Krüger et al.
	14.	2017/0295988	A1	10/19/2017	Chung
	15.	2018/0325309	A1	11/15/2018	Short et al.
	16.	2019/0055084	A1	02/21/2019	D'Urso

FOREIGN PATENT DOCUMENTS							
Examiner Initial*	Cite No.	Foreign Document Number	Country Code	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document	T ⁵
	1.	2780866	EP	B1	09/24/2014	Jarisch et al.	
	2.	S6415233	JP	A	01/19/1989	Shioyama	Abs.
	3.	2014/191044	WO	A1	12/04/2014	Dogliani	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1791
	Examiner Name	Smith, Chaim A
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T2)

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1.	Nespresso Vertuo Plus User Manual, accessed on April 22, 2022, from: https://www.nespresso.com/shared_res/manuals/vertuoline/www_VERTUOPLUS_C_NESPRESSO_ZI(EN_FR_ES).pdf , and under Document Properties in Adobe includes a 10/6/2016 Created Date and a 10/6/2016 Modified Date.	
	2.	Final Order On Claim Construction, dated March 10, 2022, in Case No. 2:21-cv-03402-GW (AGRx)	
	3.	Non-Final Office Action in US 17/547,363, dated April 04, 2022 (Atty. Docket No. 1859.029USC12)	
	4.	Non-Final Office Action in US 17/670,629, dated April 15, 2022 (Atty. Docket No. 1859.029USC13)	
	5.	Non-Final Office Action in US 17/670,765, dated April 15, 2022 (Atty. Docket No. 1859.029USC14)	
	6.	Petitioner's Request For Rehearing Of The PTAB's Denial of Inter Partes Review of U.S. Patent No. 10,858,176, filed on February 17, 2022.	
	7.	Petitioner's Request For Rehearing Of The PTAB's Denial of Inter Partes Review of U.S. Patent No. 10,858,177, filed on February 17, 2022.	
	8.	Petitioner's Request For Rehearing Of The PTAB's Denial of Inter Partes Review of U.S. Patent No. 10,870,531, filed on February 17, 2022.	
	9.	Redacted Memorandum Of Points And Authorities In Support Of Nespresso USA, INC.'s Motion For Summary Judgement of Noninfringement, dated April 01, 2022, in Case No. 2:21-cv-03402-GW (AGRx)	
	10.	Redacted Nespresso USA, INC.'S Separate Statement Of Uncontroverted Facts And Conclusions Of Law In Support Of Its Motion For Summary Judgement Of Noninfringement, dated April 01, 2022, in Case No. 2:21-cv-03402-GW (AGRx)	
	11.	Redacted Declaration of Christian Jarisch, dated March 30, 2022, and filed in Case No. 2:21-cv-03402-GW (AGRx) on April 01, 2022.	
	12.	Opposition Appeal Against EP 3023362, dated December 20, 2021, and appended documents.	
	13.	Exhibit 1045 (English Translation of DE 10 2011 010 534.4) filed by Nespresso USA in IPR2021-01223	
	14.	Exhibit 1046 (English Translation of DE 10 2010 031 988.0) filed by Nespresso USA in IPR2021-01223	
	15.	Exhibit 1047 (English Translation of DE 10 2010 044 251.8) filed by Nespresso USA in IPR2021-01223	
	16.	Third Party Observations against EP 19 165 220.5 (3 533 726), filed by Société des Produits Nestlé S.A., August 26, 2021	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1791
	Examiner Name	Smith, Chaim A
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T2)

	17.	Opposition against EP 3 521 209, filed by Société des Produits Nestle S.A., January 22, 2020	
	18.	Summary of Foreign Proceedings, Foreign Vindication Proceedings, Claim Construction Order, PTAB Proceedings, and Interview Summary, included in the Transmittal Letter filed by Applicant on May 05, 2022.	

EXAMINER SIGNATURE			
Examiner Signature		Date Considered	
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

Electronic Patent Application Fee Transmittal

Application Number:	15646980			
Filing Date:	11-Jul-2017			
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER			
First Named Inventor/Applicant Name:	Marc KRÜGER			
Filer:	Paul J. Palinski/BECKY BALLARD			
Attorney Docket Number:	1859.029USD2			
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

IPR2024-00299

Nespresso USA, Inc. Ex. 1002

Page 717 of 867

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
SUBMISSION- INFORMATION DISCLOSURE STMT	1806	1	260	260
Total in USD (\$)				260

Electronic Acknowledgement Receipt

EFS ID:	45647118
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	05-MAY-2022
Filing Date:	11-JUL-2017
Time Stamp:	21:02:55
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$260
RAM confirmation Number	E202255L03222646
Deposit Account	
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

IPR2024-00299

Nespresso USA, Inc. Ex. 1002

Page 719 of 867

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Foreign Reference	EP2780866B1.pdf	8257743	no	31
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Warnings:					
Information:					
2	Foreign Reference	JPS6415233A.pdf	400571	no	5
			3dd969ac9cd9408ab8003a08c55dbd65f94e8b32		
Warnings:					
Information:					
3	Foreign Reference	WO2014191044A1.pdf	4428398	no	64
			6cf877c01ff8f3914e6630067e412eb05bd63399		
Warnings:					
Information:					
4	Non Patent Literature	1_NespressoVertuoPlusUserManual.pdf	3829446	no	60
			df632827d319455e8c17c94ec2fb0b6e9db9f7f4		
Warnings:					
Information:					
5	Non Patent Literature	2_FinalOrderOnClaimConstruction.pdf	5314306	no	25
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Warnings:					
Information:					
6	Non Patent Literature	3_NFOA_Dated20220404_1859_029USC12.pdf	2278327	no	45
			02494ef4ba88985fc2402e118ddf2c322998b073		
Warnings:					
Information:					
IPB2024_00209					

7	Non Patent Literature	4_NFOA_Dated20220415_1859_029USC13.pdf	2639144	no	54
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Information:					
8	Non Patent Literature	5_NFOA_Dated20220415_1859_029USC14.pdf	2574856	no	53
			786c1658a87f01ba1c9d4589ce4f90186c11eede		
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Information:					
9	Non Patent Literature	6_RequestForRehaeringOf_US10858176.pdf	220433	no	21
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Warnings:					
Information:					
11	Non Patent Literature	8_RequestForRehaeringOf_US10870531.pdf	219974	no	21
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Warnings:					
Information:					
12	Non Patent Literature	9_MemorandumOfPointAndAuthorities.pdf	646075	no	16
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Warnings:					
Information:					
13	Non Patent Literature	10_NespressoUSA_INCSeparateStatemenOfUncontrovertedFacts.pdf	318746	no	6
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Warnings:					
Information:					

14	Non Patent Literature	11_DeclarationOfChristianJarischDatedMarch302022.pdf	1577843	no	10
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Information:					
15	Non Patent Literature	12_OppositionAppealAgainstEP3023362.pdf	7162945	no	121
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Warnings:					
Information:					
16	Non Patent Literature	13_Ex_1045_DE102010010534.pdf	619533	no	35
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Information:					
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Information:					
20	Non Patent Literature	17_NoticeOfOpposition22012020.pdf	4560950	no	77
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Warnings:					
Information:					

21	Information Disclosure Statement (IDS) Form (SB08)	Supplemental_IDS_1859_029USD2.pdf	183962	no	6
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Warnings:

Information:

This is not an USPTO supplied IDS fillable form

22	Fee Worksheet (SB06)	fee-info.pdf	38056	no	2
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Warnings:

Information:

Total Files Size (in bytes):	49250434
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270
25215	7590	05/13/2022	EXAMINER	
The Dobrusin Law Firm P.C.			SMITH, CHAIM A	
29 W. Lawrence Street			ART UNIT	
Suite 210			PAPER NUMBER	
Pontiac, MI 48342			1791	
			NOTIFICATION DATE	DELIVERY MODE
			05/13/2022	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):

dobrusin_PAIR@firsttofile.com
patmail@patentco.com
rmasquelier@patentco.com

<i>Applicant-Initiated Interview Summary</i>	Application No. 15/646,980	Applicant(s) KRÜGER, Marc		
	Examiner CHAIM A SMITH	Art Unit 1791	AIA (First Inventor to File) Status No	Page 1 of 1

All Participants (applicant, applicants representative, PTO personnel)	Title	Type
CHAIM A SMITH	Examiner	Telephonic
PAUL PALINSKI	Attorney	

Date of Interview: 05 May 2022

Issues Discussed:

Other

Mr. Palinski telephoned the Examiner to advise that a response had been filed and to discuss the case in general in light of the amendments and possible interference and to make the Examiner aware of the extensive IDS submission as well as provide background on the submitted NPL documents. Mr. Palinski was advised the case would be picked up for examination in due time.

/CHAIM A SMITH/ Examiner, Art Unit 1791	/VIREN A THAKUR/ Primary Examiner, Art Unit 1792
<p>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</p> <p>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</p>	

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.



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NOTICE OF ALLOWANCE AND FEE(S) DUE

25215 7590 07/13/2022
The Dobrusin Law Firm P.C.
29 W. Lawrence Street
Suite 210
Pontiac, MI 48342

EXAMINER	
SMITH, CHAIM A	
ART UNIT	PAPER NUMBER
1791	

DATE MAILED: 07/13/2022

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270

TITLE OF INVENTION: PORTION CAPSULE HAVING AN IDENTIFIER

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1200	\$0.00	\$1000.00	\$200	10/13/2022

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

_____	(Typed or printed name)
_____	(Signature)
_____	(Date)

25215 7590 07/13/2022
The Dobrusin Law Firm P.C.
29 W. Lawrence Street
Suite 210
Pontiac, MI 48342

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270

TITLE OF INVENTION: PORTION CAPSULE HAVING AN IDENTIFIER

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1200	\$0.00	\$1000.00	\$200	10/13/2022

EXAMINER	ART UNIT	CLASS-SUBCLASS
SMITH, CHAIM A	1791	426-115000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/AIA/122 or PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/AIA/47 or PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

1 _____

(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government4a. Fees submitted: ☐ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies _____

4b. Method of Payment: (Please first reapply any previously paid fee shown above)

☐ Electronic Payment via EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

5. Change in Entity Status (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29☐ Applicant asserting small entity status. See 37 CFR 1.27☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270
25215	7590	07/13/2022	EXAMINER	
The Dobrusin Law Firm P.C. 29 W. Lawrence Street Suite 210 Pontiac, MI 48342			SMITH, CHAIM A	
			ART UNIT	PAPER NUMBER
			1791	
DATE MAILED: 07/13/2022				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 15/646,980	Applicant(s) KRÜGER, Marc	
	Examiner CHAIM A SMITH	Art Unit 1791	AIA (FITF) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment dated 29 April 2022.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are 25,56-61 and 63. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) ☐ All b) ☐ Some* c) ☒ None of the:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892) 2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____. 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____. 4. ☒ Interview Summary (PTO-413), Paper No./Mail Date. _____.	5. ☒ Examiner's Amendment/Comment 6. ☐ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____.
--	--

/CHAIM A SMITH/ Examiner, Art Unit 1791	/VIREN A THAKUR/ Primary Examiner, Art Unit 1792
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in an interview with Paul Palinski on 27 June 2022.

The application has been amended as follows:

In claim 25, line 48, the term - - specific the - - has been deleted and - - the specific - - has been inserted therefor;

In claim 25, line 56, after the term "is" - - further - - has been inserted;

In claim 57 the term - - ribs - - has been deleted and - - grooves - - has been inserted therefor;

Claim 62 has been cancelled; and

New claim 63 has been added as follows:

63. (New) A portion capsule for making a beverage and having an individualization identifier capable of being detected by a sensor/detection system for determining whether the portion capsule is suitable for a specific coffee machine, the portion capsule comprises:

- a base element with a cavity, in which a raw beverage material is provided, the base element is deep drawn, made of metal, and has an open upper end portion, a closed bottom, and a wall that extends from the open upper end portion to the closed bottom, the wall is rotationally symmetrical about a central longitudinal axis of the base element, the wall includes an outside surface and an inside surface that faces the beverage material, the base element has a first height that is defined between the open upper end portion and the closed bottom;

- a flange extending outwardly from the wall at the open top end of the base element, the flange having a top side and an opposing bottom side, the individualization identifier is located on the bottom surface of the flange;

- a plurality of vertically-oriented grooves arranged on the outside surface of the wall, the plurality of vertically-oriented grooves each have a radiused top end and a radiused top are spaced a distance between the flange and the closed bottom, the vertically-oriented grooves cover 20% to 80% of the wall between the flange and the closed bottom;

- a plurality of vertically-orientated ribs arranged on the inside surface of the wall;

- a barrier sheet to prevent moisture or aroma from escaping out of the portion capsule;

a cover comprising a metal foil that is sealed to the top side of the flange, the cover having a central region and a perimeter, the cover is bowed upwardly to a second height at the central region relative to the perimeter, the second height of the cover is less than the first height of the base element, the cover being dimensioned and configured to provide a sealing area that is configured to bear against a seal of the specific coffee machine, the cover being dimensioned and configured to provide a piercing area that is configured to be pierced by a mandrel of the specific coffee machine, the piercing area being laterally offset from the central longitudinal axis of the portion capsule;

wherein the capsule is free of a filter inside of the cavity; and

wherein the individualization identifier:

- i) comprises at least two areas which differ in their optically detectable reflection properties;
- ii) includes an optically detectable, machine readable, repeat pattern;
- iii) encodes information used by the specific coffee machine to individualize the portion capsule so the portion capsule is permitted to be used with the coffee machine;
- iv) encodes information used by the specific coffee machine to activate a pump of the specific coffee machine;
- v) encodes information used by the specific coffee machine to control a beverage-making process, which includes setting a quantity of hot water, pressure of the hot water, and/or a temperature of the hot water;
- vi) is compared to a stored reference to determine if the portion capsule is suitable for the specific coffee machine.

Drawings

3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant:
4. The different views must be numbered in consecutive Arabic numerals, starting with 1, independent of the numbering of the sheets and, if possible, in the order in which they appear on the drawing sheets. Partial views intended to form one complete view, on one or several sheets, must be identified by the same number followed by a CAPITAL LETTER. In this case figures 1, 2, 3, 16, and 17 must be corrected.
5. In figure 2, reference sign 15 has been used to indicate a barcode where as in figures 19 and 22 reference sign 15 has been used to indicate grooves.
6. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Reasons for Allowance

7. The following is an examiner's statement of reasons for allowance:

The single serve capsule of independent claim 25 defines over the prior art of record because the prior art does not teach, suggest, or render obvious a portion capsule for making a beverage having an individualization identifier capable of being detected by a sensor/detection system said identifier located on a bottom surface of the portion capsule flange.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAIM A SMITH whose telephone number is (571)270-7369. The examiner can normally be reached Monday-Thursday 09:00-18:00.

10. Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amber Orlando can be reached on (571) 270-3149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: <https://patentcenter.uspto.gov>. Visit <https://www.uspto.gov/patents/apply/patent-center> for more information about Patent Center and <https://www.uspto.gov/patents/docx> for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197

Application/Control Number: 15/646,980
Art Unit: 1791

Page 7

(toll-free). If you would like assistance from a USPTO Customer Service

Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHAIM A SMITH/
Examiner, Art Unit 1791
27 June 2022

/VIREN A THAKUR/
Primary Examiner, Art Unit 1792

<i>Examiner-Initiated Interview Summary</i>	Application No. 15/646,980	Applicant(s) KRÜGER, Marc		
	Examiner CHAIM A SMITH	Art Unit 1791	AIA (First Inventor to File) Status No	Page 1 of 1

All Participants (applicant, applicants representative, PTO personnel)	Title	Type
CHAIM A SMITH	Examiner	Telephonic
PAUL PALINSKI	Attorney	

Date of Interview: 27 June 2022

Issues Discussed:

Objections

The Examiner telephoned Mr. Palinski to discuss an objection to claims 61 and 62 which are exact duplicates of each other and to request the cancellation of claim 62 in order to place the application in condition for allowance.

Drawings

Figures 1, 2, and 3 contain partial views. The Examiner informed Mr. Palinski that the partial views would need to be corrected with respect to the labeling, i.e. 1A, 1B, 2A, 2B, 16 and 17.

Priority Claim(s)

While English translations of the foreign priority documents have been provided the Examiner is unable to locate certified copies of the original Foreign Priority Documents and requested that Mr. Palinski submit certified copies to The Office.

/CHAIM A SMITH/ Examiner, Art Unit 1791	/VIREN A THAKUR/ Primary Examiner, Art Unit 1792
<p>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</p> <p>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</p>	

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of 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.

<i>Index of Claims</i> 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1791

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

CLAIMS										
☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	12/17/2020	07/02/2021	09/23/2021	10/21/2021	06/27/2022				
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	41		✓	=	✓	-				
	42		✓	-	-	-				

<i>Index of Claims</i> 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1791

CLAIM		DATE								
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7	61					=				
	62					-				
8	63					=				

<i>Issue Classification</i> 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1791

CPC						
Symbol					Type	Version
B65D	/	85	/	8043	F	2013-01-01
A47J	/	31	/	4492	I	2013-01-01
B65D	/	2203	/	10	A	2013-01-01
B65D	/	2203	/	06	A	2013-01-01
B65D	/	65	/	466	A	2013-01-01

CPC Combination Sets					
Symbol				Type	Version
/		/			

/CHAIM A SMITH/ Examiner, Art Unit 1792 (Assistant Examiner)	28 June 2022 (Date)	Total Claims Allowed: 8	
/VIREN A THAKUR/ Primary Examiner, Art Unit 1792 (Primary Examiner)	07 July 2022 (Date)	O.G. Print Claim(s) 25	O.G. Print Figure 2

Issue Classification 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1791

INTERNATIONAL CLASSIFICATION			
CLAIMED			
B65D	/	85	/ 804
NON-CLAIMED			
	/		/

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS

CROSS REFERENCES(S)						
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)					

/CHAIM A SMITH/ Examiner, Art Unit 1792 (Assistant Examiner)	28 June 2022 (Date)	Total Claims Allowed: 8	
/VIREN A THAKUR/ Primary Examiner, Art Unit 1792 (Primary Examiner)	07 July 2022 (Date)	O.G. Print Claim(s) 25	O.G. Print Figure 2

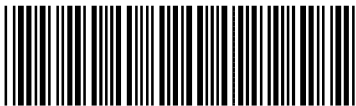
Issue Classification 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1791

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIMS

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
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	2		11		20		29		38		47	2	56		
	3		12		21		30		39		48	3	57		
	4		13		22		31		40		49	4	58		
	5		14		23		32		41		50	5	59		
	6		15		24		33		42		51	6	60		
	7		16	1	25		34		43		52	7	61		
	8		17		26		35		44		53		62		
	9		18		27		36		45		54	8	63		

/CHAIM A SMITH/ Examiner, Art Unit 1792 (Assistant Examiner)	28 June 2022 (Date)	Total Claims Allowed: 8	
/VIREN A THAKUR/ Primary Examiner, Art Unit 1792 (Primary Examiner)	07 July 2022 (Date)	O.G. Print Claim(s) 25	O.G. Print Figure 2

<i>Search Notes</i> 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1791

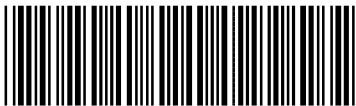
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Symbol	Date	Examiner
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updated, B65D 2081/001, 2081/007	10/08/2019	deb

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
426	115,77-84, 87	10/26/2018	deb
search	updated	10/08/2019	deb

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

/CHAIM A SMITH/ Examiner, Art Unit 1791	<div> <div>IPR2024-00299</div> <div>Part of Paper No.: 20220626</div> </div>
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<i>Search Notes</i> 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1791

Search Notes		
Search Notes	Date	Examiner
EAST: inventor name, coffee,tea,beverage,infus,identifier,barcode, brew,cartridge,capsule,pod,package,container	10/26/2018	deb
updated	05/23/2019	deb
consulted William Krynski regarding US 2013/0064937A1	05/22/2019	deb
updated	10/08/2019	deb
Updated search	12/17/2020	CS
capsule, cartridge, pad, pod, metal, aluminum aluminium, nitrogen	12/17/2020	CS
Updated search	07/02/2021	CS
Updated search	10/21/2021	CS
Updated search	06/18/2022	CS

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
A47J	31/4492	06/26/2022	CS
B65D	85/8043, 2203/10, 2203/06	06/26/2022	CS

/CHAIM A SMITH/ Examiner, Art Unit 1791	
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BIB DATA SHEET

CONFIRMATION NO. 3270

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
15/646,980	07/11/2017	426	1791	1859.029USD2		
RULE						
APPLICANTS K-FEE SYSTEM GMBH, Bergisch Gladbach, GERMANY; INVENTORS Marc KRÜGER, Bergisch-Gladbach, GERMANY; ** CONTINUING DATA ***** This application is a DIV of 15/211,823 07/15/2016 ABN which is a DIV of 13/744,623 01/18/2013 ABN which is a CON of PCT/EP2011/003677 07/22/2011 ** FOREIGN APPLICATIONS ***** GERMANY 10 2011 010 534.4 02/07/2011 GERMANY 10 2010 044 251.8 09/02/2010 GERMANY 10 2010 031 988.0 07/22/2010 ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 07/18/2017						
Foreign Priority claimed ☒ Yes ☐ No 35 USC 119(a-d) conditions met ☐ Yes ☒ No Verified and Acknowledged <u>/CHAIM A SMITH/</u> Examiner's Signature		☐ Met after Allowance Initials	STATE OR COUNTRY GERMANY	SHEETS DRAWINGS 12	TOTAL CLAIMS 9	INDEPENDENT CLAIMS 2
ADDRESS The Dobrusin Law Firm P.C. 29 W. Lawrence Street Suite 210 Pontiac, MI 48342 UNITED STATES						
TITLE PORTION CAPSULE HAVING AN IDENTIFIER						
FILING FEE RECEIVED 1600	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit		

Filed via EFS @ USPTO.gov on May 5, 2022
Practitioner's Docket No. 1859.029USD2 (KRU0022-WO-US-T2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1791

Application No.: 15/646,980

Examiner: Smith, Chaim A

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Practitioner's Docket No. 1859.029USD2 (KRU0022-WO-US-T2)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant submits this statement in accordance with its duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation. Copies of foreign patent documents and non-patent literature, together with a listing on form PTO/SB/08a are submitted herewith.

Applicant has been forthcoming in identifying to the USPTO ("Office") the various pending continuing applications sharing a common priority in this patent family. Applicant has also identified certain issued patents in this patent family are the subject of infringement litigation ("Capsule Litigation") between Applicant and one or more companies affiliated with SOCIÉTÉ DES PRODUITS NESTLÉ S.A ("Adverse Party")¹ concerning the NESPRESSO VERTUO coffee capsules.

Foreign Proceedings

Applicant has also been forthcoming in advising the Office that Applicant and the Adverse Party are involved in foreign adversarial proceedings in which the Adverse Party is relying on positions that, upon inquiry, are believed to be consistent with those made in previously cited Information Disclosure Statements, including European opposition proceedings and as to which we update the Office to advise that the Adverse Party filed an appeal from the decision of the European Patent Office Opposition

¹ Nestle USA, Inc., Nestle Nespresso SA, and Societe Des Produits Nestle SA have been identified as real parties-in-interest in certain proceedings, including proceedings before the PTAB.

Decision that upheld the European patent.

Also pending in France and Switzerland are nullity proceedings attacking the validity of the opposed patents in those countries. The Adverse Party has also filed an opposition to a Japanese patent. Upon inquiry, it is understood that the French, Swiss, and Japanese cases advance arguments and grounds that are consistent with the prior arguments, papers, and oppositions, which have been cited to the Office in prior Information Disclosure Statements. There are also non-infringement proceedings in Europe that are being defended by the Adverse Party based on similar positions taken in the United States that the accused products do not have a barcode as that term is construed. To the extent that the Examiner desires further information on any of the adversarial proceedings, the Examiner is kindly requested to inform the Undersigned.

Foreign Vindication Proceedings

The Adverse Party has filed proceedings in Germany and Switzerland in which, as understood by the undersigned, allege “the Asserted Patents were not conceived by the named inventor, Marc Krüger, and instead were derived from others, including without limitation by individuals at Nespresso’s affiliates and individuals at Eugster/Frismag AG (“Eugster”), including Mr. Daniel Fischer.” The above quote is taken from the Invalidity Contentions, cited in a prior Information Disclosure Statement.

Claim Construction Order

It will be observed from the Claim Construction Order cited in this Information Disclosure Statement that certain aspects of foreign proceedings are being relied upon by the Adverse Party in the Capsule Litigation. For purposes of the present examination, Applicant desires that prosecution be conducted providing the broadest reasonable meaning of the claim terms without limiting those claim terms to any features allegedly distinguished in foreign proceedings, and Applicant makes no reliance on any arguments made by representatives of Applicant in any such foreign proceedings.

PTAB Proceedings

The previously filed IPR petitions by the Adverse Party resulted in non-institution decisions by the PTAB as to which the Adverse Party has now requested reconsideration. Applicant assumes the Examiner is monitoring the ongoing pendency of IPR2021-01221 (against U.S. Patent No. 10,858,176), IPR2021-01221 (against U.S. Patent No. 10,858,176), and IPR2021-01223 (against U.S. Patent No. 10,870,531) and will be apprised of any updates through its own internal mechanisms. To the extent that the Examiner desires further information on these PTAB proceedings, the Examiner is kindly requested to inform the undersigned.

Interview Summary

Applicant thanks Examiner Smith for the courtesies extended to Applicant's representative Paul Palinski during the telephonic interview conducted on May 05, 2022. During the interview, Applicant's representative updated Examiner Smith about the various ongoing foreign proceedings with the Adverse Party, the status of the PTAB Proceedings (non-institution decisions and request for rehearing filed by the Adverse Party), and the numerous invalidity contentions raised by the Adverse Party (and cited in previous IDS Submissions). Applicant's representative also briefed Examiner Smith on the claim amendments filed on April 29, 2022 and that the instant Information Disclosure Statement would be forthcoming.

Conclusions

This Information Disclosure Statement fulfills Applicant's duty pursuant to 37 CFR 1.56 and is being submitted after the mailing of a first Office Action and before a Notice of Allowance. A fee of \$260.00 is believed to be due; however, if any additional fee is due with the filing of this paper, please charge the amount to Deposit Account 50-1097.

Date: May 05, 2022

Customer No. 25215

/Paul J. Palinski/

Paul J. Palinski

Reg. No. 71,080

Attorney for Applicant

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Pontiac, MI 48342

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1791
	Examiner Name	Smith, Chaim A
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T2)

U.S. PATENTS					
Examiner Initials*	Cite No.	Patent Number	Kind Code	Issue Date	Name of Patentee or Applicant of cited Document
	1.	D734,665	S	07/21/2015	Cahen et al.
	2.	3,744,026		07/03/1973	Wolff
	3.	6,079,315	A	06/27/2000	Beaulieu et al.
	4.	7,412,921	B2	08/19/2008	Hu et al.
	5.	9,756,974	B2	09/12/2017	Rivera

U.S. PATENT APPLICATION PUBLICATIONS					
Examiner Initials*	Cite No.	Publication Number	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document
	1.	2002/0144603	A1	10/10/2002	Taylor
	2.	2010/0078480	A1	04/01/2010	Aker
	3.	2010/0129512	A1	05/27/2010	Accursi
	4.	2013/0014648	A1	01/17/2013	Rognon et al.
	5.	2013/0236609	A1	09/12/2013	Magniet et al.
	6.	2014/0242239	A1	08/28/2014	Boggavarapu
	7.	2015/0017293	A1	01/15/2015	Carr et al.
	8.	2015/0047509	A1	02/19/2015	Trombetta et al.
	9.	2015/0225169	A1	08/13/2015	Jarisch
	10.	2015/0368033	A1	12/24/2015	Krug et al.
	11.	2016/0130076	A1	05/12/2016	Jarisch
	12.	2016/0174757	A1	06/23/2016	Rivera
	13.	2017/0071395	A1	03/16/2017	Krüger et al.
	14.	2017/0295988	A1	10/19/2017	Chung
	15.	2018/0325309	A1	11/15/2018	Short et al.
	16.	2019/0055084	A1	02/21/2019	D'Urso

FOREIGN PATENT DOCUMENTS							
Examiner Initial*	Cite No.	Foreign Document Number	Country Code	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document	T ⁵
	1.	2780866	EP	B1	09/24/2014	Jarisch et al.	
	2.	S6415233	JP	A	01/19/1989	Shioyama	Abs.
	3.	2014/191044	WO	A1	12/04/2014	Dogliani	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
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	Art Unit	1791
	Examiner Name	Smith, Chaim A
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T2)

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1.	Nespresso Vertuo Plus User Manual, accessed on April 22, 2022, from: https://www.nespresso.com/shared_res/manuals/vertuoline/www_VERTUOPLUS_C_NESPRESSO_ZI(EN_FR_ES).pdf , and under Document Properties in Adobe includes a 10/6/2016 Created Date and a 10/6/2016 Modified Date.	
	2.	Final Order On Claim Construction, dated March 10, 2022, in Case No. 2:21-cv-03402-GW (AGRx)	
	3.	Non-Final Office Action in US 17/547,363, dated April 04, 2022 (Atty. Docket No. 1859.029USC12)	
	4.	Non-Final Office Action in US 17/670,629, dated April 15, 2022 (Atty. Docket No. 1859.029USC13)	
	5.	Non-Final Office Action in US 17/670,765, dated April 15, 2022 (Atty. Docket No. 1859.029USC14)	
	6.	Petitioner's Request For Rehearing Of The PTAB's Denial of Inter Partes Review of U.S. Patent No. 10,858,176, filed on February 17, 2022.	
	7.	Petitioner's Request For Rehearing Of The PTAB's Denial of Inter Partes Review of U.S. Patent No. 10,858,177, filed on February 17, 2022.	
	8.	Petitioner's Request For Rehearing Of The PTAB's Denial of Inter Partes Review of U.S. Patent No. 10,870,531, filed on February 17, 2022.	
	9.	Redacted Memorandum Of Points And Authorities In Support Of Nespresso USA, INC.'s Motion For Summary Judgement of Noninfringement, dated April 01, 2022, in Case No. 2:21-cv-03402-GW (AGRx)	
	10.	Redacted Nespresso USA, INC.'S Separate Statement Of Uncontroverted Facts And Conclusions Of Law In Support Of Its Motion For Summary Judgement Of Noninfringement, dated April 01, 2022, in Case No. 2:21-cv-03402-GW (AGRx)	
	11.	Redacted Declaration of Christian Jarisch, dated March 30, 2022, and filed in Case No. 2:21-cv-03402-GW (AGRx) on April 01, 2022.	
	12.	Opposition Appeal Against EP 3023362, dated December 20, 2021, and appended documents.	
	13.	Exhibit 1045 (English Translation of DE 10 2011 010 534.4) filed by Nespresso USA in IPR2021-01223	
	14.	Exhibit 1046 (English Translation of DE 10 2010 031 988.0) filed by Nespresso USA in IPR2021-01223	
	15.	Exhibit 1047 (English Translation of DE 10 2010 044 251.8) filed by Nespresso USA in IPR2021-01223	
	16.	Third Party Observations against EP 19 165 220.5 (3 533 726), filed by Société des Produits Nestlé S.A., August 26, 2021	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
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	Examiner Name	Smith, Chaim A
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T2)

	17.	Opposition against EP 3 521 209, filed by Société des Produits Nestle S.A., January 22, 2020	
	18.	Summary of Foreign Proceedings, Foreign Vindication Proceedings, Claim Construction Order, PTAB Proceedings, and Interview Summary, included in the Transmittal Letter filed by Applicant on May 05, 2022.	

EXAMINER SIGNATURE			
Examiner Signature	/CHAIM A SMITH/	Date Considered	06/26/2022
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
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S2	3	((("20130064937") or ("20100078480") or ("20050150391"))).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2020/01/14 11:12
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		"20100132564" "20110097450" "20110142996" "20120060697" "20120207893" "20130064929" "20130064937" "20130312619" "20140141129" "20140224130" "20150029702" "20150297023" "20160045060" "20160242594" "4644151" "4867993" "5028769" "5108768" "5243164" "5251758" "5637850" "5677522" "6645537" "6655260" "6994879" "7444925" "7595870").PN.				
S17	83	S16 and (metal aluminum aluminium)	US- PGPUB; USPAT	OR	ON	2020/12/17 22:23
S18	284	B65D85/8043.cpc. and (capsule cartridge pod pad) and nitrogen	US- PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2020/12/17 22:24
S19	13	B65D85/8043.cpc. and goglio	US- PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2020/12/17 23:02
S20	49	B65D65/466.cpc. and (capsule cartridge pod pad) and nitrogen	US- PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2020/12/17 23:45
S21	10	B65D2203/06.cpc. and (capsule cartridge pod pad) and nitrogen	US- PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2020/12/17 23:46
S22	51	B65D2203/10.cpc. and (capsule cartridge pod pad) and nitrogen	US- PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2020/12/17 23:47
S23	0	A47J3103/4492.cpc. and (capsule cartridge pod pad) and nitrogen	US- PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2020/12/17 23:48
S24	2,131	B65D85/8043.cpc. and (capsule cartridge pod pad)	US- PGPUB; USPAT; USOCR	OR	ON	2021/07/02 17:17

S25	2,115	B65D85/8043.cpc. and (capsule cartridge pod pad)	US-PGPUB; USPAT	OR	ON	2021/07/02 17:17
S26	18	B65D85/8043.cpc. and (capsule cartridge pod pad) and stacking near1 shoulder	US-PGPUB; USPAT	OR	ON	2021/07/02 17:23
S27	237	B65D85/8043.cpc. and (capsule cartridge pod pad) and bar near1 code	US-PGPUB; USPAT	OR	ON	2021/07/02 20:12
S28	2	B65D85/8043.cpc. and boyd.in.	US-PGPUB; USPAT	OR	ON	2021/07/02 20:37
S29	121	boyd.in. and (capsule cartridge pod pad) and bar near1 code	US-PGPUB; USPAT	OR	ON	2021/07/02 20:38
S30	1	boyd.in. and (capsule cartridge pod pad) and bar near1 code and (coffee tea beverage)	US-PGPUB; USPAT	OR	ON	2021/07/02 20:38
S31	7,254	(capsule cartridge pod pad) and bar near1 code and (coffee tea beverage)	US-PGPUB; USPAT	OR	ON	2021/07/02 20:39
S32	1	boyd.in. and (capsule cartridge pod pad) same (coffee tea beverage) and bar near1 code	US-PGPUB; USPAT	OR	ON	2021/07/02 20:41
S33	1,129	(capsule cartridge pod pad) same (coffee tea beverage) and bar near1 code	US-PGPUB; USPAT	OR	ON	2021/07/02 20:41
S34	929	B65D85/8043.cpc. and (capsule cartridge pod pad) and rim	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2021/07/03 12:17
S35	37	ruchonnet.in.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2021/07/03 17:24
S36	0	single serve capsule making beverage base element cavity raw material provided metal central axis wall symmetrical upper end portion lower spaced tapers inwardly circular flange sealed identifier plurality matte reflective zones	US-PGPUB; USPAT; USOCR; EPO; JPO	AND	ON	2021/09/23 18:38
S37	90	B65D85/804-8067.cpc. and (code identifier) same flange	US-PGPUB; USPAT;	OR	ON	2022/06/28 15:15

			USOCR; EPO; JPO			
S39	6	"10858176"	US- PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2022/06/28 16:06

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L2	0	portion capsule beverage individualization identifier capable detected sensor/detection system	USPAT	AND	ON	2022/06/28 17:51

6/28/2022 5:51:55 PM

C:\Users\csmith4\Documents\EAST\Workspaces\15646980.wsp

Filed via EFS @ USPTO.gov on January 3, 2022
Practitioner's Docket No. 1859.029USD2 (KRU0022-WO-US-T2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc KRÜGER Art Unit.: 1792
Application No.: 15/646,980 Examiner: Smith, Chaim A.
Filed: July 11, 2017 Conf. No.: 3270
For: Portion Capsule Having an Identifier

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant submits this statement in accordance with its duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Copies of foreign patent documents and non-patent literature, together with a listing on form PTO/SB/08a are submitted herewith.

This Information Disclosure Statement is being submitted after the mailing of a first Office Action and before a Notice of Allowance. A fee of \$260.00 is believed to be due; however, if any additional fee is due with the filing of this paper, please charge the amount to Deposit Account 50-1097.

Date: January 3, 2022

Customer No. 25215

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc KRÜGER
	Art Unit	1791
	Examiner Name	Smith, Chaim A.
	Attorney Docket Number	1859.029USD2

U.S. PATENTS					
Examiner Initials*	Cite No.	Patent Number	Kind Code	Issue Date	Name of Patentee or Applicant of cited Document
	1.	4,846,052		07/11/1989	Farve et al.
	2.	7,856,920	B2	12/28/2010	Schmed et al.
	3.	8,087,347	B2	01/03/2012	Halliday et al.
	4.	8,695,484	B2	04/15/2014	Mori
	5.	9,320,385	B2	04/26/2016	Spiegel et al.

U.S. PATENT APPLICATION PUBLICATIONS					
Examiner Initials*	Cite No.	Publication Number	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document
	1.	2011/0189362	A1	08/04/2011	Denisart et al.
	2.	2013/0129876	A1	05/23/2013	Ye et al.

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1.	Nespresso's Preliminary Invalidity Contentions from US District Court Central District of California Case No. 2:21-cv-3402 GW(ARGx), dated September 22, 2021.	
	2.	Exhibit A-1 – Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	3.	Exhibit A-2 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	4.	Exhibit A-3 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	5.	Exhibit A-4 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	6.	Exhibit A-5 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	7.	Exhibit A-6 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	8.	Exhibit A-7 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	9.	Exhibit A-8 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	10.	Exhibit A-9 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc KRÜGER
	Art Unit	1791
	Examiner Name	Smith, Chaim A.
	Attorney Docket Number	1859.029USD2

	11.	Exhibit B-1 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	12.	Exhibit B-2 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	13.	Exhibit B-3 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	14.	Exhibit B-4 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	15.	Exhibit B-5 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	16.	Exhibit B-6 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	17.	Exhibit B-7 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	18.	Exhibit B-8 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	19.	Exhibit B-9 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	20.	Exhibit C-1 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	21.	Exhibit C-2 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	22.	Exhibit C-3 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	23.	Exhibit C-4 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	24.	Exhibit C-5 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	25.	Exhibit C-6 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	26.	Exhibit C-7 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	27.	Exhibit C-8 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	28.	Exhibit C-9 - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	29.	Exhibit A - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	30.	Exhibit B - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	
	31.	Exhibit C - Nespresso's Preliminary Invalidity Contentions dated September 22, 2021.	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc KRÜGER
	Art Unit	1791
	Examiner Name	Smith, Chaim A.
	Attorney Docket Number	1859.029USD2

EXAMINER SIGNATURE			
Examiner Signature	/CHAIM A SMITH/	Date Considered	06/26/2022
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			



9-12-22

ERJ

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Serial No. : 15/646,980
Filed : 11-Jul-2017
Conf. No. : 3270
Examiner : CHAIM A SMITH
Art Unit : 1791
Atty Docket : 1859.029USD2

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF CERTIFIED COPIES OF THE PRIORITY DOCUMENTS

As noted in the July 13, 2022 Examiner-Initiated Interview Summary, the Examiner informed Applicant's representative that he was unable to locate certified copies of the original foreign priority documents. All certified copies of the original Foreign Priority Documents are believed to have been previously communicated to the Office, as acknowledged at least five (5) different USPTO Examiners examining the different patent applications in this patent family. However, in the interest of ensuring a complete file wrapper and without acquiescing that certified copies were not previously part of the file wrapper or received by the USPTO, Applicant hereby submits certified copies of the following priority documents:

Country	Priority Application No.	Priority Application date
GERMANY	10 2010 031 988.0	7/22/2010
GERMANY	10 2010 044 251.8	9/2/2010
GERMANY	10 2011 010 534.4	2/7/2011

As summarized below, at least five (5) different USPTO Examiners examining at least thirteen (13) applications in this patent family have previously acknowledged that all certified copies of the priority documents have been received:

- In US 13/744,623, Examiner Daniel Propster acknowledged in the Office Communications dated May 22, 2013 and September 16, 2014 that all certified copies of the priority documents have been received.

- In US 15/646,980, Examiner Drew Becker acknowledged in the Office Communications dated April 25, 2018, November 02, 2018, and May 31, 2019 that all certified copies of the priority documents have been received.
- In US 16/119,166, Examiner Drew Becker acknowledged in the Office Communication dated June 18, 2019 that all certified copies of the priority documents have been received.
- In US 16/538,752, Examiner Drew Becker acknowledged in the Office Communication dated November 08, 2019 that all certified copies of the priority documents have been received.
- In US 16/438,818, Examiner Chaim Smith acknowledged in the Office Communication dated April 30, 2020 that all certified copies of the priority documents have been received.
- In US 16/860,432 Examiner Brian Jennison acknowledged in the Office Communications dated May 22, 2020 and October 01, 2020 that all certified copies of the priority documents have been received.
- In US 16/860,441, Examiner Chaim Smith acknowledged in the Office Communication dated July 13, 2020 that all certified copies of the priority documents have been received.
- In US 17/383,951, Examiner Brian Jennison acknowledged in the Office Communications dated November 29, 2021 and December 20, 2021 that all certified copies of the priority documents have been received.
- In US 17/385,109, Examiner Brian Jennison acknowledged in the Office Communication dated November 10, 2021 that all certified copies of the priority documents have been received.
- In US 17/547,363, Examiner Jimmy Chou acknowledged in the Office Communications dated December 10, 2021 and July 19, 2022 that all certified copies of the priority documents have been received.
- In US 17/670,629, Examiner Jimmy Chou acknowledged in the Office Communications dated April 15, 2022, August 12, 2022, and August 24, 2022 that all certified copies of the priority documents have been received.
- In US 17/670,765, Examiner Jimmy Chou acknowledged in the Office Communications dated April 15, 2022 and August 11, 2022 that all certified copies of the priority documents have been received.
- In US 17/844,372, Examiner Jimmy Chou acknowledged in the Office Communication dated August 11, 2022 that all certified copies of the priority documents have been received.

Based on the overwhelming acknowledgement by the various USPTO Examiners in almost every pending application in this patent family, and in multiple art units, Applicant has a good faith basis to believe that the USPTO previously received all of the appropriate foreign priority documents and that this submission is not even necessary. However, in the interest of ensuring a complete file wrapper and without acquiescing that certified copies were not previously part of the file wrapper or received by the USPTO, Applicant hereby submits these certified priority documents. No information contained in this submission should be considered or interpreted as an admission or disclaimer of any type.

If for some reason Applicant has not requested a sufficient extension and/or has not paid a sufficient fee for this Paper and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

If the Examiner has any questions, Applicant's representative Paul Palinski can be reached via direct dial telephone at 248-309-3045.

This transmittal along with the above three priority documents were deposited as Priority Mail Express® with the United States Postal Service on September 08, 2022.

Respectfully submitted,

Date: September 08, 2022

Customer No. 25215

/Paul J. Palinski/

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SCORE Placeholder Sheet for IFW Content

Application Number: 15646980

Document Date: 09/08/2022

The presence of this form in the IFW record indicates that the following document type was received in electronic format on the date identified above. This content is stored in the SCORE database.

Since this was an electronic submission, there is no physical artifact folder, no artifact folder is recorded in PALM, and no paper documents or physical media exist. The TIFF images in the IFW record were created from the original documents that are stored in SCORE.

- Drawing

At the time of document entry (noted above):

- USPTO employees may access SCORE content via DAV or via the SCORE web page.
- External customers may access SCORE content via PAIR using the Supplemental Content tab.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Smith, Chaim A

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Attorney Docket No.: 1859.029USD2 (KRU0022-WO-US-T2)

AMENDMENT AFTER ALLOWANCE

In response to the Notice of Allowance mailed July 13, 2022, please amend the above-identified application as follows and consider the following remarks.

AMENDMENT TO THE DRAWINGS

The Examiner requested drawing amendments on page 5 of the Notice of Allowance. In the interest of expediting prosecution, Applicant submits herewith Replacement Sheets, which include the amendments requested by the Examiner. No new matter has been added. Entry of the Replacement Sheets is respectfully requested.

AMENDMENT TO THE CLAIMS

1) – 24) (Cancelled)

25) (Currently Amended) A portion capsule for making a beverage and having an individualization identifier capable of being detected by a sensor/detection system for determining whether the portion capsule is suitable for a specific coffee machine, the portion capsule comprises:

a base element with a cavity, in which a raw beverage material is provided, the base element is deep drawn, made of metal, and has an open upper end portion, a closed bottom, and a wall that extends from the open upper end portion to the closed bottom, the wall is rotationally symmetrical about a central longitudinal axis of the base element, the wall includes an outside surface and an inside surface that faces the raw beverage material, the base element has a first height that is defined between the open upper end portion and the closed bottom;

a flange extending outwardly from the wall at the open ~~top end~~ upper end portion of the base element, the flange having a top side and an opposing bottom side, the individualization identifier is located on the bottom ~~surface~~ side of the flange;

a plurality of vertically ~~orientated~~ oriented grooves arranged on the outside surface of the wall, the plurality of vertically ~~orientated~~ oriented grooves each have a radiused top end and a radiused ~~top~~ bottom end and are spaced a distance between the flange and the closed bottom, the plurality vertically ~~orientated~~ oriented grooves cover 20% to 80% of the wall between the flange and the closed bottom;

a plurality of vertically ~~orientated~~ oriented ribs arranged on the inside surface of the wall;

a barrier sheet to prevent moisture or aroma from escaping out of the portion capsule;

a cover comprising a metal foil that is sealed to the top side of the flange, the cover having a central region and a perimeter, the cover is bowed upwardly to a second height at the central region relative to the perimeter, the second height of the cover is less than the first height of the base element, the cover being dimensioned and configured to provide a sealing area that is configured to bear against a seal of the specific coffee machine, the cover being dimensioned and configured to provide a piercing area that is configured to be pierced by a mandrel of the specific coffee machine, the piercing area being laterally offset from the central longitudinal axis of the base element~~portion capsule~~;

wherein the portion capsule is free of a filter inside of the cavity; and

wherein the individualization identifier:

- i) comprises at least two areas which differ in their optically detectable reflection properties;
- ii) includes an optically detectable, machine readable, repeat pattern;
- iii) encodes information used by the specific coffee machine to individualize the portion capsule so the portion capsule is permitted to be used with the specific coffee machine;
- iv) encodes information used by the specific coffee machine to activate a pump of the specific coffee machine;
- v) encodes information used by the specific coffee machine to control a beverage-making process, which includes setting a quantity of hot water, pressure of the hot water, and/or a temperature of the hot water;
- vi) is further provided on the outside surface of the wall of the base element; and
- vii) is compared to a stored reference to determine if the portion capsule is suitable for the specific coffee machine.

26) – 55) (Cancelled)

56) (Previously Presented) The portion capsule according to claim 25, wherein the individualization identifier is electrically conductive.

57) (Currently Amended) The portion capsule according to claim 56, wherein the plurality of vertically-~~orientated~~-oriented grooves generate turbulence of the hot water in the cavity-~~and~~, impart rigidity to the wall of the base element, or both.

58) (Currently Amended) The portion capsule according to claim 57, wherein the vertically-~~orientated~~-oriented grooves cover 40% to 60% of the wall between the flange and the closed bottom.

59) (Previously Presented) The portion capsule according to claim 57, wherein the individualization identifier is a barcode.

60) (Previously Presented) The portion capsule according to claim 57 wherein the individualization identifier exhibits a concavity and/or a convexity.

61) (Previously Presented) The portion capsule according to claim 60, wherein a ratio of a diameter of the wall of the base element which adjoins the flange to a diameter of the flange is between 0.85 and 0.89.

62) (Cancelled)

63. (Currently Amended) A portion capsule for making a beverage and having an individualization identifier capable of being detected by a sensor/detection system for determining whether the portion capsule is suitable for a specific coffee machine, the portion capsule comprises:

a base element with a cavity, in which a raw beverage material is provided, the base element is deep drawn, made of metal, and has an open upper end portion, a closed bottom, and a wall that extends from the open upper end portion to the closed bottom, the wall is rotationally symmetrical about a central longitudinal axis of the base element, the wall includes an outside surface and an inside surface that faces the raw beverage material, the base element has a first height that is defined between the open upper end portion and the closed bottom;

a flange extending outwardly from the wall at the open ~~top end~~ upper end portion of the base element, the flange having a top side and an opposing bottom side, the individualization identifier is located on the bottom ~~surface~~ side of the flange;

a plurality of vertically-oriented grooves arranged on the outside surface of the wall, the plurality of vertically-oriented grooves each have a radiused top end and a radiused ~~top~~ bottom end and are spaced a distance between the flange and the closed bottom, the plurality of vertically-oriented grooves cover 20% to 80% of the wall between the flange and the closed bottom;

a plurality of vertically-~~orientated~~ oriented ribs arranged on the inside surface of the wall;

a barrier sheet to prevent moisture or aroma from escaping out of the portion capsule;

a cover comprising a metal foil that is sealed to the top side of the flange, the cover having a central region and a perimeter, the cover is bowed upwardly to a second height at the central region relative to the perimeter, the second height of the cover is less than the first height of the base element, the cover being dimensioned and configured to provide a sealing area that is

configured to bear against a seal of the specific coffee machine, the cover being dimensioned and configured to provide a piercing area that is configured to be pierced by a mandrel of the specific coffee machine, the piercing area being laterally offset from the central longitudinal axis of the base element~~portion capsule~~;

wherein the portion capsule is free of a filter inside of the cavity; and

wherein the individualization identifier:

- i) comprises at least two areas which differ in their optically detectable reflection properties;
- ii) includes an optically detectable, machine readable, repeat pattern;
- iii) encodes information used by the specific coffee machine to individualize the portion capsule so the portion capsule is permitted to be used with the specific coffee machine;
- iv) encodes information used by the specific coffee machine to activate a pump of the specific coffee machine;
- v) encodes information used by the specific coffee machine to control a beverage-making process, which includes setting a quantity of hot water, pressure of the hot water, and/or a temperature of the hot water;
- vi) is compared to a stored reference to determine if the portion capsule is suitable for the specific coffee machine.

REMARKS

Claim Amendments

By way of the foregoing amendments and the markings to show changes, Applicant has amended certain claims. No new matter has been added. The claims as allowed are believed to be clear; however, in an abundance of caution, the foregoing claim amendments are submitted to further clarify the claims. These claim amendments do not change the scope of the allowed claims. The claim amendments are believed to be proper under 37 CFR 1.312. The foregoing amendments are taken in the interest of expediting prosecution and there is no disclaimer of claim scope or intention of surrendering any range of equivalents to which Applicant would otherwise be entitled.

Drawings

The Examiner requested drawing amendments on page 5 of the Notice of Allowance. In the interest of expediting prosecution, Applicant submits herewith Replacement Sheets, which include the amendments requested by the Examiner. No new matter has been added. No disclaimer or acquiesce that the originally-filed drawings are improper should be interpreted by this submission. The Amendments to the drawings on the Replacement Sheets correspond to the Substitute Specification (Marked Copy and corresponding Clean Copy) filed on 11-13-2020. Entry of the Replacement Sheets is respectfully requested. In view of these amendments and remarks, Applicant believes this application is prepared for issuance. Applicant respectfully requests that a patent be issued as soon as possible.

Should the Examiner have any questions, or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 309-3045.

If for some reason Applicant has not requested a sufficient extension and/or has not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Dated: September 08, 2022

Customer No. 25215

Respectfully submitted,

/Paul J. Palinski/

Paul J. Palinski, Registration No. 71080

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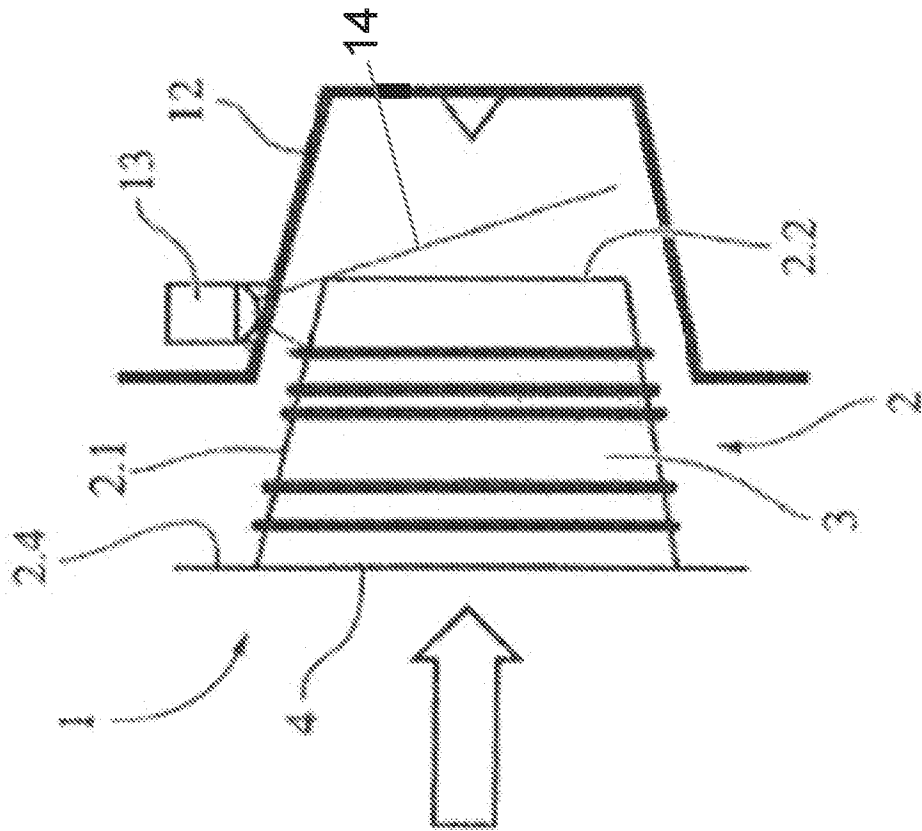


Fig. 1B

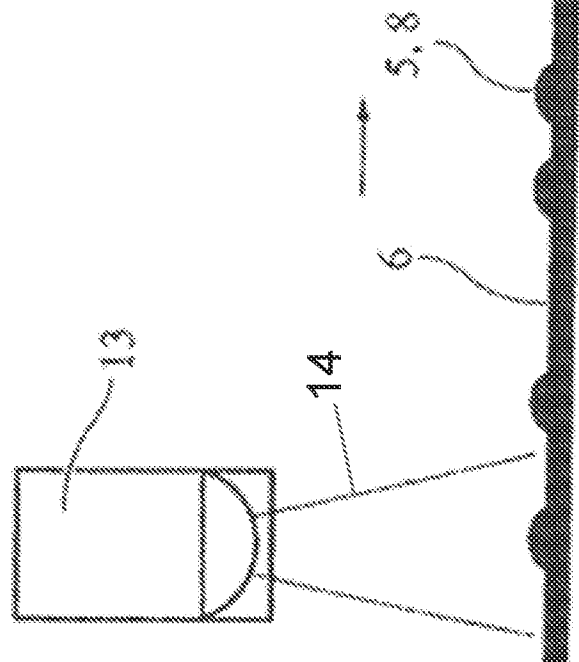


Fig. 1A

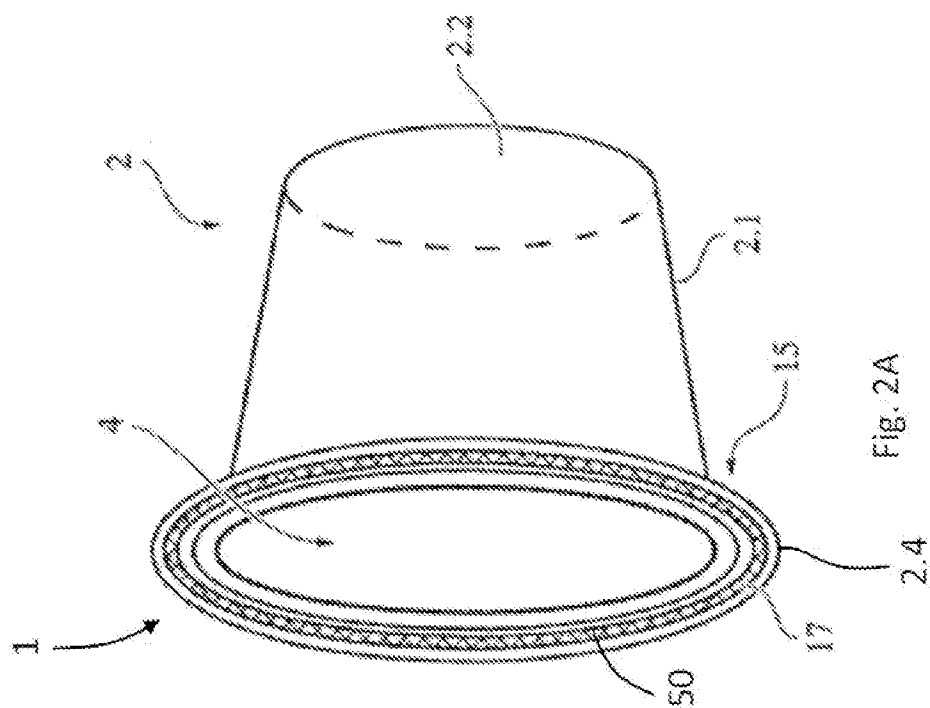


Fig. 2A

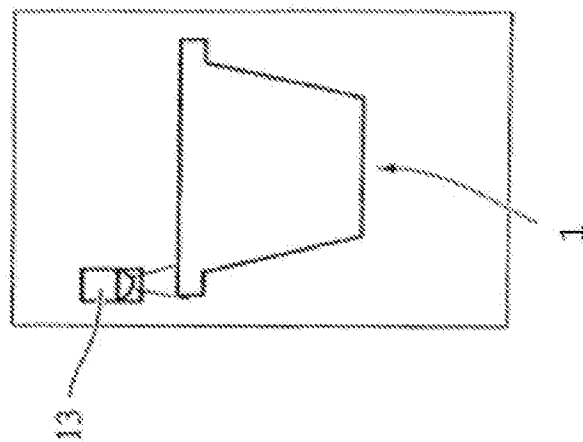


Fig. 2B

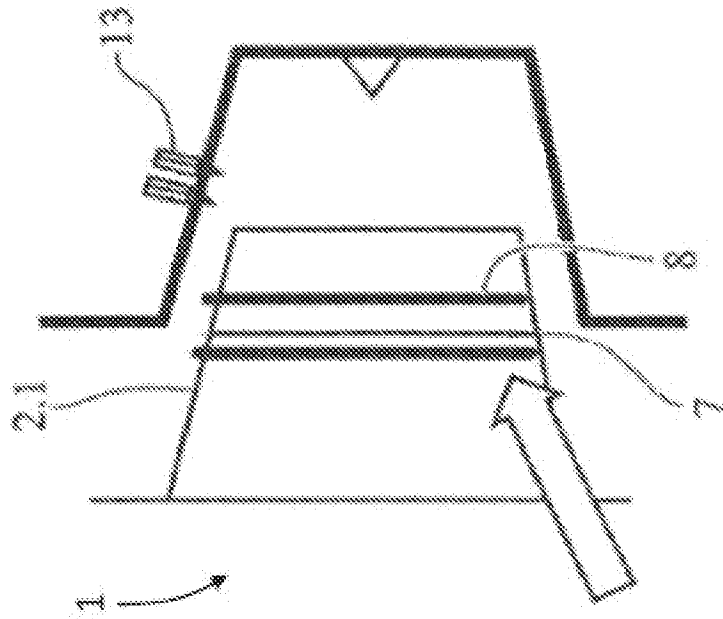


Fig. 3A

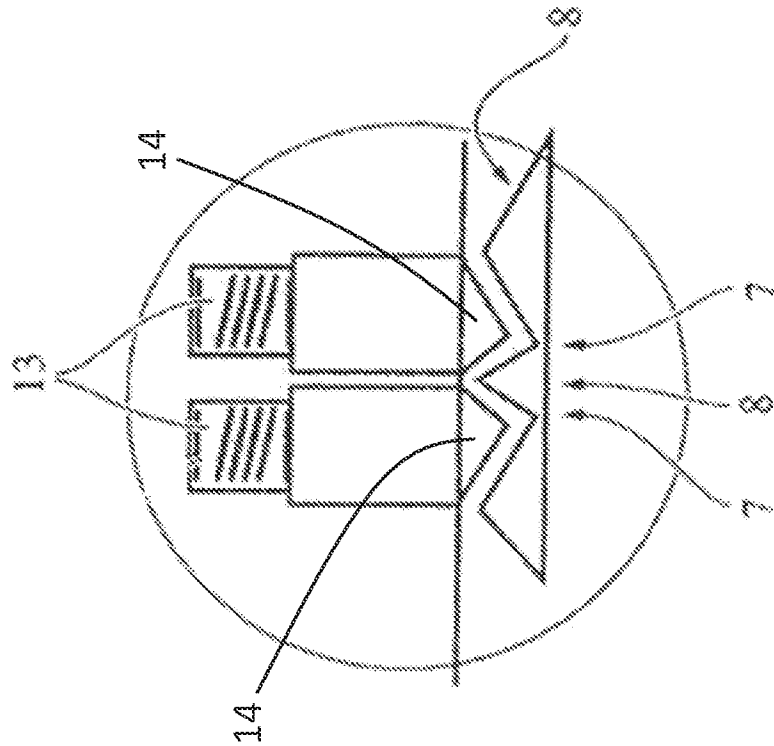


Fig. 3B

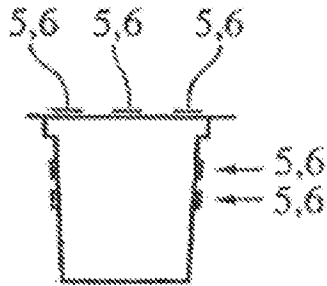


Fig. 4

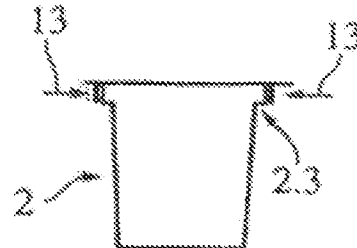


Fig. 6

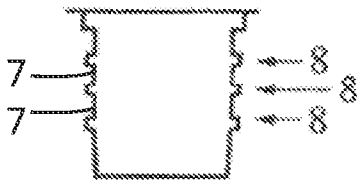


Fig. 5

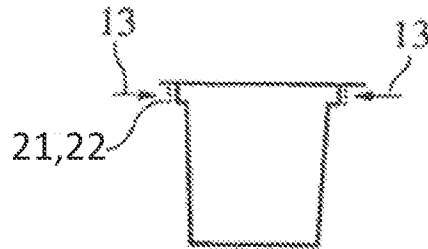


Fig. 7

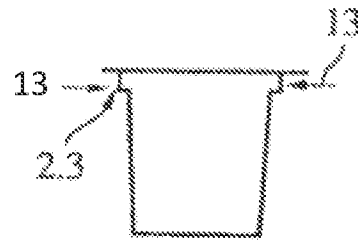


Fig. 8

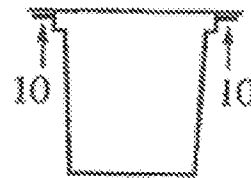
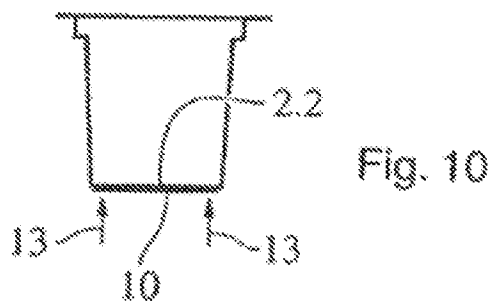
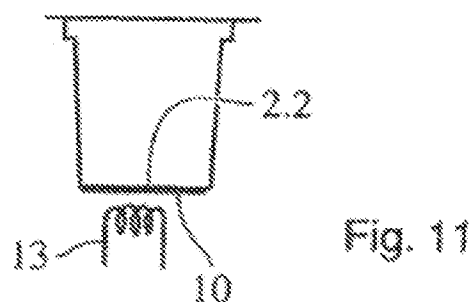
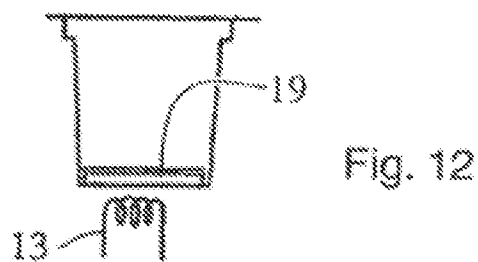
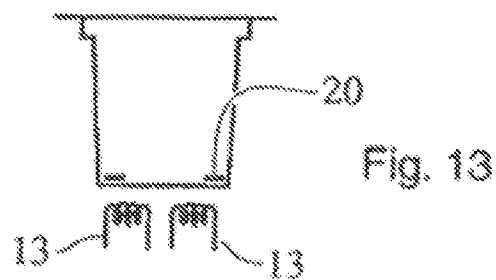
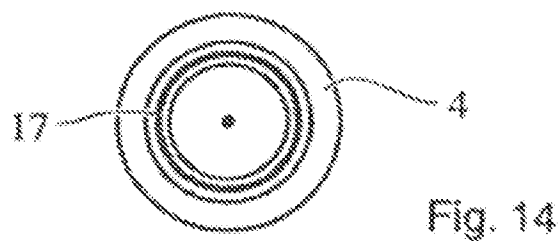


Fig. 9



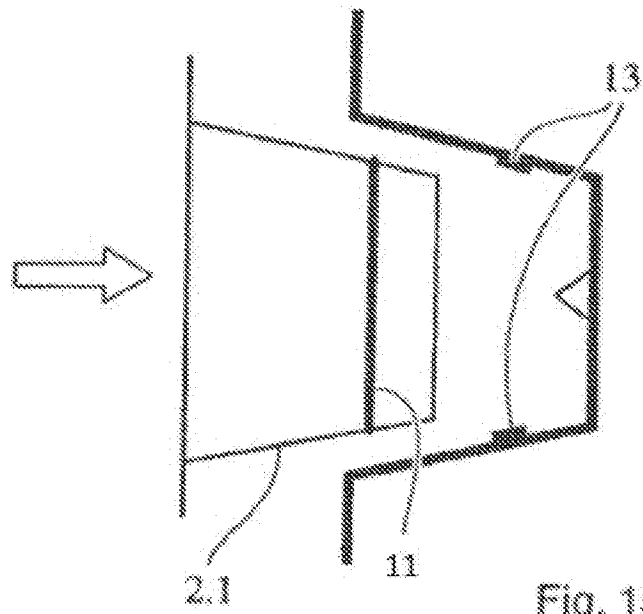


Fig. 15

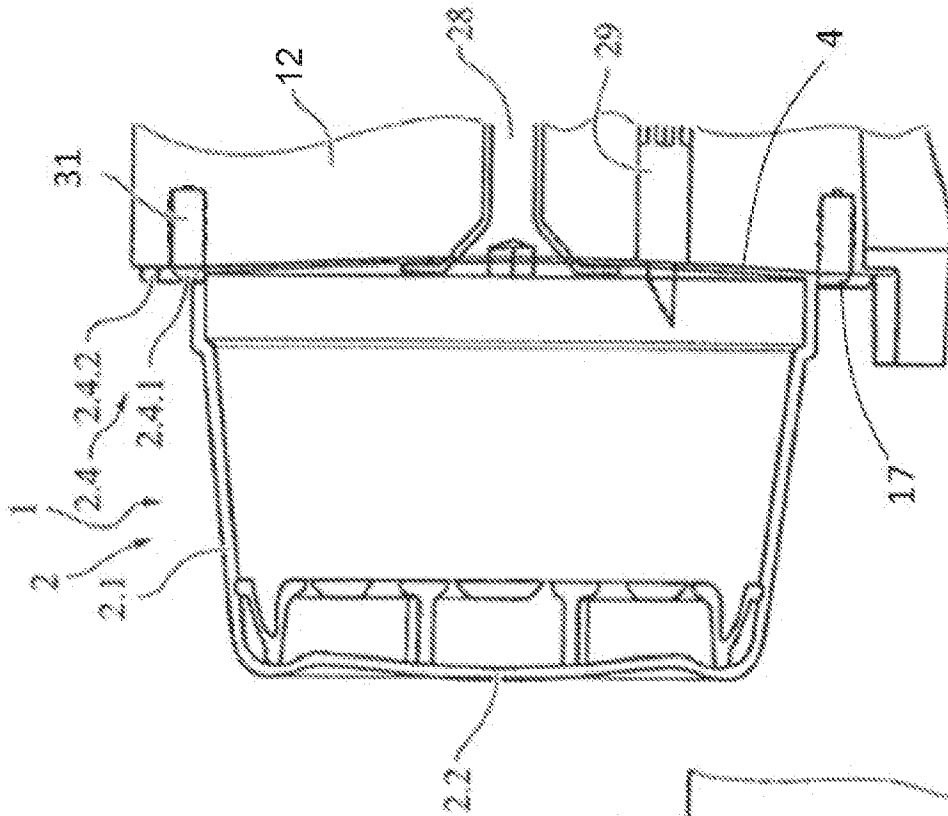


Fig. 16A

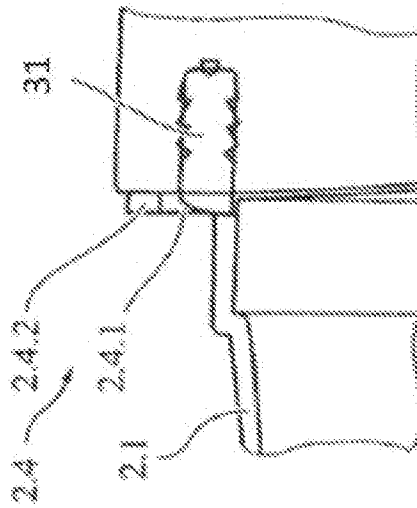


Fig. 16B

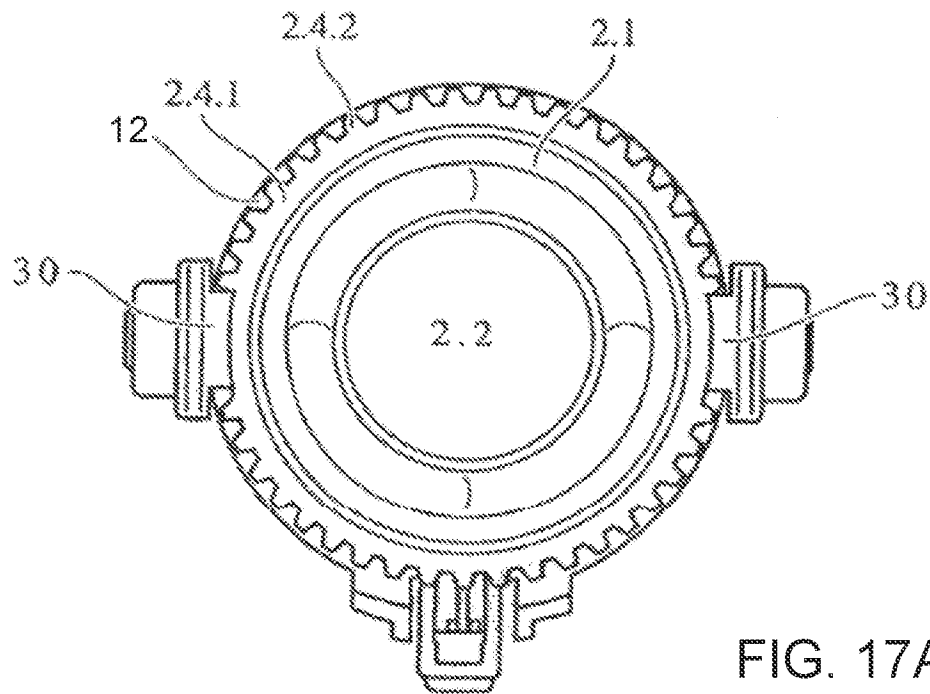


FIG. 17A

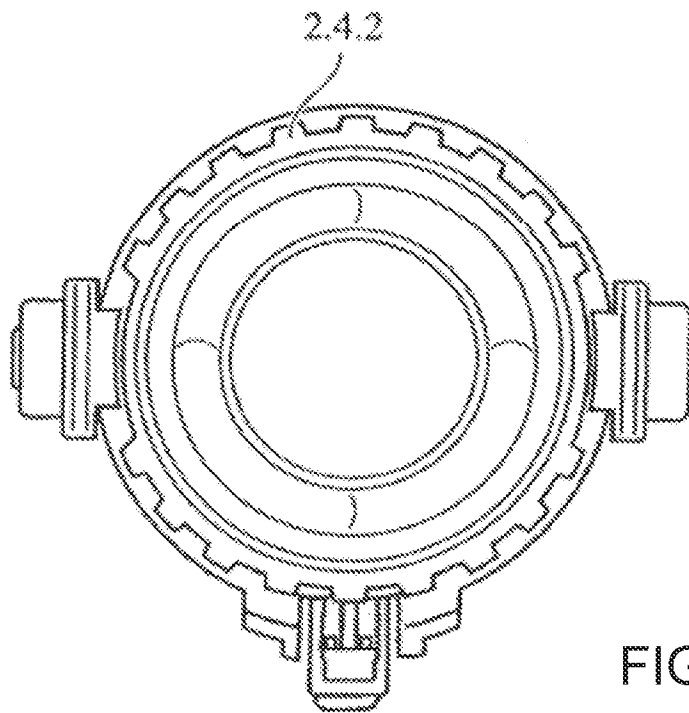


FIG. 17B

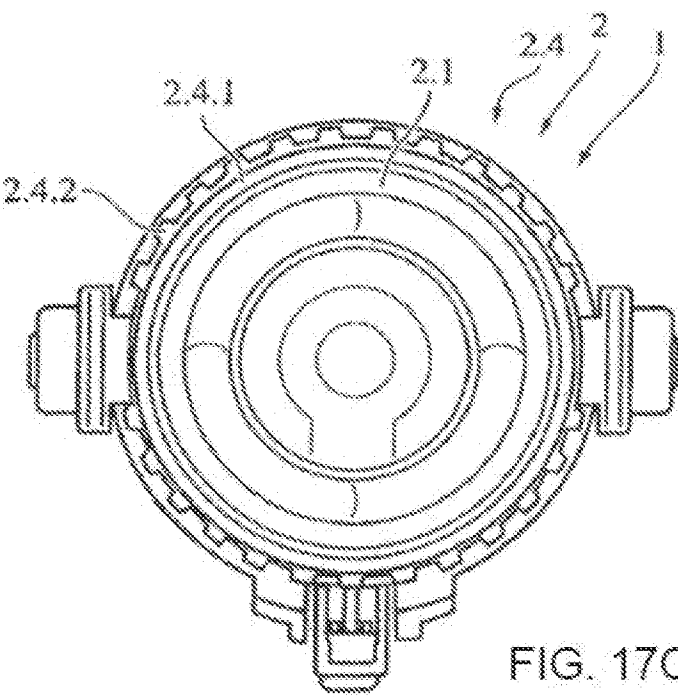


FIG. 17C

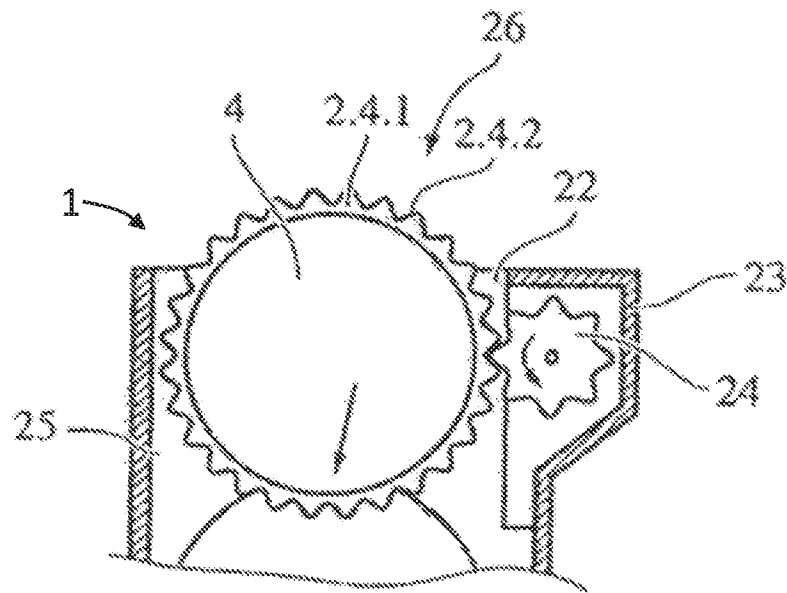


Fig. 18

Replacement Sheet

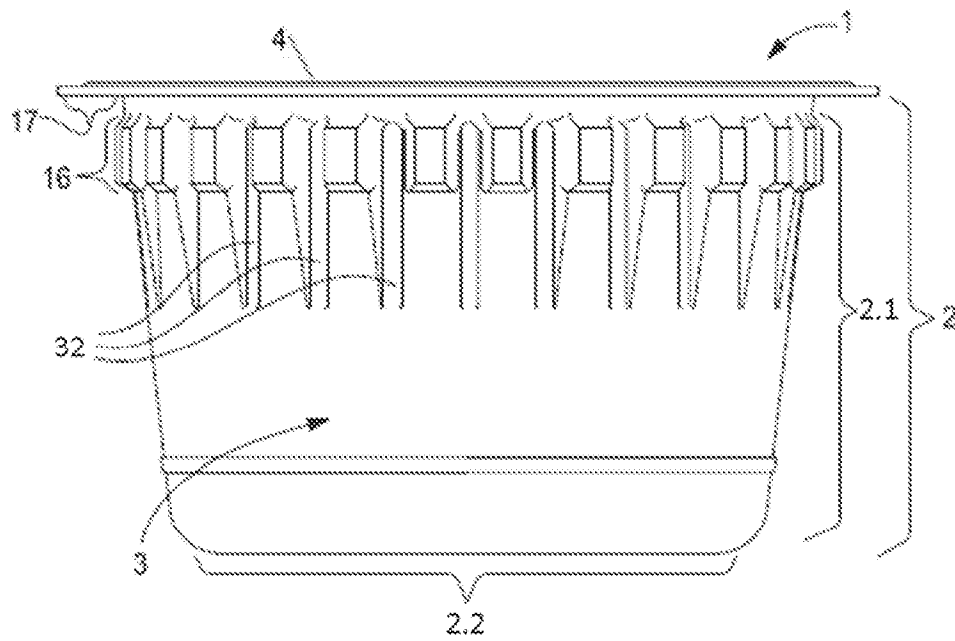


Fig.19

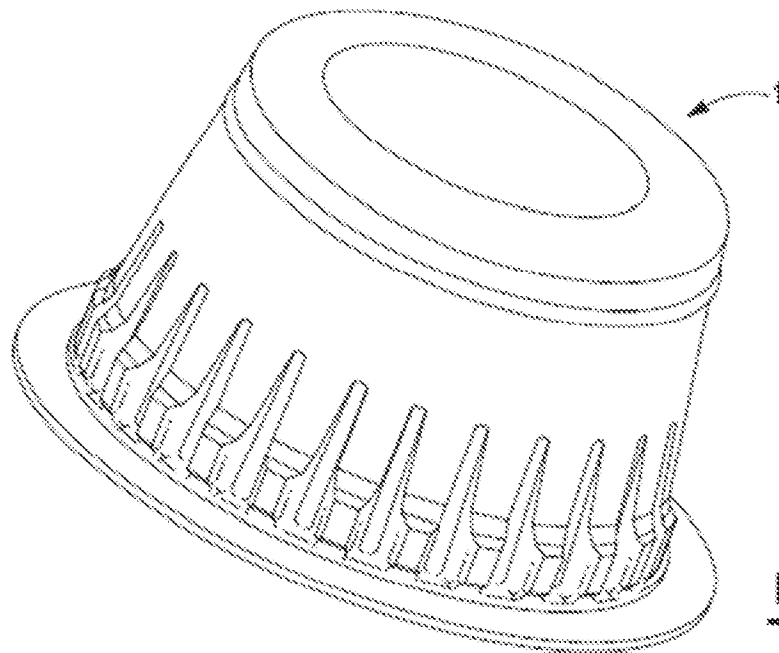


Fig.20

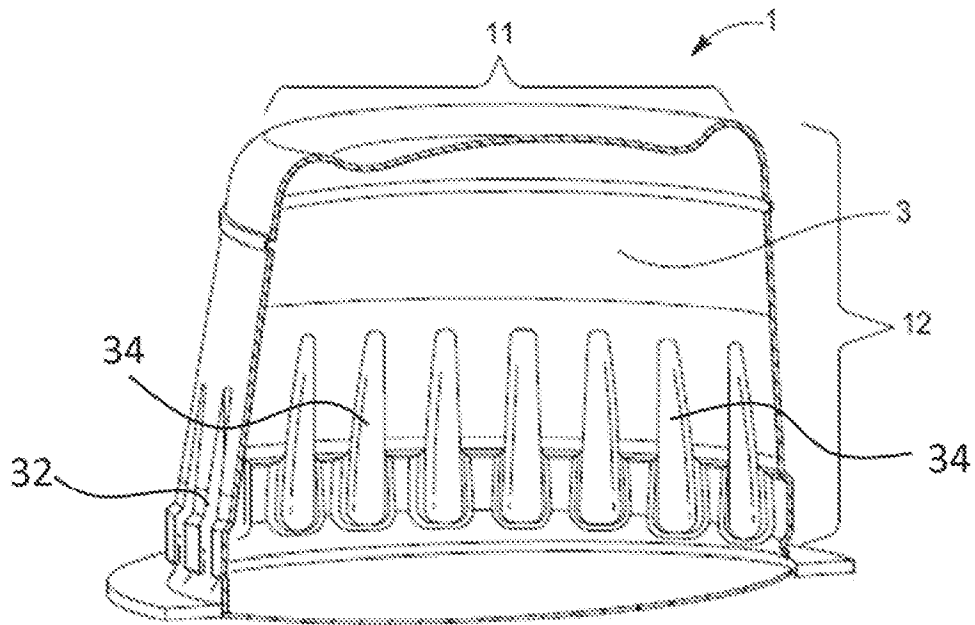


Fig. 21

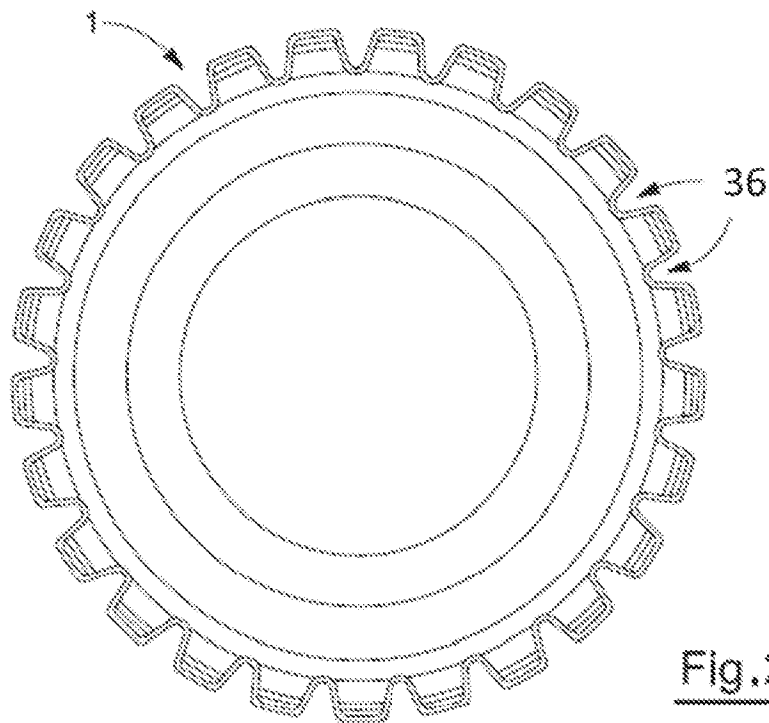


Fig. 22

Electronic Acknowledgement Receipt	
EFS ID:	46572456
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	08-SEP-2022
Filing Date:	11-JUL-2017
Time Stamp:	08:49:42
Application Type:	Utility under 35 USC 111(a)

Payment information:					
Submitted with Payment			no		
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Response_NOA_1859_029USD 2.pdf	155101	yes	8
			3e87cd89b471168f0f4ac3dbeeac51028bc794f9		

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Amendment after Notice of Allowance (Rule 312)	1	1
	Drawings-only black and white line drawings	2	2
	Claims	3	7
	Applicant Arguments/Remarks Made in an Amendment	8	8

Warnings:

Information:

2	Drawings-only black and white line drawings	ReplacementSheets_1859_029 USD2.pdf	2520734	no	12
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Warnings:

Information:

Total Files Size (in bytes):	2675835
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1791

Application No.: 15/646/980

Examiner: Smith, Chaim A.

Filed: July 11, 2017

Conf. No.: 3270

For: Portion Capsule Having An Identifier

Practitioner's Docket No. 1859.029USD2 / KRU0022-WO-US-T2

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97(E)(2)**

Applicant submits this statement in accordance with its duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Nothing in this Submission or in any other Submission should be regarded as a disclaimer of claim scope. No statement by Applicant or Applicant's related companies in any foreign proceeding should be regarded as a disclaimer or other surrender of claim scope in this proceeding.

Because the various foreign proceedings referred to in this and previous Submission involve different claims and context than those pending in this application, nothing cited in this Submission should constitute an acquiescence or adoption of any position advanced in foreign proceedings.

E(2) Certification: No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Summary Of Foreign Proceedings

Applicant has been forthcoming in advising the various USPTO Examiners examining the patent

applications in this family that Applicant and an Adverse Party¹ are involved in foreign adversarial proceedings in which the Adverse Party is relying on positions that, upon inquiry, are believed to be consistent with those made in previously cited Information Disclosure Statements, including European opposition proceedings and as to which we update the Office to advise that the Adverse Party filed an appeal from the decision of the European Patent Office Opposition Decision that upheld the European patent.

The Undersigned has also been advised that pending in France and Switzerland are nullity proceedings attacking the validity of the opposed patents in those countries. The Adverse Party has also filed an opposition to a Japanese patent. As understood by the Undersigned, the Adverse party has advanced arguments and grounds in the French, Swiss, and Japanese proceedings that are similar to the prior arguments, papers, and oppositions by that Party, which have been cited to the USPTO in prior Information Disclosure Statements. There are also non-infringement proceedings in Europe that are being defended by the Adverse Party based on similar positions taken in the United States that the accused products do not have a barcode as that term was construed.

Accompanying this Submission at Cite No. 14 is a filing by Nestle Nespresso SA dated June 13, 2022 referring to a contingent counterclaim in Switzerland. In that Submission, there is reference to additional potential prior art on pages 16 and 44-47 of the English translation (capsules for the classic Nespresso System Special Edition). As understood, Nestle Nespresso did not allege that the lines on those capsules perform any function in relation to a beverage making machine.

To the extent that the Examiner desires further information on any of the adversarial proceedings, the Examiner is kindly requested to inform the Undersigned.

Foreign Vindication Proceedings

An Adverse Party has filed proceedings in Germany and Switzerland in which, as understood by the undersigned, allege the Asserted Patents were not conceived by the named inventor, Marc Krüger, and instead were derived from others, including without limitation by individuals at Nespresso's affiliates and/or individuals at Eugster/Frismag AG. To the extent that the Examiner desires further information on any of the adversarial proceedings, the Examiner is kindly requested to inform the Undersigned.

Claim Construction Order

¹ As the Office will be able to glean from the submissions, the Adverse Party is one or more companies having Nespresso and/or Nestle in its name.

It will be observed from the Claim Construction Order cited in a previous Information Disclosure Statement that certain aspects of foreign proceedings are being relied upon by the Adverse Party in the Capsule Litigation. For purposes of the present examination, Applicant desires that prosecution be conducted providing the broadest reasonable meaning of the claim terms without limiting those claim terms to any features allegedly distinguished in foreign proceedings, and Applicant makes no reliance on any arguments made by representatives of Applicant in any such foreign proceedings. To the extent that the Examiner desires further information, the Examiner is kindly requested to inform the Undersigned.

Preliminary Invalidity Contentions

Preliminary Invalidity Contentions have been filed by the Adverse Party against Applicant's commonly-owned US Patent 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx). The Preliminary Invalidity Contentions allege invalidity of US Patent 11,254,491 under 35 U.S.C. § 102, 103, and 112. The Exhibits and Claim Charts referred to in the Preliminary Invalidity Contentions are included herewith.

Request For Patent Cancellation of Korean Patent No 10-2318476, mailed June 20, 2022 (hereafter "Request")

A Request has been filed in the Korean Intellectual Property Office by the Adverse party to Cancel Korean Patent No 10-2318476. Upon inquiry, it is understood that the proceeding advances arguments and grounds that are consistent with the prior arguments, papers, and oppositions, which have been cited to the Office in prior Information Disclosure Statements. Request appears to rely on references including: WO 2005/079638 A1, US 2010/0078480 A1, JP 2003-235733, WO 2005/044067 A1, US 2002/0048621 A1, KR 200435370, WO 01/99047 A1, US 6,645,537 B2, EP 1849718 A1, WO 2010/041179 A1, US 2006/0233921 A1. To the extent that the Examiner desires further information on this proceeding, the Examiner is kindly requested to inform the Undersigned.

Notification Of Reasons for Revocation Of Japanese Patent No. 694164, dated June 22, 2022 (hereafter "Notification")

A Notification has been issued by the Japanese Patent Office against Japanese Patent No. 6941640. Upon inquiry, it is understood that the proceeding advances arguments and grounds that are consistent with the prior arguments, papers, and oppositions, which have been cited to the Office in prior Information Disclosure Statements. The JP Notification relies on JP 2013-526316, which is understood to be an equivalent of WO2011141532A and US 2013/0064937 A1; WO 02/28241 A; US 2010/0078480;

WO 2010/026053 A1; EP 1722398 A1; EP 0455337 A1; US 5,285,041; WO 01/99047 A; WO 01/60712; and JP 2013-530798. To the extent that the Examiner desires further information on this proceeding, the Examiner is kindly requested to inform the Undersigned.

Date: September 13, 2022

/Paul J. Palinski/

Customer No. 25215

Paul J. Palinski
Reg. No. 71,080
Attorney for Applicant
The Dobrusin Law Firm, P.C.
29 W. Lawrence Street - Suite 210
Pontiac, MI 48342
(248) 292-2920

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646/980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1791
	Examiner Name	Smith, Chaim A.
	Attorney Docket Number	1859.029USD2

U.S. PATENTS					
Examiner Initials*	Cite No.	Patent Number	Kind Code	Issue Date	Name of Patentee or Applicant of cited Document
	1.	726,793		04/28/1903	Bezzera
	2.	3,387,553		10/24/1965	Tavera
	3.	3,437,253		04/08/1969	Davis et al.
	4.	5,261,558		11/16/1993	Claydon
	5.	6,142,063		11/07/2000	Beaulieu et al.
	6.	7,461,584		12/09/2008	Blanc et al.

U.S. PATENT APPLICATION PUBLICATIONS					
Examiner Initials*	Cite No.	Publication Number	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document
	1.	2002/0078831	A1	06/27/2002	Cai
	2.	2004/0112222	A1	06/17/2004	Fischer
	3.	2006/0233921	A1	10/19/2006	Mock et al.
	4.	2006/0230941	A1	10/19/2006	Ryser et al.
	5.	2008/0105131	A1	05/08/2008	Castellani
	6.	2009/0205747	A1	08/20/2009	Lillard, Jr.
	7.	2011/0265659	A1	11/03/2011	Giua
	8.	2012/0269933	A1	10/25/2012	Rapparini
	9.	2013/0099597	A1	04/25/2013	Perentes

FOREIGN PATENT DOCUMENTS							
Examiner Initial*	Cite No.	Foreign Document Number	Country Code	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document	T ⁵
	1.	2145759	EP	A1	01/20/2010	Geerts et al.	
	2.	2001/060712	WO	A1	08/23/2001	Sweeney et al.	
	3.	2010/034663	WO	A1	04/01/2010	Ozanne et al.	
	4.	2010/099806	WO	A1	09/10/2010	Rossi	

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1.	Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646/980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1791
	Examiner Name	Smith, Chaim A.
	Attorney Docket Number	1859.029USD2

2.	Appendix A - Obviousness Chart for U.S. Patent No. 11,254,491 referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
3.	Exhibit A-1 Invalidity of U.S. Patent No. 11,254,491 in view of Denisart, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
4.	Exhibit A-2 Invalidity of U.S. Patent No. 11,254,491 in view of Giua, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
5.	Exhibit A-3 Invalidity of U.S. Patent No. 11,254,491 in view of Jarisch, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
6.	Exhibit A-4 Invalidity of U.S. Patent No. 11,254,491 in view of Jarisch 929, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
7.	Exhibit A-5 Invalidity of U.S. Patent No. 11,254,491 in view of Mahlich, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
8.	Exhibit A-6 Invalidity of U.S. Patent No. 11,254,491 in view of Panesar, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
9.	Exhibit A-7 Invalidity of U.S. Patent No. 11,254,491 in view of Rossi, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
10.	Exhibit A-8 Invalidity of U.S. Patent No. 11,254,491 in view of Ruchonnet, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
11.	Exhibit A-9 Invalidity of U.S. Patent No. 11,254,491 in view of Yoakim, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
12.	Espresso Coffee, The Science of Quality, Second Edition, Edited By Andrew Illy and Rinantonio Viani, referred to in Nespresso's	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646/980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1791
	Examiner Name	Smith, Chaim A.
	Attorney Docket Number	1859.029USD2

		Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
	13.	11 - Packaging and the Shelf Like of Coffee, ISBN 9781420078442, Food Packaging and Shelf Life: A Practical Guide (2009), referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
	14.	Nestle Nespresso SA reply dated June 13, 2022 to Defendant K-fee System GmbH contingent counterclaim	X
	15.	Applicant statements included in the IDS Transmittal Letter filed on September 13, 2022 relating to: Summary of Foreign Proceedings, Foreign Vindication Proceedings, Claim Construction Order, Preliminary Invalidity Contentions, Request For Patent Cancellation of Korean Patent No 10-2318476, Notification Of Reasons for Revocation Of Japanese Patent No. 694164	
	16.	Notice of References cited by the USPTO Examiner in US Application No. 17/844,372 (Atty Docket No. 1859.029USC15), dated August 11, 2022.	

EXAMINER SIGNATURE			
Examiner Signature		Date Considered	
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

Electronic Patent Application Fee Transmittal				
Application Number:		15646980		
Filing Date:		11-Jul-2017		
Title of Invention:		PORTION CAPSULE HAVING AN IDENTIFIER		
First Named Inventor/Applicant Name:		Marc KRÜGER		
Filer:		Paul J. Palinski/BECKY BALLARD		
Attorney Docket Number:		1859.029USD2		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
SUBMISSION- INFORMATION DISCLOSURE STMT	1806	1	260	260
Total in USD (\$)				260

Electronic Acknowledgement Receipt

EFS ID:	46602876
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	13-SEP-2022
Filing Date:	11-JUL-2017
Time Stamp:	11:32:41
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$260
RAM confirmation Number	E20229CB33121737
Deposit Account	
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

IPR2024-00299

Nespresso USA, Inc. Ex. 1002

Page 799 of 867

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Foreign Reference	EP2145759A1.pdf	444631	no	8
			0220eb8fd1de4cc0239cf91487ea71a625d36b55		
Warnings:					
Information:					
2	Foreign Reference	WO0160712A1.pdf	1417682	no	20
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Warnings:					
Information:					
3	Foreign Reference	WO2010034663A1.pdf	765619	no	14
			72c0a09de4f655e1b9249fe327974817d72c5e73		
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Information:					
4	Foreign Reference	WO2010099806A1.pdf	1248118	no	21
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Warnings:					
Information:					
5	Non Patent Literature	1_NespressosPreliminaryInvalidityContentions.pdf	318942	no	32
			14526d84869afe01d1506e90cc62c23e02f5a9ab		
Warnings:					
Information:					
6	Non Patent Literature	2_Appendix_A_491_PatentObviousnessChart.pdf	3094247	no	213
			c53bac45e43a7185f402ad5a809205199b6f9d4f		
Warnings:					
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IPB2024_00209					

7	Non Patent Literature	3_Exhibit_A_1_491PatentDenisart.pdf	562197	no	116
			08584e351d86c607ac776c10ab0e4802014eb13		
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Information:					
8	Non Patent Literature	4_Exhibit_A_2_491_PatentGiua.pdf	279632	no	34
			1a4ac666b56217ace71bb1c7736c20cd6dea7696		
Warnings:					
Information:					
9	Non Patent Literature	5_Exhibit_A_3_491_PatentJarisch.pdf	406215	no	41
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Information:					
10	Non Patent Literature	6_Exhibit_A_4_491_PatentJarisch929.pdf	345409	no	42
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11	Non Patent Literature	7_Exhibit_A_5_491_PatentMahlich.pdf	336170	no	51
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13	Non Patent Literature	9_Exhibit_A_7_491_PatentRossi.pdf	304070	no	69
			332f4c8cf02ed5a19cfda43a2591cf1d38acd187		
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14	Non Patent Literature	10_Exhibit_A_8_491_PatentRuchonnet.pdf	528214	no	58
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15	Non Patent Literature	11_Exhibit_A_9_491_PatentYokim.pdf	738313	no	54
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16	Non Patent Literature	12_EspressoCoffee_TheScienceofQuality.pdf	859203	no	8
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17	Non Patent Literature	13_11PackagingandtheShelfLifeofCoffee.pdf	5803422	no	16
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18	Non Patent Literature	14_NestleSwissResponseJune132022.pdf	17502201	no	91
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Information:					
19	Non Patent Literature	NoticeOfReferences.pdf	2322274	no	45
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Information:					
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Information:					
This is not an USPTO supplied IDS fillable form					

21	Fee Worksheet (SB06)	fee-info.pdf	38056	no	2
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Warnings:					
Information:					
Total Files Size (in bytes):			37940360		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270
25215	7590	09/23/2022	EXAMINER	
The Dobrusin Law Firm P.C.			SMITH, CHAIM A	
29 W. Lawrence Street			ART UNIT	
Suite 210			PAPER NUMBER	
Pontiac, MI 48342			1791	
			NOTIFICATION DATE	DELIVERY MODE
			09/23/2022	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):

dobrusin_PAIR@firsttofile.com
patmail@patentco.com
rmasquelier@patentco.com

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR/ PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
15/646,980	07/11/2017	KRÜGER, Marc	1859.029USD2

The Dobrusin Law Firm P.C. 29 W. Lawrence Street Suite 210 Pontiac, MI 48342		EXAMINER	
		CHAIM A SMITH	
		ART UNIT	PAPER
		1791	20220913

DATE MAILED: _____

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

Commissioner for Patents

Applicant's amendment under rule 312 has been reviewed and entered.

/CHAIM A SMITH/
Examiner, Art Unit 1791

/VIREN A THAKUR/
Primary Examiner, Art Unit 1792

Response to Rule 312 Communication	Application No. 15/646,980	Applicant(s) KRÜGER, Marc	
	Examiner CHAIM A SMITH	Art Unit 1791	AIA (FITF) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 08 September 2022 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☒ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

f) ☐ not entered because the supplemental or corrected Application Data sheet (ADS)

☐ was not accompanied by a petition to accept an unintentionally delayed claim under 37 CFR 1.55 or 27 CFR 1.78;

☐ did not identify the information being changed in accordance with 37 CFR 1.76(c)(2);

☐ was not properly signed in accordance with 37 CFR 1.76(e) (or 37 CFR 1.33(b) for applications filed prior to September 16, 2012).

/CHAIM A SMITH/ Examiner, Art Unit 1791	/VIREN A THAKUR/ Primary Examiner, Art Unit 1792
--	---

Application No.

[illegible]

Examiner

Art Unit

AIA (FITF) Status	
1	Not Applicable
2	Not Applicable
3	Not Applicable
4	Not Applicable
5	Not Applicable
6	Not Applicable
7	Not Applicable
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99	Not Applicable
100	Not Applicable

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

a) ☐ entered.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

e) ☐ entered in part. See explanation below.

☐ was not accompanied by a petition to accept an unintentionally delayed claim under 37 CFR 1.55 or 27 CFR 1.78;

☐ was not properly signed in accordance with 37 CFR 1.76(e) (or 37 CFR 1.33(b) for applications filed prior to September 16, 2012).

Filed via EFS @ USPTO.gov on August 08, 2022

Attorney Docket No.: 1859.029USD2 (KRU0022-WO-US-T2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1792

Application No.: 15/646,980

Examiner: Smith, Chaim A

Filed: July 11, 2017

Conf. No.: 3270

For: PORTION CAPSULE HAVING AN IDENTIFIER

Attorney Docket No.: 1859.029USD2 (KRU0022-WO-US-T2)

AMENDMENT AFTER ALLOWANCE

In response to the Notice of Allowance mailed July 13, 2022, please amend the above-identified application as follows and consider the following remarks.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270
25215	7590	09/23/2022	EXAMINER	
The Dobrusin Law Firm P.C.			SMITH, CHAIM A	
29 W. Lawrence Street			ART UNIT	
Suite 210			PAPER NUMBER	
Pontiac, MI 48342			1791	
			NOTIFICATION DATE	DELIVERY MODE
			09/23/2022	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):

dobrusin_PAIR@firsttofile.com
patmail@patentco.com
rmasquelier@patentco.com

Corrected Notice of Allowability	Application No. 15/646,980	Applicant(s) KRÜGER, Marc	
	Examiner CHAIM A SMITH	Art Unit 1791	AIA (FITF) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Information Disclosure Statement submitted 13 September 2022.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 25,56-61 and 63. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:
 a) ☐ All b) ☐ Some* c) ☐ None of the:

 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892) 2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>13 September 2022</u> . 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____. 4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. _____.	5. ☒ Examiner's Amendment/Comment 6. ☐ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____.
---	--

/CHAIM A SMITH/ Examiner, Art Unit 1791	/VIREN A THAKUR/ Primary Examiner, Art Unit 1792
--	---

Examiner's Comments

1. This Corrected Notice of Allowance serves to acknowledge that the Information Disclosure Statement submitted 13 September 2022 has been considered. All other provisions of the Notice of Allowance mailed 13 July 2022 remain in effect.
2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAIM A SMITH whose telephone number is (571)270-7369. The examiner can normally be reached Monday-Thursday 09:00-18:00.
4. Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to please telephone the Examiner.
5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amber Orlando can be reached on (571) 270-3149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
6. Information regarding the status of published or unpublished applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: <https://patentcenter.uspto.gov>. Visit <https://www.uspto.gov/patents/apply/patent-center> for more information about Patent Center and <https://www.uspto.gov/patents/docx> for information about filing in DOCX format. For

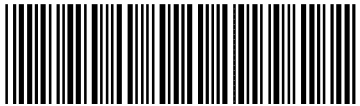
additional questions, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free). If you would like assistance from a USPTO Customer Service

Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHAIM A SMITH/
Examiner, Art Unit 1791
19 September 2022

/VIREN A THAKUR/
Primary Examiner, Art Unit 1792

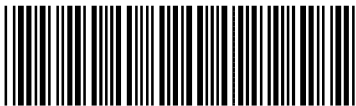
<i>Index of Claims</i> 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1791

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

CLAIMS										
☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
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<i>Index of Claims</i> 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1791

CLAIM		DATE								
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<i>Search Notes</i> 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1791

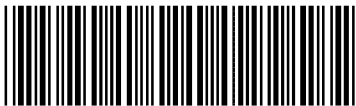
CPC - Searched*		
Symbol	Date	Examiner
A47J 31/4492	10/26/2018	deb
B65D 85/8043, 65/466, 2203/10, 2203/06	10/26/2018	deb
updated, B65D 2081/001, 2081/007	10/08/2019	deb

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
426	115,77-84, 87	10/26/2018	deb
search	updated	10/08/2019	deb

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

/CHAIM A SMITH/ Examiner, Art Unit 1791	<div> <div>IPR2024-00299</div> <div>Part of Paper No.: 20220919</div> </div>
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<i>Search Notes</i> 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1791

Search Notes		
Search Notes	Date	Examiner
EAST: inventor name, coffee,tea,beverage,infus,identifier,barcode, brew,cartridge,capsule,pod,package,container	10/26/2018	deb
updated	05/23/2019	deb
consulted William Krynski regarding US 2013/0064937A1	05/22/2019	deb
updated	10/08/2019	deb
Updated search	12/17/2020	CS
capsule, cartridge, pad, pod, metal, aluminum aluminium, nitrogen	12/17/2020	CS
Updated search	07/02/2021	CS
Updated search	10/21/2021	CS
Updated search	06/18/2022	CS

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
A47J	31/4492	06/26/2022	CS
B65D	85/8043, 2203/10, 2203/06	06/26/2022	CS

/CHAIM A SMITH/ Examiner, Art Unit 1791	
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Issue Classification 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1791

CPC						
Symbol					Type	Version
B65D	/	85	/	8043	F	2013-01-01
A47J	/	31	/	4492	I	2013-01-01
B65D	/	2203	/	10	A	2013-01-01
B65D	/	2203	/	06	A	2013-01-01
B65D	/	65	/	466	A	2013-01-01

CPC Combination Sets							
Symbol				Type	Set	Ranking	Version
	/		/				

/CHAIM A SMITH/ Examiner, Art Unit 1791 (Assistant Examiner)	19 September 2022 (Date)	Total Claims Allowed: 8	
/VIREN A THAKUR/ Primary Examiner, Art Unit 1792 (Primary Examiner)	21 September 2022 (Date)	O.G. Print Claim(s) 25	O.G. Print Figure 2

Issue Classification 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1791

INTERNATIONAL CLASSIFICATION			
CLAIMED			
B65D	/	85	/ 804
NON-CLAIMED			
	/		/

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS

CROSS REFERENCES(S)						
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)					

/CHAIM A SMITH/ Examiner, Art Unit 1791 (Assistant Examiner)	19 September 2022 (Date)	Total Claims Allowed: 8	
/VIREN A THAKUR/ Primary Examiner, Art Unit 1792 (Primary Examiner)	21 September 2022 (Date)	O.G. Print Claim(s) 25	O.G. Print Figure 2

Issue Classification 	Application/Control No. 15/646,980	Applicant(s)/Patent Under Reexamination KRÜGER, Marc
	Examiner CHAIM A SMITH	Art Unit 1791

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47															
CLAIMS															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
	1		10		19		28		37		46		55		
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	7		16	1	25		34		43		52	7	61		
	8		17		26		35		44		53		62		
	9		18		27		36		45		54	8	63		

/CHAIM A SMITH/ Examiner, Art Unit 1791 (Assistant Examiner)	19 September 2022 (Date)	Total Claims Allowed: 8	
/VIREN A THAKUR/ Primary Examiner, Art Unit 1792 (Primary Examiner)	21 September 2022 (Date)	O.G. Print Claim(s) 25	O.G. Print Figure 2

Filed via EFS @ USPTO.gov on September 13, 2022
Practitioner's Docket No. 1859.029USD2 / KRU0022-WO-US-T2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1791

Application No.: 15/646/980

Examiner: Smith, Chaim A.

Filed: July 11, 2017

Conf. No.: 3270

For: Portion Capsule Having An Identifier

Practitioner's Docket No. 1859.029USD2 / KRU0022-WO-US-T2

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97(E)(2)**

Applicant submits this statement in accordance with its duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way. The submission also is in no way intended to substitute for the Examiner's own independent investigation.

Nothing in this Submission or in any other Submission should be regarded as a disclaimer of claim scope. No statement by Applicant or Applicant's related companies in any foreign proceeding should be regarded as a disclaimer or other surrender of claim scope in this proceeding.

Because the various foreign proceedings referred to in this and previous Submission involve different claims and context than those pending in this application, nothing cited in this Submission should constitute an acquiescence or adoption of any position advanced in foreign proceedings.

E(2) Certification: No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Summary Of Foreign Proceedings

Applicant has been forthcoming in advising the various USPTO Examiners examining the patent

applications in this family that Applicant and an Adverse Party¹ are involved in foreign adversarial proceedings in which the Adverse Party is relying on positions that, upon inquiry, are believed to be consistent with those made in previously cited Information Disclosure Statements, including European opposition proceedings and as to which we update the Office to advise that the Adverse Party filed an appeal from the decision of the European Patent Office Opposition Decision that upheld the European patent.

The Undersigned has also been advised that pending in France and Switzerland are nullity proceedings attacking the validity of the opposed patents in those countries. The Adverse Party has also filed an opposition to a Japanese patent. As understood by the Undersigned, the Adverse party has advanced arguments and grounds in the French, Swiss, and Japanese proceedings that are similar to the prior arguments, papers, and oppositions by that Party, which have been cited to the USPTO in prior Information Disclosure Statements. There are also non-infringement proceedings in Europe that are being defended by the Adverse Party based on similar positions taken in the United States that the accused products do not have a barcode as that term was construed.

Accompanying this Submission at Cite No. 14 is a filing by Nestle Nespresso SA dated June 13, 2022 referring to a contingent counterclaim in Switzerland. In that Submission, there is reference to additional potential prior art on pages 16 and 44-47 of the English translation (capsules for the classic Nespresso System Special Edition). As understood, Nestle Nespresso did not allege that the lines on those capsules perform any function in relation to a beverage making machine.

To the extent that the Examiner desires further information on any of the adversarial proceedings, the Examiner is kindly requested to inform the Undersigned.

Foreign Vindication Proceedings

An Adverse Party has filed proceedings in Germany and Switzerland in which, as understood by the undersigned, allege the Asserted Patents were not conceived by the named inventor, Marc Krüger, and instead were derived from others, including without limitation by individuals at Nespresso's affiliates and/or individuals at Eugster/Frismag AG. To the extent that the Examiner desires further information on any of the adversarial proceedings, the Examiner is kindly requested to inform the Undersigned.

Claim Construction Order

¹ As the Office will be able to glean from the submissions, the Adverse Party is one or more companies having Nespresso and/or Nestle in its name.

It will be observed from the Claim Construction Order cited in a previous Information Disclosure Statement that certain aspects of foreign proceedings are being relied upon by the Adverse Party in the Capsule Litigation. For purposes of the present examination, Applicant desires that prosecution be conducted providing the broadest reasonable meaning of the claim terms without limiting those claim terms to any features allegedly distinguished in foreign proceedings, and Applicant makes no reliance on any arguments made by representatives of Applicant in any such foreign proceedings. To the extent that the Examiner desires further information, the Examiner is kindly requested to inform the Undersigned.

Preliminary Invalidity Contentions

Preliminary Invalidity Contentions have been filed by the Adverse Party against Applicant's commonly-owned US Patent 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx). The Preliminary Invalidity Contentions allege invalidity of US Patent 11,254,491 under 35 U.S.C. § 102, 103, and 112. The Exhibits and Claim Charts referred to in the Preliminary Invalidity Contentions are included herewith.

Request For Patent Cancellation of Korean Patent No 10-2318476, mailed June 20, 2022 (hereafter "Request")

A Request has been filed in the Korean Intellectual Property Office by the Adverse party to Cancel Korean Patent No 10-2318476. Upon inquiry, it is understood that the proceeding advances arguments and grounds that are consistent with the prior arguments, papers, and oppositions, which have been cited to the Office in prior Information Disclosure Statements. Request appears to rely on references including: WO 2005/079638 A1, US 2010/0078480 A1, JP 2003-235733, WO 2005/044067 A1, US 2002/0048621 A1, KR 200435370, WO 01/99047 A1, US 6,645,537 B2, EP 1849718 A1, WO 2010/041179 A1, US 2006/0233921 A1. To the extent that the Examiner desires further information on this proceeding, the Examiner is kindly requested to inform the Undersigned.

Notification Of Reasons for Revocation Of Japanese Patent No. 694164, dated June 22, 2022 (hereafter "Notification")

A Notification has been issued by the Japanese Patent Office against Japanese Patent No. 6941640. Upon inquiry, it is understood that the proceeding advances arguments and grounds that are consistent with the prior arguments, papers, and oppositions, which have been cited to the Office in prior Information Disclosure Statements. The JP Notification relies on JP 2013-526316, which is understood to be an equivalent of WO2011141532A and US 2013/0064937 A1; WO 02/28241 A; US 2010/0078480;

WO 2010/026053 A1; EP 1722398 A1; EP 0455337 A1; US 5,285,041; WO 01/99047 A; WO 01/60712; and JP 2013-530798. To the extent that the Examiner desires further information on this proceeding, the Examiner is kindly requested to inform the Undersigned.

Date: September 13, 2022

/Paul J. Palinski/

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646/980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1791
	Examiner Name	Smith, Chaim A.
	Attorney Docket Number	1859.029USD2

U.S. PATENTS					
Examiner Initials*	Cite No.	Patent Number	Kind Code	Issue Date	Name of Patentee or Applicant of cited Document
	1.	726,793		04/28/1903	Bezzera
	2.	3,387,553		10/24/1965	Tavera
	3.	3,437,253		04/08/1969	Davis et al.
	4.	5,261,558		11/16/1993	Claydon
	5.	6,142,063		11/07/2000	Beaulieu et al.
	6.	7,461,584		12/09/2008	Blanc et al.

U.S. PATENT APPLICATION PUBLICATIONS					
Examiner Initials*	Cite No.	Publication Number	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document
	1.	2002/0078831	A1	06/27/2002	Cai
	2.	2004/0112222	A1	06/17/2004	Fischer
	3.	2006/0233921	A1	10/19/2006	Mock et al.
	4.	2006/0230941	A1	10/19/2006	Ryser et al.
	5.	2008/0105131	A1	05/08/2008	Castellani
	6.	2009/0205747	A1	08/20/2009	Lillard, Jr.
	7.	2011/0265659	A1	11/03/2011	Giua
	8.	2012/0269933	A1	10/25/2012	Rapparini
	9.	2013/0099597	A1	04/25/2013	Perentes

FOREIGN PATENT DOCUMENTS							
Examiner Initial*	Cite No.	Foreign Document Number	Country Code	Kind Code	Publication Date	Name of Patentee or Applicant of cited Document	T ⁵
	1.	2145759	EP	A1	01/20/2010	Geerts et al.	
	2.	2001/060712	WO	A1	08/23/2001	Sweeney et al.	
	3.	2010/034663	WO	A1	04/01/2010	Ozanne et al.	
	4.	2010/099806	WO	A1	09/10/2010	Rossi	

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1.	Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646/980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1791
	Examiner Name	Smith, Chaim A.
	Attorney Docket Number	1859.029USD2

2.	Appendix A - Obviousness Chart for U.S. Patent No. 11,254,491 referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
3.	Exhibit A-1 Invalidity of U.S. Patent No. 11,254,491 in view of Denisart, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
4.	Exhibit A-2 Invalidity of U.S. Patent No. 11,254,491 in view of Giua, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
5.	Exhibit A-3 Invalidity of U.S. Patent No. 11,254,491 in view of Jarisch, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
6.	Exhibit A-4 Invalidity of U.S. Patent No. 11,254,491 in view of Jarisch 929, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
7.	Exhibit A-5 Invalidity of U.S. Patent No. 11,254,491 in view of Mahlich, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
8.	Exhibit A-6 Invalidity of U.S. Patent No. 11,254,491 in view of Panesar, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
9.	Exhibit A-7 Invalidity of U.S. Patent No. 11,254,491 in view of Rossi, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
10.	Exhibit A-8 Invalidity of U.S. Patent No. 11,254,491 in view of Ruchonnet, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
11.	Exhibit A-9 Invalidity of U.S. Patent No. 11,254,491 in view of Yoakim, referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
12.	Espresso Coffee, The Science of Quality, Second Edition, Edited By Andrew Illy and Rinantonio Viani, referred to in Nespresso's	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646/980
	Filing Date	July 11, 2017
	First Named Inventor	Marc Krüger
	Art Unit	1791
	Examiner Name	Smith, Chaim A.
	Attorney Docket Number	1859.029USD2

		Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
	13.	11 - Packaging and the Shelf Like of Coffee, ISBN 9781420078442, Food Packaging and Shelf Life: A Practical Guide (2009), referred to in Nespresso's Preliminary Invalidity Contentions dated July 06, 2022, against U.S. Patent No. 11,254,491, in Case No. 2:22-cv-00525-GW (AGRx).	
	14.	Nestle Nespresso SA reply dated June 13, 2022 to Defendant K-fee System GmbH contingent counterclaim	X
	15.	Applicant statements included in the IDS Transmittal Letter filed on September 13, 2022 relating to: Summary of Foreign Proceedings, Foreign Vindication Proceedings, Claim Construction Order, Preliminary Invalidity Contentions, Request For Patent Cancellation of Korean Patent No 10-2318476, Notification Of Reasons for Revocation Of Japanese Patent No. 694164	
	16.	Notice of References cited by the USPTO Examiner in US Application No. 17/844,372 (Atty Docket No. 1859.029USC15), dated August 11, 2022.	

EXAMINER SIGNATURE			
Examiner Signature	/CHAIM A SMITH/	Date Considered	09/19/2022
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			



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 Alexandria, Virginia 22313-1450
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BIB DATA SHEET

CONFIRMATION NO. 3270

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
15/646,980	07/11/2017	426	1791	1859.029USD2		
RULE						
APPLICANTS K-FEE SYSTEM GMBH, Bergisch Gladbach, GERMANY; INVENTORS Marc KRÜGER, Bergisch-Gladbach, GERMANY; ** CONTINUING DATA ***** This application is a DIV of 15/211,823 07/15/2016 ABN which is a DIV of 13/744,623 01/18/2013 ABN which is a CON of PCT/EP2011/003677 07/22/2011 ** FOREIGN APPLICATIONS ***** GERMANY 10 2011 010 534.4 02/07/2011 GERMANY 10 2010 044 251.8 09/02/2010 GERMANY 10 2010 031 988.0 07/22/2010 ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 07/18/2017						
Foreign Priority claimed ☒ Yes ☐ No 35 USC 119(a-d) conditions met ☒ Yes ☐ No Verified and Acknowledged <u>/Chaim Smith/</u> Examiner's Signature		☐ Met after Allowance Initials	STATE OR COUNTRY GERMANY	SHEETS DRAWINGS 12	TOTAL CLAIMS 9	INDEPENDENT CLAIMS 2
ADDRESS The Dobrusin Law Firm P.C. 29 W. Lawrence Street Suite 210 Pontiac, MI 48342 UNITED STATES						
TITLE PORTION CAPSULE HAVING AN IDENTIFIER						
FILING FEE RECEIVED 1600	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit		

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	2	((("20130064937") or ("20100078480")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2020/01/14 10:59
S2	3	((("20130064937") or ("20100078480") or ("20050150391")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2020/01/14 11:12
S3	2,135	B65D85/8043.cpc. and (capsule cartridge pod pad)	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2020/12/17 15:46
S4	839	B65D85/8043.cpc. and (capsule cartridge pod pad) and (ribs grooves)	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2020/12/17 15:48
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			USPAT; USOCR			
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S15	114	S13 and (metal aluminum aluminium)	US- PGPUB; USPAT	OR	ON	2020/12/17 20:58
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S17	83	S16 and (metal aluminum aluminium)	US- PGPUB; USPAT	OR	ON	2020/12/17 22:23
S18	284	B65D85/8043.cpc. and (capsule cartridge pod pad) and nitrogen	US- PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2020/12/17 22:24
S19	13	B65D85/8043.cpc. and goglio	US- PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2020/12/17 23:02
S20	49	B65D65/466.cpc. and (capsule cartridge pod pad) and nitrogen	US- PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2020/12/17 23:45
S21	10	B65D2203/06.cpc. and (capsule cartridge pod pad) and nitrogen	US- PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2020/12/17 23:46
S22	51	B65D2203/10.cpc. and (capsule cartridge pod pad) and nitrogen	US- PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2020/12/17 23:47
S23	0	A47J3103/4492.cpc. and (capsule cartridge pod pad) and nitrogen	US- PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2020/12/17 23:48
S24	2,131	B65D85/8043.cpc. and (capsule cartridge pod pad)	US- PGPUB; USPAT; USOCR	OR	ON	2021/07/02 17:17
S25	2,115	B65D85/8043.cpc. and (capsule cartridge pod pad)	US- PGPUB; USPAT	OR	ON	2021/07/02 17:17

S26	18	B65D85/8043.cpc. and (capsule cartridge pod pad) and stacking near1 shoulder	US-PGPUB; USPAT	OR	ON	2021/07/02 17:23
S27	237	B65D85/8043.cpc. and (capsule cartridge pod pad) and bar near1 code	US-PGPUB; USPAT	OR	ON	2021/07/02 20:12
S28	2	B65D85/8043.cpc. and boyd.in.	US-PGPUB; USPAT	OR	ON	2021/07/02 20:37
S29	121	boyd.in. and (capsule cartridge pod pad) and bar near1 code	US-PGPUB; USPAT	OR	ON	2021/07/02 20:38
S30	1	boyd.in. and (capsule cartridge pod pad) and bar near1 code and (coffee tea beverage)	US-PGPUB; USPAT	OR	ON	2021/07/02 20:38
S31	7,254	(capsule cartridge pod pad) and bar near1 code and (coffee tea beverage)	US-PGPUB; USPAT	OR	ON	2021/07/02 20:39
S32	1	boyd.in. and (capsule cartridge pod pad) same (coffee tea beverage) and bar near1 code	US-PGPUB; USPAT	OR	ON	2021/07/02 20:41
S33	1,129	(capsule cartridge pod pad) same (coffee tea beverage) and bar near1 code	US-PGPUB; USPAT	OR	ON	2021/07/02 20:41
S34	929	B65D85/8043.cpc. and (capsule cartridge pod pad) and rim	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2021/07/03 12:17
S35	37	ruchonnet.in.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2021/07/03 17:24
S36	0	single serve capsule making beverage base element cavity raw material provided metal central axis wall symmetrical upper end portion lower spaced tapers inwardly circular flange sealed identifier plurality matte reflective zones	US-PGPUB; USPAT; USOCR; EPO; JPO	AND	ON	2021/09/23 18:38
S37	90	B65D85/804-8067.cpc. and (code identifier) same flange	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	ON	2022/06/28 15:15
S39	6	"10858176"	US-PGPUB;	OR	ON	2022/06/28 16:06

			USPAT; USOCR; EPO; JPO			
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9/19/2022 4:07:22 PM

C:\Users\csmith4\Documents\EAST\Workspaces\15646980.wsp

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

25215 7590 07/13/2022
The Dobrusin Law Firm P.C.
29 W. Lawrence Street
Suite 210
Pontiac, MI 48342

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

Becky Ballard

(Typed or printed name)

/Becky Ballard/

(Signature)

September 27, 2022

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646.980	07/11/2017	Marc KRÜGER	1859.029USD2	3270

TITLE OF INVENTION: PORTION CAPSULE HAVING AN IDENTIFIER

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1200	\$0.00	\$1000.00	\$200	10/13/2022

EXAMINER	ART UNIT	CLASS-SUBCLASS
SMITH, CHAIM A	1791	426-115000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/AIA/122 or PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/AIA/47 or PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 The Dobrusin Law Firm, P.C.

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

K-FEE SYSTEM GMBH

Bergisch Gladbach, Germany

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government4a. Fees submitted: ☒ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies _____

4b. Method of Payment: (Please first reapply any previously paid fee shown above)

☒ Electronic Payment via EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. 50-1097

5. Change in Entity Status (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29☐ Applicant asserting small entity status. See 37 CFR 1.27☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature /Paul J. Palinski/

Date September 27, 2022

Typed or printed name Paul J. Palinski

Registration No. 71,080

Electronic Patent Application Fee Transmittal				
Application Number:		15646980		
Filing Date:		11-Jul-2017		
Title of Invention:		PORTION CAPSULE HAVING AN IDENTIFIER		
First Named Inventor/Applicant Name:		Marc KRÜGER		
Filer:		Paul J. Palinski/BECKY BALLARD		
Attorney Docket Number:		1859.029USD2		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
UTILITY APPL ISSUE FEE	1501	1	1200	1200

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1200

Electronic Acknowledgement Receipt

EFS ID:	46698203
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	27-SEP-2022
Filing Date:	11-JUL-2017
Time Stamp:	10:25:02
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$ 1200
RAM confirmation Number	E20229QA25410689
Deposit Account	
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

IPR2024-00299

Nespresso USA, Inc. Ex. 1002

Page 838 of 867

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	IssueFee_1859_029USD2.pdf	125438	no	1
			beda54fbc2a16132b330d64198a34457d65f4eb8		
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	37942	no	2
			b7af9d55126c8813042f7f01fc3c4e9b53ac406b		
Warnings:					
Information:					
Total Files Size (in bytes):			163380		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270

7590 09/29/2022
The Dobrusin Law Firm P.C.
29 W. Lawrence Street
Suite 210
Pontiac, MI 48342

EXAMINER

SMITH, CHAIM A

ART UNIT	PAPER NUMBER
----------	--------------

1791

NOTIFICATION DATE	DELIVERY MODE
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09/29/2022

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request for a corrected notice of allowance/allowability, dated 9/8/22, has been received by the U.S. Patent and Trademark Office. A corrected notice of allowance/allowability will not be mailed, but the Office has verified the following information, and made any necessary corrections to Office computer data:

- ◆ Applicant claims "Foreign Priority" (benefit of an earlier Foreign application pursuant to 35 U.S.C. 119(a)-(d) or (f)).

☒ Certified copies of the priority documents have been received.

☐ Certified copies of priority documents have been received in Application No.

\CB\

for 571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270
25215	7590	09/30/2022	EXAMINER	
The Dobrusin Law Firm P.C.			SMITH, CHAIM A	
29 W. Lawrence Street			ART UNIT	
Suite 210			PAPER NUMBER	
Pontiac, MI 48342			1791	
			NOTIFICATION DATE	
			DELIVERY MODE	
			09/30/2022	
			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):

dobrusin_PAIR@firsttofile.com
patmail@patentco.com
rmasquelier@patentco.com

<i>Applicant-Initiated Interview Summary</i>	Application No. 15/646,980	Applicant(s) KRÜGER, Marc		
	Examiner CHAIM A SMITH	Art Unit 1791	AIA (First Inventor to File) Status No	Page 1 of 1

All Participants (applicant, applicants representative, PTO personnel)	Title	Type
CHAIM A SMITH	Examiner	Telephonic
PAUL PALINSKI	Attorney	

Date of Interview: 22 September 2022

Issues Discussed:

Other

Mr. Palinski called to inquire regarding the status of the recently filed 312 Amendment and Information Disclosure Statement. The Examiner was also advised that "ribbon" copies of the foreign priority documents from the German Patent Office had been sent to the USPTO for inclusion in the file wrapper.

/CHAIM A SMITH/ Examiner, Art Unit 1791	/VIREN A THAKUR/ Primary Examiner, Art Unit 1792
<p>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</p> <p>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</p>	

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.

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	15646980	
Filing Date	11-Jul-2017	
First Named Inventor	Marc KRÜGER	
Art Unit	1791	
Examiner Name	CHAIM SMITH	
Attorney Docket Number	1859.029USD2	
Title	PORTION CAPSULE HAVING AN IDENTIFIER	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
Petition Fee		
<div style="border: 1px solid black; padding: 5px;"> ☐ Small Entity </div>		
<div style="border: 1px solid black; padding: 5px;"> ☐ Micro Entity </div>		
<div style="border: 1px solid black; padding: 5px;"> ☒ Regular Undiscounted </div>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that :
The RCE request ,submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors as evidenced by the power of attorney in the application
- ☐ A joint inventor; all of whom are signing this e-petition

Signature	/Paul J. Palinski/
Name	Paul J. Palinski
Registration Number	71080

Electronic Patent Application Fee Transmittal				
Application Number:		15646980		
Filing Date:		11-Jul-2017		
Title of Invention:		PORTION CAPSULE HAVING AN IDENTIFIER		
First Named Inventor/Applicant Name:		Marc KRÜGER		
Filer:		Paul J. Palinski/BECKY BALLARD		
Attorney Docket Number:		1859.029USD2		
Filed as Large Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
PETITION FEE- 37 CFR 1.17(H) (GROUP III)	1464	1	140	140
RCE- 2ND AND SUBSEQUENT REQUEST	1820	1	2000	2000
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				2140



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : November 23, 2022

In re Application of :

Marc KRÜGER

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 15646980

Filed : 11-Jul-2017

Attorney Docket No : 1859.029USD2

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed November 23, 2022, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 1791 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions

Electronic Acknowledgement Receipt

EFS ID:	47083021
Application Number:	15646980
International Application Number:	
Confirmation Number:	3270
Title of Invention:	PORTION CAPSULE HAVING AN IDENTIFIER
First Named Inventor/Applicant Name:	Marc KRÜGER
Customer Number:	25215
Filer:	Paul J. Palinski/BECKY BALLARD
Filer Authorized By:	Paul J. Palinski
Attorney Docket Number:	1859.029USD2
Receipt Date:	23-NOV-2022
Filing Date:	11-JUL-2017
Time Stamp:	13:21:47
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$ 2140
RAM confirmation Number	E2022AMD21433655
Deposit Account	
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

IPR2024-00299

Nespresso USA, Inc. Ex. 1002

Page 848 of 867

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Quick Path Information Disclosure Statement	Supplemental_IDS_1859_029USD2.pdf	159069	no	5
			c83c9973838d0d9bf96430a574862602341bfd22		
Warnings:					
Information:					
2	Other reference-Patent/Application/ Search Documents	1_PetitionForInterPartes.pdf	5490546	no	105
			06f2c7cedb156e892197a142a9de3ad4da2caf5c		
Warnings:					
Information:					
3	Other reference-Patent/Application/ Search Documents	2_DeclarationOfMichaelJobinfilled.pdf	13011933	no	239
			f7fd66015197b4a0596df9bfcab793e6ccc3e7bf		
Warnings:					
Information:					
4	Other reference-Patent/Application/ Search Documents	3_EnglishMachineTranslationStatement20221031.pdf	611299	no	3
			04b2dd459d72144f6326f1a92e0ff5aa3c62774d		
Warnings:					
Information:					
5	Other reference-Patent/Application/ Search Documents	4_NestleStatementDatedOctober20_2022.pdf	682764	no	28
			19cef500a5a0f5127689081723c57f1e551eca54		
Warnings:					
Information:					
6	Quick Path Information Disclosure Statement	QPIDS_1859_029USD2.pdf	169454	no	2
			6d9b395c2565d49321c352e2415451270e665594		
Warnings:					
Information:					
IPB2024_00209					

7	Request for Continued Examination (RCE)	RCE_1859_029USD2.pdf	85766	no	3				
			6b423c4595b16785f6edf5afae9a55bc99bbd9f1						
Warnings:									
This is not a USPTO supplied RCE SB30 form.									
Information:									
8	ePetition Request Form	petition-request.pdf	40020	no	2				
			1828a645e78c7533cb2ce6c6563a374ec2566511						
Warnings:									
Information:									
9	Fee Worksheet (SB06)	fee-info.pdf	40478	no	2				
			883deb55436d9cc3178eab81b757201467c0249a						
Warnings:									
Information:									
Total Files Size (in bytes):			20291329						
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>									

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc Krüger

Art Unit: 1791

Application No.: 15/646,980

Examiner: Smith, Chaim A.

Filed: 07-11-2017

Conf. No.: 3270

For: Portion Capsule Having An Identifier

Practitioner's Docket No. 1859.029USD2

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

UNDER 37 C.F.R. §1.97(E)(2)

Applicant submits this statement in accordance with its duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98. The submission made herewith is in no way intended as an admission that the cited items constitute material prior art or otherwise would render the claims unpatentable in any way.

The submission and remarks/statements contained herein also is in no way intended to substitute for the Examiner's own independent investigation. Nothing in this Submission or in any other Submission should be regarded as a disclaimer of claim scope. No remark/statement by Applicant or Applicant's related companies in this or any foreign proceeding should be regarded as a disclaimer or other surrender of claim scope in this proceeding.

E(2) Certification: No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Applicant Statement on the Petition For Inter Partes Review of US 11,254,491

A Petition For Inter Partes Review ("IPR Petition") was filed by Petitioner Nespresso USA, Inc. against Applicant's commonly owned US Patent No. 11,254,491. A copy of the IPR Petition is submitted herewith as NPL Cite No. 1. As noted on page 82 of the IPR Petition, "Nestlé USA, Inc., Nestlé Nespresso SA, and Société Des Produits Nestlé SA are real parties-in-interest with Petitioner" Nespresso USA, Inc.

I. Alleged Lack of Entitlement to the Priority Date

In the IPR Petition, Petitioner again raises a lack of entitlement to the priority date, a topic that Petitioner has previously raised in three (3) prior IPR Petition filings against Applicant's other patents in this patent family, which the USPTO PTAB declined to institute and also denied Petitioner's rehearing requests. The Examiner is kindly encouraged to review the 3 previous IPR Petition filings, which Applicant has made available in previous IDS submissions, the PTAB decisions denying institution of Petitioner's 3 previous IPR filings, and the PTAB subsequent rehearing denials, all of which can be easily accessed from the USPTO PTAB website under the following AIA Review Numbers:

- IPR2021-01221
- IPR2021-01222
- IPR2021-01223

The topic of priority entitlement has also been discussed and addressed numerous times by Applicant in detail and on the record in multiple communications with the USPTO in multiple patent applications in this patent family. For example, Applicant's discussions with the USPTO regarding priority can be found in at least the following applications in this patent family:

- US 16/538,752 (now US Patent No. 10,858,176): See Applicant remarks filed on July 27, 2020.
- US 16/860,441 (now US Patent No. 10,870,531): See Applicant remarks filed on October 13, 2020.
- US 17/670,629 (now US Patent No. 11,465,829): See Interview Summary Dated July 05, 2022; Applicant remarks filed on July 15, 2022; and the Examiner's comment included in the Notice of Allowance dated August 12, 2022.
- US 17/670,765 (now US Patent No. 11,465,830): See Interview Summary Dated July 05, 2022; Applicant remarks filed on July 15, 2022; and the Examiner's comment included in the Notice of Allowance dated August 11, 2022.
- US 17/547,363: See Interview Summary Dated June 17, 2022; Applicant remarks filed on July 01, 2022; and the Examiner's comment included in the Notice of Allowance dated July 19, 2022.

II. Petition Grounds

The newly filed IPR Petition relies on two (2) grounds, which are summarized on page 30 of the IPR Petition. The grounds rely on a combination of references including: Yoakim (US2010/0239734A1), Jarisch (US2013/0064929A1), Rossi (WO2010/099806A1), and Castellani (US2008/0105131). Petitioner acknowledges on Page 19 of the IPR Petition that these references “were all cited, directly or indirectly, in a series of IDSs” by Applicant.

Petitioner also cites more than 3 pages of references and documents in Petitioner’s Exhibit List on pages x-xiii of the IPR Petition, many of which have also already been before the Office in various IDS submission and previous IPR filings. Nonetheless, Applicant respectfully requests the Examiner review the references and documents in Petitioner’s Exhibit List.

A. The Jarisch Reference (US2013/0064929A1)

The IPR Petition relies on the Jarisch Reference (US2013/0064929A1) in both grounds. Because Applicant believes it is entitled to at least the September 2010 priority date, the Jarisch reference is not prior art. However, Applicant notes that the Jarisch reference was considered by several different USPTO Examiners in various art units examining Applicant’s other co-pending Applications, which ultimately issued as numerous US Patents (See References Cited in US Patent Nos. US10,858,176; US10,858,177; US10,870,531; US10,994,923; US11,465,829; US11,465,830; 11,230,430). The Jarisch reference has also been presented to the Office in Applicant’s other pending US Applications currently undergoing examination (See US 15646980 and US 17844372). The Jarisch reference was also presented in Petitioner’s 3 prior IPR Filings.

B. The Rossi Reference (WO 2010/099806)

Petitioner alleges in the IPR Petition that the Rossi reference WO 2010/099806 contains disclosure of the patentable subject matter that was identified by the US Examiner in 17/383,951 (See non-final office action dated 11-29-2021; i.e., a pump controlled to supply water into the single-serve capsule only upon detection of the identifier by the sensor/detector and a determination by the beverage machine that the single-serve capsule is suitable for use with the beverage machine.). Applicant notes that the Rossi reference was relied upon by a USPTO Examiner in an office action in another application in this patent family - US 16/538,752, now US Patent No. 10,858,176 (See Non-Final Office Action dated November 08, 2019). Applicant

respectfully requests the Examiner undertake an independent review of the Rossi reference and consider the Rossi teachings, as interpreted in the IPR Petition. Applicant makes no statement or disclaimer on the Rossi teachings or how it is interpreted by Petition in the IPR Petition. Lastly, Applicant requests the Examiner monitor the status of IPR2022-01574.

To the extent that the Examiner desires any further information on any of the documents or remarks included in this IDS, the Examiner is kindly requested to inform the Undersigned, who can be reached via direct dial telephone at 248-309-3045.

Date: November 23, 2022

/Paul J. Palinski/

Paul J. Palinski

Reg. No. 71,080

Customer No. 25215

Attorney for Applicant

The Dobrusin Law Firm, P.C.

29 W. Lawrence Street - Suite 210

Pontiac, MI 48342

(248) 292-2920

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	07-11-2017
	First Named Inventor	Marc Krüger
	Art Unit	1791
	Examiner Name	Smith, Chaim A
	Attorney Docket Number	1859.029USD2

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1.	Petition For Inter Partes Review of U.S. Patent No. 11,254,491 (IPR2022-01574), including the references included in Petitioner's Exhibit List.	
	2.	Declaration of Michael Jobin filed with the Petition For Inter Partes Review of U.S. Patent No. 11,254,491 (IPR2022-01574).	
	3.	English Machine Translation of the Statement filed by Nestlé Nespresso SA on October 31, 2022 in the pending foreign proceeding in Switzerland.	X
	4.	English Machine Translation of the Statement filed by Société des Produits Nestlé S.A. on October 20, 2022 in the Federal Patent Court in Switzerland.	X
	5.	Applicant statements included in the IDS Transmittal Letter filed on November 23, 2022 (i.e., "Applicant Statement on the Petition For Inter Partes Review of US 11,254,491")	

EXAMINER SIGNATURE			
Examiner Signature		Date Considered	
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

CERTIFICATION AND REQUEST FOR CONSIDERATION OF AN INFORMATION DISCLOSURE STATEMENT FILED AFTER PAYMENT OF THE ISSUE FEE UNDER THE QPIDS PROGRAM	
Non-Provisional Application Number: 15/646,980	Filing Date: July 11, 2017
First Named Inventor: Marc KRÜGER	Title of Invention: PORTION CAPSULE HAVING AN IDENTIFIER
<p>THE UNDERSIGNED HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION.</p> <ol style="list-style-type: none"> 1. Consideration is requested of the information disclosure statement (IDS) submitted herewith, which is being filed after payment of the issue fee. 2. Check the box next to the appropriate selection: <ul style="list-style-type: none"> ☐ Each item of information contained in the IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS. See 37 CFR 1.97(e)(1). <li style="margin-top: 5px;">OR ☒ No item of information contained in the IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the IDS. See 37 CFR 1.97(e)(2). <li style="margin-top: 5px;">OR ☐ See attached certification statement in compliance with 37 CFR 1.97(e). 3. Please charge the IDS fee set forth in 37 CFR 1.17(p) to Deposit Account No. <u>50-1097</u>. 4. A Petition to Withdraw from Issue After Payment of the Issue Fee (37 CFR 1.313(c)(2)), including the petition fee set forth in 37 CFR 1.17(h), is submitted herewith as a Web-based ePetition. WARNING: Do <u>not</u> submit the petition as a follow-on paper via EFS-Web. Submit the petition as a Web-based ePetition by signing on to EFS-Web as a registered user, selecting the radio button next to "Existing application/patent," and then selecting the radio button next to "ePetition (for automatic processing and immediate grant, if all petitions requirements are met)." Failure to use the Web-based ePetition interface will result in automatic entry of the RCE. 5. A request for continued examination (RCE) under 37 CFR 1.114 and the RCE fee under 37 CFR 1.17(e) are submitted herewith. 6. The RCE will be treated as a "conditional" RCE. In the event the examiner determines that any item of information contained in the IDS necessitates the reopening of prosecution in the application, the undersigned understands that (i) the RCE will be processed and treated as an RCE under 37 CFR 1.114 and therefore (ii) the IDS fee under 37 CFR 1.17(p) will be returned in accordance with 37 CFR 1.97(b)(4). In the event that no item of information in the IDS necessitates reopening prosecution, the undersigned understands that the RCE will not be processed and the RCE fee under 37 CFR 1.17(e) will be returned. 7. This certification and request is being filed as a Web-based ePetition and is not accompanied by an amendment to the application. Inclusion of an amendment will result in automatic entry of the RCE. 	
Signature /Paul J. Palinski/	Date November 23, 2022
Name (Print/Typed) Paul J. Palinski	Practitioner Registration Number (if applicable) 71080
<p>Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below.*</p>	
☒ *Total of <u>1</u> forms are submitted.	

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IPR2024-00299

Nespresso USA, Inc. Ex. 1002

Page 856 of 867

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



United States Patent and Trademark Office

Office of the Chief Financial Officer

Document Code:WFEE

User :Karen Vestal

Sale Accounting Date:11/25/2022

Sale Item Reference Number
15646980

Effective Date
11/23/2022

Document Number	Fee Code	Fee Code Description	Amount Paid	Payment Method
I2022AO918330738	1806	SUBMISSION- INFORMATION DISCLOSURE STMT	\$260.00	Deposit Account



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270
25215	7590	11/30/2022	EXAMINER	
The Dobrusin Law Firm P.C.			SMITH, CHAIM A	
29 W. Lawrence Street			ART UNIT	
Suite 210			PAPER NUMBER	
Pontiac, MI 48342			1791	
			NOTIFICATION DATE	
			DELIVERY MODE	
			11/30/2022	
			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):

dobrusin_PAIR@firsttofile.com
patmail@patentco.com
rmasquelier@patentco.com

Corrected Notice of Allowability	Application No. 15/646,980	Applicant(s) KRÜGER, Marc	
	Examiner CHAIM A SMITH	Art Unit 1791	AIA (FITF) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to QPIDS request dated 23 November 2022.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are 25,56-61 and 63. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)	5. ☐ Examiner's Amendment/Comment
2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>23 November 2022</u> .	6. ☐ Examiner's Statement of Reasons for Allowance
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____.	7. ☐ Other _____.
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. _____.	

/CHAIM A SMITH/ Examiner, Art Unit 1791	/VIREN A THAKUR/ Primary Examiner, Art Unit 1792
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	07-11-2017
	First Named Inventor	Marc Krüger
	Art Unit	1791
	Examiner Name	Smith, Chaim A
	Attorney Docket Number	1859.029USD2

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initial*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1.	Petition For Inter Partes Review of U.S. Patent No. 11,254,491 (IPR2022-01574), including the references included in Petitioner's Exhibit List.	
	2.	Declaration of Michael Jobin filed with the Petition For Inter Partes Review of U.S. Patent No. 11,254,491 (IPR2022-01574).	
	3.	English Machine Translation of the Statement filed by Nestlé Nespresso SA on October 31, 2022 in the pending foreign proceeding in Switzerland.	X
	4.	English Machine Translation of the Statement filed by Société des Produits Nestlé S.A. on October 20, 2022 in the Federal Patent Court in Switzerland.	X
	5.	Applicant statements included in the IDS Transmittal Letter filed on November 23, 2022 (i.e., "Applicant Statement on the Petition For Inter Partes Review of US 11,254,491")	

EXAMINER SIGNATURE			
Examiner Signature	/CHAIM A SMITH/	Date Considered	11/25/2022
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	15/646,980
	Filing Date	July 11, 2017
	First Named Inventor	Marc KRÜGER
	Art Unit	1792
	Examiner Name	Smith, Chaim A.
	Attorney Docket Number	1859.029USD2 (KRU0022-WO-US-T2)

		(also published as US 2002/0020659)					
	21.	2004-525829 (also published as US 2004/0089158)	JP	A	08/26/2004	Mahlich	
	22.	2007-525385 (also published as US 7,798,054)	JP	A	09/06/2007	Evers et al.	
	23.	2015-085086	JP	A	05/07/2015	Hirota et al.	X
	24.	H01-233688	JP	A	09/19/1989	TOKYU CAR CORP	
	25.	100481892 (also published as US 6,645,537)	KR	B1	10/04/2002	Sweeney et al.	
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	07/11/2017	Marc KRÜGER	1859.029USD2	3270
25215	7590	12/07/2022	EXAMINER	
The Dobrusin Law Firm P.C.			SMITH, CHAIM A	
29 W. Lawrence Street			ART UNIT	
Suite 210			PAPER NUMBER	
Pontiac, MI 48342			1791	
			NOTIFICATION DATE	DELIVERY MODE
			12/07/2022	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):

dobrusin_PAIR@firsttofile.com
patmail@patentco.com
rmasquelier@patentco.com

<i>Applicant-Initiated Interview Summary</i>	Application No. 15/646,980	Applicant(s) KRÜGER, Marc		
	Examiner CHAIM A SMITH	Art Unit 1791	AIA (First Inventor to File) Status No	Page 1 of 1

All Participants (applicant, applicants representative, PTO personnel)	Title	Type
CHAIM A SMITH	Examiner	Telephonic
PAUL PALINSKI	Attorney	

Date of Interview: 28 November 2022

Issues Discussed:

Other

Subsequent to the payment of the issue fee Mr. Palinski petitioned for withdrawal from allowance in order for the Examiner to consider an Inter Parties Review request with respect to US 11,254,491 and several documents submitted therewith. Mr. Palinski telephoned the Examiner to discuss said review and the associated documents in general to see if there were any concerns raised that should be addressed. No concerns were noted by the Examiner. The '491 patent is directed to a capsule and brewing machine combination whereas the instant application is directed to the details of a capsule and an individualization identifier thereon. A corrected Notice Of Allowance has been issued.

/CHAIM A SMITH/ Examiner, Art Unit 1791	/VIREN A THAKUR/ Primary Examiner, Art Unit 1792
<p>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</p> <p>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</p>	

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.



APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/646,980	01/17/2023	11554910	1859.029USD2	3270

25215 7590 12/28/2022
The Dobrusin Law Firm P.C.
29 W. Lawrence Street
Suite 210
Pontiac, MI 48342

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Patents Stakeholder Experience (OPSE), Stakeholder Support Division (SSD) at (571)-272-4200.

INVENTOR(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional inventors):

Marc KRÜGER, Bergisch-Gladbach, GERMANY;

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

K-FEE SYSTEM GMBH, Bergisch Gladbach, GERMANY;

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