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K-fee System GmbH

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Nespresso USA, Inc.,

Plaintiff,

v.

K-fee System GmbH,

Defendant.

K-fee System GmbH,

Counterclaim-Plaintiff,

v.

Nespresso USA, Inc., Nestlé Nespresso S.A., and Société des Produits Nestlé S.A.,

Counterclaim-Defendants.

Case No. 2:22-cv-09295-GW (AGR)

K-FEE SYSTEM GMBH'S INITIAL DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS TO NESPRESSO USA, INC.; NESTLÉ NESPRESSO S.A.; AND SOCIÉTÉ DES PRODUITS NESTLÉ S.A.

Pursuant to the Court's Scheduling Order (Dkt. 37), Defendant and Counter-Claimant K-fee System GmbH ("K-fee") hereby serves its Initial Disclosure of Asserted Claims and Infringement Contentions on Nespresso USA, Inc., Nestlé Nespresso S.A., and Société des Produits Nestlé S.A. (collectively, "Nespresso"). This disclosure is based on the information available to K-fee as of the date of this disclosure, and K-fee reserves the right to amend this disclosure to the full extent consistent with the Court's Rules and Orders.

I. ASSERTED CLAIMS

K-fee asserts that Nespresso infringes one or more of the following claims (collectively, "Asserted Claims"):

(1) U.S. Patent No. 11,465,829 ("'829 Patent"), Claims 1–19.

(2) U.S. Patent No. 11,465,830 ("'830 Patent"), Claims 1–12.

(3) U.S. Patent No. 11,542,094 ("'094 Patent"), Claims 1–20.

(4) U.S. Patent No. 11,548,722 ("'722 Patent"), Claims 1–24.

(5) U.S. Patent No. 11,554,910 ("'910 Patent"), Claims 1–8.

The '829 Patent, '830 Patent, '094 Patent, '722 Patent, and '910 Patents are collectively referred to as the "Asserted Patents."

II. ACCUSED INSTRUMENTALITIES OF WHICH K-FEE IS AWARE

K-fee asserts that the Asserted Claims are infringed by the various methods and apparatuses used, made, sold, offered for sale, or imported into the United States by Nespresso, including beverage systems and capsules ("Accused Instrumentalities"). Examples of specific models of Accused Instrumentalities, including beverage systems comprising of beverage machines and capsules, are given in the accompanying infringement contention charts, Exhibits 829, 830, 094, 722, and 910.

K-fee in no way intends that the Accused Instrumentalities are limited to the methods and apparatuses that are identified in the Exhibits, but instead contends that the Accused Instrumentalities are meant to refer to all methods and apparatuses that

involve all similar products that include the claims beverage systems comprising of beverage machines and capsules. Unless otherwise stated, K-fee's assertions of infringement apply to all variations, versions, and applications of each of the Accused Instrumentalities, on information and belief, that different variations, versions, and applications of each of the Accused Instrumentalities all operate in the same or substantially the same manner for purposes of infringement of the Asserted Claims.

III. CLAIM CHARTS

K-fee's analysis of Nespresso's methods and apparatuses is based upon limited information that is publicly available and based on K-fee's own investigation prior to any discovery in this action. Specifically, K-fee's analysis is based on certain limited resources that evidence certain methods and apparatuses used, made, sold, offered for sale, or imported into the United States by Nespresso.

The publicly available information, evidencing the underlying methods and apparatuses used by Nespresso that are available to K-fee, consisted of samples of Accused Instrumentalities, including specific beverage systems comprising beverage machines and capsules, but also information from Internet websites and user manuals, and other public documentation on the Accused Instrumentalities. In some instances, while the publicly available information constitutes evidence of the methods and apparatuses used by Nespresso in the Accused Instrumentalities, direct evidence of the actual apparatuses and methods are at times not publicly available. Accordingly, these infringement contentions are based on the limited availability of public information.

K-fee reserves the right to amend or supplement these disclosures for any of the following reasons, among others:

(1) Nespresso provides evidence of the apparatuses and methods used in the Accused Instrumentalities;

(2) The Asserted Claims may include elements that involve features that are implemented by hardware and software structures and logic and K-fee's current

positions on infringement are set forth without the benefit of acquiring the source code or other proprietary specifications or information, which cannot be obtained through publicly available information, for the Accused Instrumentalities. Therefore, it may be necessary for K-fee to supplement its positions on infringement after a complete production of source code or other proprietary specifications or information by Nespresso, or by a third-party supplier;

(3) K-fee's position of infringement of specific claims will depend on the claim constructions adopted by the Court. Because said constructions have not yet occurred, K-fee cannot take a final position on the bases for infringement of the Asserted Claims; and

(4) K-fee's investigation and analysis of Nespresso's Accused Instrumentalities is based upon information made publicly available by Nespresso and by K-fee's own investigations. K-fee reserves the right to amend these contentions based upon discovery of non-public information that K-fee anticipates receiving from Nespresso during discovery.

Attached as Exhibits 829, 830, 094, 722, and 910, and incorporated herein in their entirety, are charts identifying where each element of the Asserted Claims of the Asserted Patents is found in the Accused Instrumentalities.

Unless otherwise indicated, the information provided that corresponds to each claim element is considered to indicate that each claim element is found within each of the different variations, versions, and applications of each of the respective Accused Instrumentalities described above.

IV. LITERAL INFRINGEMENT / DOCTRINE OF EQUIVALENTS

With respect to each of the Asserted Patents, each element of each Asserted Claim is literally present in each of the Accused Instrumentalities. K-fee also contends that each Asserted Claim is infringed or has been infringed under the Doctrine of Equivalents in Nespresso's Accused Instrumentalities. K-fee also contends that Nespresso directly and indirectly infringes the Asserted Claims. For

example, the Accused Instrumentalities are provided by Nespresso to customers, who are actively encouraged and instructed (for example, through Nespresso's online instructions on its website and user manuals that are provided with the Accused Instrumentalities) by Nespresso to use the Accused Instrumentalities in ways that directly infringe at least one claim of each of the Asserted Patents. Nespresso therefore specifically intends for and induces its customers to practice at least one claim of each of the Asserted Patents through the customers' normal and customary use of the Accused Instrumentalities.

Respectfully Submitted,

Dated: June 20, 2023

By: */s/ Douglas H. Carsten*

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Attorneys for Defendant/Counterclaim-Claimant K-fee System GmbH

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2023, I caused the foregoing document to be served via electronic mail on all counsel of record.

/s/ Douglas H. Carsten
Douglas H. Carsten (CA Bar No. 198467)

EXHIBIT 829

U.S. Patent No. 11,465,829 ("'829 Patent")

Exemplary Accused Products

Nespresso products, including at least each of the following products (and their submodels), infringe either literally or under the doctrine of equivalents at least Claims 1-19 of the '829 Patent: Vertuo Creatista, Vertuo Pop+, Vertuo Next, VertuoPlus, Evoluo, and Vertuo beverage systems and capsules. The infringement chart below is based on the Vertuo beverage systems and capsules ("Accused Product"), which is exemplary of the infringement of the '829 Patent. The Accused Product does not contain components that materially differ from the novel characteristics of the claimed invention. Nespresso's acts of designing, marketing, importing into the USA, and selling the Accused Product, in addition to continuing to design, market, and import into the USA the Accused Product is also evidence of infringement.

In addition to Nespresso's direct infringement of the '829 Patent, Nespresso has indirectly infringed Claims 1-19 of the '829 Patent pursuant to 35 U.S.C. § 271(b) and (c) by causing others to directly infringe. For example, Nespresso's affiliates, customers, and third-party sellers directly infringe these claims by making, offering for sale, selling, using, and/or importing the Accused Product in the United States. Nespresso contributed to and induced the infringement of Claims 1-19 through its promotion, marketing, training, and sale of the Accused Product. Nespresso supplied the Accused Product and actively encouraged the use of the same in the United States through the promotion and marketing of literature, imagery and/or video, which induced and resulted in direct infringement. Nespresso has known or should have known these actions would cause direct infringement of the '829 Patent and did so with specific intent to encourage direct infringement. Additionally, the identified features of the Accused Product—in particular, the capsule and beverage machine—are material parts of the inventions of the asserted claims and have no substantial non-infringing uses. Nespresso's acts of infringement were willful.

These infringement charts are exemplary and provided based on information obtained to date and may not be exhaustive. K-fee's investigation of Nespresso's infringement is ongoing. K-fee reserves the right to seek to supplement and/or amend these disclosures to identify additional asserted claims, accused instrumentalities, and/or to further identify where each element of each asserted claim is found in each accused instrumentality, including on the basis of discovery obtained from Nespresso and from third parties during the course of this litigation. As discovery progresses, Counterclaim Plaintiff may rely on additional factual and expert discovery to support its contentions that the Accused Product meets the claim limitations.

The accused instrumentalities and associated documents discussed and/or cited herein are representative in all material aspects for all other accused instrumentalities identified in this chart. Based on information presently available to K-fee, each of the Nespresso products is understood to operate in the same manner with respect to the contentions provided in this chart. Nespresso has not yet

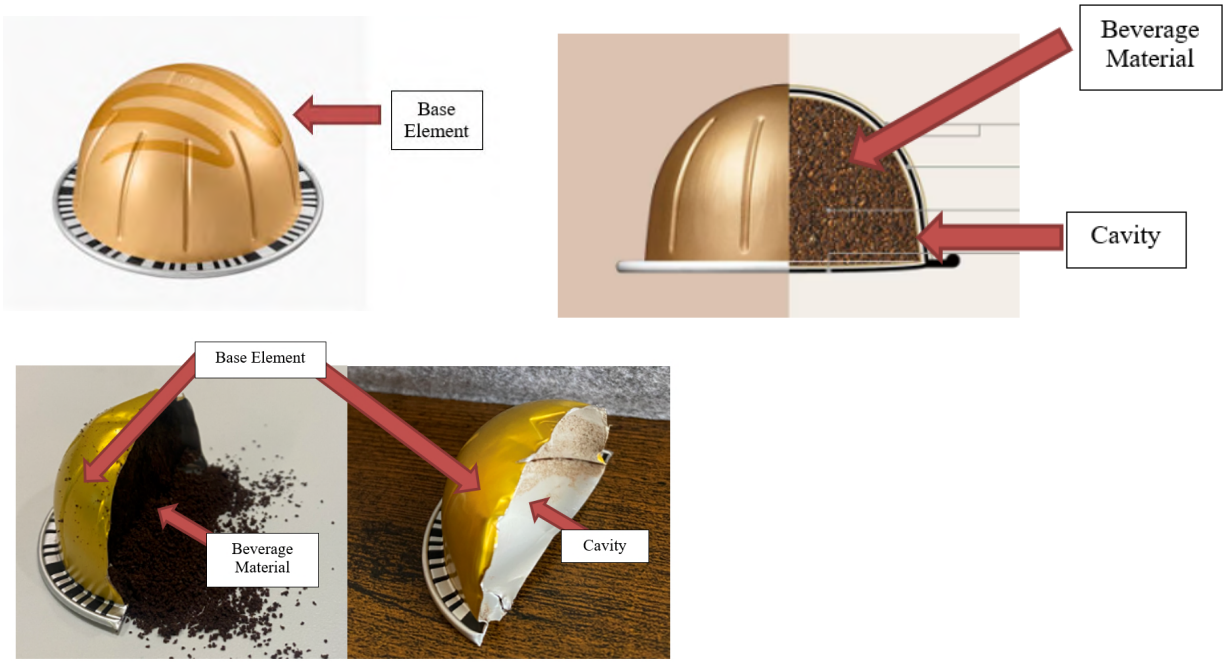
produced discovery in this action, and K-fee reserves the right to amend its contentions as to these products should Nespresso provide information showing any relevant differences among the products or any additional products containing the same functionality.

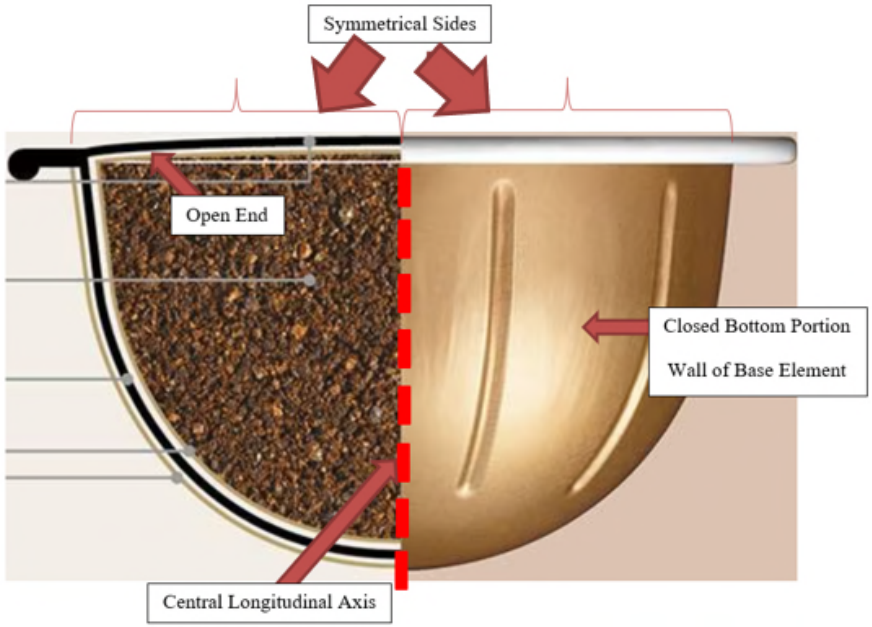
CLAIM LIMITATION U.S. Patent No. 11,465,829	NESPRESSO'S ACCUSED PRODUCT:
[1] A beverage system comprising:	The foregoing is applicable only to the extent the preamble of this claim is found to be limiting. To the extent the preamble is construed as a limitation, the Accused Product is a beverage system. For example, the Accused Product comprises a beverage machine and single-serve capsule and produces a beverage. The single-serve capsule is inserted into a beverage for the purpose of making a beverage. The below images illustrate the Nespresso Vertuo beverage system comprising a beverage machine and single-serve capsule:

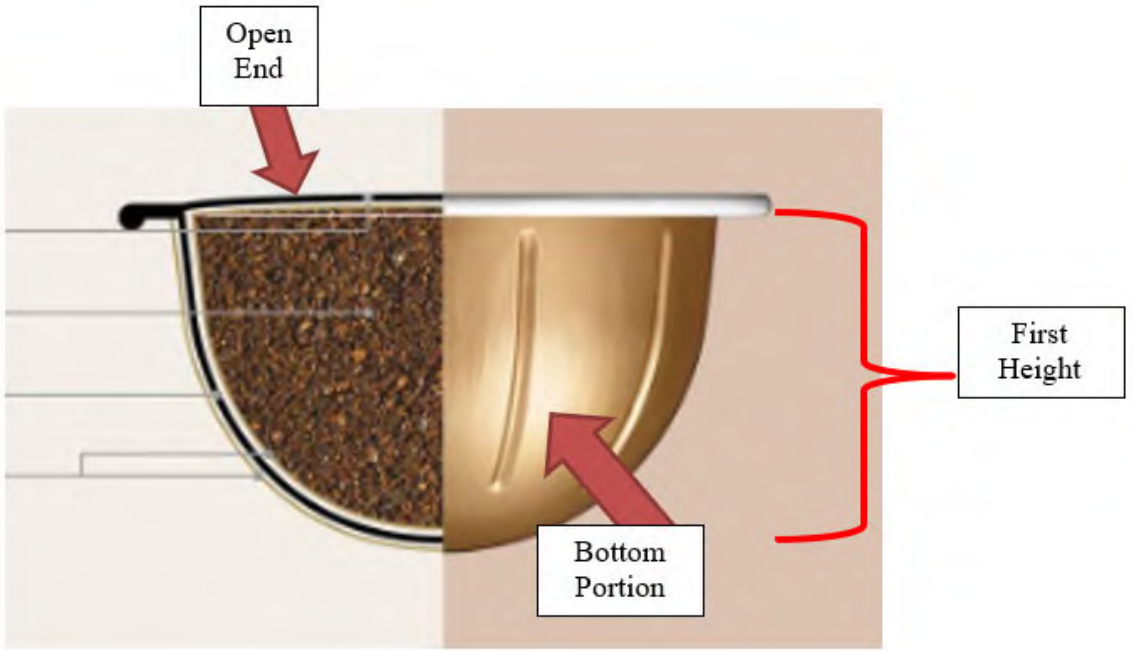
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0.

	   *See, e.g.*, https://www.nespresso.com/us/en/vertuo-coffee-capsules; https://www.nespresso.com/us/en/choose-your-technology-vertuo.
A) a single-serve capsule comprising:	The single-serve capsule is inserted into a beverage machine for the purpose of making a beverage.

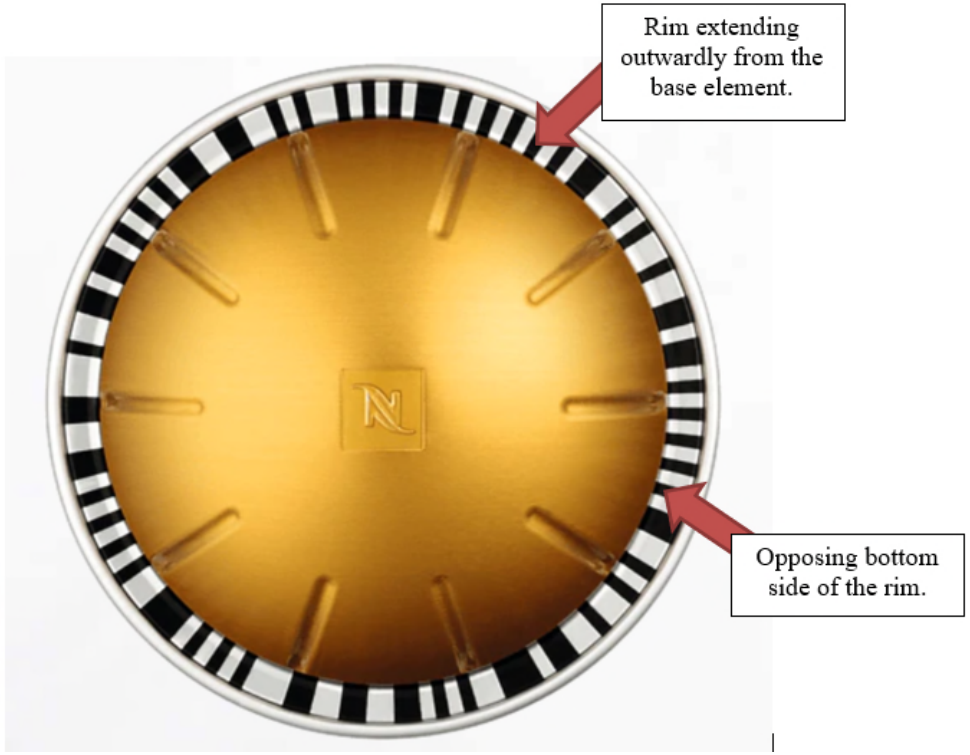
	The below image illustrates the single-serve capsule and the single-serve capsule being inserted into a beverage machine for the purpose of making a beverage.  

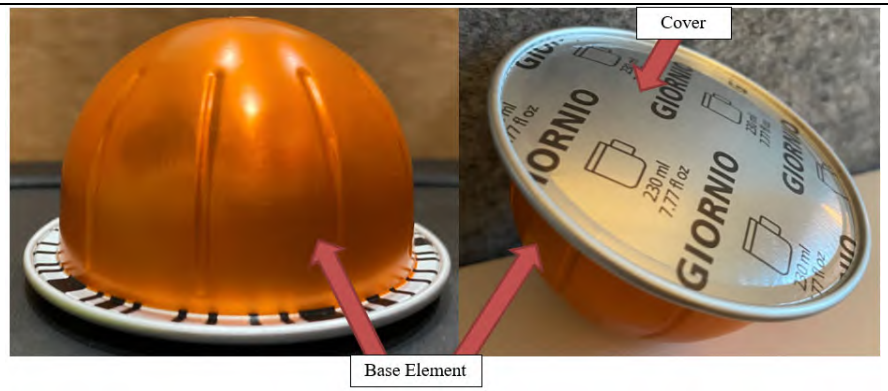
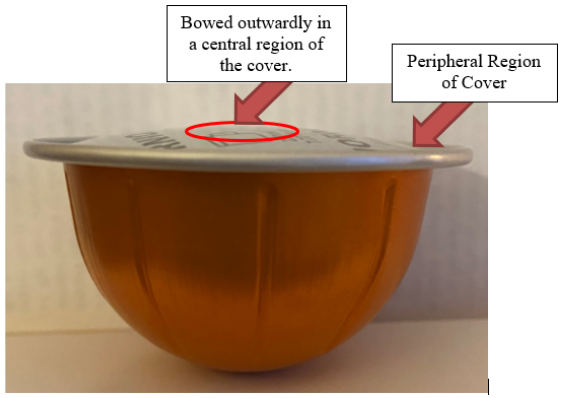
	See, e.g., https://www.youtube.com/watch?v=RTzUiX101C0; https://www.buynespresso.com/bh_en/vertuo-coffee-redefined#:~:text=To%20achieve%20this%20range%20of,Lungo%2C%20Mug%2C%20and%20Carafe
[1A.i] a base element with a cavity, in which a beverage material is provided,	The single-serve capsule comprises of a base element having a cavity in which a beverage material is provided. The cavity is within the base element such that the base element encompasses the cavity. The cavity is filled with beverage material (*e.g.*, powdered coffee material). The below annotated images illustrate the base element having a cavity in which a beverage material is provided.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium; https://www.nespresso.com/us/en/choose-your-technology-vertuo

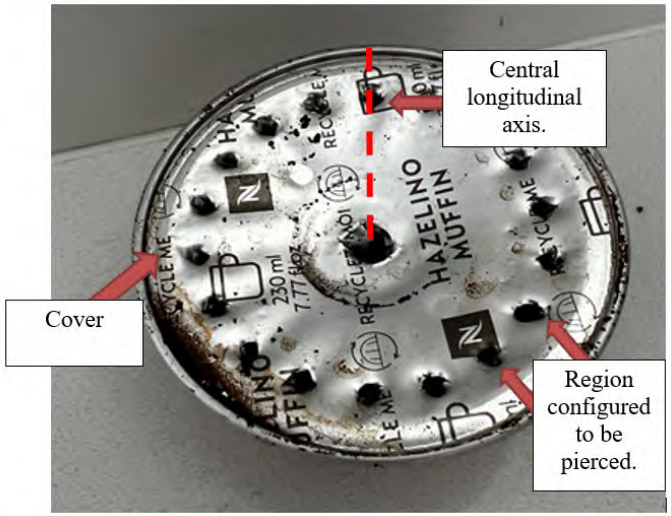
[1A.i.a] the base element being symmetrical about a central longitudinal axis thereof and having an open end and a bottom portion,	The single-serve capsule's base element is symmetrical about a central longitudinal axis thereof and has an open end and a bottom portion. The below annotated image illustrates the base element being symmetrical about a central longitudinal axis thereof and having an open end and a bottom portion.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium Alternatively, to the extent any limitation herein is deemed not literally infringed, Plaintiff alleges that the limitation is infringed under the doctrine of equivalents. Under the function-way-result test of the doctrine of equivalents, an element in the accused device is equivalent to a claim limitation if it "performs substantially the same function in substantially the same way to obtain substantially the same result." *Virnetx, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1322-23 (Fed. Cir. 2014). For example, the single-serve capsule's base element having an open end and a bottom portion with physical

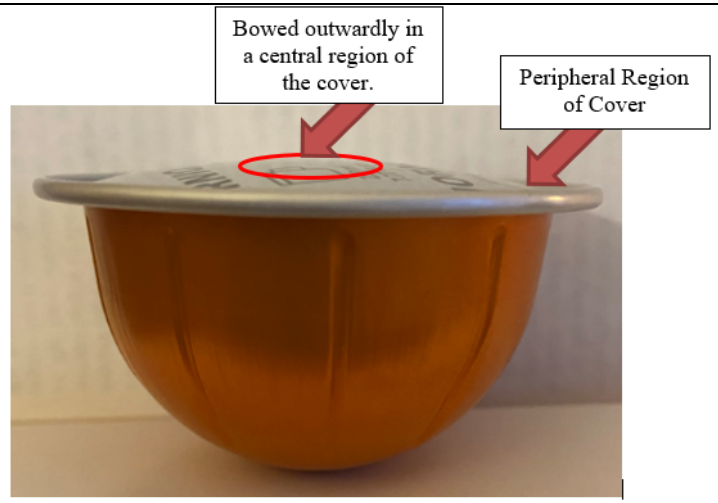
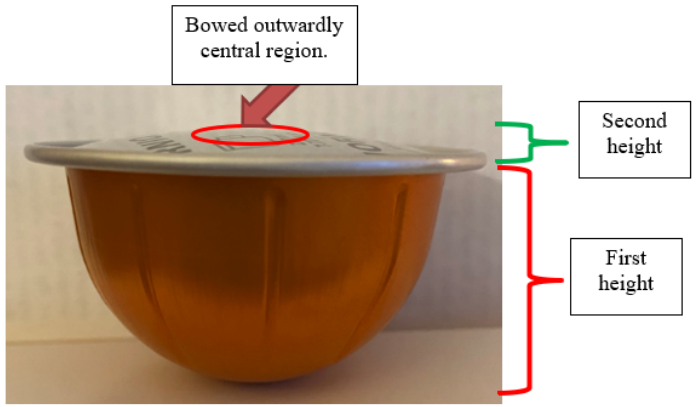
	features, *see, e.g.*, the capsule walls, performs the same function, *e.g.* encasing the cavity of the single-serve capsule and providing a vessel that rotates smoothly with limited friction and turbulence at speeds up to 7000 RPM, in the substantially the same way, *e.g.* by encasing the base element in a symmetrical fashion about a central longitudinal axis of the base element, to achieve the same result, *e.g.* provide a vessel for the beverage material and ensure smooth rotation to brew coffee, as the claimed base element being symmetrical about a central longitudinal axis thereof and having an open end and a bottom portion.
[1A.i.b] the base element having a first height that is defined between the open end and the bottom portion;	The single-serve capsule's base element has a height between the open end and the closed bottom portion, defined as the first height. The below annotated image illustrates the first height between the open end and the closed bottom portion of Accused Product. 

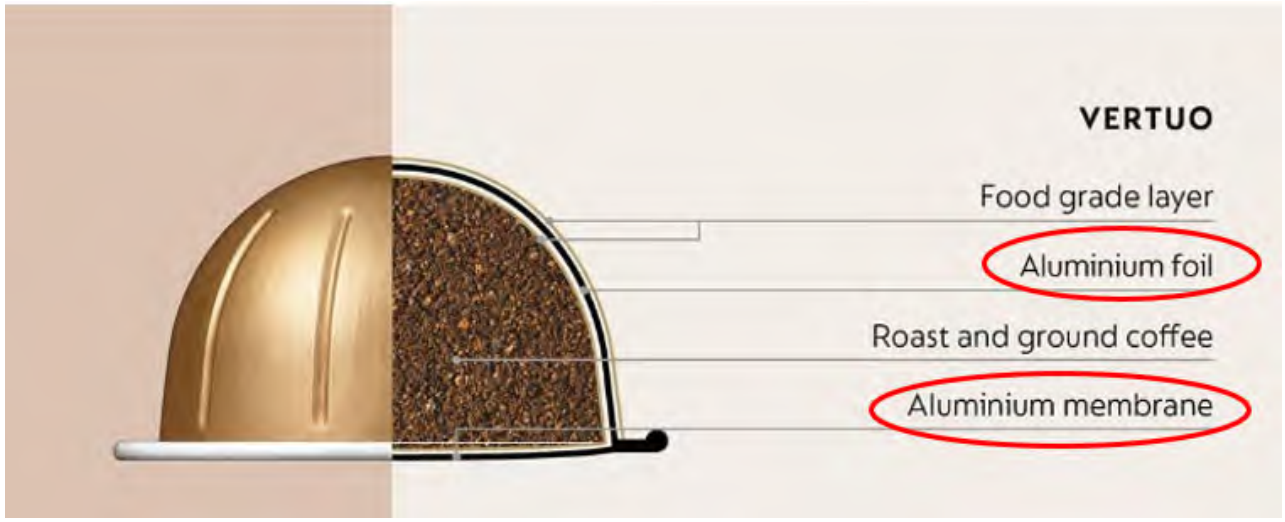
	See, e.g., https://www.sustainability.nespresso.com/why-aluminium
[1A.ii] a rim extending outwardly from the base element, the rim comprising a top side and an opposing bottom side;	The single-serve capsule has a rim extending outwardly from the base element, the rim comprising a top side and an opposing bottom side. The below annotated image illustrates this limitation. 

	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[1A.iii] a cover fastened to the base element to close the cavity,	The single-serve capsule has a cover fastened to the base element to close the cavity. The below annotated image illustrates the single-serve capsule's cover fastened to the base element to close the cavity.

	
[1A.iii.a] the cover is bowed outwardly in a central region of the cover relative to a peripheral region of the cover,	The single-serve capsule's cover is bowed outwardly in a central region of the cover relative to a peripheral region of the cover. The below annotated image illustrates the single-serve capsule's cover, which is bowed outwardly in a central region of the cover relative to a peripheral region of the cover. 
[1A.iii.b] the cover includes a region configured to be pierced at a location that is offset	The single-serve capsule's cover includes a region configured to be pierced at a location that is offset from the central longitudinal axis. The below annotated image illustrates the Accused Product's infringement of this limitation.

from the central longitudinal axis,	
[1A.iii.c] the cover has a second height that is defined between the peripheral region and the central region, wherein the first height of the base element is greater than the second height of the cover;	The single-serve capsule's cover has a second height that is defined between the peripheral region and the central region, wherein the first height of the base element is greater than the second height of the cover. The below annotated images illustrate the Accused Product's infringement of this limitation.

	 
[1A.iv] a barrier layer to prevent moisture or aroma from escaping out of the portion capsule; and	The portion capsule includes a barrier layer to prevent moisture or aroma from escaping out of the portion capsule, *see, e.g.*, at least the aluminum of the portion capsule. *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium ("Aluminium foil provides a complete barrier to light, oxygen, moisture and bacteria"); https://www.nespresso.com/us/en/how-to-recycle-

	coffee-capsules ("Aluminum is the most protective material available today. It guarantees the freshness of the carefully crafted aromas and rich flavors of our coffees. Lightweight but strong, aluminum seals it from external elements which could harm it - oxygen, moisture and light."). The below annotated image illustrates the Accused Product's barrier layer to prevent moisture or aroma from escaping out of the portion capsule.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[1A.v] an identifier provided on the bottom side of the rim;	The single-serve capsule has an identifier provided on the bottom side of the rim. The below annotated image illustrates the Accused Product's identifier, which is provided on the bottom side of the rim.

	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[1B] a beverage machine comprising:	The Nespresso Vertuo beverage system include a beverage machine. The below images illustrate various versions of the beverage machine:

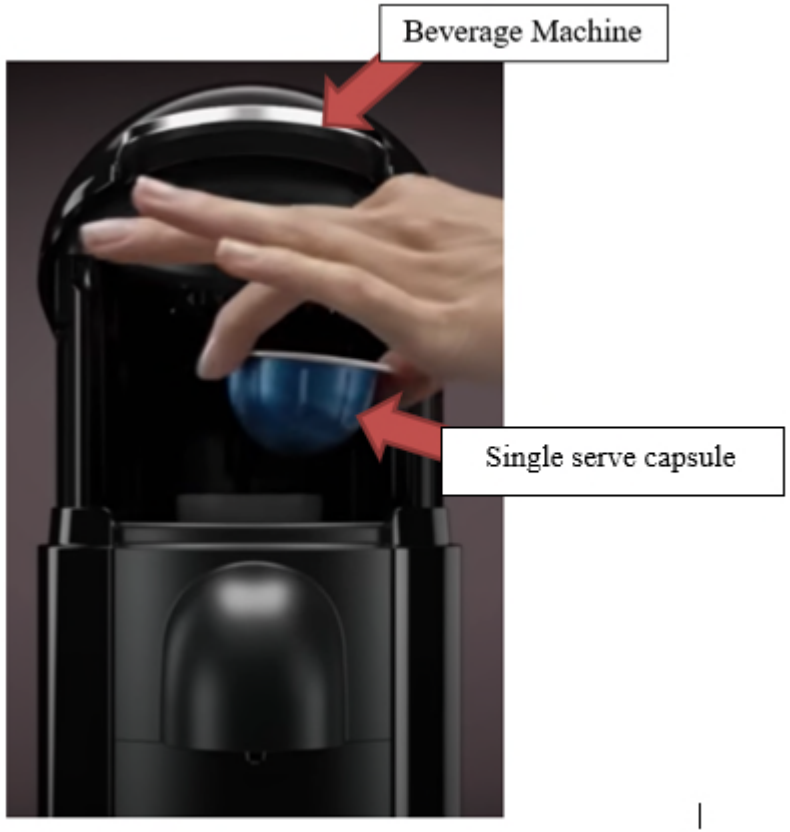
	

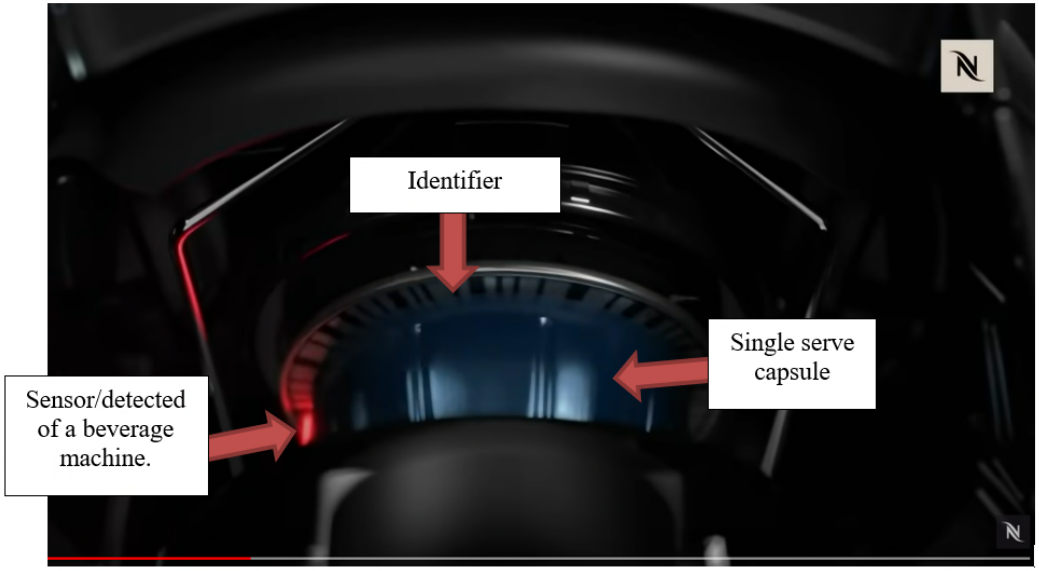
	

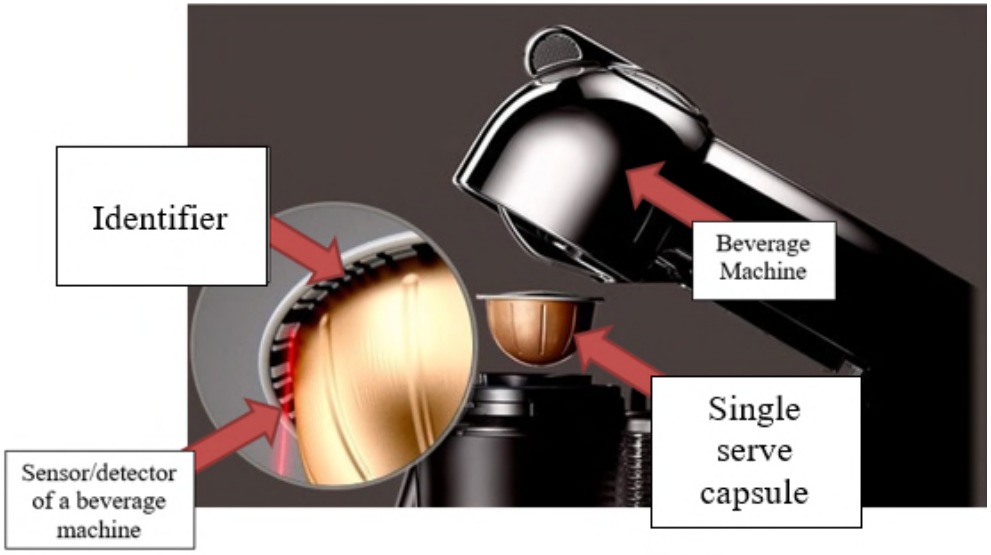
	

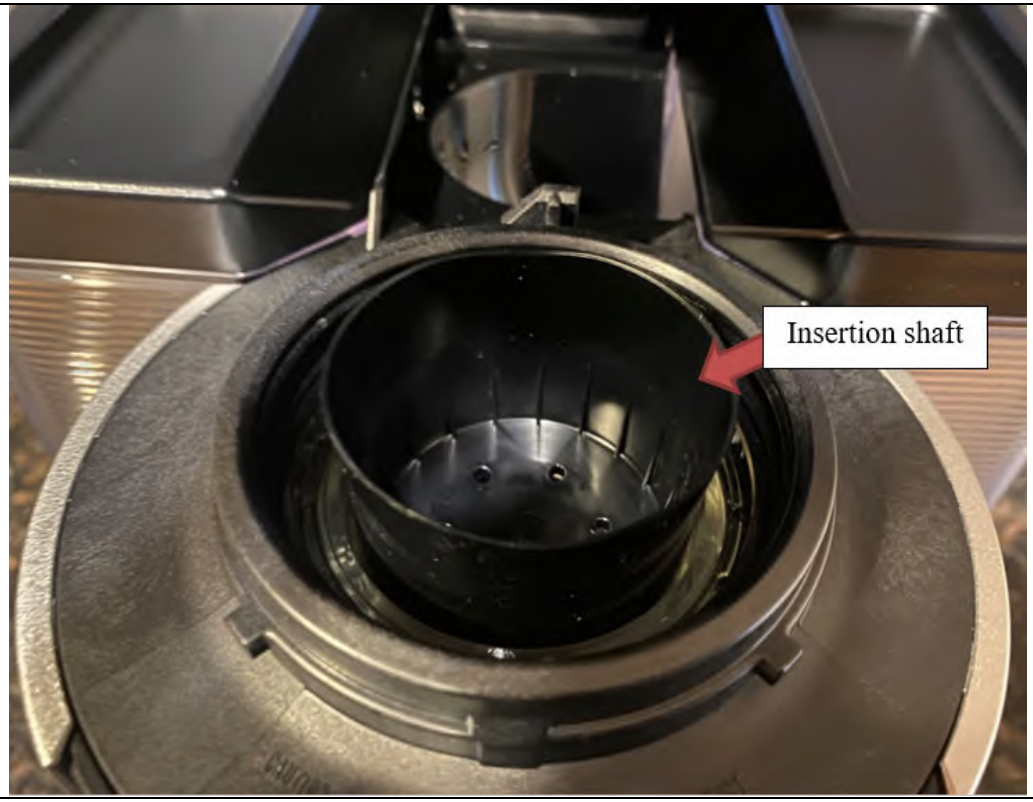
	

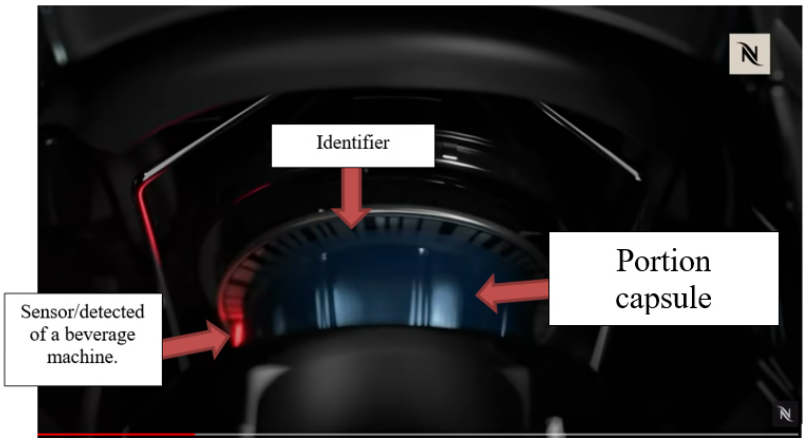
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0; https://www.nespresso.com/us/en/vertuo-coffee-machines.
[1B.i] a sensor/detector;	The beverage machine comprises of a sensor/detector. For example, the sensor/detector includes "Vertuo technology [that] reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail." *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo.

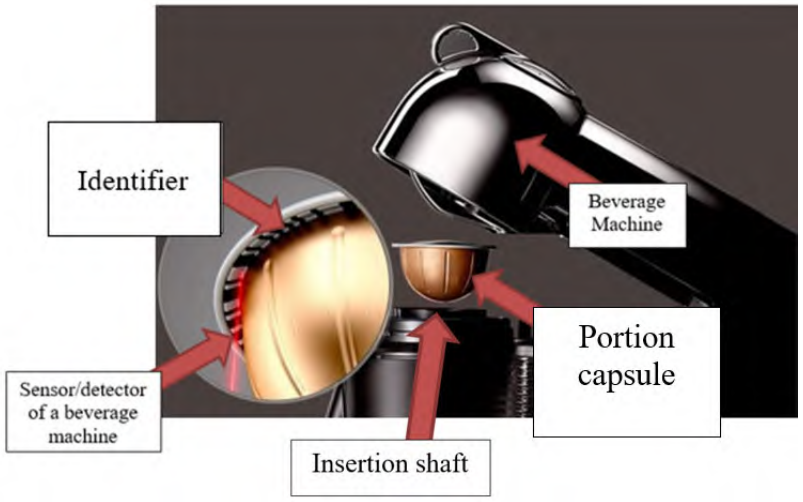
	The below annotated image illustrates the beverage machine's sensor/detector: 

	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs.
[1B.ii] an insertion shaft configured to receive the portion capsule and to enable detection of the identifier on the bottom side of the rim by the sensor/detector;	The beverage machine comprises an insertion shaft configured to receive the portion capsule and to enable detection of the identifier on the bottom side of the rim by the sensor/detector. The below annotated images illustrate the Accused Product's infringement of this limitation.


Insertion shaft

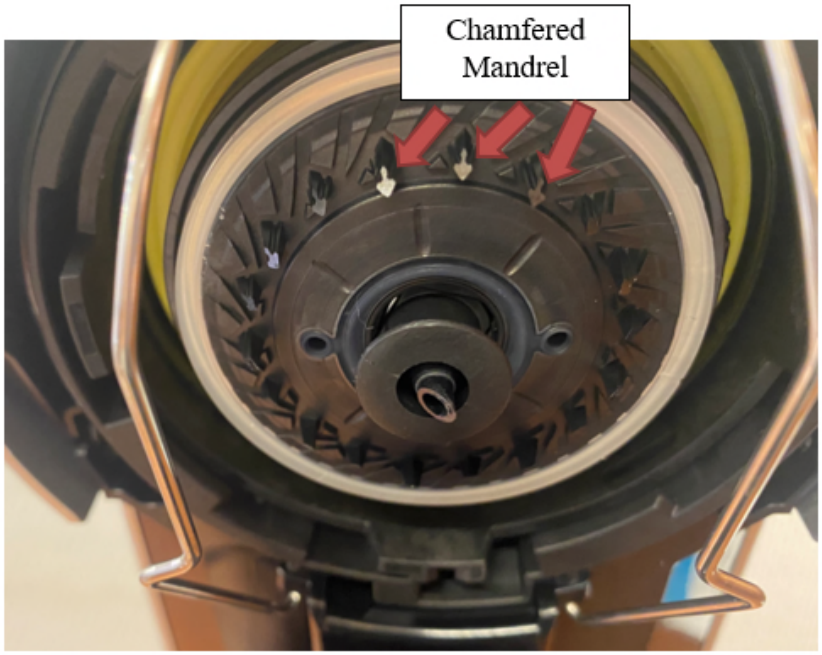

Insertion shaft
NESPRESSO

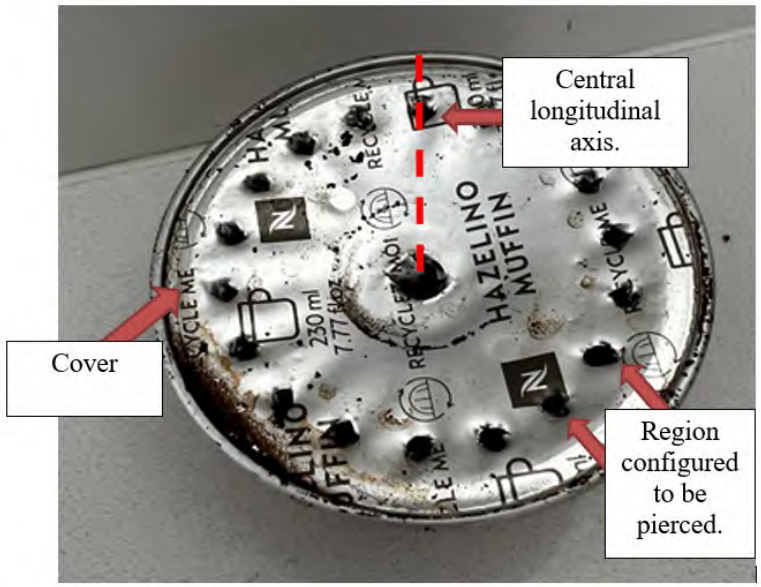

Identifier
Portion capsule
Sensor/detected of a beverage machine.


Identifier
Beverage Machine
Portion capsule
Sensor/detector of a beverage machine
Insertion shaft

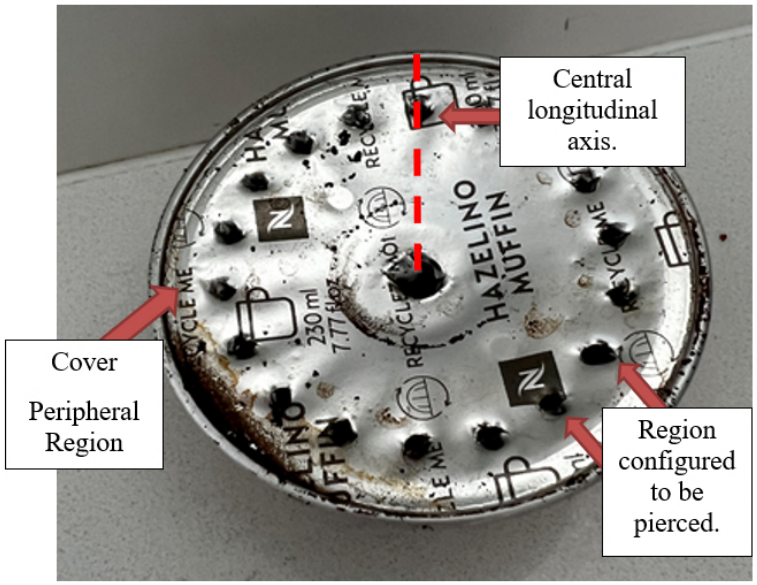
	 *See, e.g.*, https://www.youtube.com/watch?v=RtzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs.
[1B.iii] a chamfered mandrel that is configured to pierce the cover at the location that is offset from	The beverage machine comprises a chamfered mandrel. The chamfered mandrel is configured to pierce the cover of the single-serve capsule at the location that is offset from the central longitudinal axis.

the central longitudinal axis;	The below annotated images illustrate the Accused Product's infringement of this limitation. 

	 Chamfered Mandrel

	
[1B.iv] a seal that is configured to bear against a top side of the cover in a region between the peripheral region of the cover and the region of the cover that is pierced by the chamfered mandrel; and	The beverage machine comprises a seal that is configured to bear against a top side of the cover in a region between the peripheral region of the cover and the region of the cover that is pierced by the chamfered mandrel. The seal bears against the top side of the cover in a region between the peripheral region of the cover and the region of the cover that is pierced by the chamfered mandrel after the machine head is closed. The below annotated images illustrate the Accused Product's infringement of this limitation.

	 Seal that is configured to bear against a top side of the cover.

	
[1B.v] a pump controlled to supply hot water into the portion capsule only upon detection of the identifier by the sensor/detector and a determination by the beverage machine that the portion capsule is suitable for use with the beverage machine.	The beverage machine comprises a pump controlled to supply hot water into the portion capsule only upon detection of the identifier by the sensor/detector and a determination by the beverage machine that the portion capsule is suitable for use with the beverage machine. *See, e.g.*, https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."); https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). For example, if the identifier on the portion capsule is obstructed or damaged, the beverage machine will prevent making of the beverage, including preventing operation of the pump that supplies hot water into the portion capsule. For example, the screenshots from the Vertuo User Manual below describe various troubleshooting instances, including where the Vertuo beverage machine does not start or run, thereby failing to activate the pump that supplies the water into the single-serve capsule, because the beverage machine cannot determine that the portion capsule is suitable for use with the beverage machine. Moreover, the

User Manual refers to pumping water. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo (User Manual at p. 5, 11, 17, 21).

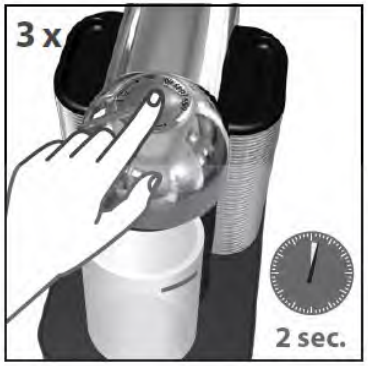
TROUBLESHOOTING

ASSISTANCE VIDEOS ARE AVAILABLE ON WWW.NESPRESSO.COM - VISIT THE "MACHINES" SECTION.

EN

1. No light on the button.	→ The machine has turned "OFF" automatically; push the button or "UNLOCK" the machine. → Check the outlet, plug, voltage, and fuse.
2. No coffee, no water.	→ Check that the water tank is filled. → Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → Descale if necessary. → Open the machine head and let the capsule be ejected. Then perform a cleaning as per cleaning section.
3. Coffee is not hot enough.	→ Preheat cup with hot water from the tap. → Descale if necessary.
4. The machine doesn't start and has light steady on. If blinking, see next points.	→ Check that lever is properly locked. → If you want to brew a Coffee or Espresso, check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → If you are cleaning, descaling or emptying the system, check that no capsule is inserted then close, lock the machine and push the button to start one of these operations.
5. The machine doesn't start and light blinks alternately; 1 blink and 1 pause.	→ Fill the water tank and push button to start. → Check that lever is properly locked.
6. Light blinks while machine is running.	→ If coffee is flowing normally, this indicates the machine is working properly. → If only water is flowing, the machine is executing a user request for either cleaning, descaling or emptying the system. Refer to the corresponding paragraph in this user manual. → If there is no intention to clean, descale, or empty the system, then push the button to stop the machine. If the machine is still blinking, exit descaling mode by holding the button for at least 7 seconds or refer to next section. → If problem persists, call the *Nespresso* Club.
7. Light blinks and machine is not running.	→ It will take some times before the coffee flow comes out (due to barcode reading and pre-wetting the coffee). → Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → Fill in the water tank and push button to start. → Turn the machine to "OFF mode" by pushing 3 seconds the button and then push it again to turn the machine "ON". Now wait approx. 20 minutes to allow machine cooling down after extensive use. → If machine doesn't move to "OFF" then exit descaling mode by pushing the button for at least 7 seconds.
8. Light blinks alternately 2 blinks and 1 pause continuously. Machine is not running.	→ During regular Coffee/Espresso preparation: 1) Check that a fresh, undamaged capsule is inserted in the correct position; 2) Check that lever is in "LOCKED" position; 3) If problem persists, eject capsule and insert a new one, lock and press button. → During Descaling, Emptying and Cleaning: 1) Check that a capsule is ejected; 2) Check that the lever is in "LOCKED" position.3) Press button for at least 3 seconds to turn machine to "OFF mode". 4) Press button again to turn machine "ON". If problem persists, disconnect powercord from the outlet and plug the machine back into the outlet after 10 seconds. Press the button to turn "ON" and press again to start brewing. → During Programming Volume: 1) Please check if a capsule has been well inserted. 2) Please refer to the corresponding chapter. → If problem persists, call the *Nespresso* Club.
9. Leakage or unusual coffee flow.	→ Check that the water tank is well positioned.

21



8. Press the button 3 times within 2 seconds to start cleaning and let the cleaning procedure complete automatically. It will take less than 2 minutes before a flow comes out. The procedure consists of 3 cycles of pumping water in/internal cleaning/water flowing from outlet to complete.

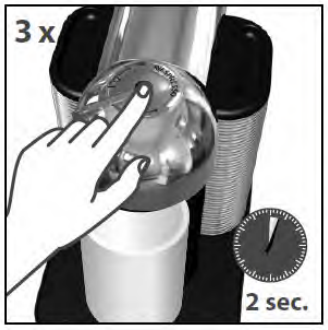
8. Appuyer sur le bouton à 3 reprises dans un intervalle de 2 secondes pour lancer automatiquement la procédure de nettoyage. L'écoulement se produit dans les 2 minutes. La procédure complète est composée de 3 cycles de pompage de l'eau/nettoyage interne/écoulement de l'eau de l'orifice.

EN

FR

)ped at any time by pushing the
the cleaning process, push the
hine by turning the lever left and

rompue à tout moment en appuyant



5. Push the button 3 times within 2 seconds. The button will blink quickly during the procedure. It will take less than 2 minutes before a flow comes out. The cleaning procedure will run automatically for 5 minutes. The procedure consists of 3 cycles of pumping water in/internal cleaning/water flowing from outlet to complete.

5. Appuyer sur le bouton à 3 reprises dans un intervalle de 2 secondes. Le voyant lumineux clignotera rapidement. L'écoulement se produit dans les 2 minutes. La procédure de nettoyage se met automatiquement en marche pour une durée de 5 minutes. La procédure complète est composée de 3 cycles de pompage de l'eau/nettoyage interne/écoulement de l'eau de l'orifice.

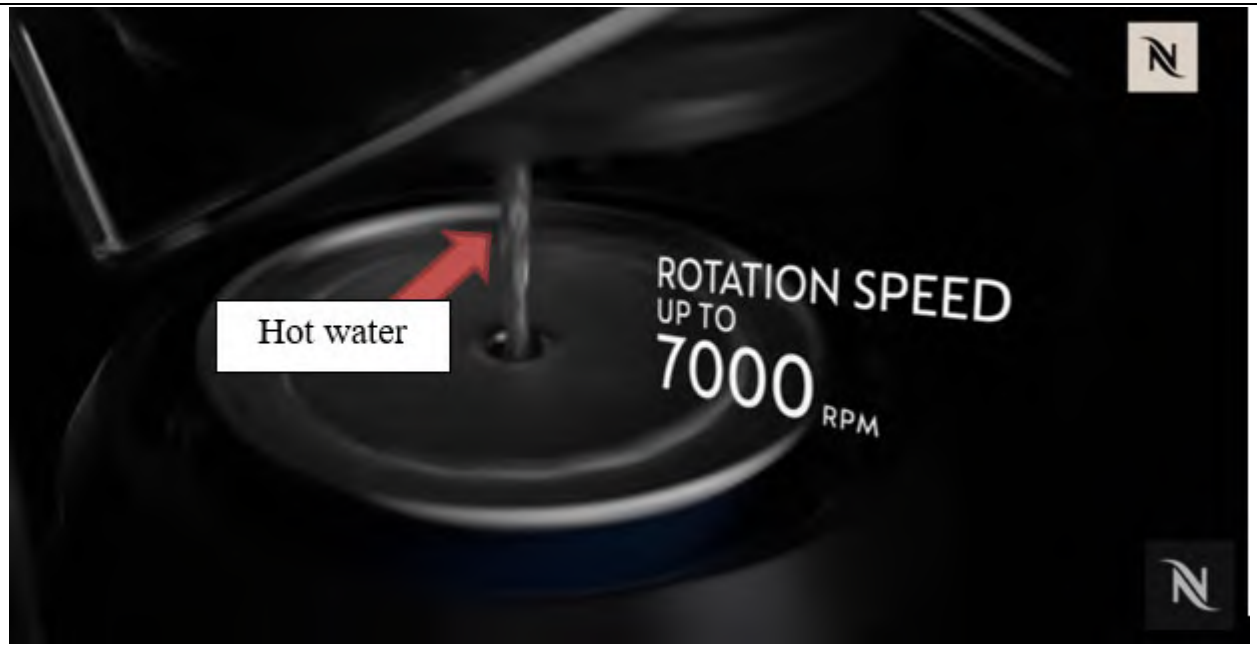
When using electrical appliances, important safeguards should always be followed:

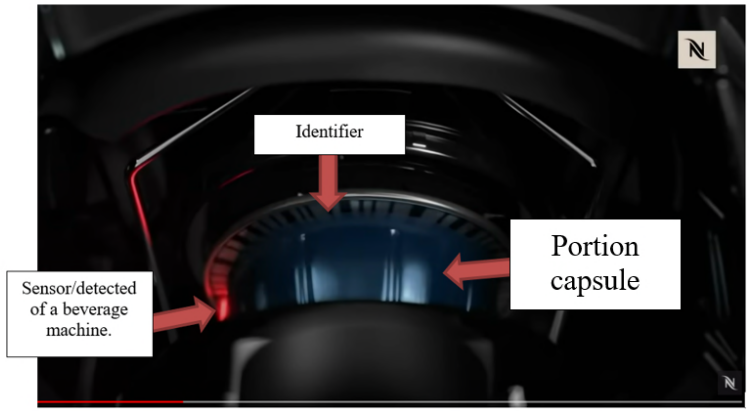
- The important safeguards are part of the appliance. Read the important safeguards provided with the appliance carefully prior to first use. Keep them in a place where you can find and refer to them in the future.
- Protect the appliance from direct sunlight, water splash and humidity.
- This appliance is designed for domestic and office use only.
- Close supervision is necessary when the appliance is used by or near children.
- Children shall not play with the appliance.
- The manufacturer accepts no responsibility for and the warranty will not apply to any commercial use, inappropriate handling or use of the appliance, damage resulting from use for other purposes, faulty operation, non-professional repairs or failure to comply with the instructions.

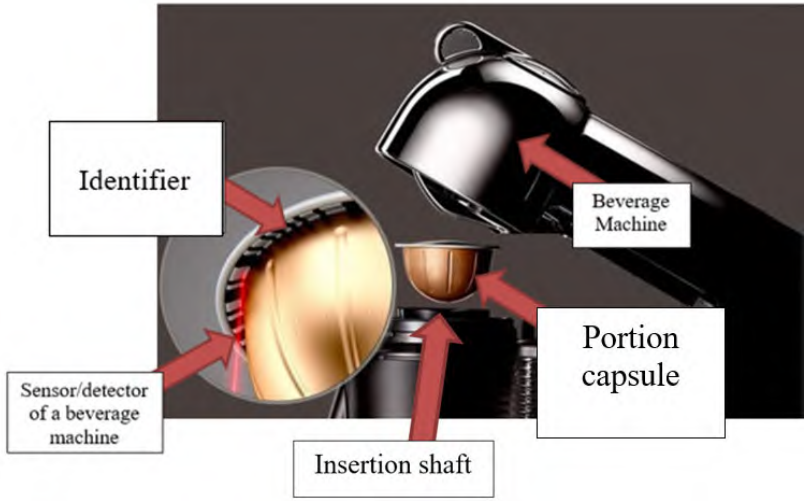
the warranty.

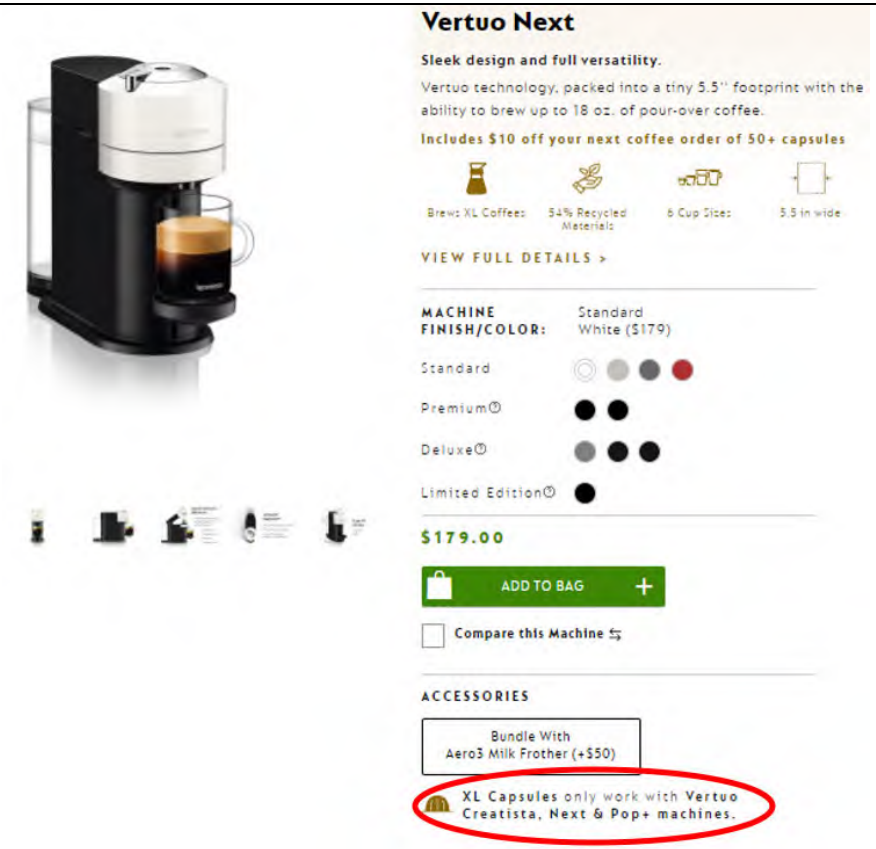
- The appliance must only be connected after installation.
- Do not pull the cord over sharp edges, clamp it or allow it to hang down.
- Keep the cord away from heat and moisture.
- If an extension lead is required, use only a grounded power cord with a conductor cross-section with matching input 14 AWG (2.08mm²).
- Always place the appliance on a horizontal, stable, hard, even surface that does not allow for water accumulation under the machine.
- The surface must be resistant to heat and fluids, like water, coffee, descaler or similar.
- Disconnect the appliance from the power outlet when not in use for a long period of time.
- Disconnect by pulling out the plug; do not pull on the cord itself to avoid damage.
- Never touch the cord with wet hands.
- Never put the appliance or part of it in a dishwasher.
- Do not open the appliance. Hazardous voltage
- Contact the *Nespresso* Club or *Nespresso* authorized representative for examination, repair or adjustment.
- A damaged appliance can cause electric shocks, burns and fire.
- Do not put fingers under coffee outlet; risk of scalding.
- Do not insert fingers into capsule compartment when machine head is closing; risk of injury.
- Do not put fingers into the capsule compartment or capsule shaft; risk of injury!
- Water could flow around a capsule when not perforated by the blades and damage the appliance.
- Be careful not to injure yourself on sharp points or trap your fingers when reaching inside the machine.
- Beware of hot liquids when reaching inside the machine.
- Never use a damaged or deformed capsule.
- Always fill the water tank with fresh potable water.
- Do not use any strong cleaning agent or solvent cleaner.
- Use a damp cloth and mild cleaning agent to clean the surface of the appliance.
- Do not use a steam or pressure cleaner to clean the appliance. This will damage the appliance and may create a life-threatening hazard.
- Do not pour water or other liquids into the brewing unit.
- Keep appliance, capsules and accessories out of reach of children.
- This appliance is designed for *Nespresso* Vertuo coffee capsules available exclusively through the *Nespresso* Club or your *Nespresso* authorized representative.
- All *Nespresso* appliances pass stringent controls.
- Reliability tests under practical conditions are randomly performed on selected units. Some units can therefore show traces of previous use.
- *Nespresso* reserves the right to change instructions without prior notice.

The below annotated image illustrates the Accused Product's infringement of this limitation.

	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0.
[2] The beverage system according to claim 1,	*See* claim 1.
[2a] wherein an operation of the pump, which pushes the hot water through a brewing chamber is prevented upon a determination by the beverage machine that the portion capsule is not suitable for use with the beverage machine.	The beverage system's pump, which pushes the hot water through a brewing chamber, is prevented from operation upon a determination by the beverage machine that the portion capsule is not suitable for use with the beverage machine. *See, e.g.*, https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."); https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). For example, if the identifier on the portion capsule is obstructed or damaged, the beverage machine will prevent making of the beverage, including preventing operation of the pump that supplies hot water into the portion capsule. The below annotated images illustrate the Accused Product's infringement of this limitation.


Identifier
Portion capsule
Sensor/detected of a beverage machine.


Identifier
Beverage Machine
Portion capsule
Sensor/detector of a beverage machine
Insertion shaft

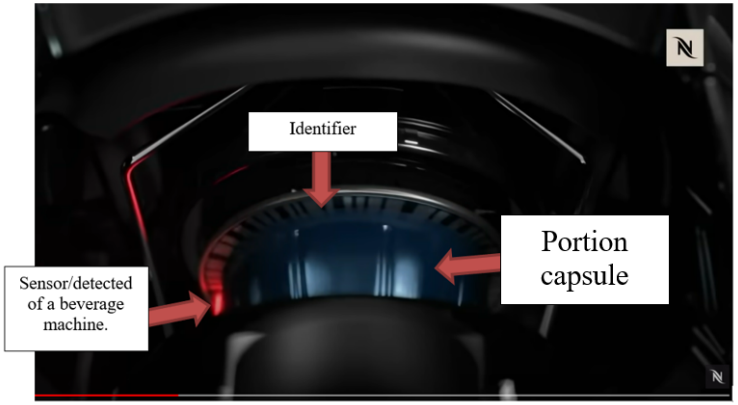


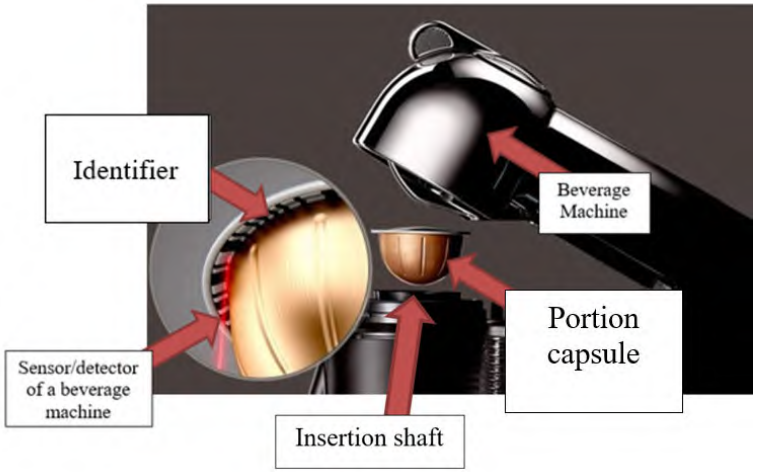
See, e.g., https://www.youtube.com/watch?v=RTzUiX101C0; https://www.nespresso.com/us/en/vertuo-coffee-machines; https://www.youtube.com/watch?v=__KOHPZXzcs.

Alternatively, to the extent any limitation herein is deemed not literally infringed, Plaintiff alleges that the limitation is infringed under the doctrine of equivalents. Under the function-way-result test of the doctrine of equivalents, an element in the accused device is equivalent to a claim limitation if it "performs substantially the same function in substantially the same way to obtain substantially the same result." *Virnetx, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1322-23 (Fed. Cir. 2014). For example, the beverage machine's operation of the pump, *see, e.g.*, Nespresso Vertuo beverage machine's pump

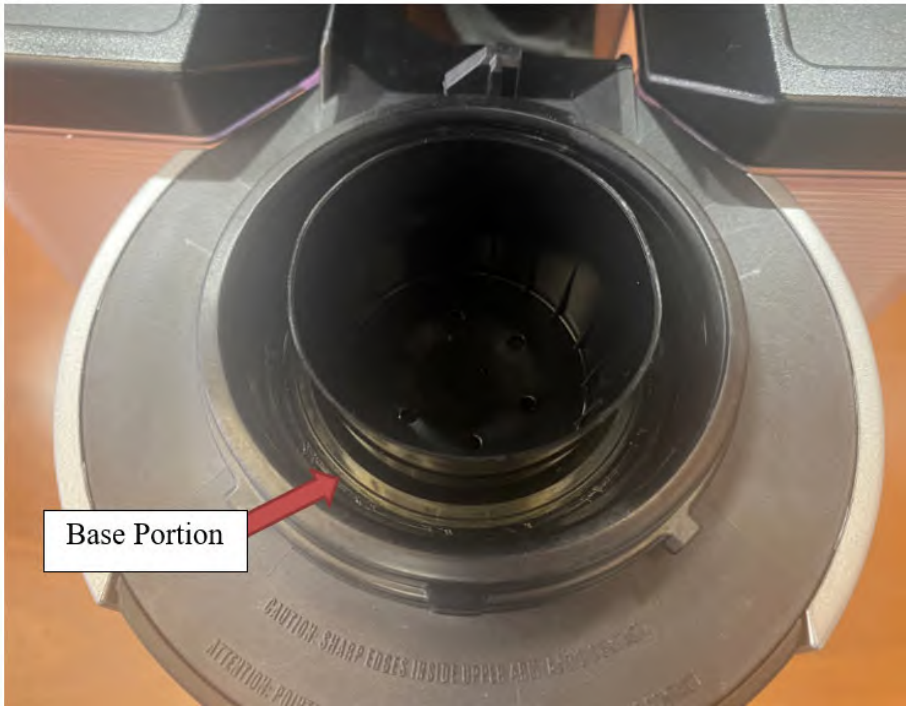
	which pushes hot water through a brewing chamber, performs the same function, *e.g,* pushing the hot water through a brewing chamber, in substantially the same way to achieve the same result, *e.g.*, brew a beverage. The beverage machine's prevention of the operation of the pump, *see, e.g.*, Nespresso Vertuo beverage machine's pump, performs the same function, *e.g.,* Nespresso Vertuo beverage machines prevent the pump from operating when a non-compatible portion capsule is inserted, in substantially the same way, *see, e.g.*, the Nespresso beverage machine first determines the portion capsule is not suitable for use and then prevents operation of the pump, to achieve the same result, *e.g.*, prevent the operation of the beverage machine's pump and thereby fail to brew a beverage.
[3] The beverage system according to claim 2,	*See* claim 2.
[3a] wherein the insertion shaft has a wall structure into which the portion capsule is received,	The beverage system's insertion shaft has a wall structure into which the portion capsule is received. The below annotated images illustrate the Accused Product's infringement of this limitation.

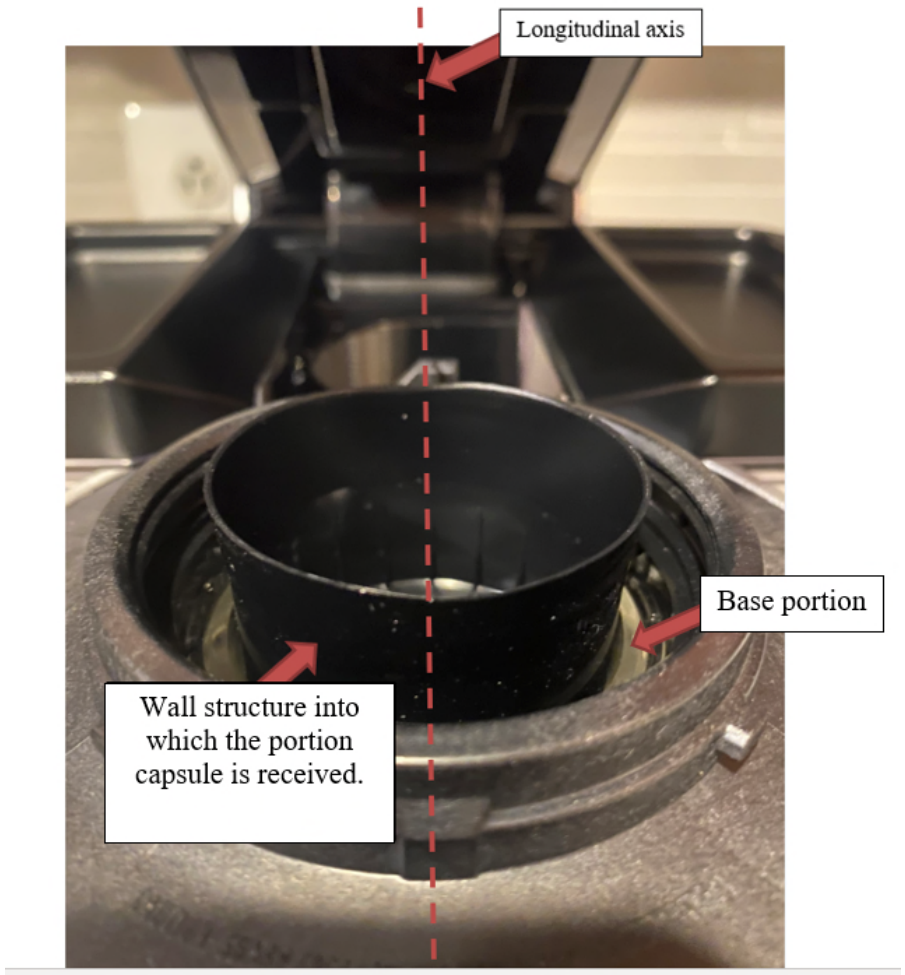

Insertion shaft
Wall structure of insertion shaft into which the portion capsule is received.
NESPRESSO

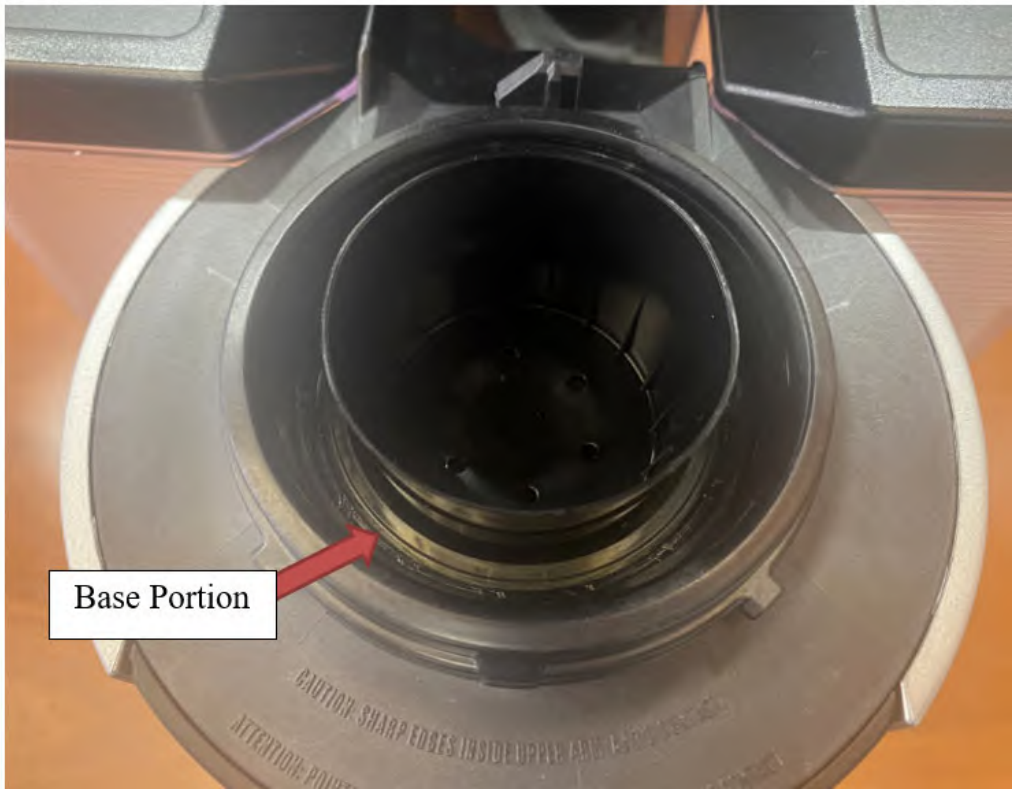

Identifier
Portion capsule
Sensor/detected of a beverage machine.

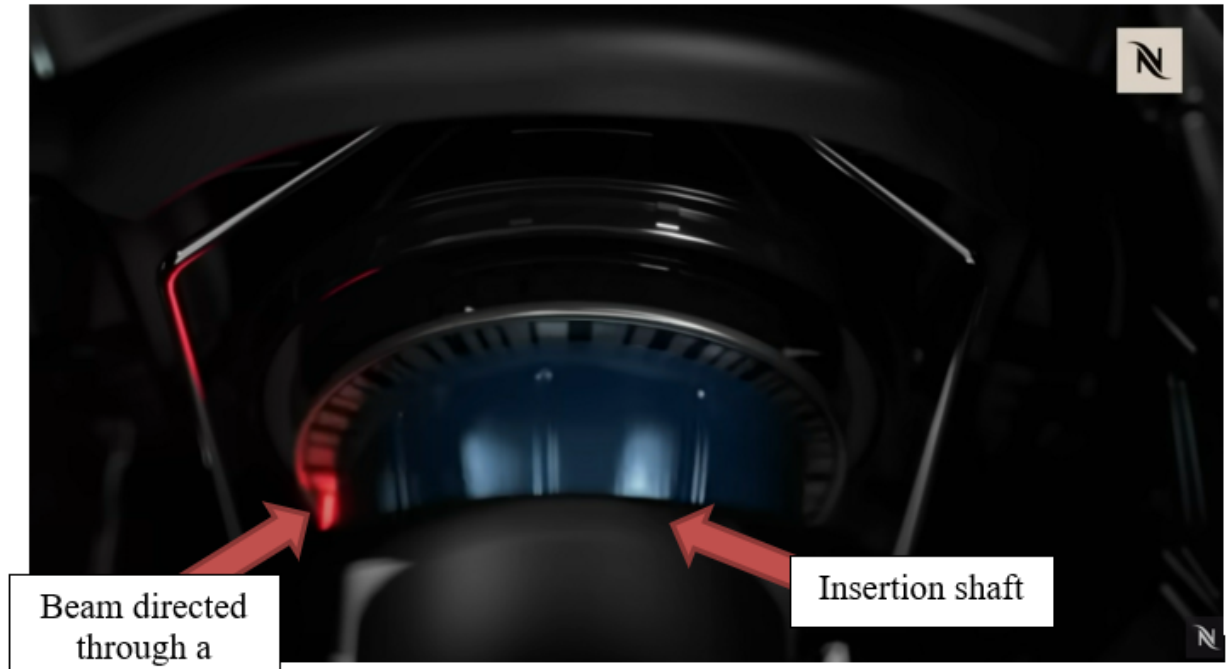
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs.
[3b] the insertion shaft being defined by a base portion and an annular portion laterally extending outwardly from the base portion in a direction that is transverse to a longitudinal axis of the insertion shaft,	The beverage machine comprises an insertion shaft being defined by a base portion and an annular portion laterally extending outwardly from the base portion in a direction that is transverse to a longitudinal axis of the insertion shaft. The below annotated images illustrate the Accused Product's insertion shaft, which is defined by a base portion and an annular portion laterally extending outwardly from the base portion in a direction that is transverse to a longitudinal axis of the insertion shaft.

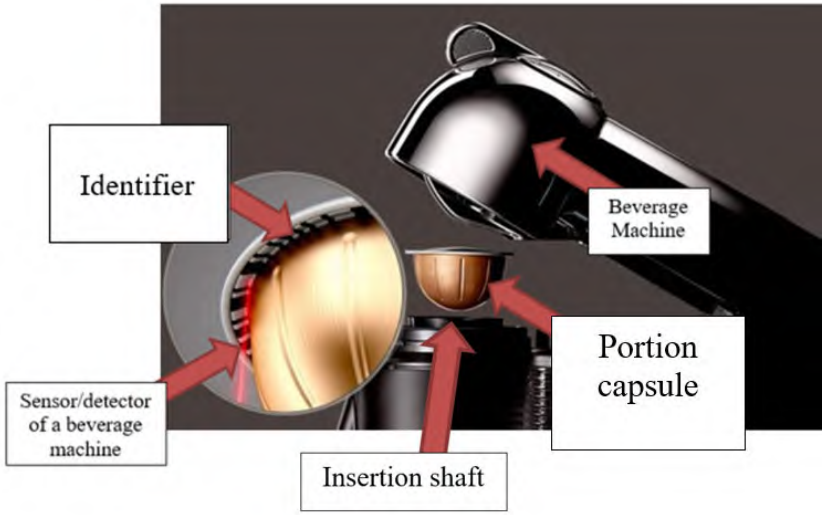
	 Insertion shaft Wall structure of insertion shaft into which the portion capsule is received. NESPRESSO	

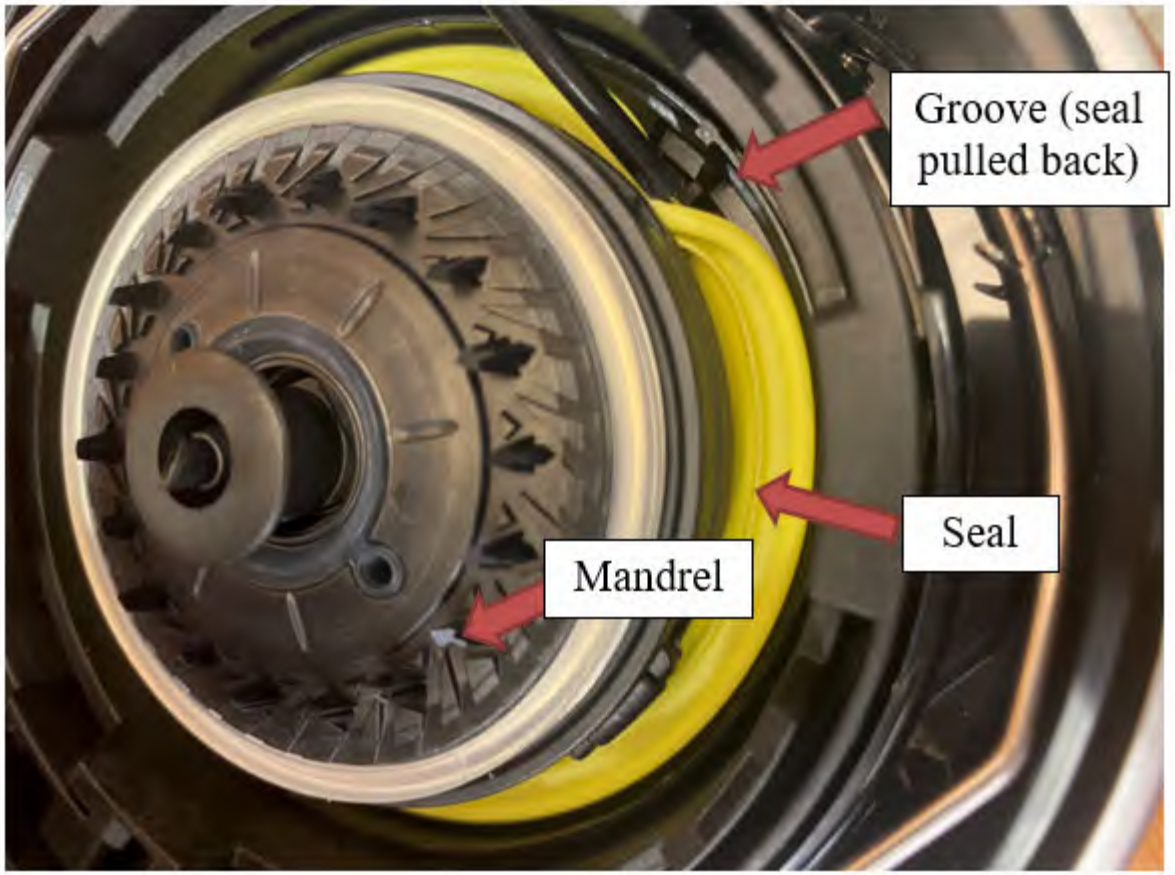
	 Base Portion

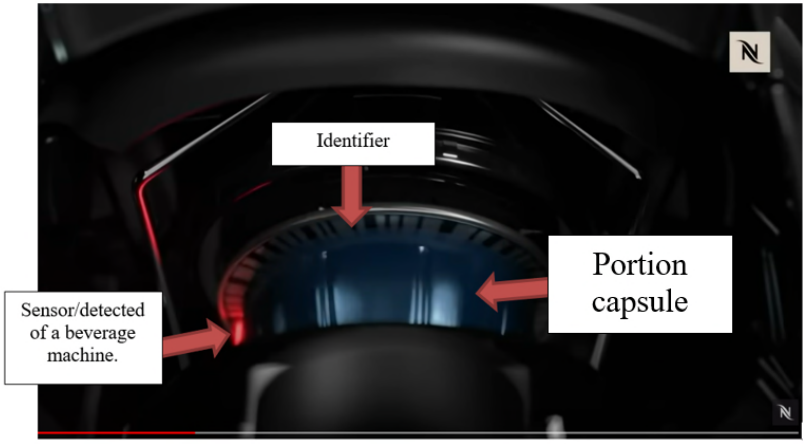
	
[3c] wherein the sensor/detector is positioned outside of the base portion of the wall structure of the insertion	The beverage machine's sensor/detector is positioned outside of the base portion of the wall structure of the insertion shaft and below the annular portion, and which directs a beam through a portion of the wall structure to read the identifier on the portion capsule. The below annotated image illustrates the Accused Product's infringement of this limitation.

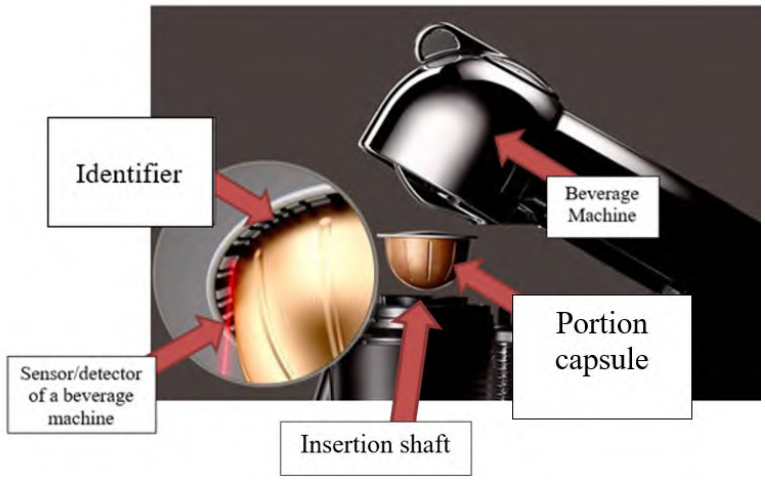
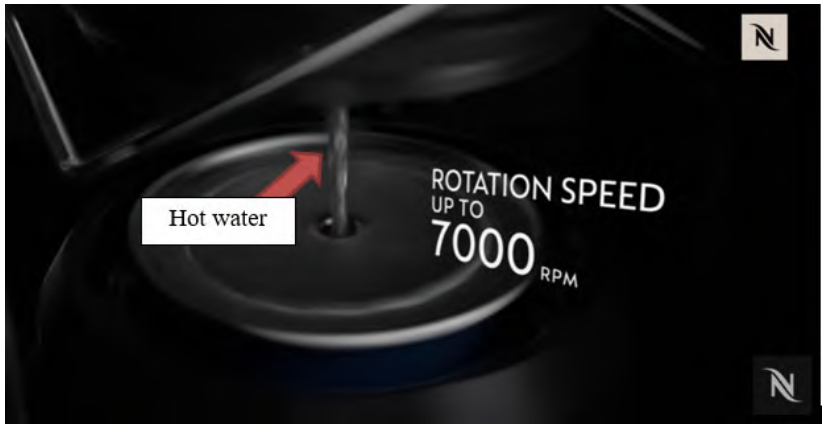
shaft and below the annular portion, and which directs a beam through a portion of the wall structure to read the identifier on the portion capsule.	


Beam directed through a portion of the insertion shaft's wall structure.
Insertion shaft

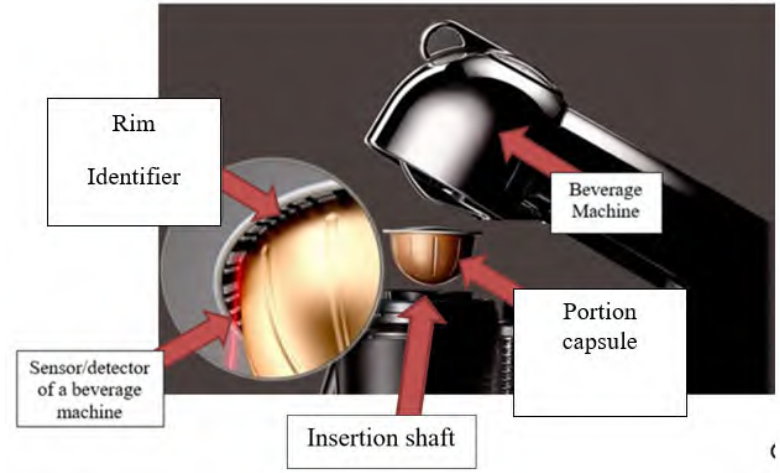
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs.
[4] The beverage system according to claim 3,	*See* claim 3.
[4a] wherein the beverage machine comprises a groove that is laterally offset from the chamfered mandrel, and the seal is at least partially seated in the groove.	The beverage machine comprises a groove that is laterally offset from the chamfered mandrel, and the seal that is configured to bear against a top side of the cover in a region between the peripheral region of the cover and the region of the cover that is pierced by the chamfered mandrel is at least partially seated in the groove. The below annotated image illustrates the Accused Product's infringement of this limitation.

	
[5] The beverage system according to claim 3,	*See* claim 3.
[5a] wherein upon the identifier being read by the sensor/detector, beverage making properties are set, which include a quantity	Once the beverage machine's sensor/detector reads the identifier, the beverage making properties, which include a quantity of the hot water, pressure of the hot water, and/or temperature of the hot water, are set. *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo ("You can precisely prepare your small or large coffee with generous and silky crema, as each Vertuo machines uses barcode recognition and a brewing extraction system to create your coffee experience. The unique

of the hot water, pressure of the hot water, and/or temperature of the hot water.	barcode on each capsule adjusts the flow and volume of water, temperature, infusion time and capsule rotation to make the best part of your coffee experience - your perfect coffee, every time."); https://www.youtube.com/watch?v=RTzUiX101C0 at 0:13-0:25 ("With a simple touch of the button, the capsule begins to rotate, allowing the machine to read the barcode on its rim and automatically calibrate the perfect brewing parameters for that particular blend."); https://www.nespresso.com/us/en/machine-assistance/vertuo at 0:28-0:35 ("You can tailor the size of your coffee or espresso…the programming is specific to each capsule size). The below annotated images illustrate the Accused Product's infringement of this limitation. 

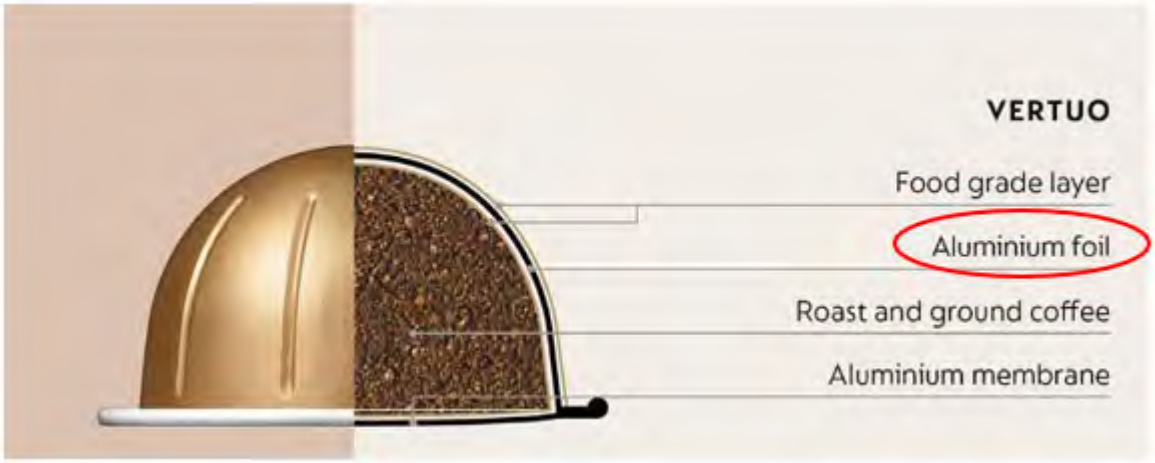
	  *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs.
[6] The beverage system according to claim 5,	*See* claim 5.
[6a] wherein the rim guides the portion capsule in the insertion shaft such	The portion capsule's rim guides the portion capsule in the insertion shaft such that the portion capsule drops into the brewing chamber in a specific position.

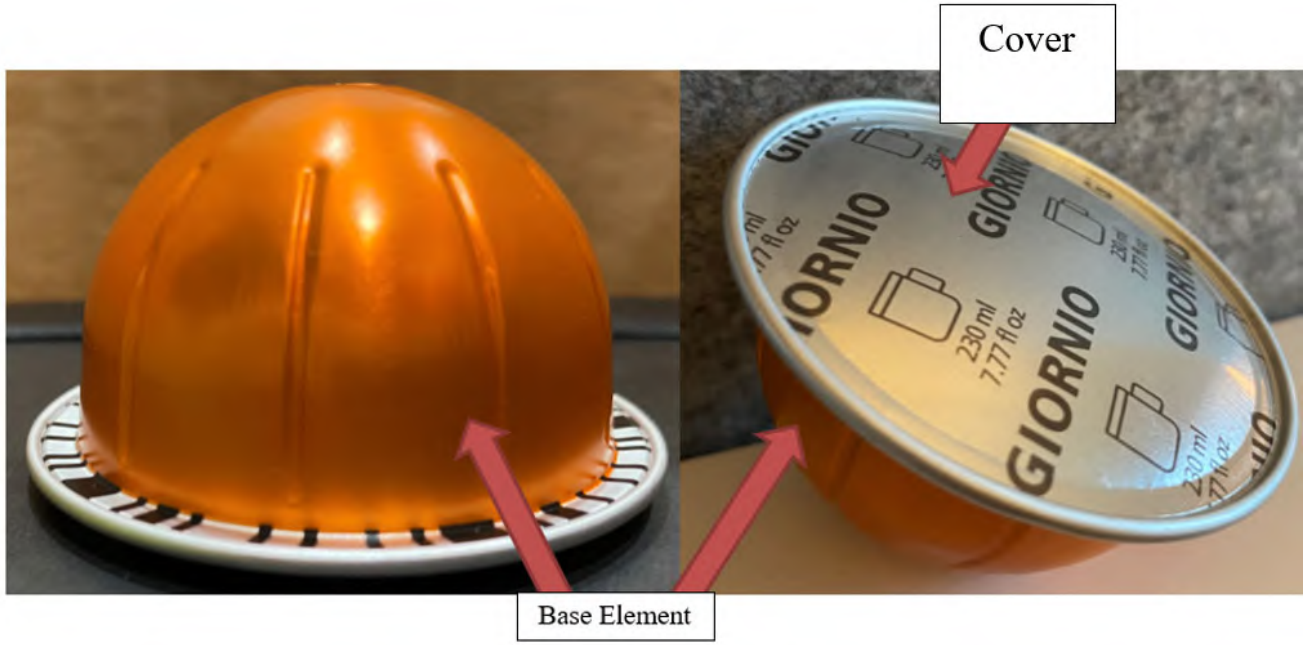
that the portion capsule drops into the brewing chamber in a specific position.	The below annotated images illustrate the Accused Product's infringement of this limitation. 

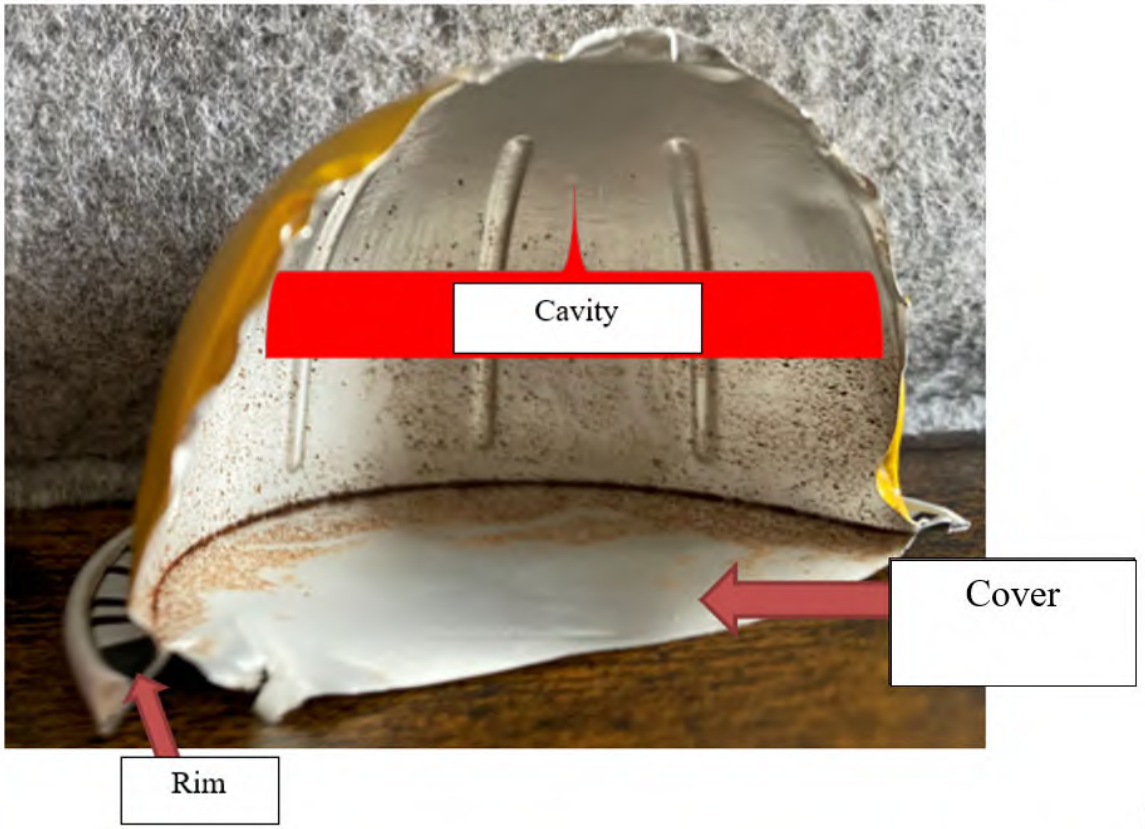

Rim
Identifier
Beverage Machine
Portion capsule
Sensor/detector of a beverage machine
Insertion shaft

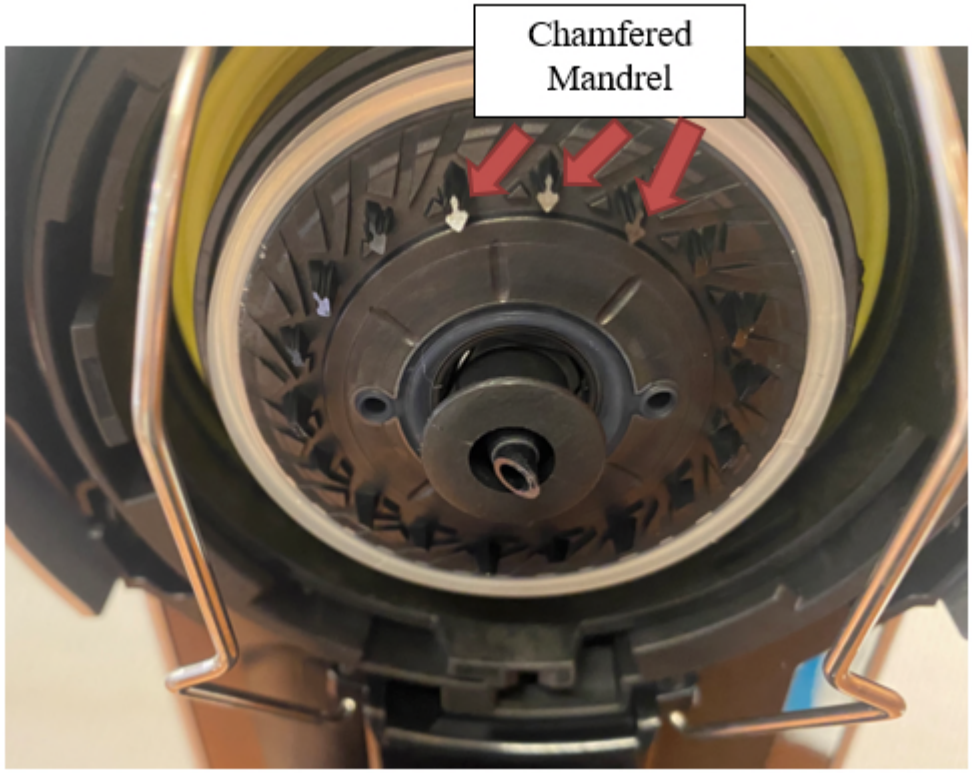

Portion capsule
Insertion shaft
NESPRESSO

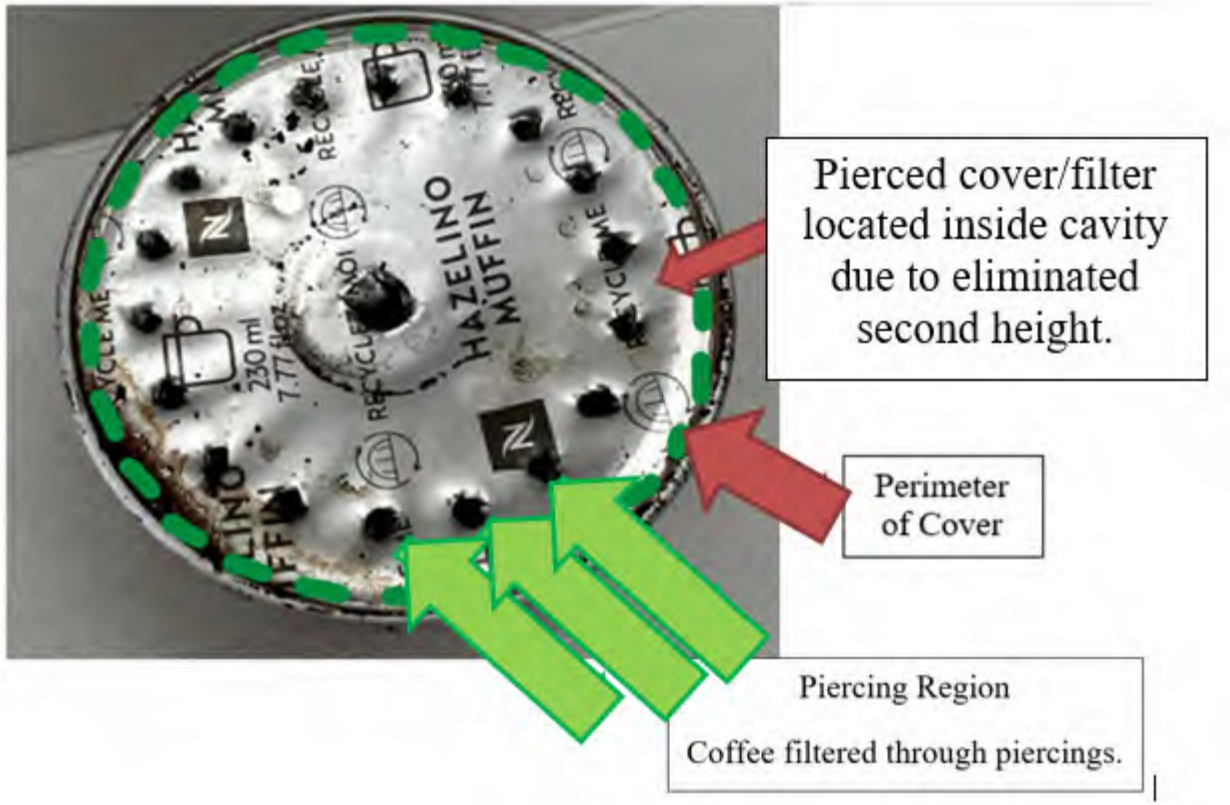
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs
[7] The beverage system according to claim 6,	*See* claim 6.
[7a] wherein the base element of the portion capsule is made of a	The base element of the portion capsule is made of a biodegradable material, metal, or plastic. The portion capsule's base element is made of aluminum which is a lightweight metal. *See, e.g.*,

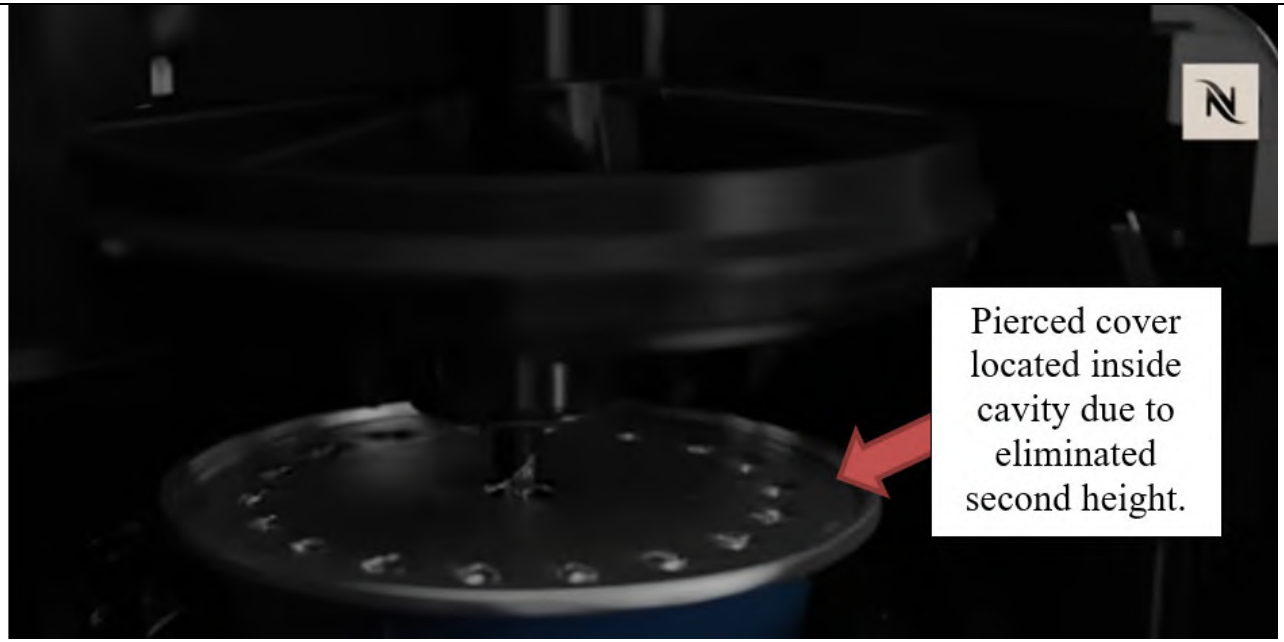
biodegradable material, metal, or plastic.	https://www.sustainability.nespresso.com/why-aluminium; *see* https://www.aluminiumleader.com/about_aluminium/what_is_aluminum/. The below annotated image illustrates the Accused Product's infringement of this limitation.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[8] The beverage system according to claim 7,	*See* claim 7.
[8a] wherein the portion capsule comprises a filter inside of the cavity.	The portion capsule includes a filter inside of the cavity. The below annotated images illustrate the portion capsule that includes a filter inside of the cavity.

	 Cover Base Element GIORNIO 230 ml 7.77 fl oz


Cavity
Cover
Rim

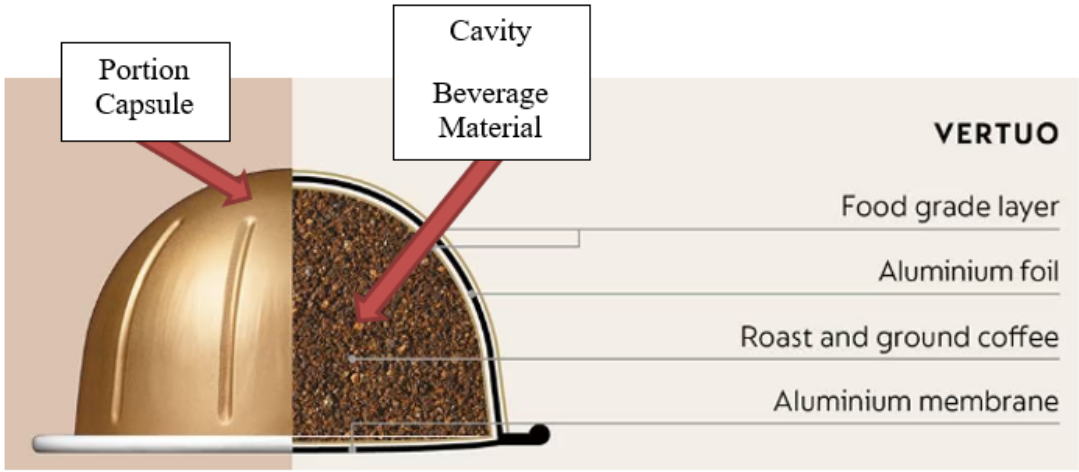

Chamfered
Mandrel


HAZELINO
MUFFIN
230 ml
7.77 fl oz
Pierced cover/filter located inside cavity due to eliminated second height.
Perimeter of Cover
Piercing Region
Coffee filtered through piercings.



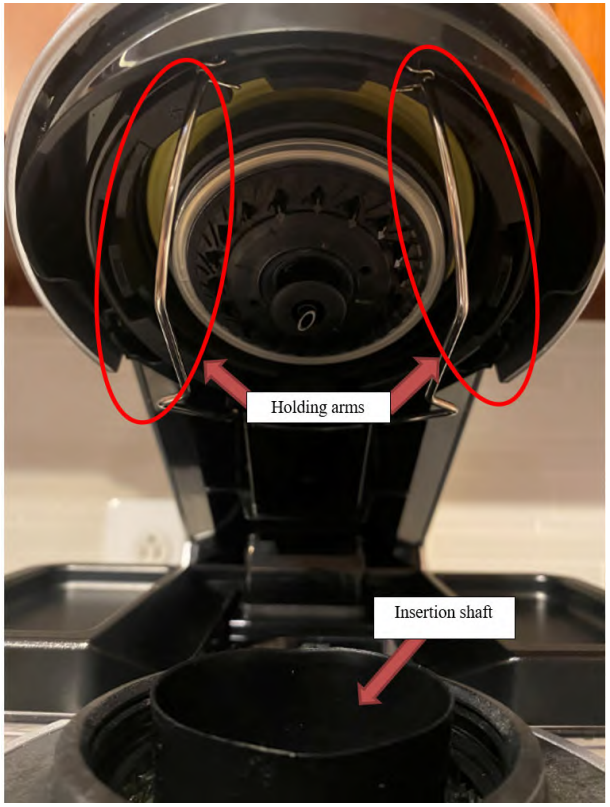
See, e.g., https://www.youtube.com/watch?v=RTzUiX101C0.

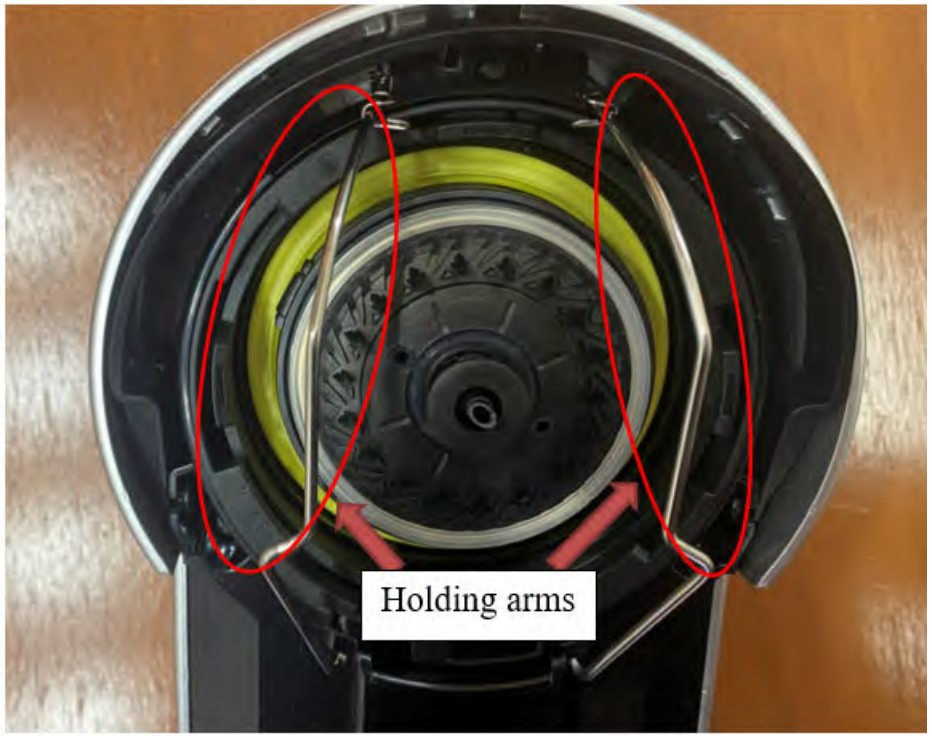
Alternatively, to the extent any limitation herein is deemed not literally infringed, Plaintiff alleges that the limitation is infringed under the doctrine of equivalents. Under the function-way-result test of the doctrine of equivalents, an element in the accused device is equivalent to a claim limitation if it "performs substantially the same function in substantially the same way to obtain substantially the same result." *Virnetx, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1322-23 (Fed. Cir. 2014). For example, the portion capsule's filter, *see, e.g.*, the portion capsule's cover that is located inside of the cavity upon being pierced by the chamfered mandrel of the beverage machine, performs the same function, *e.g.* filtering coffee grounds, to achieve the same result, *e.g.* preventing raw beverage material from being present in the brewed cup of coffee, in the same way, *e.g.*, by blocking the raw beverage material from exiting the capsule. As the water is inserted through the cover that is located inside of the cavity and "the water infuses the coffee grounds" the centrifugal force brews the coffee and the coffee is filtered through the piercing region that is configured to be pierced by a mandrel of the

	beverage machine so that the raw beverage material is not present in the brewed cup of coffee. *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0 at 0:25–0:30.
[9] The beverage system according to claim 7,	*See* claim 7.
[9a] wherein the portion capsule is free of a filter inside of the cavity.	The Accused Product is a portion capsule that is free of a filter inside the cavity. The below annotated image illustrates that the portion capsule is free of a filter inside of the cavity.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[10] The beverage system according to claim 7,	*See* claim 7.
[10a] wherein the beverage machine comprises a waste container for the portion capsule to fall into.	The beverage machine comprises a waste container for the portion capsule to fall into. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo at 2:20-32 ("After every use, it is important to remove the used Vertuo line capsule…turn the lever to the right and open the machine to automatically eject the capsule.").

	The below annotated images illustrate the Accused Product's infringement of this limitation. 

	 *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo.
[11] The beverage system according to claim 10,	*See* claim 10.
[11a] wherein the beverage machine comprises a pair of	The beverage machine comprises a pair of holding arms for guiding the portion capsule.

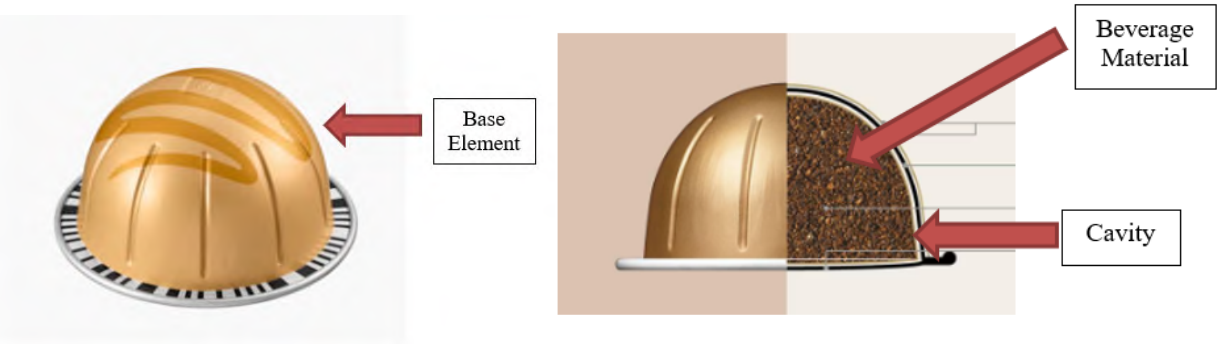
holding arms for guiding the portion capsule.	The below annotated image illustrates the Accused Product's infringement of this limitation. 

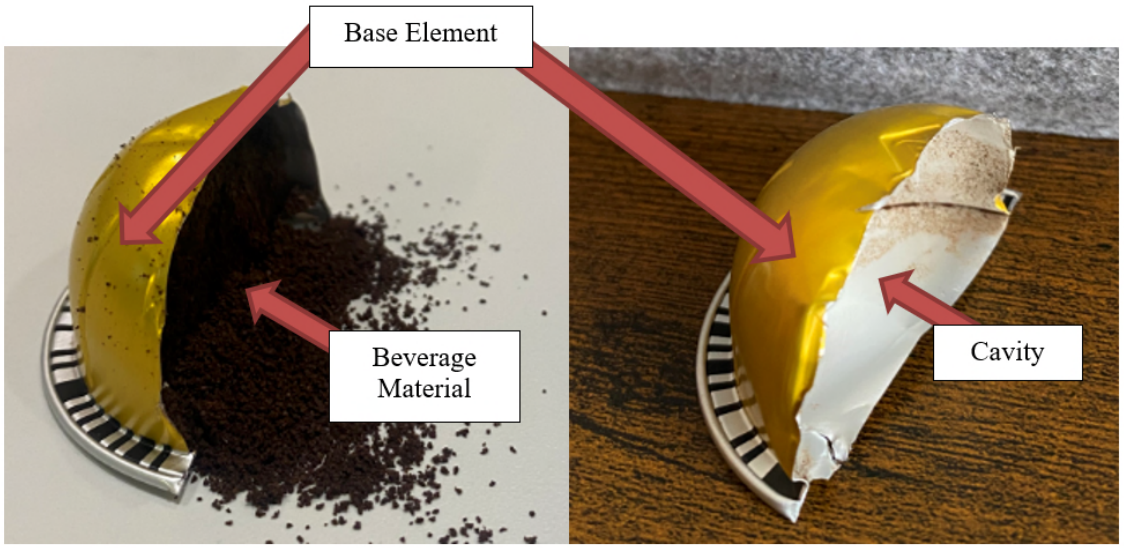
	
[12] A beverage system comprising:	The foregoing is applicable only to the extent the preamble of this claim is found to be limiting. To the extent the preamble is construed as a limitation, the Nespresso Vertuo beverage system comprises a beverage machine and a portion capsule and produces a beverage. The portion capsule is inserted into a beverage for the purpose of making a beverage. The below images illustrate the Nespresso Vertuo beverage system comprising a beverage machine and portion capsule:

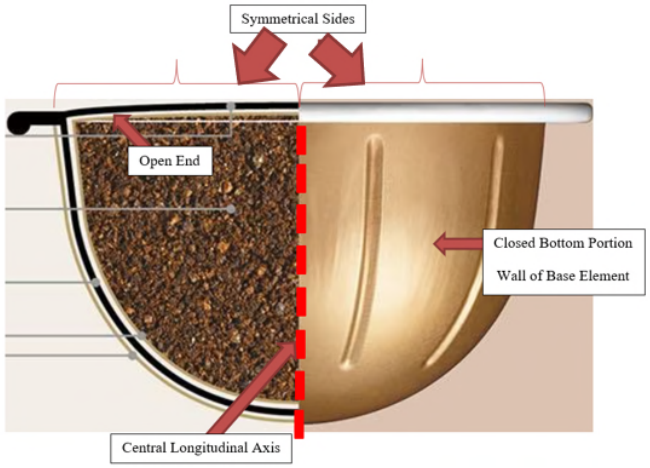
		

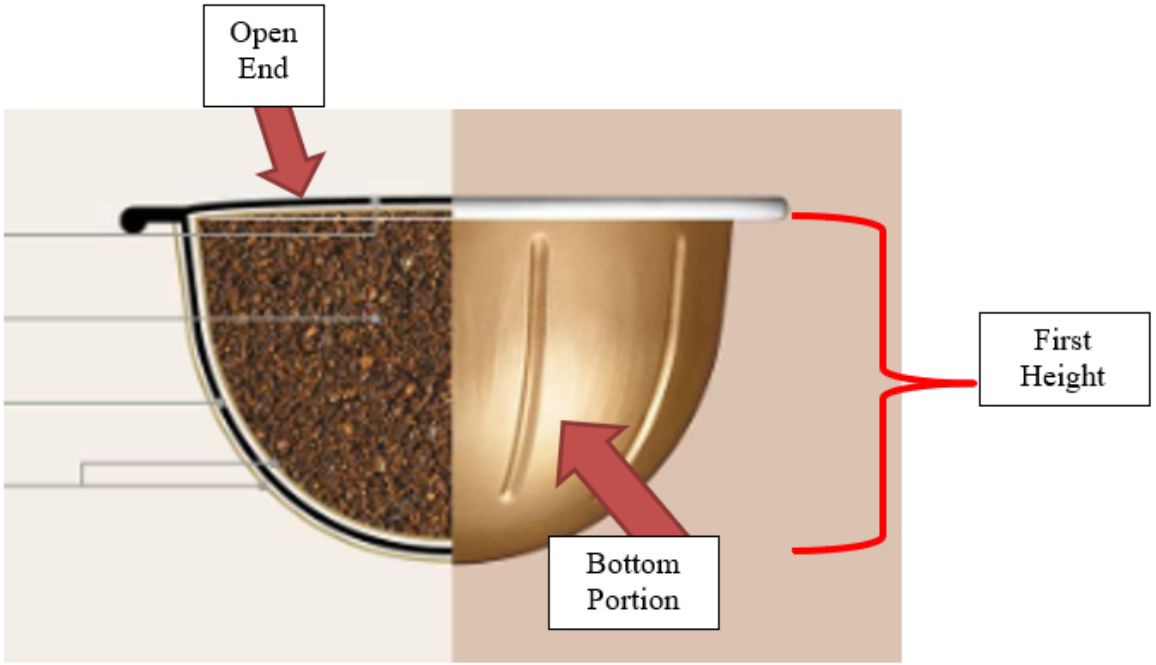
	See, e.g., https://www.youtube.com/watch?v=RTzUiX101C0.   *See, e.g.*, https://www.nespresso.com/us/en/vertuo-coffee-capsules; https://www.nespresso.com/us/en/choose-your-technology-vertuo.
A) a portion capsule comprising:	The portion capsule is inserted into a beverage machine for the purpose of making a beverage.

	The below images illustrate the portion capsule and the portion capsule being inserted into a beverage machine for the purpose of making a beverage.  

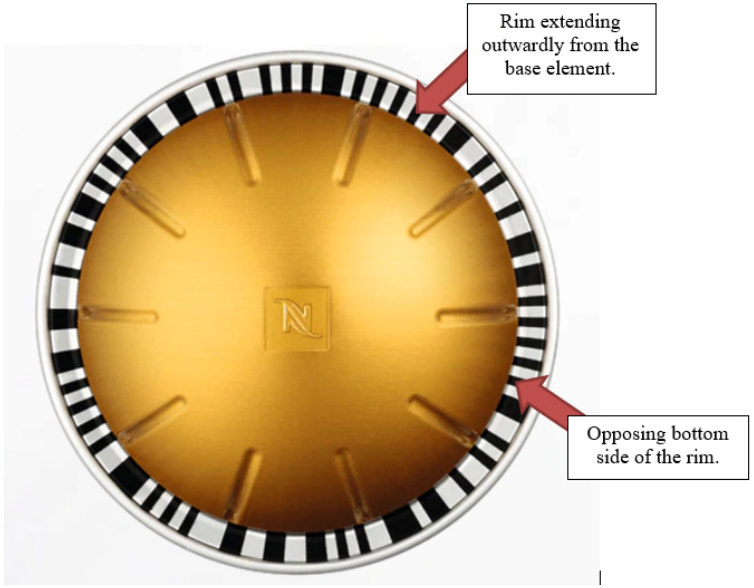
	See, e.g., https://www.youtube.com/watch?v=RTzUiX101C0; https://www.buynespresso.com/bh_en/vertuo-coffee-redefined#:~:text=To%20achieve%20this%20range%20of,Lungo%2C%20Mug%2C%20and%20Carafe
[12A.i] a base element with a cavity, in which a beverage material is provided,	The portion capsule comprises of a base element having a cavity in which a beverage material is provided. The cavity is within the base element such that the base element encompasses the cavity. The cavity is filled with beverage material (*e.g.*, powdered coffee material). The below annotated images illustrate the base element having a cavity in which a beverage material is provided. 

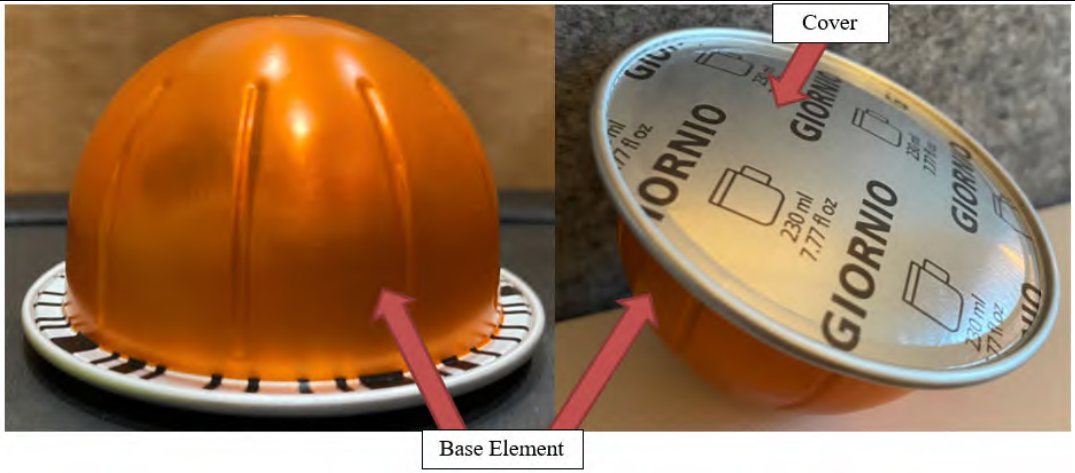
	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium; https://www.nespresso.com/us/en/choose-your-technology-vertuo
[12A.i.a] the base element being symmetrical about a central longitudinal axis thereof and having an open end and a bottom portion,	The portion capsule's base element is symmetrical about a central longitudinal axis thereof and has an open end and a bottom portion. The below annotated image illustrates the base element being symmetrical about a central longitudinal axis thereof and having an open end and a bottom portion.

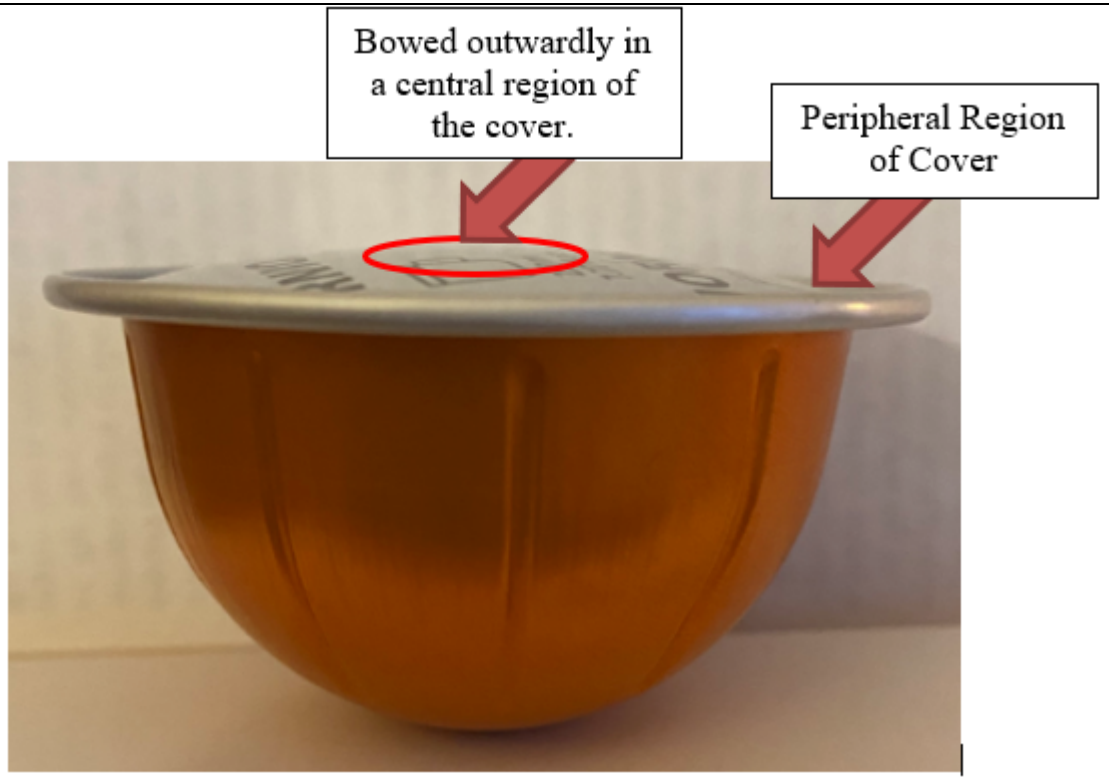
	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium Alternatively, to the extent any limitation herein is deemed not literally infringed, Plaintiff alleges that the limitation is infringed under the doctrine of equivalents. Under the function-way-result test of the doctrine of equivalents, an element in the accused device is equivalent to a claim limitation if it "performs substantially the same function in substantially the same way to obtain substantially the same result." *Virnetx, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1322-23 (Fed. Cir. 2014). For example, the portion capsule's base element having an open end and a bottom portion with physical features, *see, e.g.*, the capsule walls, performs the same function, *e.g.* encasing the cavity of the portion capsule and providing a vessel that rotates smoothly with limited friction and turbulence at speeds up to 7000 RPM, in the substantially the same way, *e.g.* by encasing the base element in a symmetrical fashion about a central longitudinal axis of the base element, to achieve the same result, *e.g.* provide a vessel for the beverage material and ensure smooth rotation to brew coffee, as the claimed base element being symmetrical about a central longitudinal axis thereof and having an open end and a bottom portion.
[12A.i.b] the base element having a first height that is defined between the open	The portion capsule's base element has a height between the open end and the bottom portion, defined as the first height.

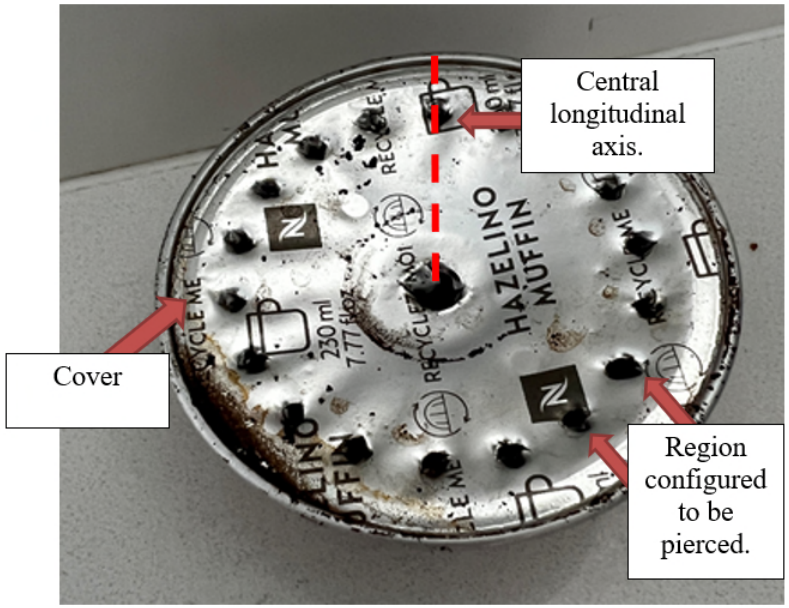
end and the bottom portion;	The below annotated image illustrates the first height between the open end and the bottom portion of Accused Product.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[12A.ii] a rim extending outwardly from the base element, the rim having a top side and an opposing bottom side;	The portion capsule has a rim extending outwardly from the base element, the rim comprising a top side and an opposing bottom side. The below annotated images illustrate this limitation.

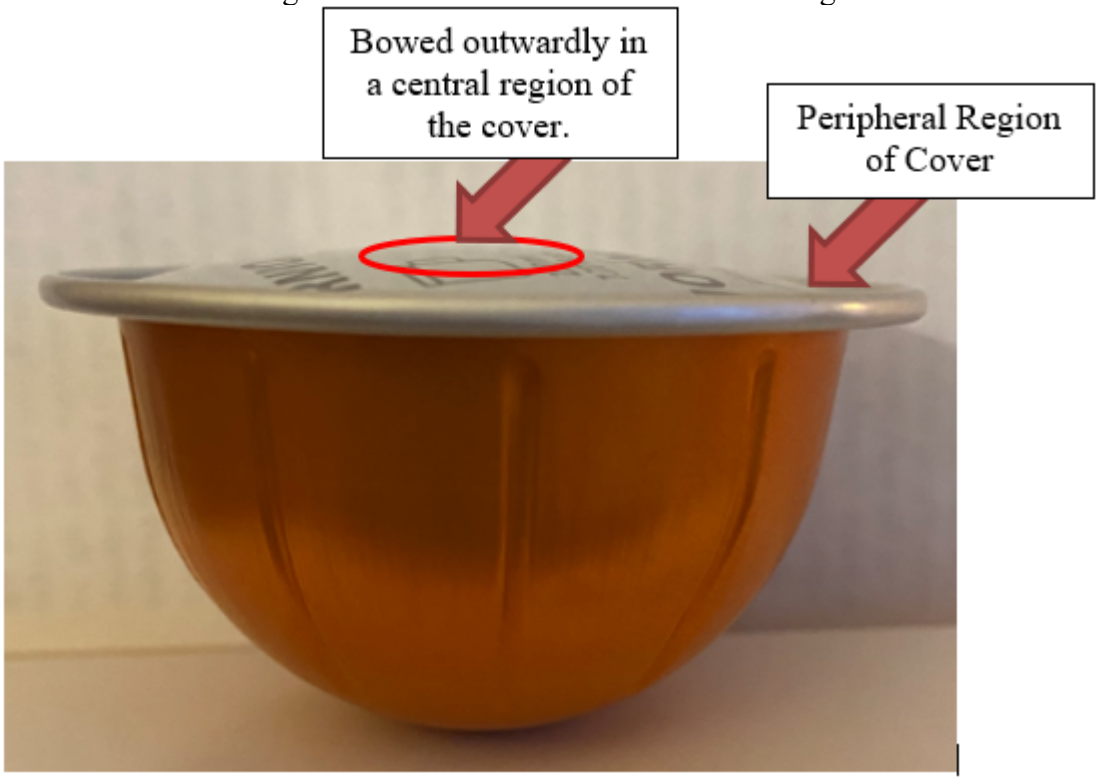
	 Top side of rim

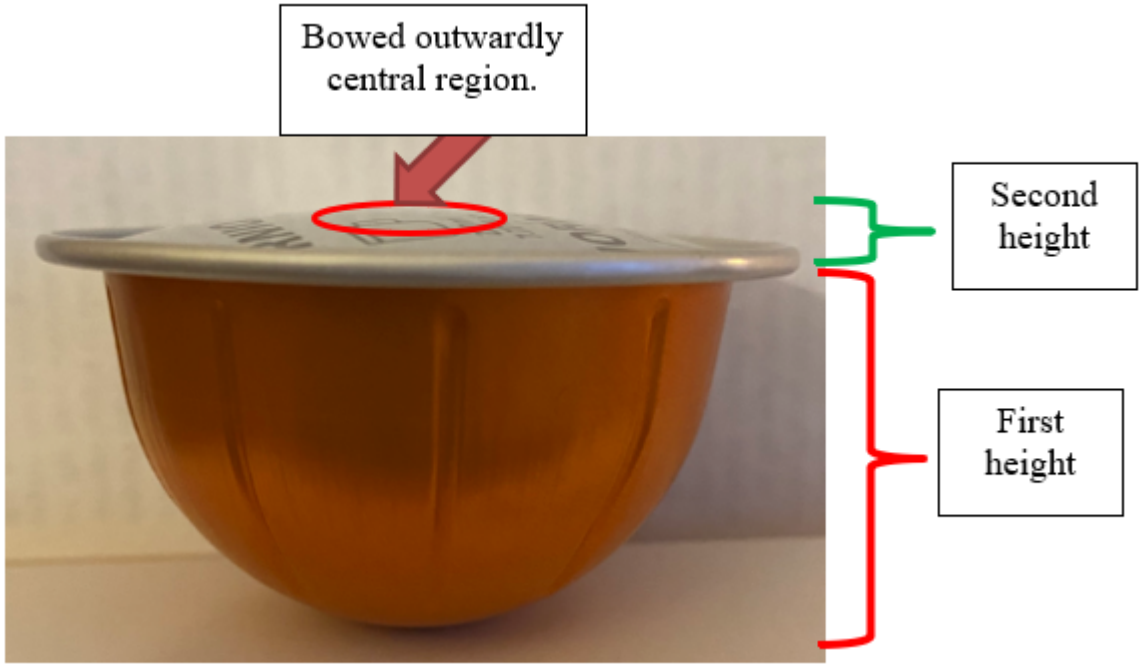
	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[12A.iii] a cover fastened to the base element,	The portion capsule has a cover fastened to the base element to close the cavity. The below annotated image illustrates the Accused Product's cover fastened to the base element to close the cavity.

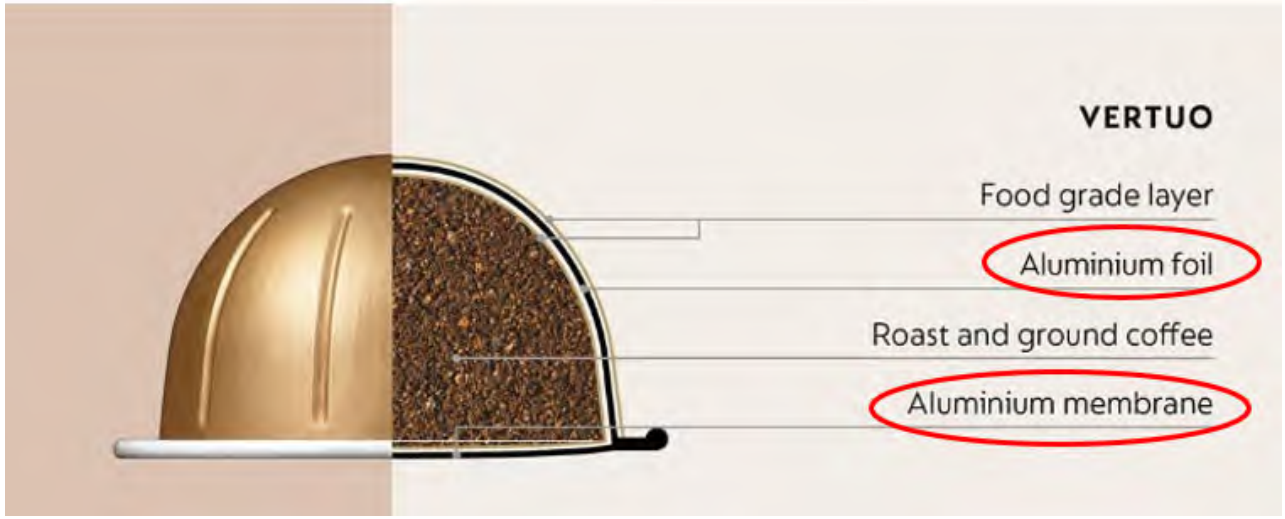
	
[12A.iii.a] the cover is bowed outwardly in a central region of the cover relative to a peripheral region of the cover,	The portion capsule’s cover is bowed outwardly in a central region of the cover relative to a peripheral region of the cover. The below annotated images illustrate the Accused Product’s cover, which is bowed outwardly in a central region of the cover relative to a peripheral region of the cover.

	
[12A.iii.b] the cover includes a region configured to be pierced at a location that is offset from the central longitudinal axis,	The portion capsule's cover includes a region configured to be pierced at a location that is offset from the central longitudinal axis. The below annotated image illustrates the Accused Product's infringement of this limitation.

	
[12A.iii.c] the cover has a second height that is defined between the peripheral region and the central region, wherein the first height of the base element is greater than the second height of the cover;	The portion capsule's cover has a second height that is defined between the peripheral region and the central region, wherein the first height of the base element is greater than the second height of the cover.

	The below annotated images illustrate the Accused Product's infringement of this limitation. 

	
[12A.iv] a barrier layer to prevent moisture or aroma from escaping out of the portion capsule; and	The portion capsule includes a barrier layer to prevent moisture or aroma from escaping out of the portion capsule, *see, e.g.,* at least the aluminum foil of the portion capsule. *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium ("Aluminium foil provides a complete barrier to light, oxygen, moisture and bacteria"); https://www.nespresso.com/us/en/how-to-recycle-coffee-capsules ("Aluminum is the most protective material available today. It guarantees the freshness of the carefully crafted aromas and rich flavors of our coffees. Lightweight but strong, aluminum seals it from external elements which could harm it - oxygen, moisture and light."). The below annotated image illustrates the Accused Product’s barrier layer to prevent moisture or aroma from escaping out of the portion capsule.

	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[12A.v] an identifier provided on the bottom side of the rim;	The portion capsule has an identifier provided on the bottom side of the rim. The below annotated image illustrates the Accused Product's identifier, which is provided on the bottom side of the rim.

	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[12B] a beverage machine comprising:	The Nespresso Vertuo beverage system comprises a beverage machine. The below images illustrate various versions of the beverage machine:

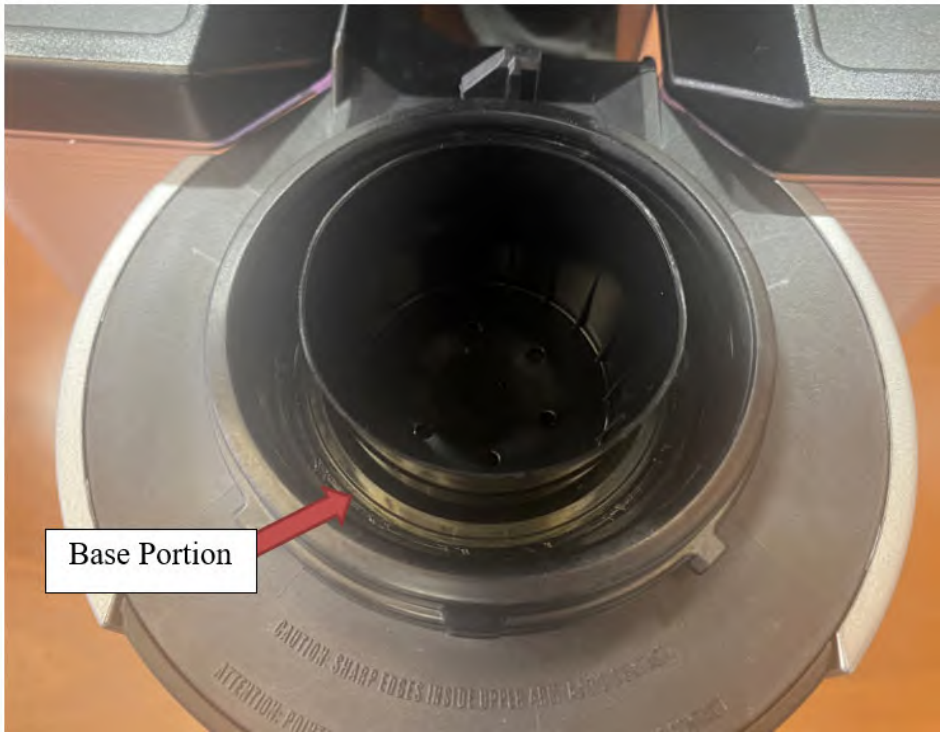
	

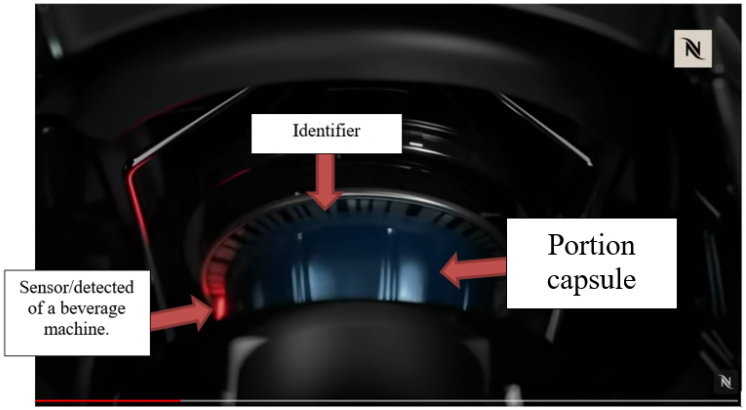
	

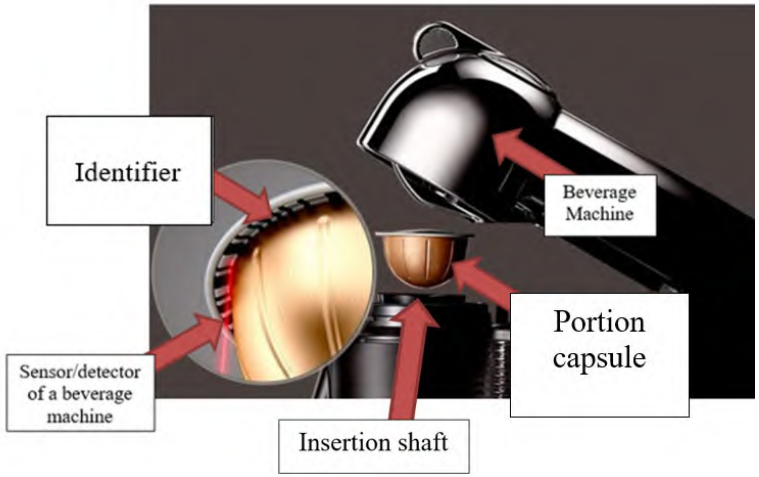
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0; https://www.nespresso.com/us/en/vertuo-coffee-machines.
[12B.i] an insertion shaft having a wall structure into which the portion capsule is received, the insertion shaft defined by a base portion and an	The beverage machine comprises an insertion shaft having a wall structure into which the portion capsule is received. The insertion shaft is defined by a base portion and an annular portion laterally extending outwardly from the base portion in a direction that is transverse to a longitudinal axis of the insertion shaft.

annular portion laterally extending outwardly from the base portion in a direction that is transverse to a longitudinal axis of the insertion shaft;	The below annotated images illustrate the Accused Product's insertion shaft having a wall structure into which the portion capsule is received.  r

	 Base Portion

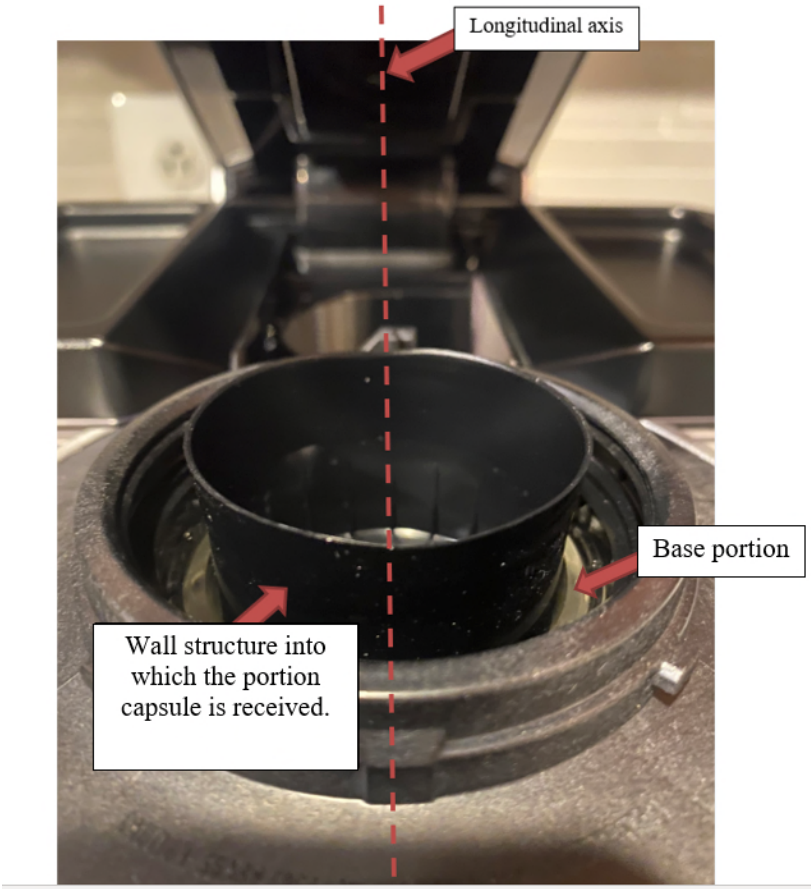

Insertion shaft
Wall structure of insertion shaft into which the portion capsule is received.
NESPRESSO

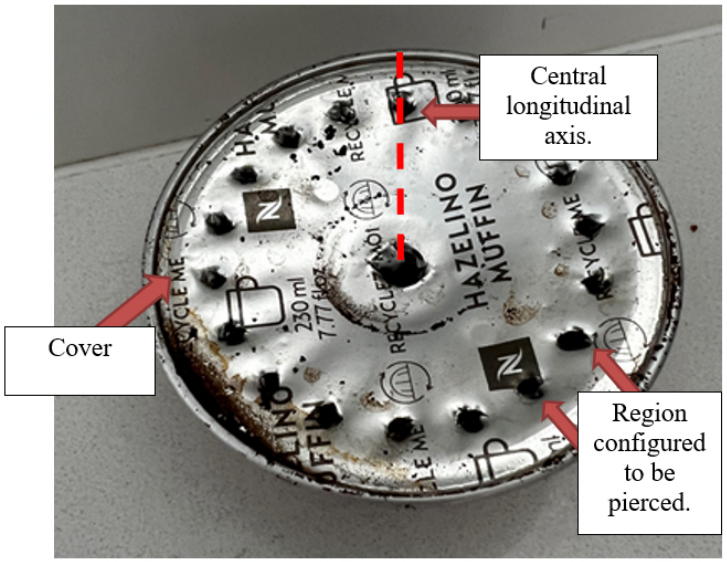




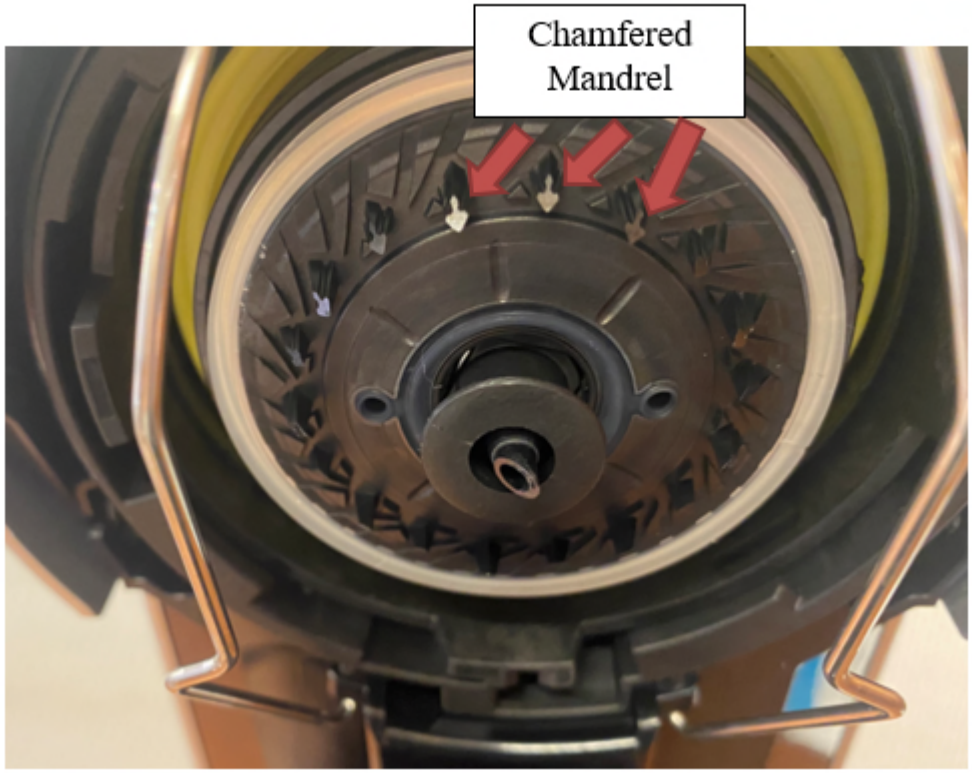
See, e.g., https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs.

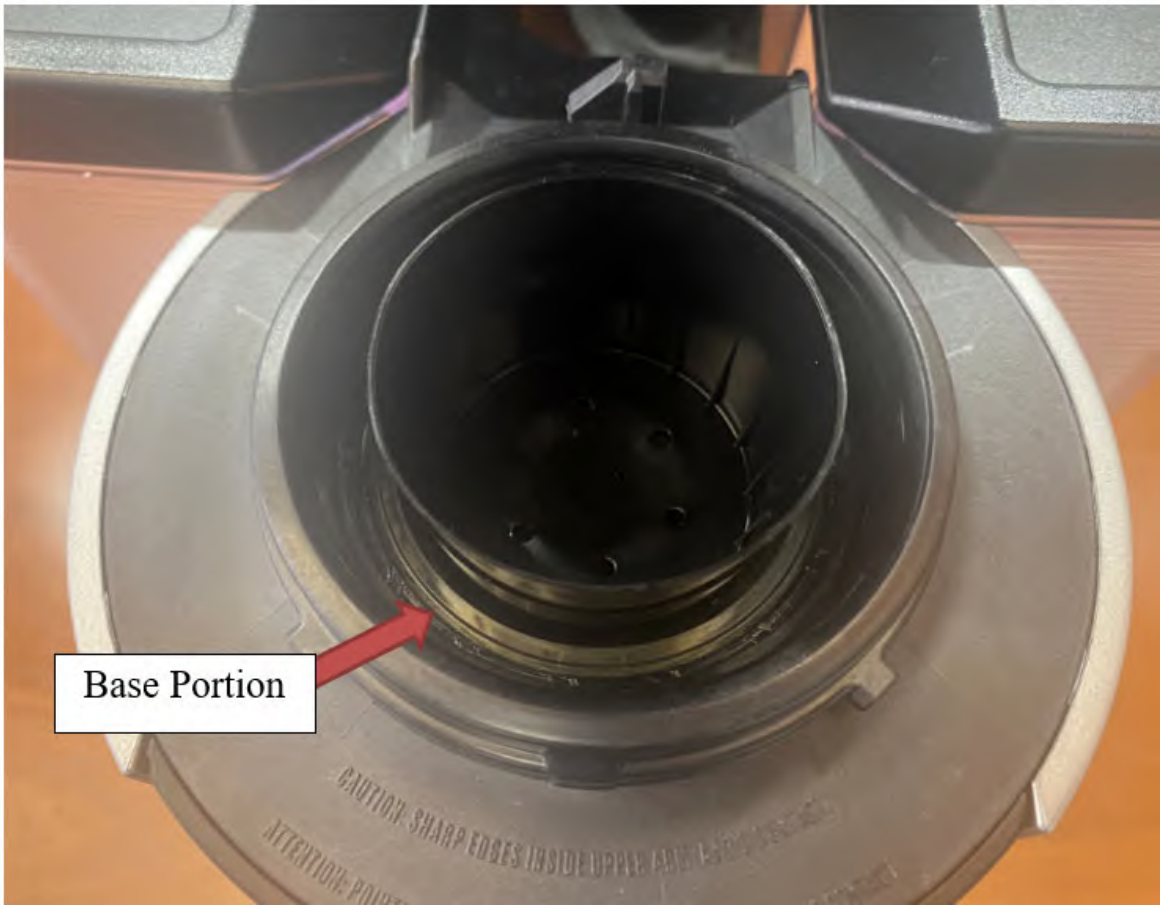
The below annotated image illustrates the Accused Product's insertion shaft, which is defined by a base portion and an annular portion laterally extending outwardly from the base portion in a direction that is transverse to a longitudinal axis of the insertion shaft.

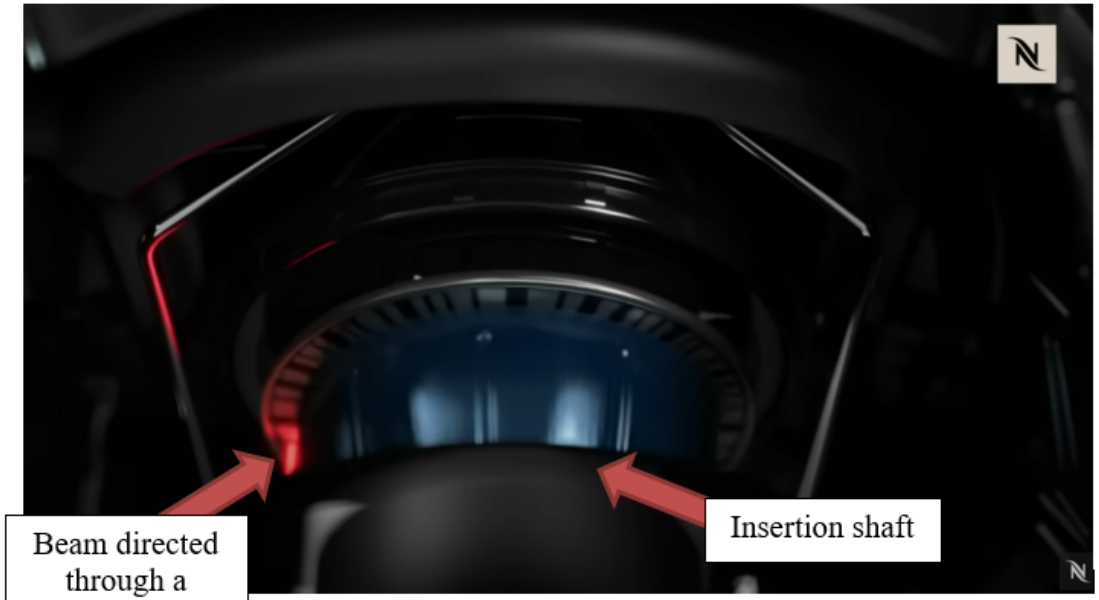
	
[12B.ii] a chamfered mandrel that pierces the cover at the location that is offset from the central longitudinal axis;	The beverage machine comprises a chamfered mandrel. The chamfered mandrel pierces the cover at the location that is offset from the central longitudinal axis. The below annotated images illustrate the Accused Product's infringement of this limitation.

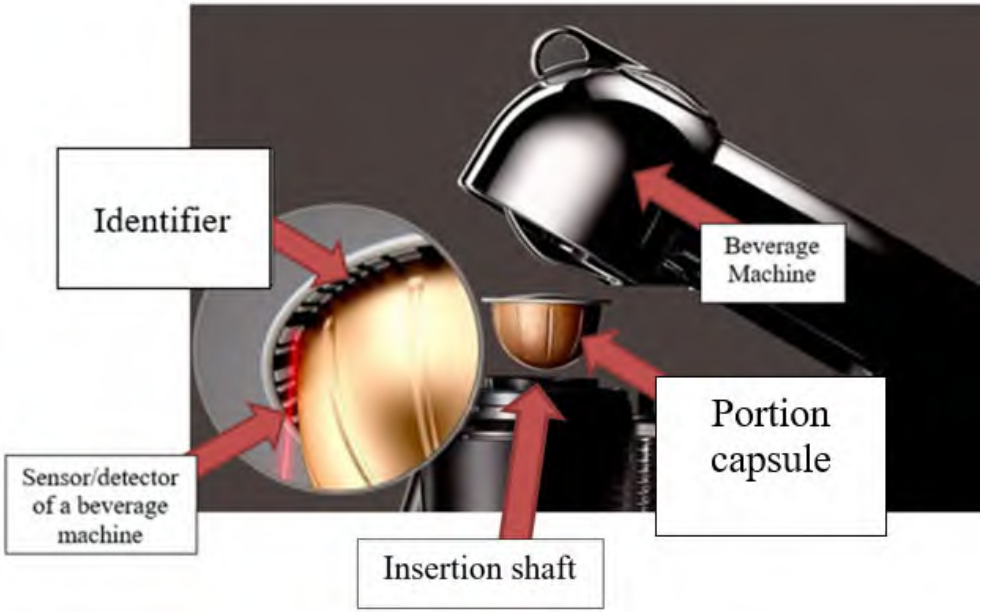
	 Central longitudinal axis. Cover Region configured to be pierced. HAZELINO MUFFIN 230 ml 7.77 fl oz

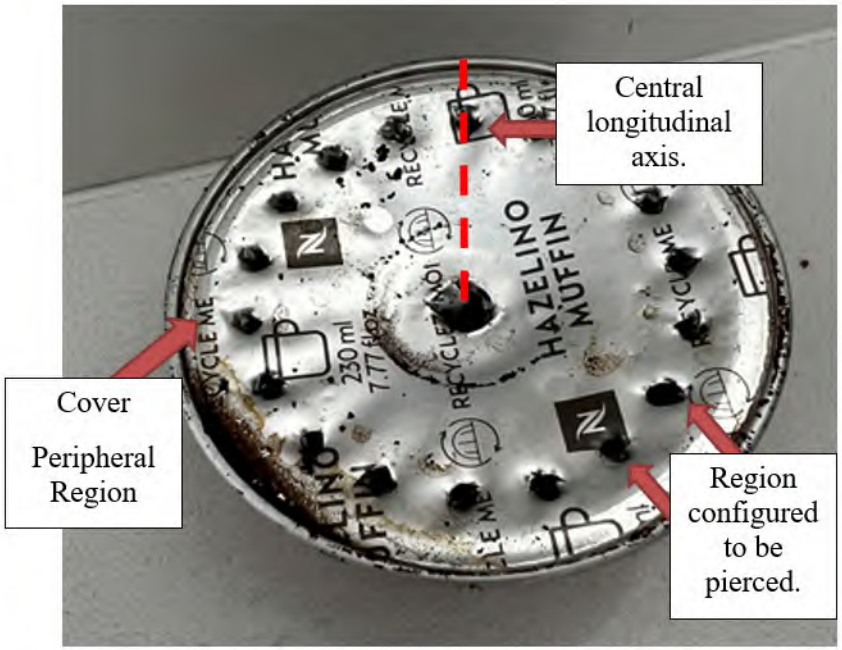

Chamfered
Mandrel
NESPRESSO

	
[12Biii] an optical sensor/detector positioned outside of the base portion of the wall structure of the insertion shaft and below the annular portion, which directs a beam through a portion of the wall structure to read the	The beverage machine's sensor/detector is positioned outside of the base portion of the wall structure of the insertion shaft and below the annular portion, and which directs a beam through a portion of the wall structure to read the identifier on the portion capsule. *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). The below annotated images illustrate the Accused Product's infringement of this limitation.

identifier on the portion capsule;	


Beam directed through a portion of the insertion shaft's wall structure.
Insertion shaft

	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs.
[12B.iv] a seal that is configured to bear against a top side of the cover in a region between the peripheral region of the cover and the region of the cover that is pierced by the chamfered mandrel; and	The beverage machine comprises a seal that is configured to bear against a top side of the cover in a region between the peripheral region of the cover and the region of the cover that is pierced by the chamfered mandrel. The seal bears against the top side of the cover in a region between the peripheral region of the cover and the region of the cover that is pierced by the chamfered mandrel after the machine head is closed. The below annotated images illustrate the Accused Product's infringement of this limitation.


Central longitudinal axis.
Cover
Peripheral Region
Region configured to be pierced.
HAZELINO MUFFIN
230 ml
7.77 fl oz

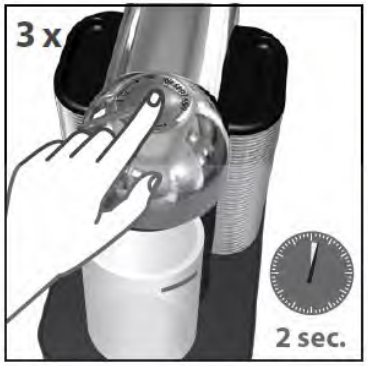
	
[12B.v] a pump that supplies hot water into the portion capsule only after the identifier is read by the sensor/detector.	The beverage machine comprises a pump that supplies hot water into the portion capsule only after the identifier is read by the sensor/detector. *See, e.g.*, https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."); https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). For example, if the identifier on the portion capsule is obstructed or damaged, the beverage machine will prevent making of the beverage, including preventing operation of the pump that supplies hot water into the portion capsule. For example, the screenshots from the Vertuo User Manual below describe various troubleshooting instances, including where the Vertuo beverage machine does not start or run, thereby failing to activate the pump that supplies the water into the portion capsule, because the beverage machine cannot determine that the portion capsule is suitable for use with the beverage machine. Moreover, the

User Manual refers to pumping water. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo (User Manual at p. 5, 11, 17, 21).

TROUBLESHOOTING

ASSISTANCE VIDEOS ARE AVAILABLE ON WWW.NESPRESSO.COM - VISIT THE "MACHINES" SECTION.

1. No light on the button.	→ The machine has turned "OFF" automatically; push the button or "UNLOCK" the machine. → Check the outlet, plug, voltage, and fuse.
2. No coffee, no water.	→ Check that the water tank is filled. → Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → Descale if necessary. → Open the machine head and let the capsule be ejected. Then perform a cleaning as per cleaning section.
3. Coffee is not hot enough.	→ Preheat cup with hot water from the tap. → Descale if necessary.
4. The machine doesn't start and has light steady on. If blinking, see next points.	→ Check that lever is properly locked. → If you want to brew a Coffee or Espresso, check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → If you are cleaning, descaling or emptying the system, check that no capsule is inserted then close, lock the machine and push the button to start one of these operations.
5. The machine doesn't start and light blinks alternately; 1 blink and 1 pause.	→ Fill the water tank and push button to start. → Check that lever is properly locked.
6. Light blinks while machine is running.	→ If coffee is flowing normally, this indicates the machine is working properly. → If only water is flowing, the machine is executing a user request for either cleaning, descaling or emptying the system. Refer to the corresponding paragraph in this user manual. → If there is no intention to clean, descale, or empty the system, then push the button to stop the machine. If the machine is still blinking, exit descaling mode by holding the button for at least 7 seconds or refer to next section. → If problem persists, call the *Nespresso* Club.
7. Light blinks and machine is not running.	→ It will take some times before the coffee flow comes out (due to barcode reading and pre-wetting the coffee). → Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → Fill in the water tank and push button to start. → Turn the machine to "OFF mode" by pushing 3 seconds the button and then push it again to turn the machine "ON". Now wait approx. 20 minutes to allow machine cooling down after extensive use. → If machine doesn't move to "OFF" then exit descaling mode by pushing the button for at least 7 seconds.
8. Light blinks alternately 2 blinks and 1 pause continuously. Machine is not running.	→ During regular Coffee/Espresso preparation: 1) Check that a fresh, undamaged capsule is inserted in the correct position; 2) Check that lever is in "LOCKED" position; 3) If problem persists, eject capsule and insert a new one, lock and press button. → During Descaling, Emptying and Cleaning: 1) Check that a capsule is ejected; 2) Check that the lever is in "LOCKED" position.3) Press button for at least 3 seconds to turn machine to "OFF mode". 4) Press button again to turn machine "ON". If problem persists, disconnect powercord from the outlet and plug the machine back into the outlet after 10 seconds. Press the button to turn "ON" and press again to start brewing. → During Programming Volume: 1) Please check if a capsule has been well inserted. 2) Please refer to the corresponding chapter. → If problem persists, call the *Nespresso* Club.
9. Leakage or unusual coffee flow.	→ Check that the water tank is well positioned.



8. Press the button 3 times within 2 seconds to start cleaning and let the cleaning procedure complete automatically. It will take less than 2 minutes before a flow comes out. The procedure consists of 3 cycles of pumping water in/internal cleaning/water flowing from outlet to complete.

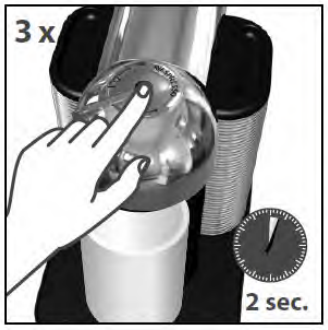
EN

FR

8. Appuyer sur le bouton à 3 reprises dans un intervalle de 2 secondes pour lancer automatiquement la procédure de nettoyage. L'écoulement se produit dans les 2 minutes. La procédure complète est composée de 3 cycles de pompage de l'eau/nettoyage interne/écoulement de l'eau de l'orifice.

)ped at any time by pushing the
the cleaning process, push the
hine by turning the lever left and

rompue à tout moment en appuyant



5. Push the button 3 times within 2 seconds. The button will blink quickly during the procedure. It will take less than 2 minutes before a flow comes out. The cleaning procedure will run automatically for 5 minutes. The procedure consists of 3 cycles of pumping water in/internal cleaning/water flowing from outlet to complete.

5. Appuyer sur le bouton à 3 reprises dans un intervalle de 2 secondes. Le voyant lumineux clignotera rapidement. L'écoulement se produit dans les 2 minutes. La procédure de nettoyage se met automatiquement en marche pour une durée de 5 minutes. La procédure complète est composée de 3 cycles de pompage de l'eau/nettoyage interne/écoulement de l'eau de l'orifice.

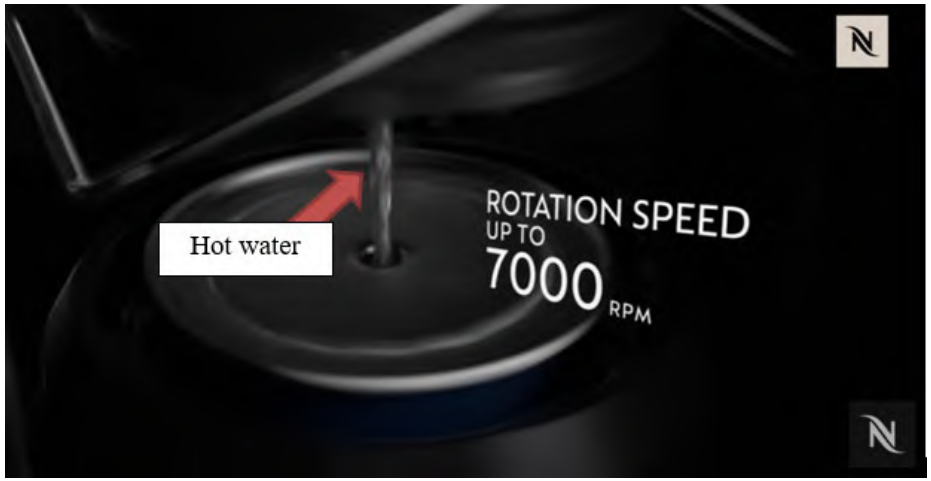
When using electrical appliances, important safeguards should always be followed:

- The important safeguards are part of the appliance. Read the important safeguards provided with the appliance carefully prior to first use. Keep them in a place where you can find and refer to them in the future.
- Protect the appliance from direct sunlight, water splash and humidity.
- This appliance is designed for domestic and office use only.
- Close supervision is necessary when the appliance is used by or near children.
- Children shall not play with the appliance.
- The manufacturer accepts no responsibility for and the warranty will not apply to any commercial use, inappropriate handling or use of the appliance, damage resulting from use for other purposes, faulty operation, non-professional repairs or failure to comply with the instructions.

the warranty.

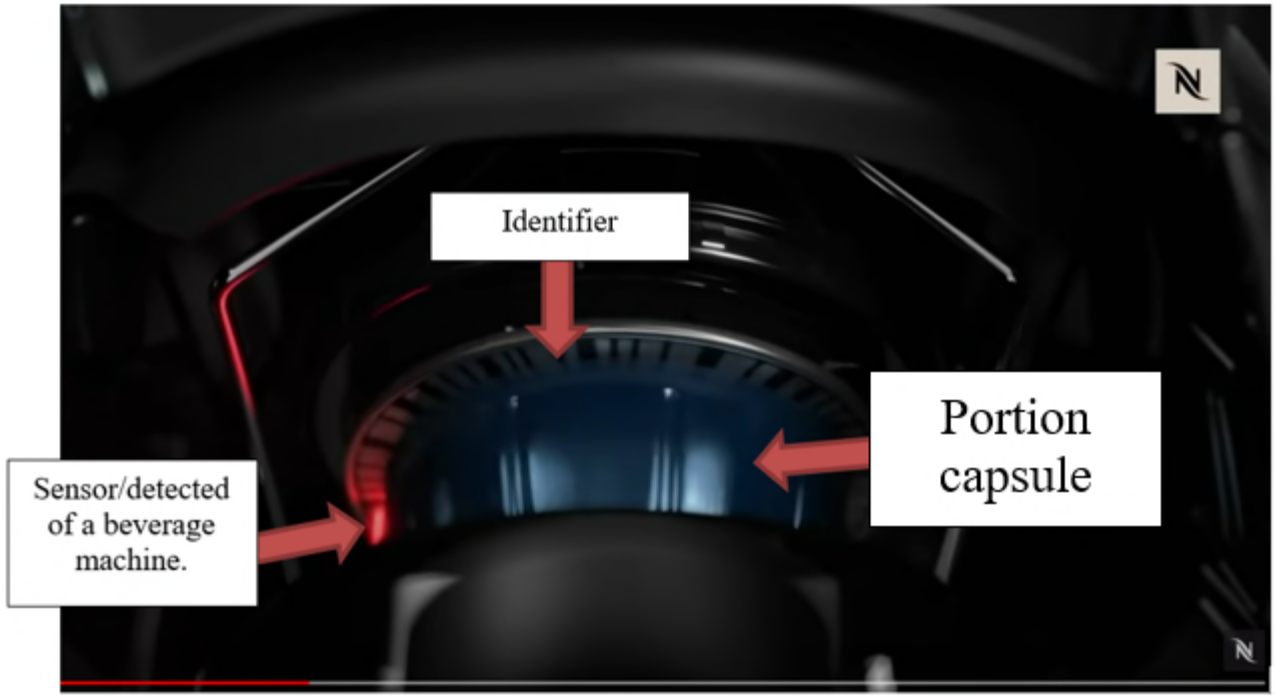
- The appliance must only be connected after installation.
- Do not pull the cord over sharp edges, clamp it or allow it to hang down.
- Keep the cord away from heat and moisture.
- If an extension lead is required, use only a grounded power cord with a conductor cross-section with matching input 14 AWG (2.08mm²).
- Always place the appliance on a horizontal, stable, hard, even surface that does not allow for water accumulation under the machine.
- The surface must be resistant to heat and fluids, like water, coffee, descaler or similar.
- Disconnect the appliance from the power outlet when not in use for a long period of time.
- Disconnect by pulling out the plug; do not pull on the cord itself to avoid damage.
- Never touch the cord with wet hands.
- Never put the appliance or part of it in a dishwasher.
- Do not open the appliance. Hazardous voltage
- Contact the *Nespresso* Club or *Nespresso* authorized representative for examination, repair or adjustment.
- A damaged appliance can cause electric shocks, burns and fire.
- Do not put fingers under coffee outlet; risk of scalding.
- Do not insert fingers into capsule compartment when machine head is closing; risk of injury.
- Do not put fingers into the capsule compartment or capsule shaft; risk of injury!
- Water could flow around a capsule when not perforated by the blades and damage the appliance.
- Be careful not to injure yourself on sharp points or trap your fingers when reaching inside the machine.
- Beware of hot liquids when reaching inside the machine.
- Never use a damaged or deformed capsule.
- Always fill the water tank with fresh potable water.
- Do not use any strong cleaning agent or solvent cleaner.
- Use a damp cloth and mild cleaning agent to clean the surface of the appliance.
- Do not use a steam or pressure cleaner to clean the appliance. This will damage the appliance and may create a life-threatening hazard.
- Do not pour water or other liquids into the brewing unit.
- Keep appliance, capsules and accessories out of reach of children.
- This appliance is designed for *Nespresso* Vertuo coffee capsules available exclusively through the *Nespresso* Club or your *Nespresso* authorized representative.
- All *Nespresso* appliances pass stringent controls.
- Reliability tests under practical conditions are randomly performed on selected units. Some units can therefore show traces of previous use.
- *Nespresso* reserves the right to change instructions without prior notice.

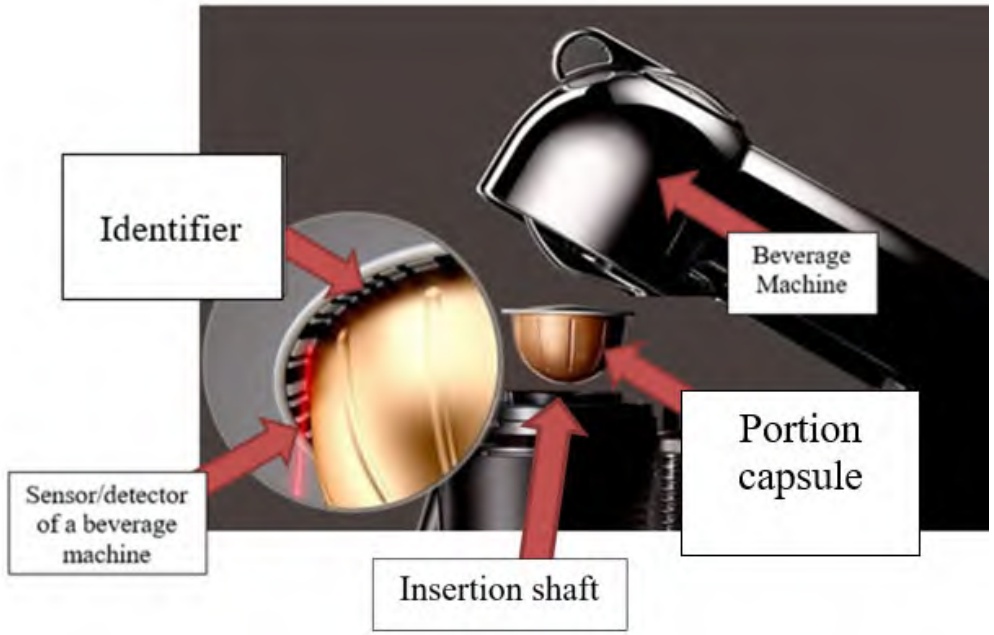
The below annotated image illustrates the Accused Product's infringement of this limitation.

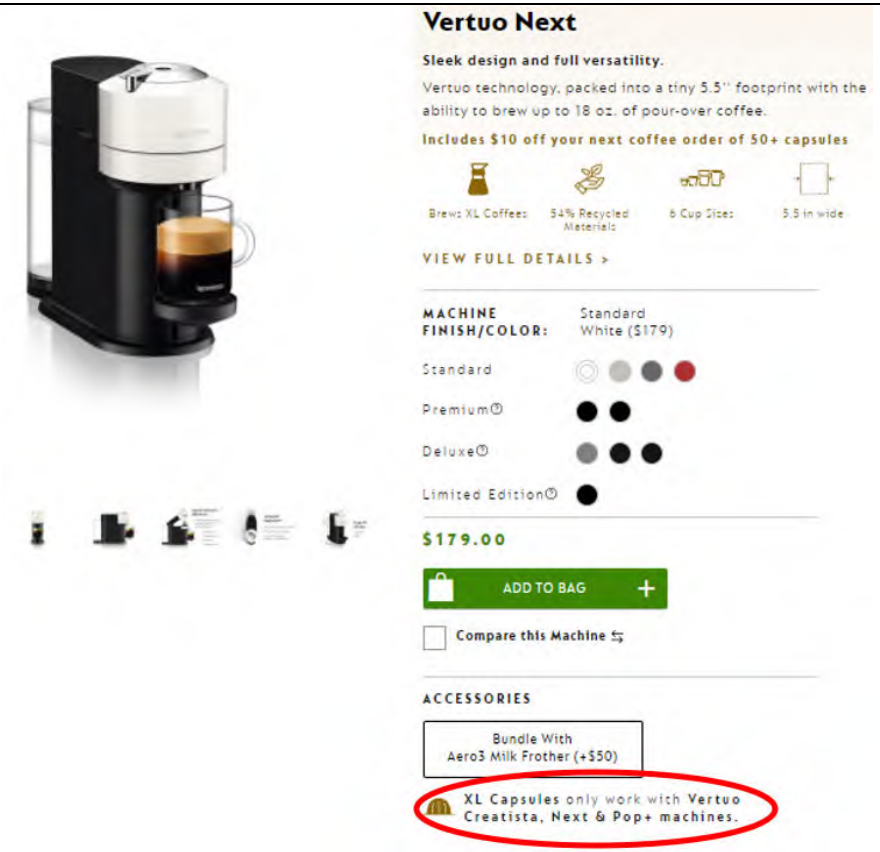


See, e.g., https://www.youtube.com/watch?v=RTzUiX101C0.

[13] The beverage system according to claim 12,	*See* claim 12.
[13a] wherein an operation of the pump, which forces the hot water through a brewing chamber is prevented upon a determination by the beverage machine that the portion capsule is not suitable for use with the beverage machine.	The beverage system's pump, which forces the hot water through a brewing chamber, is prevented from operation upon a determination by the beverage machine that the portion capsule is not suitable for use with the beverage machine. *See, e.g.*, https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."); https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). For example, if the identifier on the portion capsule is obstructed or damaged, the beverage machine will prevent making of the beverage, including preventing operation of the pump that supplies hot water into the portion capsule. The below annotated images illustrate the Accused Product's infringement of this limitation.

	 Identifier Portion capsule Sensor/detected of a beverage machine.

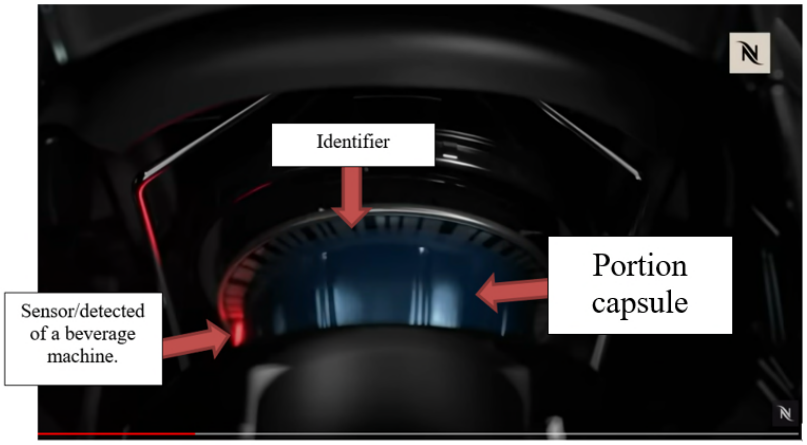

Identifier
Beverage Machine
Portion capsule
Sensor/detector of a beverage machine
Insertion shaft

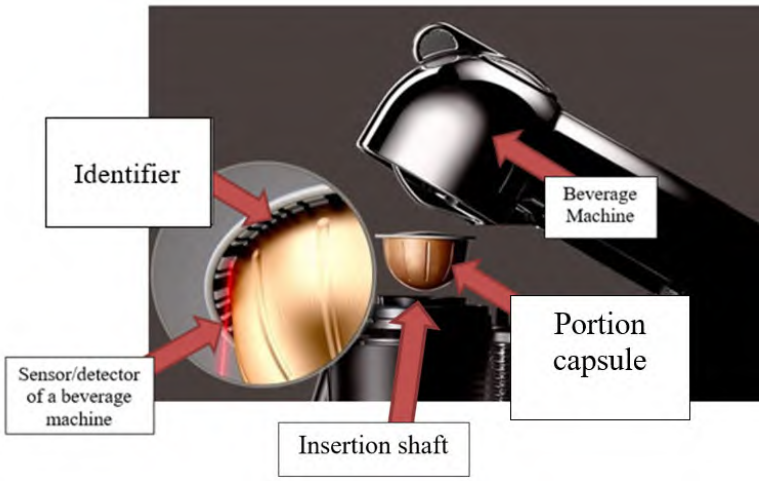


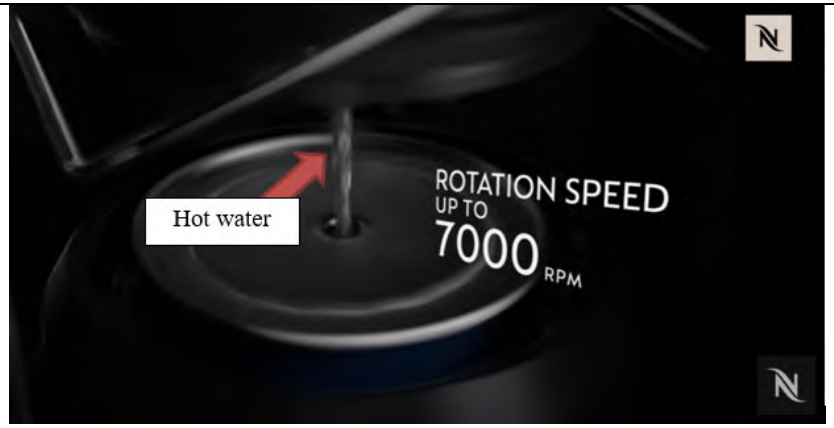
See, e.g., https://www.youtube.com/watch?v=RTzUiX101C0; https://www.nespresso.com/us/en/vertuo-coffee-machines; https://www.youtube.com/watch?v=__KOHPZXzcs.

Alternatively, to the extent any limitation herein is deemed not literally infringed, Plaintiff alleges that the limitation is infringed under the doctrine of equivalents. Under the function-way-result test of the doctrine of equivalents, an element in the accused device is equivalent to a claim limitation if it "performs substantially the same function in substantially the same way to obtain substantially the same result." *Virnetx, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1322-23 (Fed. Cir. 2014). For example,

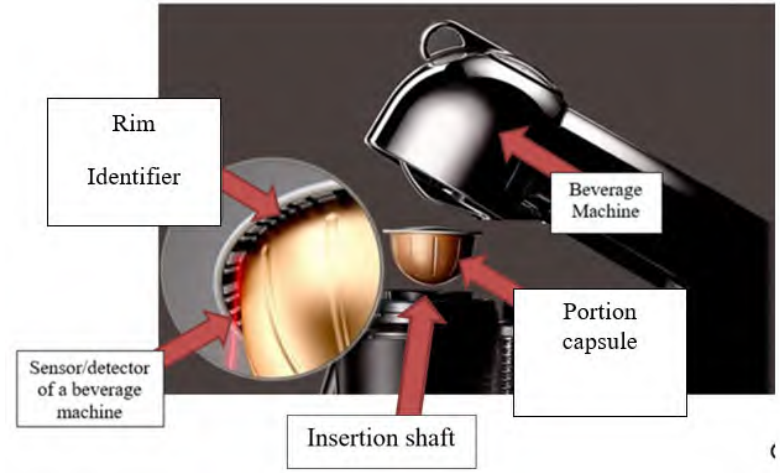
	the beverage machine's operation of the pump, *see, e.g.*, Nespresso Vertuo beverage machine's pump which forces hot water through a brewing chamber, performs the same function, *e.g.*, forcing the hot water through a brewing chamber, in substantially the same way to achieve the same result, *e.g.*, brew a beverage. The beverage machine's prevention of the operation of the pump, *see, e.g.*, Nespresso Vertuo beverage machine's pump, performs the same function, *e.g.*, Nespresso Vertuo beverage machines prevent the pump from operating when a non-compatible portion capsule is inserted, in substantially the same way, *see, e.g.*, the Nespresso beverage machine first determines the portion capsule is not suitable for use and then prevents operation of the pump, to achieve the same result, *e.g.*, prevent the operation of the beverage machine's pump and thereby fail to brew a beverage.
[14] The beverage system according to claim 13,	*See* claim 13.
[14a] wherein upon the identifier being read by the sensor/detector, beverage making properties are set, which include a quantify of the hot water, pressure of the hot water, and/or temperature of the hot water.	Once the beverage machine's sensor/detector reads the identifier, the beverage making properties, which include a quantity of the hot water, pressure of the hot water, and/or temperature of the hot water, are set. *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo ("You can precisely prepare your small or large coffee with generous and silky crema, as each Vertuo machines uses barcode recognition and a brewing extraction system to create your coffee experience. The unique barcode on each capsule adjusts the flow and volume of water, temperature, infusion time and capsule rotation to make the best part of your coffee experience - your perfect coffee, every time."); https://www.youtube.com/watch?v=RTzUiX101C0 at 0:13-0:25 ("With a simple touch of the button, the capsule begins to rotate, allowing the machine to read the barcode on its rim and automatically calibrate the perfect brewing parameters for that particular blend."); https://www.nespresso.com/us/en/machine-assistance/vertuo at 0:28-0:35 ("You can tailor the size of your coffee or espresso…the programming is specific to each capsule size). The below annotated images illustrate the Accused Product's infringement of this limitation.


Identifier
Portion capsule
Sensor/detected of a beverage machine.


Identifier
Beverage Machine
Portion capsule
Sensor/detector of a beverage machine
Insertion shaft

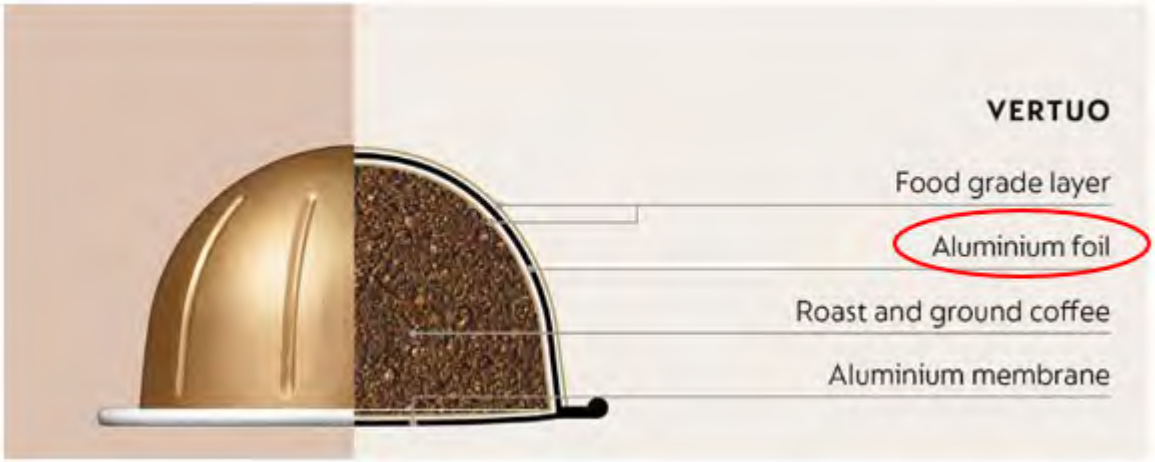
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs.
[15] The beverage system according to claim 14,	*See* claim 14.
[15a] wherein the rim guides the portion capsule in the insertion shaft such that the portion capsule drops into a brewing chamber in a specific position.	The portion capsule's rim guides the portion capsule in the insertion shaft such that the portion capsule drops into the brewing chamber in a specific position. The below annotated images illustrate the Accused Product's infringement of this limitation.

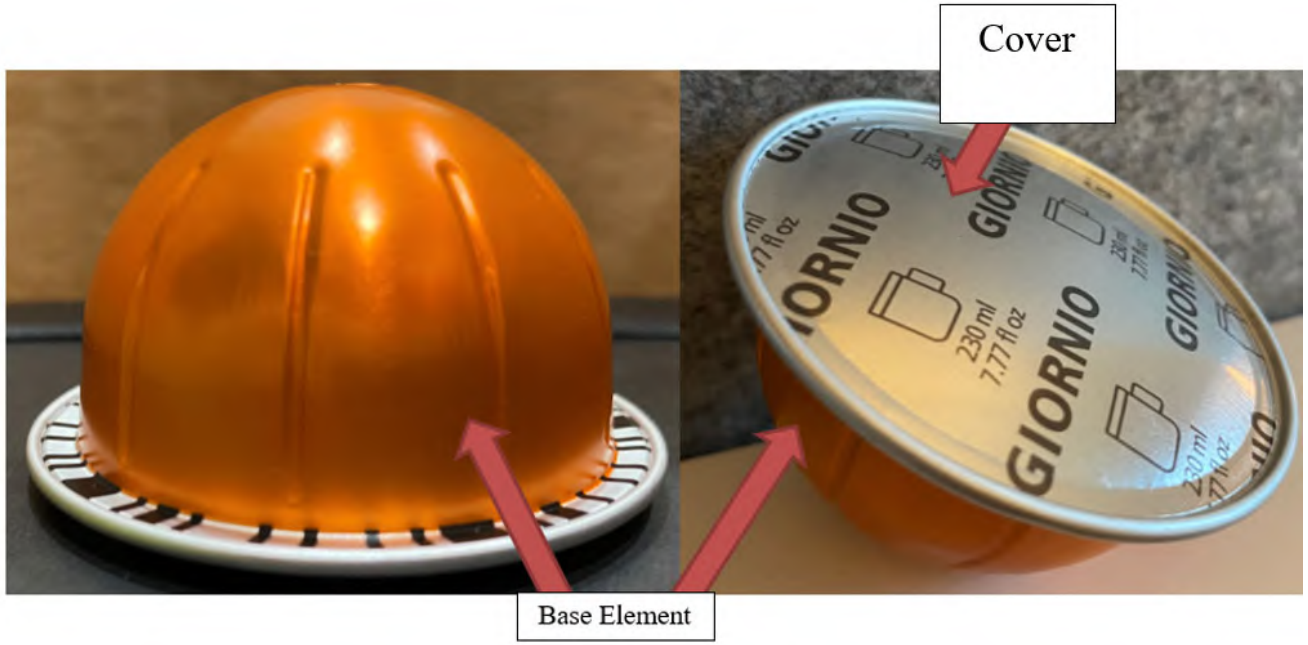
	 Insertion shaft NESPRESSO

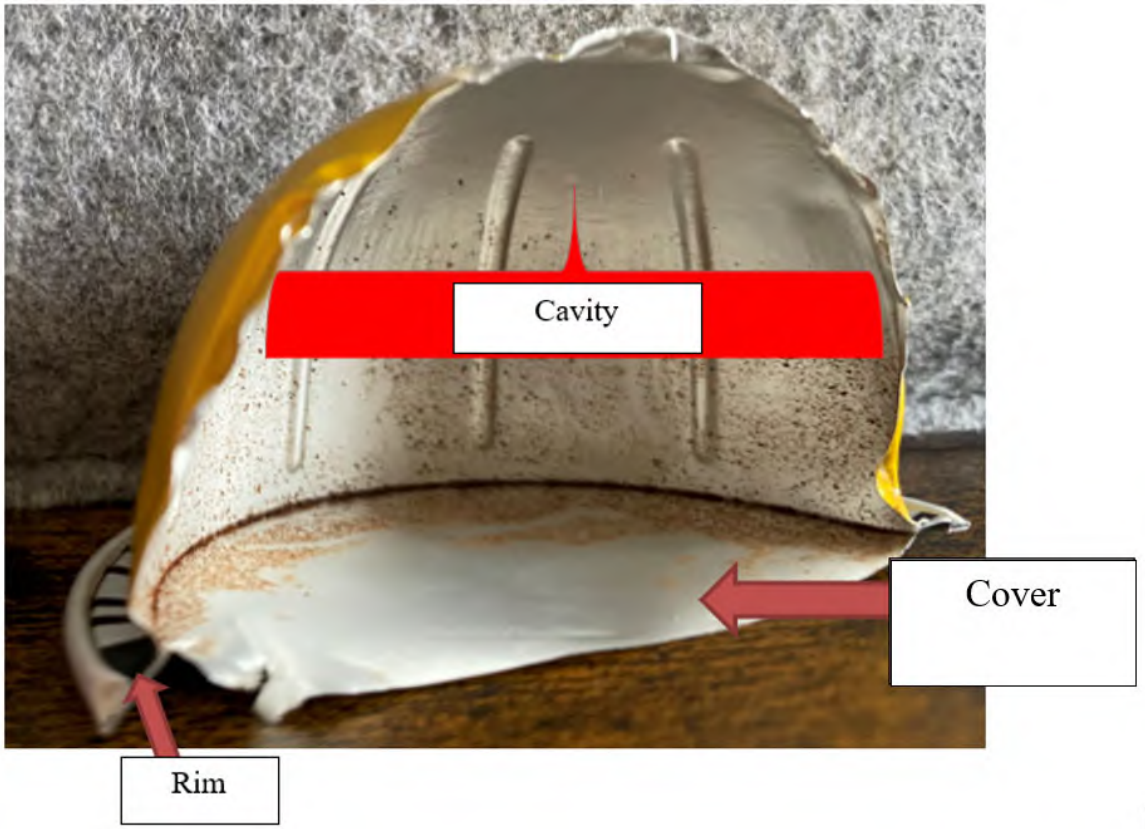

Rim
Identifier
Beverage Machine
Portion capsule
Sensor/detector of a beverage machine
Insertion shaft

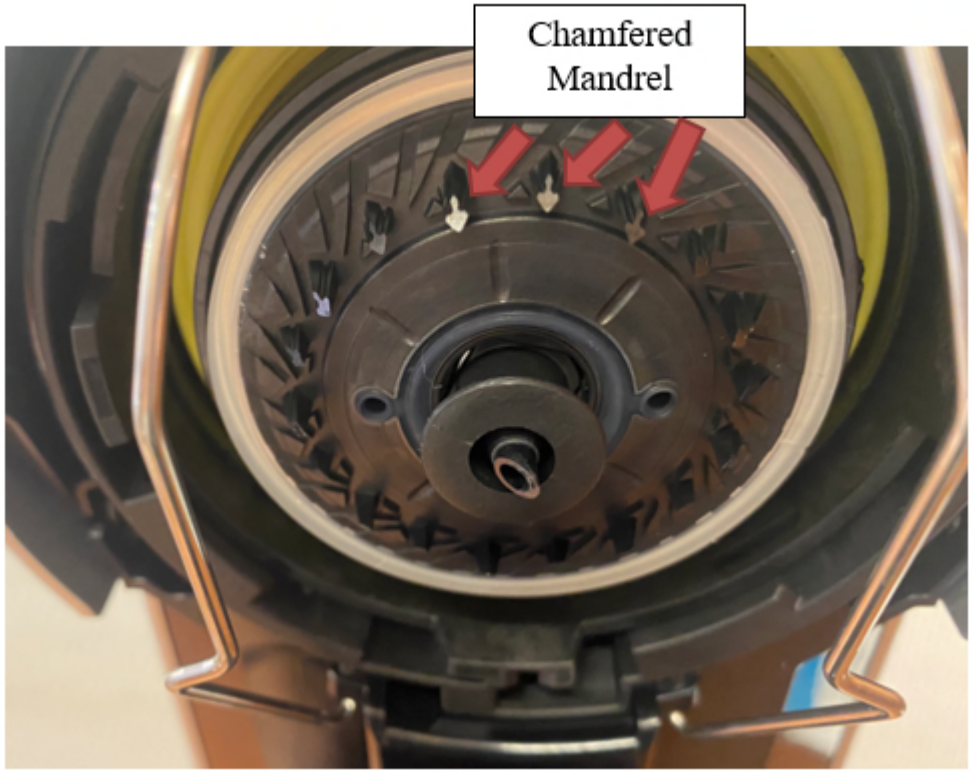

Portion capsule
Insertion shaft
NESPRESSO

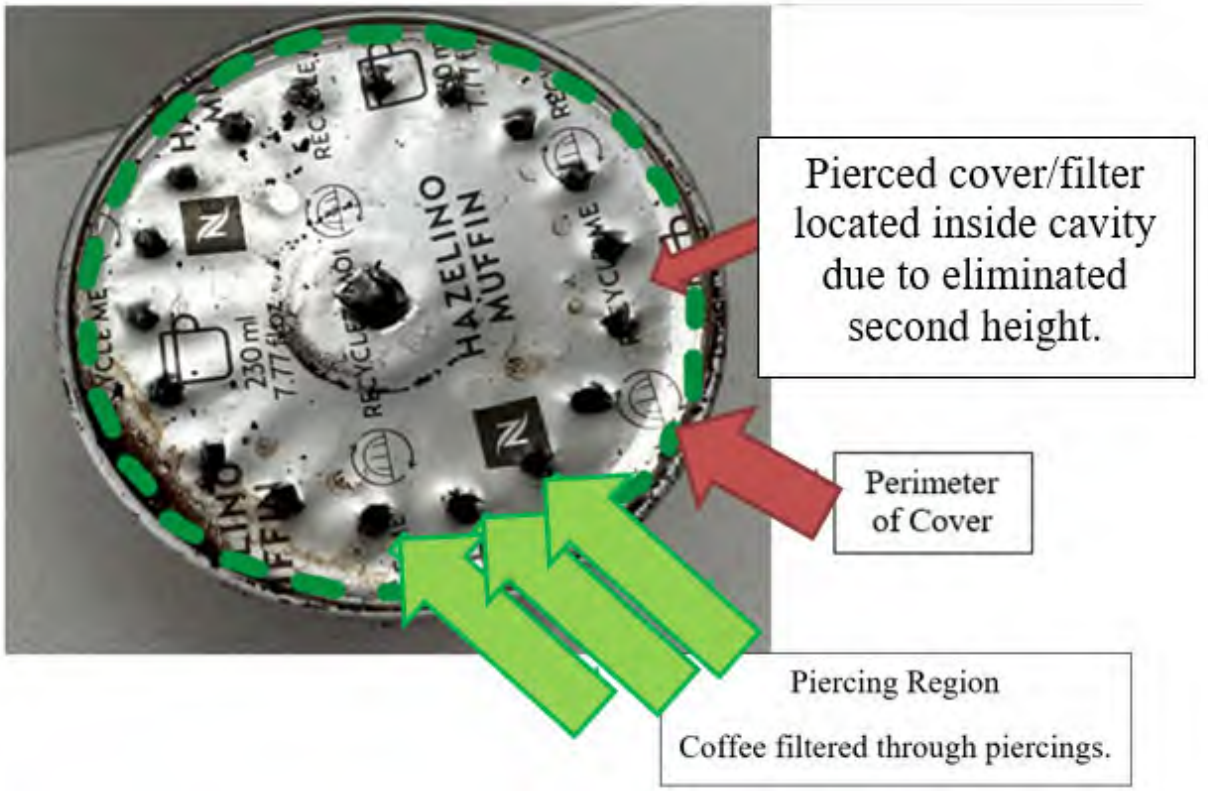
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs
[16] The beverage system according to claim 15,	*See* claim 15.

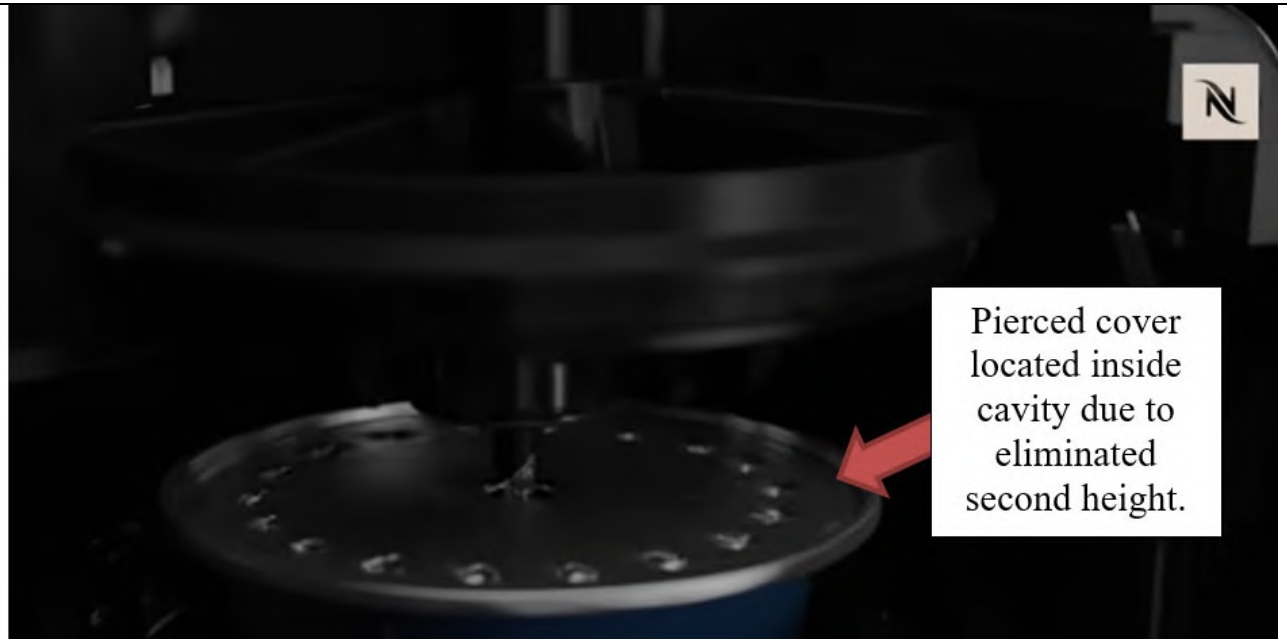
[16a] wherein the base element is made of a biodegradable material, metal, or plastic.	The portion capsule's base element is made of metal, a biodegradable material, or plastic. The portion capsule's base element is made of aluminum which is a lightweight metal. *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium; *see* https://www.aluminiumleader.com/about_aluminium/what_is_aluminum/. The below annotated image illustrates the Accused Product's infringement of this limitation.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium.
[17] The beverage system according to claim 16,	*See* claim 16.
[17a] wherein the portion capsule comprises a filter inside of the cavity.	The portion capsule includes a filter inside of the cavity. The below annotated images illustrate the portion capsule that includes a filter inside of the cavity.


Cover
Base Element
GIORNIO
230 ml
7.77 fl oz


Cavity
Cover
Rim

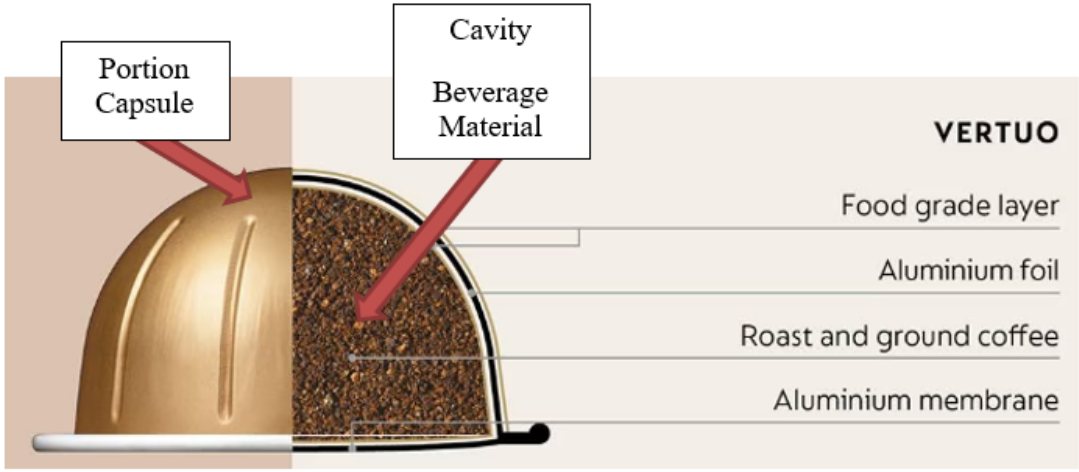

Chamfered
Mandrel


HAZELINO
MUFFIN
230 ml
7.77 fl oz
Pierced cover/filter located inside cavity due to eliminated second height.
Perimeter of Cover
Piercing Region
Coffee filtered through piercings.



See, e.g., https://www.youtube.com/watch?v=RTzUiX101C0.

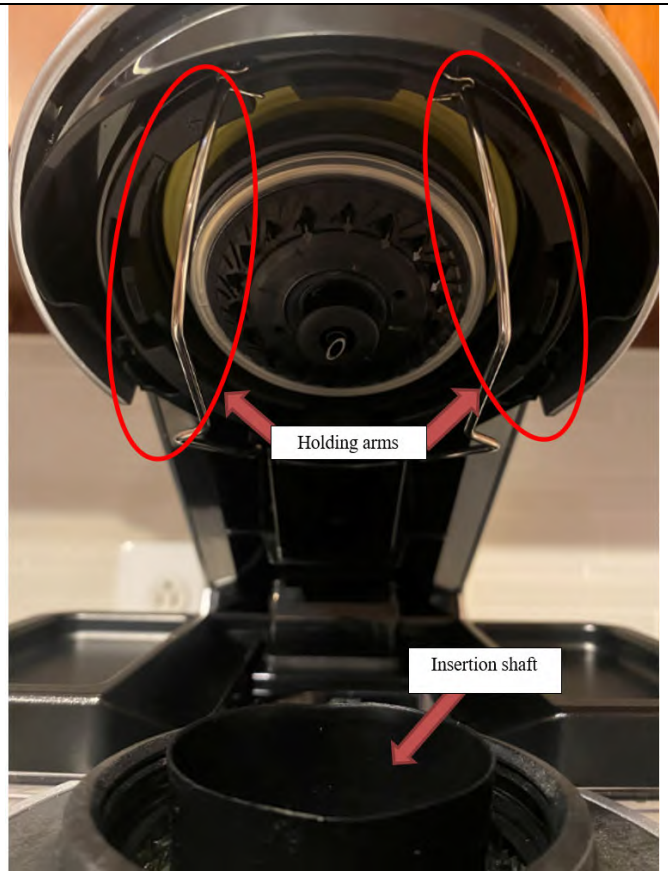
Alternatively, to the extent any limitation herein is deemed not literally infringed, Plaintiff alleges that the limitation is infringed under the doctrine of equivalents. Under the function-way-result test of the doctrine of equivalents, an element in the accused device is equivalent to a claim limitation if it "performs substantially the same function in substantially the same way to obtain substantially the same result." *Virnetx, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1322-23 (Fed. Cir. 2014). For example, the portion capsule's filter, *see, e.g.*, the portion capsule's cover that is located inside of the cavity upon being pierced by the chamfered mandrel of the beverage machine, performs the same function, *e.g.* filtering coffee grounds, to achieve the same result, *e.g.* preventing raw beverage material from being present in the brewed cup of coffee, in the same way, *e.g.*, by blocking the raw beverage material from exiting the capsule. As the water is inserted through the cover that is located inside of the cavity and "the water infuses the coffee grounds" the centrifugal force brews the coffee and the coffee is filtered through the piercing region that is configured to be pierced by a mandrel of the

	beverage machine so that the raw beverage material is not present in the brewed cup of coffee. *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0 at 0:25–0:30.
[18] The beverage system according to claim 16,	*See* claim 16.
wherein the portion capsule is free of a filter inside of the cavity.	The Accused Product is a portion capsule that is free of a filter inside the cavity. The below annotated image illustrates that the portion capsule is free of a filter inside of the cavity.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[19] The beverage system according to claim 16,	*See* claim 16.

[19a] wherein the beverage machine comprises a waste container for the portion capsule to fall into	The beverage machine comprises a waste container for the portion capsule to fall into. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo at 2:20-32 ("After every use, it is important to remove the used Vertuo line capsule…turn the lever to the right and open the machine to automatically eject the capsule."). The below annotated images illustrate the Accused Product's infringement of this limitation.


Used portion capsule being ejected into the waste container.
Waste container for the portion capsule to fall into.
Beverage machine

	 *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo.
[19b] and a pair of holding arms for guiding the portion capsule.	The beverage machine comprises a pair of holding arms for guiding the portion capsule. The below annotated images illustrate the Accused Product's infringement of this limitation.


Holding arms
Insertion shaft

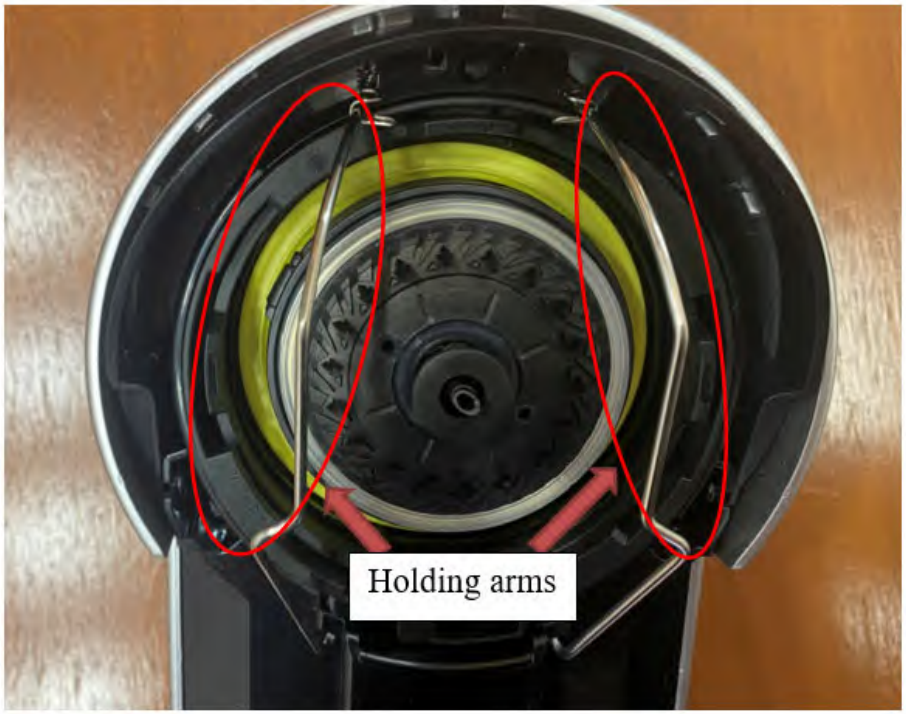
	 Holding arms

EXHIBIT 830

U.S. Patent No. 11,465, 830 ("'830 Patent")

Exemplary Accused Products

Nespresso products, including at least each of the following products (and their submodels), infringe either literally or under the doctrine of equivalents at least Claims 1-12 of the '830 Patent: Vertuo Creatista, Vertuo Pop+, Vertuo Next, VertuoPlus, Evoluo, and Vertuo capsules. The infringement chart below is based on the Vertuo capsules ("Accused Product"), which is exemplary of the infringement of the '830 Patent. The Accused Product does not contain components that materially differ from the novel characteristics of the claimed invention. Nespresso's acts of designing, marketing, importing into the USA, and selling the Accused Product, in addition to continuing to design, market, and import into the USA the Accused Product is also evidence of infringement.

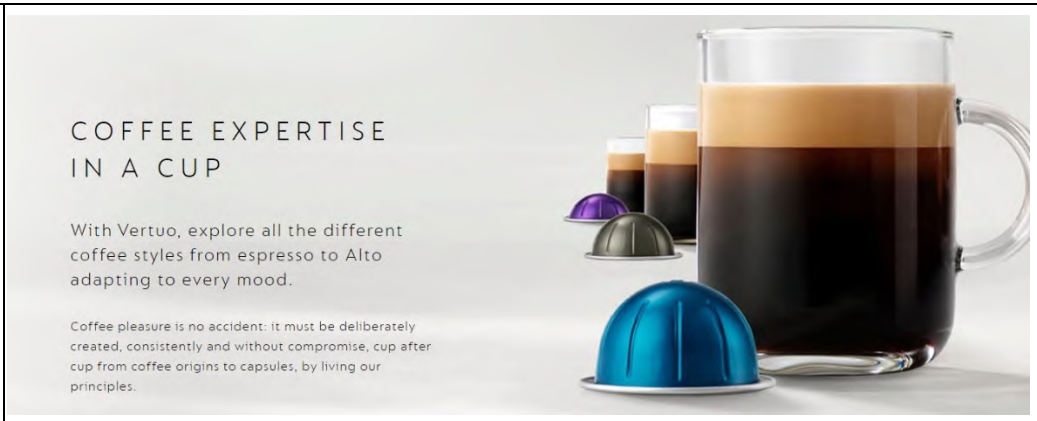
In addition to Nespresso's direct infringement of the '830 Patent, Nespresso has indirectly infringed Claims 1-12 of the '830 Patent pursuant to 35 U.S.C. § 271(b) by causing others to directly infringe. For example, Nespresso's affiliates, customers, and third-party sellers directly infringe these claims by offering for sale, selling, using, and/or importing the Accused Product in the United States. Nespresso induced the infringement of Claims 1-12 through its promotion, marketing, training, and sale of the Accused Product. Nespresso supplied the Accused Product and actively encouraged the use of the same in the United States through the promotion and marketing of literature, imagery and/or video, which induced and resulted in direct infringement. Nespresso has known or should have known these actions would cause direct infringement of the '830 Patent and did so with specific intent to encourage direct infringement. Nespresso's acts of infringement were willful.

These infringement charts are exemplary and provided based on information obtained to date and may not be exhaustive. K-fee's investigation of Nespresso's infringement is ongoing. K-fee reserves the right to seek to supplement and/or amend these disclosures to identify additional asserted claims, accused instrumentalities, and/or to further identify where each element of each asserted claim is found in each accused instrumentality, including on the basis of discovery obtained from Nespresso and from third parties during the course of this litigation. As discovery progresses, Counterclaim Plaintiff may rely on additional factual and expert discovery to support its contentions that the Accused Product meets the claim limitations.

The accused instrumentalities and associated documents discussed and/or cited herein are representative in all material aspects for all other accused instrumentalities identified in this chart. Based on information presently available to K-fee, each of the Nespresso products is understood to operate in the same manner with respect to the contentions provided in this chart. Nespresso has not yet produced discovery in this action, and K-fee reserves the right to amend its contentions as to these products should Nespresso provide information showing any relevant differences among the products or any additional products containing the same functionality.

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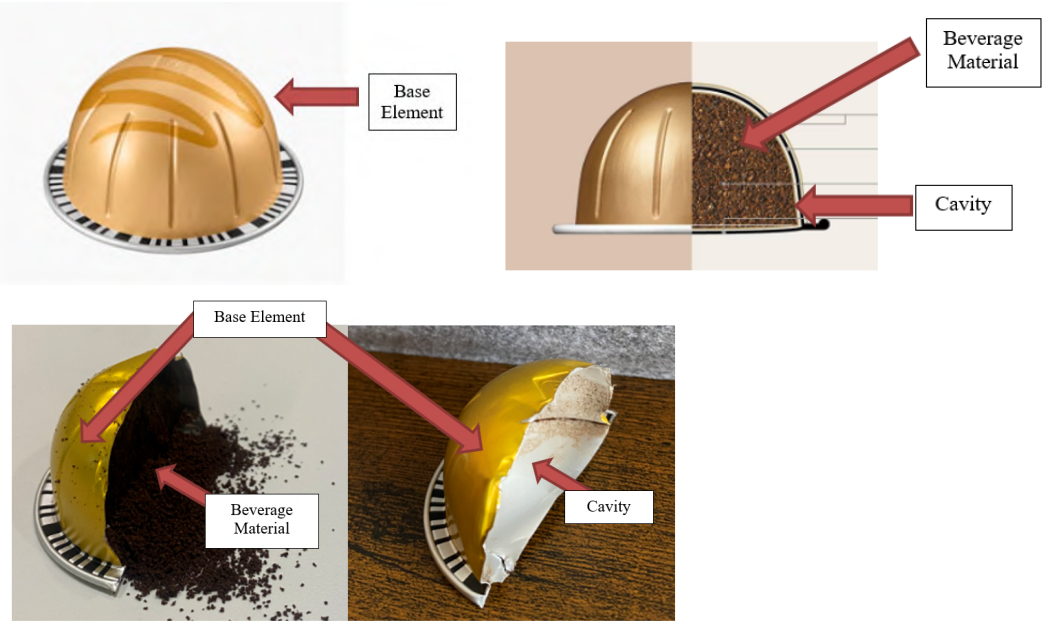
CLAIM LIMITATION U.S. Patent No. 11,465, 830	NESPRESSO'S ACCUSED PRODUCT:
[1] A portion capsule for making a beverage comprising:	The foregoing is applicable only to the extent the preamble of this claim is found to be limiting. To the extent the preamble is construed as a limitation, the Accused Product is a portion capsule. For example, the portion capsule is for making a beverage. The portion capsule is inserted into a beverage machine for the purpose of making a beverage. The below images illustrate the portion capsule for making a beverage:  

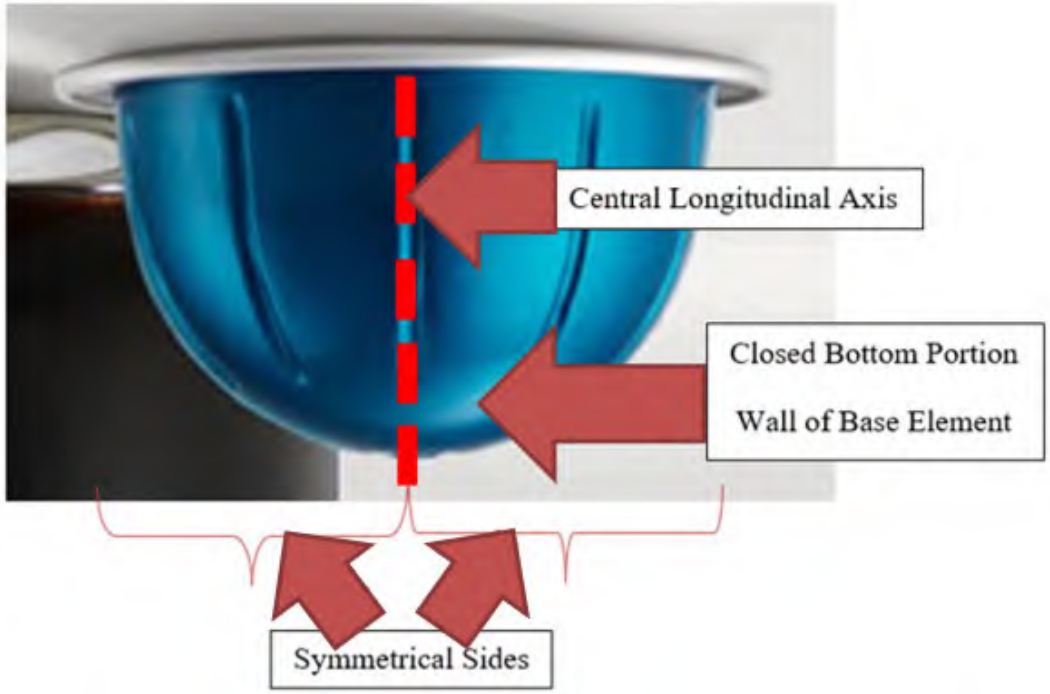


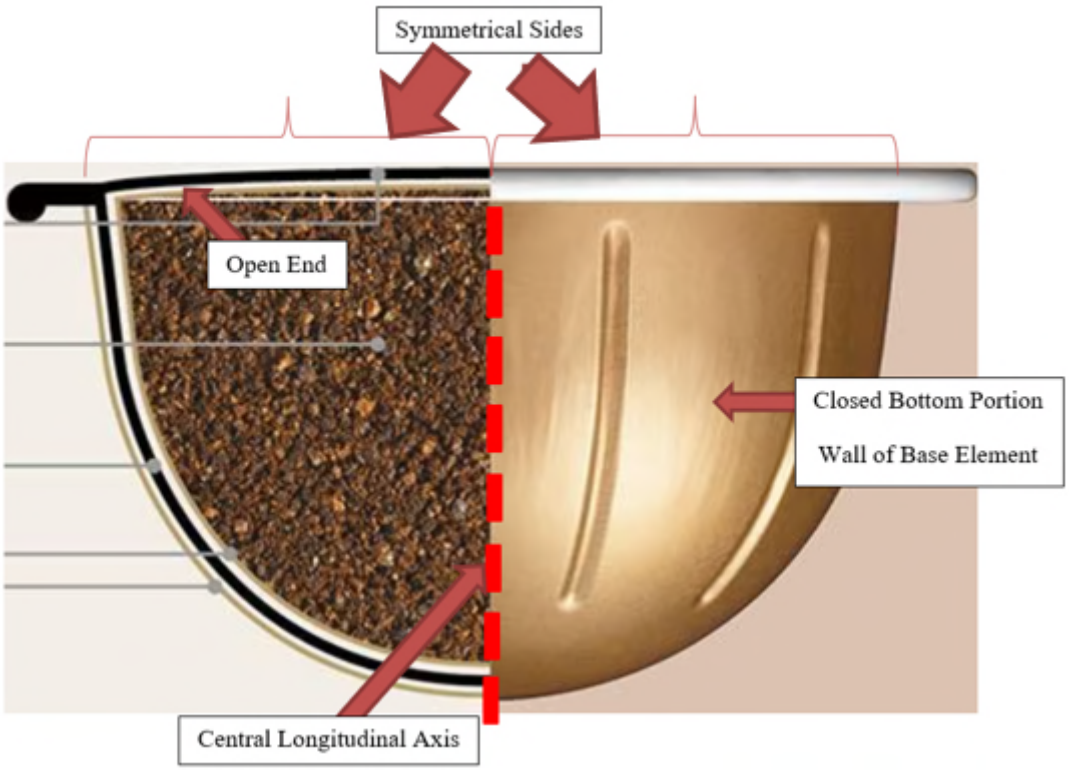
See, e.g., https://www.nespresso.com/us/en/vertuo-coffee-capsules; https://www.nespresso.com/us/en/choose-your-technology-vertuo.

The below image illustrates the portion capsule being inserted into a beverage machine for the purpose of making a beverage.

	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0.
[1a] a base element having a cavity in which a beverage material is provided,	The portion capsule comprises of a base element having a cavity in which a beverage material is provided. The cavity is within the base element such that the base element encompasses the cavity. The cavity is filled with beverage material (*e.g.*, powdered coffee material). The below annotated images illustrate the base element having a cavity in which a beverage material is provided.

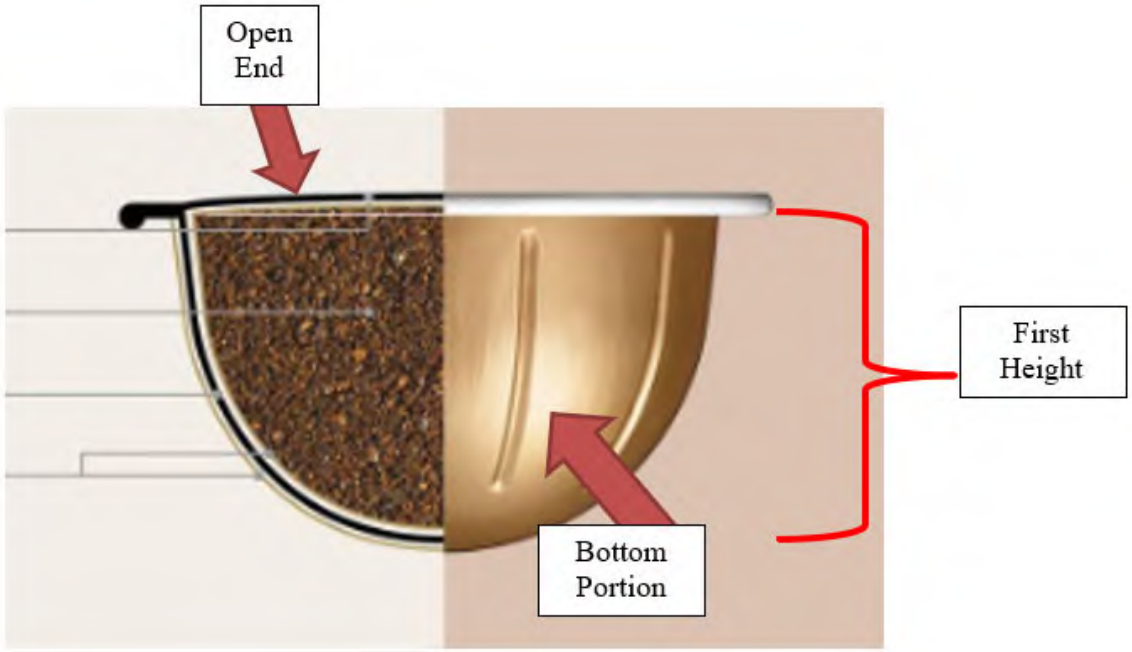
	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium; https://www.nespresso.com/us/en/choose-your-technology-vertuo
[1b] the base element including a wall that is symmetrical about a central longitudinal axis thereof and having an open end and a closed bottom portion,	The Accused Product's base element includes a wall that is symmetrical about a central longitudinal axis thereof and having an open end and a closed bottom portion. The closed bottom portion of the portion capsule's base element comprises the base element's wall. The below annotated images illustrate the Accused Products' base element including a wall that is symmetrical about a central longitudinal axis thereof and having an open end and a closed bottom portion.

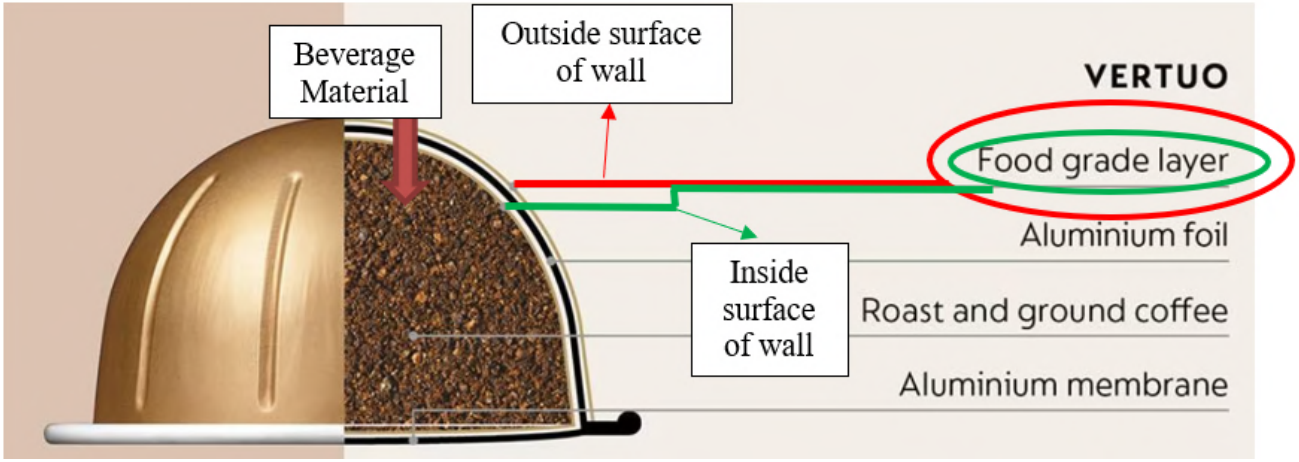

Central Longitudinal Axis
Closed Bottom Portion
Wall of Base Element
Symmetrical Sides

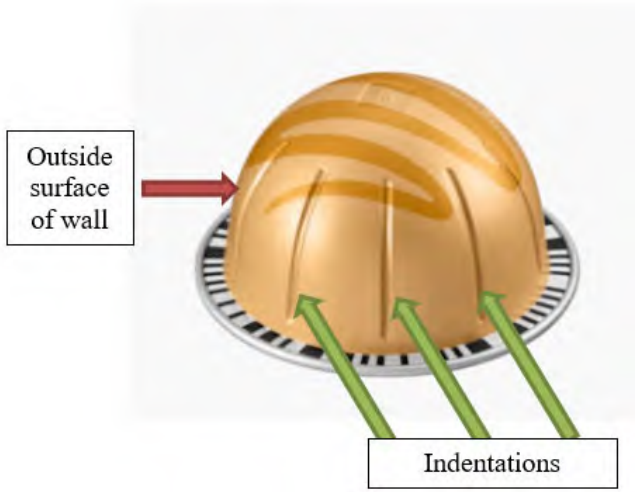
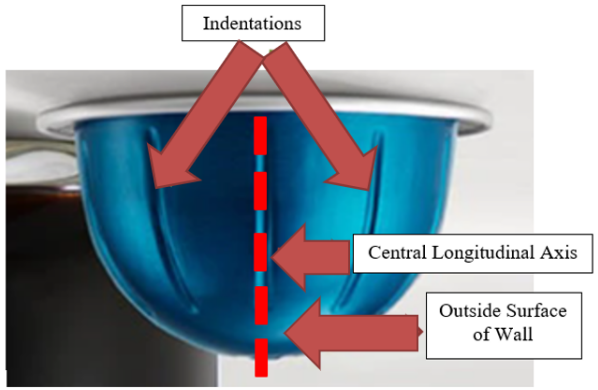


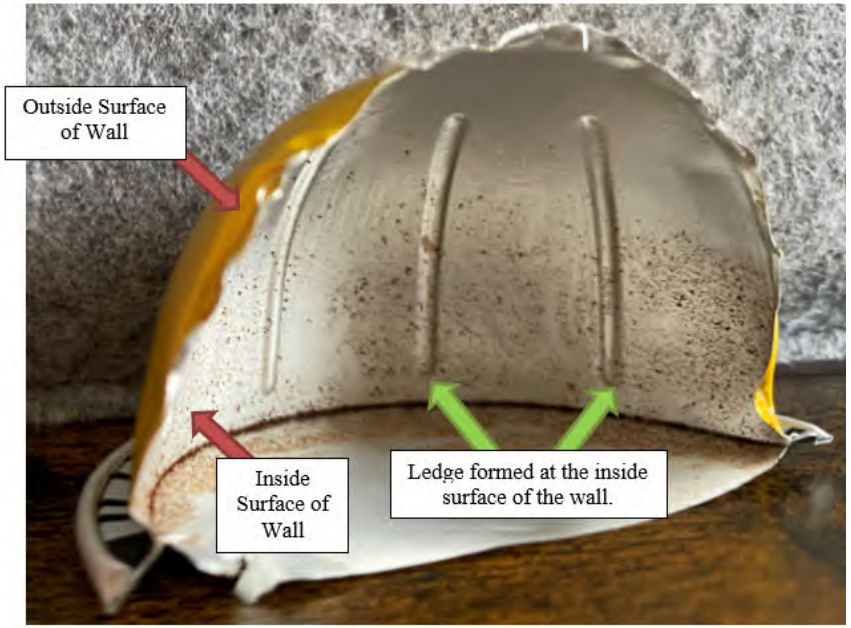
See, e.g., https://www.nespresso.com/us/en/vertuo-coffee-capsules; https://www.sustainability.nespresso.com/why-aluminium

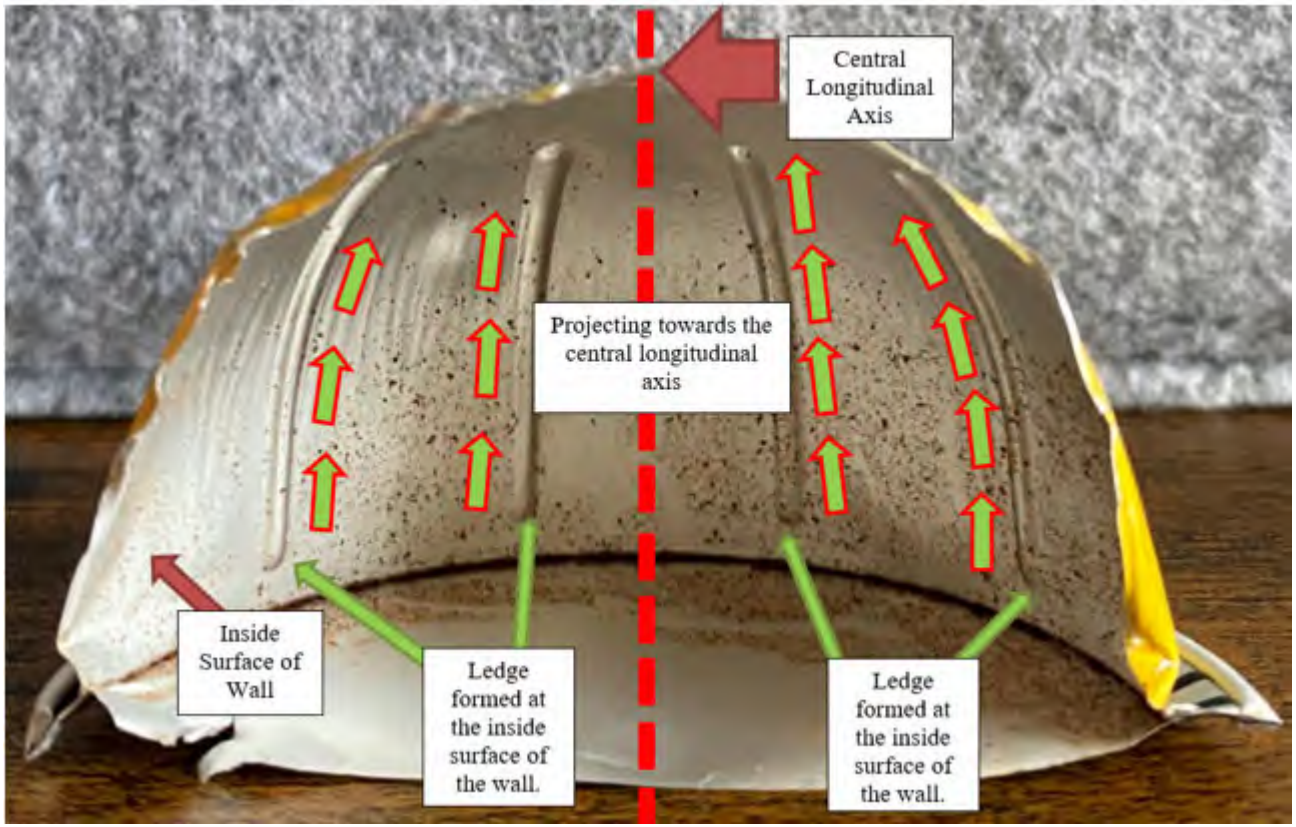
Alternatively, to the extent any limitation herein is deemed not literally infringed, Plaintiff alleges that the limitation is infringed under the doctrine of equivalents. Under the function-way-result test of the doctrine of equivalents, an element in the accused device is equivalent to a claim limitation if it "performs substantially the same function in substantially the same way to obtain substantially the same result." *Virnetx, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1322-23 (Fed. Cir. 2014). For example, the portion capsule's base element having an open end and a bottom portion with physical features, *see, e.g.*, the capsule walls, performs the same function, *e.g.* encasing the cavity of the portion

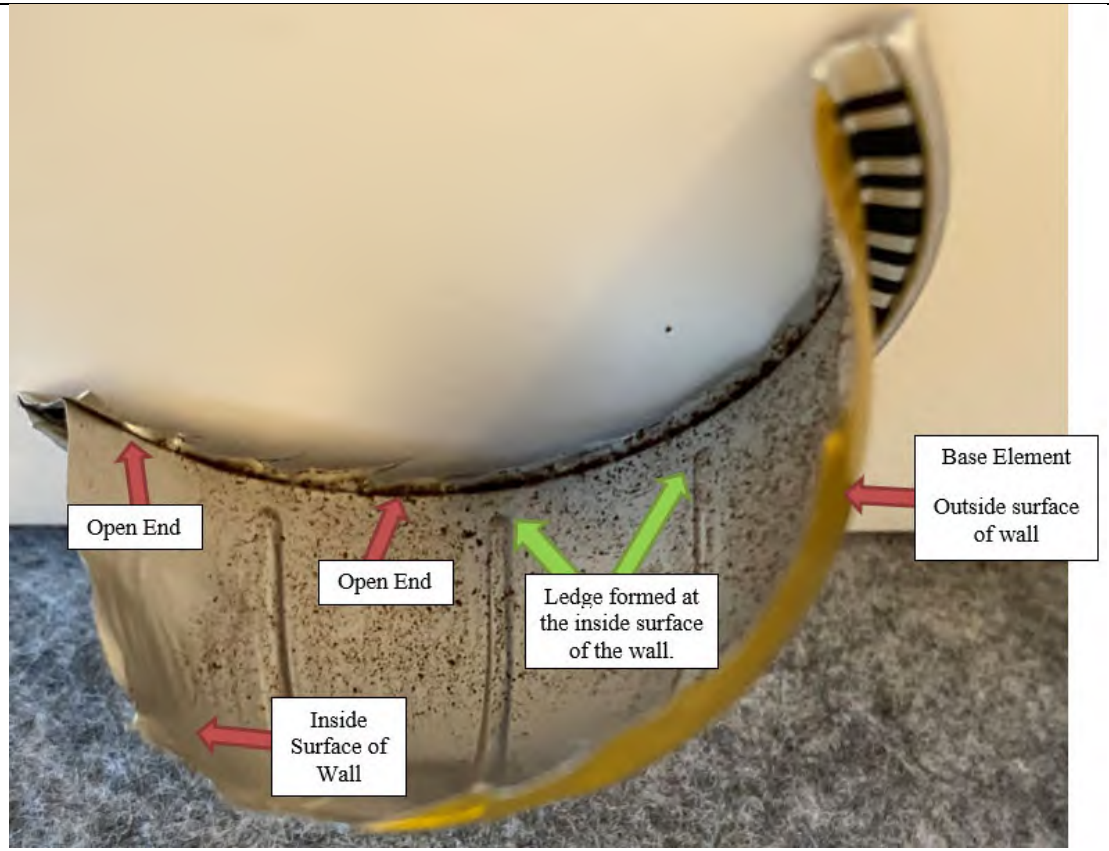
	capsule, in the substantially the same way, *e.g.* in a symmetrical fashion about a central longitudinal axis of the base element, to achieve the same result, *e.g.* encapsulate a beverage material, as the claimed base element being symmetrical about a central longitudinal axis thereof and having an open end and a bottom portion.
[1c] the base element has a first height that is defined between the open end and the closed bottom portion,	The Accused Product's base element has a height between the open end and the closed bottom portion, defined as the first height. The below annotated image illustrates the first height between the open end and the closed bottom portion of Accused Product.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium

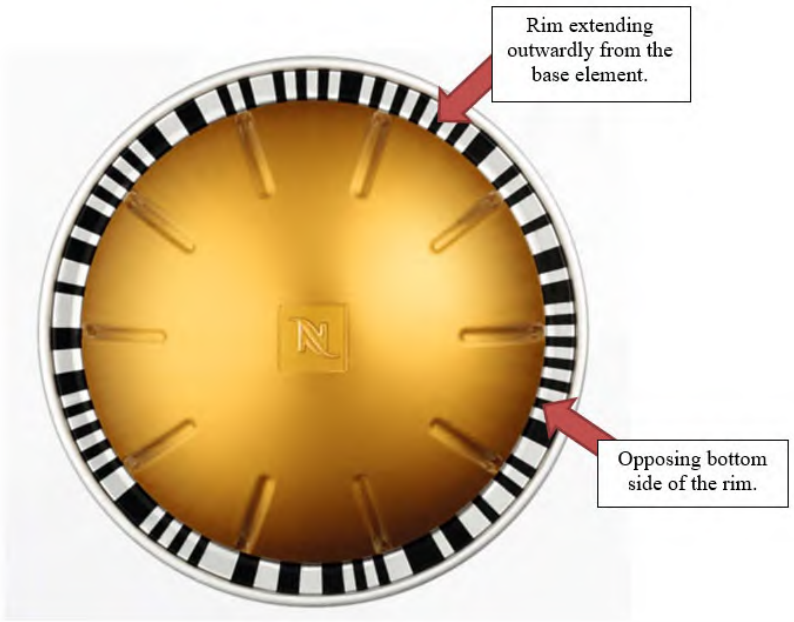
[1d] the wall has an outside surface and an inside surface which faces the beverage material;	The Accused Product's wall, which is included in the base element, has an outside surface, *see, e.g.*, the outer food grade layer, which does not face the beverage material. Additionally, the Accused Product's wall, which is included in the base element, has a separate inside surface, *see, e.g.*, the inner food grade layer, which faces the beverage material. The below annotated image illustrates the Accused Product's wall, which has an outside surface and an inside surface which faces the beverage material.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[1e] a plurality of indentations arranged on the outside surface of the wall, about the central longitudinal axis;	The Accused Product has a plurality of indentations, *see, e.g.*, 10 indentations, arranged on the outside surface of Accused Product's wall, about the central longitudinal axis. The below annotated images illustrate the Accused Product's plurality of indentations arranged on the outside surface of the wall, about the central longitudinal axis.

	  *See, e.g.*, https://www.nespresso.com/us/en/vertuo-coffee-capsules; https://www.nespresso.com/us/en/choose-your-technology-vertuo.
[1f] a ledge formed at the inside surface of the wall and projecting towards the central longitudinal axis;	The Accused Product has a ledge formed at the inside surface of the wall, *see, e.g.,* the inner food grade layer which faces the beverage material, projecting towards the central longitudinal axis. The ledge of the Accused Product, which is formed at the inside surface of the wall, projects towards the central longitudinal axis. The ledge exists on the inside surface of the wall, *see, e.g.,* the inner food grade layer which faces the beverage material. The below annotated images illustrate the Accused Product's ledge formed at the inside surface of the wall and projecting towards the central longitudinal axis.


Outside Surface of Wall
Inside Surface of Wall
Ledge formed at the inside surface of the wall.

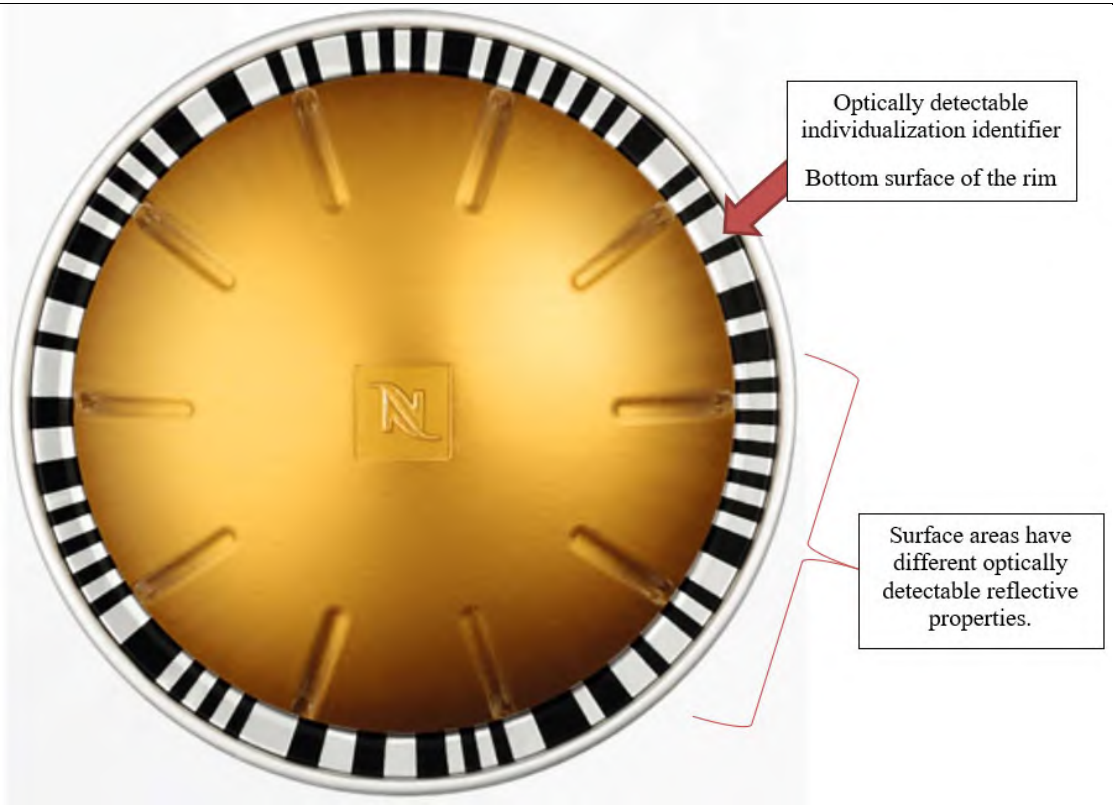
	
[1g] the ledge is spaced below the open end of the base element;	The Accused Product's ledge is spaced below the open end of the base element. The below annotated image illustrates the Accused Product's ledge that is spaced below the open end of the base element.

	
[1h] a rim at the open end of the base element, the rim having a top surface and an opposing bottom surface;	The Accused Product has a rim at the open end of the base element. The Accused Product's rim has a top surface and an opposing bottom surface. The below annotated images illustrate this limitation.


Rim extending outwardly from the base element.
Opposing bottom side of the rim.

	
[1i] an optically detectable individualization identifier, which is carried by the bottom surface of the rim,	The Accused Product has an optically detectable individualization identifier, which is carried by the bottom surface of the rim. The below annotated image illustrates the Accused Product's optically detectable individualization identifier, which is carried by the bottom surface of the rim.

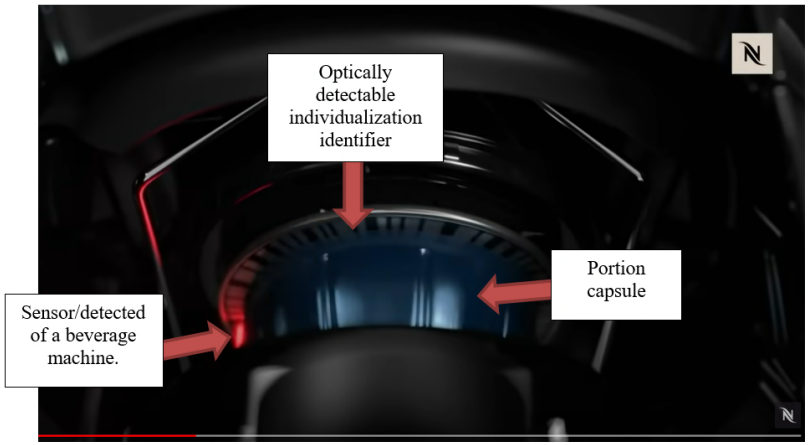
	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[1j] the optically detectable individualization identifier includes surface areas having different optically	The Accused Product has an optically detectable individualization identifier, which includes surface areas having different optically detectable reflective properties. The below annotated image illustrates the Accused Product's optically detectable individualization identifier, which includes surface areas having different optically detectable reflective properties.

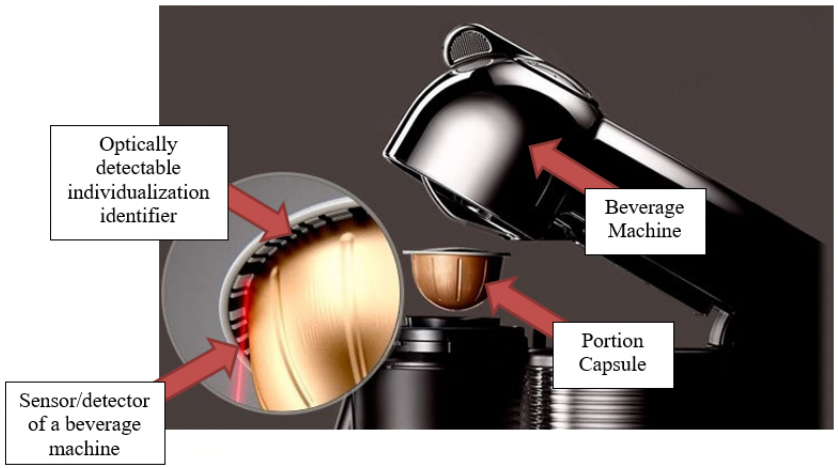
detectable reflective properties,	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[1k] the optically detectable individualization identifier is configured to be read by a sensor/detector of a beverage machine to individualize the portion capsule and to activate a pump of the beverage machine;	The Accused Product has an optically detectable individualization identifier, which is configured to be read by a sensor/detector of a beverage machine to individualize the portion capsule and to activate a pump of the beverage machine. *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo ("You can precisely prepare your small or large coffee with generous and silky crema, as each Vertuo machines uses barcode recognition and a brewing extraction system to create your coffee experience. The unique barcode on each capsule adjusts the flow and volume of water, temperature, infusion time and capsule rotation to make the best part of your coffee experience - your perfect coffee, every time."); https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."); *see, e.g.*,

https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."). For example, if the identifier located on the portion capsule is obstructed or damaged, the beverage machine will prevent making of the beverage, including preventing operation of the pump that supplies water into the portion capsule.

The below annotated images illustrate the optically detectable individualization identifier, that is configured to be read by a sensor/detector of a beverage machine to individualize the portion capsule and to activate a pump of the beverage machine:



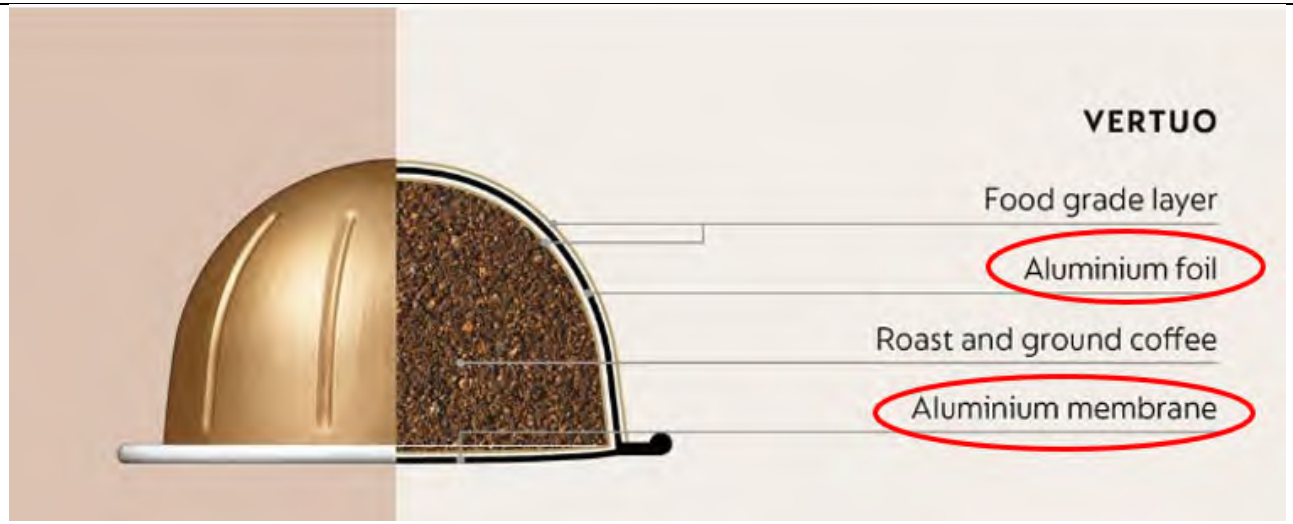


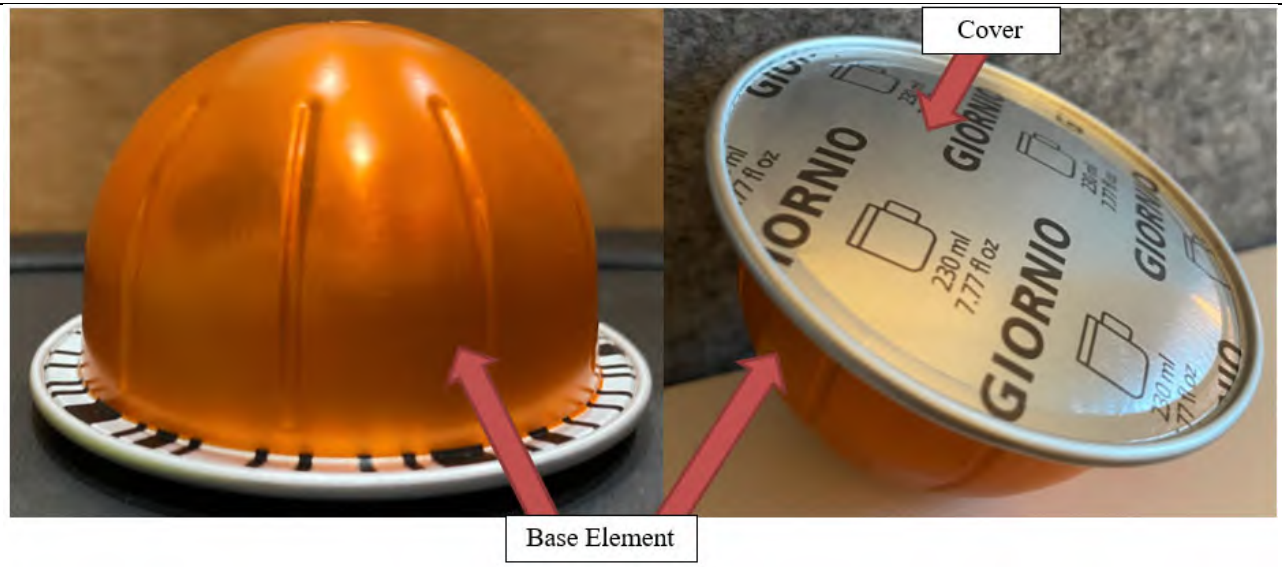


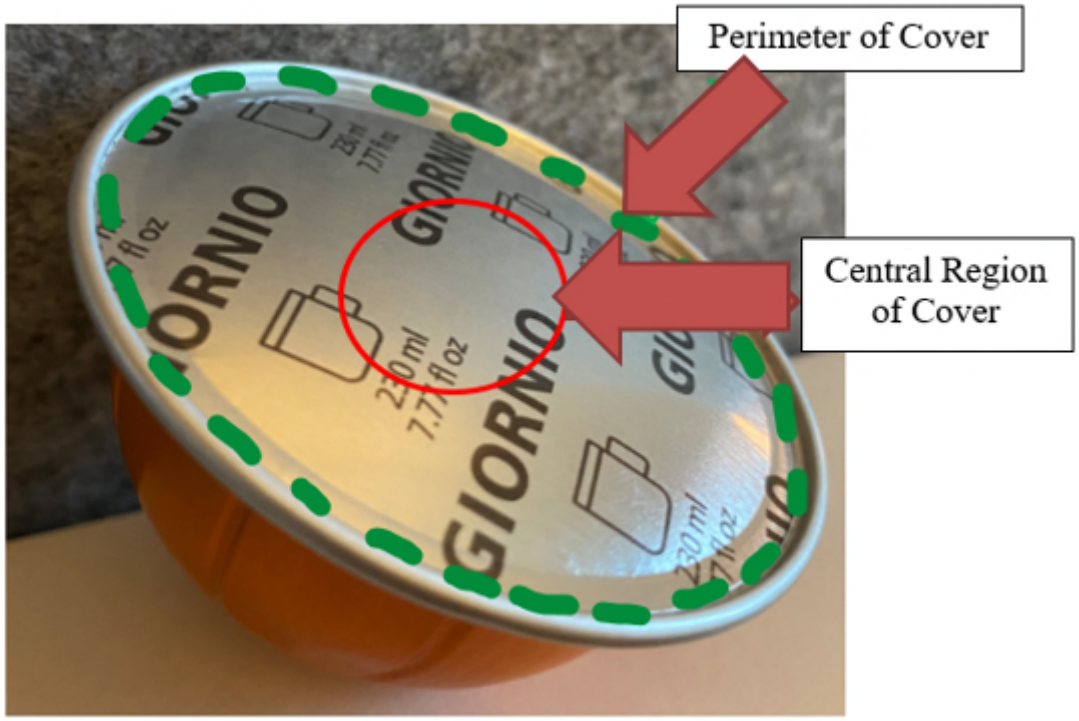
See, e.g., https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs

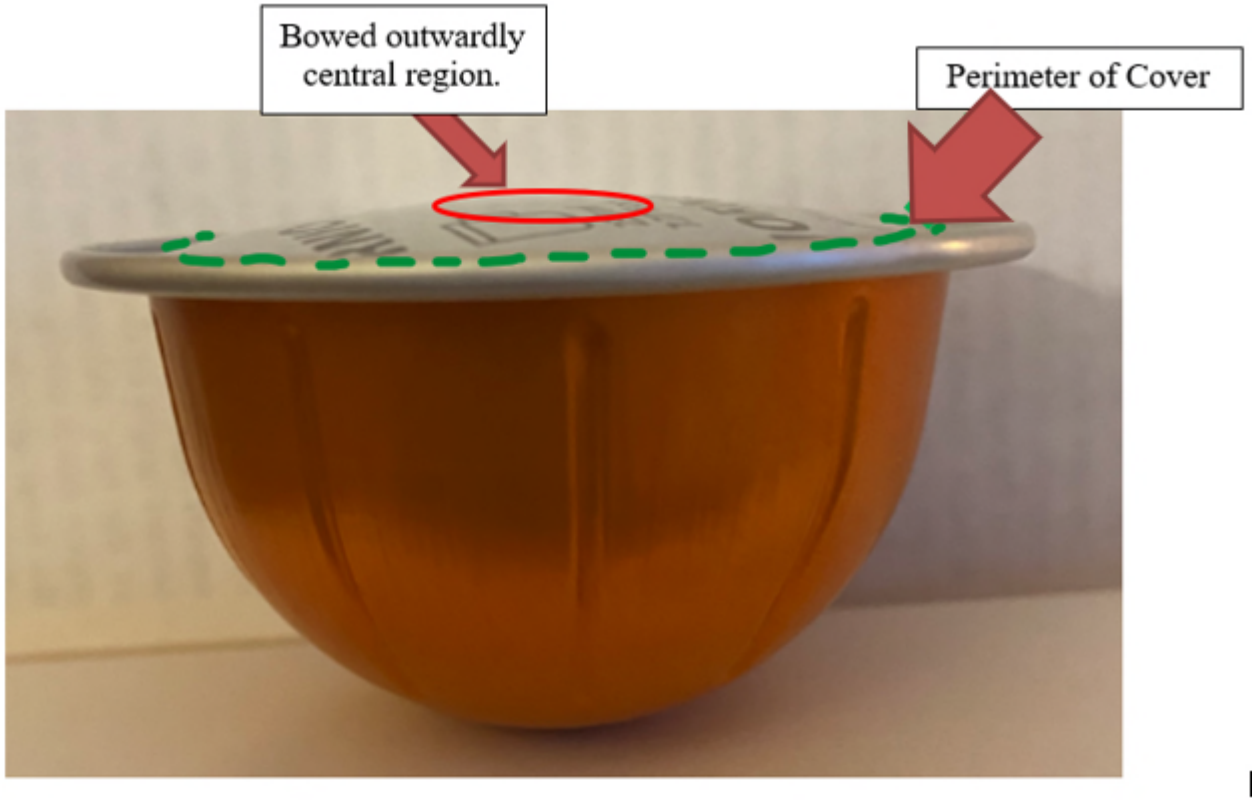
Alternatively, to the extent any limitation herein is deemed not literally infringed, Plaintiff alleges that the limitation is infringed under the doctrine of equivalents. Under the function-way-result test, an element in the accused device is equivalent to a claim limitation if it "performs substantially the same function in substantially the same way to obtain substantially the same result." *Virnetx, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1322-23 (Fed. Cir. 2014). For example, the Vertuo portion capsule's

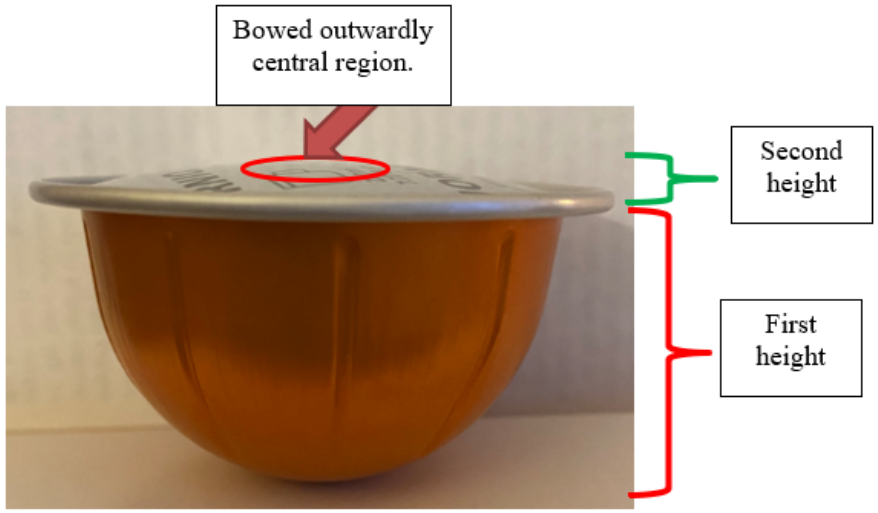
	optically detectable individualization identifier performs the same or substantially the same function, *e.g.* being configured to be read by a sensor/detector of a beverage machine to brew the specific "type of coffee, time after time, without fail", in substantially the same way, *e.g.* the sensor/detector of a beverage machine reads the Vertuo portion capsule's optically detectable individualization identifier to individualize the portion capsule, to obtain substantially the same result, *e.g.* activate a pump of the beverage machine to brew a beverage. Upon information and belief, testing of samples of Nespresso's Accused Product would confirm that Nespresso's Accused Product meets this limitation.
[1l] a barrier layer to prevent moisture or aroma from escaping out of the portion capsule;	The portion capsule includes a barrier layer to prevent moisture or aroma from escaping out of the portion capsule, *see, e.g.*, at least the aluminum of the portion capsule. *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium ("Aluminium foil provides a complete barrier to light, oxygen, moisture and bacteria"); https://www.nespresso.com/us/en/how-to-recycle-coffee-capsules ("Aluminum is the most protective material available today. It guarantees the freshness of the carefully crafted aromas and rich flavors of our coffees. Lightweight but strong, aluminum seals it from external elements which could harm it - oxygen, moisture and light."). The below annotated image illustrates the Accused Product's barrier layer to prevent moisture or aroma from escaping out of the portion capsule.

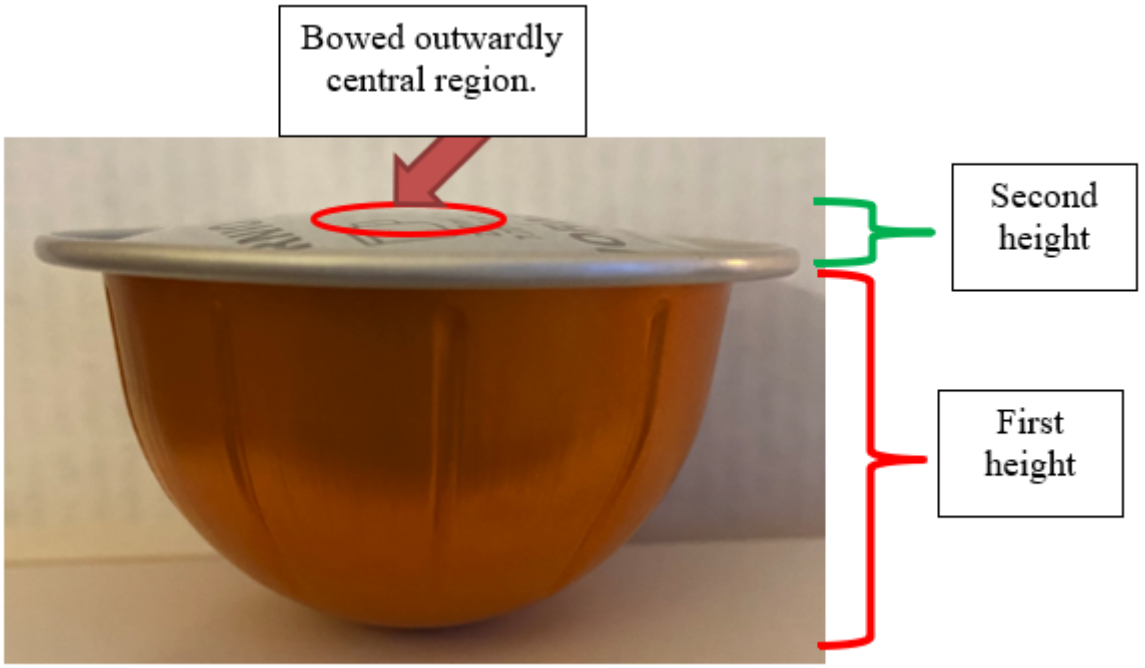
	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[1m] and a cover attached to the base element to close the cavity,	The Accused Product has a cover attached to the base element to close the cavity. The below annotated image illustrates the Accused Product's cover attached to the base element to close the cavity.

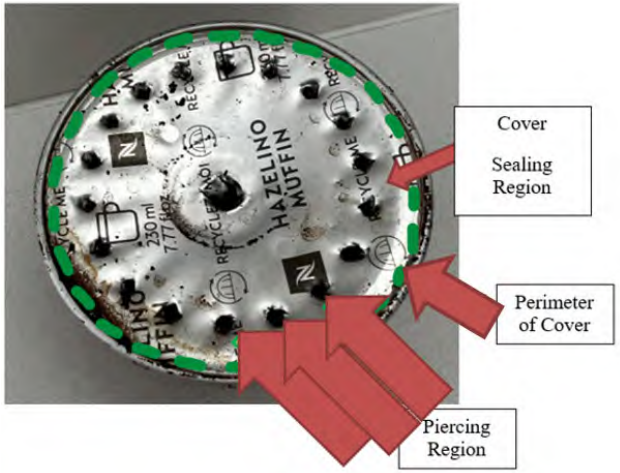

Cover
Base Element
GIORNIO
230 ml
7.77 fl oz

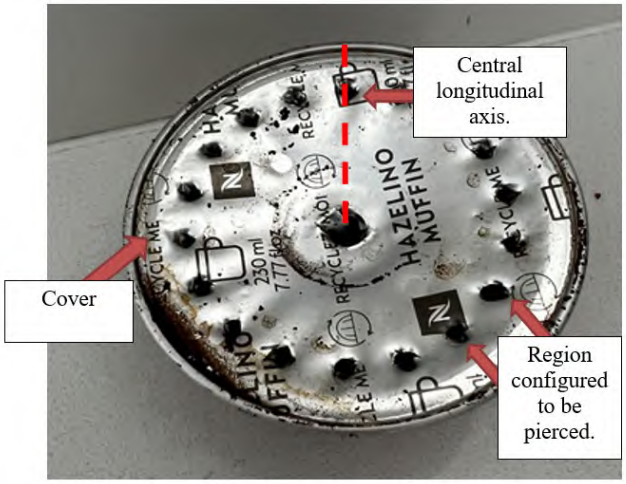
[1n] the cover having a central region and a perimeter,	The Accused Product's cover has a central region and a perimeter. The below annotated image illustrates the Accused Product's cover having a central region and a perimeter. 

[1o] the cover is bowed outwardly to a second height in the central region relative to the perimeter of the cover,	The Accused Product's cover is bowed outwardly to a second height in the central region relative to the perimeter of the cover. The below annotated images illustrate the Accused Product's cover, which is bowed outwardly to a second height in the central region relative to the perimeter of the cover. 

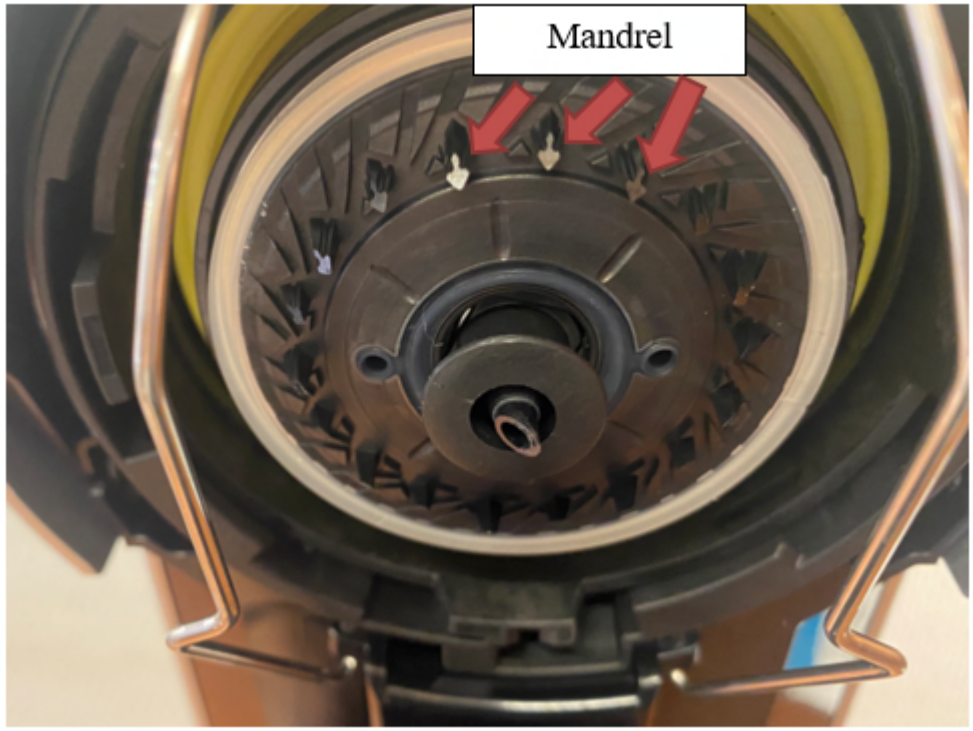
	
[1p] the second height of the cover is less than the first height of the base element,	The Accused Product's second height of the cover is less than the first height of the base element. The below annotated image illustrates the Accused Product's second height of the cover is less than the first height of the base element.

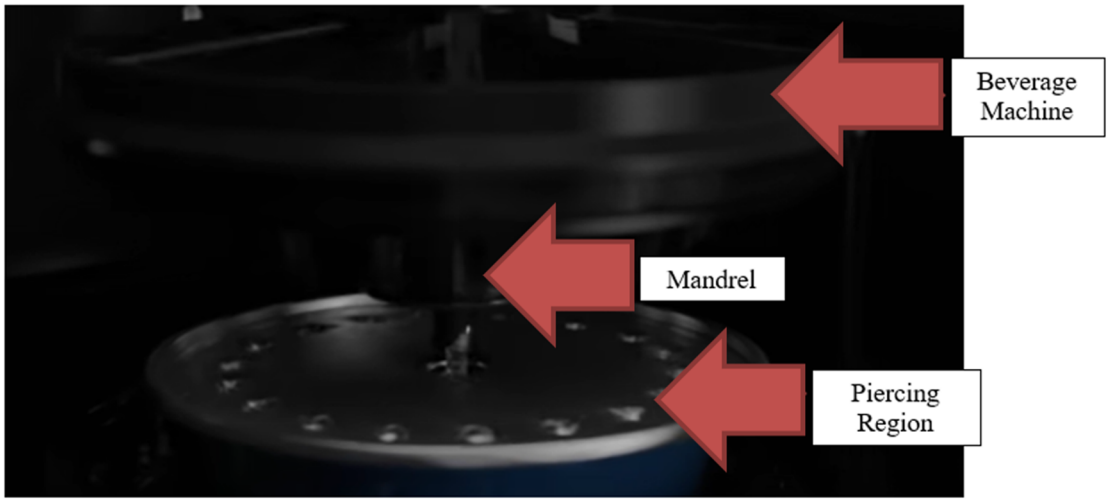
	
[1q] the cover includes a piercing region that is configured to be pierced by a mandrel of the beverage machine at a location that is laterally offset from the central longitudinal axis and a sealing region that is configured to be sealed against by a seal of the beverage machine,	The Accused Product's cover includes a piercing region that is configured to be pierced by a mandrel of the beverage machine at a location that is laterally offset from the central longitudinal axis and a sealing region that is configured to be sealed against by a seal of the beverage machine. The below annotated images illustrate the Accused Product's infringement of this limitation.

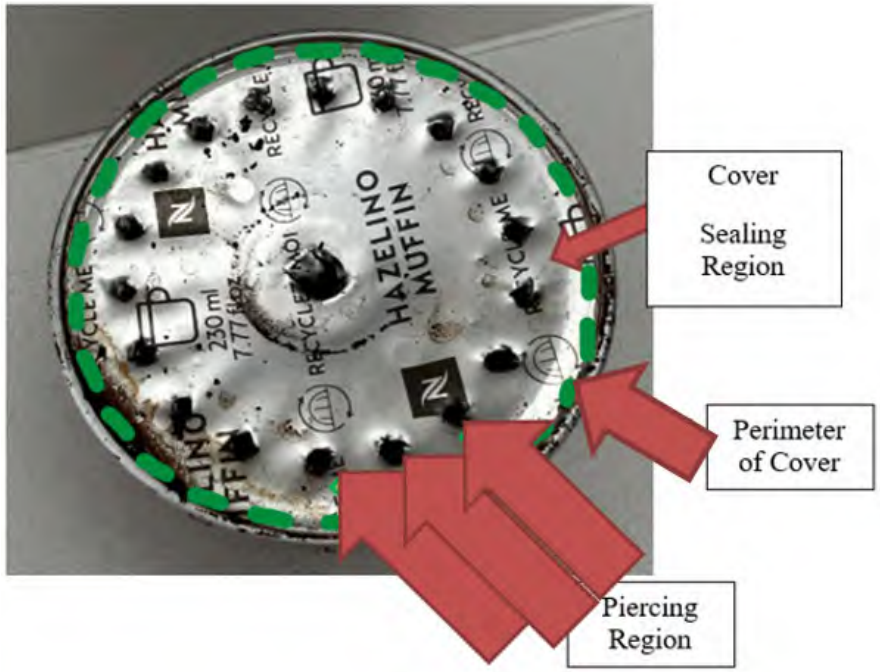

Cover
Sealing
Region
Perimeter
of Cover
Piercing
Region

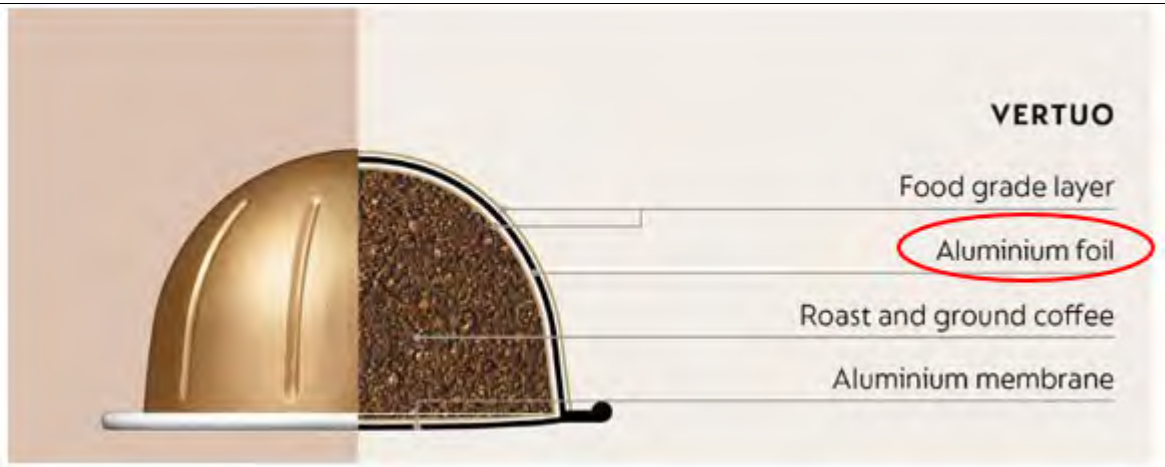

Central
longitudinal
axis.
Cover
Region
configured
to be
pierced.

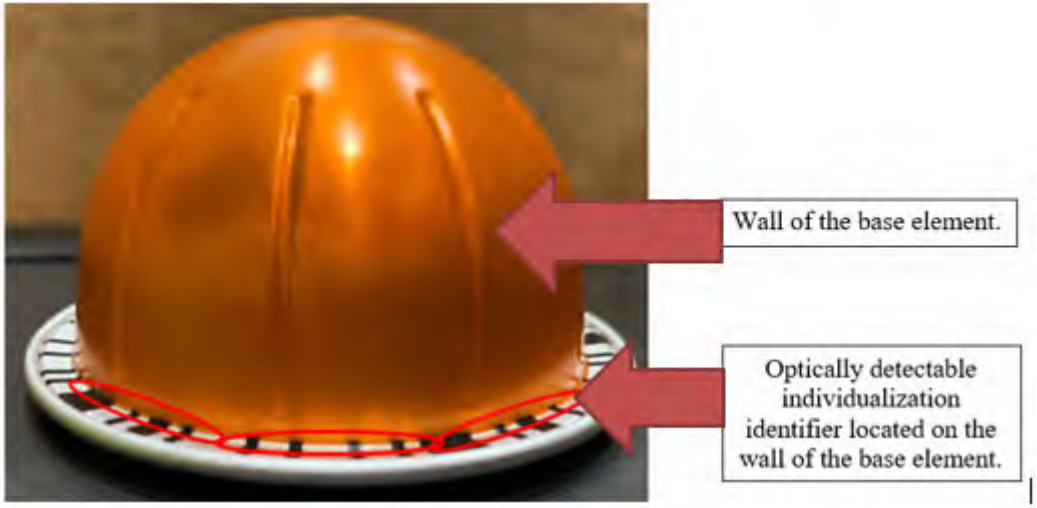

Mandrel
NESPRESSO

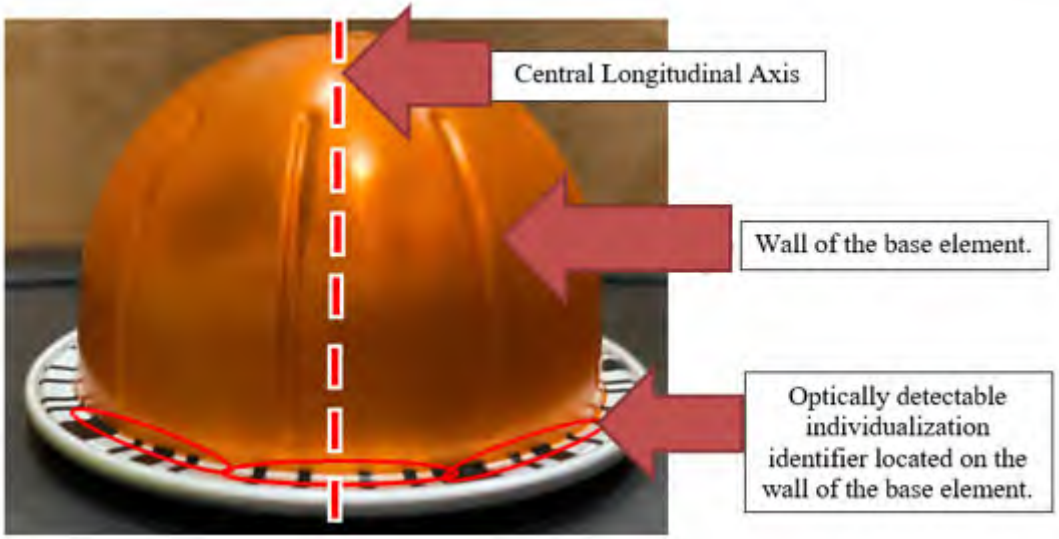

Mandrel

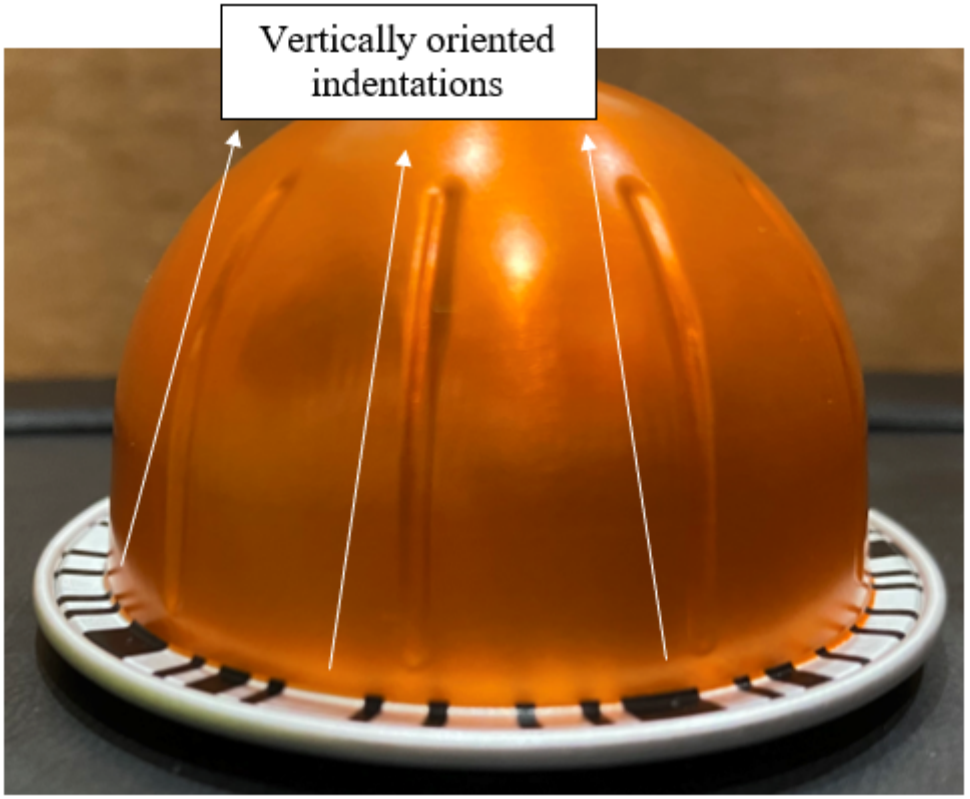
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0
[1r] the sealing region is located between the piercing region and the perimeter of the cover.	The Accused Product's sealing region is located between the piercing region and the perimeter of the cover. The below annotated image illustrates the Accused Product's infringement of this limitation.

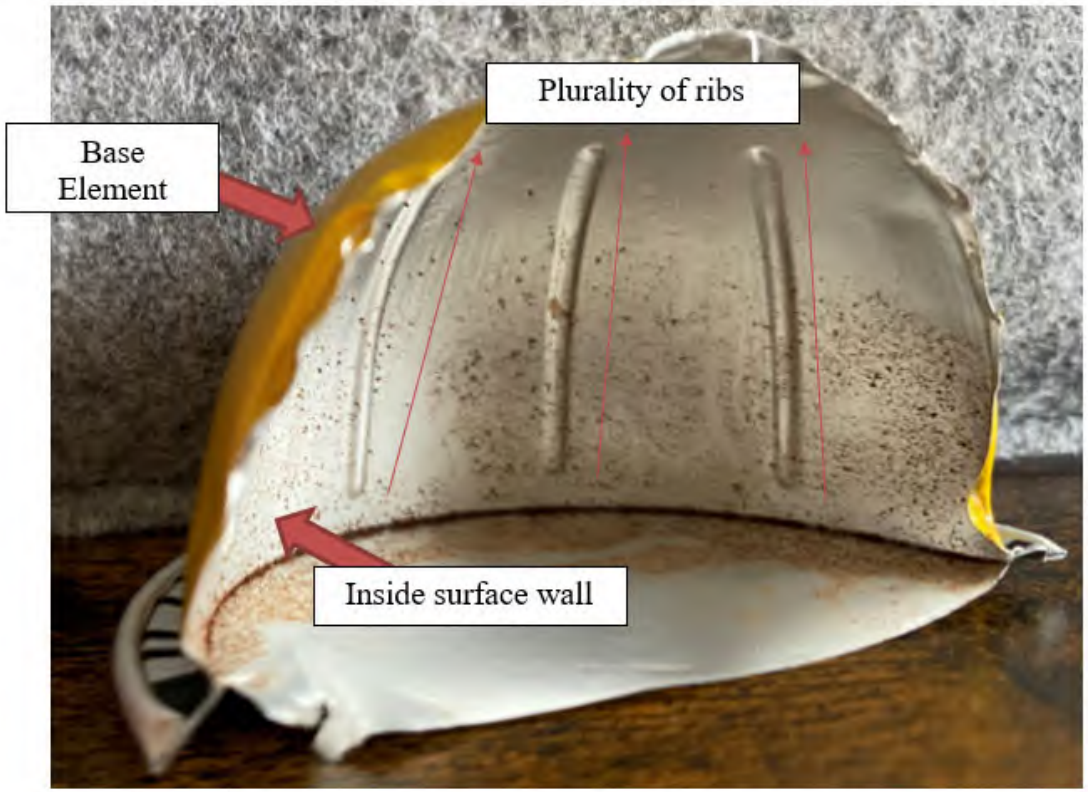
	
[2] The portion capsule according to claim 1,	*See* claim 1.
[2a] wherein the base element is made of metal, a biodegradable material, or plastic,	The Accused Product's base element is made of metal, a biodegradable material, or plastic. The Accused Product's base element is made of aluminum which is a lightweight metal. *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium; *see* https://www.aluminiumleader.com/about_aluminium/what_is_aluminum/. The below annotated image illustrates the Accused Product's infringement of this limitation.

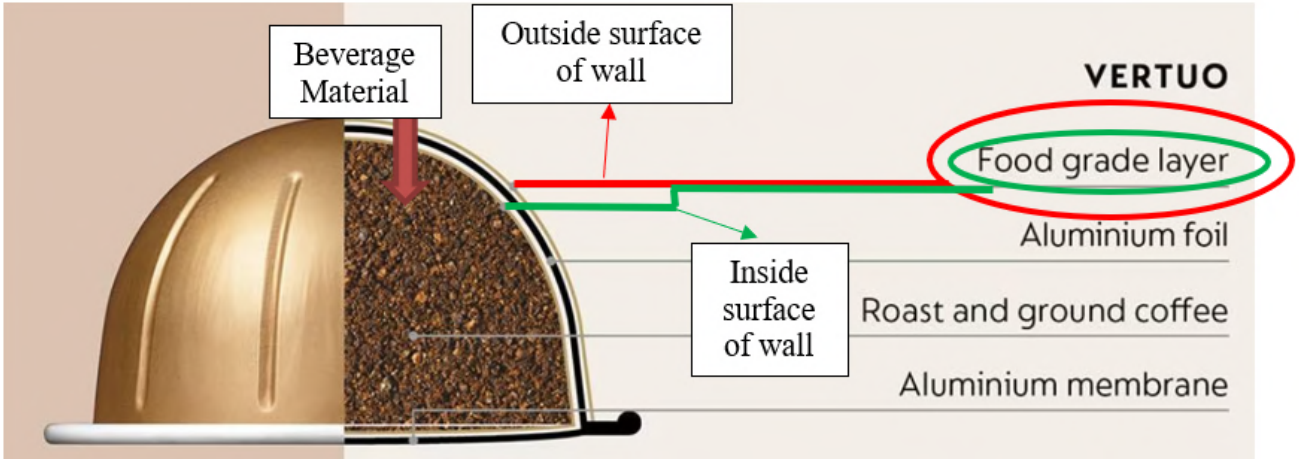
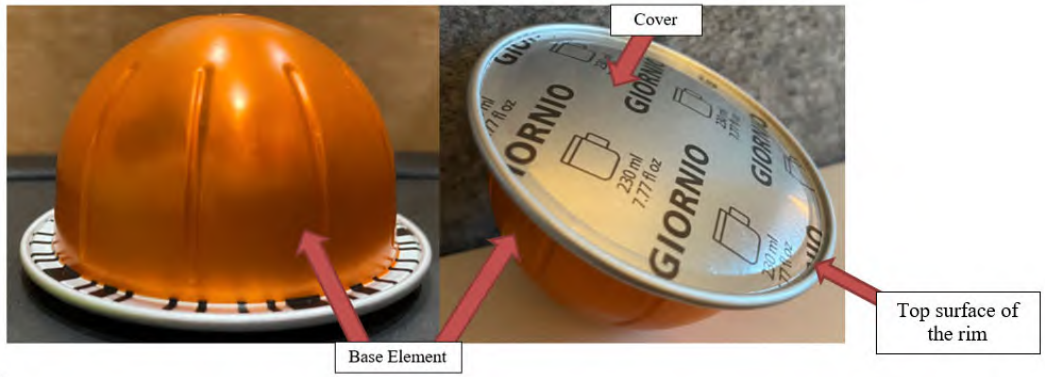
	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[2b] the optically detectable individualization identifier is located on the wall of the base element,	The Accused Product's optically detectable individualization identifier is located on the wall of the base element. The below annotated image illustrates this limitation.

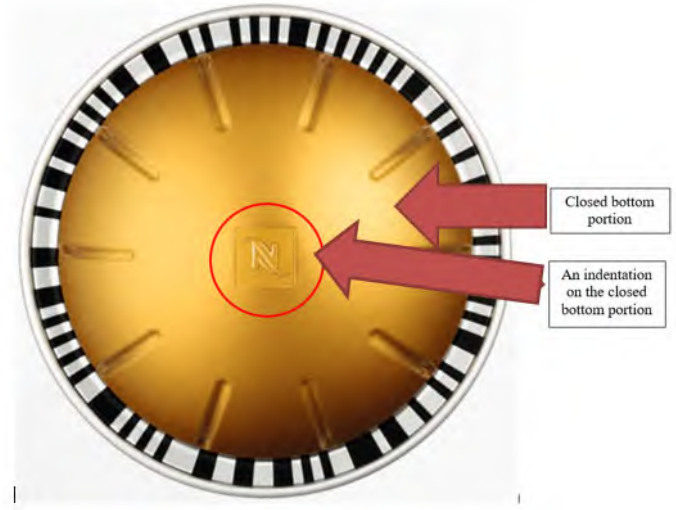
	
[2c] and the individualization identifier is circumferentially arranged around the central longitudinal axis.	The Accused Product's individualization identifier is circumferentially arranged around the central longitudinal axis. The below annotated image illustrates this limitation.

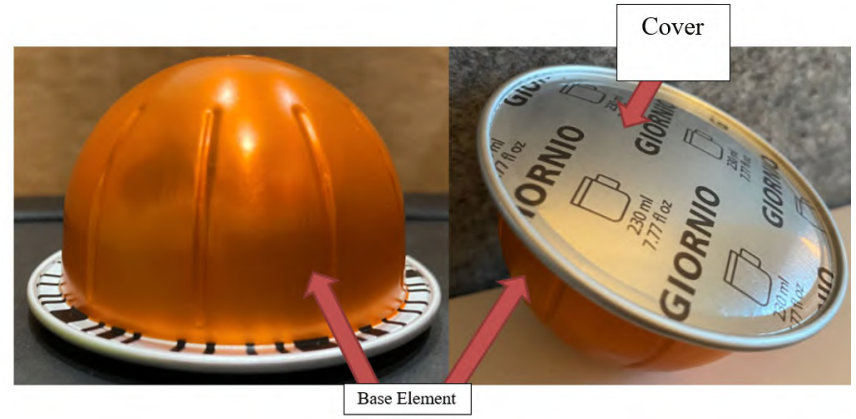
	
[3] The portion capsule according to claim 2,	*See* claim 2.
[3a] wherein the plurality of indentations are vertically oriented,	The Accused Product has a plurality of indentations, *see, e.g.,* 10 indentations, which are vertically oriented. The below annotated image illustrates the Accused Product's plurality of indentations, which are vertically oriented.

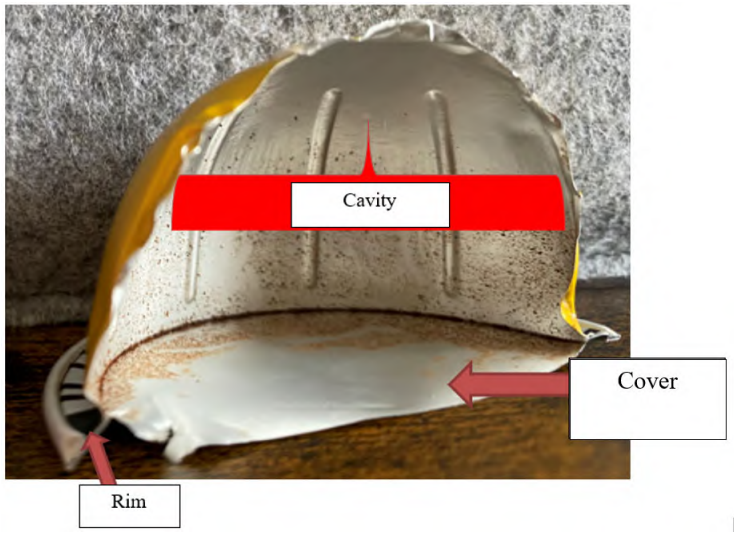
	
[3b] the inside surface wall of the base element comprises a plurality of ribs.	The Accused Product's inside surface wall, *see, e.g.*, the inner food grade layer which faces the beverage material, of the base element comprises a plurality of ribs, *see, e.g.*, 10 ribs. The plurality of ribs exist on the inside surface of the wall, *see, e.g.*, the inner food grade layer which faces the beverage material. The below annotated images illustrate this limitation.

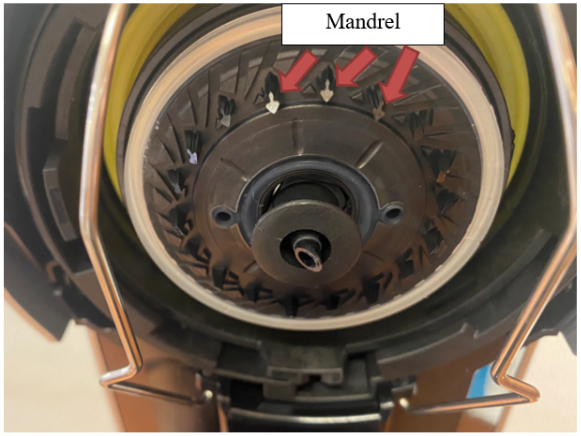

Plurality of ribs
Base Element
Inside surface wall

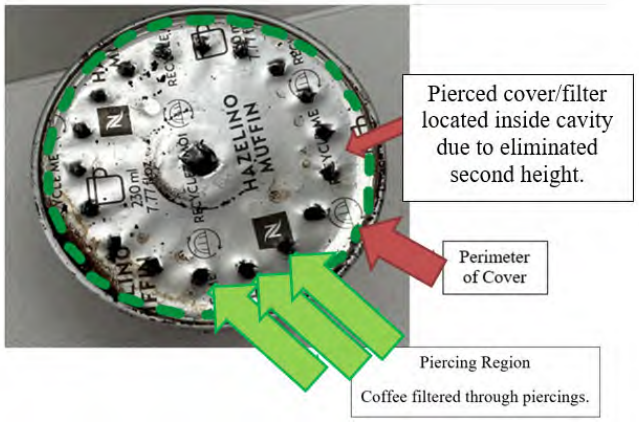
	
[4] The portion capsule according to claim 2,	*See* claim 2.
[4a] wherein the cover is connected to the top surface of the rim.	The Accused Product contains a cover that is connected to the top surface of the rim. The below annotated image illustrates the Accused Product's cover that is connected to the top surface of the rim. 
[5] The portion capsule according to claim 4,	*See* claim 4.

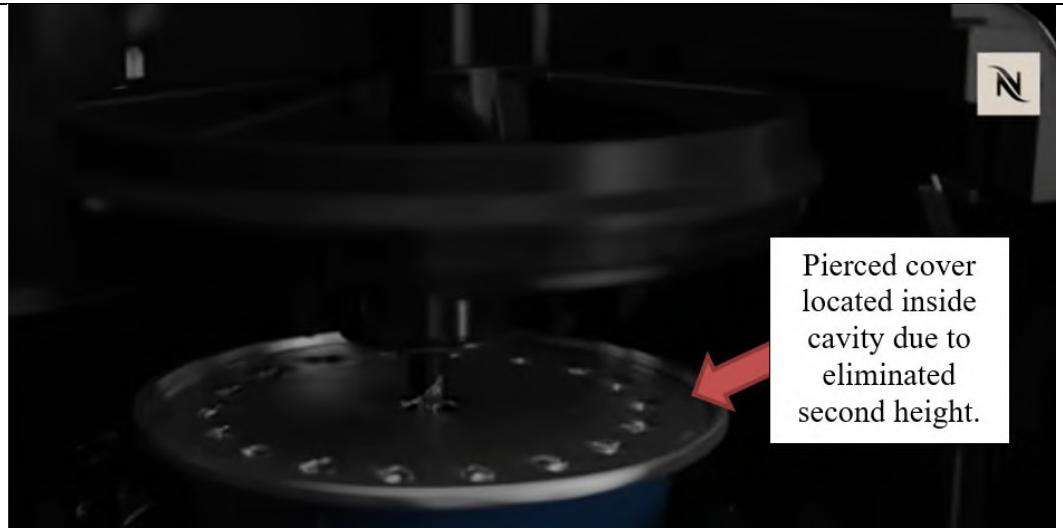
[5a] wherein the closed bottom portion comprises an indentation.	
[6] The portion capsule according to claim 4,	*See* claim 4.
[6a] wherein the portion capsule includes a filter inside of the cavity.	The Accused Product's portion capsule includes a filter inside of the cavity. The below annotated images illustrate the portion capsule that includes a filter inside of the cavity.


Cover
Base Element


Cavity
Cover
Rim

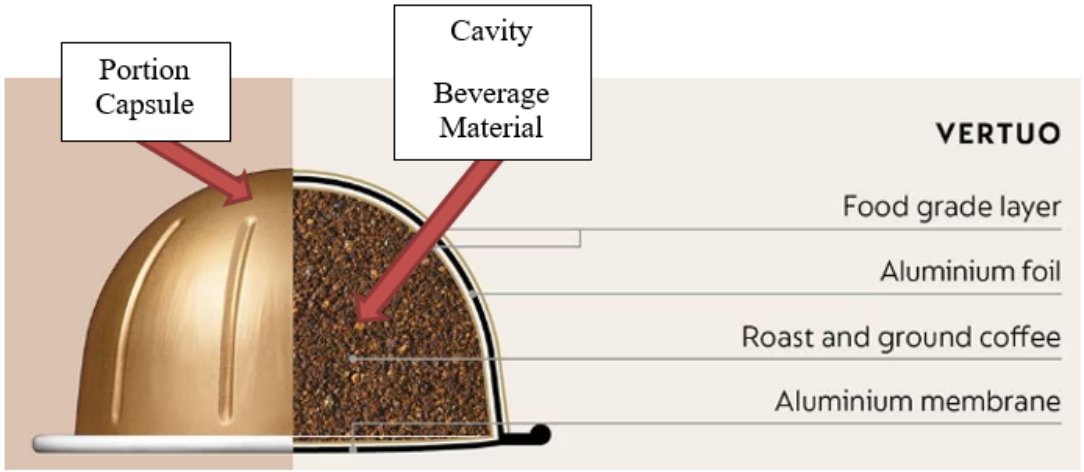

Mandrel


HAZELINO MUFFIN
Pierced cover/filter located inside cavity due to eliminated second height.
Perimeter of Cover
Piercing Region
Coffee filtered through piercings.



See, e.g., https://www.youtube.com/watch?v=RTzUiX101C0.

Alternatively, to the extent any limitation herein is deemed not literally infringed, Plaintiff alleges that the limitation is infringed under the doctrine of equivalents. Under the function-way-result test of the doctrine of equivalents, an element in the accused device is equivalent to a claim limitation if it "performs substantially the same function in substantially the same way to obtain substantially the same result." *Virnetx, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1322-23 (Fed. Cir. 2014). For example, the portion capsule's filter, *see, e.g.*, the portion capsule's cover that is located inside of the cavity upon being pierced by the chamfered mandrel of the beverage machine, performs the same function, *e.g.* filtering coffee grounds, to achieve the same result, *e.g.* preventing raw beverage material from being present in the brewed cup of coffee, in the same way, *e.g.*, by blocking the raw beverage material from exiting the capsule. As the water is inserted through the cover that is located inside of the cavity and "the water infuses the coffee grounds" the centrifugal force brews the coffee and the coffee is filtered through the piercing region that is configured to be pierced by a mandrel of the beverage machine so that the raw beverage material is not present in the brewed cup of coffee. *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0 at 0:25–0:30.

[7] The portion capsule according to claim 4,	*See* claim 4.
[7a] wherein the portion capsule is free of a filter inside of the cavity.	The Accused Product is a portion capsule that is free of a filter inside the cavity. The below annotated image illustrates that the portion capsule is free of a filter inside of the cavity.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[8] A portion capsule for making a beverage comprising:	The foregoing is applicable only to the extent the preamble of this claim is found to be limiting. To the extent the preamble is construed as a limitation, the portion capsule is for making a beverage. The portion capsule is inserted into a beverage machine for the purpose of making a beverage.

The below images illustrate the portion capsule for making a beverage:



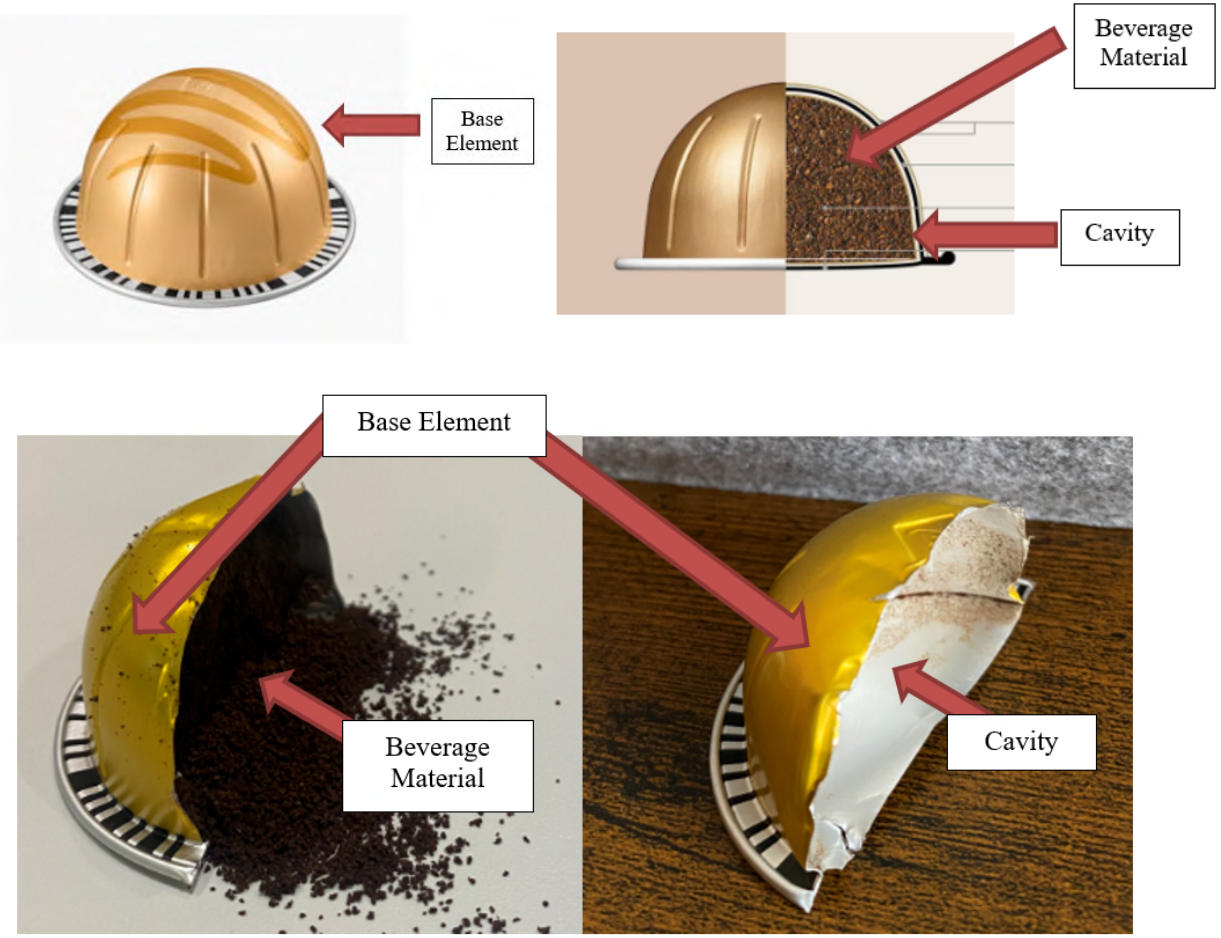


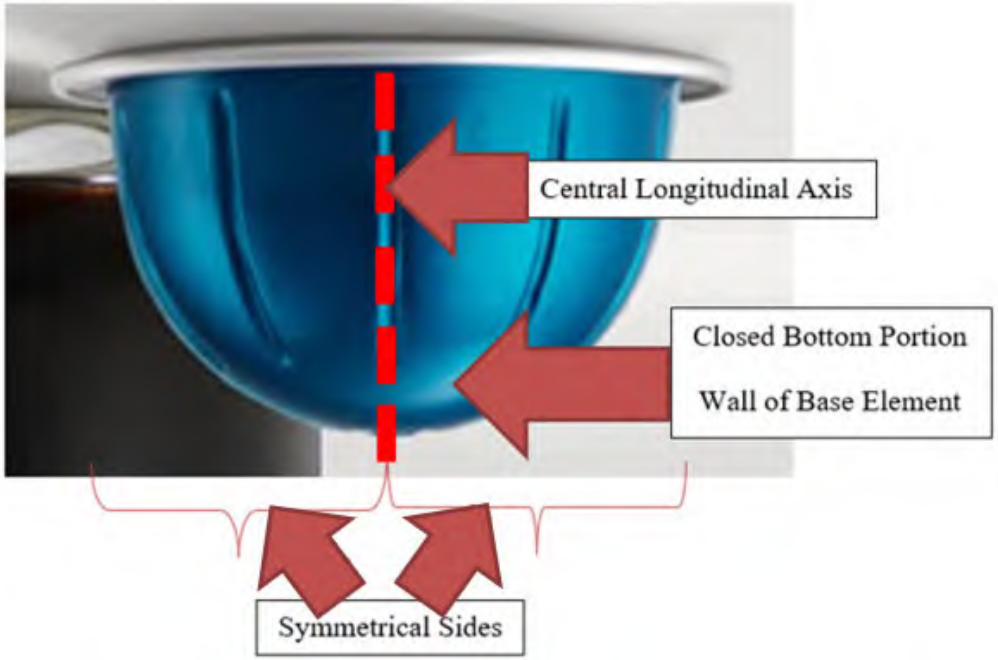


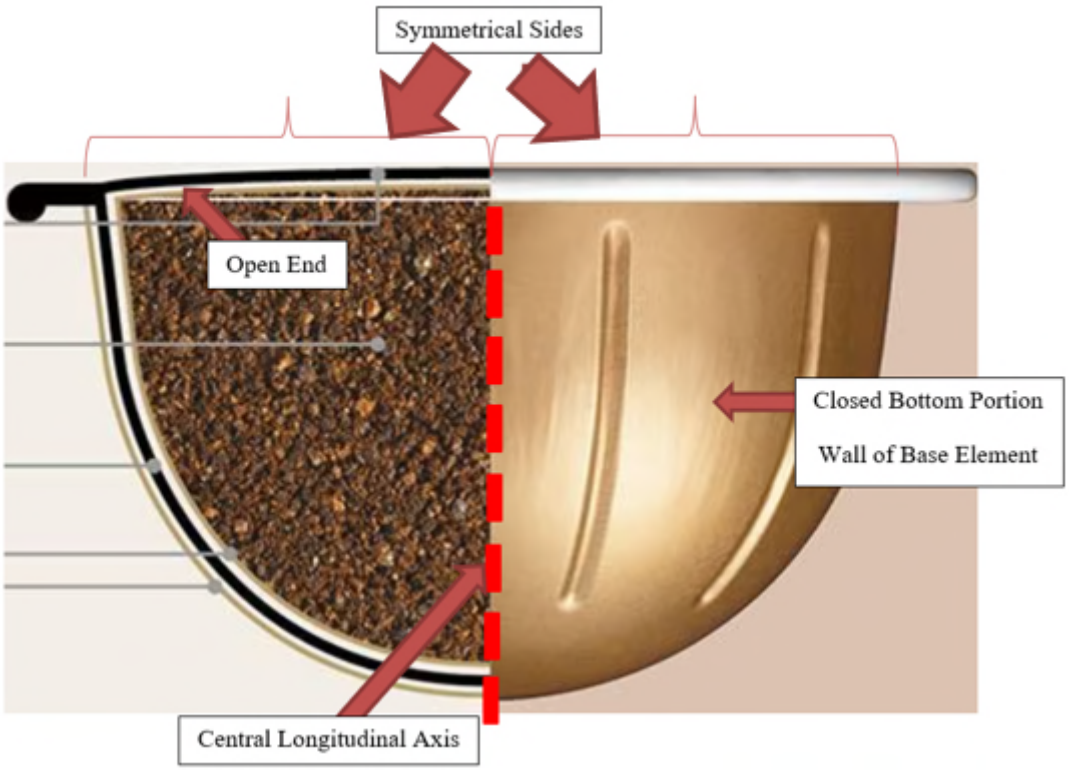
See, e.g., https://www.nespresso.com/us/en/vertuo-coffee-capsules; https://www.nespresso.com/us/en/choose-your-technology-vertuo.

The below image illustrates the portion capsule being inserted into a beverage machine for the purpose of making a beverage.

	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0.
[8a] a base element having a cavity in which a beverage material is provided,	The portion capsule comprises of a base element having a cavity in which a beverage material is provided. The cavity is within the base element such that the base element encompasses the cavity. The cavity is filled with beverage material (*e.g.*, powdered coffee material).

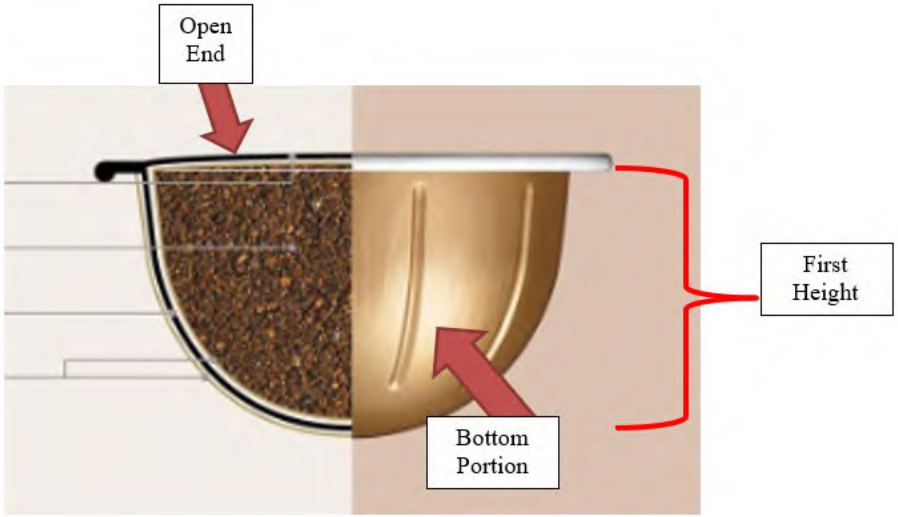
	The below annotated images illustrate the base element having a cavity in which a beverage material is provided.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium; https://www.nespresso.com/us/en/choose-your-technology-vertuo
[8b] the base element including a wall that is	The Accused Product's base element includes a wall that is symmetrical about a central longitudinal axis thereof and having an open end and a closed bottom portion. The portion capsule's base element

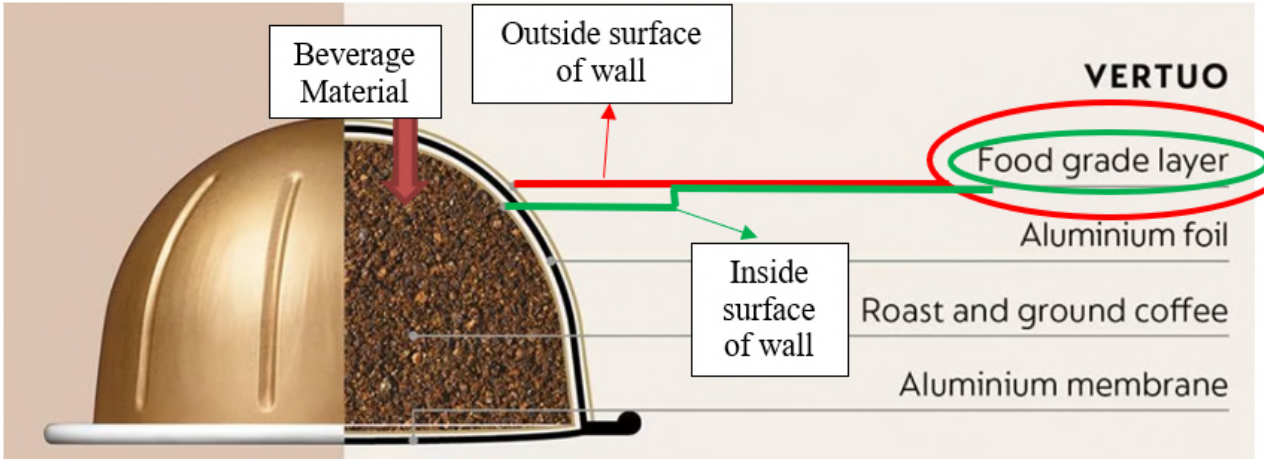
symmetrical about a central longitudinal axis thereof and having an open end and a closed bottom portion,	has an open end at the top of the base element and a closed bottom portion. The closed bottom portion of the portion capsule's base element is the base element's wall. The below annotated images illustrate the Accused Products' base element including a wall that is symmetrical about a central longitudinal axis thereof and having an open end and a closed bottom portion. 

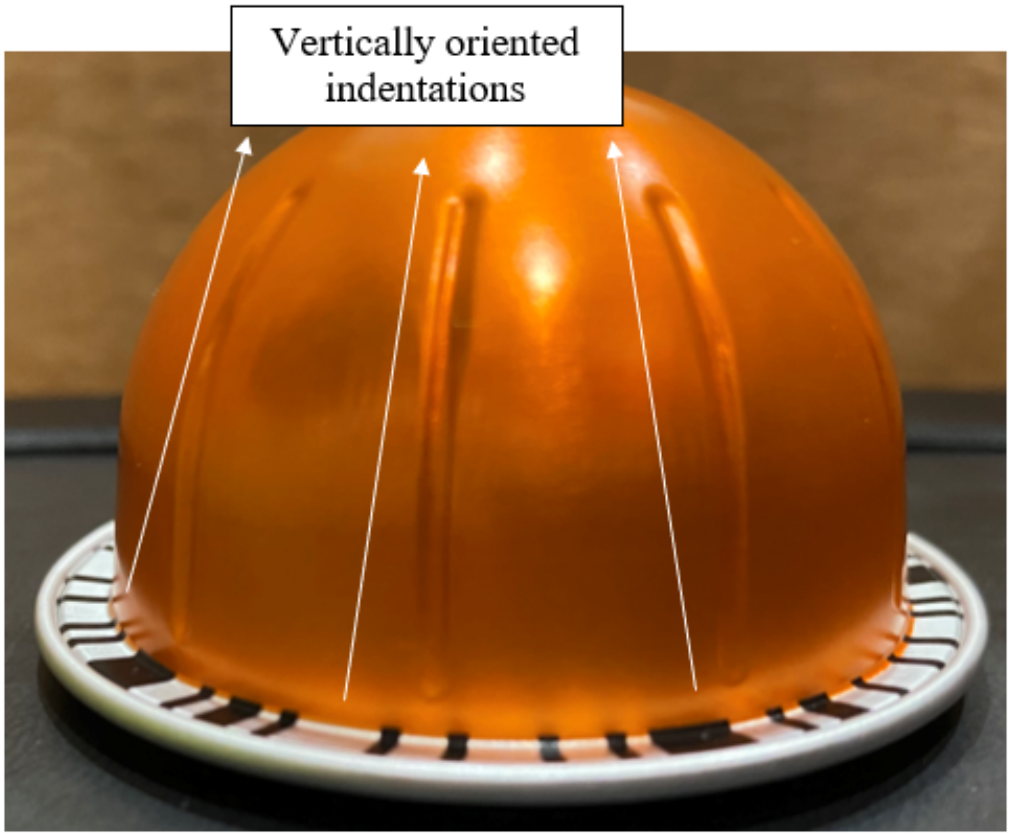


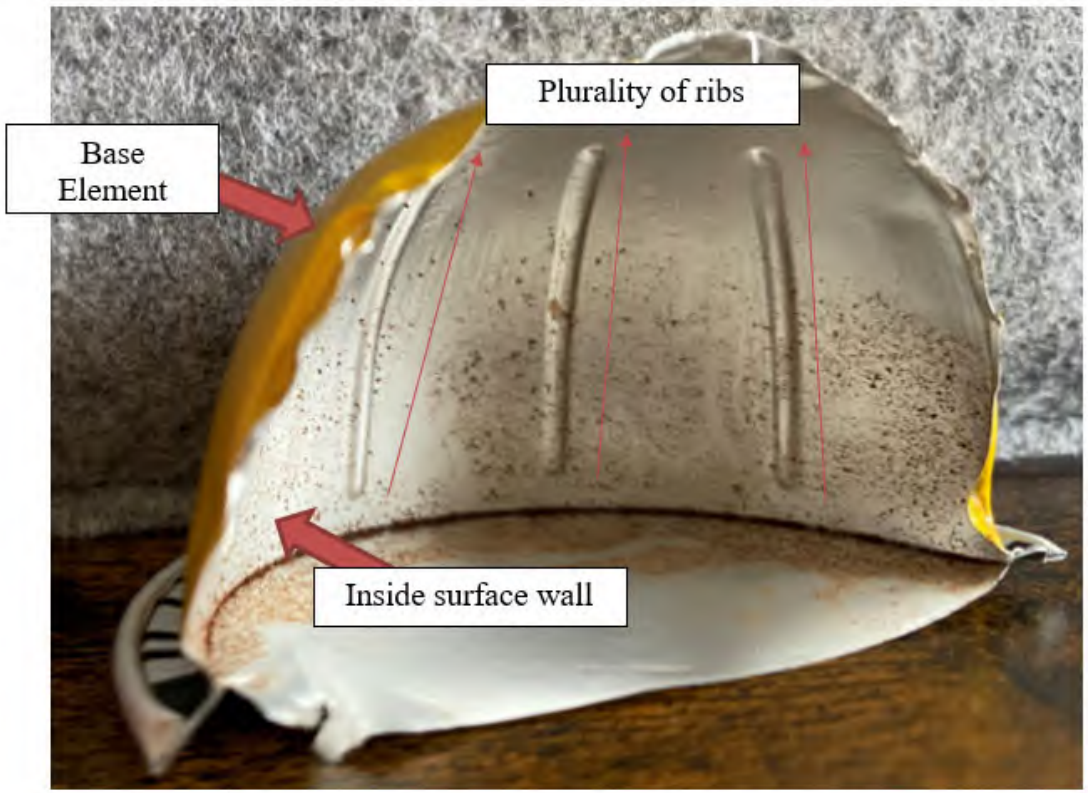
See, e.g., https://www.nespresso.com/us/en/vertuo-coffee-capsules; https://www.sustainability.nespresso.com/why-aluminium

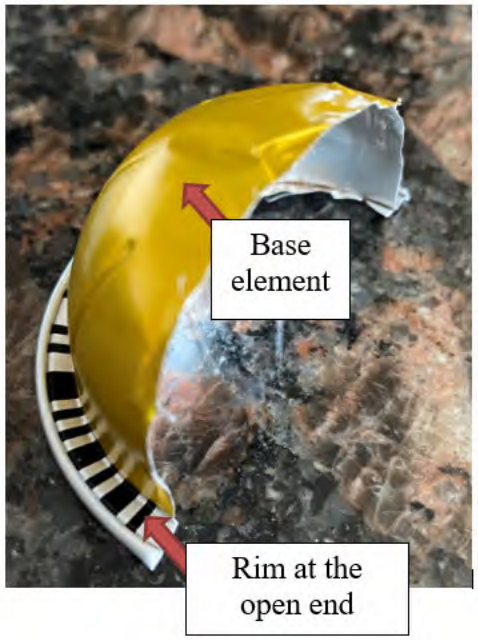
Alternatively, to the extent any limitation herein is deemed not literally infringed, Plaintiff alleges that the limitation is infringed under the doctrine of equivalents. Under the function-way-result test of the doctrine of equivalents, an element in the accused device is equivalent to a claim limitation if it "performs substantially the same function in substantially the same way to obtain substantially the same result." *Virnetx, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1322-23 (Fed. Cir. 2014). For example, the portion capsule's base element having an open end and a bottom portion with physical features,

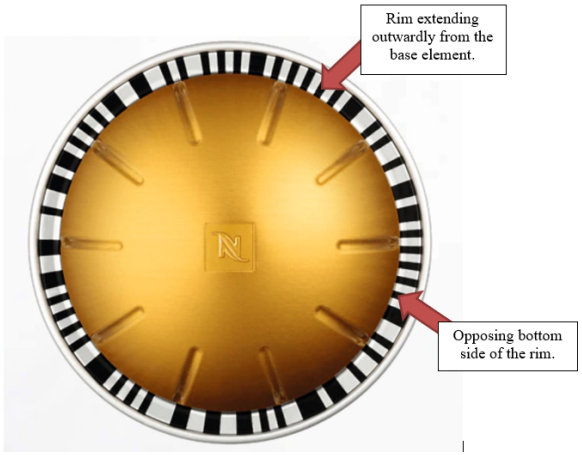
	see, e.g., the capsule walls, performs the same function, *e.g.* encasing the cavity of the portion capsule, in the substantially the same way, *e.g.* in a symmetrical fashion about a central longitudinal axis of the base element, to achieve the same result, *e.g.* encapsulate a beverage material, as the claimed base element being symmetrical about a central longitudinal axis thereof and having an open end and a bottom portion.
[8c] the base element has a first height that is defined between the open end and the closed bottom portion,	The Accused Product's base element has a height between the open end and the closed bottom portion, defined as the first height. The below annotated image illustrates the first height between the open end and the closed bottom portion of Accused Product.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[8d] the wall has an outside surface and an inside surface which faces the beverage material;	The Accused Product's wall, which is included in the base element, has an outside surface, *see, e.g.,* the outer food grade layer, which does not face the beverage material. Additionally, the Accused Product's wall, which is included in the base element, has a separate inside surface, *see, e.g.,* the inner food grade layer, which faces the beverage material.

	The below annotated image illustrates the Accused Product's wall, which has an outside surface and an inside surface which faces the beverage material.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[8e] a plurality of vertically-orientated indentations arranged on the outside surface of the wall;	The Accused Product has a plurality of vertically-orientated indentations, *see, e.g.,* 10 indentations, arranged on the outside surface of the wall. The below annotated image illustrates the Accused Product's plurality of vertically-orientated indentations arranged on the outside surface of the wall.

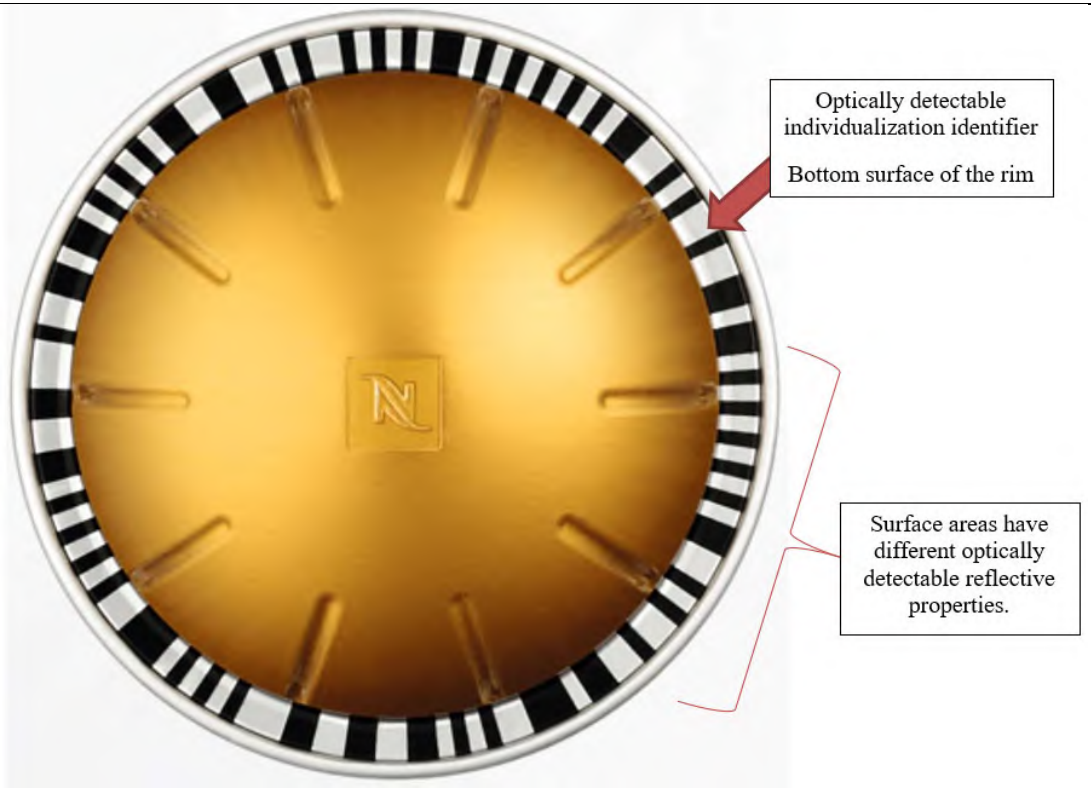
	
[8f] a plurality of vertically-orientated ribs arranged on the inside surface of the wall;	The Accused Product has a plurality of vertically-orientated ribs, *see, e.g.*, 10 ribs, arranged on the inside surface of the wall, *see, e.g.*, the inner food grade layer which faces the beverage material. The plurality of vertically-orientated ribs exist on the inside surface of the wall, *see, e.g.*, the inner food grade layer which faces the beverage material. The below annotated image illustrates the Accused Product's plurality of vertically-orientated ribs arranged on the inside surface of the wall.

	
[8g] a rim at the open end of the base element,	The Accused Product has a rim at the open end of the base element. The below annotated image illustrates the Accused Product's rim at the open end of the base element.

	
[8h] the rim having a top surface and an opposing bottom surface;	The Accused Product's rim has a top surface and an opposing bottom surface. The below annotated images illustrate the top surface and opposing bottom surface of the Accused Product's rim at the open end of the base element.

	  *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[8i] an optically detectable individualization identifier, which is carried by the bottom surface of the rim,	The Accused Product has an optically detectable individualization identifier, which is carried by the bottom surface of the rim. The below annotated image illustrates the Accused Product's optically detectable individualization identifier, which is carried by the bottom surface of the rim.

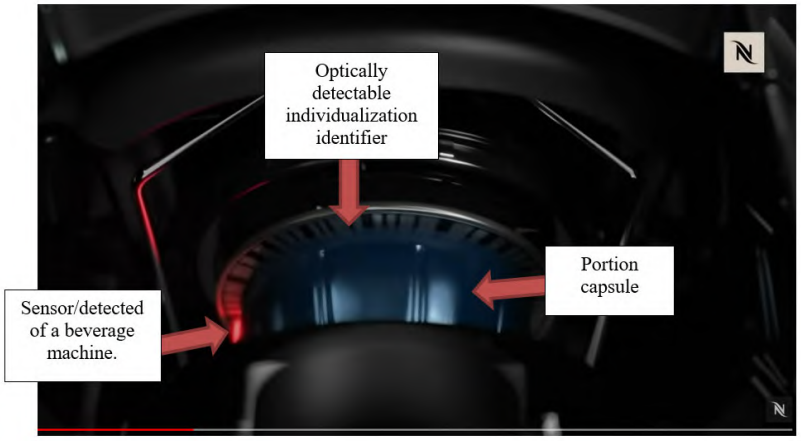
	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[8j] the optically detectable individualization identifier includes surface areas having different optically detectable reflective properties,	The Accused Product has an optically detectable individualization identifier, which includes surface areas having different optically detectable reflective properties. The below annotated image illustrates the Accused Product's optically detectable individualization identifier, which includes surface areas having different optically detectable reflective properties.

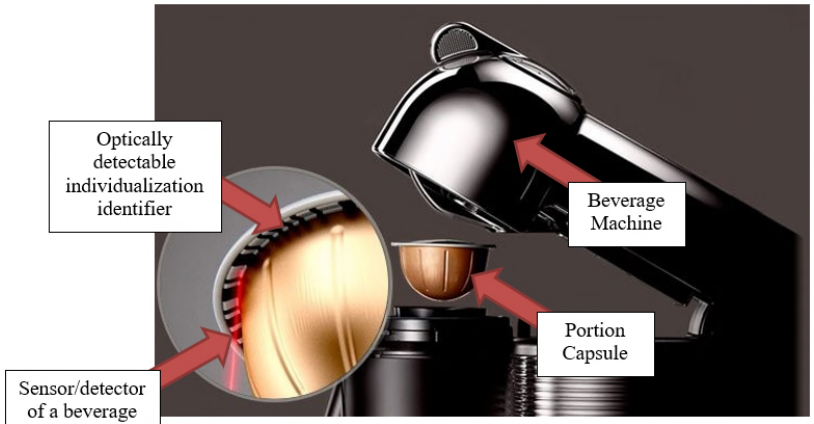
	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[8k] the optically detectable individualization identifier is configured to be read by a sensor/detector of a beverage machine to individualize the portion capsule and to activate a pump of the beverage machine;	The Accused Product has an optically detectable individualization identifier, which is configured to be read by a sensor/detector of a beverage machine to individualize the portion capsule and to activate a pump of the beverage machine. *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo ("You can precisely prepare your small or large coffee with generous and silky crema, as each Vertuo machines uses barcode recognition and a brewing extraction system to create your coffee experience. The unique barcode on each capsule adjusts the flow and volume of water, temperature, infusion time and capsule rotation to make the best part of your coffee experience - your perfect coffee, every time."); https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail.");

https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."). For example, if the identifier located on the portion capsule is obstructed or damaged, the beverage machine will prevent making of the beverage, including preventing activation of the pump.

The below annotated images illustrate the optically detectable individualization identifier, that is configured to be read by a sensor/detector of a beverage machine to individualize the portion capsule and to activate a pump of the beverage machine:



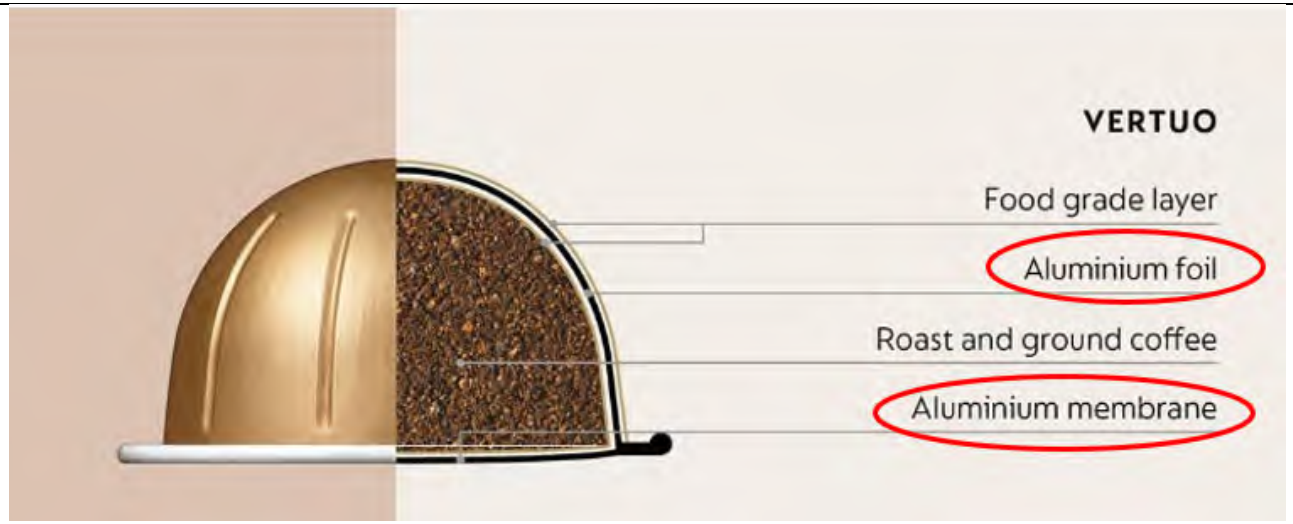
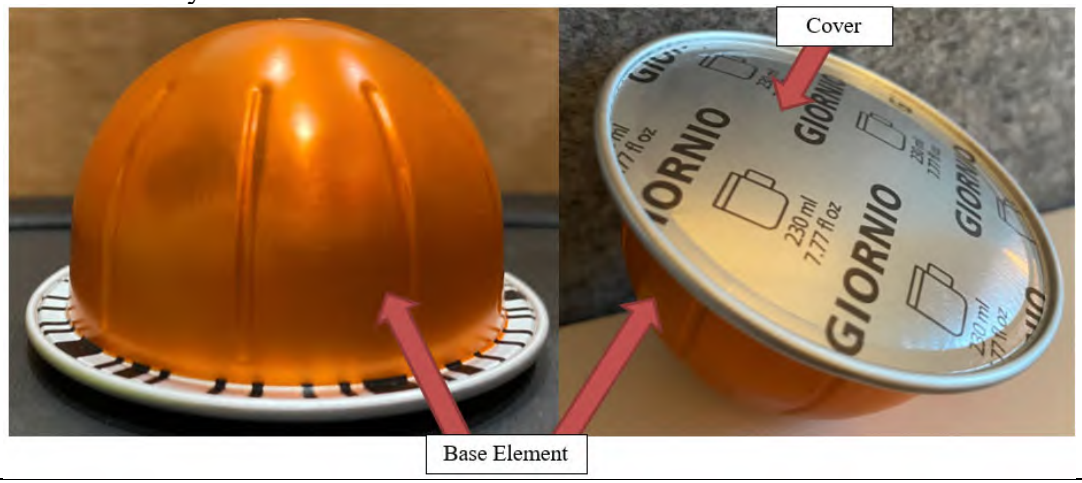


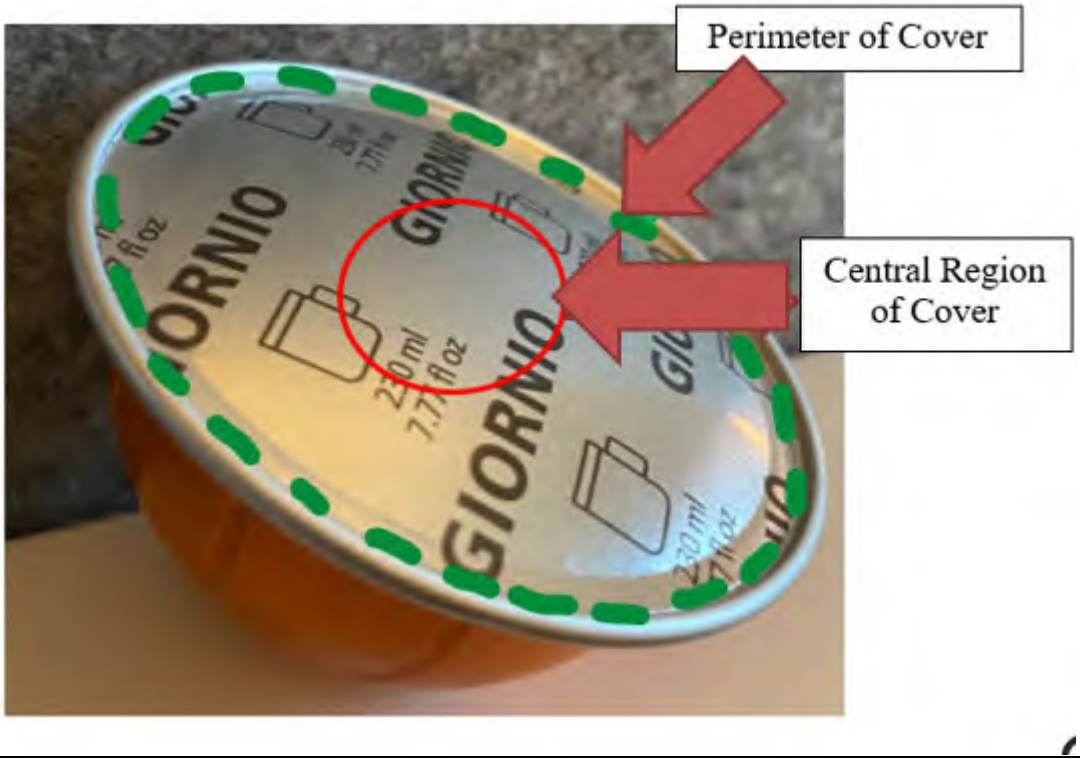


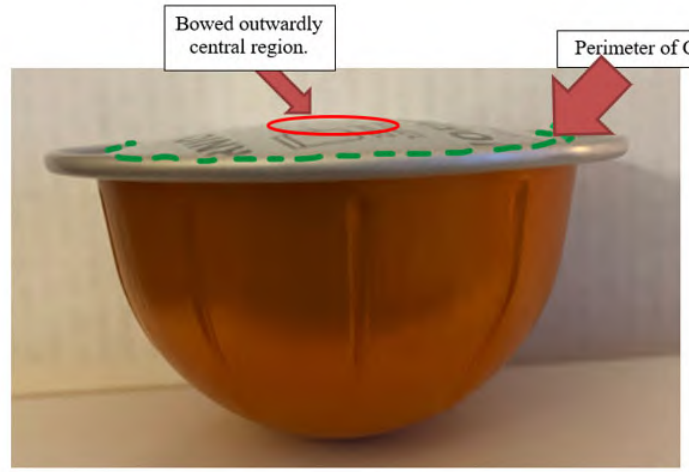
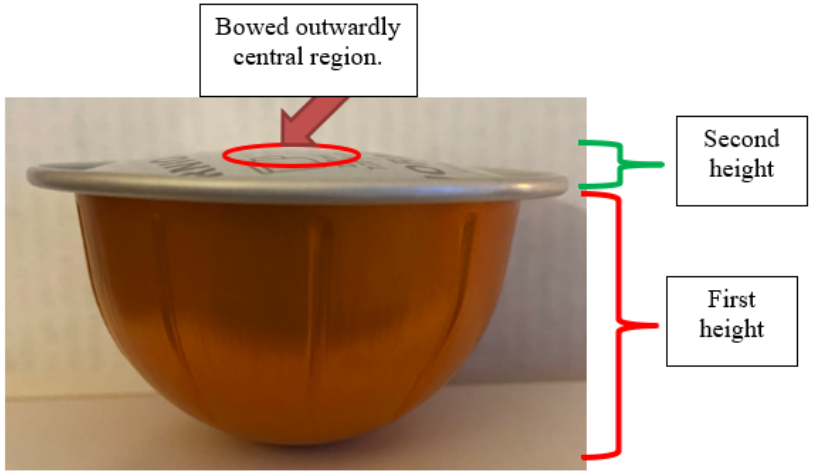
See, e.g., https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs.

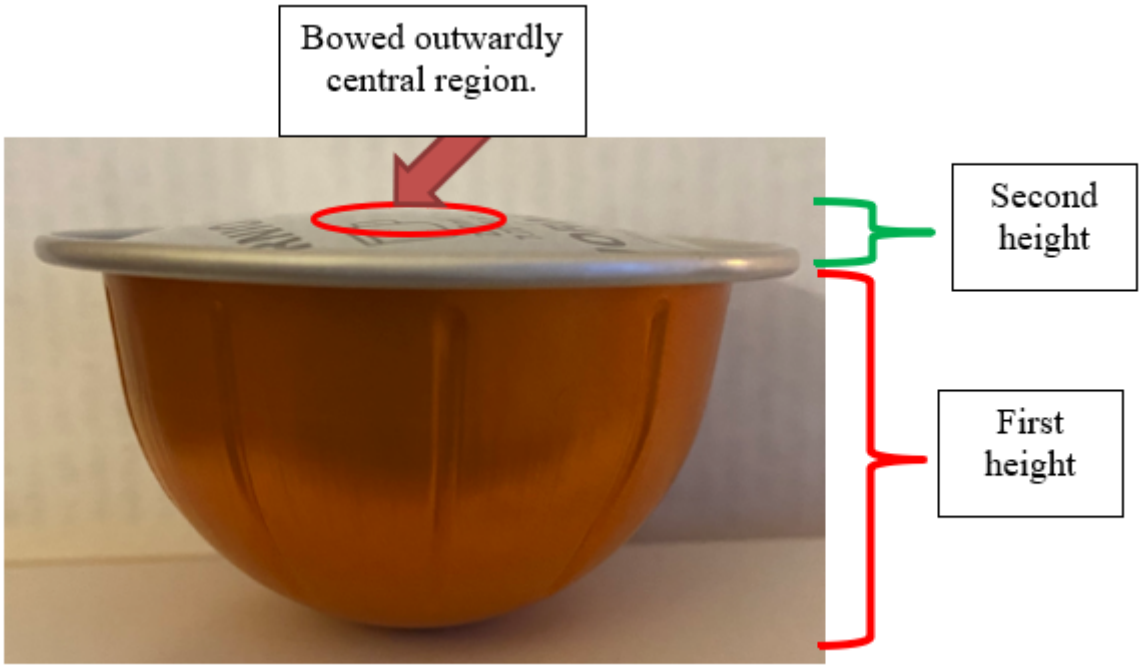
Alternatively, to the extent any limitation herein is deemed not literally infringed, Plaintiff alleges that the limitation is infringed under the doctrine of equivalents. Under the function-way-result test, an element in the accused device is equivalent to a claim limitation if it "performs substantially the same function in substantially the same way to obtain substantially the same result." *Virnetx, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1322-23 (Fed. Cir. 2014). For example, the Vertuo portion capsule's

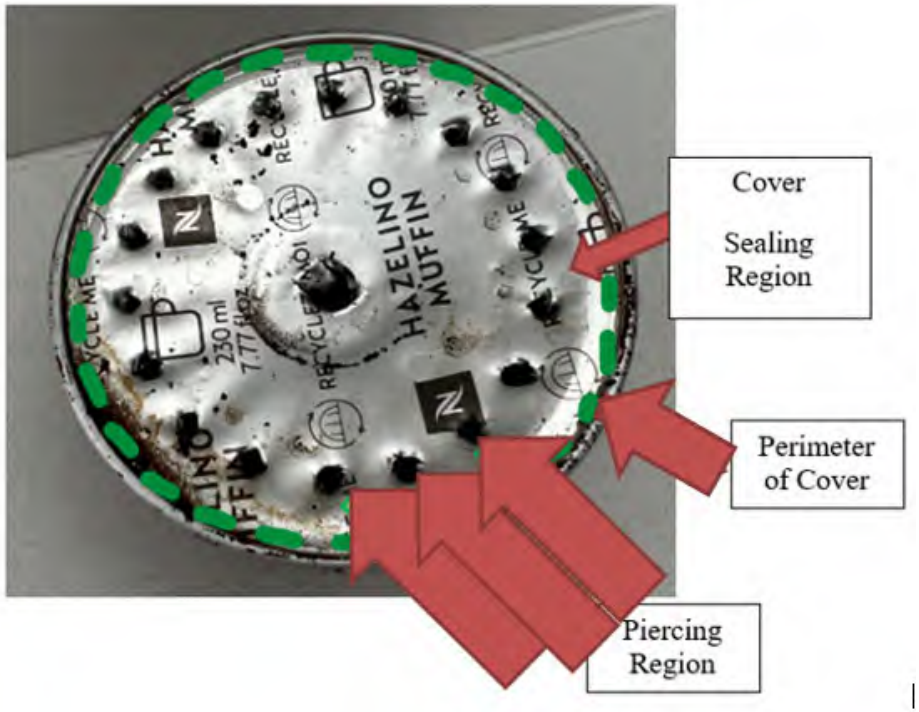
	optically detectable individualization identifier performs the same or substantially the same function, *e.g.* being configured to be read by a sensor/detector of a beverage machine to brew the specific "type of coffee, time after time, without fail", in substantially the same way, *e.g.* the sensor/detector of a beverage machine reads the Vertuo portion capsule's optically detectable individualization identifier to individualize the portion capsule, to obtain substantially the same result, *e.g.* activate a pump of the beverage machine to brew a beverage. Upon information and belief, testing of samples of Nespresso's Accused Product would confirm that Nespresso's Accused Product meets this limitation.
[8l] a barrier layer to prevent moisture or aroma from escaping out of the portion capsule;	The portion capsule includes a barrier layer to prevent moisture or aroma from escaping out of the portion capsule, *see, e.g.*, at least the aluminum of the portion capsule. *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium ("Aluminium foil provides a complete barrier to light, oxygen, moisture and bacteria"); https://www.nespresso.com/us/en/how-to-recycle-coffee-capsules ("Aluminum is the most protective material available today. It guarantees the freshness of the carefully crafted aromas and rich flavors of our coffees. Lightweight but strong, aluminum seals it from external elements which could harm it - oxygen, moisture and light."). The below annotated image illustrates the Accused Product's barrier layer to prevent moisture or aroma from escaping out of the portion capsule.

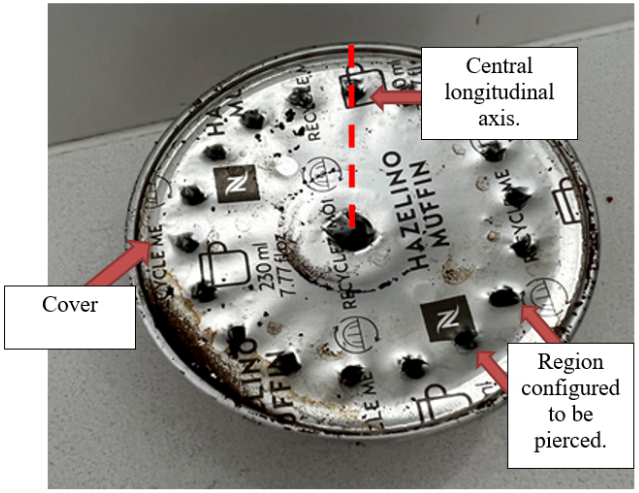
	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[8m] and a cover sealed to the base element to close the cavity,	The Accused Product has a cover attached to the base element to close the cavity. The below annotated image illustrates the Accused Product's cover attached to the base element to close the cavity. 

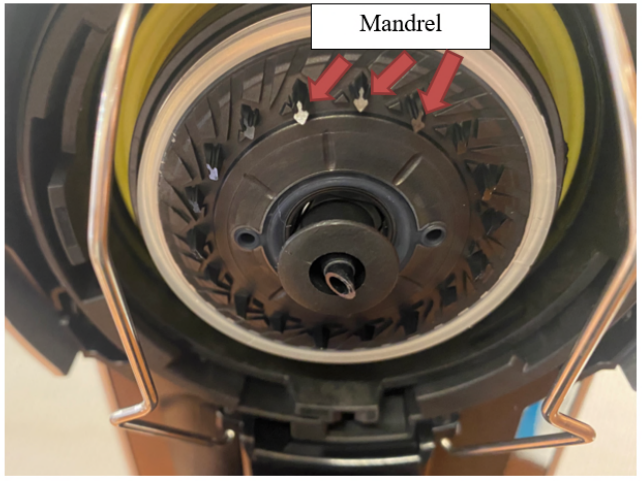
[8n] the cover having a central region and a perimeter,	The Accused Product's cover has a central region and a perimeter. The below annotated image illustrates the Accused Product's cover having a central region and a perimeter. 
[8o] the cover is bowed outwardly to a second height in the central region relative to the perimeter of the cover,	The Accused Product's cover is bowed outwardly to a second height in the central region relative to the perimeter of the cover. The below annotated images illustrate the Accused Product's cover, which is bowed outwardly to a second height in the central region relative to the perimeter of the cover.

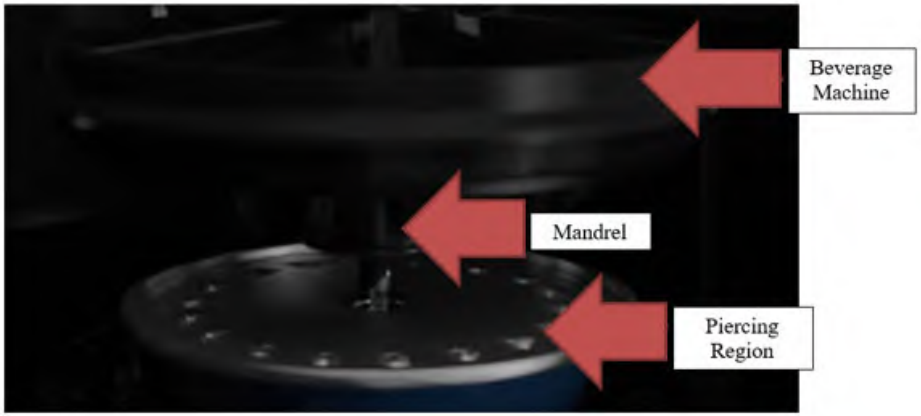
	 
[8p] the second height of the cover is less than the first height of the base element,	The Accused Product's second height of the cover is less than the first height of the base element. The below annotated image illustrates the Accused Product's second height of the cover is less than the first height of the base element.

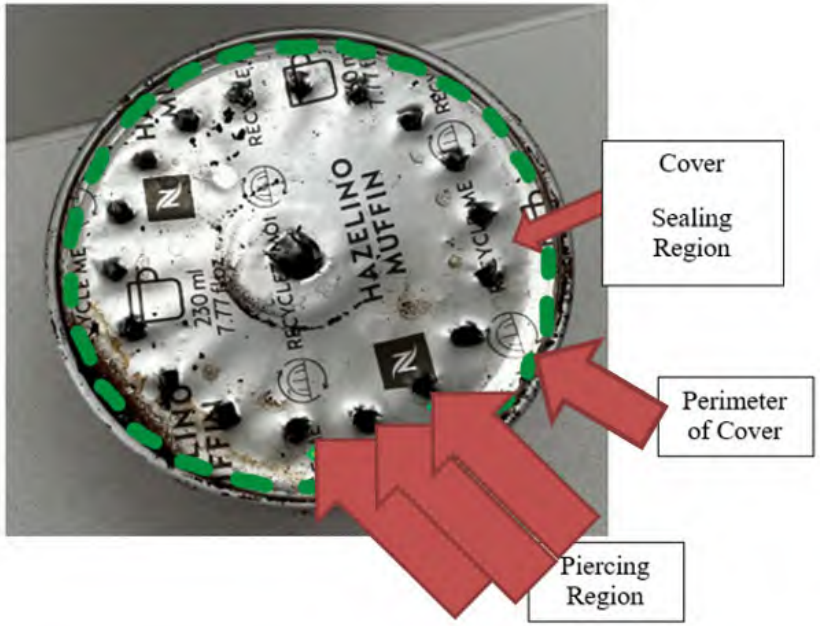
	
[8q] the cover includes a piercing region that is configured to be pierced by a mandrel of the beverage machine at a location that is laterally offset from the central longitudinal axis and a sealing region that is configured to be sealed against by a seal of the beverage machine,	The Accused Product's cover includes a piercing region that is configured to be pierced by a mandrel of the beverage machine at a location that is laterally offset from the central longitudinal axis and a sealing region that is configured to be sealed against by a seal of the beverage machine. The below annotated images illustrate the Accused Product's infringement of this limitation.

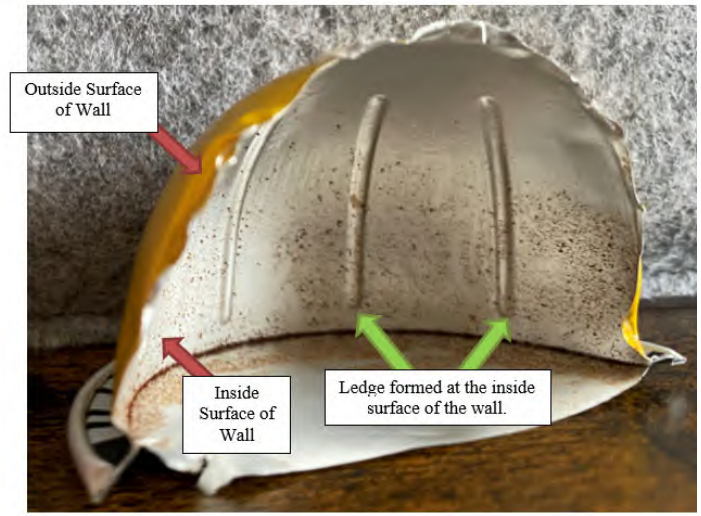
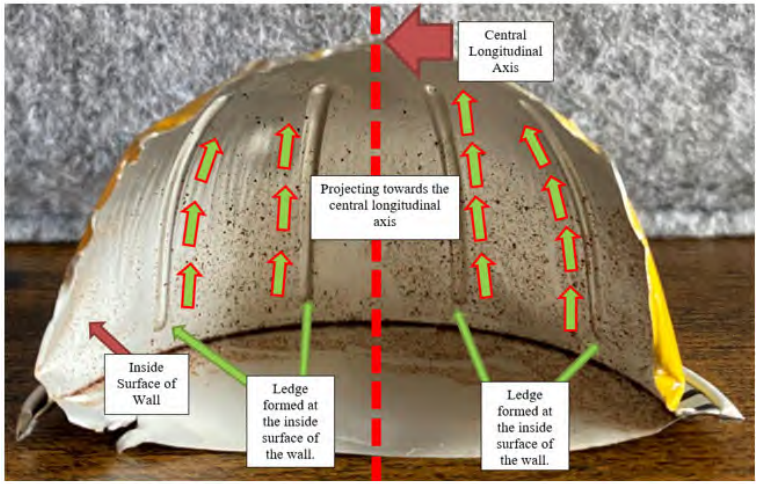

Cover
Sealing Region
Perimeter of Cover
Piercing Region
HAZELINO MUFFIN
230 ml

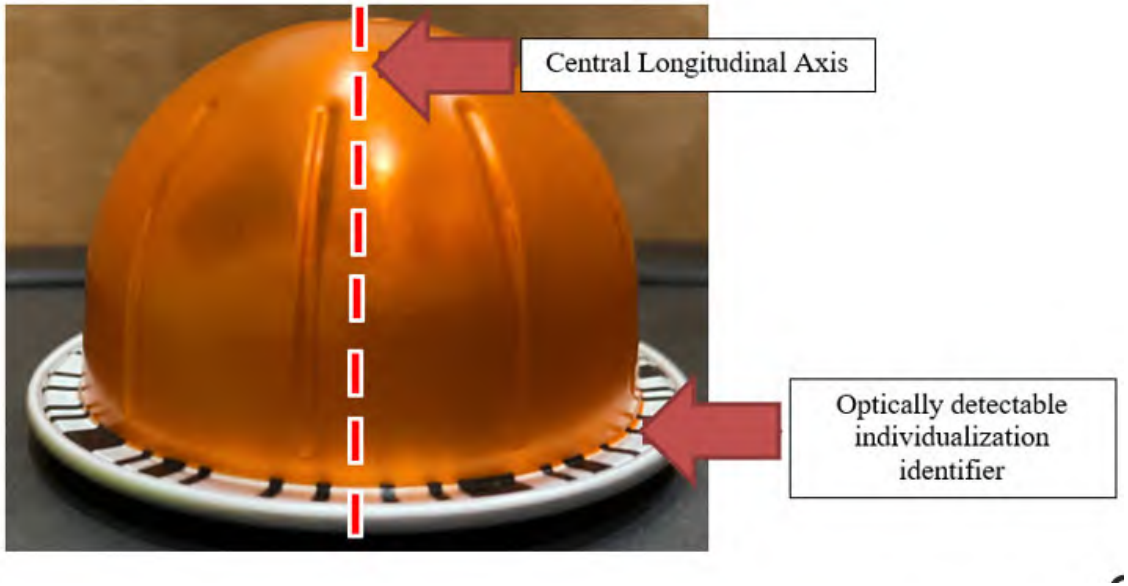

Central longitudinal axis.
Cover
Region configured to be pierced.
HAZELINO MUFFIN
230 ml
7.77 fl oz

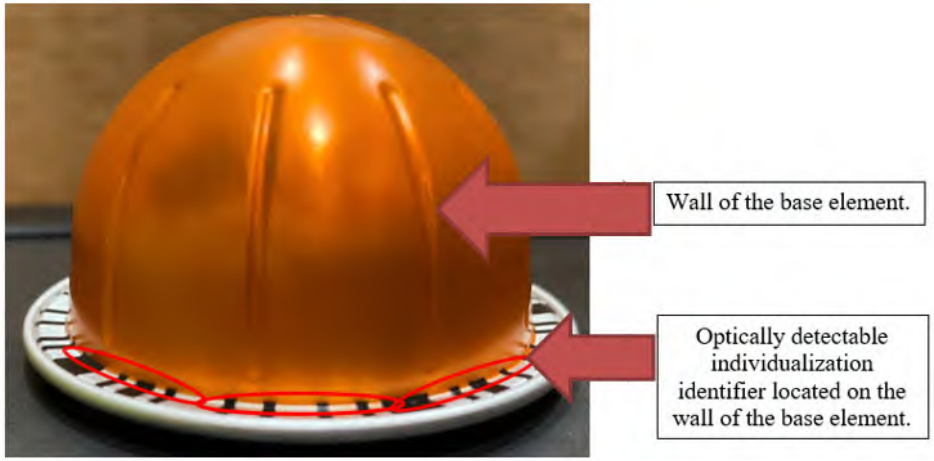

Mandrel

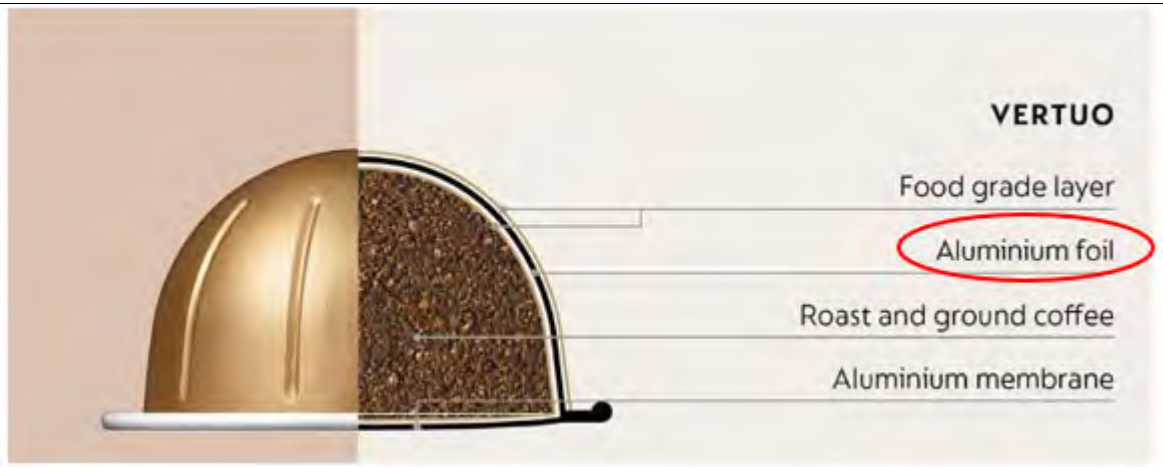
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0
[8r] the sealing region is located between the piercing region and the perimeter of the cover.	The Accused Product's sealing region is located between the piercing region and the perimeter of the cover. The below annotated image illustrates the Accused Product's infringement of this limitation.

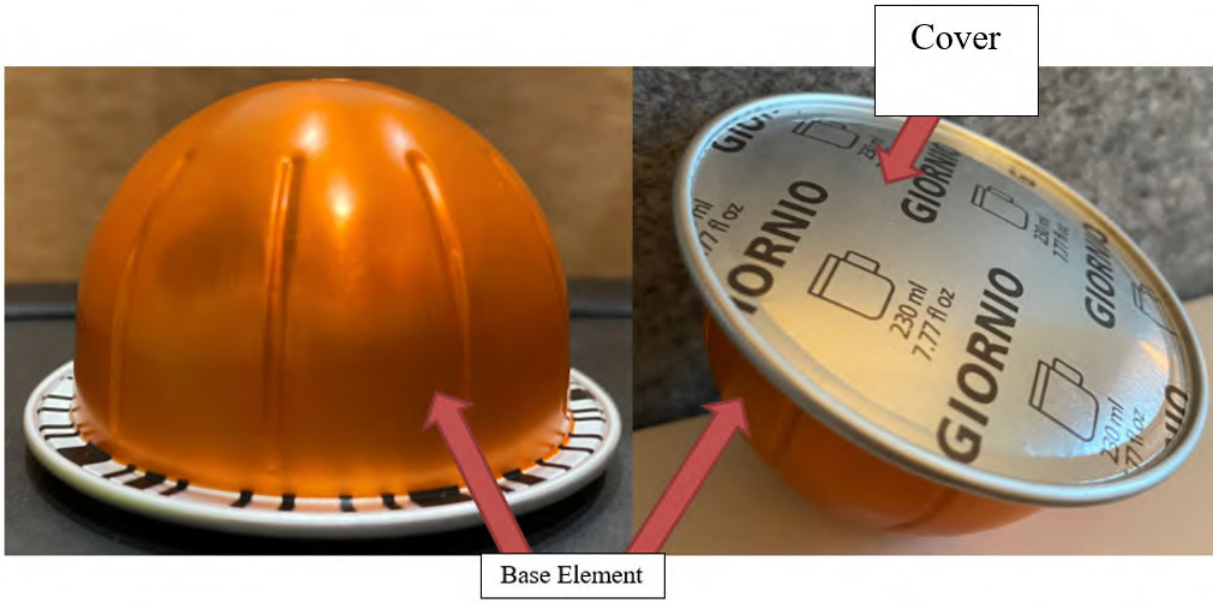
	
[9] The portion capsule according to claim 8,	*See* claim 8.
[9a] wherein the inside surface of the wall comprises a ledge projecting towards the central longitudinal axis,	The Accused Product's inside surface of the wall, *see, e.g.*, the inner food grade layer which faces the beverage material, comprises a ledge projecting towards the central longitudinal axis. The ledge exists on the inside surface of the wall, *see, e.g.*, the inner food grade layer which faces the beverage material. The below annotated images illustrate the Accused Product's inside surface of the wall comprising of a ledge projecting towards the central longitudinal axis.

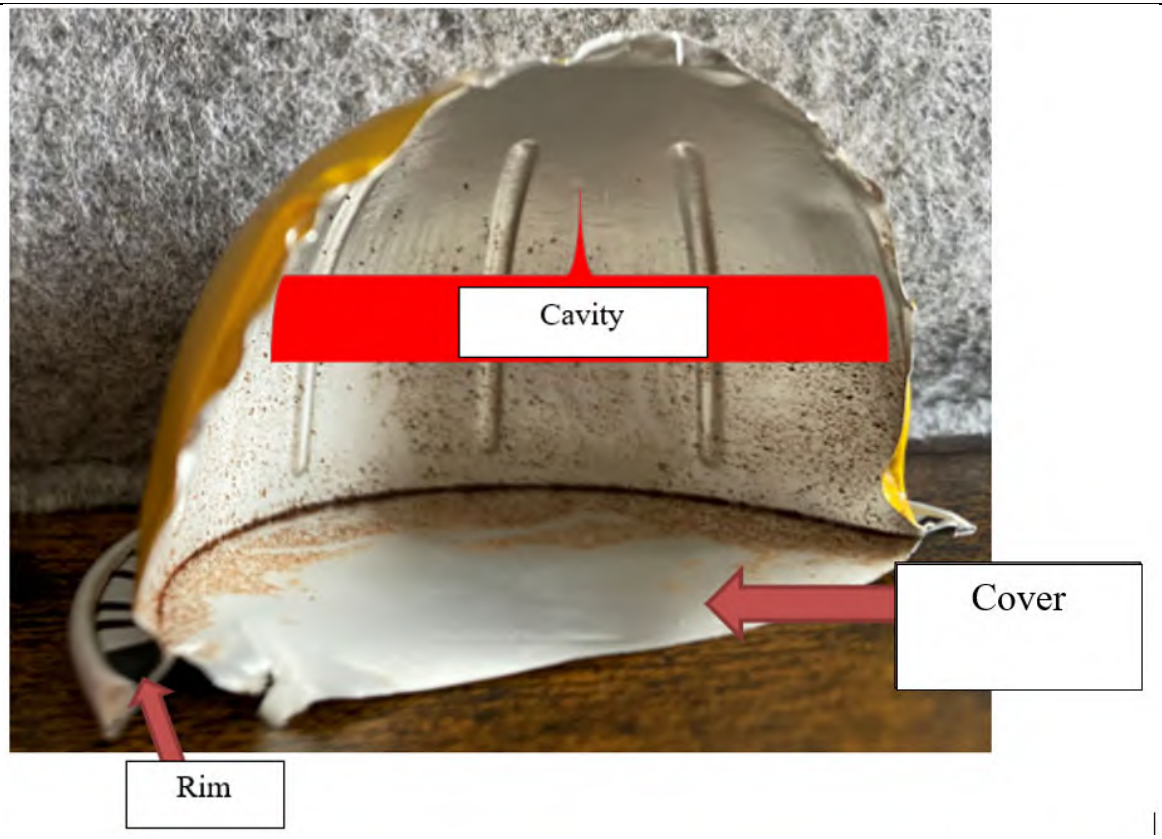
	 
[9b] and the optically detectable individualization identifier is circumferentially arranged	The Accused Product's optically detectable individualization identifier is circumferentially arranged around the central longitudinal axis. The below annotated image illustrates this limitation.

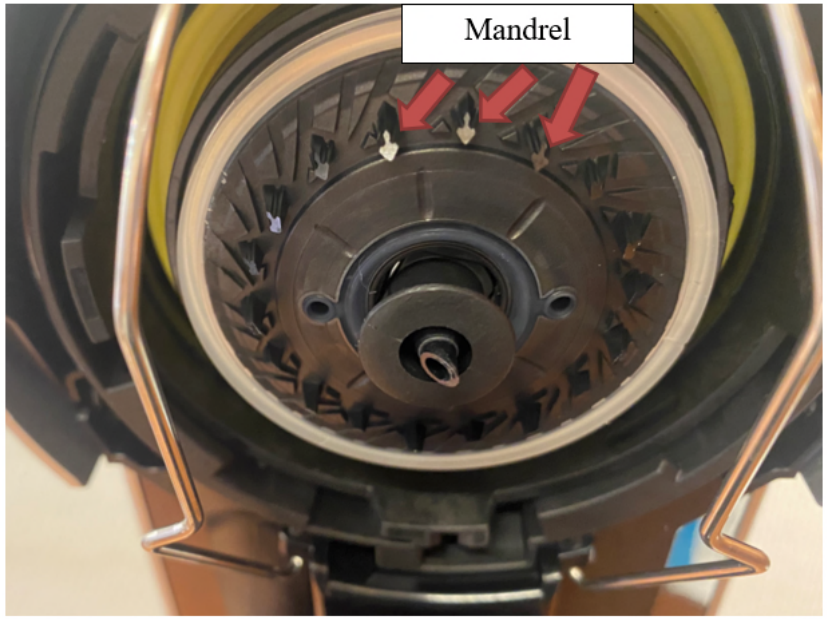
around the central longitudinal axis.	
[10] The portion capsule according to claim 9,	*See* claim 9.
[10a] wherein the optically detectable individualization identifier is located on the wall of the base element,	The Accused Product's optically detectable individualization identifier is located on the wall of the base element. The below annotated image illustrates this limitation.

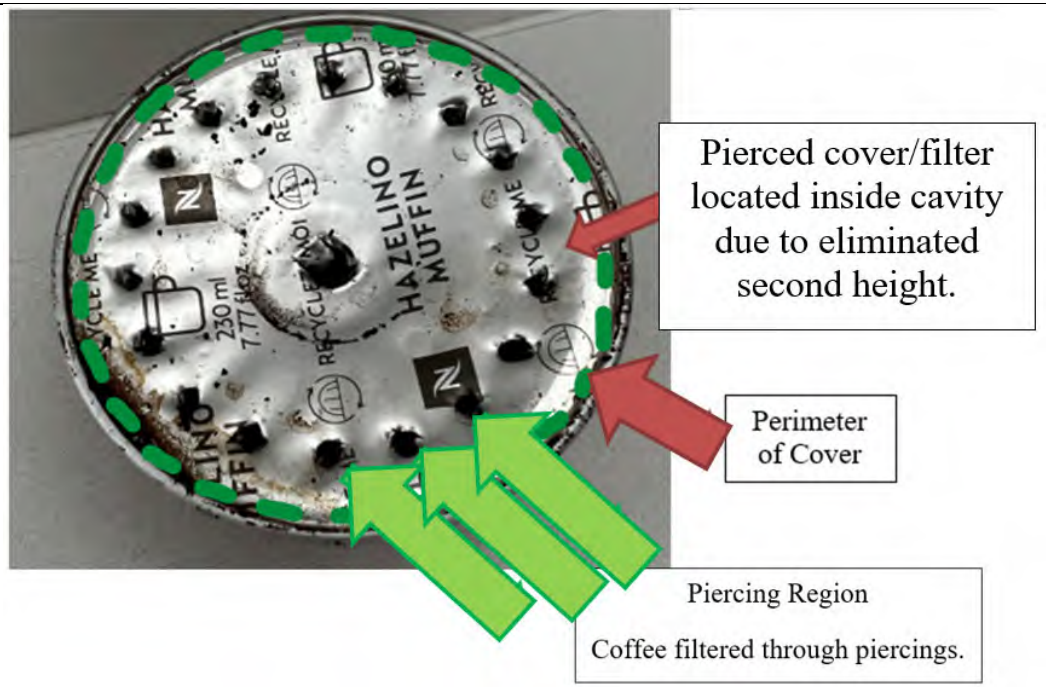
	
[10b] and the base element is made of metal, a biodegradable material, or plastic.	The Accused Product's base element is made of metal, a biodegradable material, or plastic. The Accused Product's base element is made of aluminum which is a lightweight metal. *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium; *see* https://www.aluminiumleader.com/about_aluminium/what_is_aluminum/. The below annotated image illustrates the Accused Product's infringement of this limitation.

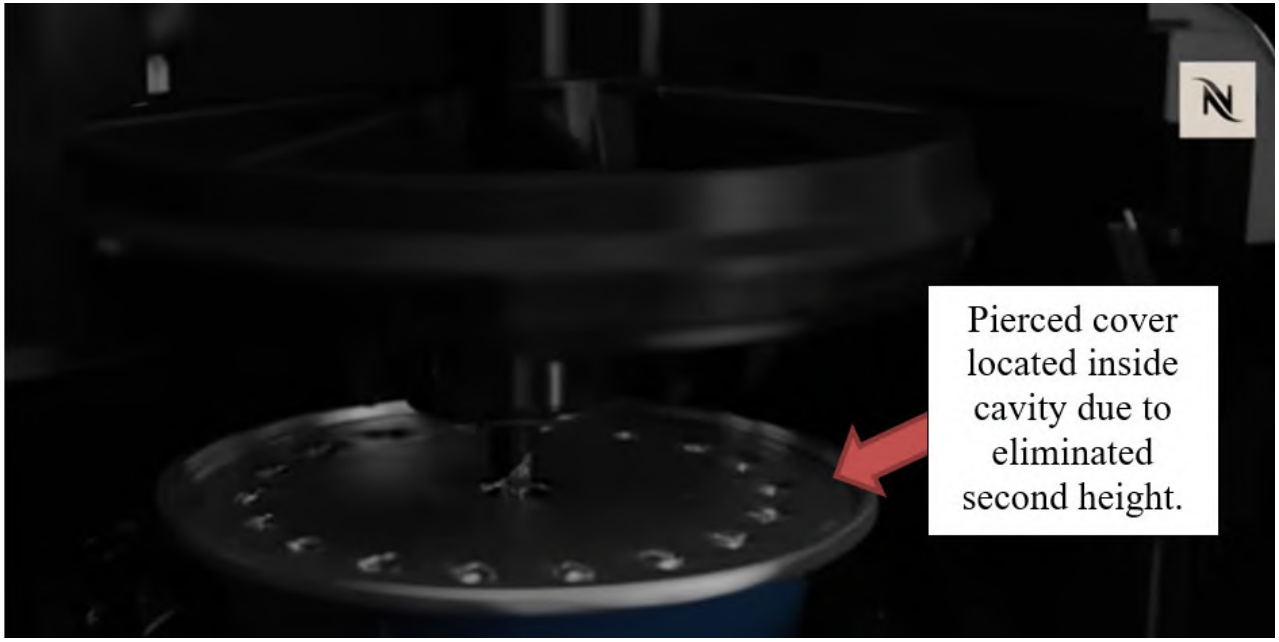
	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[11] The portion capsule according to claim 10,	*See* claim 10.
[11a] wherein the portion capsule includes a filter inside of the cavity,	The Accused Product's portion capsule includes a filter inside of the cavity. The below annotated images illustrate the portion capsule that includes a filter inside of the cavity.


Cover
Base Element
GIORNIO
230 ml
7.77 fl oz


Cavity
Cover
Rim

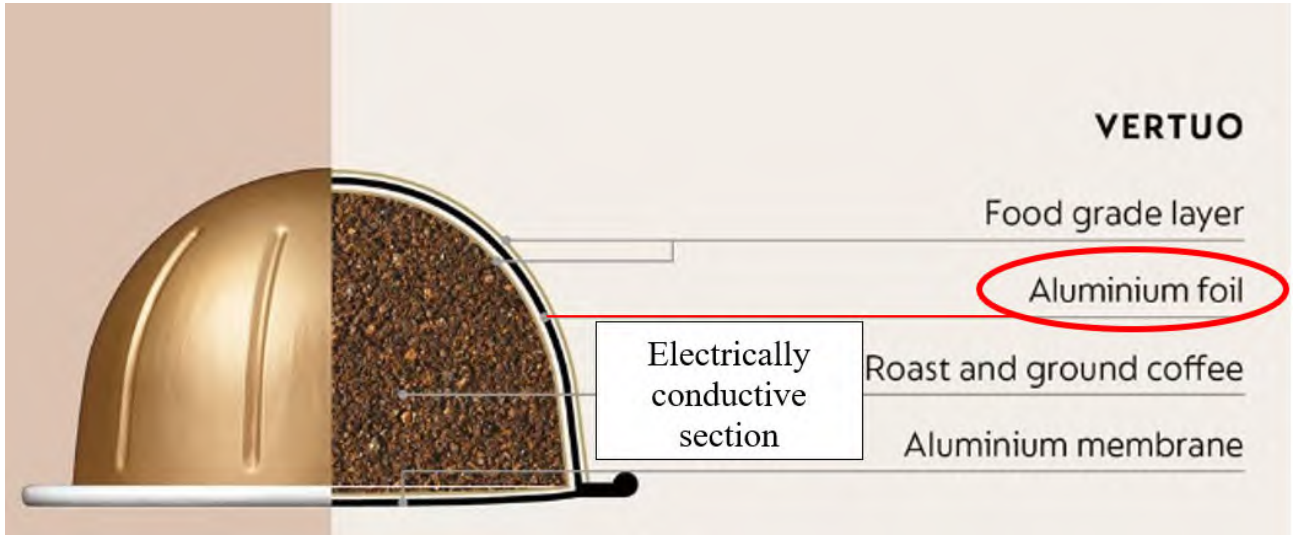
	 Mandrel

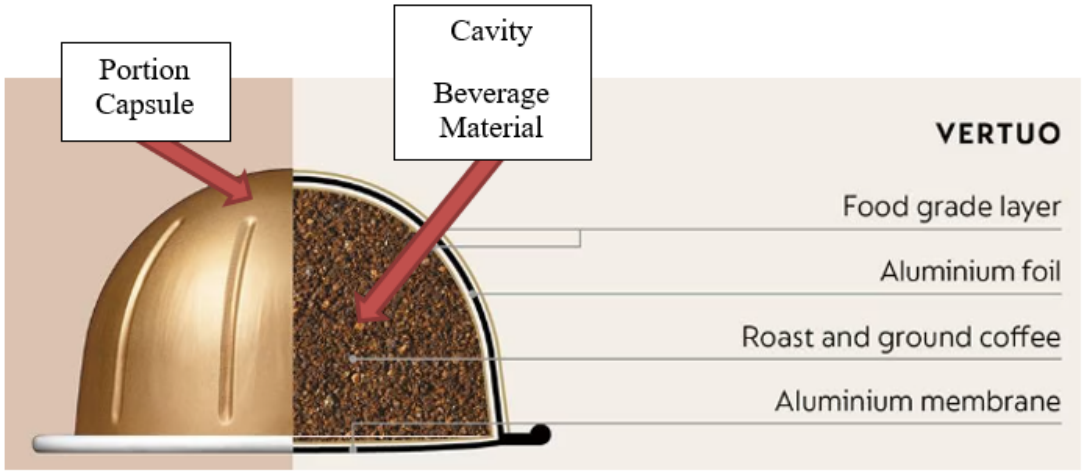

HAZELINO MUFFIN
230 ml 7.77 fl oz
Pierced cover/filter located inside cavity due to eliminated second height.
Perimeter of Cover
Piercing Region
Coffee filtered through piercings.

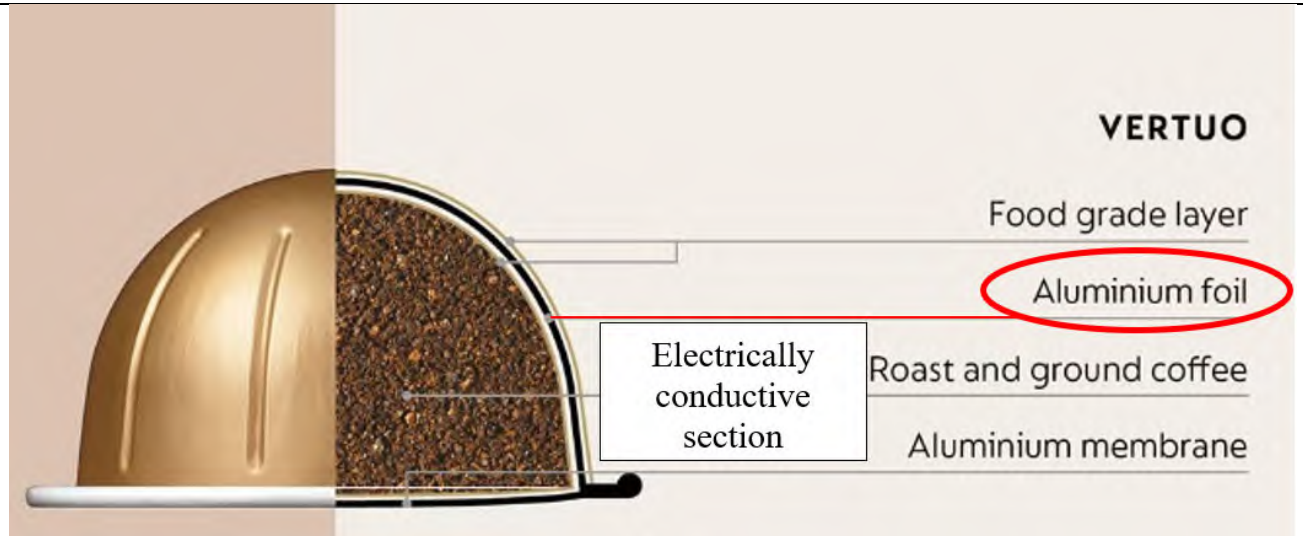


See, e.g., https://www.youtube.com/watch?v=RTzUiX101C0.

Alternatively, to the extent any limitation herein is deemed not literally infringed, Plaintiff alleges that the limitation is infringed under the doctrine of equivalents. Under the function-way-result test of the doctrine of equivalents, an element in the accused device is equivalent to a claim limitation if it "performs substantially the same function in substantially the same way to obtain substantially the same result." *Virnetx, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1322-23 (Fed. Cir. 2014). For example, the portion capsule's filter, *see, e.g.*, the portion capsule's cover that is located inside of the cavity upon being pierced by the chamfered mandrel of the beverage machine, performs the same function, *e.g.* filtering coffee grounds, to achieve the same result, *e.g.* preventing raw beverage material from being present in the brewed cup of coffee, in the same way, e.g., by blocking the raw beverage material from exiting the capsule. As the water is inserted through the cover that is located inside of the cavity and "the water infuses the coffee grounds" the centrifugal force brews the coffee and the coffee is filtered through the piercing region that is configured to be pierced by a mandrel of the

	beverage machine so that the raw beverage material is not present in the brewed cup of coffee. *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0 at 0:25–0:30.
[11b] and the wall comprises an electrically conductive section.	The wall of the Accused Product comprises an electrically conductive section, *see, e.g.*, aluminum foil. The wall of the Accused Product comprises of aluminum, which is the "second most conductive material available in a practical sense." *See* https://www.gabrian.com/does-aluminum-conduct-electricity/. The below annotated image illustrates that the wall of the Accused Product comprises an electrically conductive section.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[12] The portion capsule according to claim 10,	*See* claim 10.
[12a] wherein the portion capsule is free of a filter inside of the cavity,	The Accused Product is a portion capsule that is free of a filter inside the cavity. The below annotated image illustrates that the portion capsule is free of a filter inside of the cavity.

	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[12b] and the wall comprises an electrically conductive section.	The wall of the Accused Product comprises an electrically conductive section, *see, e.g.,* aluminum foil. The wall of the Accused Product comprises of aluminum, which is the "second most conductive material available in a practical sense." *See* https://www.gabrian.com/does-aluminum-conduct-electricity/. The below annotated image illustrates that the wall of the Accused Product comprises an electrically conductive section.



See, e.g., https://www.sustainability.nespresso.com/why-aluminium

EXHIBIT 094

U.S. Patent No. 11,542,094 ("'094 Patent")

Exemplary Accused Products

Nespresso products, including at least each of the following products (and their submodels), infringe either literally or under the doctrine of equivalents at least Claims 1-20 of the '094 Patent: Vertuo Creatista, Vertuo Pop+, Vertuo Next, VertuoPlus, Evoluo, and Vertuo beverage systems and capsules. The infringement chart below is based on the Vertuo beverage systems and capsules ("Accused Product"), which is exemplary of the infringement of the '094 Patent. The Accused Product does not contain components that materially differ from the novel characteristics of the claimed invention. Nespresso's acts of designing, marketing, importing into the USA, and selling the Accused Product, in addition to continuing to design, market, and import into the USA the Accused Product is also evidence of infringement.

In addition to Nespresso's direct infringement of the '094 Patent, Nespresso has indirectly infringed Claims 1-20 of the '094 Patent pursuant to 35 U.S.C. § 271(b) and (c) by causing others to directly infringe. For example, Nespresso's affiliates, customers, and third-party sellers directly infringe these claims by making, offering for sale, selling, using, and/or importing the Accused Product in the United States. Nespresso contributed to and induced the infringement of Claims 1-20 through its promotion, marketing, training, and sale of the Accused Product. Nespresso supplied the Accused Product and actively encouraged the use of the same in the United States through the promotion and marketing of literature, imagery and/or video, which induced and resulted in direct infringement. Nespresso has known or should have known these actions would cause direct infringement of the '094 Patent and did so with specific intent to encourage direct infringement. Additionally, the identified features of the Accused Product—in particular the capsule and beverage machine—are material parts of the inventions of the asserted claims and have no substantial non-infringing uses. Nespresso's acts of infringement were willful.

These infringement charts are exemplary and provided based on information obtained to date and may not be exhaustive. K-fee's investigation of Nespresso's infringement is ongoing. K-fee reserves the right to seek to supplement and/or amend these disclosures to identify additional asserted claims, accused instrumentalities, and/or to further identify where each element of each asserted claim is found in each accused instrumentality, including on the basis of discovery obtained from Nespresso and from third parties during the course of this litigation. As discovery progresses, Counterclaim Plaintiff may rely on additional factual and expert discovery to support its contentions that the Accused Product meets the claim limitations.

The accused instrumentalities and associated documents discussed and/or cited herein are representative in all material aspects for all other accused instrumentalities identified in this chart. Based on information presently available to K-fee, each of the Nespresso products is understood to operate in the same manner with respect to the contentions provided in this chart. Nespresso has not yet

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produced discovery in this action, and K-fee reserves the right to amend its contentions as to these products should Nespresso provide information showing any relevant differences among the products or any additional products containing the same functionality.

CLAIM LIMITATION U.S. Patent No. 11,542,094	**NESPRESSO'S ACCUSED PRODUCT:**
[1] A beverage system comprising:	The foregoing is applicable only to the extent the preamble of this claim is found to be limiting. To the extent the preamble is construed as a limitation, the Accused Product is a beverage system. For example, the Accused Product comprises a beverage machine and single-serve capsule and produces a beverage. The single-serve capsule is inserted into a beverage machine for the purpose of making a beverage. The below images illustrate the Nespresso Vertuo beverage system comprising a beverage machine and single-serve capsule:

	 *See, e.g.,* https://www.youtube.com/watch?v=RTzUiX101C0.



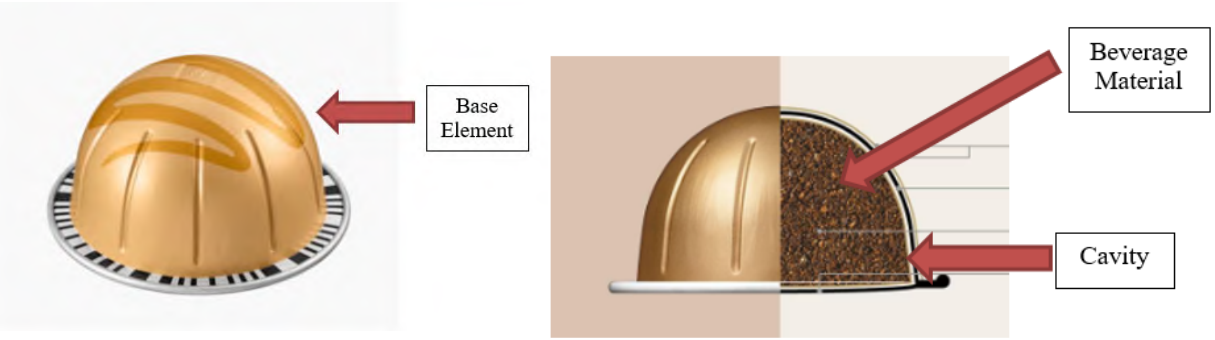
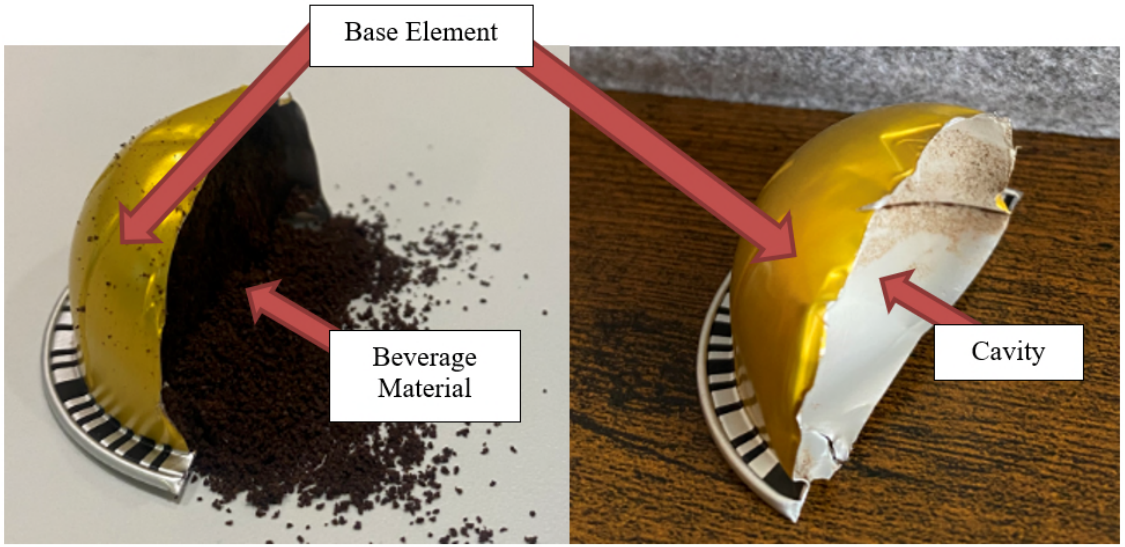


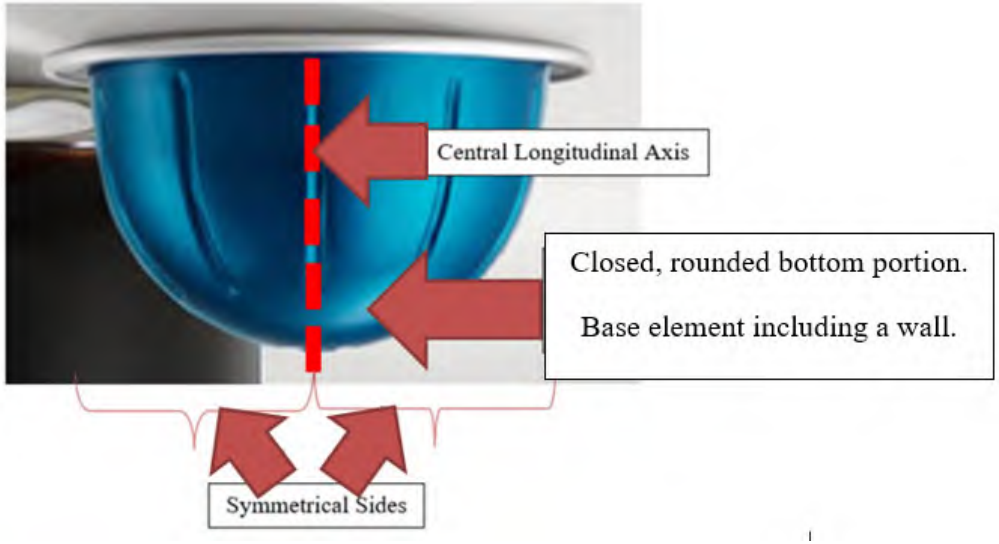


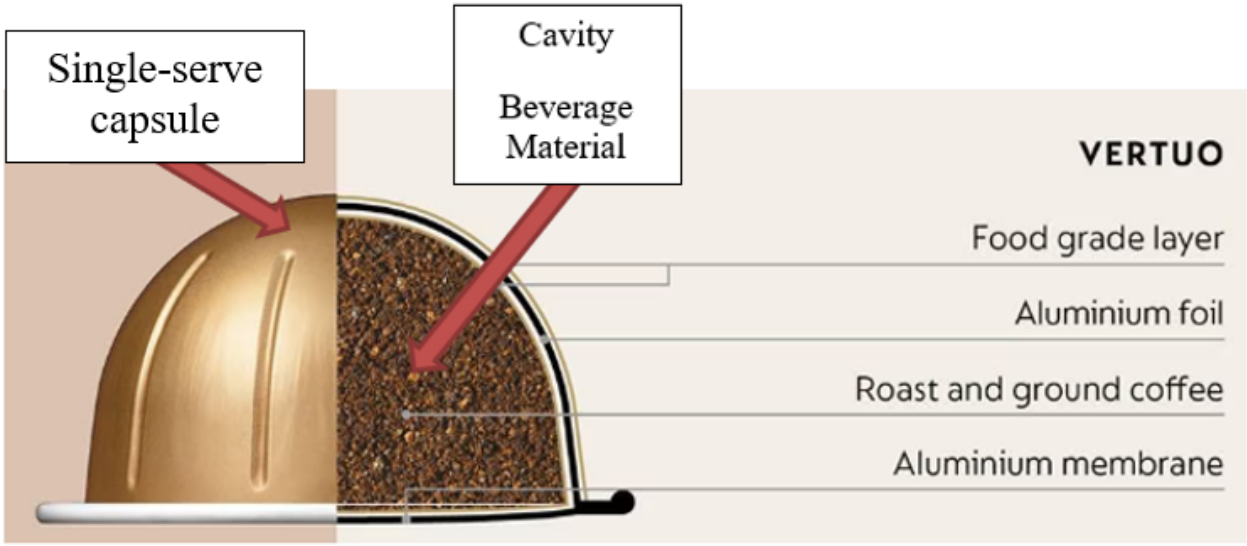
See, e.g., https://www.nespresso.com/us/en/vertuo-coffee-capsules; https://www.nespresso.com/us/en/choose-your-technology-vertuo.

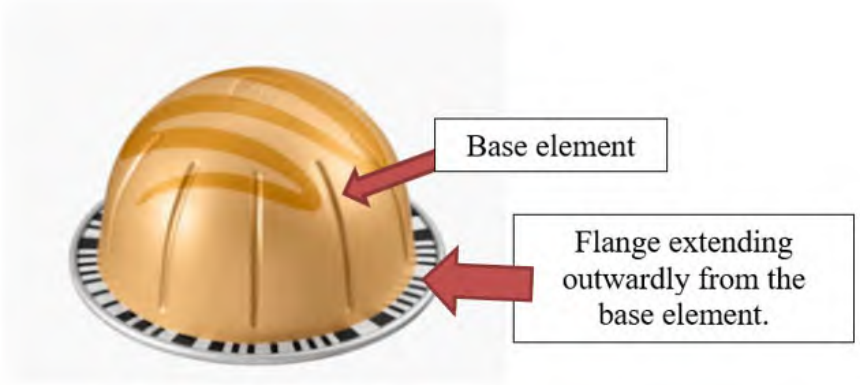
[1A] a single-serve capsule comprising:	The single-serve capsule is inserted into a beverage machine for the purpose of making a beverage. The below images illustrate the single-serve capsule and the single-serve capsule being inserted into a beverage machine for the purpose of making a beverage. 

	 *See, e.g.,* https://www.youtube.com/watch?v=RTzUiX101C0; https://www.buynespresso.com/bh_en/vertuo-coffee-redefined#:~:text=To%20achieve%20this%20range%20of,Lungo%2C%20Mug%2C%20and%20Carafe
[1A.i] a base element with a cavity, in which a beverage material is provided,	The single-serve capsule comprises of a base element having a cavity in which a beverage material is provided. The cavity is within the base element such that the base element encompasses the cavity. The cavity is filled with beverage material (*e.g.*, powdered coffee material).

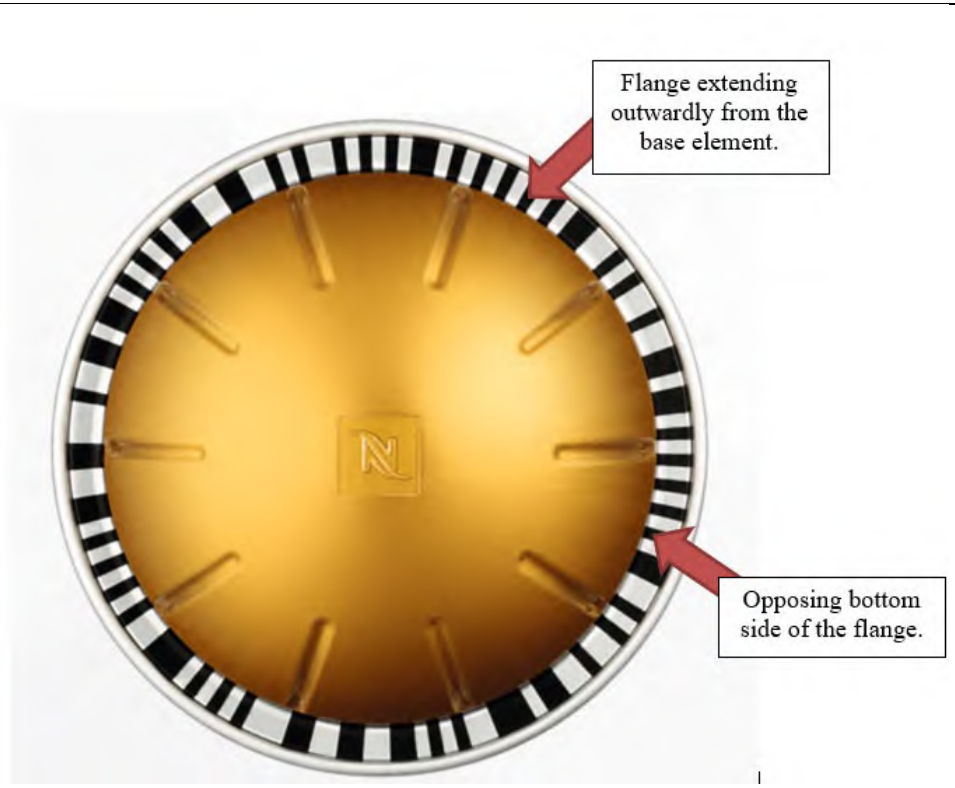
	The below annotated images illustrate the base element having a cavity in which a beverage material is provided.   *See, e.g.,* https://www.sustainability.nespresso.com/why-aluminium; https://www.nespresso.com/us/en/choose-your-technology-vertuo
[1A.i.a] the base element including a wall	The single-serve capsule's base element includes a wall that is symmetrical about a central longitudinal axis thereof and has a closed, rounded bottom portion. The closed, rounded bottom portion of the single-serve capsule's base element comprises the base element's wall.

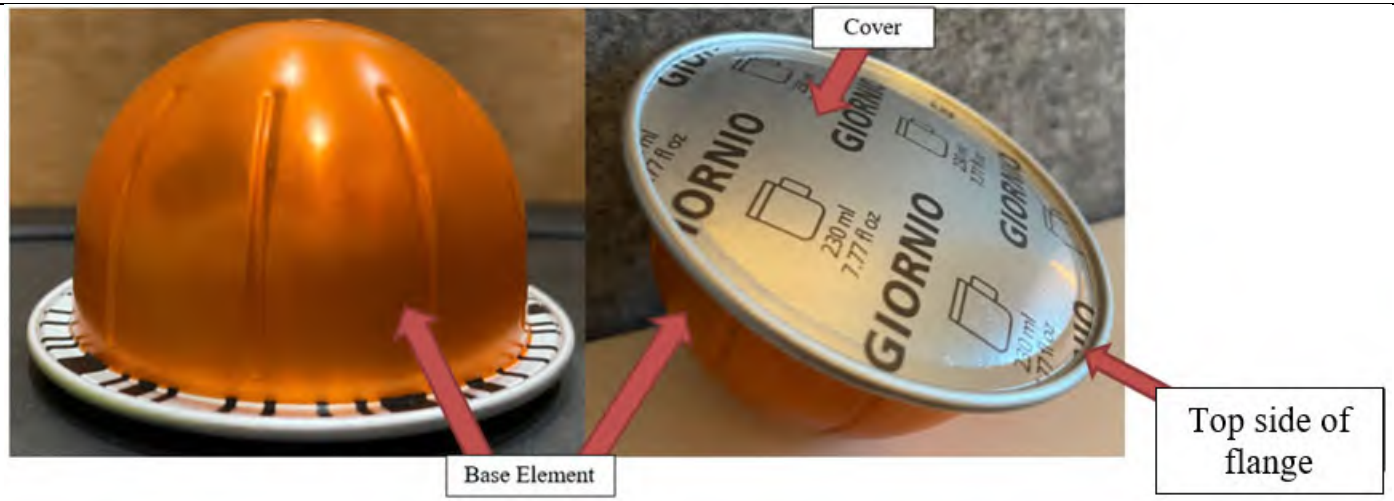
that is symmetrical about a central longitudinal axis thereof and having a closed, rounded bottom portion,	The below annotated image illustrates the single-serve capsule's base element including a wall that is symmetrical about a central longitudinal axis thereof and having a closed, rounded bottom portion.  *See, e.g.,* https://www.nespresso.com/us/en/vertuo-coffee-capsules. Alternatively, to the extent any limitation herein is deemed not literally infringed, Plaintiff alleges that the limitation is infringed under the doctrine of equivalents. Under the function-way-result test of the doctrine of equivalents, an element in the accused device is equivalent to a claim limitation if it "performs substantially the same function in substantially the same way to obtain substantially the same result." *Virnetx, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1322-23 (Fed. Cir. 2014). For example, the single-serve capsule's base element having an a closed, rounded bottom portion with physical features, *see, e.g.,* the capsule walls, performs the same function, *e.g.* encasing the cavity of the single-serve capsule and providing a vessel that rotates smoothly with limited friction and turbulence at speeds up to 7000 RPM, in the substantially the same way, *e.g.* by encasing the capsule in a symmetrical fashion about a central longitudinal axis, to achieve the same result, *e.g.* provide a vessel for the beverage material and ensure smooth rotation to brew coffee, as the claimed base element including a wall that is symmetrical about a central longitudinal axis thereof and having a closed, rounded bottom portion.

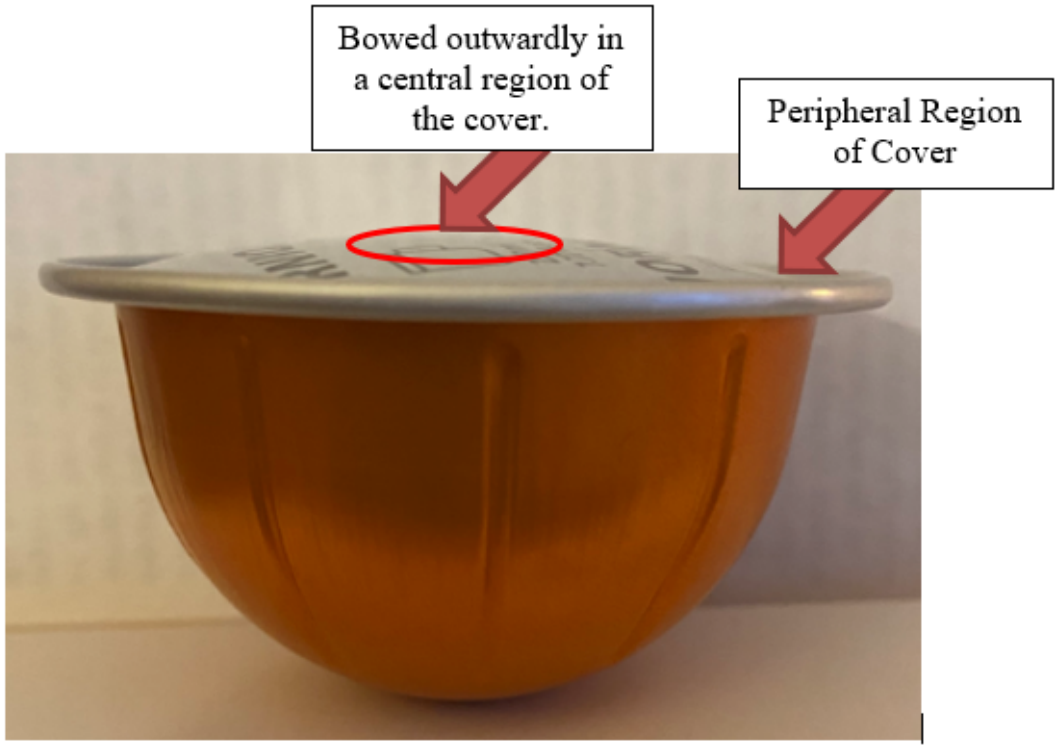
[1A.i.b] the base element is free of a filter inside of the cavity;	The single-serve capsule's base element is free of a filter inside the cavity. The below annotated image illustrates that the single-serve capsule is free of a filter inside of the cavity.  *See, e.g.,* https://www.sustainability.nespresso.com/why-aluminium
[1A.ii] a flange extending outwardly from the base element, the flange having a top side and an opposing bottom side;	The single-serve capsule has a flange extending outwardly from the base element. The flange has a top side and an opposing bottom side. The below annotated images illustrate the single-serve capsule's flange with a top side and opposing bottom side.

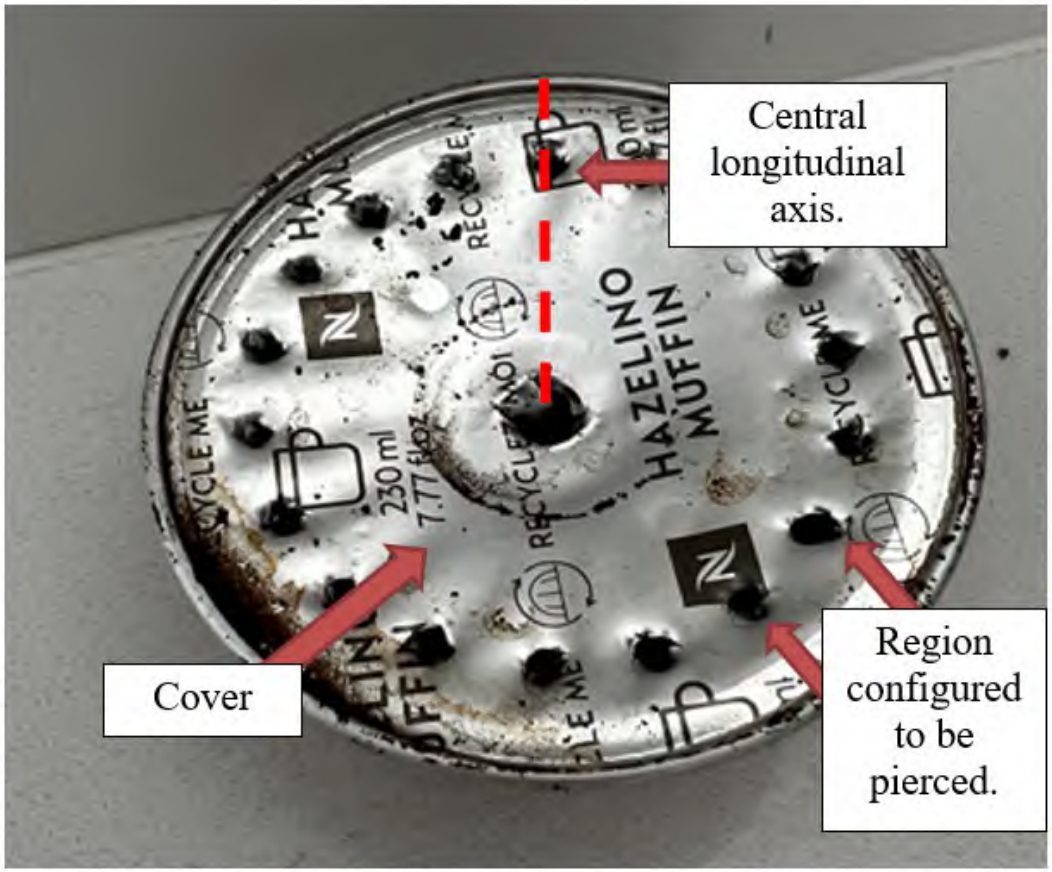

Base element
Flange extending outwardly from the base element.

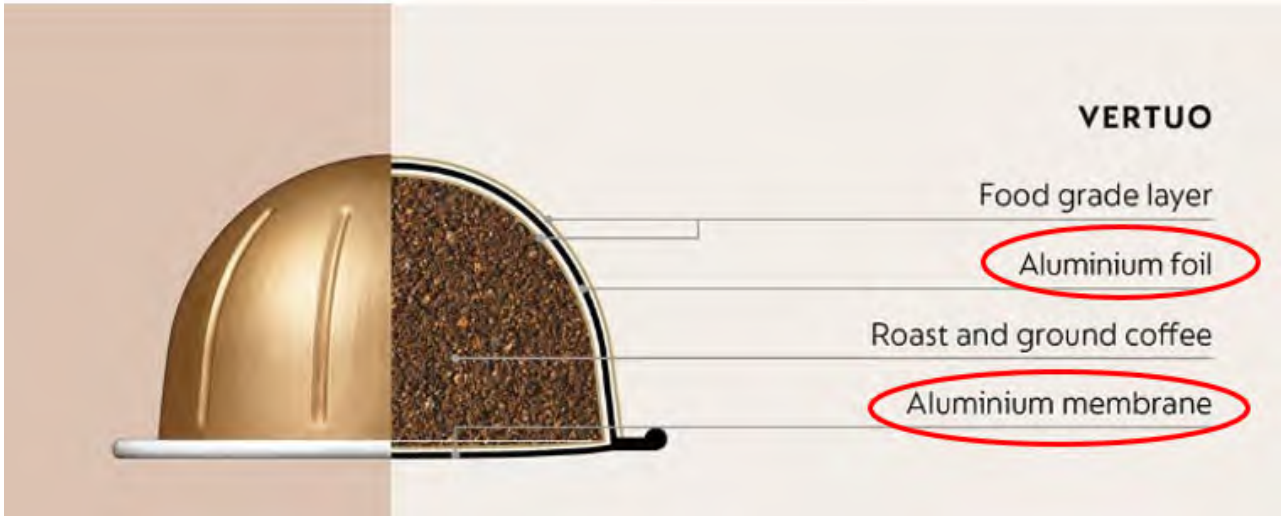

Top side of flange

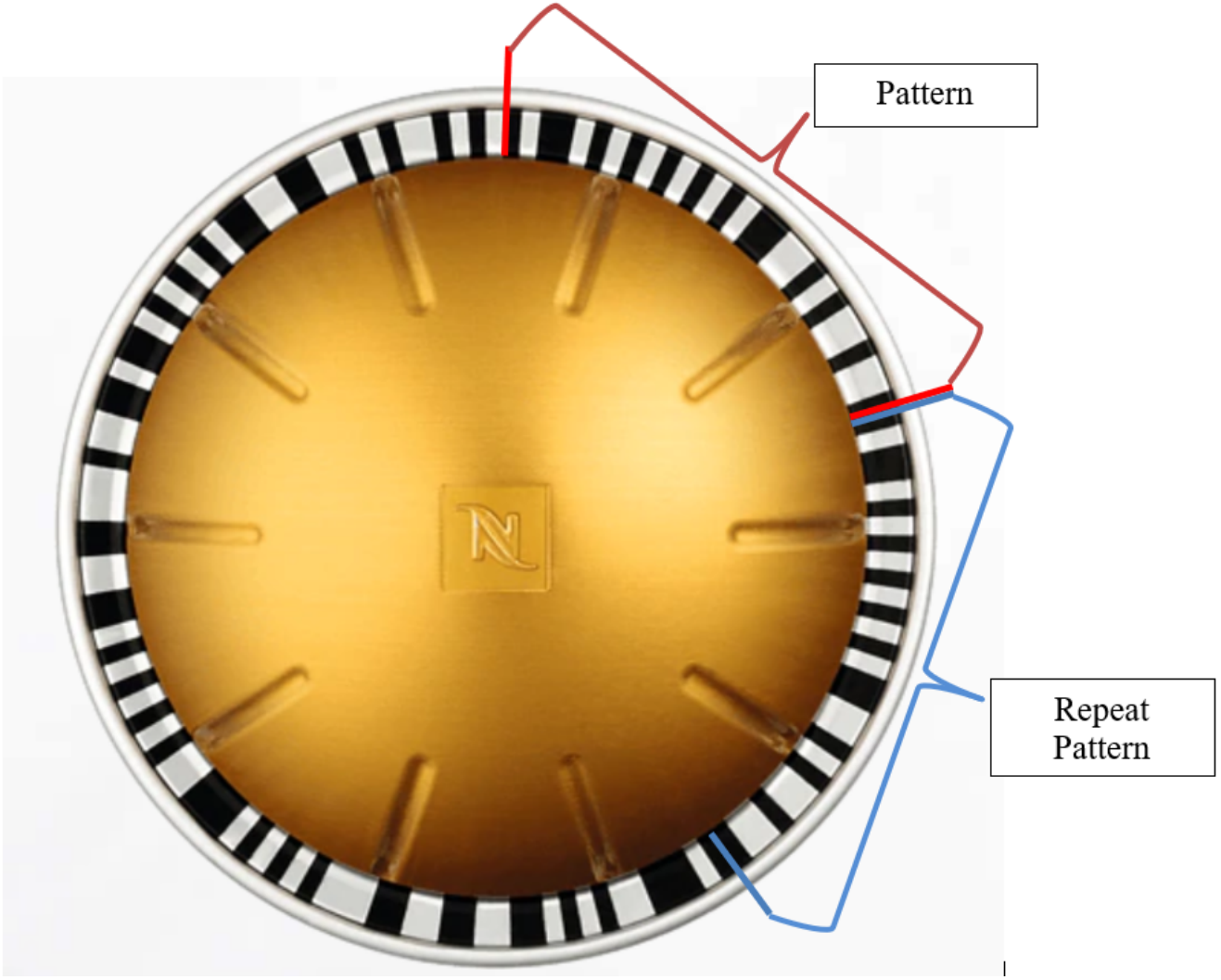
	 *See, e.g.,* https://www.nespresso.com/us/en/vertuo-coffee-capsules
[1A.iii] a cover fastened to the top side of the flange,	The single-serve capsule contains a cover that is fastened to the top side of the flange. The below annotated image illustrates the single-serve capsule's cover that is fastened to the top side of the flange.

	
[1A.iii.a] the cover is bowed outwardly in a central region of the cover relative to a peripheral region of the cover,	The single-serve capsule's cover is bowed outwardly in a central region of the cover relative to a peripheral region of the cover. The below annotated image illustrates the single-serve capsule's cover, which is bowed outwardly in a central region of the cover relative to a peripheral region of the cover.

	
[1A.iii.b] the cover includes a region configured to be pierced at a location that is offset from the central longitudinal axis;	The single-serve capsule's cover includes a region configured to be pierced at a location that is offset from the central longitudinal axis. The below annotated image illustrates the Accused Product's infringement of this limitation.

	
[1A.iv] a barrier layer to prevent moisture or aroma from escaping out of the single-serve capsule;	The single-serve capsule includes a barrier layer to prevent moisture or aroma from escaping out of the single-serve capsule, *see, e.g.,* at least the aluminum of the single-serve capsule. *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium ("Aluminium foil provides a complete barrier to light, oxygen, moisture and bacteria"); https://www.nespresso.com/us/en/how-to-recycle-coffee-capsules ("Aluminum is the most protective material available today. It guarantees the freshness of the carefully crafted aromas and rich flavors of our coffees. Lightweight but strong, aluminum seals it from external elements which could harm it – oxygen, moisture and light.")

	The below annotated image illustrates the Accused Product's barrier layer to prevent moisture or aroma from escaping out of the single-serve capsule.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[1A.v] an individualization identifier, which includes an optically detectable repeat pattern, provided on the bottom side of the flange;	The single-serve capsule has an individualization identifier, which includes optically detectable repeat pattern, provided on the bottom side of the flange. The below annotated images illustrate the Accused Product's infringement of this limitation. One example of the identifier having a repeat pattern is shown below. The first pattern of the identifier is annotated in red. That pattern is repeated and annotated in blue.



Another example of the identifier having a repeat pattern is shown below. The identifier is repeated five times around the circumference of the capsule, as annotated in green. In this example, the repeated portions of the identifier are spaced at equal intervals from the next closest repeated portion of the identifier.

	 *See, e.g.,* https://www.nespresso.com/us/en/choose-your-technology-vertuo
[1B] a beverage machine comprising:	The Nespresso Vertuo beverage system comprises a beverage machine. The below images illustrate various versions of the beverage machine:

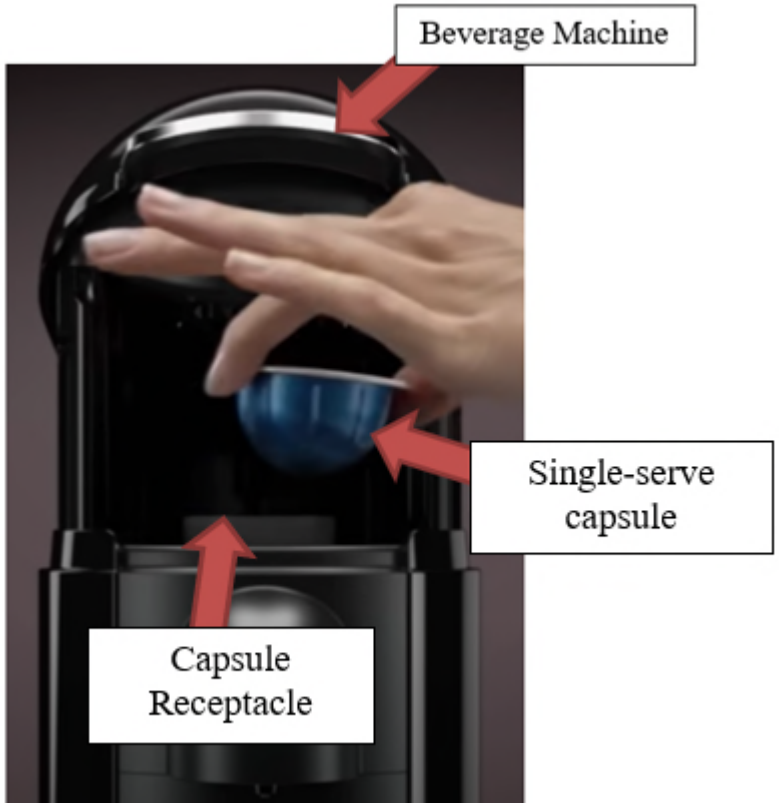
	

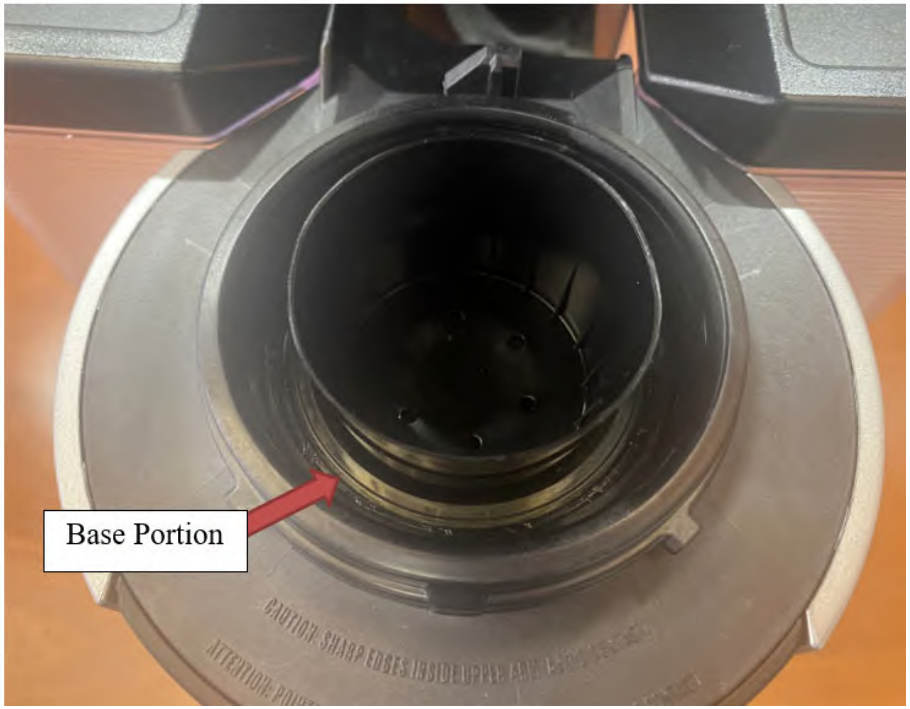
	

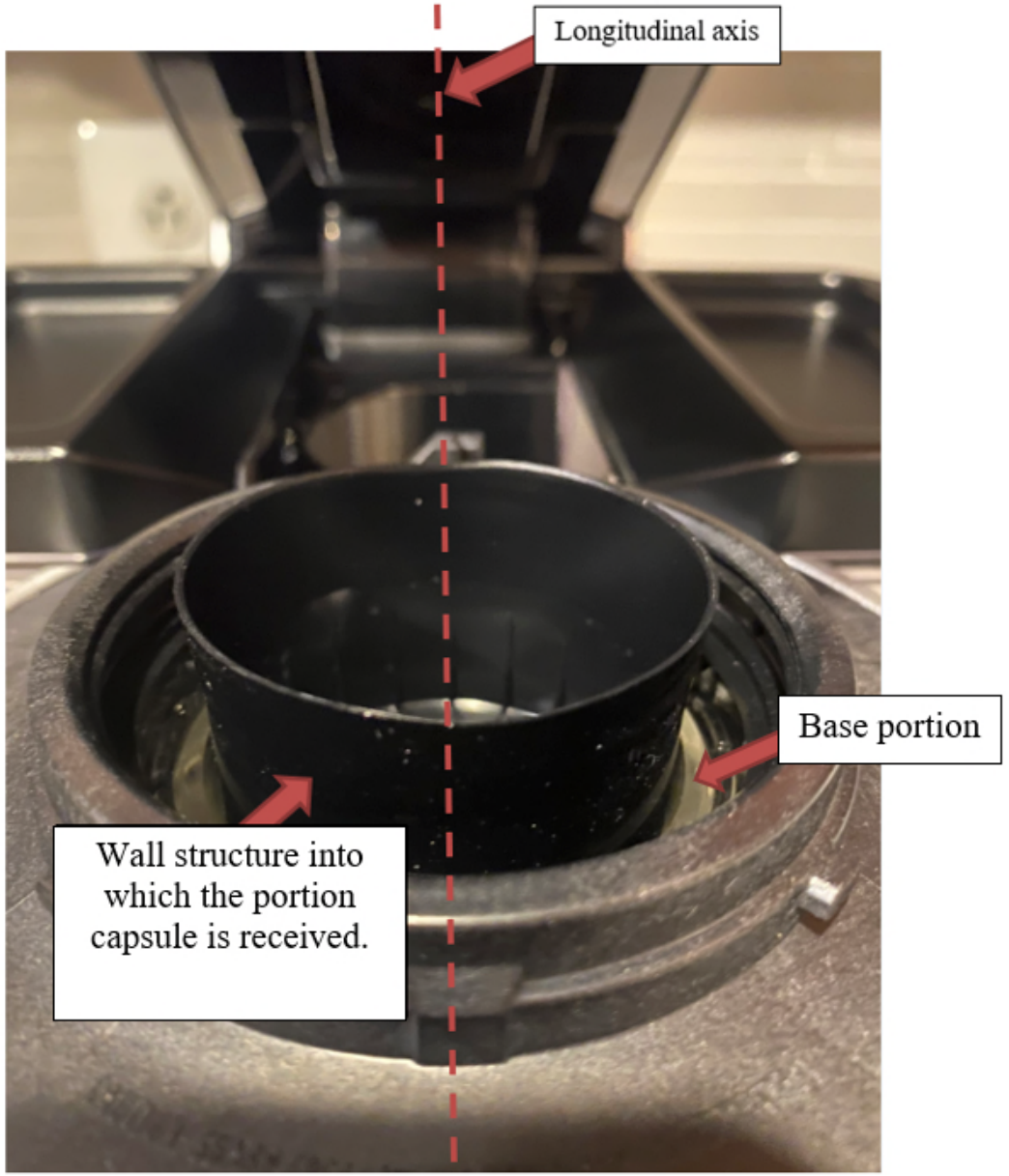
	

	 *See, e.g.,* https://www.youtube.com/watch?v=RTzUiX101C0; https://www.nespresso.com/us/en/vertuo-coffee-machines.
[1B.i] a capsule receptacle having a wall structure into which the single-serve	The beverage machine comprises a capsule receptacle having a wall structure into which the single-serve capsule is received. The below annotated images illustrate the beverage machine's capsule receptacle having a wall structure into which the single-serve capsule is received:

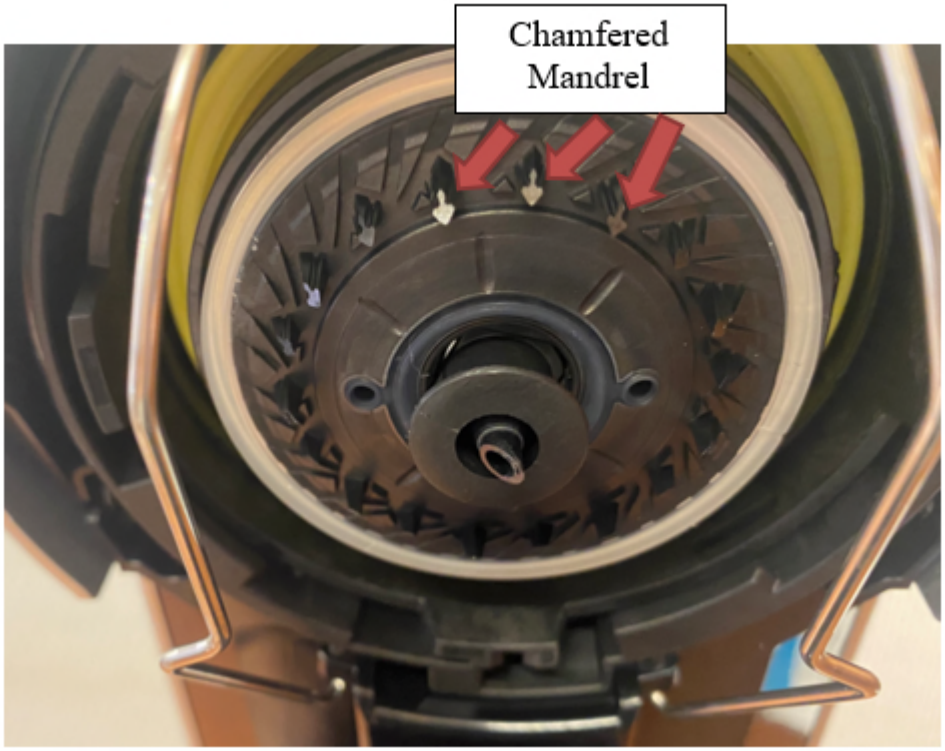
capsule is received,	

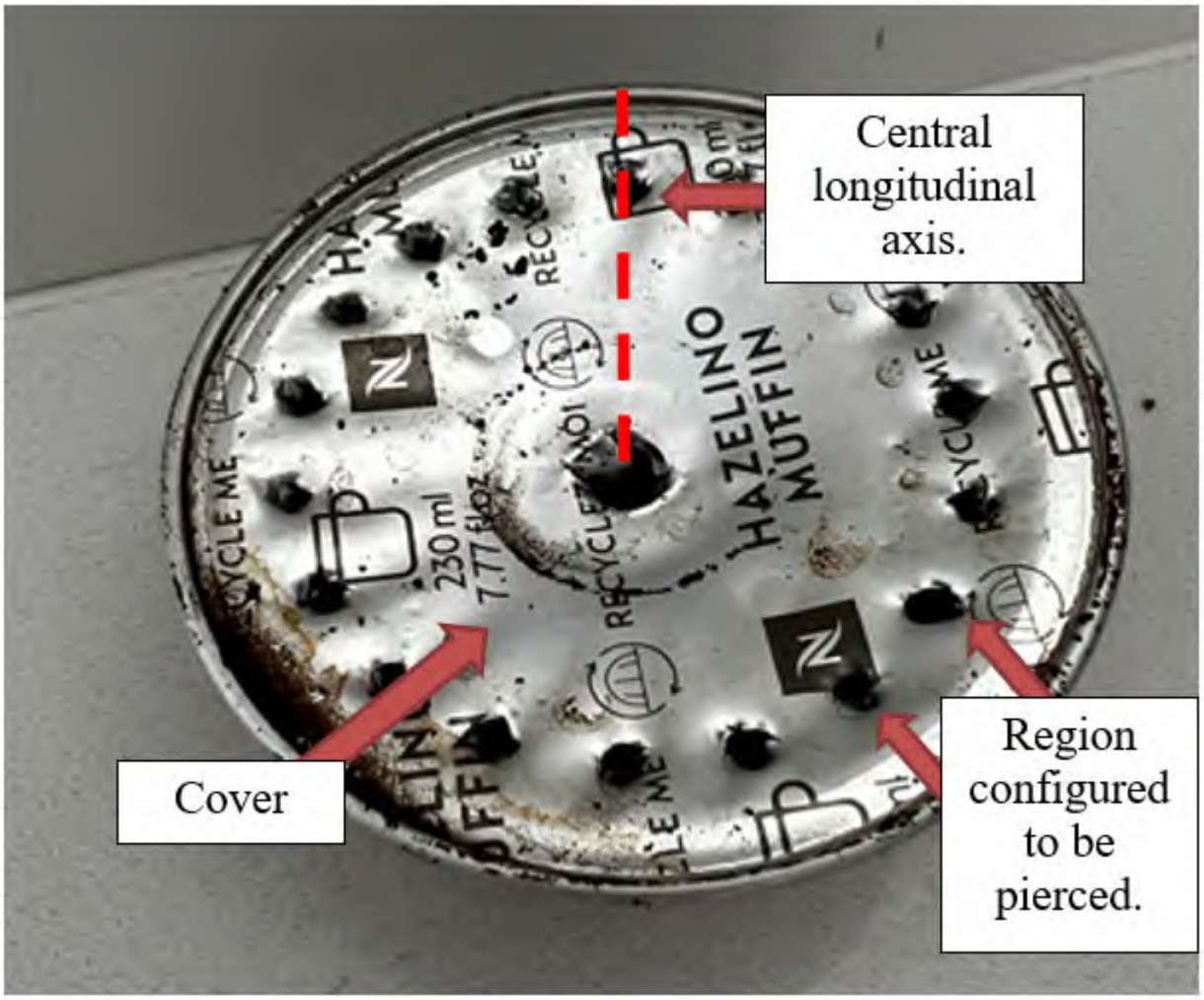

Capsule receptacle
Wall structure into which the single-serve capsule is received.
NESPRESSO

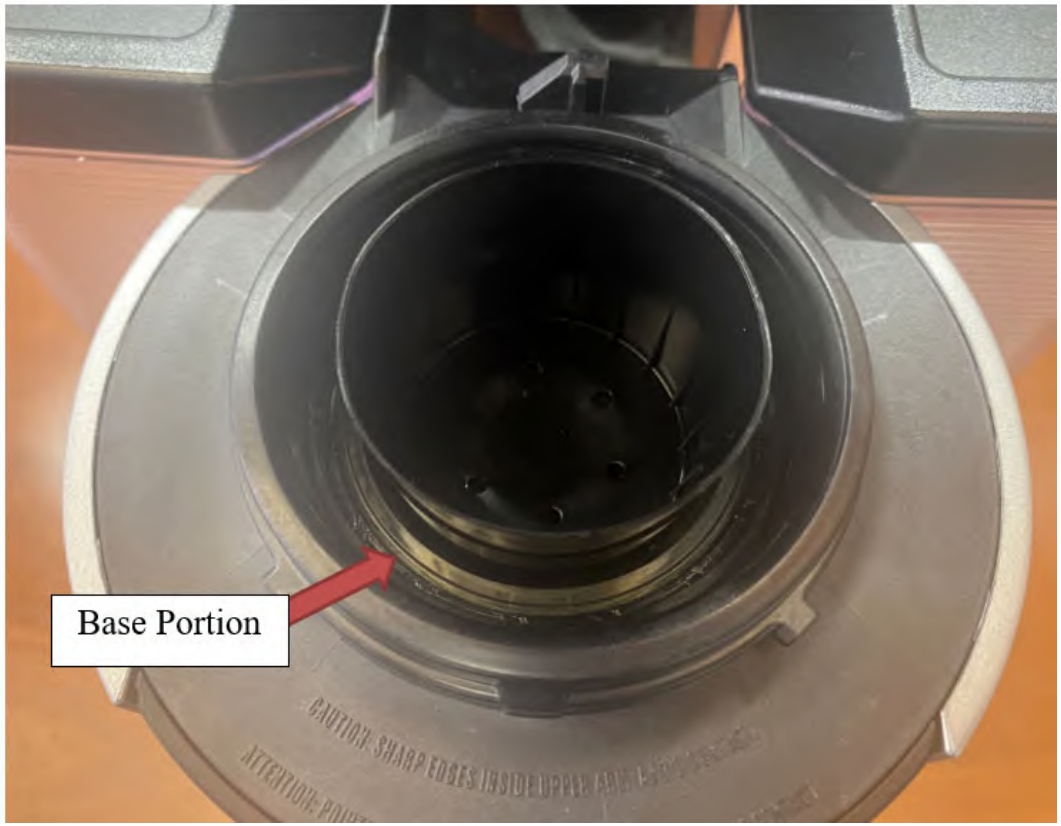
[1B.i.a] the capsule receptacle defined by a base portion and an annular portion laterally extending outwardly from the base portion in a direction that is transverse to a longitudinal axis of the capsule receptacle;	The beverage machine's capsule receptacle is defined by a base portion and an annular portion laterally extending outwardly from the base portion in a direction that is transverse to a longitudinal axis of the capsule receptacle. The below annotated images illustrate the Accused Product's infringement of this limitation. 

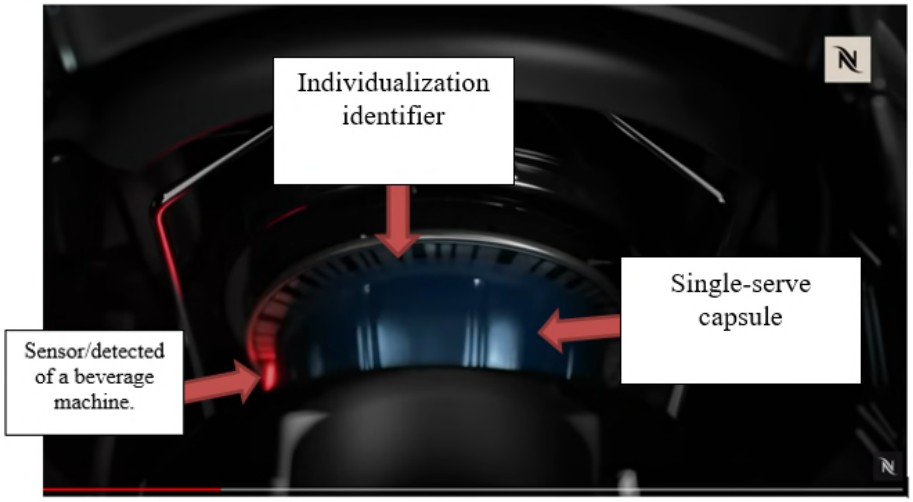

Longitudinal axis
Base portion
Wall structure into which the portion capsule is received.

[1B.ii] a chamfered mandrel that pierces the cover at the location that is offset from the central longitudinal axis;	The beverage machine comprises a chamfered mandrel. The chamfered mandrel pierces the cover of the single-serve capsule at the location that is offset from the central longitudinal axis. The below annotated images illustrate the Accused Product's infringement of this limitation. 


Chamfered
Mandrel

	
[1B.iii] an optical sensor/detector positioned	The beverage machine's optical sensor/detector is positioned outside of the base portion of the wall structure of the capsule receptacle and below the annular portion, which directs a beam through a portion of the wall structure to read the individualization identifier on the single-serve capsule. *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each

outside of the base portion of the wall structure of the capsule receptacle and below the annular portion, which directs a beam through a portion of the wall structure to read the individualization identifier on the single-serve capsule;	capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). The below annotated images illustrate the Accused Product's infringement of this limitation. 

	 *See, e.g.,* https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs.
[1B.iv] a pump that supplies water into the single-serve capsule only after the individualization identifier is read by the sensor/detector;	The beverage machine comprises a pump that supplies water into the single-serve capsule only after the individualization identifier is read by the sensor/detector. *See, e.g.*, https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."); https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). For example, if the identifier is obstructed or damaged, the beverage machine will prevent making of the beverage, including preventing operation of the pump that supplies water into the single-serve capsule. For example, the screenshots from the Vertuo User Manual below describe various troubleshooting instances, including where the Vertuo beverage machine does not start or run, thereby failing to active the pump that supplies the water into the single-serve capsule, because the individualization identifier on the single-serve capsule cannot be compared to a stored reference. Moreover, the User Manual refers to pumping water. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo (User Manual at p. 5, 11, 17, 21).

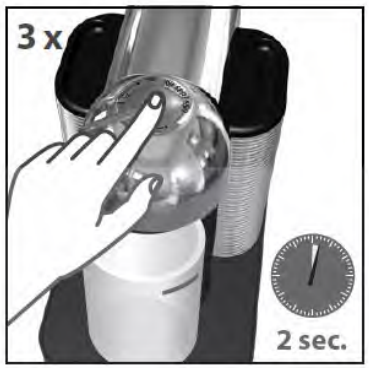
TROUBLESHOOTING

ASSISTANCE VIDEOS ARE AVAILABLE ON WWW.NESPRESSO.COM - VISIT THE "MACHINES" SECTION.

EN

1. No light on the button.	➔ The machine has turned "OFF" automatically; push the button or "UNLOCK" the machine. ➔ Check the outlet, plug, voltage, and fuse.
2. No coffee, no water.	➔ Check that the water tank is filled. ➔ Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ Descale if necessary. ➔ Open the machine head and let the capsule be ejected. Then perform a cleaning as per cleaning section.
3. Coffee is not hot enough.	➔ Preheat cup with hot water from the tap. ➔ Descale if necessary.
4. The machine doesn't start and has light steady on. If blinking, see next points.	➔ Check that lever is properly locked. ➔ If you want to brew a Coffee or Espresso, check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ If you are cleaning, descaling or emptying the system, check that no capsule is inserted then close, lock the machine and push the button to start one of these operations.
5. The machine doesn't start and light blinks alternately; 1 blink and 1 pause.	➔ Fill the water tank and push button to start. ➔ Check that lever is properly locked.
6. Light blinks while machine is running.	➔ If coffee is flowing normally, this indicates the machine is working properly. ➔ If only water is flowing, the machine is executing a user request for either cleaning, descaling or emptying the system. Refer to the corresponding paragraph in this user manual. ➔ If there is no intention to clean, descale, or empty the system, then push the button to stop the machine. If the machine is still blinking, exit descaling mode by holding the button for at least 7 seconds or refer to next section. ➔ If problem persists, call the *Nespresso* Club.
7. Light blinks and machine is not running.	➔ It will take some times before the coffee flow comes out (due to barcode reading and pre-wetting the coffee). ➔ Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ Fill in the water tank and push button to start. ➔ Turn the machine to "OFF mode" by pushing 3 seconds the button and then push it again to turn the machine "ON". Now wait approx. 20 minutes to allow machine cooling down after extensive use. ➔ If machine doesn't move to "OFF" then exit descaling mode by pushing the button for at least 7 seconds.
8. Light blinks alternately 2 blinks and 1 pause continuously. Machine is not running.	➔ During regular Coffee/Espresso preparation: 1) Check that a fresh, undamaged capsule is inserted in the correct position; 2) Check that lever is in "LOCKED" position; 3) If problem persists, eject capsule and insert a new one, lock and press button. ➔ During Descaling, Emptying and Cleaning: 1) Check that a capsule is ejected; 2) Check that the lever is in "LOCKED" position.3) Press button for at least 3 seconds to turn machine to "OFF mode". 4) Press button again to turn machine "ON". If problem persists, disconnect powercord from the outlet and plug the machine back into the outlet after 10 seconds. Press the button to turn "ON" and press again to start brewing. ➔ During Programming Volume: 1) Please check if a capsule has been well inserted. 2) Please refer to the corresponding chapter. ➔ If problem persists, call the *Nespresso* Club.
9. Leakage or unusual coffee flow.	➔ Check that the water tank is well positioned.

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8. Press the button 3 times within 2 seconds to start cleaning and let the cleaning procedure complete automatically. It will take less than 2 minutes before a flow comes out. The procedure consists of 3 cycles of pumping water in/internal cleaning/water flowing from outlet to complete.

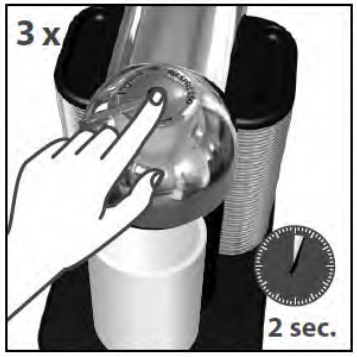
8. Appuyer sur le bouton à 3 reprises dans un intervalle de 2 secondes pour lancer automatiquement la procédure de nettoyage. L'écoulement se produit dans les 2 minutes. La procédure complète est composée de 3 cycles de pompage de l'eau/nettoyage interne/écoulement de l'eau de l'orifice.

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the cleaning process, push the
hine by turning the lever left and

rompue à tout moment en appuyant



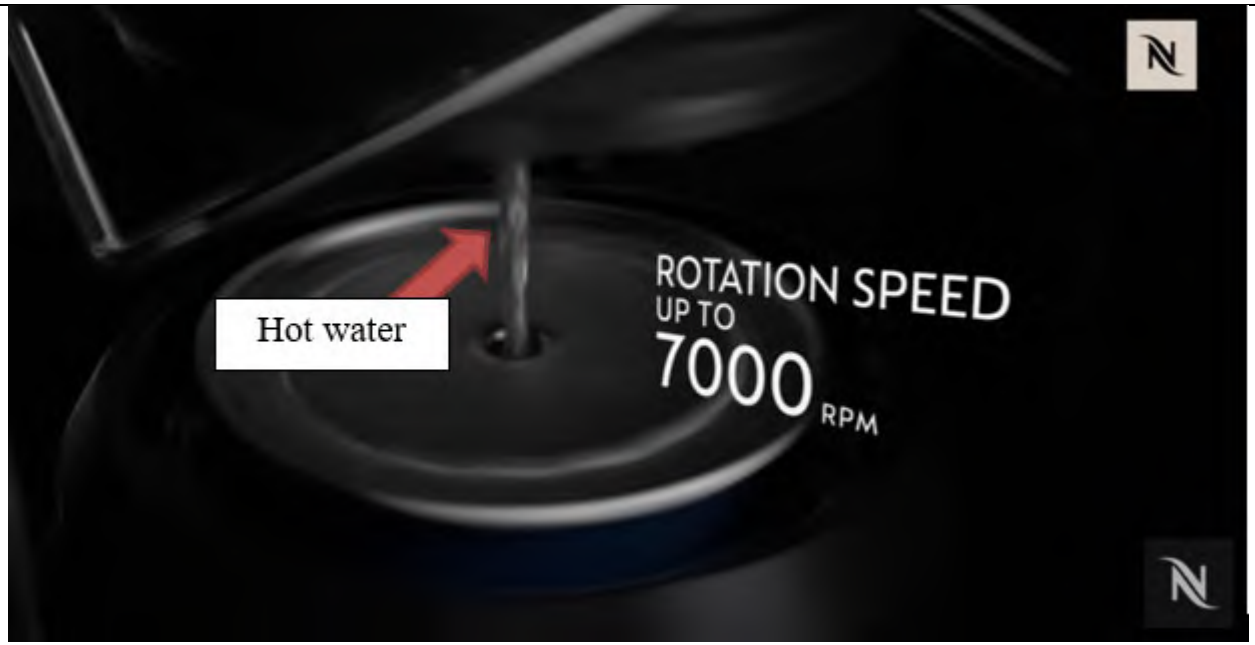
5. Push the button 3 times within 2 seconds. The button will blink quickly during the procedure. It will take less than 2 minutes before a flow comes out. The cleaning procedure will run automatically for 5 minutes. The procedure consists of 3 cycles of pumping water in/internal cleaning/water flowing from outlet to complete.

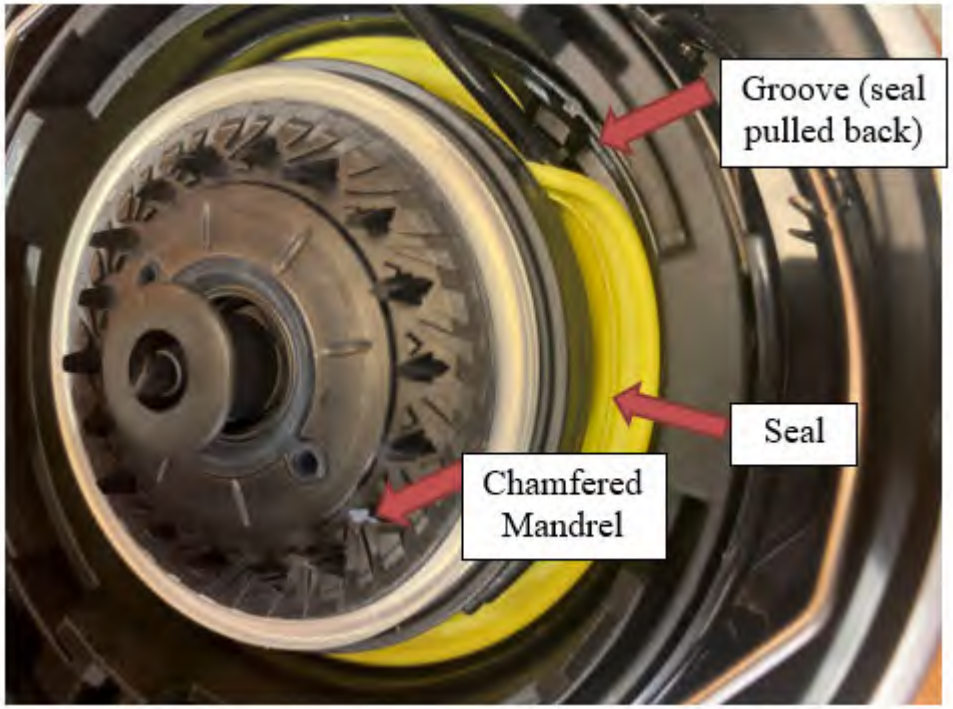
5. Appuyer sur le bouton à 3 reprises dans un intervalle de 2 secondes. Le voyant lumineux clignotera rapidement. L'écoulement se produit dans les 2 minutes. La procédure de nettoyage se met automatiquement en marche pour une durée de 5 minutes. La procédure complète est composée de 3 cycles de pompage de l'eau/nettoyage interne/écoulement de l'eau de l'orifice.

When using electrical appliances, important safeguards should always be followed:

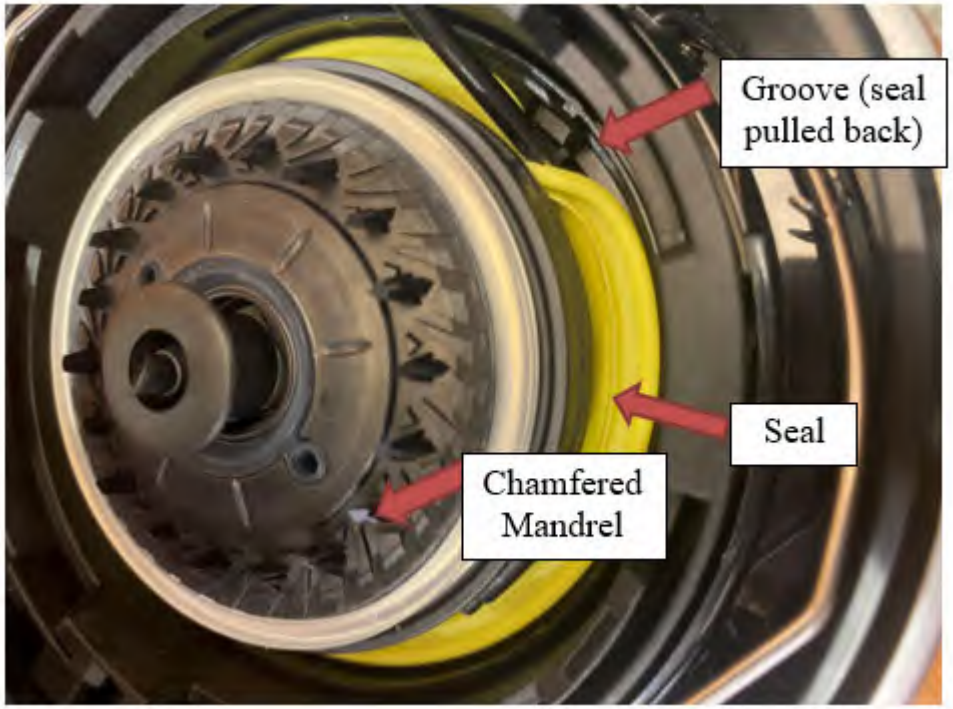
- The important safeguards are part of the appliance. Read the important safeguards provided with the appliance carefully prior to first use. Keep them in a place where you can find and refer to them in the future.
- Protect the appliance from direct sunlight, water splash and humidity.
- This appliance is designed for domestic and office use only.
- Close supervision is necessary when the appliance is used by or near children.
- Children shall not play with the appliance.
- The manufacturer accepts no responsibility for and the warranty will not apply to any commercial use, inappropriate handling or use of the appliance, damage resulting from use for other purposes, faulty operation, non-professional repairs or failure to comply with the instructions.
- the warranty.
- The appliance must only be connected after installation.
- Do not pull the cord over sharp edges, clamp it or allow it to hang down.
- Keep the cord away from heat and moisture.
- If an extension lead is required, use only a grounded power cord with a conductor cross-section with matching input 14 AWG (2.08mm^2).
- Always place the appliance on a horizontal, stable, hard, even surface that does not allow for water accumulation under the machine.
- The surface must be resistant to heat and fluids, like water, coffee, descaler or similar.
- Disconnect the appliance from the power outlet when not in use for a long period of time.
- Disconnect by pulling out the plug; do not pull on the cord itself to avoid damage.
- Never touch the cord with wet hands.
- Never put the appliance or part of it in a dishwasher.
- Do not open the appliance. Hazardous voltage
- Contact the *Nespresso* Club or *Nespresso* authorized representative for examination, repair or adjustment.
- A damaged appliance can cause electric shocks, burns and fire.
- Do not put fingers under coffee outlet; risk of scalding.
- Do not insert fingers into capsule compartment when machine head is closing; risk of injury.
- Do not put fingers into the capsule compartment or capsule shaft; risk of injury!
- Water could flow around a capsule when not perforated by the blades and damage the appliance.
- Be careful not to injure yourself on sharp points or trap your fingers when reaching inside the machine.
- Beware of hot liquids when reaching inside the machine.
- Never use a damaged or deformed capsule.
- Always fill the water tank with fresh potable water.
- Do not use any strong cleaning agent or solvent cleaner.
- Use a damp cloth and mild cleaning agent to clean the surface of the appliance.
- Do not use a steam or pressure cleaner to clean the appliance. This will damage the appliance and may create a life-threatening hazard.
- Do not pour water or other liquids into the brewing unit.
- Keep appliance, capsules and accessories out of reach of children.
- This appliance is designed for *Nespresso* Vertuo coffee capsules available exclusively through the *Nespresso* Club or your *Nespresso* authorized representative.
- All *Nespresso* appliances pass stringent controls.
- Reliability tests under practical conditions are randomly performed on selected units. Some units can therefore show traces of previous use.
- *Nespresso* reserves the right to change instructions without prior notice.

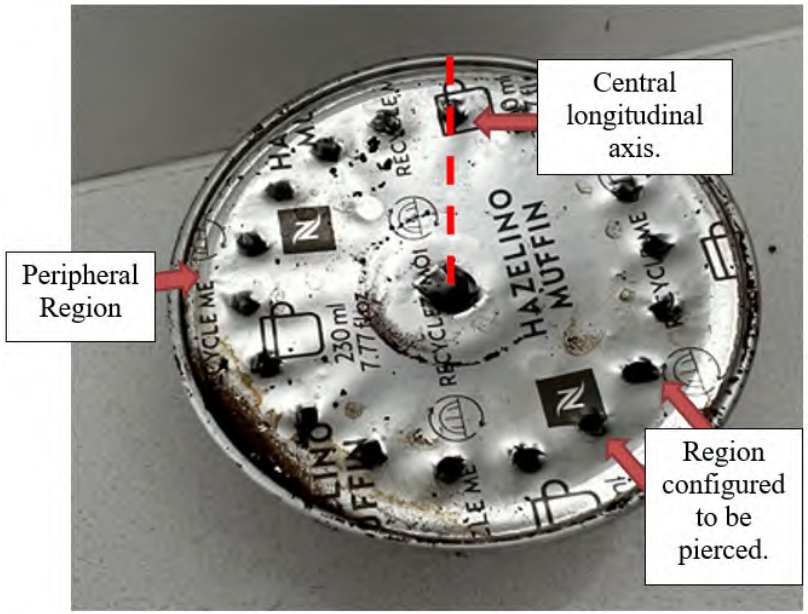
The below annotated image illustrates the Accused Product's infringement of this limitation.

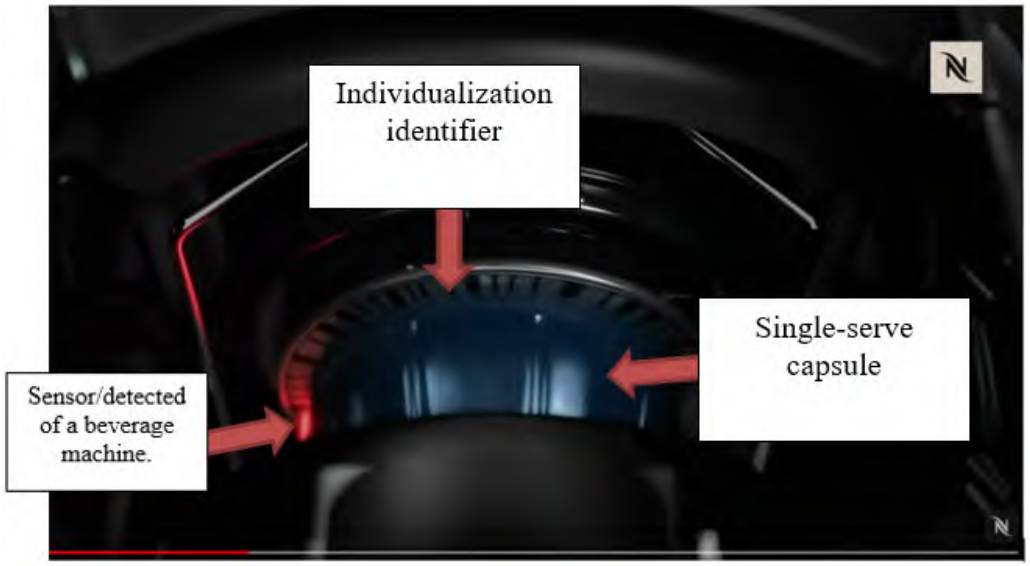
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0.
[1B.v] a groove that is laterally offset from the chamfered mandrel; and	The beverage machine comprises a groove that is laterally offset from the chamfered mandrel. The below annotated image illustrates the Accused Product's infringement of this limitation.

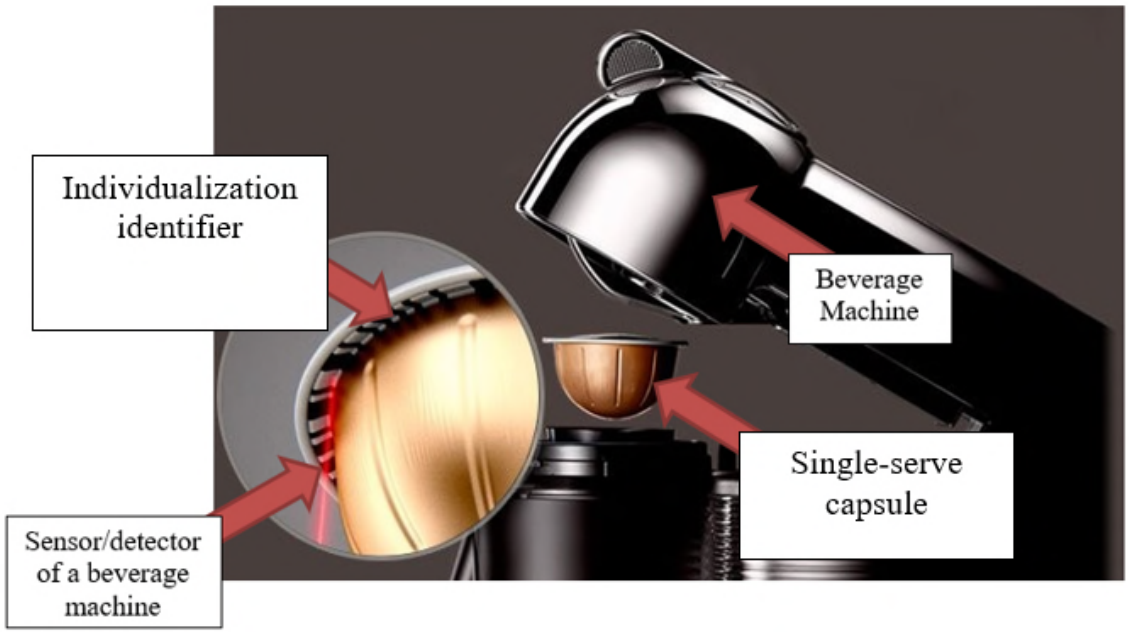
	
[1B.vi] a seal that is at least partially seated in the groove and configured to bear against a top side of the cover in a region between the peripheral region of the cover and the region of the	The beverage machine comprises a seal that is at least partially seated in the groove and configured to bear against a top side of the cover in a region between the peripheral region of the cover and the region of the cover that is pierced by the chamfered mandrel. The below annotated images illustrate the Accused Product's infringement of this limitation.

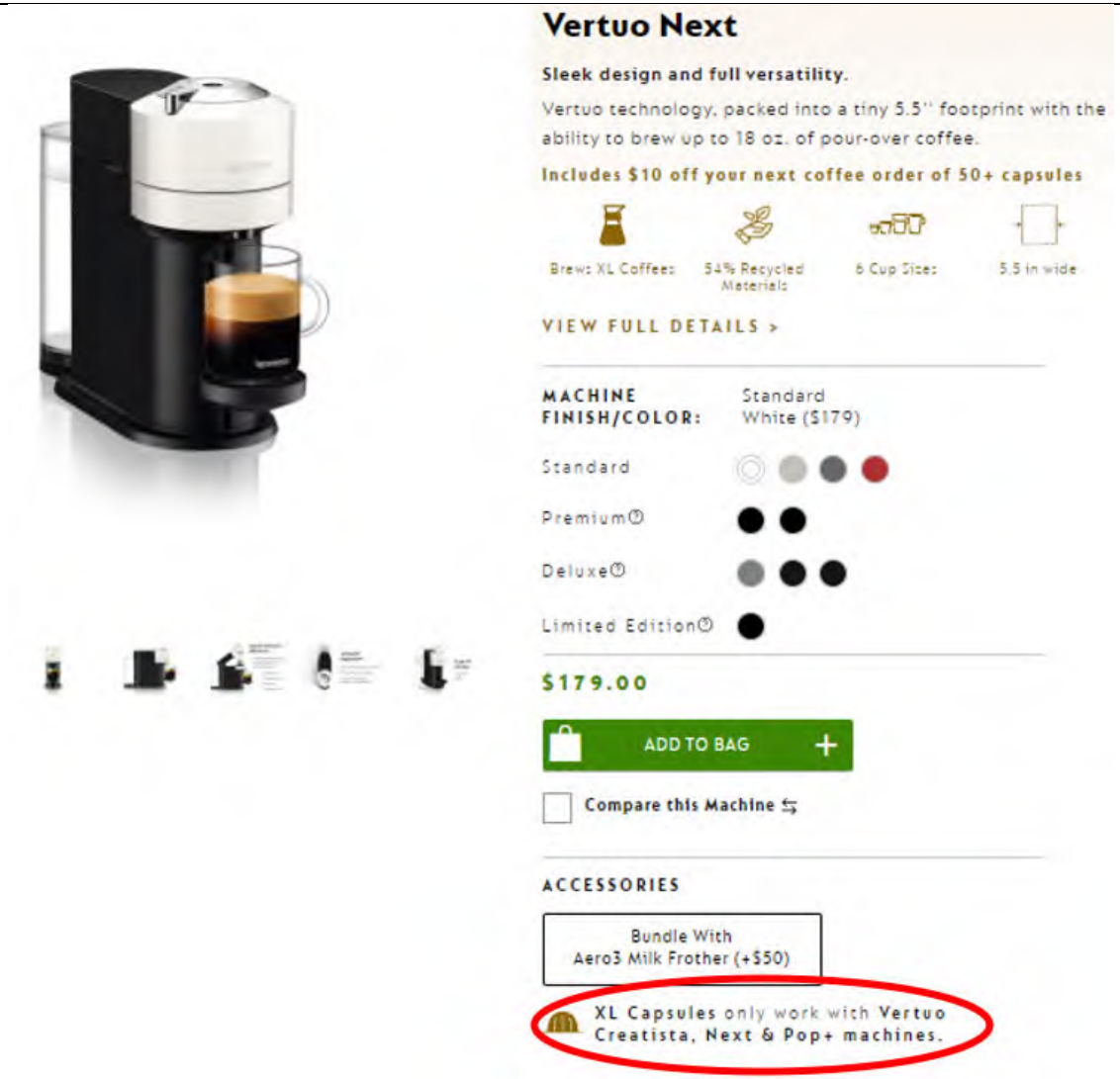
cover that is pierced by the chamfered mandrel.	


Groove (seal pulled back)
Seal
Chamfered Mandrel

	
[2] The beverage system according to claim 1,	*See* claim 1.
[2a] wherein the pump is rendered inoperable if there is a determination that the single-serve capsule is not compatible with the beverage machine.	The beverage machine's pump is rendered inoperable if there is a determination that the single-serve capsule is not compatible with the beverage machine. *See, e.g.*, https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."); https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). For example, if the identifier located on the single-serve capsule is obstructed or damaged, the beverage machine will prevent making of the beverage, including preventing operation of the pump that supplies water into the single-serve capsule, because of the determination that the single-serve capsule is not compatible with the beverage machine. The below annotated images illustrate the Accused Product's infringement of this limitation.

	 Individualization identifier Single-serve capsule Sensor/detected of a beverage machine.


Individualization identifier
Beverage Machine
Single-serve capsule
Sensor/detector of a beverage machine



See, e.g., https://www.youtube.com/watch?v=RTzUiX101C0; https://www.nespresso.com/us/en/vertuo-coffee-machines; https://www.youtube.com/watch?v=__KOHPZXzcs.

	Alternatively, to the extent any limitation herein is deemed not literally infringed, Plaintiff alleges that the limitation is infringed under the doctrine of equivalents. Under the function-way-result test of the doctrine of equivalents, an element in the accused device is equivalent to a claim limitation if it "performs substantially the same function in substantially the same way to obtain substantially the same result." *Virnetx, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1322-23 (Fed. Cir. 2014). For example, the beverage machine's operation of the pump, *see, e.g.*, Nespresso Vertuo beverage machine's pump, performs the same function of pushing the hot water through a brewing chamber in substantially the same way to achieve the same result, *e.g.*, brew a beverage. The beverage machine's prevention of the operation of the pump, *see, e.g.*, Nespresso Vertuo beverage machine's pump, performs the same function, *e.g.*, Nespresso Vertuo beverage machines prevent the pump from operating when a non-compatible single-serve capsule is inserted, in substantially the same way, *see, e.g.*, the Nespresso beverage machine first determines the single-serve capsule is not suitable for use and then prevents operation of the pump, to achieve the same result, *e.g.*, prevent the operation of the beverage machine's pump and thereby fail to brew a beverage.
[3] The beverage system according to claim 2,	*See* claim 2.
[3a] wherein the pump supplies the water into the single-serve capsule only after the individualization identifier is compared to a stored reference.	The beverage machine comprises a pump that supplies the water into the single-serve capsule only after the individualization identifier is compared to a stored reference. *See, e.g.*, https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."); https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). For example, if the identifier located on the single-serve capsule is obstructed or damaged, the beverage machine will prevent making of the beverage, including preventing operation of the pump that supplies water into the single-serve capsule, because the individualization identifier cannot be compared to a stored reference. For example, the screenshots from the Vertuo User Manual below describes various troubleshooting instances, including where the Vertuo beverage machine does not start or run, thereby failing to active the pump that supplies the water into the single-serve capsule, because the individualization identifier on the single-serve

capsule cannot be compared to a stored reference. Moreover, the User Manual refers to pumping water. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo (User Manual at p. 5, 11, 17, 21).

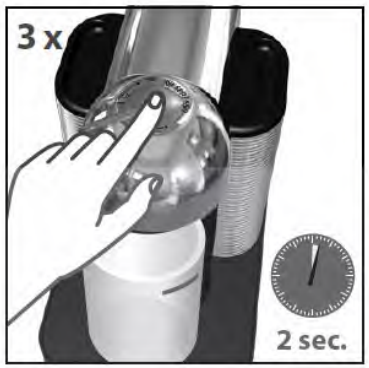
TROUBLESHOOTING

ASSISTANCE VIDEOS ARE AVAILABLE ON WWW.NESPRESSO.COM - VISIT THE "MACHINES" SECTION.

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1. No light on the button.	➔ The machine has turned "OFF" automatically; push the button or "UNLOCK" the machine. ➔ Check the outlet, plug, voltage, and fuse.
2. No coffee, no water.	➔ Check that the water tank is filled. ➔ Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ Descale if necessary. ➔ Open the machine head and let the capsule be ejected. Then perform a cleaning as per cleaning section.
3. Coffee is not hot enough.	➔ Preheat cup with hot water from the tap. ➔ Descale if necessary.
4. The machine doesn't start and has light steady on. If blinking, see next points.	➔ Check that lever is properly locked. ➔ If you want to brew a Coffee or Espresso, check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ If you are cleaning, descaling or emptying the system, check that no capsule is inserted then close, lock the machine and push the button to start one of these operations.
5. The machine doesn't start and light blinks alternately; 1 blink and 1 pause.	➔ Fill the water tank and push button to start. ➔ Check that lever is properly locked.
6. Light blinks while machine is running.	➔ If coffee is flowing normally, this indicates the machine is working properly. ➔ If only water is flowing, the machine is executing a user request for either cleaning, descaling or emptying the system. Refer to the corresponding paragraph in this user manual. ➔ If there is no intention to clean, descale, or empty the system, then push the button to stop the machine. If the machine is still blinking, exit descaling mode by holding the button for at least 7 seconds or refer to next section. ➔ If problem persists, call the *Nespresso* Club.
7. Light blinks and machine is not running.	➔ It will take some times before the coffee flow comes out (due to barcode reading and pre-wetting the coffee). ➔ Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ Fill in the water tank and push button to start. ➔ Turn the machine to "OFF mode" by pushing 3 seconds the button and then push it again to turn the machine "ON". Now wait approx. 20 minutes to allow machine cooling down after extensive use. ➔ If machine doesn't move to "OFF" then exit descaling mode by pushing the button for at least 7 seconds.
8. Light blinks alternately 2 blinks and 1 pause continuously. Machine is not running.	➔ During regular Coffee/Espresso preparation: 1) Check that a fresh, undamaged capsule is inserted in the correct position; 2) Check that lever is in "LOCKED" position; 3) If problem persists, eject capsule and insert a new one, lock and press button. ➔ During Descaling, Emptying and Cleaning: 1) Check that a capsule is ejected; 2) Check that the lever is in "LOCKED" position.3) Press button for at least 3 seconds to turn machine to "OFF mode". 4) Press button again to turn machine "ON". If problem persists, disconnect powercord from the outlet and plug the machine back into the outlet after 10 seconds. Press the button to turn "ON" and press again to start brewing. ➔ During Programming Volume: 1) Please check if a capsule has been well inserted. 2) Please refer to the corresponding chapter. ➔ If problem persists, call the *Nespresso* Club.
9. Leakage or unusual coffee flow.	➔ Check that the water tank is well positioned.

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8. Press the button 3 times within 2 seconds to start cleaning and let the cleaning procedure complete automatically. It will take less than 2 minutes before a flow comes out. The procedure consists of 3 cycles of pumping water in/internal cleaning/water flowing from outlet to complete.

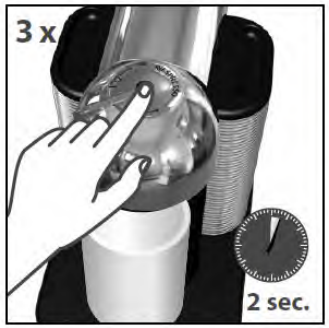
8. Appuyer sur le bouton à 3 reprises dans un intervalle de 2 secondes pour lancer automatiquement la procédure de nettoyage. L'écoulement se produit dans les 2 minutes. La procédure complète est composée de 3 cycles de pompage de l'eau/nettoyage interne/écoulement de l'eau de l'orifice.

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rompue à tout moment en appuyant



5. Push the button 3 times within 2 seconds. The button will blink quickly during the procedure. It will take less than 2 minutes before a flow comes out. The cleaning procedure will run automatically for 5 minutes. The procedure consists of 3 cycles of pumping water in/internal cleaning/water flowing from outlet to complete.

5. Appuyer sur le bouton à 3 reprises dans un intervalle de 2 secondes. Le voyant lumineux clignotera rapidement. L'écoulement se produit dans les 2 minutes. La procédure de nettoyage se met automatiquement en marche pour une durée de 5 minutes. La procédure complète est composée de 3 cycles de pompage de l'eau/nettoyage interne/écoulement de l'eau de l'orifice.

When using electrical appliances, important safeguards should always be followed:

- The important safeguards are part of the appliance. Read the important safeguards provided with the appliance carefully prior to first use. Keep them in a place where you can find and refer to them in the future.
- Protect the appliance from direct sunlight, water splash and humidity.
- This appliance is designed for domestic and office use only.
- Close supervision is necessary when the appliance is used by or near children.
- Children shall not play with the appliance.
- The manufacturer accepts no responsibility for and the warranty will not apply to any commercial use, inappropriate handling or use of the appliance, damage resulting from use for other purposes, faulty operation, non-professional repairs or failure to comply with the instructions.

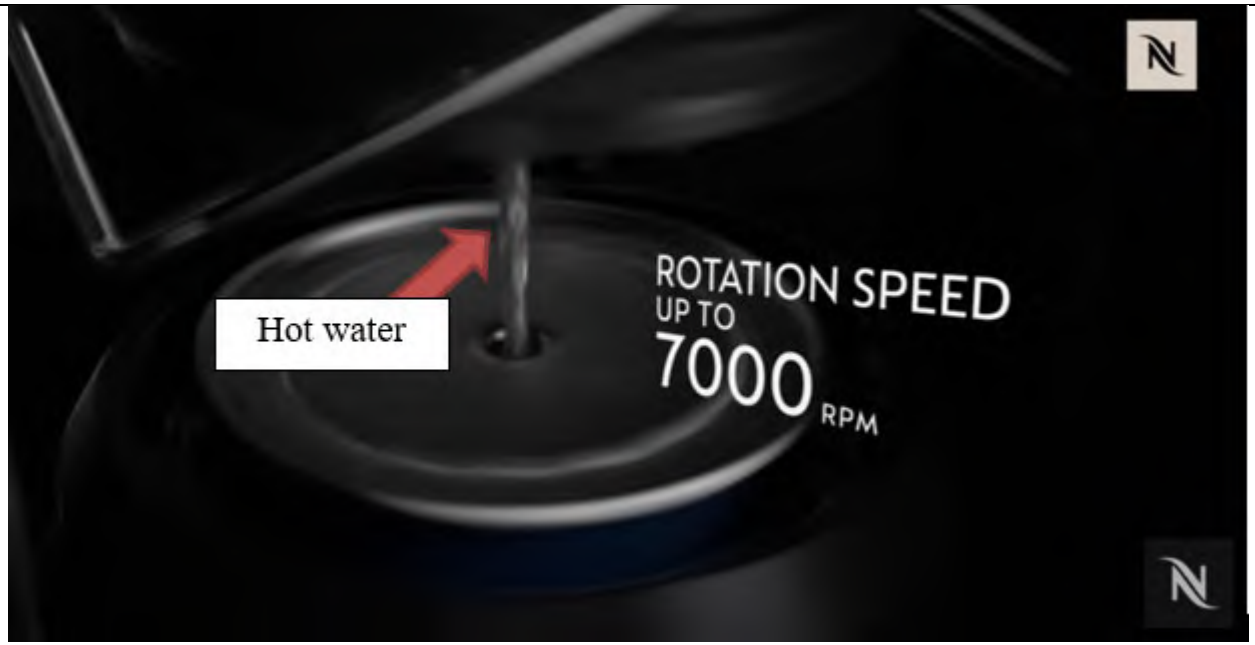
the warranty.

- The appliance must only be connected after installation.
- Do not pull the cord over sharp edges, clamp it or allow it to hang down.
- Keep the cord away from heat and moisture.
- If an extension lead is required, use only a grounded power cord with a conductor cross-section with matching input 14 AWG (2.08mm^2).
- Always place the appliance on a horizontal, stable, hard, even surface that does not allow for water accumulation under the machine.
- The surface must be resistant to heat and fluids, like water, coffee, descaler or similar.
- Disconnect the appliance from the power outlet when not in use for a long period of time.
- Disconnect by pulling out the plug; do not pull on the cord itself to avoid damage.
- Never touch the cord with wet hands.
- Never put the appliance or part of it in a dishwasher.
- Do not open the appliance. Hazardous voltage

- Contact the *Nespresso* Club or *Nespresso* authorized representative for examination, repair or adjustment.
- A damaged appliance can cause electric shocks, burns and fire.
- Do not put fingers under coffee outlet; risk of scalding.
- Do not insert fingers into capsule compartment when machine head is closing; risk of injury.
- Do not put fingers into the capsule compartment or capsule shaft; risk of injury!
- Water could flow around a capsule when not perforated by the blades and damage the appliance.
- Be careful not to injure yourself on sharp points or trap your fingers when reaching inside the machine.
- Beware of hot liquids when reaching inside the machine.
- Never use a damaged or deformed capsule.
- Always fill the water tank with fresh potable water.

- Do not use any strong cleaning agent or solvent cleaner.
- Use a damp cloth and mild cleaning agent to clean the surface of the appliance.
- Do not use a steam or pressure cleaner to clean the appliance. This will damage the appliance and may create a life-threatening hazard.
- Do not pour water or other liquids into the brewing unit.
- Keep appliance, capsules and accessories out of reach of children.
- This appliance is designed for *Nespresso* Vertuo coffee capsules available exclusively through the *Nespresso* Club or your *Nespresso* authorized representative.
- All *Nespresso* appliances pass stringent controls.
- Reliability tests under practical conditions are randomly performed on selected units. Some units can therefore show traces of previous use.
- *Nespresso* reserves the right to change instructions without prior notice.

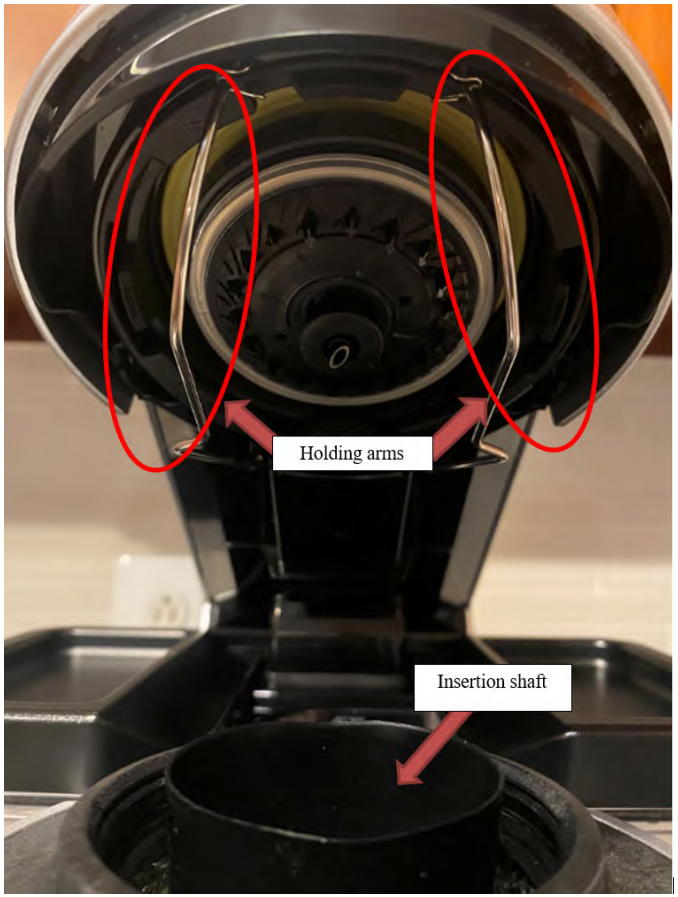
The below annotated image illustrates the Accused Product's infringement of this limitation.

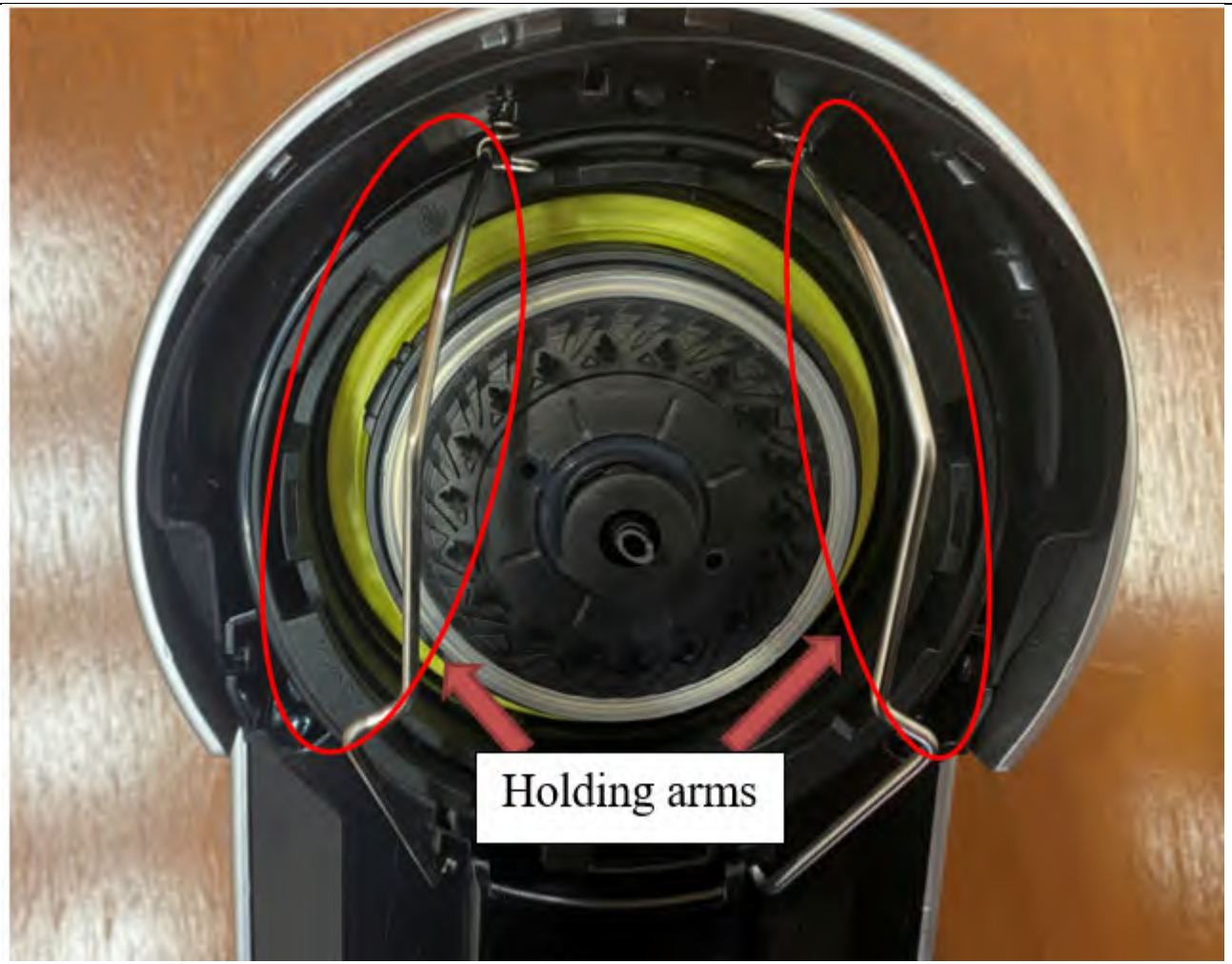
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0.
[4] The beverage system according to claim 2,	*See* claim 2.
[4a] wherein the beverage machine comprises a waste container for the single-serve capsule to fall into.	The beverage machine comprises a waste container for the single-serve capsule to fall into. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo at 2:20-32 ("After every use, it is important to remove the used Vertuo line capsule…turn the lever to the right and open the machine to automatically eject the capsule."). The below annotated images illustrate the Accused Product's infringement of this limitation.

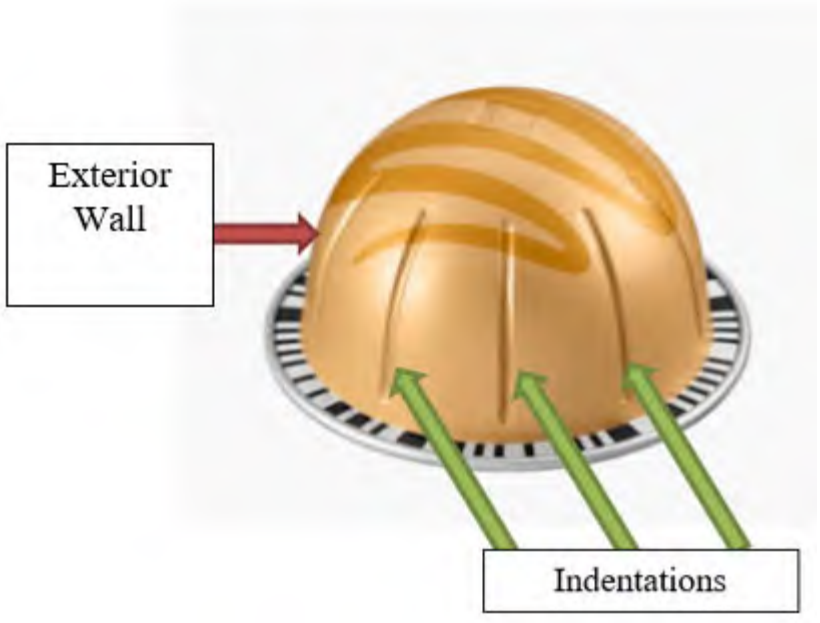

Used portion capsule being ejected into the waste container.
Waste container for the portion capsule to fall into.
Beverage machine

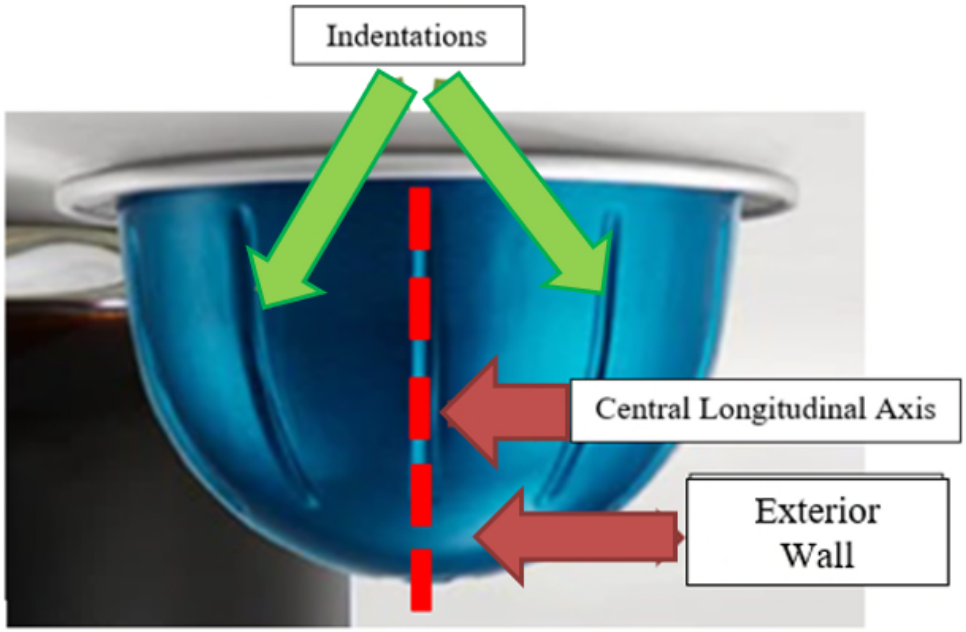


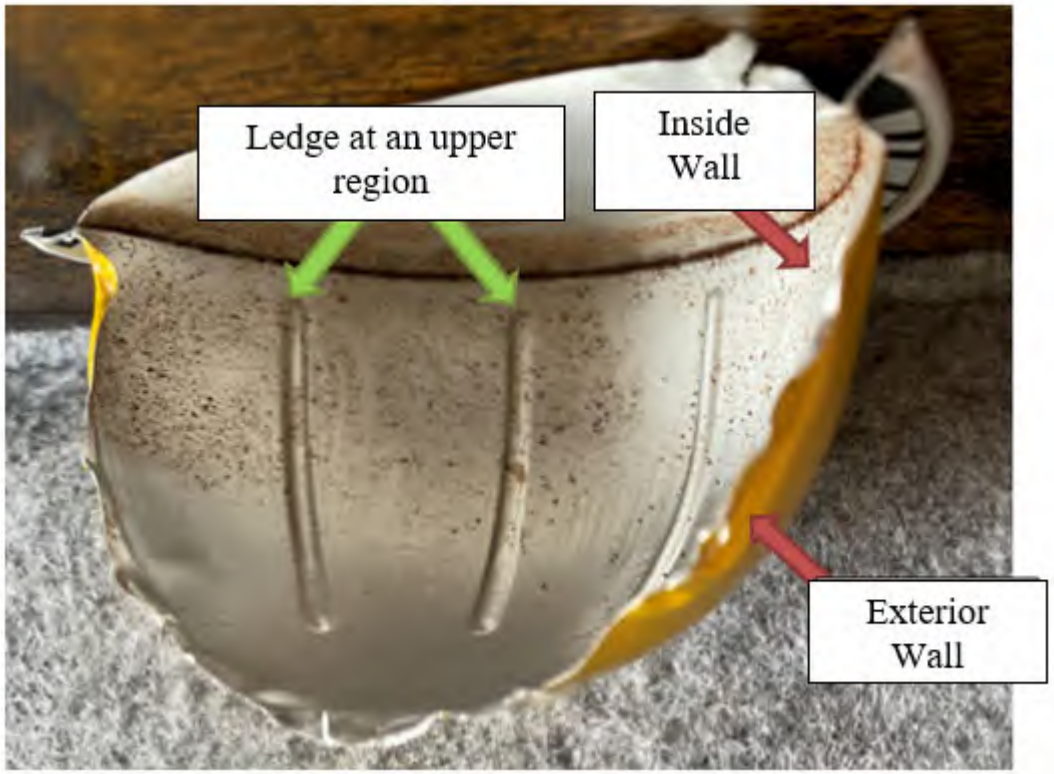
See, e.g., https://www.nespresso.com/us/en/machine-assistance/vertuo.

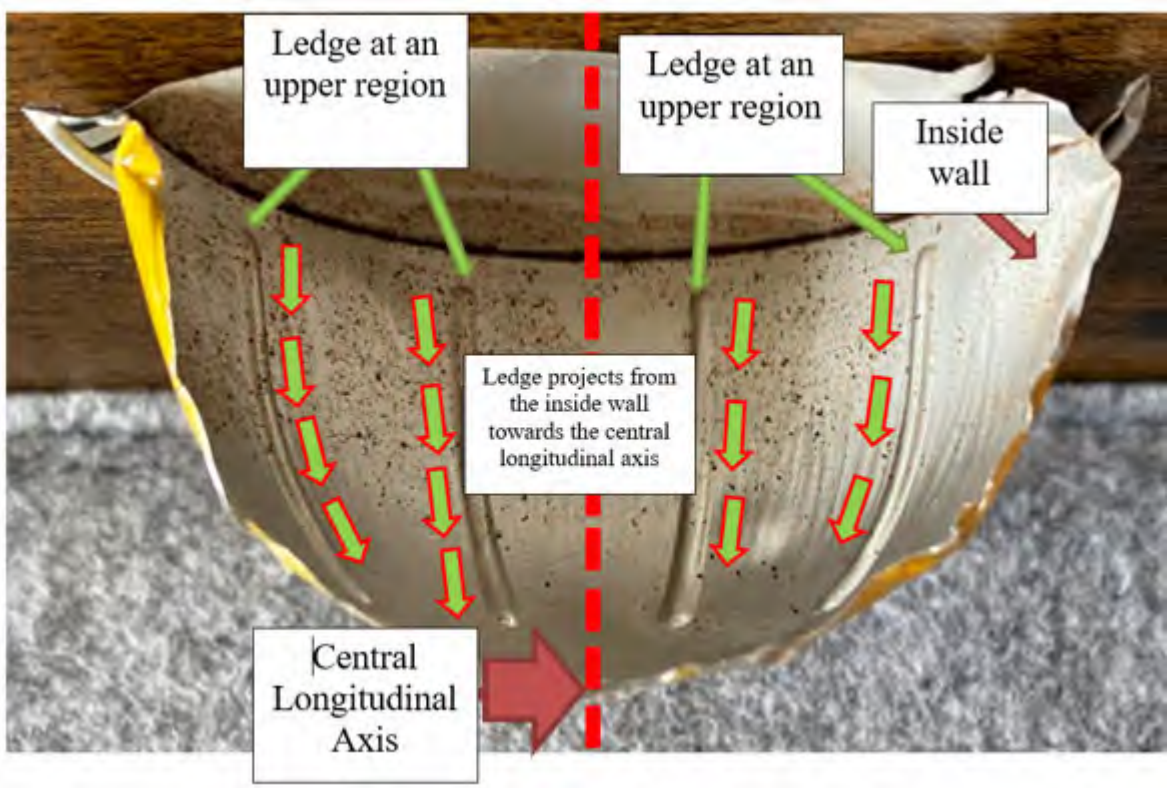
[5] The beverage system according to claim 4,	*See* claim 4.
[5a] wherein the beverage machine comprises a pair of holding arms for guiding the single-serve capsule.	The beverage machine comprises a pair of holding arms for guiding the single-serve capsule. The below annotated images illustrate the Accused Product's infringement of this limitation. 

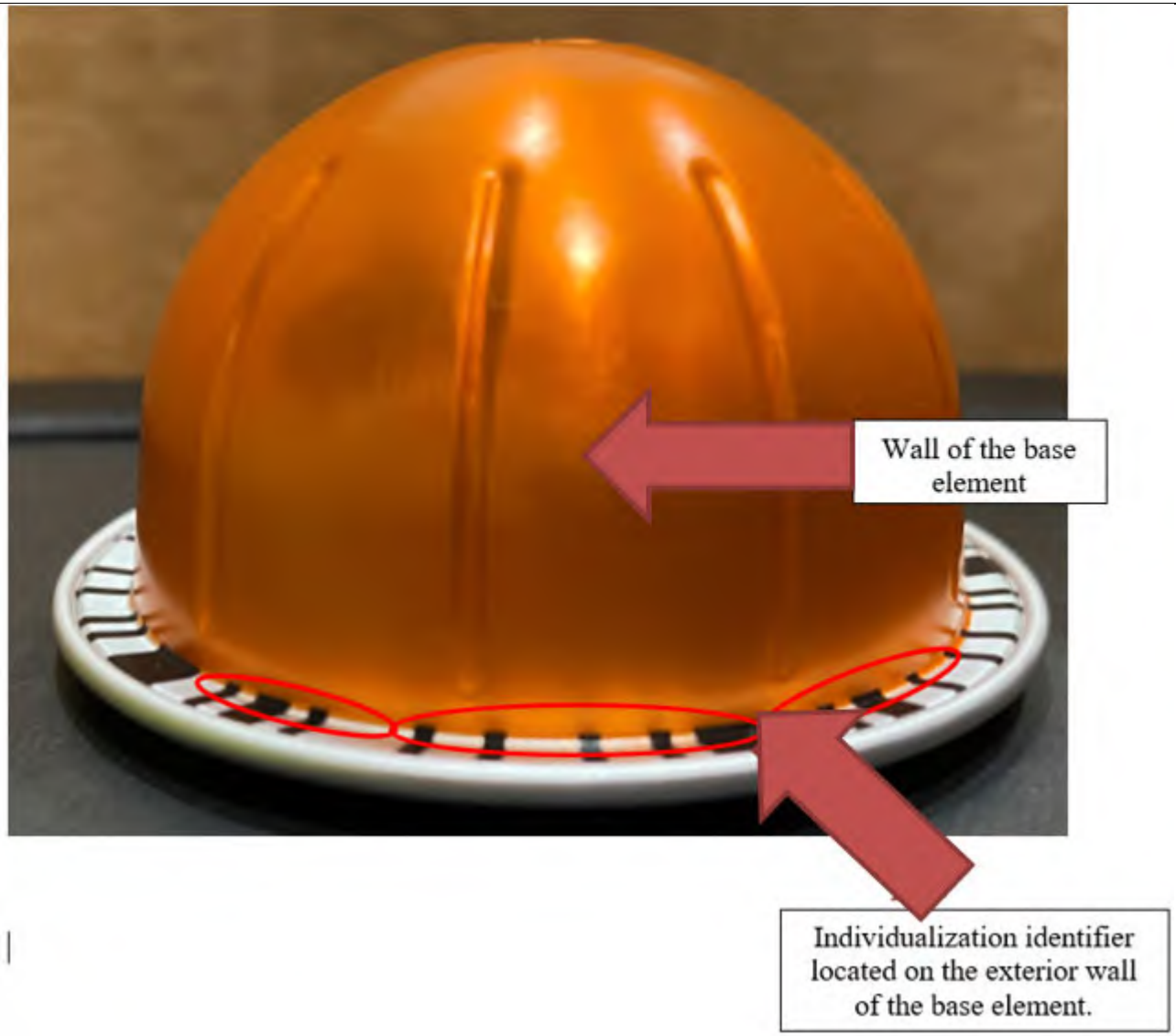
	
[6] The beverage system according to claim 3,	*See* claim 3.

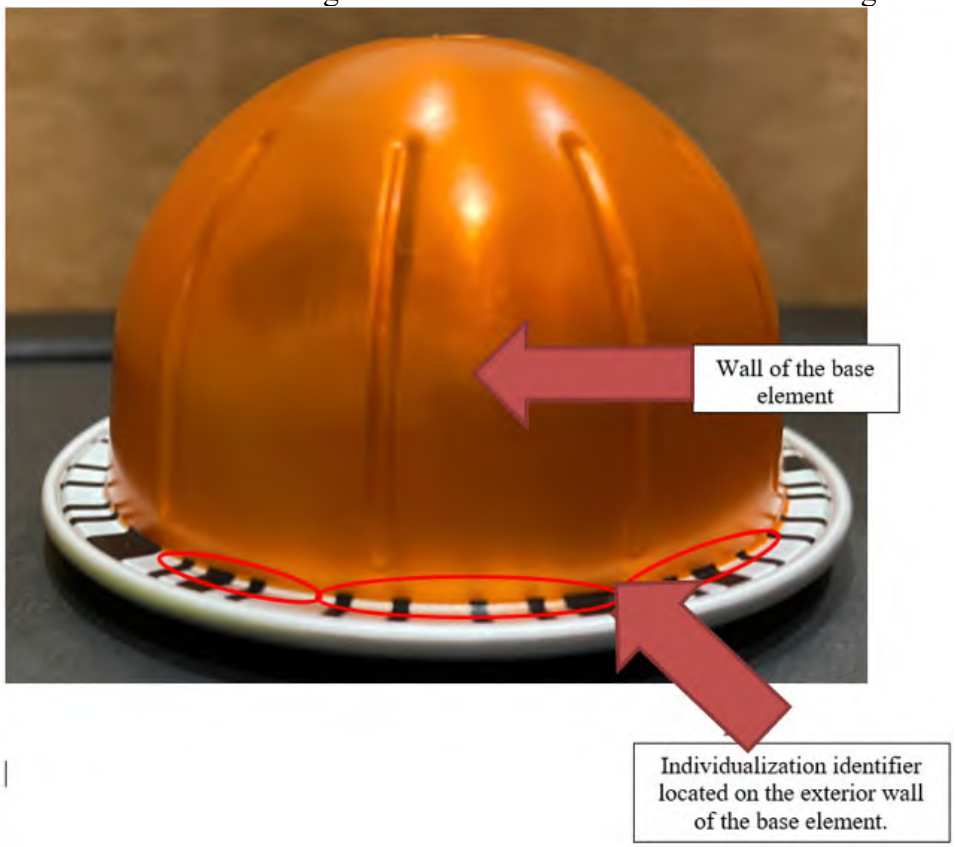
[6a] wherein the base element comprises an exterior wall that includes a plurality of indentations arranged about the central longitudinal axis.	The single-serve capsule's base element comprises an exterior wall that includes a plurality of indentations, *see, e.g.*, 10 indentations, arranged about the central longitudinal axis. The below annotated images illustrate the Accused Product's infringement of this limitation. 

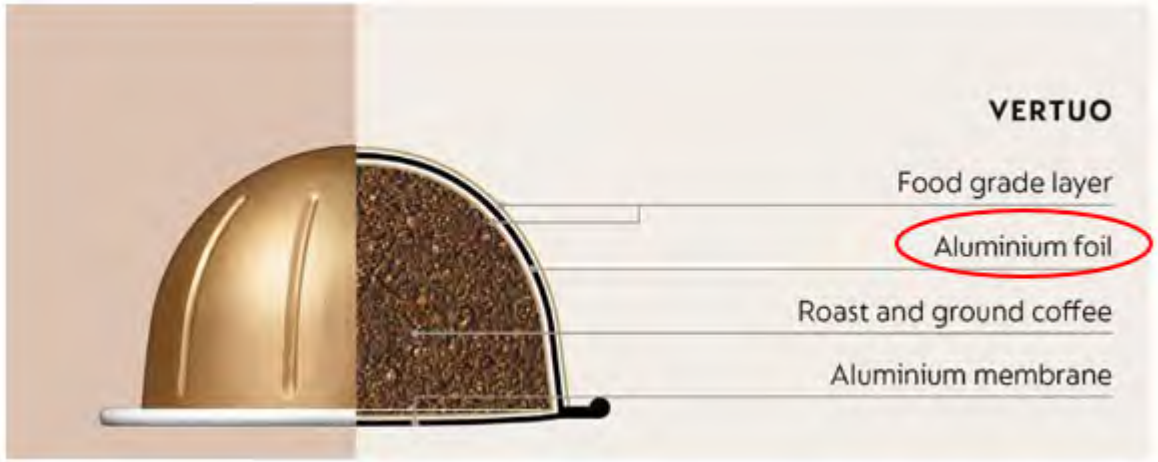
	 *See, e.g.,* https://www.nespresso.com/us/en/vertuo-coffee-capsules; https://www.nespresso.com/us/en/choose-your-technology-vertuo.
[7] The beverage system according to claim 6,	*See* claim 6.
[7a] wherein the cavity is defined by an inside wall that includes a ledge at an upper region thereof, the ledge	The single-serve capsule's cavity is defined by an inside wall that includes a ledge at an upper region thereof. The ledge projects from the inside wall towards the central longitudinal axis. The below annotated images illustrate the Accused Product's infringement of this limitation.

projects from the inside wall towards the central longitudinal axis.	

	
[8] The beverage system according to claim 6,	*See* claim 6.
[8a] wherein the individualization identifier is located on the exterior wall of	The single-serve capsule's individualization identifier is located on the exterior wall of the base element. The below annotated image illustrates the Accused Product's infringement of this limitation.

the base element.	

[9] The beverage system according to claim 7,	*See* claim 7.
[9a] wherein the individualization identifier is located on the exterior wall of the base element.	The single-serve capsule's individualization identifier is located on the exterior wall of the base element. The below annotated image illustrates the Accused Product's infringement of this limitation. 

[10] The beverage system according to claim 9,	*See* claim 9.
[10a] wherein the base element is made of metal, a biodegradable material, or plastic.	The single-serve capsule's base element is made of metal, a biodegradable material, or plastic. The single-serve capsule's base element is made of aluminum which is a lightweight metal. *See* https://www.sustainability.nespresso.com/why-aluminium; https://www.aluminiumleader.com/about_aluminium/what_is_aluminum/. The below annotated image illustrates the Accused Product's infringement of this limitation.  *See, e.g.,* https://www.sustainability.nespresso.com/why-aluminium
[11] The beverage system according to claim 9,	*See* claim 9.

[11a] wherein the base element is deep drawn.	The single-serve capsule's base element is deep drawn. The below annotated image illustrates the Accused Product's infringement of this limitation.  *See, e.g.,* https://www.buynespresso.com/bh_en/vertuo-coffee-redefined#:~:text=To%20achieve%20this%20range%20of,Lungo%2C%20Mug%2C%20and%20Carafe
[12] A beverage system comprising:	The foregoing is applicable only to the extent the preamble of this claim is found to be limiting. To the extent the preamble is construed as a limitation, the Accused Product is a beverage system. For example, the Accused Product is a beverage system comprises a beverage machine and single-serve capsule and produces a beverage. The single-serve capsule is inserted into a beverage for the purpose of making a beverage. The below images illustrate the Nespresso Vertuo beverage system comprising a beverage machine and single-serve capsule:



See, e.g., https://www.youtube.com/watch?v=RTzUiX101C0.



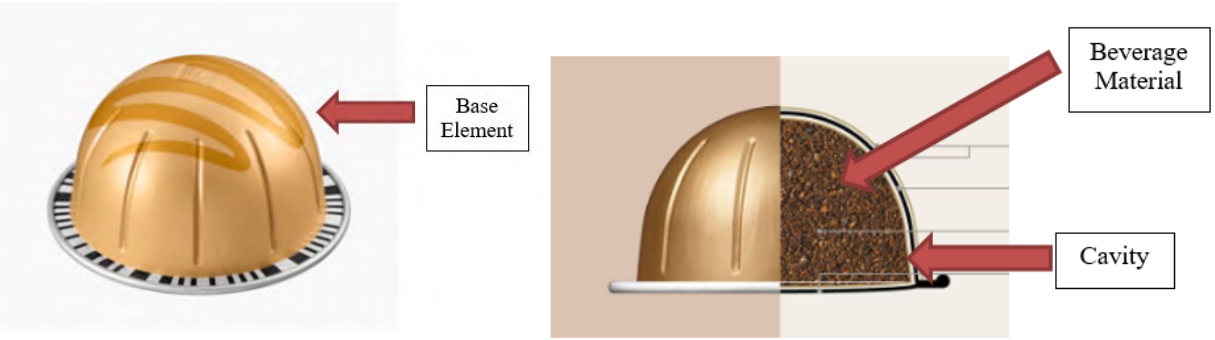
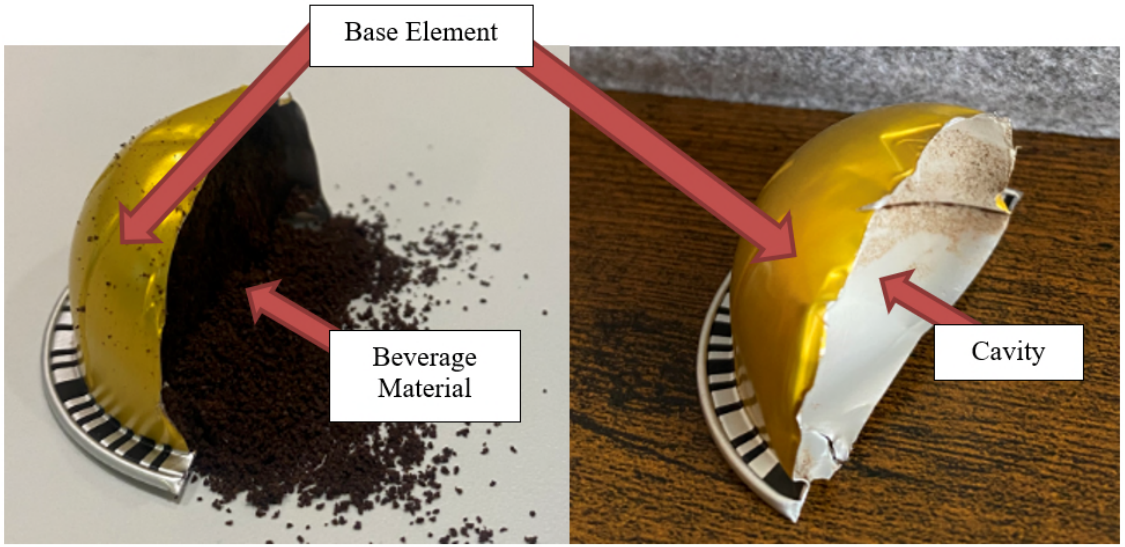


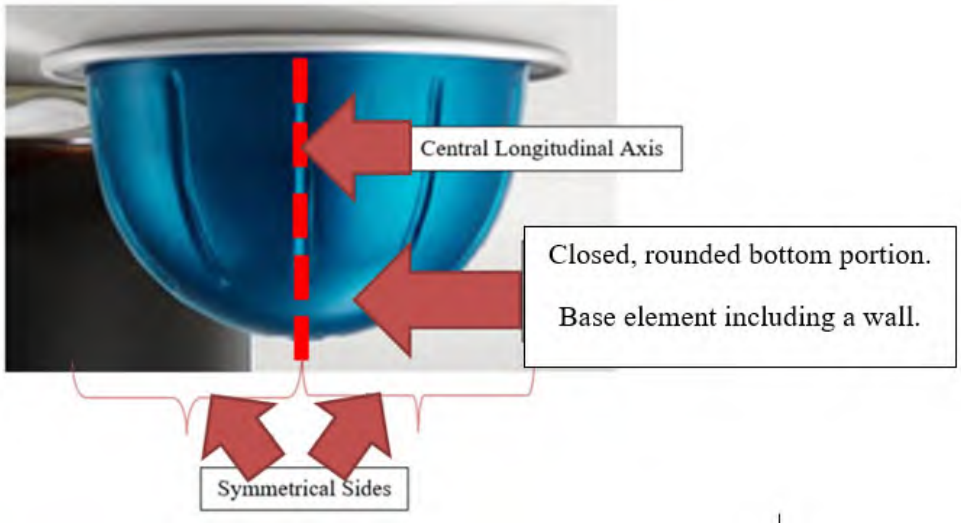


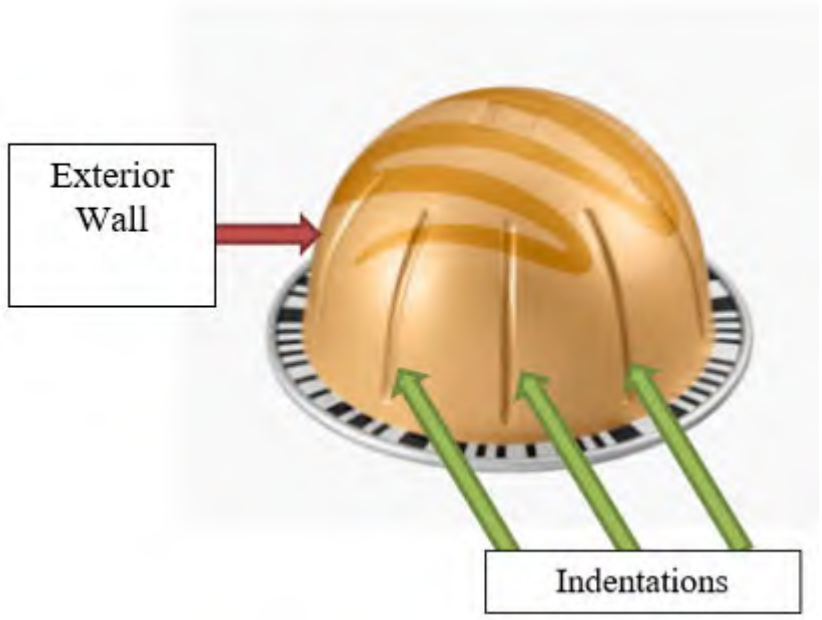
See, e.g., https://www.nespresso.com/us/en/vertuo-coffee-capsules; https://www.nespresso.com/us/en/choose-your-technology-vertuo.

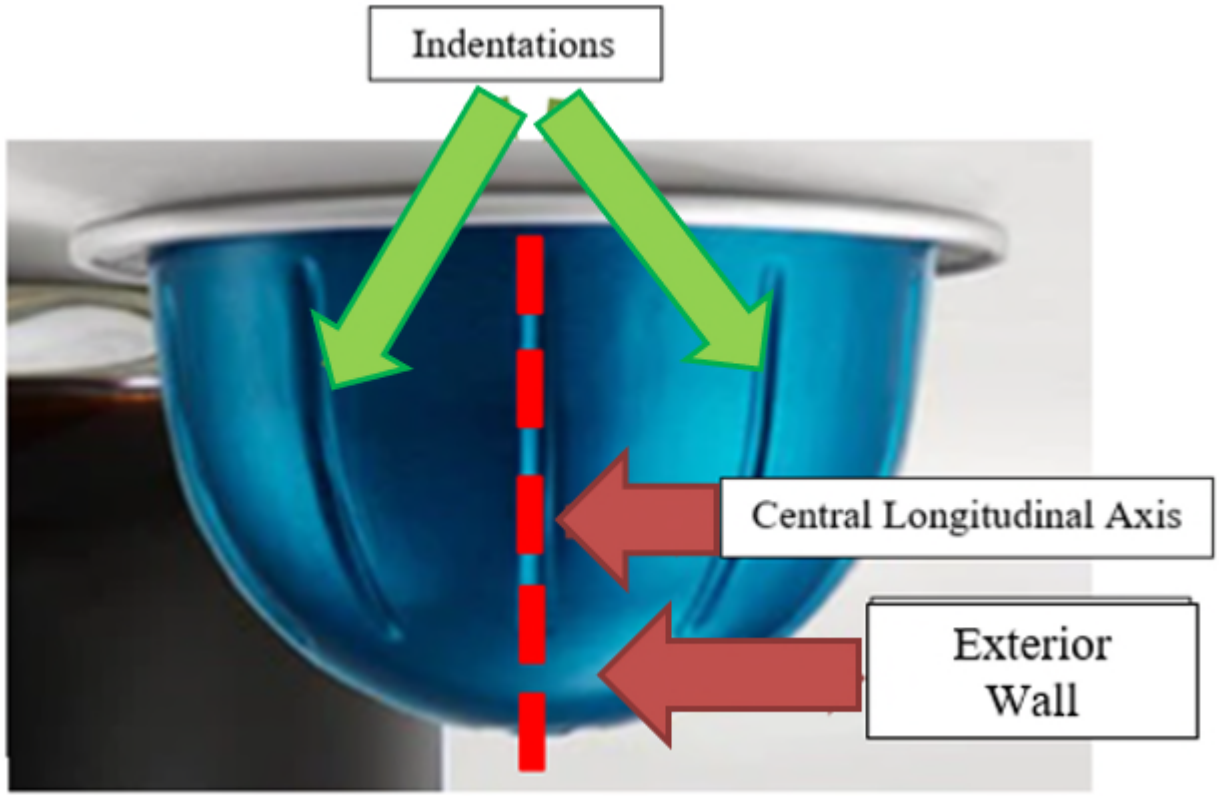
A) a single-serve capsule comprising:	The single-serve capsule is inserted into a beverage machine for the purpose of making a beverage. The below images illustrate the single-serve capsule and the single-serve capsule being inserted into a beverage machine for the purpose of making a beverage. 

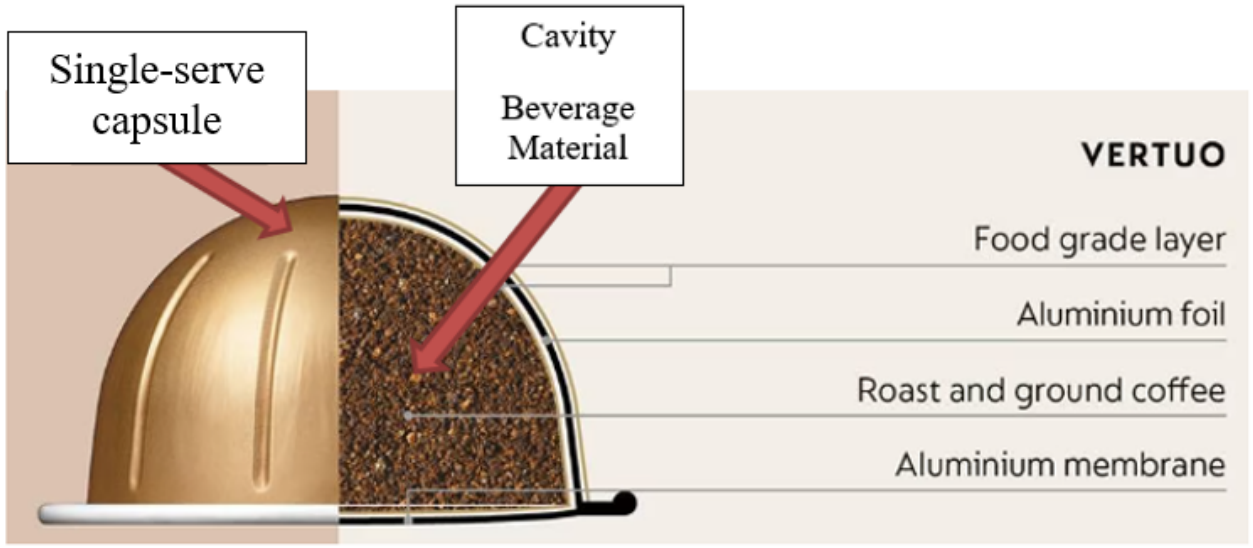
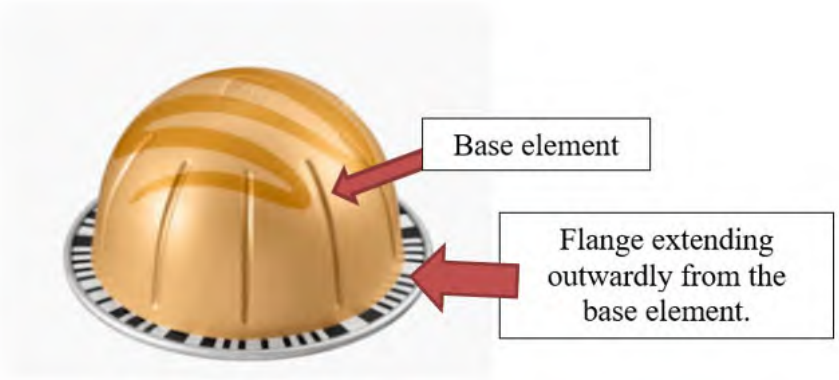
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0; https://www.buynespresso.com/bh_en/vertuo-coffee-redefined#:~:text=To%20achieve%20this%20range%20of,Lungo%2C%20Mug%2C%20and%20Carafe
[12A.i] a base element with a cavity, in which a beverage	The single-serve capsule comprises of a base element having a cavity in which a beverage material is provided. The cavity is within the base element such that the base element encompasses the cavity. The cavity is filled with beverage material (*e.g.*, powdered coffee material).

material is provided,	The below annotated images illustrate the base element having a cavity in which a beverage material is provided.   *See, e.g.,* https://www.sustainability.nespresso.com/why-aluminium; https://www.nespresso.com/us/en/choose-your-technology-vertuo

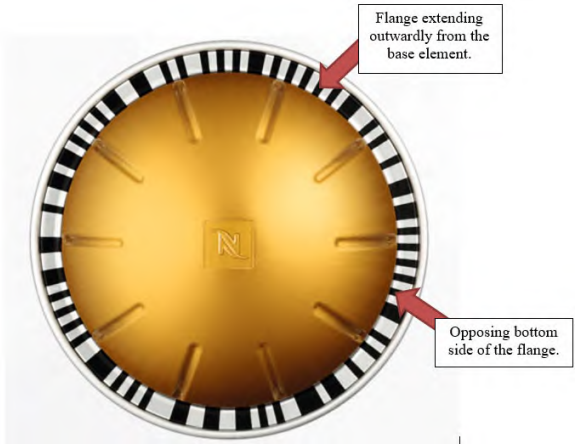
[12A.i.a] the base element including a wall that is symmetrical about a central longitudinal axis thereof and having a closed, rounded bottom portion,	The single-serve capsule's base element includes a wall that is symmetrical about a central longitudinal axis thereof and has a closed, rounded bottom portion. The closed, rounded bottom portion of the single-serve capsule's base element comprises the base element's wall. The below annotated image illustrates the single-serve capsule's base element including a wall that is symmetrical about a central longitudinal axis thereof and having a closed, rounded bottom portion.  *See, e.g.,* https://www.nespresso.com/us/en/vertuo-coffee-capsules. Alternatively, to the extent any limitation herein is deemed not literally infringed, Plaintiff alleges that the limitation is infringed under the doctrine of equivalents. Under the function-way-result test of the doctrine of equivalents, an element in the accused device is equivalent to a claim limitation if it "performs substantially the same function in substantially the same way to obtain substantially the same result." *Virnetx, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1322-23 (Fed. Cir. 2014). For example, the single-serve capsule's base element having an a closed, rounded bottom portion with physical features, *see, e.g.,* the capsule walls, performs the same function, *e.g.* encasing the cavity of the single-serve capsule and providing a vessel that rotates smoothly with limited friction and turbulence at speeds up to 7000 RPM, in the substantially the same way, *e.g.* by encasing the capsule in a symmetrical fashion about a central longitudinal axis, to achieve the same result, *e.g.* provide a vessel for the

	beverage material and ensure smooth rotation to brew coffee, as the claimed base element including a wall that is symmetrical about a central longitudinal axis thereof and having a closed, rounded bottom portion.
[12A.i.b] the base element having an exterior wall that includes a plurality of indentations arranged about the central longitudinal axis,	The single-serve capsule's base element has an exterior wall that includes a plurality of indentations, *see, e.g.*, 10 indentations, arranged about the central longitudinal axis. The below annotated images illustrate the Accused Product's infringement of this limitation. 

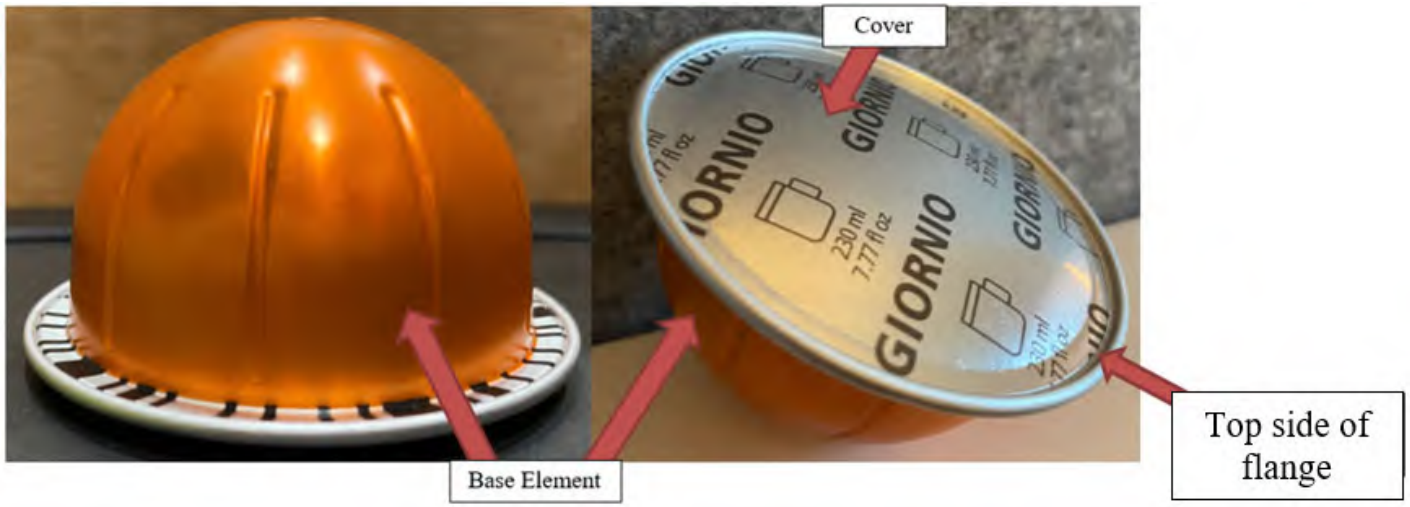
	 *See, e.g.*, https://www.nespresso.com/us/en/vertuo-coffee-capsules; https://www.nespresso.com/us/en/choose-your-technology-vertuo.
[12A.i.c] the base element is free of a filter inside of the cavity;	The single-serve capsule's base element is free of a filter inside the cavity. The below annotated image illustrates that the single-serve capsule is free of a filter inside of the cavity.

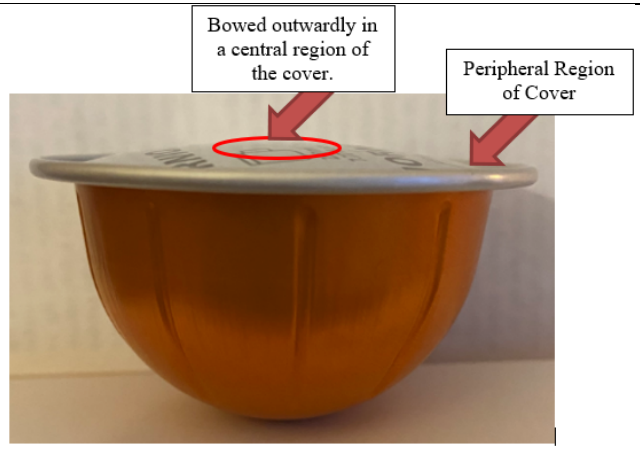
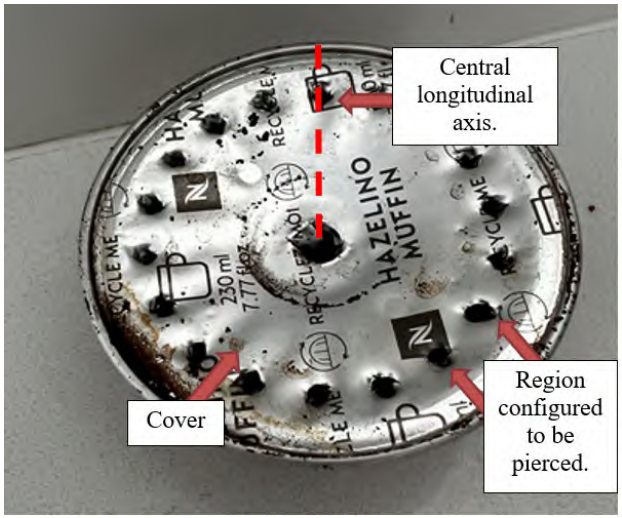
	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[12A.ii] a flange extending outwardly from the base element, the flange having a top side and an opposing bottom side;	The single-serve capsule has a flange extending outwardly from the base element. The flange has a top side and an opposing bottom side. The below annotated images illustrate the single-serve capsule's flange with a top side and opposing bottom side. 

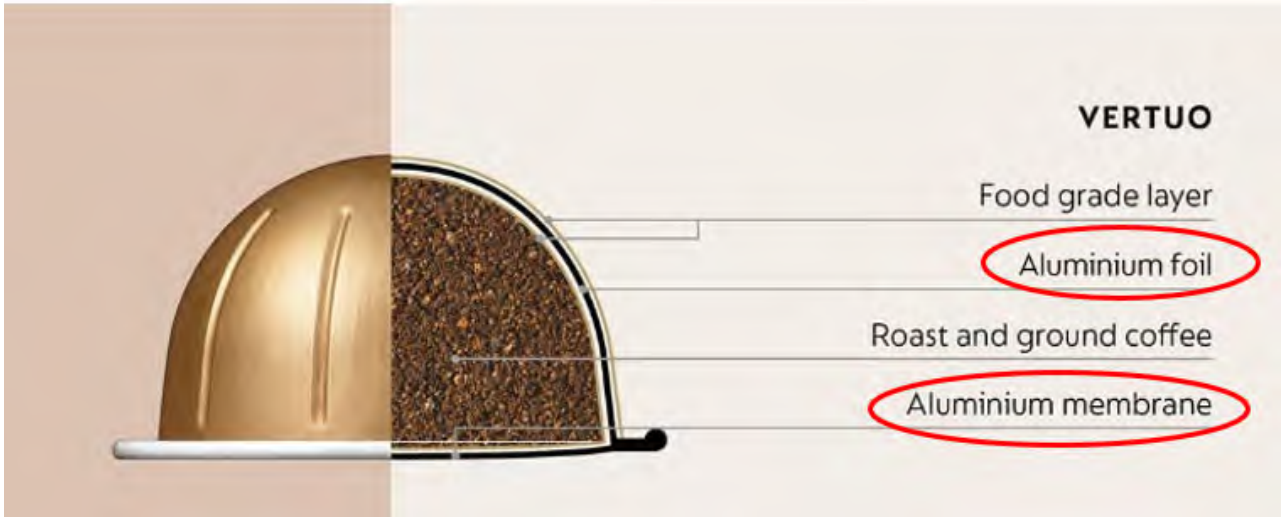


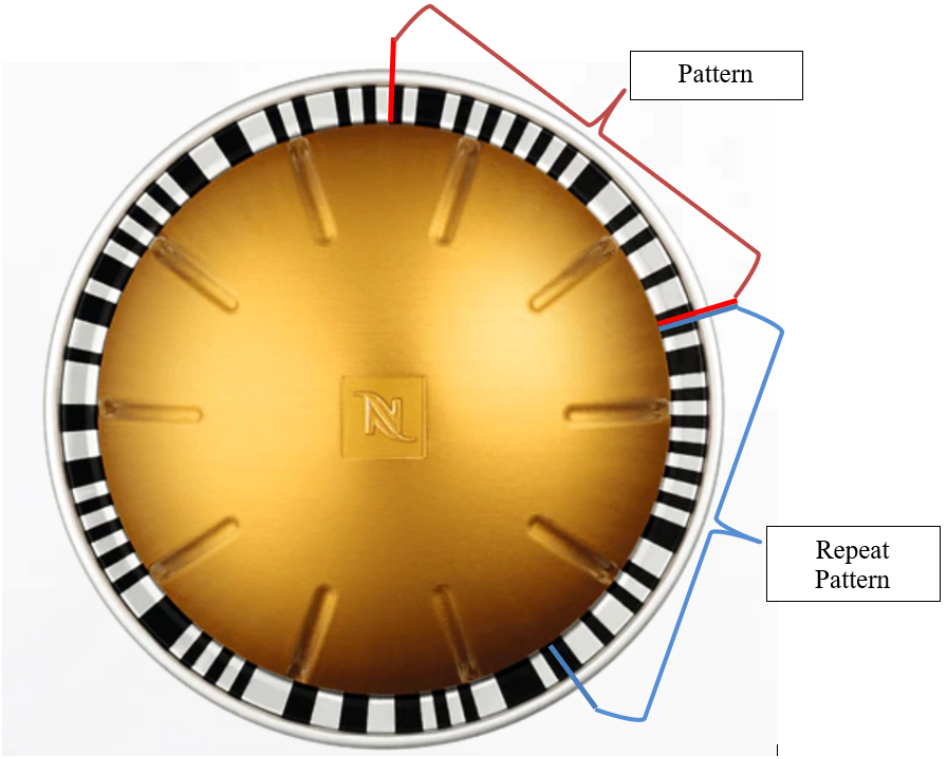


See, e.g., https://www.nespresso.com/us/en/vertuo-coffee-capsules

[12A.iii] a cover fastened to the top side of the flange,	The single-serve capsule contains a cover that is fastened to the top side of the flange. The below annotated image illustrates the single-serve capsule's cover that is fastened to the top side of the flange. 
[12A.iii.a] the cover is bowed outwardly in a central region of the cover relative to a peripheral region of the cover,	The single-serve capsule's cover is bowed outwardly in a central region of the cover relative to a peripheral region of the cover. The below annotated image illustrates the single-serve capsule's cover, which is bowed outwardly to a second height in the central region relative to the perimeter of the cover.

	
[12.A.iii.b] the cover includes a region configured to be pierced at a location that is offset from the central longitudinal axis;	The single-serve capsule's cover includes a region configured to be pierced at a location that is offset from the central longitudinal axis. The below annotated image illustrates the Accused Product's infringement of this limitation. 

[12A.iv] a barrier layer to prevent moisture or aroma from escaping out of the single-serve capsule;	The single-serve capsule includes a barrier layer to prevent moisture or aroma from escaping out of the single-serve capsule, *see, e.g.,* at least the aluminum of the single-serve capsule. *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium ("Aluminium foil provides a complete barrier to light, oxygen, moisture and bacteria"); https://www.nespresso.com/us/en/how-to-recycle-coffee-capsules ("Aluminum is the most protective material available today. It guarantees the freshness of the carefully crafted aromas and rich flavors of our coffees. Lightweight but strong, aluminum seals it from external elements which could harm it - oxygen, moisture and light.") The below annotated image illustrates the Accused Product's barrier layer to prevent moisture or aroma from escaping out of the single-serve capsule.  *See, e.g.,* https://www.sustainability.nespresso.com/why-aluminium
[12A.v] an individualization identifier, which includes an optically detectable	The single-serve capsule has an individualization identifier, which includes optically detectable repeat pattern, provided on the bottom side of the flange. The below annotated images illustrate the Accused Product's infringement of this limitation.

repeat pattern, provided on the bottom side of the flange;	One example of the identifier having a repeat pattern is shown below. The first pattern of the identifier is annotated in red. That pattern is repeated and annotated in blue.  Another example of the identifier having a repeat pattern is shown below. The identifier is repeated five times around the circumference of the capsule, as annotated in green. In this example, the repeated portions of the identifier are spaced at equal intervals from the next closest repeated portion of the identifier.

	 *See, e.g.*, https://www.nespresso.com/us/en/vertuo-coffee-capsules
[12B] a beverage machine comprising:	The Nespresso Vertuo beverage system comprises a beverage machine. The below images illustrate various versions of the beverage machine:

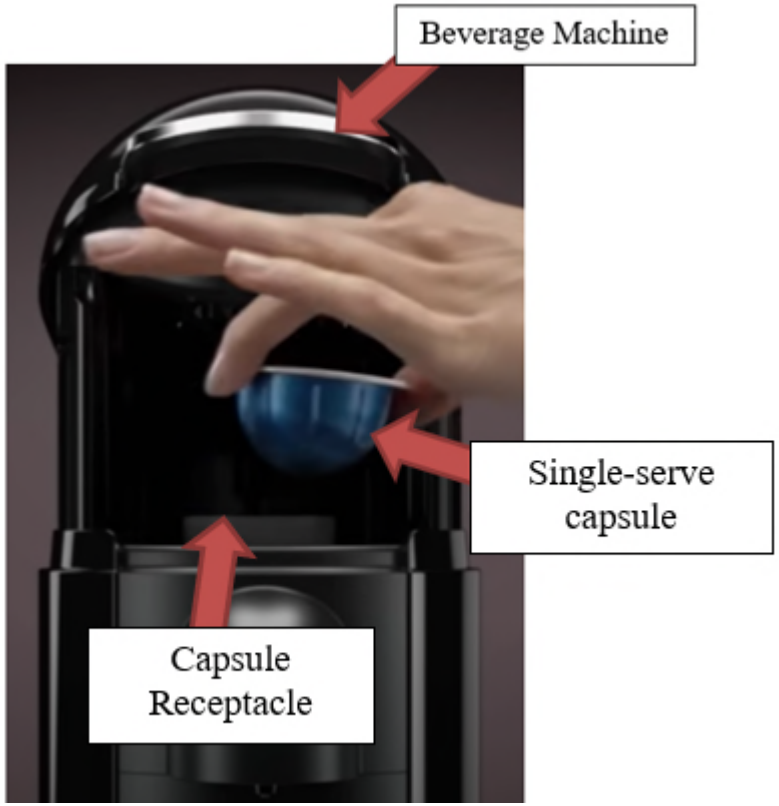
	

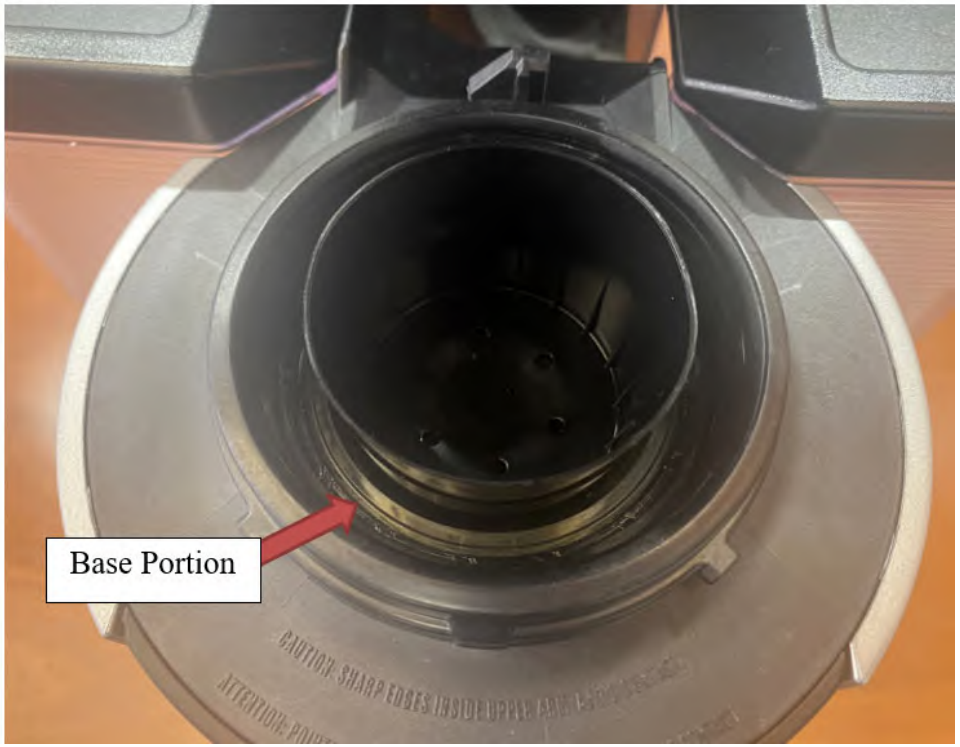
	

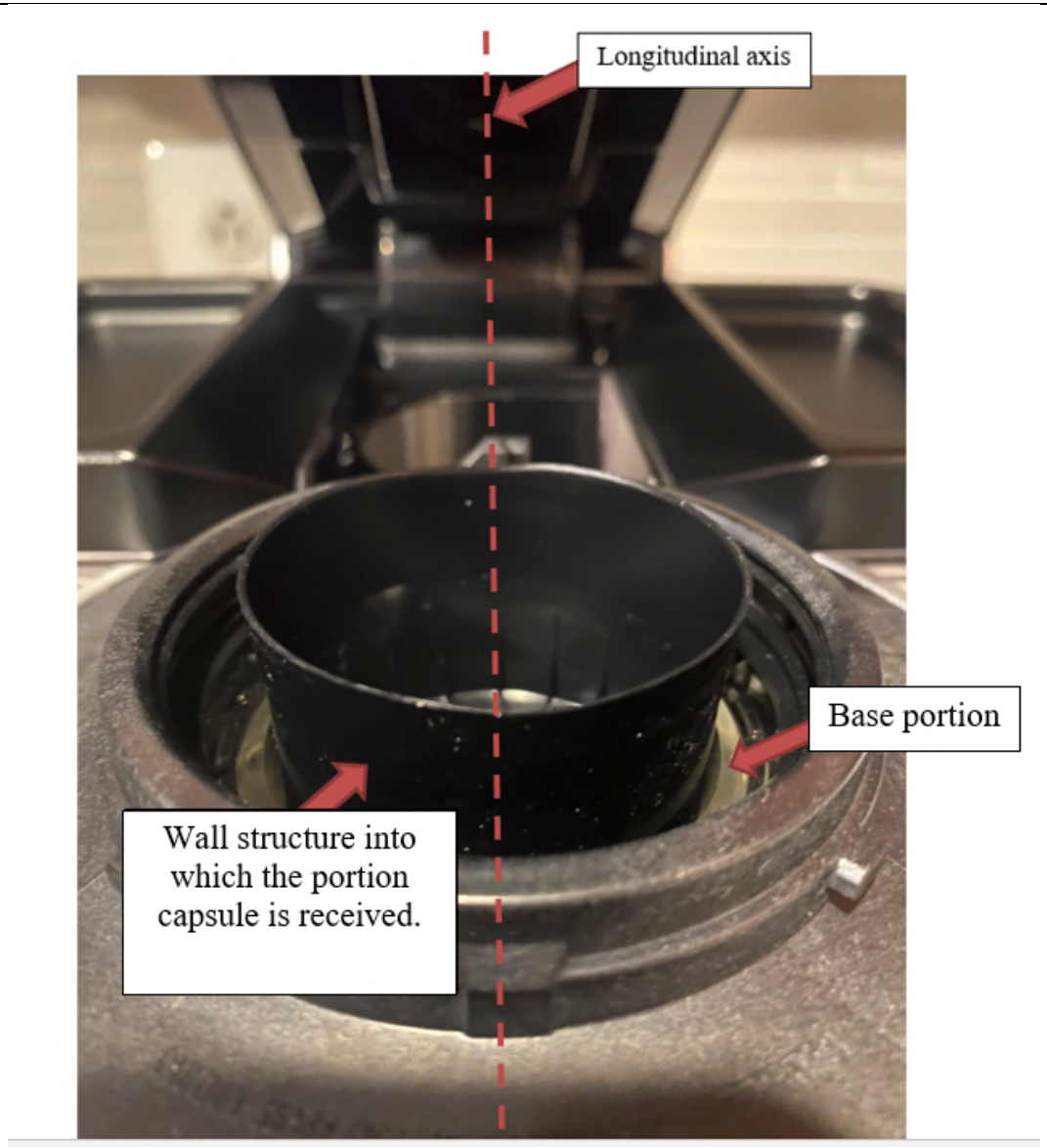
	

	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0; https://www.nespresso.com/us/en/vertuo-coffee-machines.
[12B.i] a capsule receptacle having a wall structure into which the	The beverage machine comprises a capsule receptacle having a wall structure into which the single-serve capsule is received. The below annotated images illustrate the beverage machine's capsule receptacle having a wall structure into which the single-serve capsule is received:

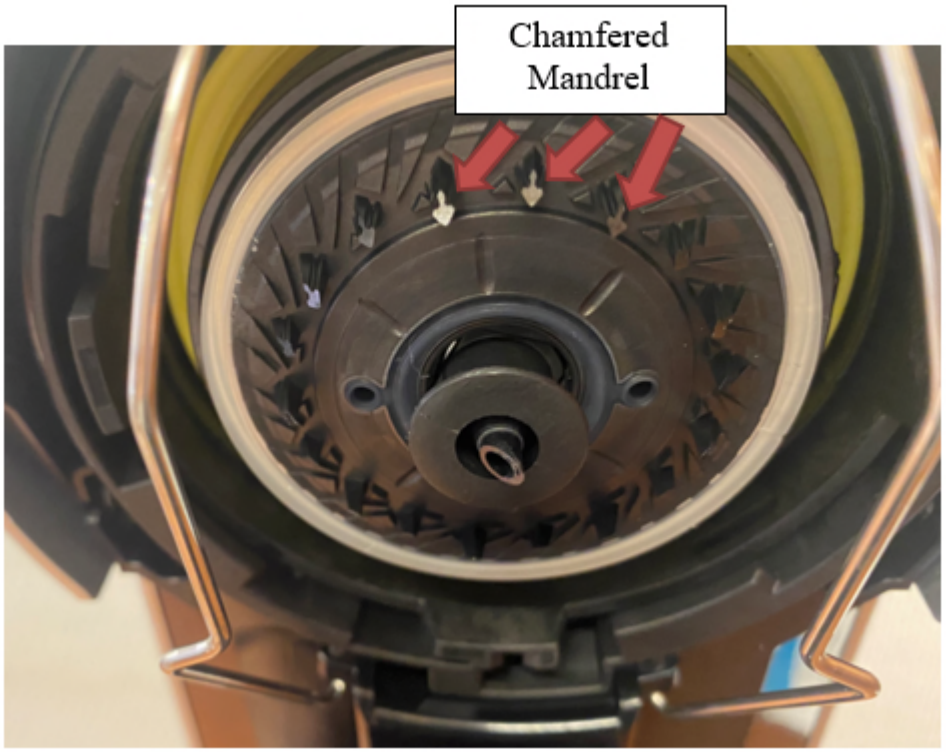
single-serve capsule is received,	

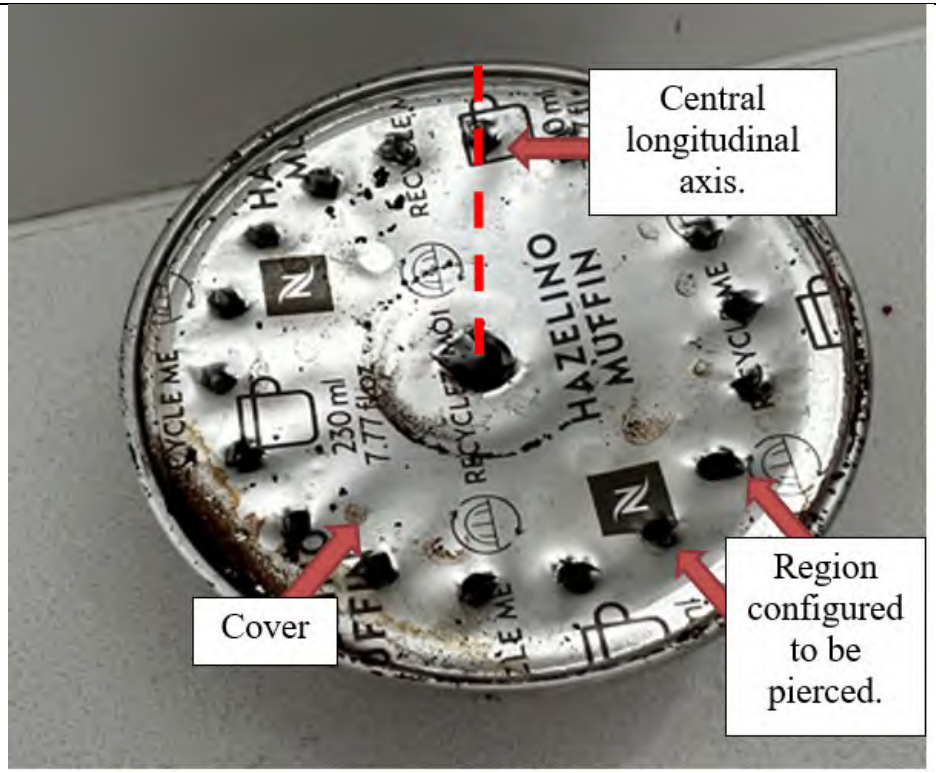
	
[12B.i.a] the capsule receptacle defined by a base portion and an annular portion laterally extending	The beverage machine's capsule receptacle is defined by a base portion and an annular portion laterally extending outwardly from the base portion in a direction that is transverse to a longitudinal axis of the capsule receptacle. The below annotated images illustrate the Accused Product's infringement of this limitation.

outwardly from the base portion in a direction that is transverse to a longitudinal axis of the capsule receptacle,	

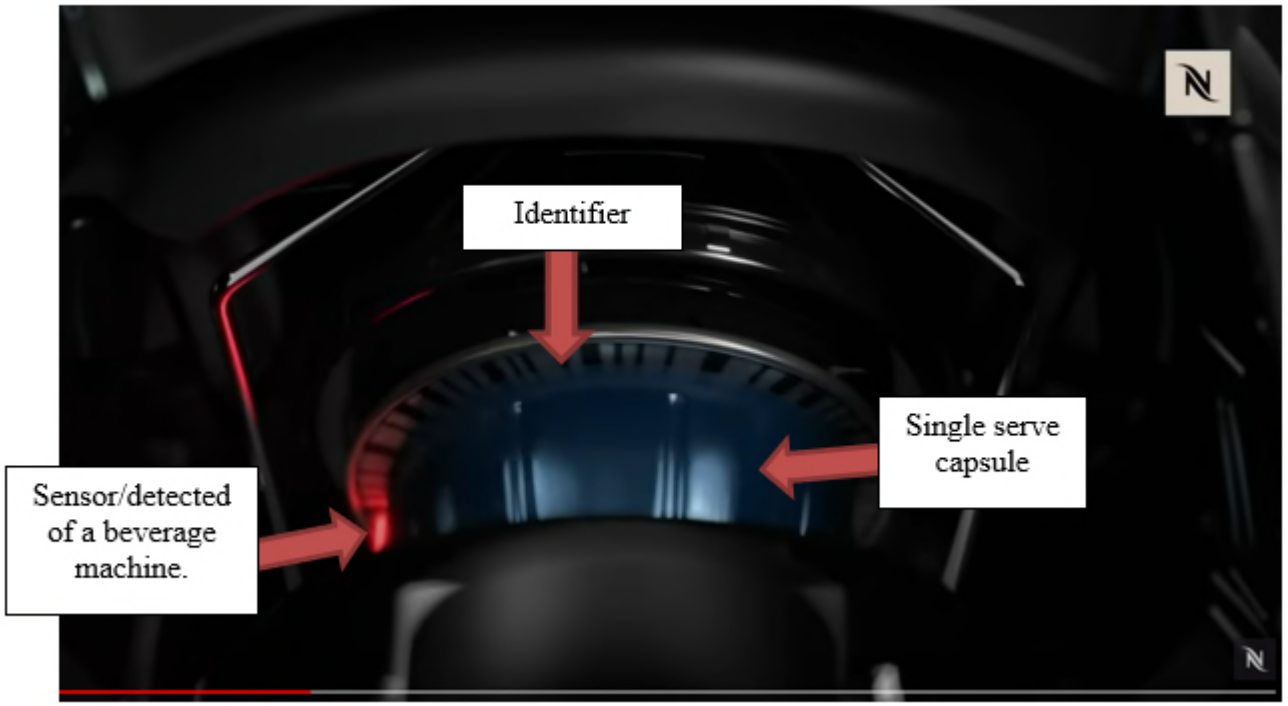

Longitudinal axis
Base portion
Wall structure into which the portion capsule is received.

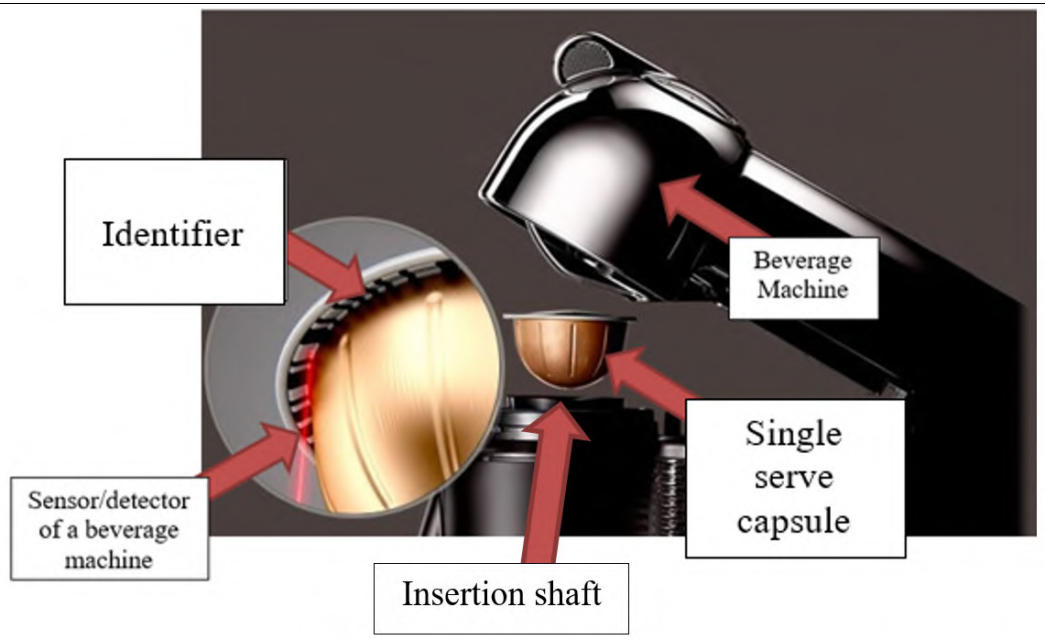
[12B.ii] a chamfered mandrel that pierces the cover at the location that is offset from the central longitudinal axis;	The beverage machine comprises a chamfered mandrel. The chamfered mandrel pierces the cover of the single-serve capsule the location that is offset from the central longitudinal axis. The below annotated images illustrate the Accused Product's infringement of this limitation. 


Chamfered
Mandrel

	
[12B.iii] an optical sensor/detector positioned outside of the base portion of the wall structure of the capsule receptacle and below the	The beverage machine's optical sensor/detector is positioned outside of the base portion of the wall structure of the capsule receptacle and below the annular portion, and which directs a beam through a portion of the wall structure to read the identifier on the single-serve capsule. *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). The below annotated images illustrate the Accused Product's infringement of this limitation.

annular portion, which directs a beam through a portion of the wall structure to read the identifier on the single-serve capsule,		


Identifier
Single serve capsule
Sensor/detected of a beverage machine.

	 *See, e.g.,* https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs.
[12B.iv] a pump that supplies water into the single-serve capsule only after the individualization identifier is read by the sensor/detector;	The beverage machine comprises a pump that supplies water into the single-serve capsule only after the individualization identifier is read by the sensor/detector. *See, e.g.*, https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."); https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). For example, if the identifier located on the single-serve capsule is obstructed or damaged, the beverage machine will prevent making of the beverage, including preventing operation of the pump that supplies water into the single-serve capsule. For example, the screenshots from the Vertuo User Manual below describe various troubleshooting instances, including where the Vertuo beverage machine does not start or run, thereby failing to active the pump that supplies the water into the single-serve capsule, because the individualization identifier on the single-serve

capsule cannot be compared to a stored reference. Moreover, the User Manual refers to pumping water. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo (User Manual at p. 5, 11, 17, 21).

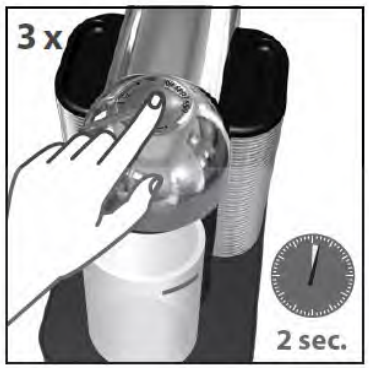
TROUBLESHOOTING

ASSISTANCE VIDEOS ARE AVAILABLE ON WWW.NESPRESSO.COM - VISIT THE "MACHINES" SECTION.

EN

1. No light on the button.	➔ The machine has turned "OFF" automatically; push the button or "UNLOCK" the machine. ➔ Check the outlet, plug, voltage, and fuse.
2. No coffee, no water.	➔ Check that the water tank is filled. ➔ Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ Descale if necessary. ➔ Open the machine head and let the capsule be ejected. Then perform a cleaning as per cleaning section.
3. Coffee is not hot enough.	➔ Preheat cup with hot water from the tap. ➔ Descale if necessary.
4. The machine doesn't start and has light steady on. If blinking, see next points.	➔ Check that lever is properly locked. ➔ If you want to brew a Coffee or Espresso, check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ If you are cleaning, descaling or emptying the system, check that no capsule is inserted then close, lock the machine and push the button to start one of these operations.
5. The machine doesn't start and light blinks alternately; 1 blink and 1 pause.	➔ Fill the water tank and push button to start. ➔ Check that lever is properly locked.
6. Light blinks while machine is running.	➔ If coffee is flowing normally, this indicates the machine is working properly. ➔ If only water is flowing, the machine is executing a user request for either cleaning, descaling or emptying the system. Refer to the corresponding paragraph in this user manual. ➔ If there is no intention to clean, descale, or empty the system, then push the button to stop the machine. If the machine is still blinking, exit descaling mode by holding the button for at least 7 seconds or refer to next section. ➔ If problem persists, call the *Nespresso* Club.
7. Light blinks and machine is not running.	➔ It will take some times before the coffee flow comes out (due to barcode reading and pre-wetting the coffee). ➔ Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ Fill in the water tank and push button to start. ➔ Turn the machine to "OFF mode" by pushing 3 seconds the button and then push it again to turn the machine "ON". Now wait approx. 20 minutes to allow machine cooling down after extensive use. ➔ If machine doesn't move to "OFF" then exit descaling mode by pushing the button for at least 7 seconds.
8. Light blinks alternately 2 blinks and 1 pause continuously. Machine is not running.	➔ During regular Coffee/Espresso preparation: 1) Check that a fresh, undamaged capsule is inserted in the correct position; 2) Check that lever is in "LOCKED" position; 3) If problem persists, eject capsule and insert a new one, lock and press button. ➔ During Descaling, Emptying and Cleaning: 1) Check that a capsule is ejected; 2) Check that the lever is in "LOCKED" position.3) Press button for at least 3 seconds to turn machine to "OFF mode". 4) Press button again to turn machine "ON". If problem persists, disconnect powercord from the outlet and plug the machine back into the outlet after 10 seconds. Press the button to turn "ON" and press again to start brewing. ➔ During Programming Volume: 1) Please check if a capsule has been well inserted. 2) Please refer to the corresponding chapter. ➔ If problem persists, call the *Nespresso* Club.
9. Leakage or unusual coffee flow.	➔ Check that the water tank is well positioned.

21



8. Press the button 3 times within 2 seconds to start cleaning and let the cleaning procedure complete automatically. It will take less than 2 minutes before a flow comes out. The procedure consists of 3 cycles of pumping water in/internal cleaning/water flowing from outlet to complete.

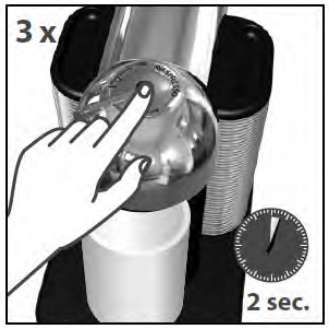
8. Appuyer sur le bouton à 3 reprises dans un intervalle de 2 secondes pour lancer automatiquement la procédure de nettoyage. L'écoulement se produit dans les 2 minutes. La procédure complète est composée de 3 cycles de pompage de l'eau/nettoyage interne/écoulement de l'eau de l'orifice.

EN

FR

›ped at any time by pushing the
the cleaning process, push the
hine by turning the lever left and

rompue à tout moment en appuyant



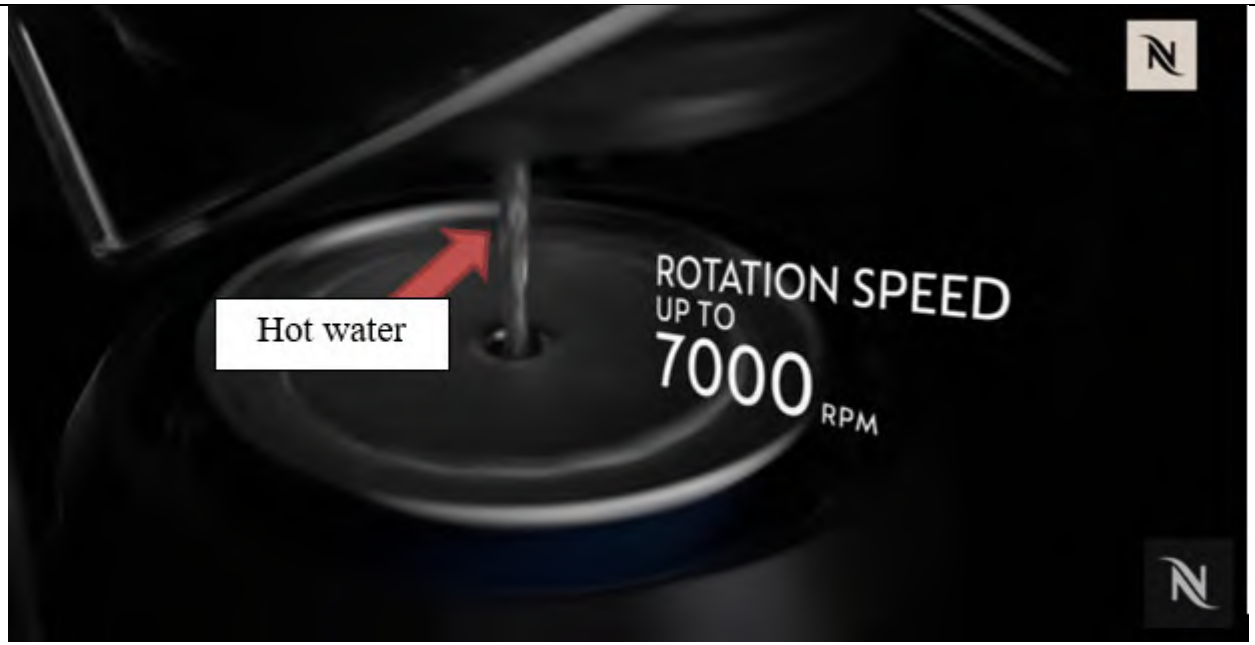
5. Push the button 3 times within 2 seconds. The button will blink quickly during the procedure. It will take less than 2 minutes before a flow comes out. The cleaning procedure will run automatically for 5 minutes. The procedure consists of 3 cycles of pumping water in/internal cleaning/water flowing from outlet to complete.

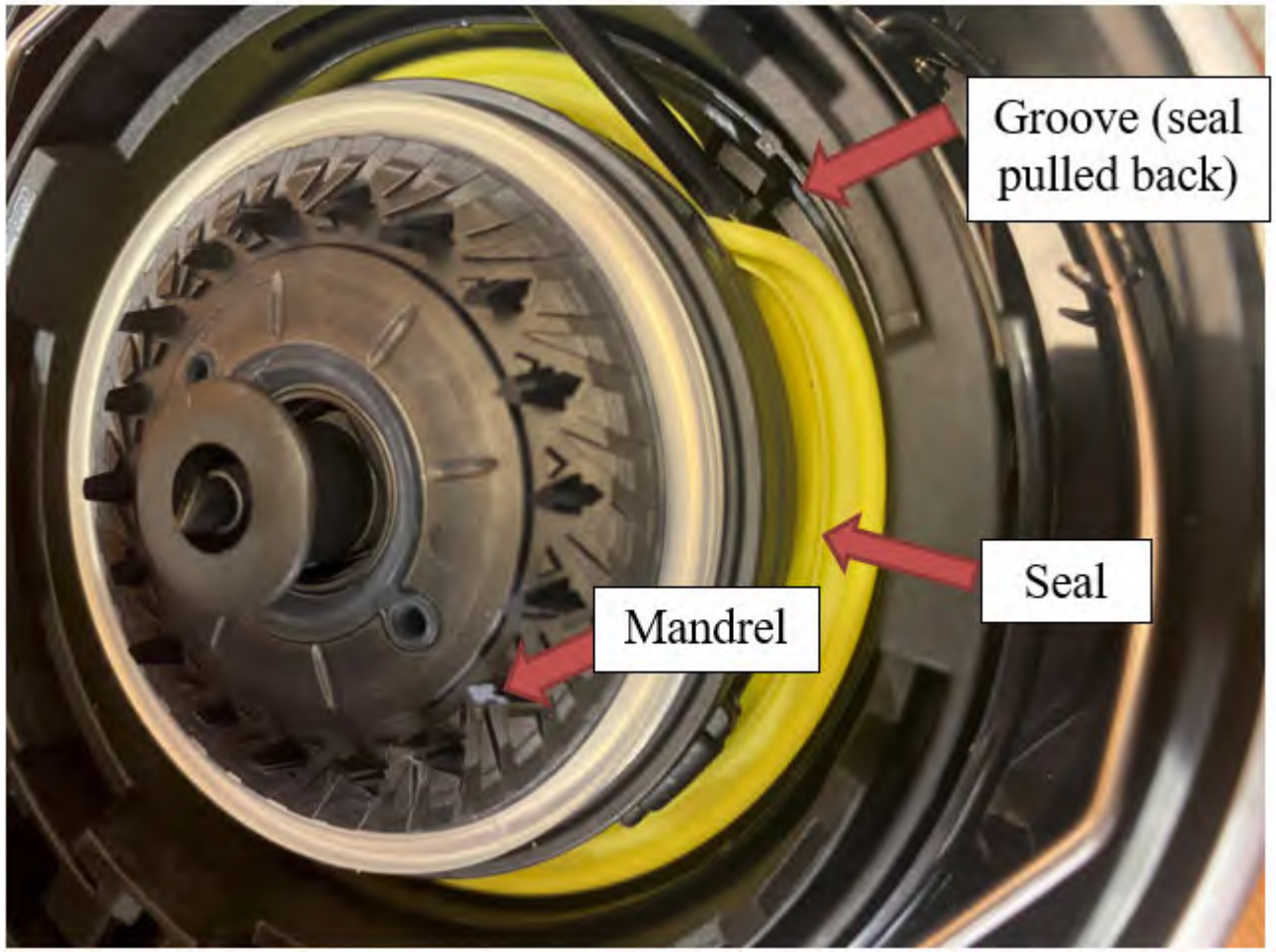
5. Appuyer sur le bouton à 3 reprises dans un intervalle de 2 secondes. Le voyant lumineux clignotera rapidement. L'écoulement se produit dans les 2 minutes. La procédure de nettoyage se met automatiquement en marche pour une durée de 5 minutes. La procédure complète est composée de 3 cycles de pompage de l'eau/nettoyage interne/écoulement de l'eau de l'orifice.

When using electrical appliances, important safeguards should always be followed:

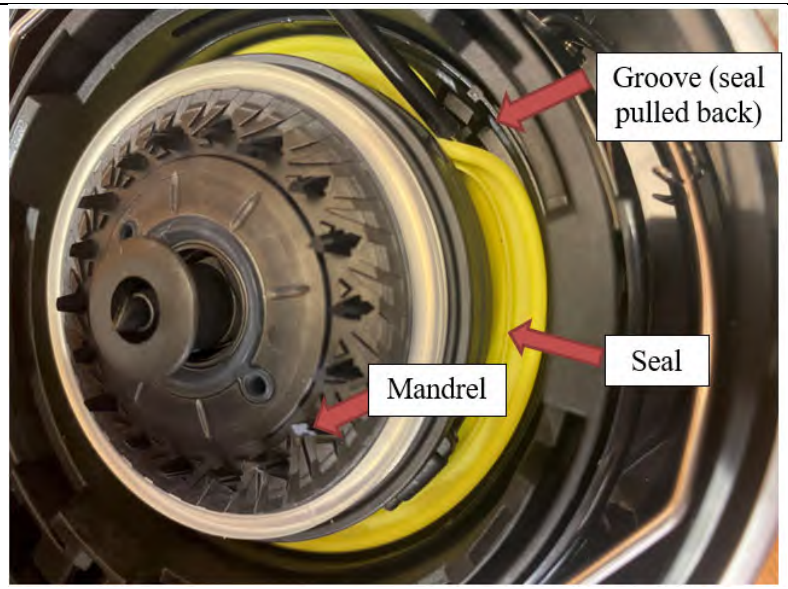
- The important safeguards are part of the appliance. Read the important safeguards provided with the appliance carefully prior to first use. Keep them in a place where you can find and refer to them in the future.
- Protect the appliance from direct sunlight, water splash and humidity.
- This appliance is designed for domestic and office use only.
- Close supervision is necessary when the appliance is used by or near children.
- Children shall not play with the appliance.
- The manufacturer accepts no responsibility for and the warranty will not apply to any commercial use, inappropriate handling or use of the appliance, damage resulting from use for other purposes, faulty operation, non-professional repairs or failure to comply with the instructions.
- the warranty.
- The appliance must only be connected after installation.
- Do not pull the cord over sharp edges, clamp it or allow it to hang down.
- Keep the cord away from heat and moisture.
- If an extension lead is required, use only a grounded power cord with a conductor cross-section with matching input 14 AWG (2.08mm²).
- Always place the appliance on a horizontal, stable, hard, even surface that does not allow for water accumulation under the machine.
- The surface must be resistant to heat and fluids, like water, coffee, descaler or similar.
- Disconnect the appliance from the power outlet when not in use for a long period of time.
- Disconnect by pulling out the plug; do not pull on the cord itself to avoid damage.
- Never touch the cord with wet hands.
- Never put the appliance or part of it in a dishwasher.
- Do not open the appliance. Hazardous voltage
- Contact the *Nespresso* Club or *Nespresso* authorized representative for examination, repair or adjustment.
- A damaged appliance can cause electric shocks, burns and fire.
- Do not put fingers under coffee outlet; risk of scalding.
- Do not insert fingers into capsule compartment when machine head is closing; risk of injury.
- Do not put fingers into the capsule compartment or capsule shaft; risk of injury!
- Water could flow around a capsule when not perforated by the blades and damage the appliance.
- Be careful not to injure yourself on sharp points or trap your fingers when reaching inside the machine.
- Beware of hot liquids when reaching inside the machine.
- Never use a damaged or deformed capsule.
- Always fill the water tank with fresh potable water.
- Do not use any strong cleaning agent or solvent cleaner.
- Use a damp cloth and mild cleaning agent to clean the surface of the appliance.
- Do not use a steam or pressure cleaner to clean the appliance. This will damage the appliance and may create a life-threatening hazard.
- Do not pour water or other liquids into the brewing unit.
- Keep appliance, capsules and accessories out of reach of children.
- This appliance is designed for *Nespresso* Vertuo coffee capsules available exclusively through the *Nespresso* Club or your *Nespresso* authorized representative.
- All *Nespresso* appliances pass stringent controls.
- Reliability tests under practical conditions are randomly performed on selected units. Some units can therefore show traces of previous use.
- *Nespresso* reserves the right to change instructions without prior notice.

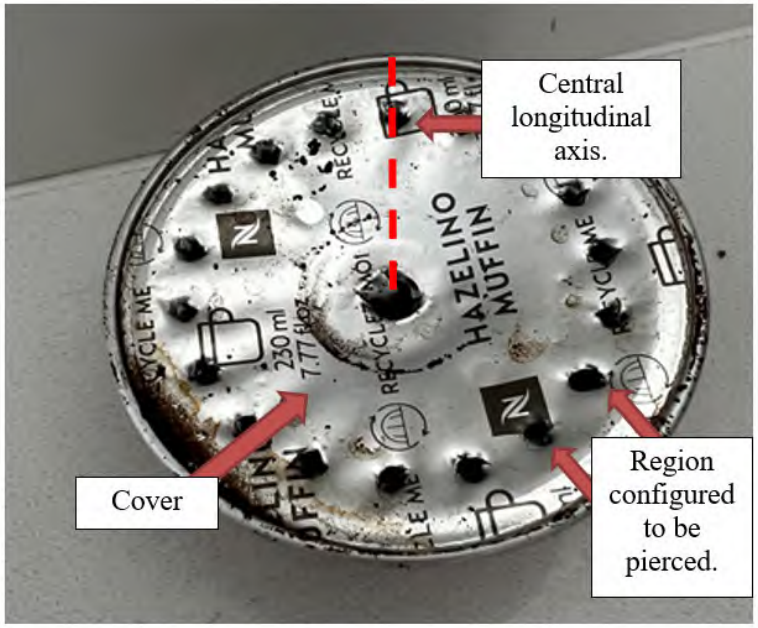
The below annotated image illustrates the Accused Product's infringement of this limitation.

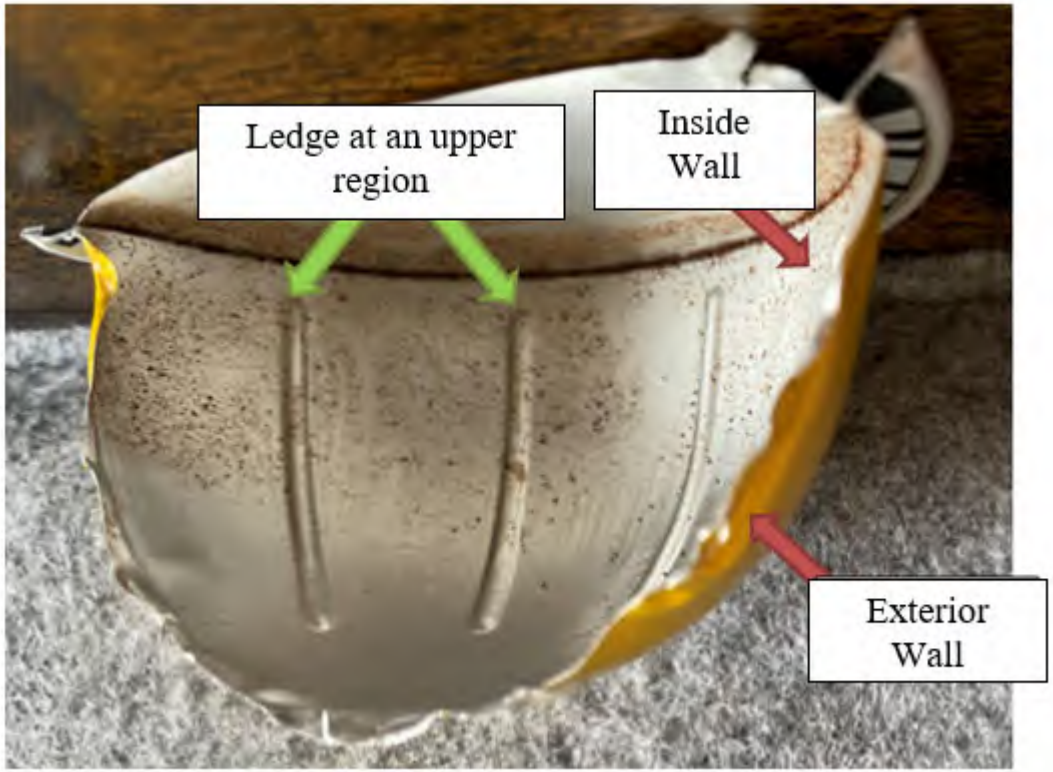
	 *See, e.g.,* https://www.youtube.com/watch?v=RTzUiX101C0.
[12B.v] a groove that is laterally offset from the chamfered mandrel; and	The beverage machine comprises a groove that is laterally offset from the chamfered mandrel. The below annotated image illustrates the Accused Product's infringement of this limitation.

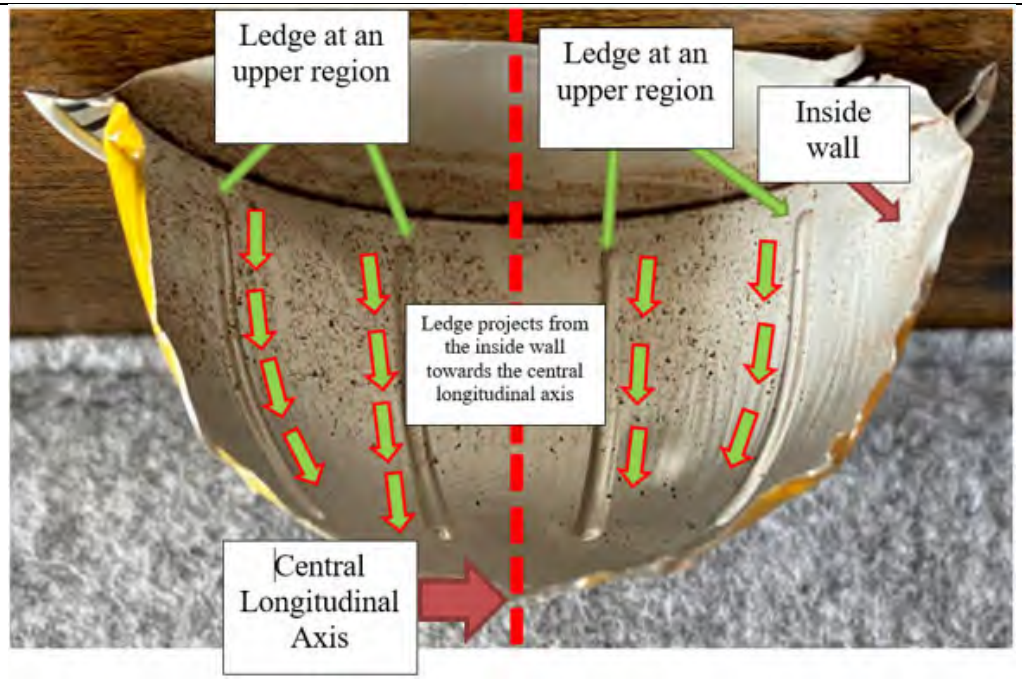
	
[12B.vi] a seal that is at least partially seated in the groove and configured to bear against a top side of the	The beverage machine comprises a seal that is at least partially seated in the groove and configured to bear against a top side of the cover in a region between the peripheral region of the cover and the region of the cover that is pierced by the chamfered mandrel. The below annotated images illustrate the Accused Product's infringement of this limitation.

cover in a region between the peripheral region of the cover and the region of the cover that is pierced by the chamfered mandrel.	


Groove (seal pulled back)
Seal
Mandrel


Central longitudinal axis.
HAZELINO MUFFIN
230 ml
7.77 fl oz
Cover
Region configured to be pierced.

[13] The beverage system according to claim 12,	*See* claim 12.
[13a] wherein the cavity is defined by an inside wall that includes a ledge at an upper region thereof, the ledge projects from the inside wall towards the central longitudinal axis.	The single-serve capsule's cavity is defined by an inside wall that includes a ledge at an upper region thereof. The ledge projects from the inside wall towards the central longitudinal axis. The below annotated images illustrate the Accused Product's infringement of this limitation. 

	
[14] The beverage system according to claim 13,	*See* claim 13.
[14a] wherein the pump supplies the water into the single-serve capsule only after the individualization identifier is	The beverage machine comprises a pump that supplies the water into the single-serve capsule only after the individualization identifier is compared to a stored reference. *See, e.g.*, https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."); https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). For example, if the identifier located on the single-serve capsule is obstructed or damaged, the beverage machine will prevent making of the beverage, including preventing operation of the pump that supplies water into the single-serve capsule.

compared to a stored reference,	For example, the screenshots from the Vertuo User Manual below describes various troubleshooting instances, including where the Vertuo beverage machine does not start or run, thereby failing to active the pump that supplies the water into the single-serve capsule, because the individualization identifier on the single-serve capsule cannot be compared to a stored reference. Moreover, the User Manual refers to pumping water. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo (User Manual at p. 5, 11, 17, 21).

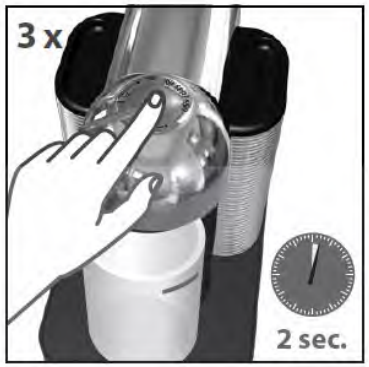
TROUBLESHOOTING

ASSISTANCE VIDEOS ARE AVAILABLE ON WWW.NESPRESSO.COM - VISIT THE "MACHINES" SECTION.

EN

1. No light on the button.	➔ The machine has turned "OFF" automatically; push the button or "UNLOCK" the machine. ➔ Check the outlet, plug, voltage, and fuse.
2. No coffee, no water.	➔ Check that the water tank is filled. ➔ Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ Descale if necessary. ➔ Open the machine head and let the capsule be ejected. Then perform a cleaning as per cleaning section.
3. Coffee is not hot enough.	➔ Preheat cup with hot water from the tap. ➔ Descale if necessary.
4. The machine doesn't start and has light steady on. If blinking, see next points.	➔ Check that lever is properly locked. ➔ If you want to brew a Coffee or Espresso, check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ If you are cleaning, descaling or emptying the system, check that no capsule is inserted then close, lock the machine and push the button to start one of these operations.
5. The machine doesn't start and light blinks alternately; 1 blink and 1 pause.	➔ Fill the water tank and push button to start. ➔ Check that lever is properly locked.
6. Light blinks while machine is running.	➔ If coffee is flowing normally, this indicates the machine is working properly. ➔ If only water is flowing, the machine is executing a user request for either cleaning, descaling or emptying the system. Refer to the corresponding paragraph in this user manual. ➔ If there is no intention to clean, descale, or empty the system, then push the button to stop the machine. If the machine is still blinking, exit descaling mode by holding the button for at least 7 seconds or refer to next section. ➔ If problem persists, call the *Nespresso* Club.
7. Light blinks and machine is not running.	➔ It will take some times before the coffee flow comes out (due to barcode reading and pre-wetting the coffee). ➔ Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ Fill in the water tank and push button to start. ➔ Turn the machine to "OFF mode" by pushing 3 seconds the button and then push it again to turn the machine "ON". Now wait approx. 20 minutes to allow machine cooling down after extensive use. ➔ If machine doesn't move to "OFF" then exit descaling mode by pushing the button for at least 7 seconds.
8. Light blinks alternately 2 blinks and 1 pause continuously. Machine is not running.	➔ During regular Coffee/Espresso preparation: 1) Check that a fresh, undamaged capsule is inserted in the correct position; 2) Check that lever is in "LOCKED" position; 3) If problem persists, eject capsule and insert a new one, lock and press button. ➔ During Descaling, Emptying and Cleaning: 1) Check that a capsule is ejected; 2) Check that the lever is in "LOCKED" position.3) Press button for at least 3 seconds to turn machine to "OFF mode". 4) Press button again to turn machine "ON". If problem persists, disconnect powercord from the outlet and plug the machine back into the outlet after 10 seconds. Press the button to turn "ON" and press again to start brewing. ➔ During Programming Volume: 1) Please check if a capsule has been well inserted. 2) Please refer to the corresponding chapter. ➔ If problem persists, call the *Nespresso* Club.
9. Leakage or unusual coffee flow.	➔ Check that the water tank is well positioned.

21



8. Press the button 3 times within 2 seconds to start cleaning and let the cleaning procedure complete automatically. It will take less than 2 minutes before a flow comes out. The procedure consists of 3 cycles of pumping water in/internal cleaning/water flowing from outlet to complete.

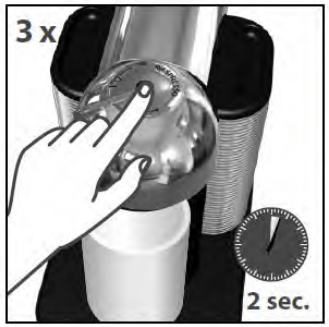
EN

FR

8. Appuyer sur le bouton à 3 reprises dans un intervalle de 2 secondes pour lancer automatiquement la procédure de nettoyage. L'écoulement se produit dans les 2 minutes. La procédure complète est composée de 3 cycles de pompage de l'eau/nettoyage interne/écoulement de l'eau de l'orifice.

›ped at any time by pushing the
the cleaning process, push the
hine by turning the lever left and

rompue à tout moment en appuyant



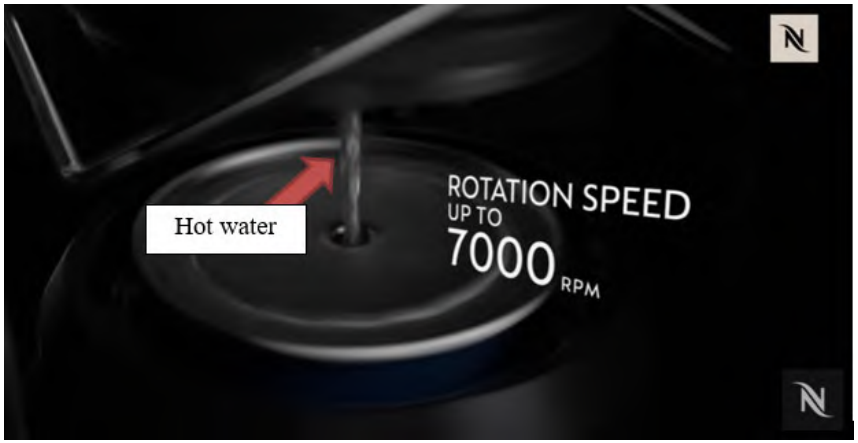
5. Push the button 3 times within 2 seconds. The button will blink quickly during the procedure. It will take less than 2 minutes before a flow comes out. The cleaning procedure will run automatically for 5 minutes. The procedure consists of 3 cycles of pumping water in/internal cleaning/water flowing from outlet to complete.

5. Appuyer sur le bouton à 3 reprises dans un intervalle de 2 secondes. Le voyant lumineux clignotera rapidement. L'écoulement se produit dans les 2 minutes. La procédure de nettoyage se met automatiquement en marche pour une durée de 5 minutes. La procédure complète est composée de 3 cycles de pompage de l'eau/nettoyage interne/écoulement de l'eau de l'orifice.

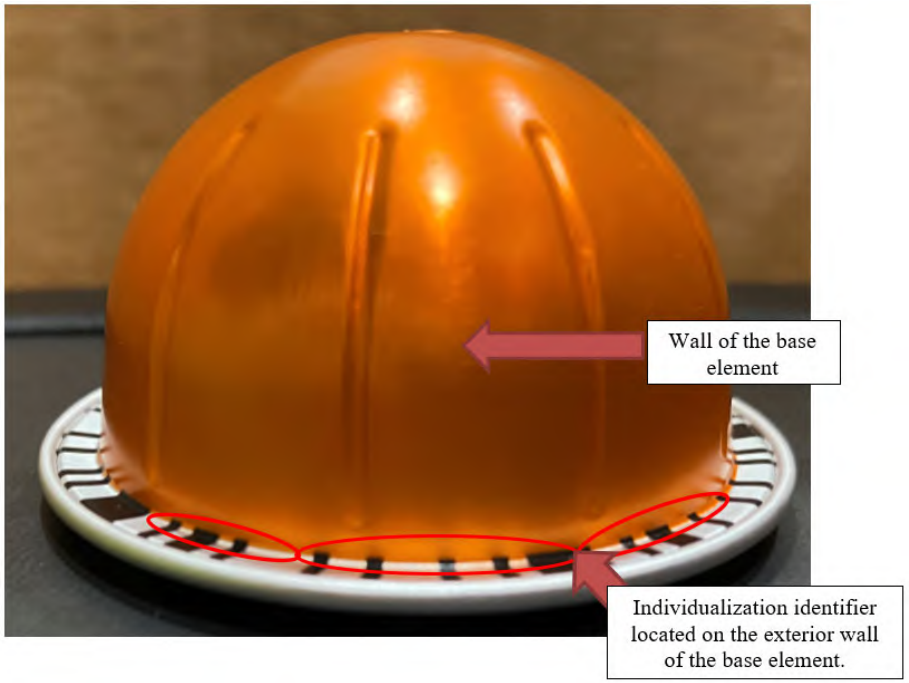
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- the warranty.
- The appliance must only be connected after installation.
- Do not pull the cord over sharp edges, clamp it or allow it to hang down.
- Keep the cord away from heat and moisture.
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- Disconnect the appliance from the power outlet when not in use for a long period of time.
- Disconnect by pulling out the plug; do not pull on the cord itself to avoid damage.
- Never touch the cord with wet hands.
- Never put the appliance or part of it in a dishwasher.
- Do not open the appliance. Hazardous voltage
- Contact the *Nespresso* Club or *Nespresso* authorized representative for examination, repair or adjustment.
- A damaged appliance can cause electric shocks, burns and fire.
- Do not put fingers under coffee outlet; risk of scalding.
- Do not insert fingers into capsule compartment when machine head is closing; risk of injury.
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- Water could flow around a capsule when not perforated by the blades and damage the appliance.
- Be careful not to injure yourself on sharp points or trap your fingers when reaching inside the machine.
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- Never use a damaged or deformed capsule.
- Always fill the water tank with fresh potable water.
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- *Nespresso* reserves the right to change instructions without prior notice.

The below annotated image illustrates the Accused Product's infringement of this limitation.



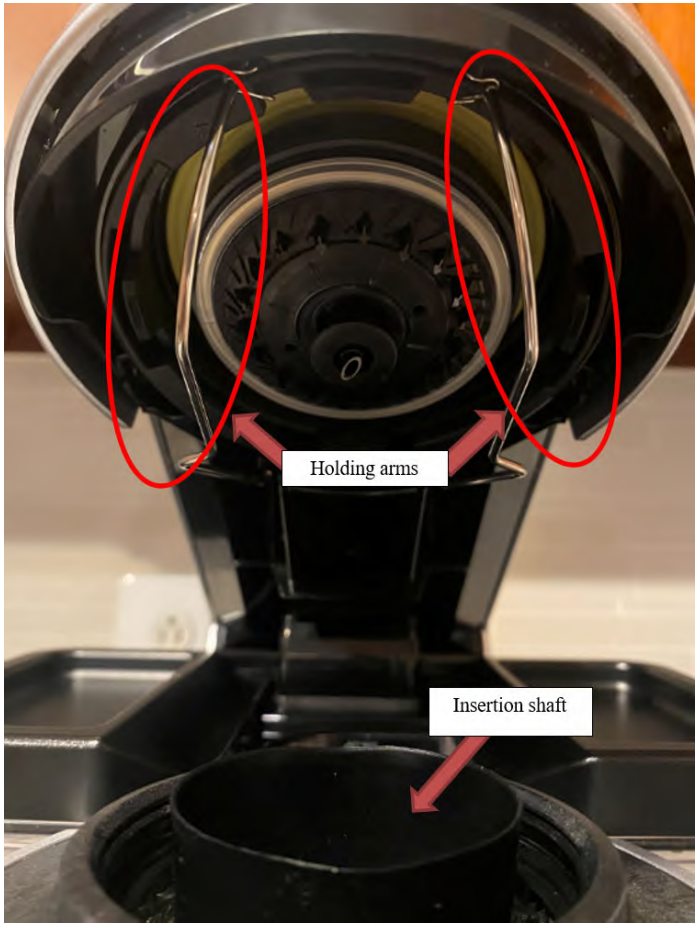
See, e.g., https://www.youtube.com/watch?v=RTzUiX101C0.

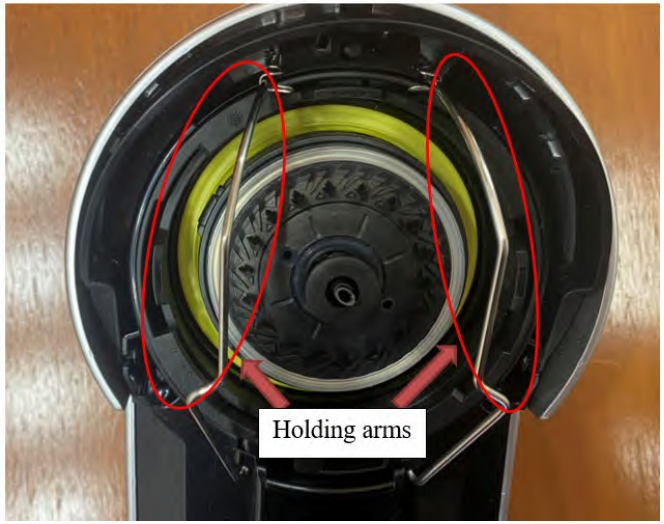
[14b] and the individualization identifier is located on the exterior wall of the base element.	The individualization identifier is located on the exterior wall of the single-serve capsule's base element. The below annotated image illustrates the Accused Product's infringement of this limitation. 
[15] The beverage system according to claim 14,	*See* claim 14.
[15a] wherein the beverage machine comprises a waste container for the single-	The beverage machine comprises a waste container for the single-serve capsule to fall into. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo at 2:20-32 ("After every use, it is important to remove the used Vertuo line capsule…turn the lever to the right and open the machine to automatically eject the capsule."). The below annotated images illustrate the Accused Product's infringement of this limitation.

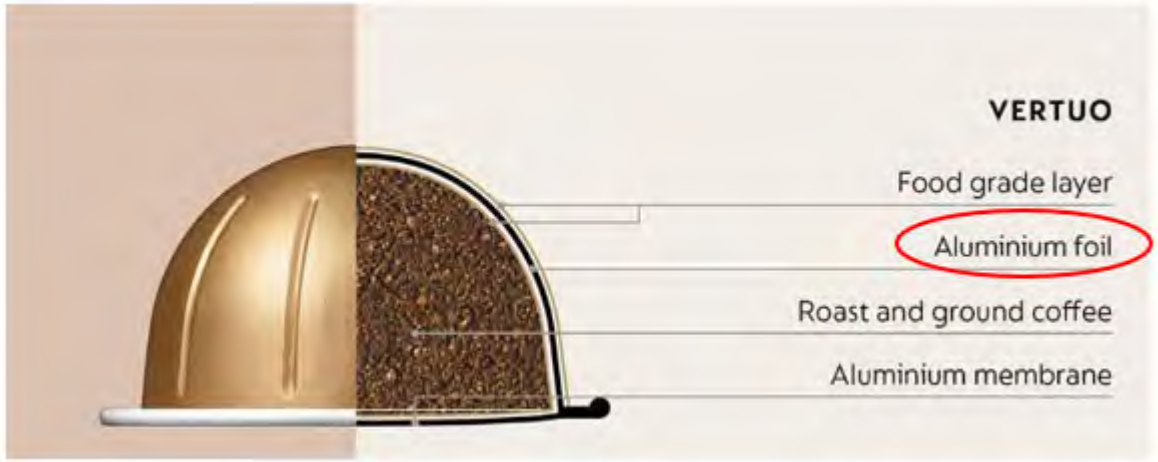
serve capsule to fall into	

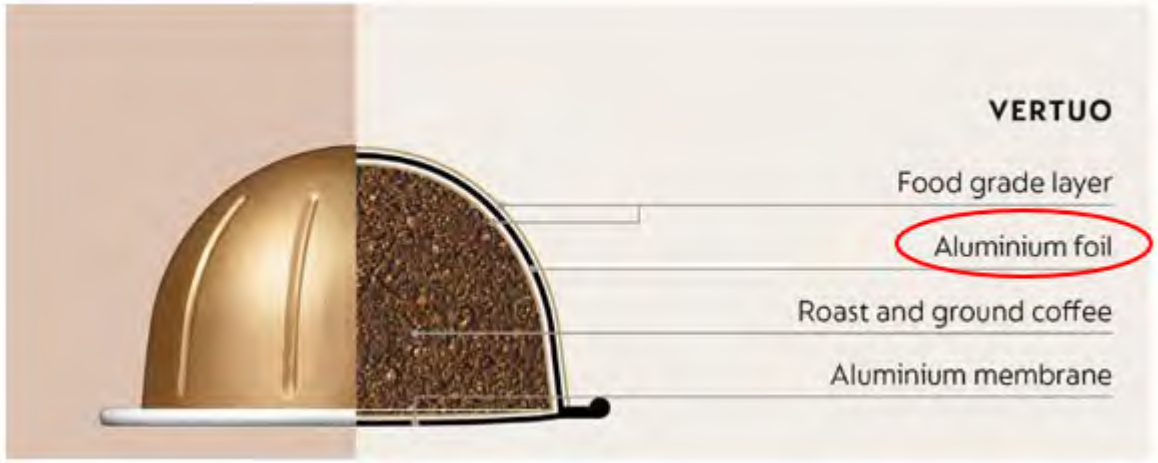


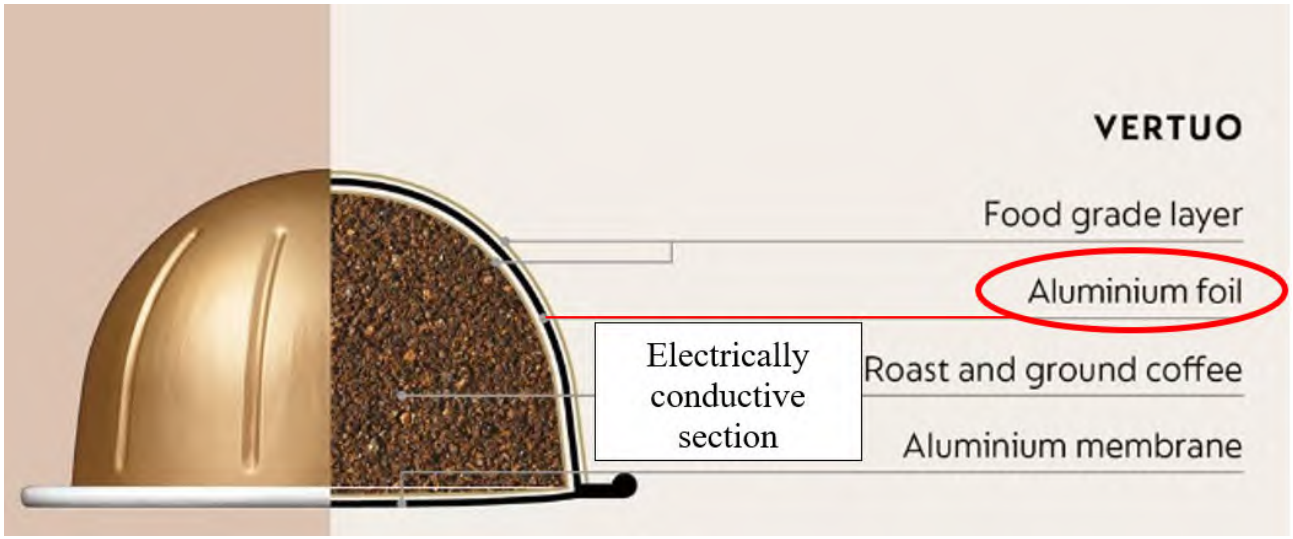
See, e.g., https://www.nespresso.com/us/en/machine-assistance/vertuo.

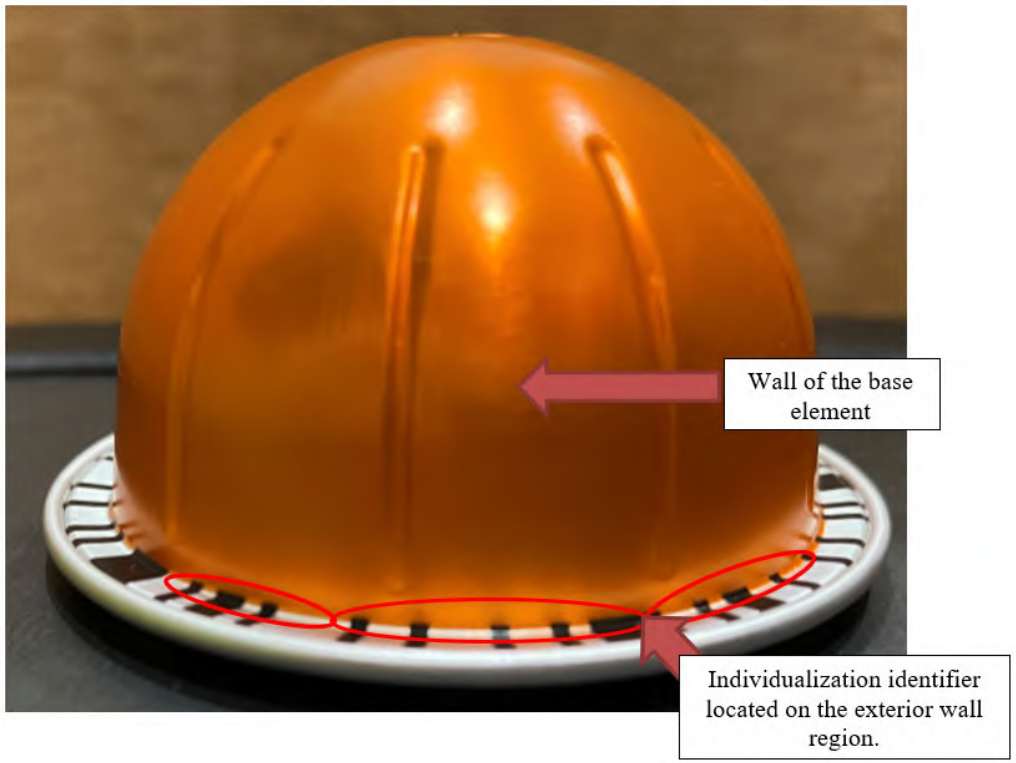
[15b] and a pair of holding arms for guiding the single-serve capsule.	The beverage machine comprises a pair of holding arms for guiding the single-serve capsule. The below annotated images illustrate the Accused Product's infringement of this limitation. 

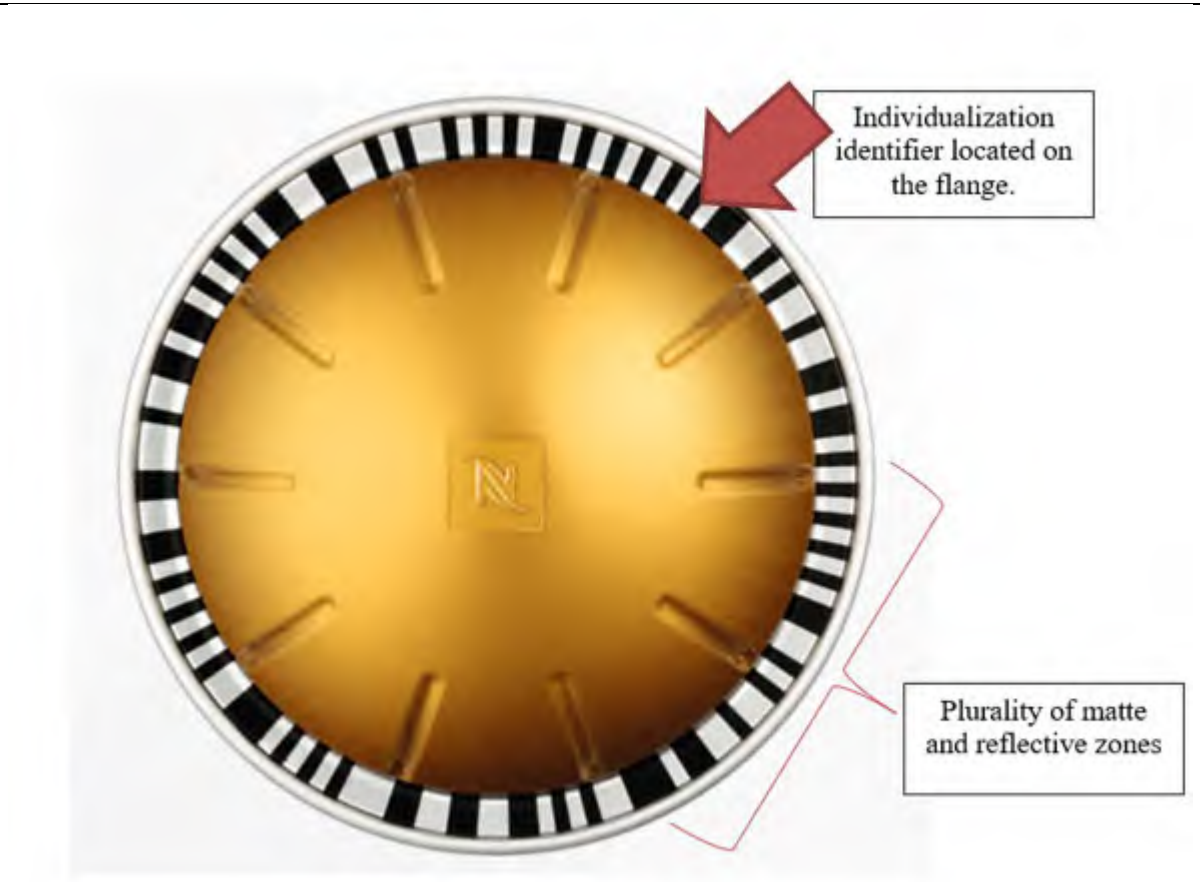
	
[16] The beverage system according to claim 15,	*See* claim 15.
[16a] wherein the base element is made of metal, a biodegradable material, or plastic.	The single-serve capsule's base element is made of metal, a biodegradable material, or plastic. The single-serve capsule's base element is made of aluminum which is a lightweight metal. *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium; *see* https://www.aluminiumleader.com/about_aluminium/what_is_aluminum/. The below annotated image illustrates the Accused Product's infringement of this limitation.

	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[17] The beverage system according to claim 16,	*See* claim 16.
[17a] wherein the base element is deep drawn.	The single-serve capsule's base element is deep drawn. The below annotated image illustrates the Accused Product's infringement of this limitation.  *See, e.g.*, https://www.buynespresso.com/bh_en/vertuo-coffee-redefined#:~:text=To%20achieve%20this%20range%20of,Lungo%2C%20Mug%2C%20and%20Carafe

[18] The beverage system according to claim 13,	*See* claim 13.
[18a] wherein the base element and/or the cover are made of aluminum.	The single-serve capsule's base element is made of aluminum. *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium; *see* https://www.aluminiumleader.com/about_aluminium/what_is_aluminum/. The below annotated image illustrates the Accused Product's infringement of this limitation.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[19] The beverage system according to claim 13,	*See* claim 13.
[19a] wherein the base element has an exterior wall region with	The base element of the single-serve capsule has an exterior wall region with an electrically conductive section *see, e.g.*, the aluminum foil layer of the exterior wall region. Aluminum is the "second most conductive material available in a practical sense." *See* https://www.gabrian.com/does-aluminum-conduct-electricity/.

an electrically conductive section,	The below annotated image illustrates the Accused Product's infringement of this limitation.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[19b] and the individualization identifier is located on the exterior wall region.	The individualization identifier is located on the single-serve capsule's exterior wall region. The below annotated image illustrates the Accused Product's infringement of this limitation.

	
[20] The beverage system according to claim 19,	*See* claim 19.
[20a] wherein the individualization identifier has a plurality of matte and reflective zones,	The individualization identifier located on the flange of the single-serve capsule has a plurality of matte and reflective zones. The below annotated image illustrates the Accused Product's infringement of this limitation.



See, e.g., https://www.nespresso.com/us/en/choose-your-technology-vertuo

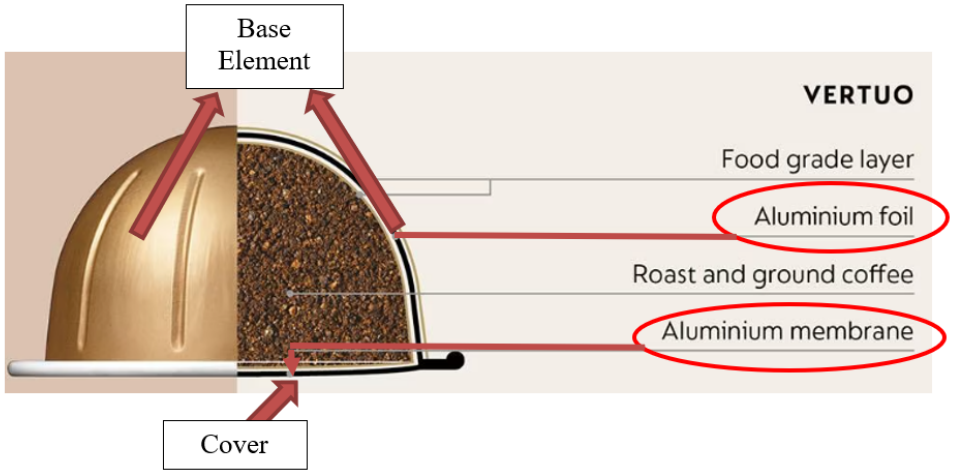
[20b] and the base element and the cover are made of the same material.	The single-serve capsule's base element and the cover are made of the same material, aluminum. *See, e.g.*, https://www.nespresso.com/us/en/how-to-recycle-coffee-capsules ("Nespresso capsules are made from aluminium"). The below annotated image illustrates the Accused Product's infringement of this limitation.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium#:~:text=Because%20of%20its%20unique%20ability,any%20other%20material%20available%20today

EXHIBIT 722

U.S. Patent No. 11,548,722 ("'722 Patent")

Exemplary Accused Products

Nespresso products, including at least each of the following products (and their submodels), infringe either literally or under the doctrine of equivalents at least Claims 1-24 of the '722 Patent: Vertuo Creatista, Vertuo Pop+, Vertuo Next, VertuoPlus, Evoluo, and Vertuo beverage systems and capsules. The infringement chart below is based on the Vertuo beverage systems and capsules ("Accused Product"), which is exemplary of the infringement of the '722 Patent. The Accused Product does not contain components that materially differ from the novel characteristics of the claimed invention. Nespresso's acts of designing, marketing, importing into the USA, and selling the Accused Product, in addition to continuing to design, market, and import into the USA the Accused Product is also evidence of infringement.

In addition to Nespresso's direct infringement of the '722 Patent, Nespresso has indirectly infringed Claims 1-24 of the '722 Patent pursuant to 35 U.S.C. § 271(b) and (c) by causing others to directly infringe. For example, Nespresso's affiliates, customers, and third-party sellers directly infringe these claims by making, offering for sale, selling, using, and/or importing the Accused Product in the United States. Nespresso contributed to and induced the infringement of Claims 1-24 through its promotion, marketing, training, and sale of the Accused Product. Nespresso supplied the Accused Product and actively encouraged the use of the same in the United States through the promotion and marketing of literature, imagery and/or video, which induced and resulted in direct infringement. Nespresso has known or should have known these actions would cause direct infringement of the '722 Patent and did so with specific intent to encourage direct infringement. Additionally, the identified features of the Accused Product—in particular the capsule and beverage machine—are material parts of the inventions of the asserted claims and have no substantial non-infringing uses. Nespresso's acts of infringement were willful.

These infringement charts are exemplary and provided based on information obtained to date and may not be exhaustive. K-fee's investigation of Nespresso's infringement is ongoing. K-fee reserves the right to seek to supplement and/or amend these disclosures to identify additional asserted claims, accused instrumentalities, and/or to further identify where each element of each asserted claim is found in each accused instrumentality, including on the basis of discovery obtained from Nespresso and from third parties during the course of this litigation. As discovery progresses, Counterclaim Plaintiff may rely on additional factual and expert discovery to support its contentions that the Accused Product meets the claim limitations.

The accused instrumentalities and associated documents discussed and/or cited herein are representative in all material aspects for all other accused instrumentalities identified in this chart. Based on information presently available to K-fee, each of the Nespresso products is understood to operate in the same manner with respect to the contentions provided in this chart. Nespresso has not yet

produced discovery in this action, and K-fee reserves the right to amend its contentions as to these products should Nespresso provide information showing any relevant differences among the products or any additional products containing the same functionality.

CLAIM LIMITATION U.S. Patent No. 11,548,722	NESPRESSO'S ACCUSED PRODUCT:
[1] A beverage system for producing a beverage, comprising:	The foregoing is applicable only to the extent the preamble of this claim is found to be limiting. To the extent the preamble is construed as a limitation, the Accused Product is a beverage system for producing a beverage. For example, the Accused Product comprises a beverage machine and portion capsule and produces a beverage. The portion capsule is inserted into a beverage machine for the purpose of making a beverage. The below images illustrate beverage system comprising the beverage system and portion capsule: for making a beverage:  



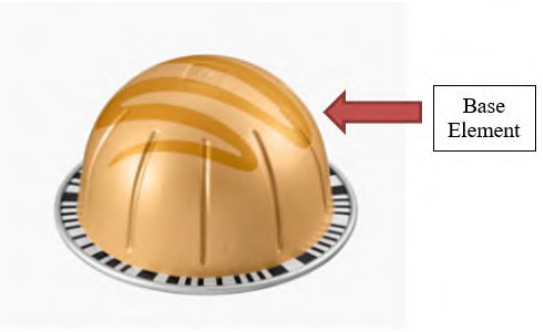
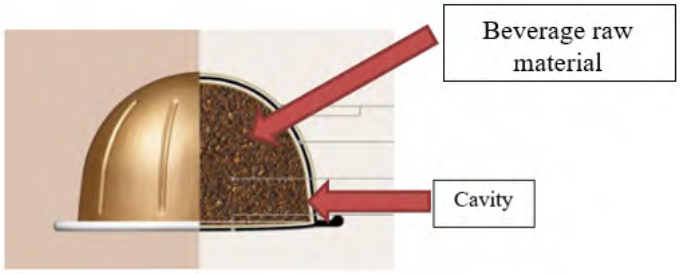
See, e.g., https://www.nespresso.com/us/en/vertuo-coffee-capsules; https://www.nespresso.com/us/en/choose-your-technology-vertuo.

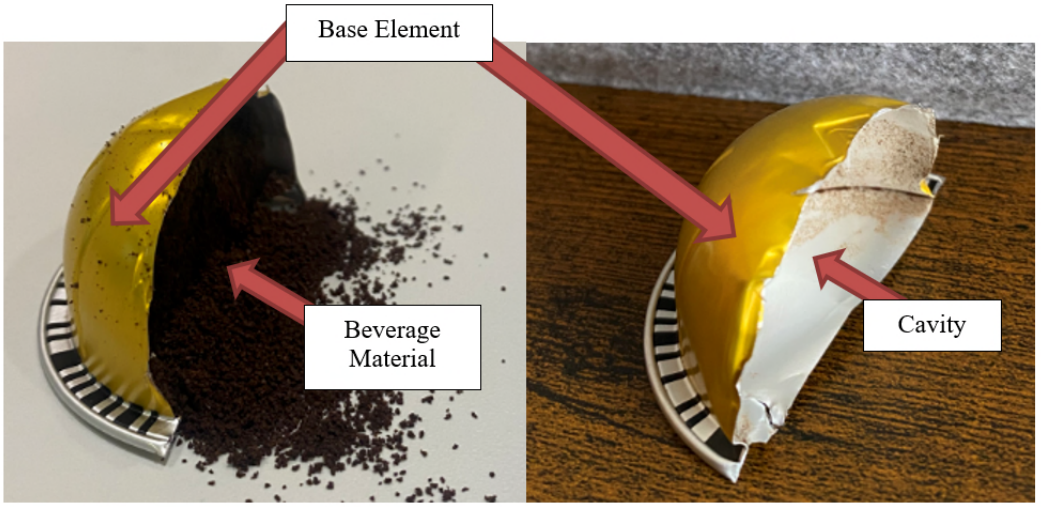
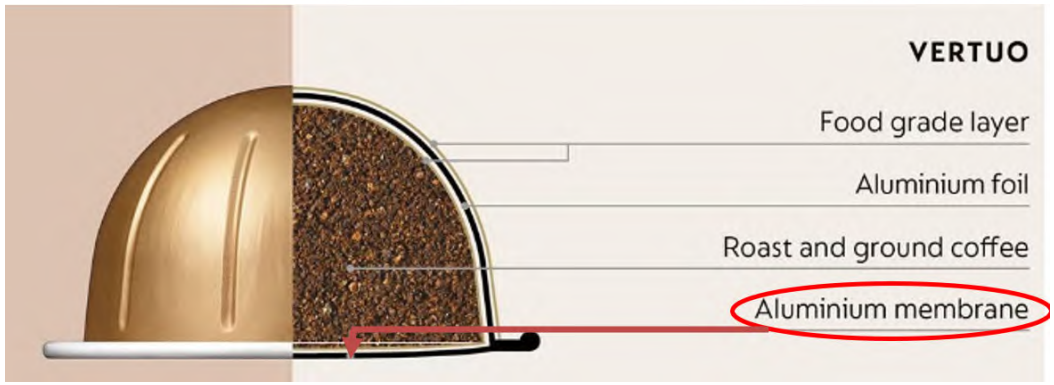
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0.
[1a] a portion capsule comprising:	The Accused Product includes a portion capsule. For example, the portion capsule is inserted into a beverage machine for the purpose of making a beverage. The below images illustrate the portion capsule and the portion capsule being inserted into a beverage machine for the purpose of making a beverage.

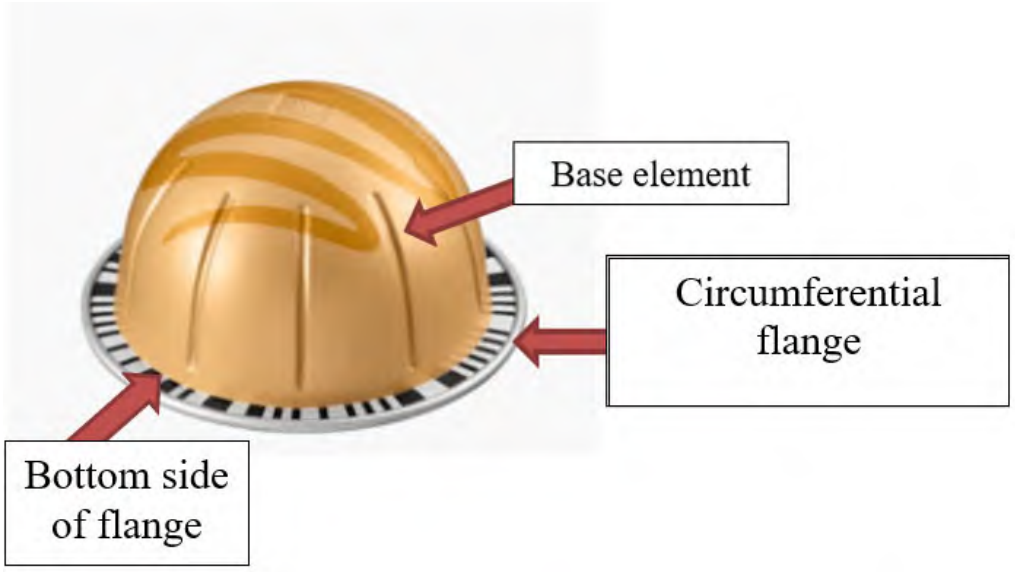


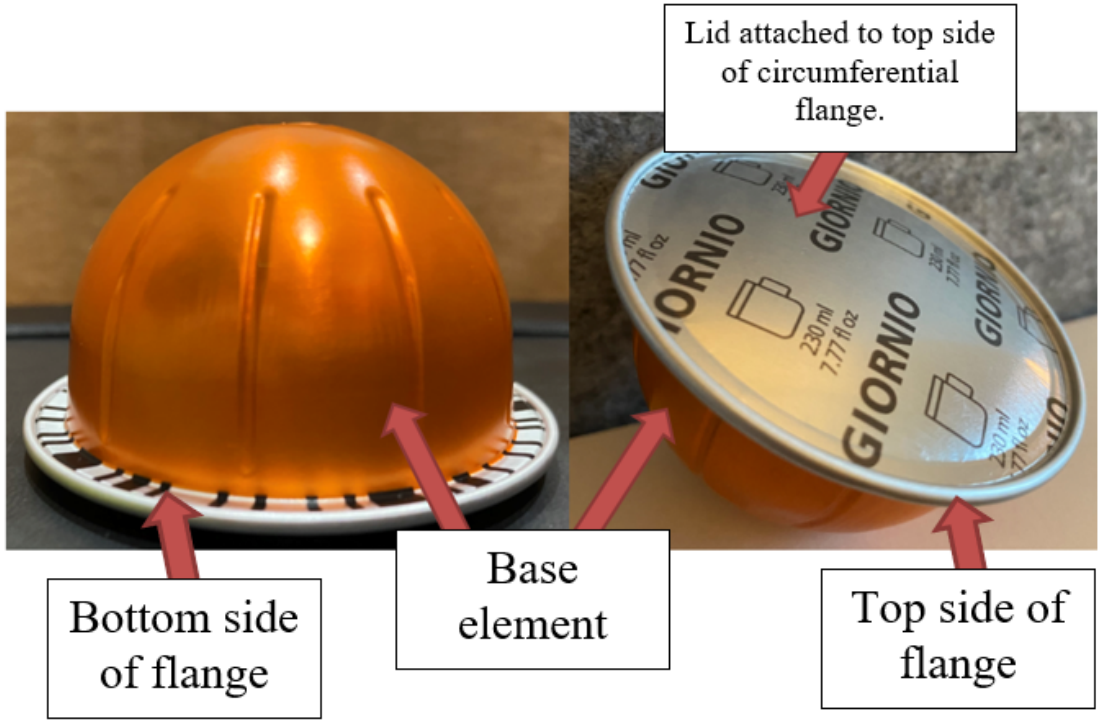


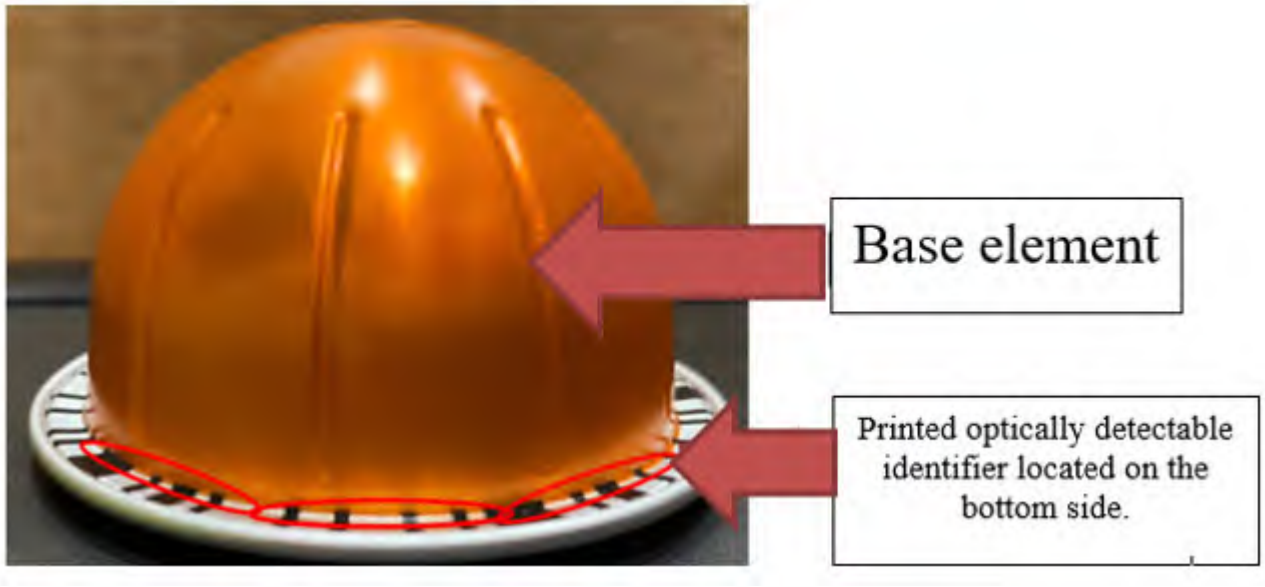
See, e.g., https://www.youtube.com/watch?v=RTzUiX101C0; https://www.buynespresso.com/bh_en/vertuo-coffee-

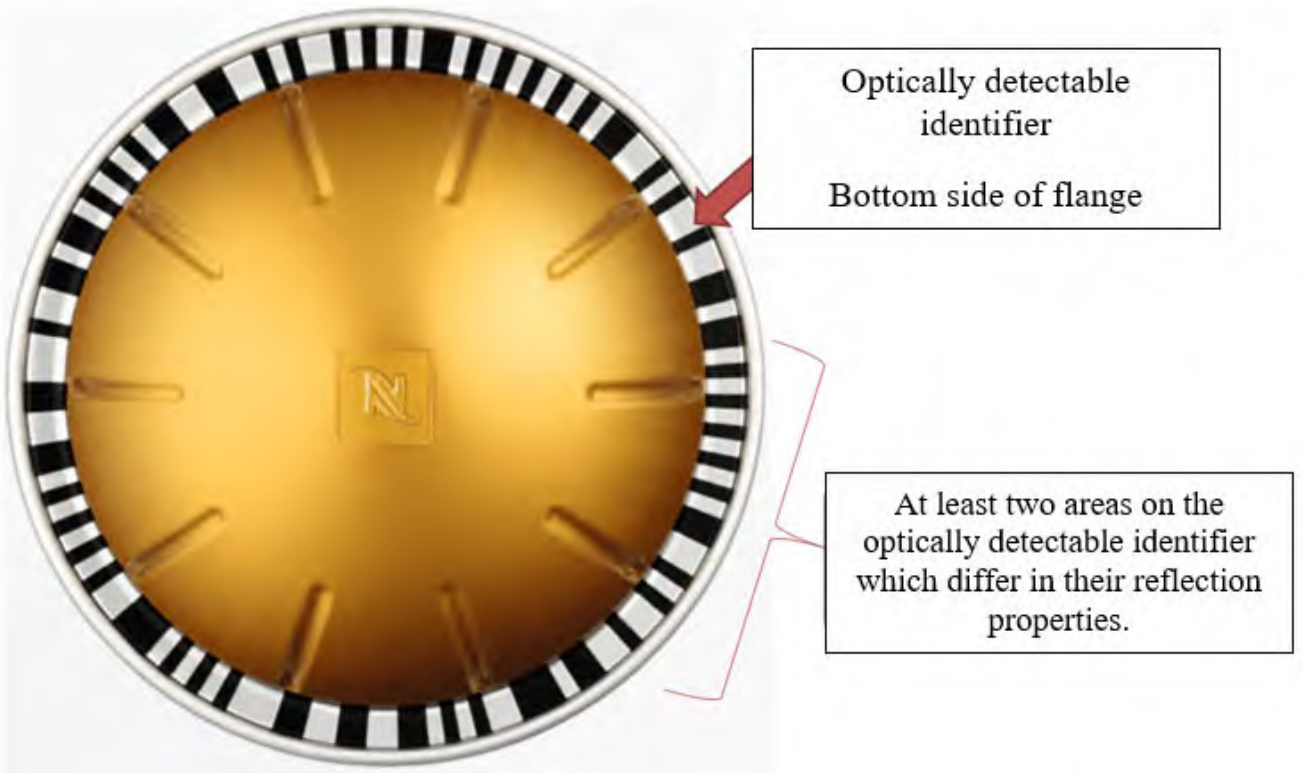
	redefined#:~:text=To%20achieve%20this%20range%20of,Lungo%2C%20Mug%2C%20and%20Carafe
[1b] a foil lid sealed to a base element having a cavity within which a beverage raw material is provided,	The portion capsule comprises of a foil lid, *see, e.g.*, aluminum membrane, sealed to a base element having a cavity within which a beverage raw material is provided. The cavity is within the base element such that the base element encompasses the cavity. The cavity is filled with beverage raw material (*e.g.*, powdered coffee material). The below annotated images illustrate the base element having a cavity in which a beverage raw material is provided.  

	  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium; https://www.nespresso.com/us/en/choose-your-technology-vertuo.
[1c] the base element comprising a circumferential flange having a top side to which the lid is attached and a	The portion capsule's base element comprises a circumferential flange having a top side to which the lid is attached and a bottom side with a printed optically detectable identifier located on the bottom side. The below annotated images illustrate the Accused Product's infringement of this limitation.

bottom side with a printed optically detectable identifier located on the bottom side,	


Lid attached to top side of circumferential flange.
Bottom side of flange
Base element
Top side of flange

	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[1d] the optically detectable identifier includes a surface having at least two areas which differ in their reflection properties,	The Accused Product has an optically detectable individualization identifier, which includes surface areas having different optically detectable reflective properties. The below annotated image illustrates the Accused Product's optically detectable individualization identifier, which includes surface areas having different optically detectable reflective properties.

	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[1e] and a beverage machine comprising:	The Accused Product comprises a beverage machine. The below images illustrate various versions of the beverage machine:

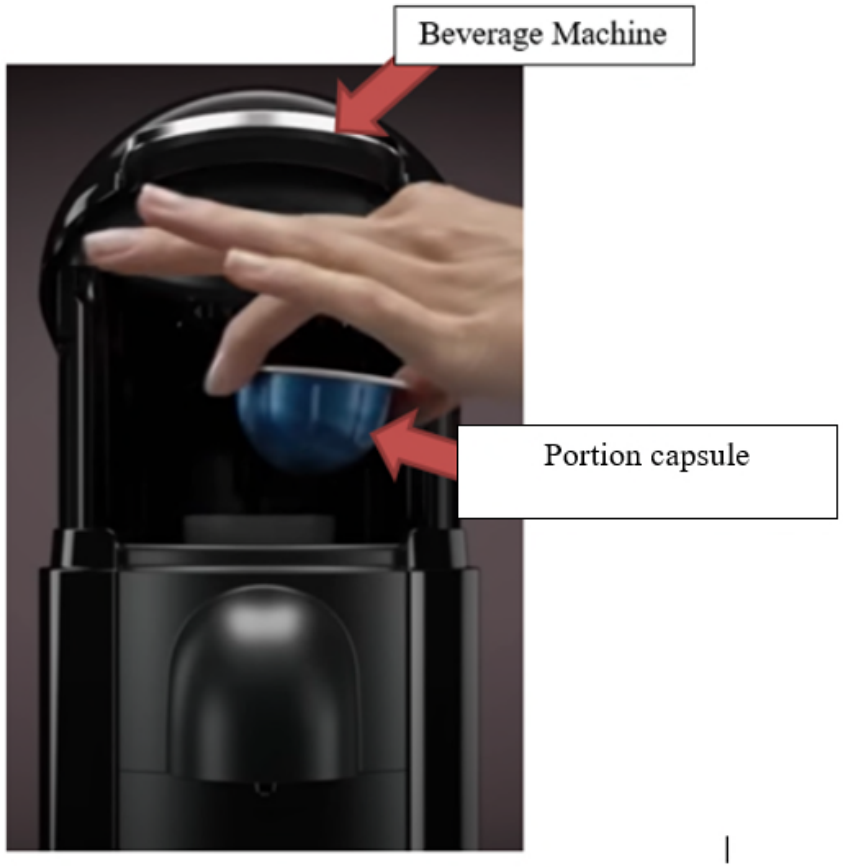
	

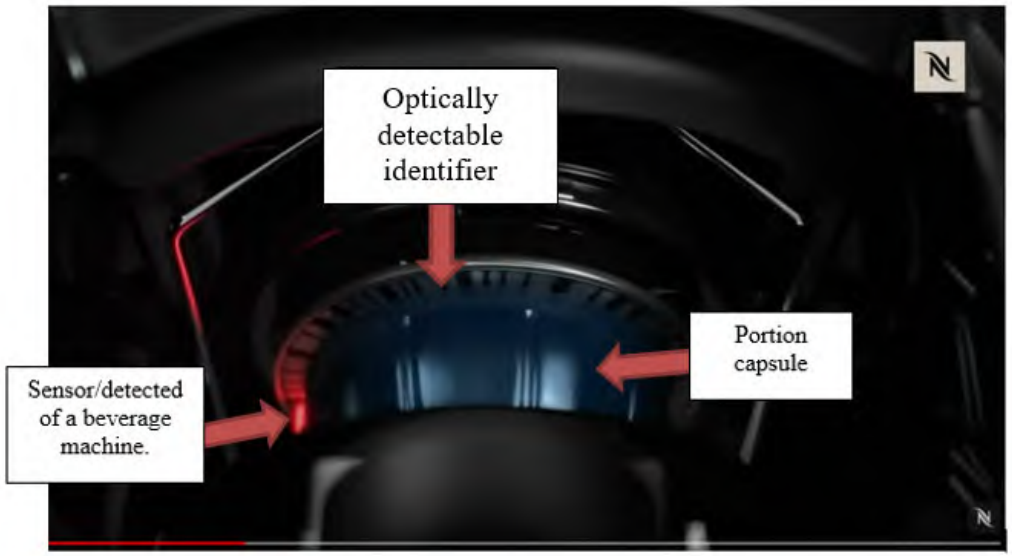
	

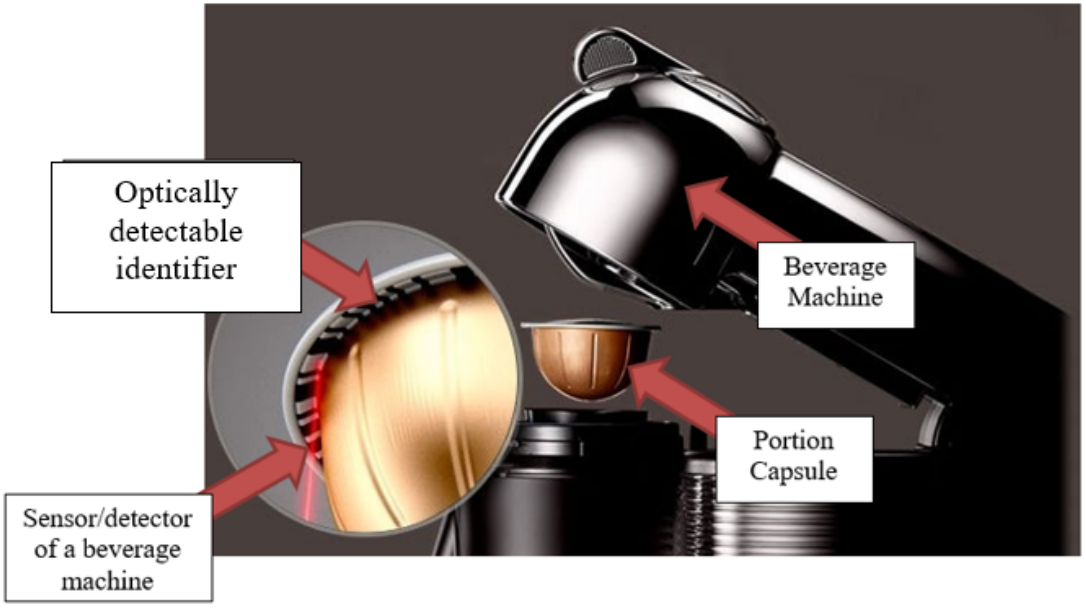
	

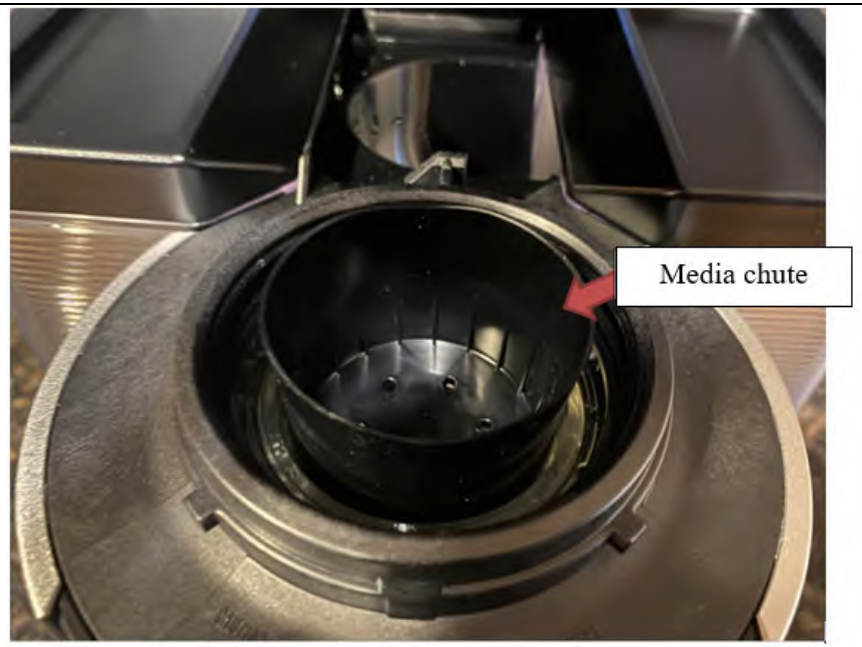
	

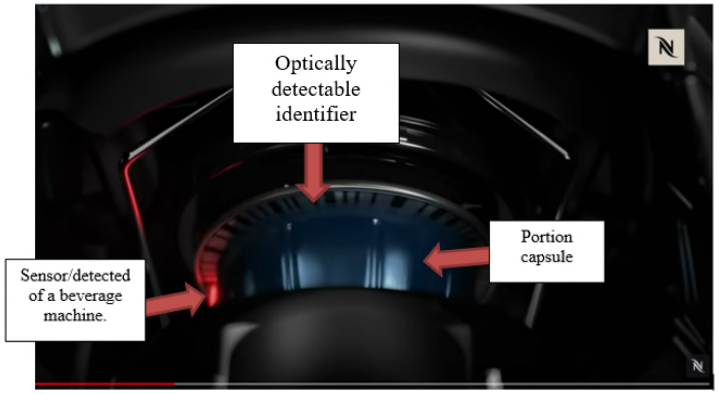
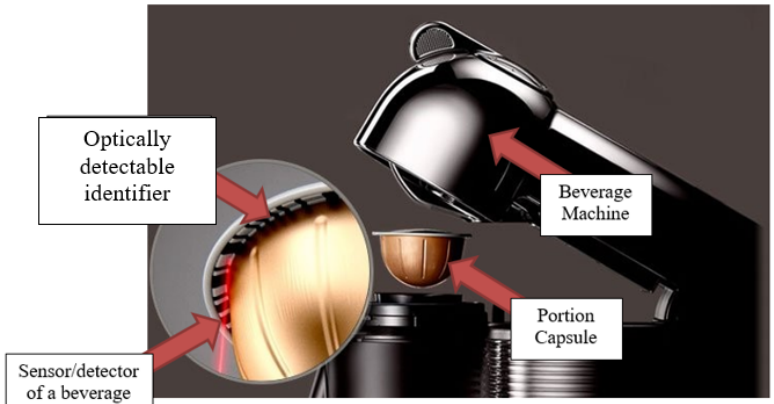
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0; https://www.nespresso.com/us/en/vertuo-coffee-machines.
[1f] a detector to read the optically detectable identifier,	The beverage machine comprises a detector to read the optically detectable identifier. *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."); https://www.youtube.com/watch?v=QqYnKp9iX0U at

	0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."). The below annotated images illustrate a detector to read the optically detectable identifier: 

	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs.
[1g] a media chute configured to receive and support the portion capsule,	The beverage machine comprises a media chute configured to receive and support the portion capsule. The below annotated images illustrate a media chute configured to receive and support the portion capsule:

	 Media chute


Media chute
NESPRESSO

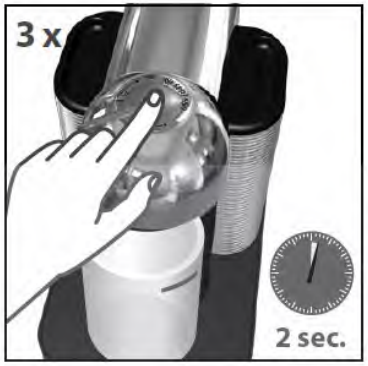
	  *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs.
[1h] and a pump controlled to push water into the portion capsule only upon a determination that the read optically	The beverage machine comprises a pump controlled to push water into the portion capsule only upon a determination that the read optically detectable identifier agrees with a stored reference. *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo ("You can precisely prepare your small or large coffee with generous and silky crema, as each Vertuo machines uses barcode recognition and a brewing extraction system to create your coffee experience. The unique barcode on

detectable identifier agrees with a stored reference,	each capsule adjusts the flow and volume of water, temperature, infusion time and capsule rotation to make the best part of your coffee experience - your perfect coffee, every time."); https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."); https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). For example, if the identifier located on the portion capsule is obstructed or damaged, the beverage machine will prevent making of the beverage, including preventing operation of the pump that pushes water into the portion capsule, because the optically detectable identifier cannot be compared to a stored reference. For example, the screenshots from the Vertuo User Manual below describes various troubleshooting instances, including where the Vertuo beverage machine does not start or run, thereby failing to active the pump that pushes the water into the portion capsule, because individualization identifier on the portion capsule cannot be compared to a stored reference. Moreover, the User Manual refers to pumping water. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo (User Manual at p. 5, 11, 17, 21).

TROUBLESHOOTING

ASSISTANCE VIDEOS ARE AVAILABLE ON WWW.NESPRESSO.COM - VISIT THE "MACHINES" SECTION.

1. No light on the button.	→ The machine has turned "OFF" automatically; push the button or "UNLOCK" the machine. → Check the outlet, plug, voltage, and fuse.
2. No coffee, no water.	→ Check that the water tank is filled. → Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → Descale if necessary. → Open the machine head and let the capsule be ejected. Then perform a cleaning as per cleaning section.
3. Coffee is not hot enough.	→ Preheat cup with hot water from the tap. → Descale if necessary.
4. The machine doesn't start and has light steady on. If blinking, see next points.	→ Check that lever is properly locked. → If you want to brew a Coffee or Espresso, check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → If you are cleaning, descaling or emptying the system, check that no capsule is inserted then close, lock the machine and push the button to start one of these operations.
5. The machine doesn't start and light blinks alternately; 1 blink and 1 pause.	→ Fill the water tank and push button to start. → Check that lever is properly locked.
6. Light blinks while machine is running.	→ If coffee is flowing normally, this indicates the machine is working properly. → If only water is flowing, the machine is executing a user request for either cleaning, descaling or emptying the system. Refer to the corresponding paragraph in this user manual. → If there is no intention to clean, descale, or empty the system, then push the button to stop the machine. If the machine is still blinking, exit descaling mode by holding the button for at least 7 seconds or refer to next section. → If problem persists, call the *Nespresso* Club.
7. Light blinks and machine is not running.	→ It will take some times before the coffee flow comes out (due to barcode reading and pre-wetting the coffee). → Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → Fill in the water tank and push button to start. → Turn the machine to "OFF mode" by pushing 3 seconds the button and then push it again to turn the machine "ON". Now wait approx. 20 minutes to allow machine cooling down after extensive use. → If machine doesn't move to "OFF" then exit descaling mode by pushing the button for at least 7 seconds.
8. Light blinks alternately 2 blinks and 1 pause continuously. Machine is not running.	→ During regular Coffee/Espresso preparation: 1) Check that a fresh, undamaged capsule is inserted in the correct position; 2) Check that lever is in "LOCKED" position; 3) If problem persists, eject capsule and insert a new one, lock and press button. → During Descaling, Emptying and Cleaning: 1) Check that a capsule is ejected; 2) Check that the lever is in "LOCKED" position.3) Press button for at least 3 seconds to turn machine to "OFF mode". 4) Press button again to turn machine "ON". If problem persists, disconnect powercord from the outlet and plug the machine back into the outlet after 10 seconds. Press the button to turn "ON" and press again to start brewing. → During Programming Volume: 1) Please check if a capsule has been well inserted. 2) Please refer to the corresponding chapter. → If problem persists, call the *Nespresso* Club.
9. Leakage or unusual coffee flow.	→ Check that the water tank is well positioned.



8. Press the button 3 times within 2 seconds to start cleaning and let the cleaning procedure complete automatically. It will take less than 2 minutes before a flow comes out. The procedure consists of 3 cycles of pumping water in/internal cleaning/water flowing from outlet to complete.

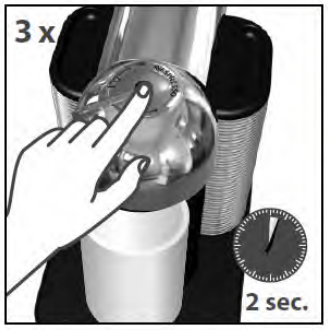
EN

FR

8. Appuyer sur le bouton à 3 reprises dans un intervalle de 2 secondes pour lancer automatiquement la procédure de nettoyage. L'écoulement se produit dans les 2 minutes. La procédure complète est composée de 3 cycles de pompage de l'eau/nettoyage interne/écoulement de l'eau de l'orifice.

)ped at any time by pushing the
the cleaning process, push the
hine by turning the lever left and

rompue à tout moment en appuyant



5. Push the button 3 times within 2 seconds. The button will blink quickly during the procedure. It will take less than 2 minutes before a flow comes out. The cleaning procedure will run automatically for 5 minutes. The procedure consists of 3 cycles of pumping water in/internal cleaning/water flowing from outlet to complete.

5. Appuyer sur le bouton à 3 reprises dans un intervalle de 2 secondes. Le voyant lumineux clignotera rapidement. L'écoulement se produit dans les 2 minutes. La procédure de nettoyage se met automatiquement en marche pour une durée de 5 minutes. La procédure complète est composée de 3 cycles de pompage de l'eau/nettoyage interne/écoulement de l'eau de l'orifice.

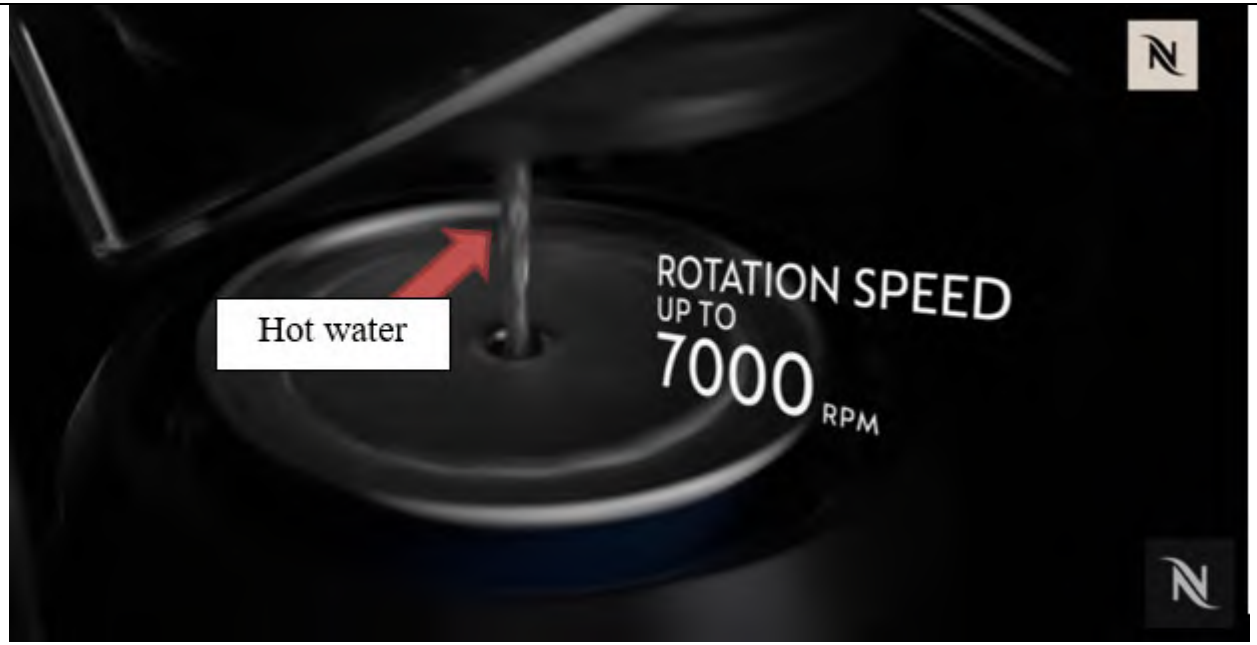
When using electrical appliances, important safeguards should always be followed:

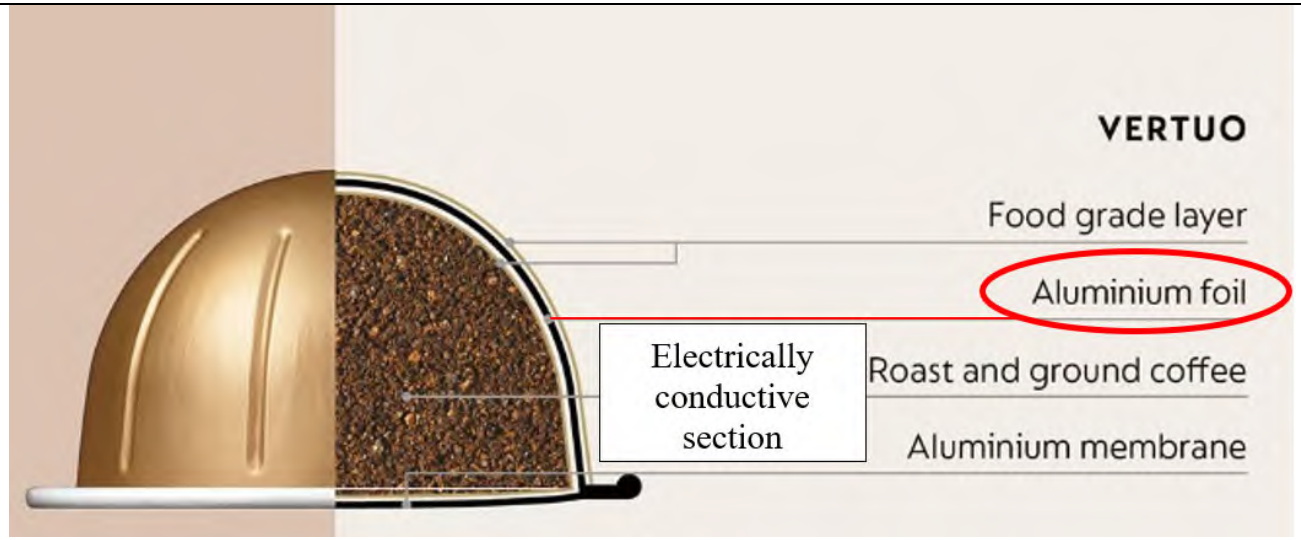
- The important safeguards are part of the appliance. Read the important safeguards provided with the appliance carefully prior to first use. Keep them in a place where you can find and refer to them in the future.
- Protect the appliance from direct sunlight, water splash and humidity.
- This appliance is designed for domestic and office use only.
- Close supervision is necessary when the appliance is used by or near children.
- Children shall not play with the appliance.
- The manufacturer accepts no responsibility for and the warranty will not apply to any commercial use, inappropriate handling or use of the appliance, damage resulting from use for other purposes, faulty operation, non-professional repairs or failure to comply with the instructions.

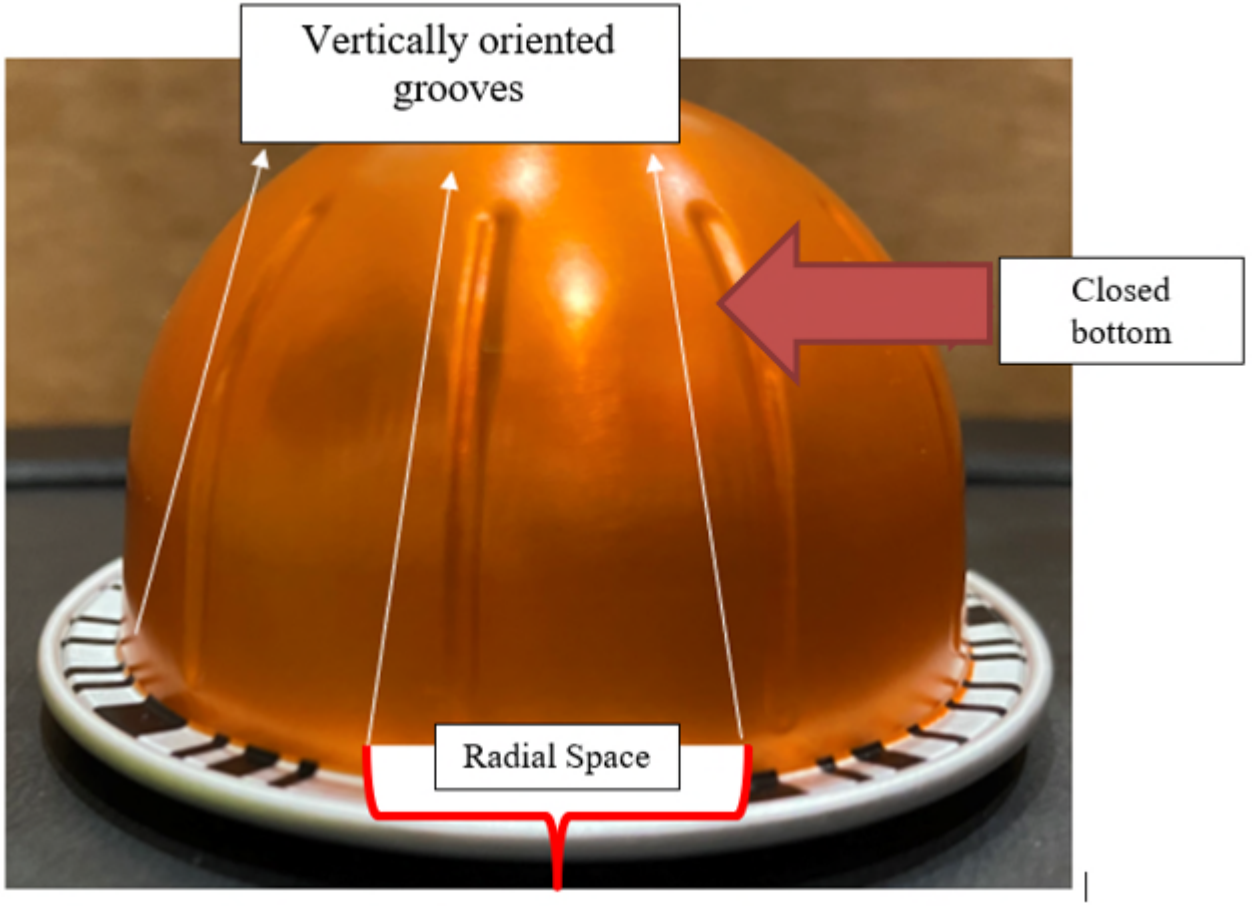
the warranty.

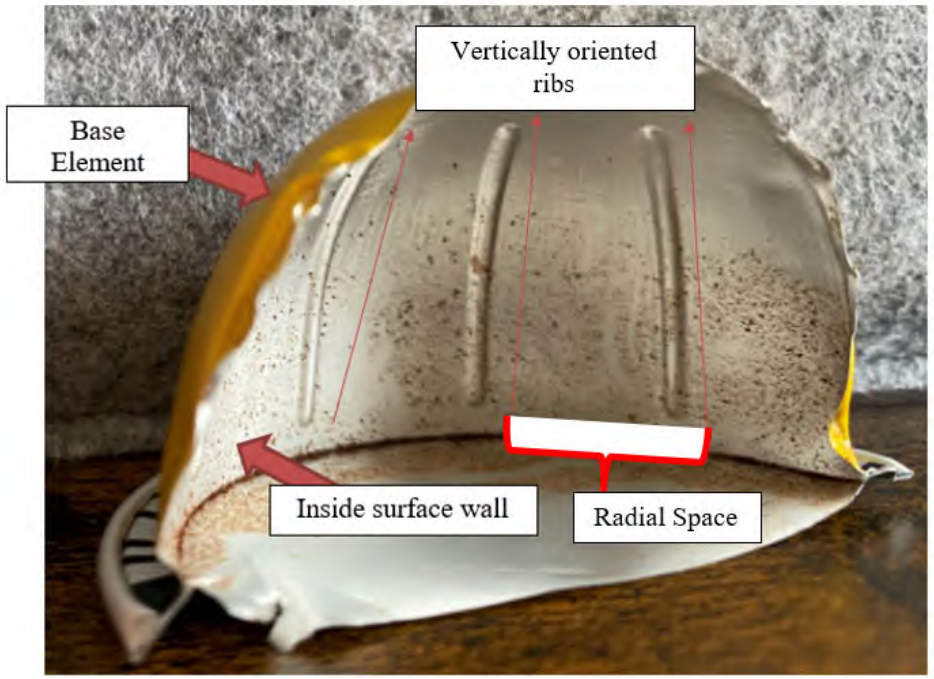
- The appliance must only be connected after installation.
- Do not pull the cord over sharp edges, clamp it or allow it to hang down.
- Keep the cord away from heat and moisture.
- If an extension lead is required, use only a grounded power cord with a conductor cross-section with matching input 14 AWG (2.08mm²).
- Always place the appliance on a horizontal, stable, hard, even surface that does not allow for water accumulation under the machine.
- The surface must be resistant to heat and fluids, like water, coffee, descaler or similar.
- Disconnect the appliance from the power outlet when not in use for a long period of time.
- Disconnect by pulling out the plug; do not pull on the cord itself to avoid damage.
- Never touch the cord with wet hands.
- Never put the appliance or part of it in a dishwasher.
- Do not open the appliance. Hazardous voltage
- Contact the *Nespresso* Club or *Nespresso* authorized representative for examination, repair or adjustment.
- A damaged appliance can cause electric shocks, burns and fire.
- Do not put fingers under coffee outlet; risk of scalding.
- Do not insert fingers into capsule compartment when machine head is closing; risk of injury.
- Do not put fingers into the capsule compartment or capsule shaft; risk of injury!
- Water could flow around a capsule when not perforated by the blades and damage the appliance.
- Be careful not to injure yourself on sharp points or trap your fingers when reaching inside the machine.
- Beware of hot liquids when reaching inside the machine.
- Never use a damaged or deformed capsule.
- Always fill the water tank with fresh potable water.
- Do not use any strong cleaning agent or solvent cleaner.
- Use a damp cloth and mild cleaning agent to clean the surface of the appliance.
- Do not use a steam or pressure cleaner to clean the appliance. This will damage the appliance and may create a life-threatening hazard.
- Do not pour water or other liquids into the brewing unit.
- Keep appliance, capsules and accessories out of reach of children.
- This appliance is designed for *Nespresso* Vertuo coffee capsules available exclusively through the *Nespresso* Club or your *Nespresso* authorized representative.
- All *Nespresso* appliances pass stringent controls.
- Reliability tests under practical conditions are randomly performed on selected units. Some units can therefore show traces of previous use.
- *Nespresso* reserves the right to change instructions without prior notice.

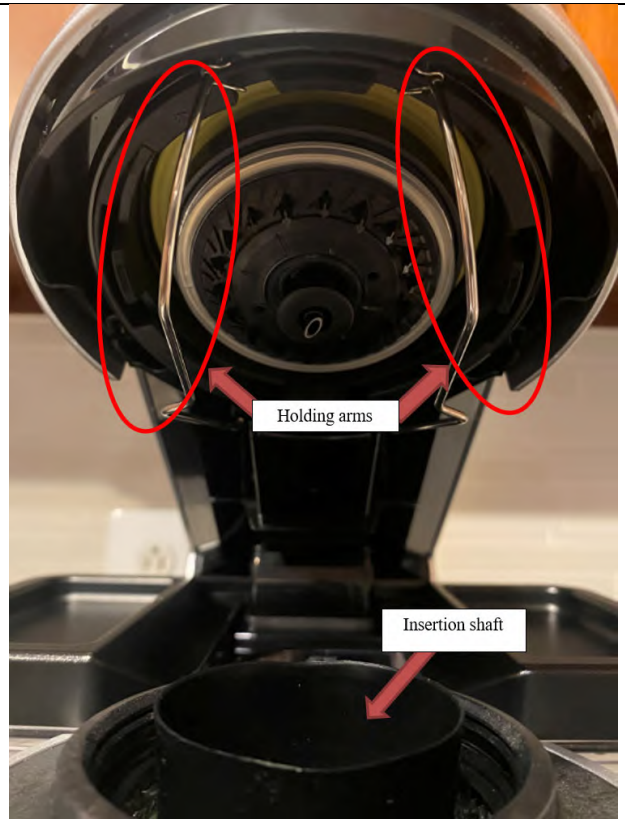
The below annotated image illustrates the Accused Product's infringement of this limitation.

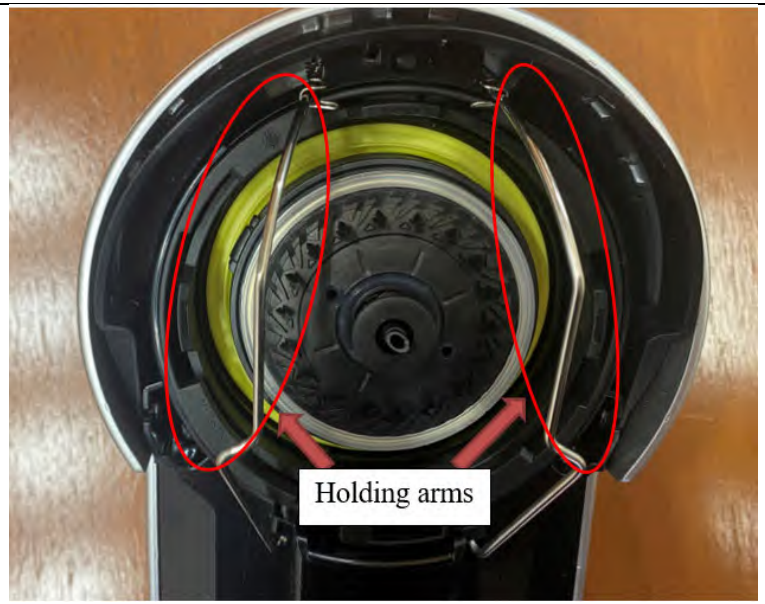
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0.
[1i] wherein the base element has a wall region with an electrically conductive section,	The base element of the portion capsule has a wall region, *see e.g.*, the outer food grade layer and the aluminum foil layer of the base element. The portion capsule's wall region has an electrically conductive section, *see, e.g.*, the aluminum foil layer. Aluminum is the "second most conductive material available in a practical sense." *See* https://www.gabrian.com/does-aluminum-conduct-electricity/. The below annotated image illustrates the Accused Product's infringement of this limitation.

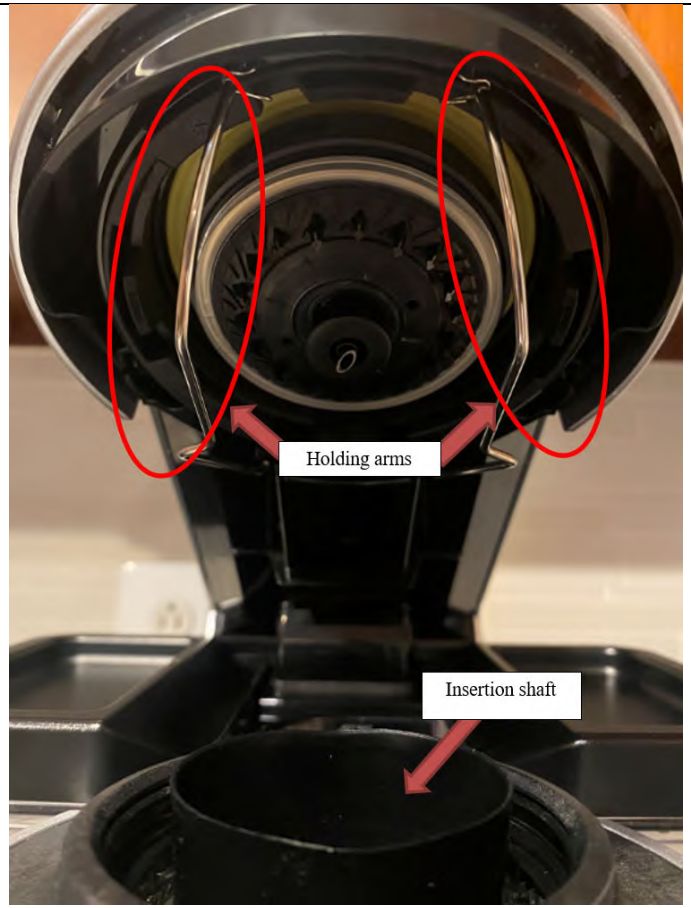
	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[1j] and radial spaced and vertically oriented drawn grooves	The portion capsule has radial spaced and vertically oriented drawn grooves. The below annotated image illustrates the Accused Product's infringement of this limitation.

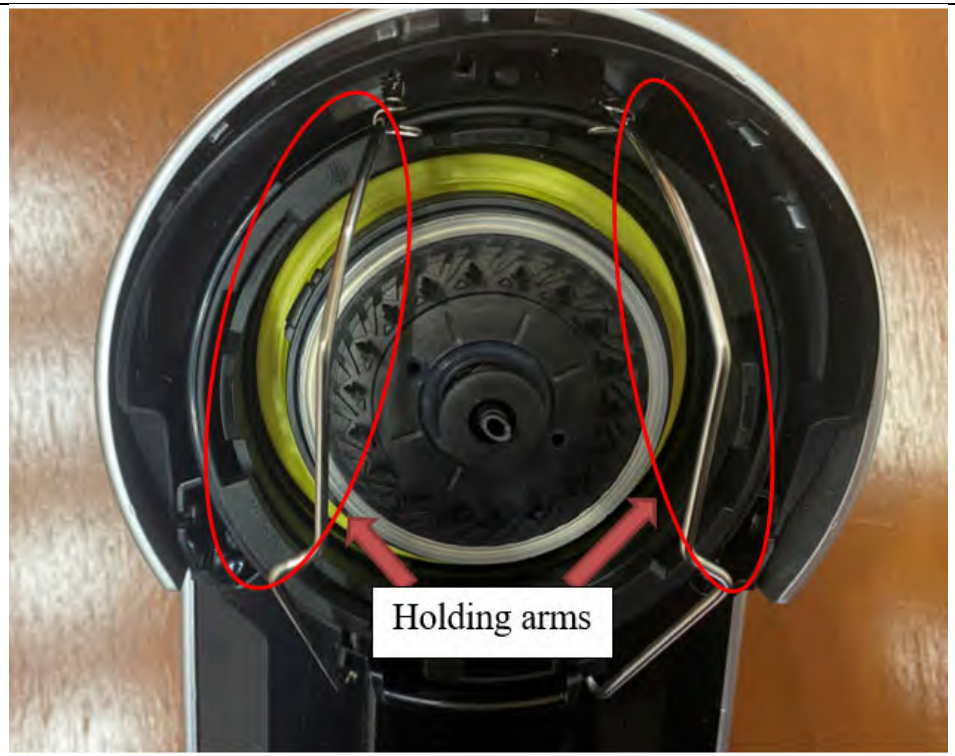
	
[1k] the cavity has radially spaced and vertically oriented drawn ribs.	The portion capsule's cavity has radially spaced and vertically oriented drawn ribs. The below annotated image illustrates the Accused Product's infringement of this limitation.

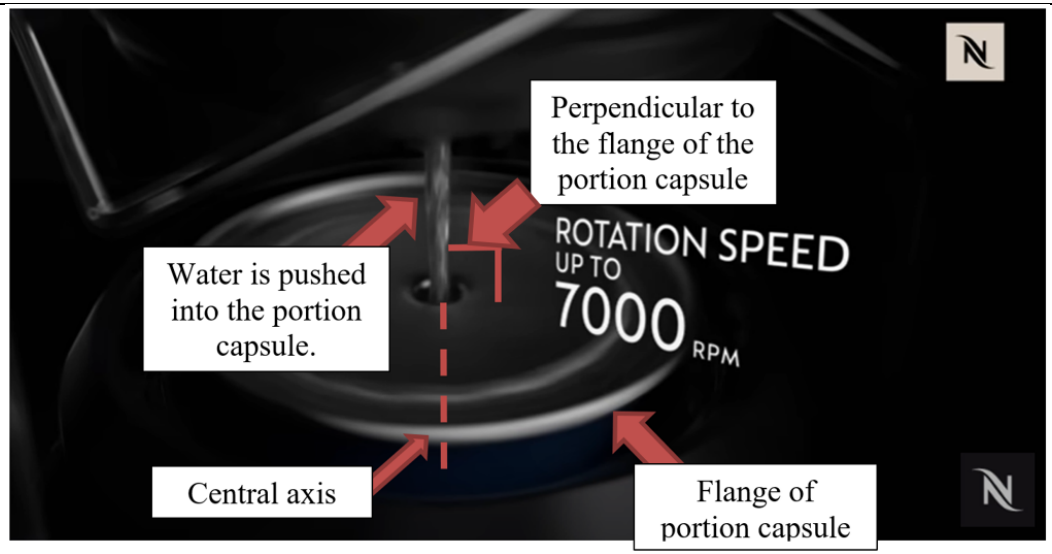
	
[2] The beverage system according to claim 1,	*See* claim 1.
[2a] wherein the beverage machine comprises a pair of holding arms for engaging the portion capsule.	The beverage machine comprises a pair of holding arms for engaging the portion capsule. The below annotated images illustrate the Accused Product's infringement of this limitation.

	 Holding arms Insertion shaft	

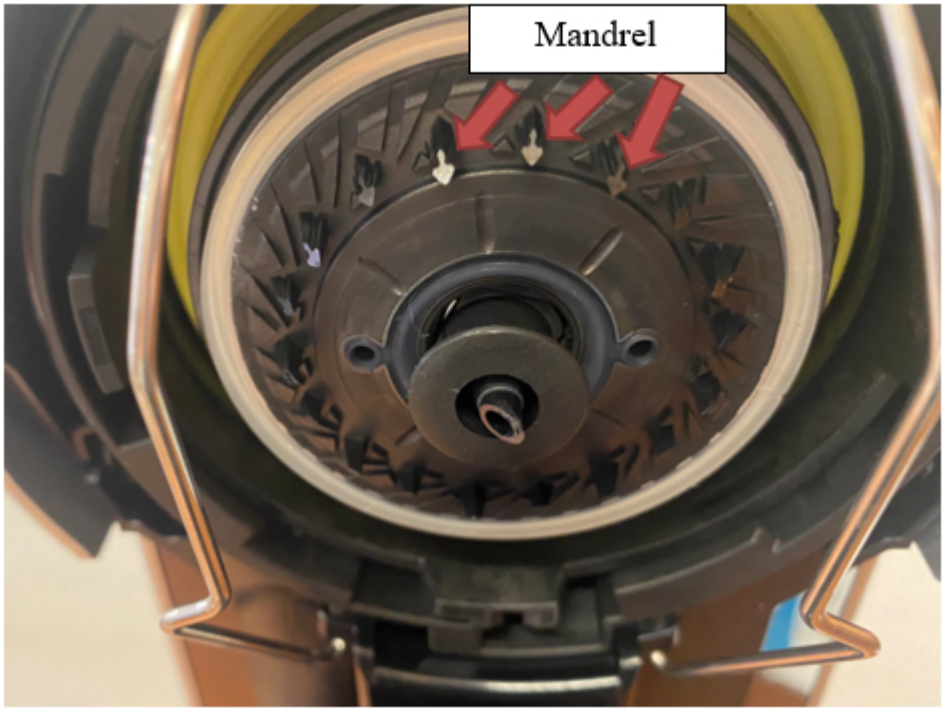
	
[3] The beverage system according to claim 2,	*See* claim 2.
[3a] wherein the holding arms engage opposing sides of the portion capsule.	The beverage machine comprises holding arms that engage opposing sides of the portion capsule. The below annotated images illustrate the Accused Product's infringement of this limitation.

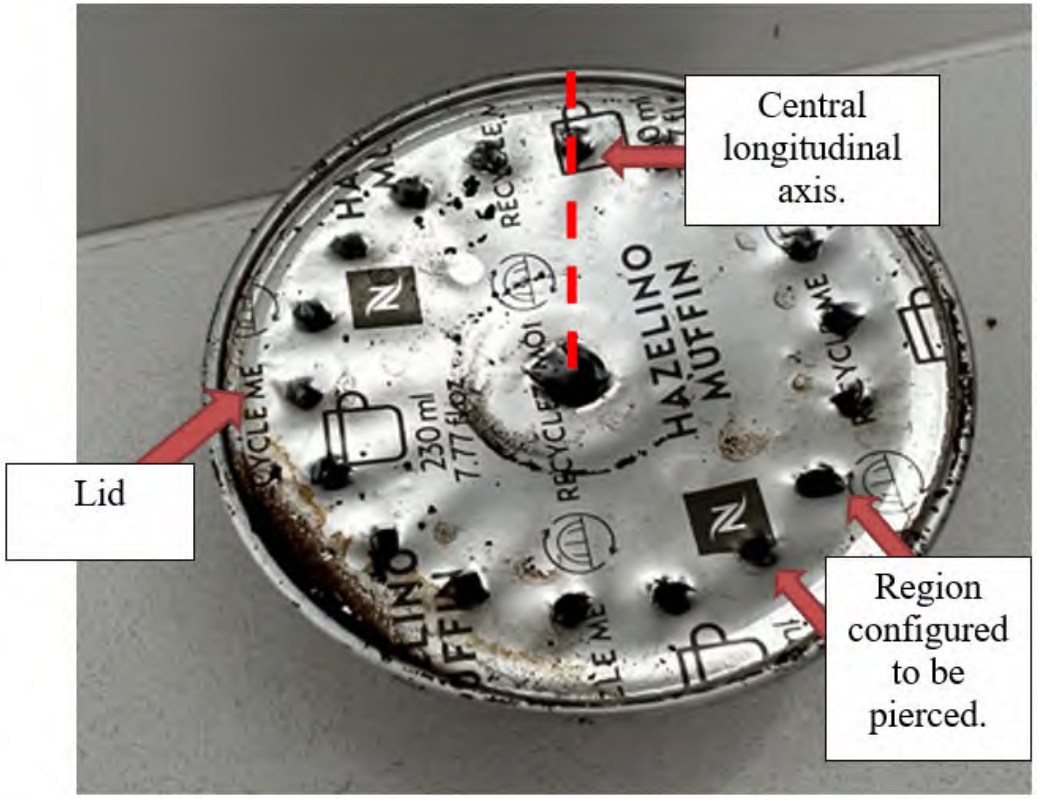

Holding arms
Insertion shaft

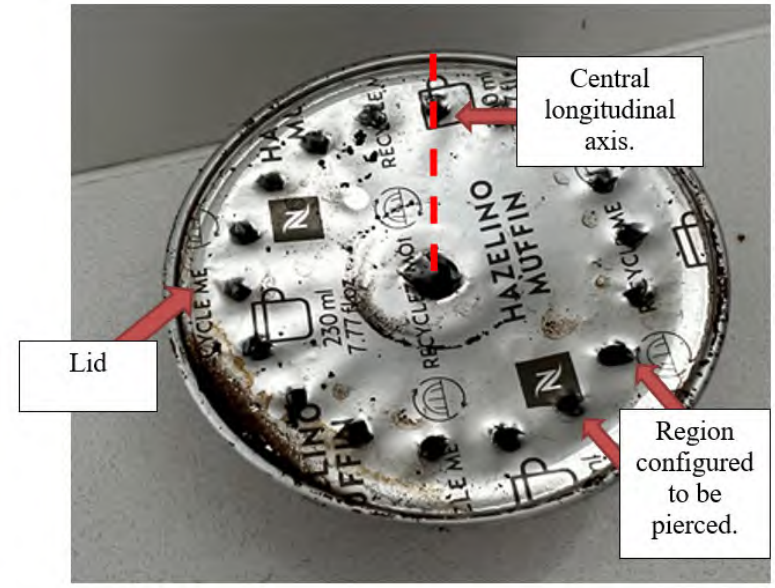
	
[4] The beverage system according to claim 1,	*See* claim 1.
[4a] wherein the water is pushed into the portion capsule along a central axis that is perpendicular to the flange of the portion capsule.	The water is pushed from the pump of the beverage machine into the portion capsule along a central axis that is perpendicular to the flange of the portion capsule. The below annotated image illustrates the Accused Product's infringement of this limitation.

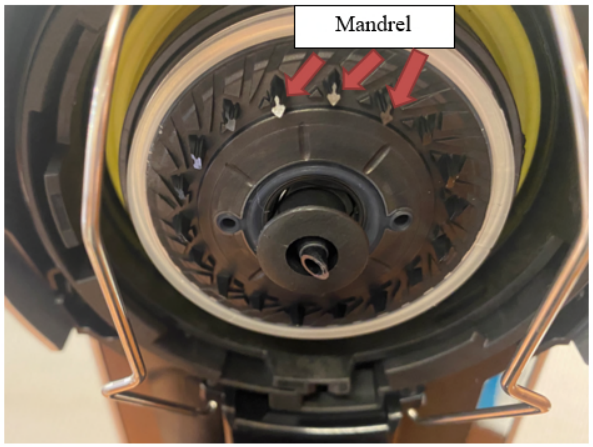
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0
[5] The beverage system according to claim 4,	*See* claim 4.
[5a] wherein the beverage machine comprises a mandrel that pierces the lid in a region that is offset from the central axis.	The beverage machine comprises a mandrel that pierces the lid in a region that is offset from the central axis. The below annotated images illustrate the Accused Product's infringement of this limitation.

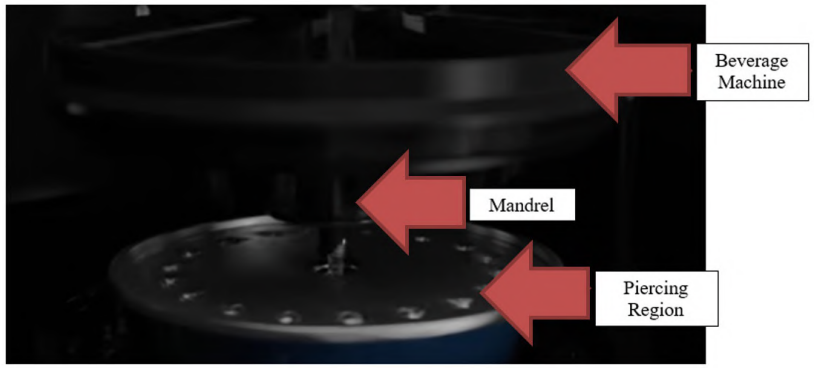

Mandrel
NESPRESSO

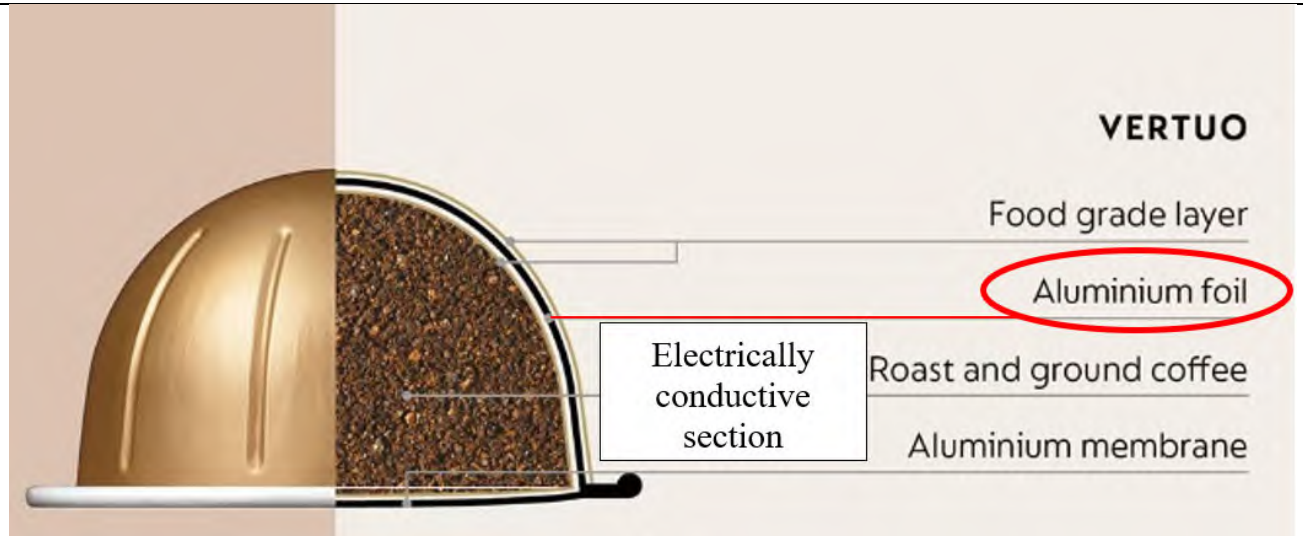

Mandrel

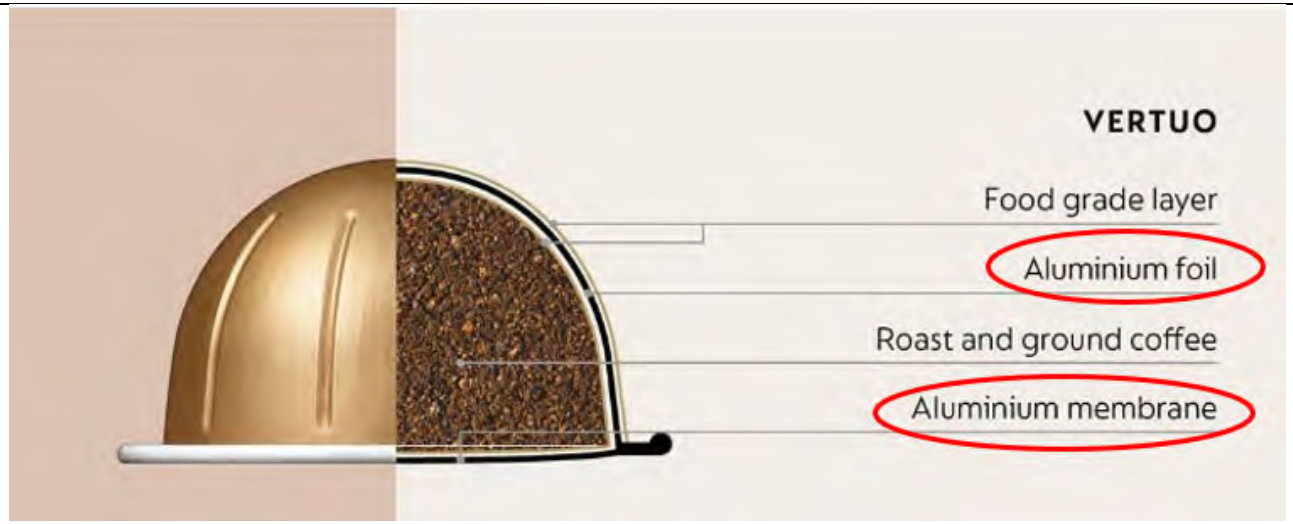
	
[6] The beverage system according to claim 1,	*See* claim 1.
[6a] wherein the beverage machine is operable to pierce the lid in a region that is offset from a central axis of the portion capsule.	The beverage machine is operable to pierce the lid in a region that is offset from a central axis of the portion capsule. The below annotated images illustrate the Accused Product's infringement of this limitation.

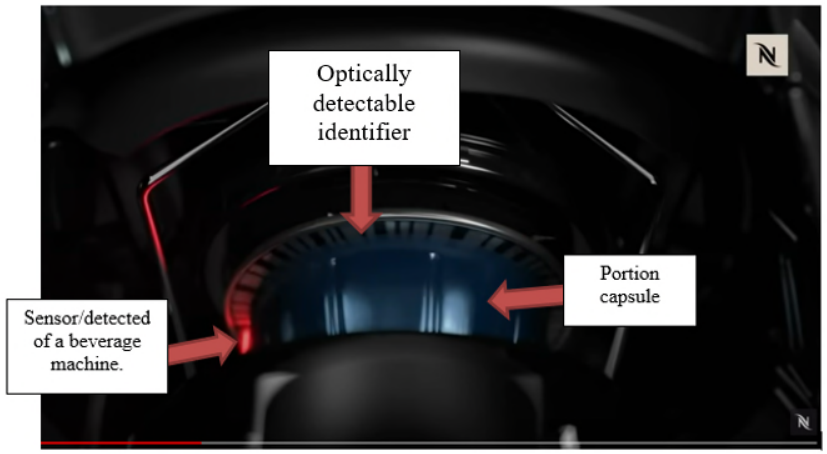

Central longitudinal axis.
Lid
Region configured to be pierced.
HAZELINO MUFFIN
230 ml
7.77 fl oz

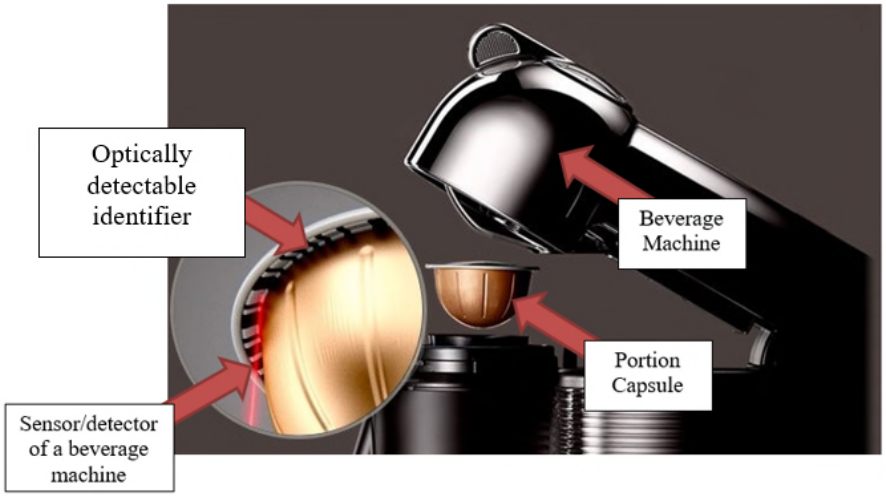

Mandrel

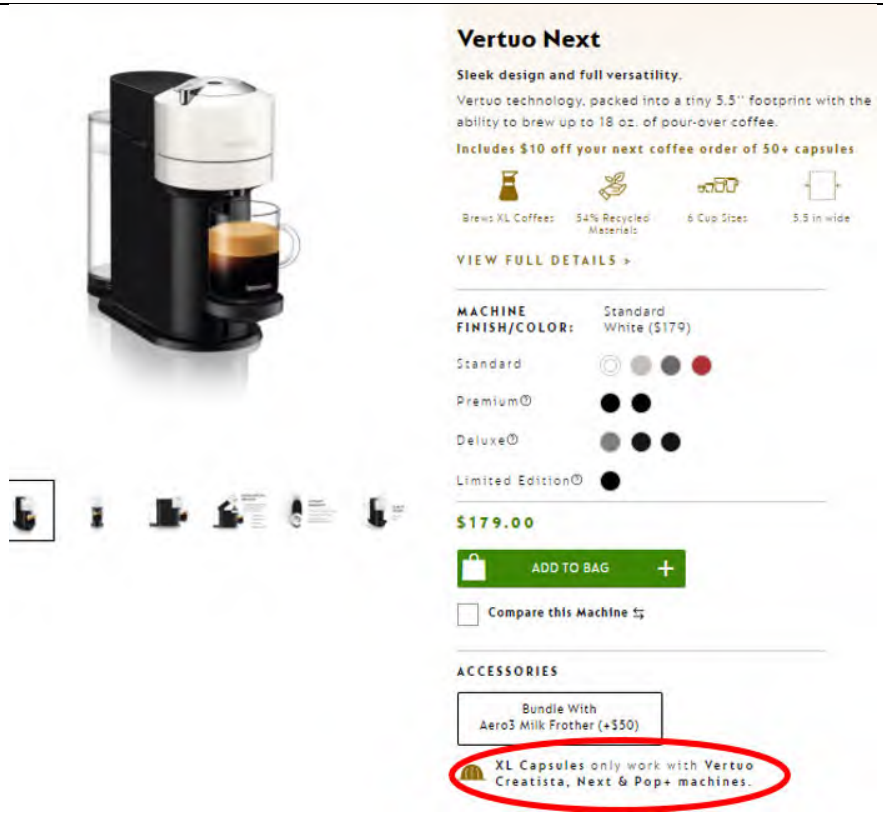
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0
[7] The beverage system according to claim 1,	*See* claim 1.
[7a] wherein the electrically conductive section is located all over the base element	The portion capsule comprises an electrically conductive section all over the base element, *see, e.g.*, aluminum foil. The wall of the Accused Product comprises of aluminum, which is the "second most conductive material available in a practical sense." *See* https://www.gabrian.com/does-aluminum-conduct-electricity/. The below annotated image illustrates that the wall of the Accused Product comprises an electrically conductive section.

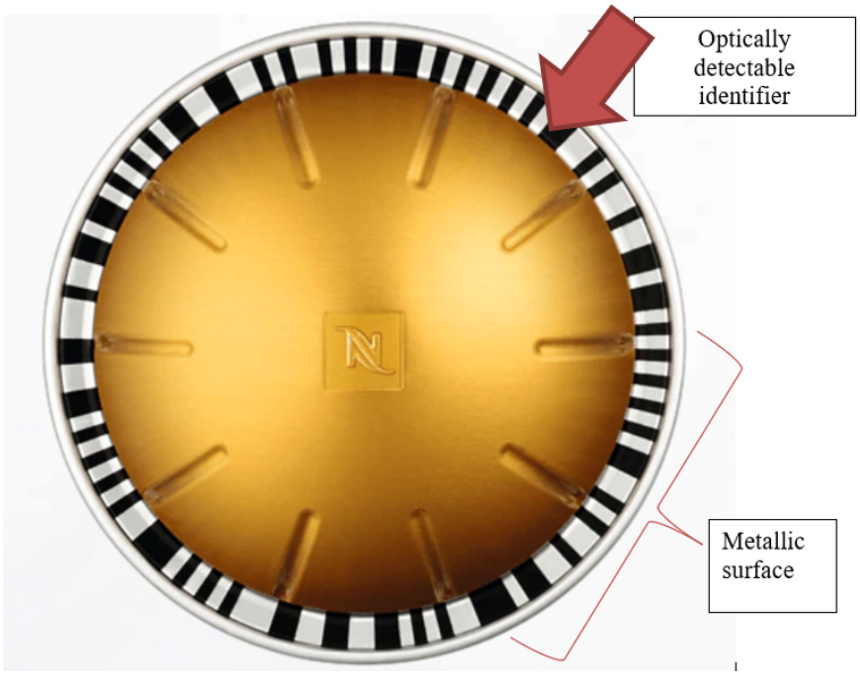
	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[7b] and the portion capsule includes a barrier layer to prevent moisture or aroma from escaping out of the portion capsule.	The portion capsule includes a barrier layer to prevent moisture or aroma from escaping out of the portion capsule, *see, e.g.*, at least the aluminum of the portion capsule. *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium ("Aluminium foil provides a complete barrier to light, oxygen, moisture and bacteria"); https://www.nespresso.com/us/en/how-to-recycle-coffee-capsules ("Aluminum is the most protective material available today. It guarantees the freshness of the carefully crafted aromas and rich flavors of our coffees. Lightweight but strong, aluminum seals it from external elements which could harm it - oxygen, moisture and light.") The below annotated image illustrates the Accused Product's barrier layer to prevent moisture or aroma from escaping out of the portion capsule.

	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[8] The beverage system according to claim 7,	*See* claim 7.
[8a] wherein the portion capsule is assigned to a group of portion capsules that are suitable for the beverage machine, and if the portion capsule is not appropriate then the beverage machine will not operate.	The beverage system comprises a portion capsule that is assigned to a group of portion capsules that are suitable for the beverage machine, and if the portion capsule is not appropriate then the beverage machine will not operate. *See, e.g.*, https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."). 

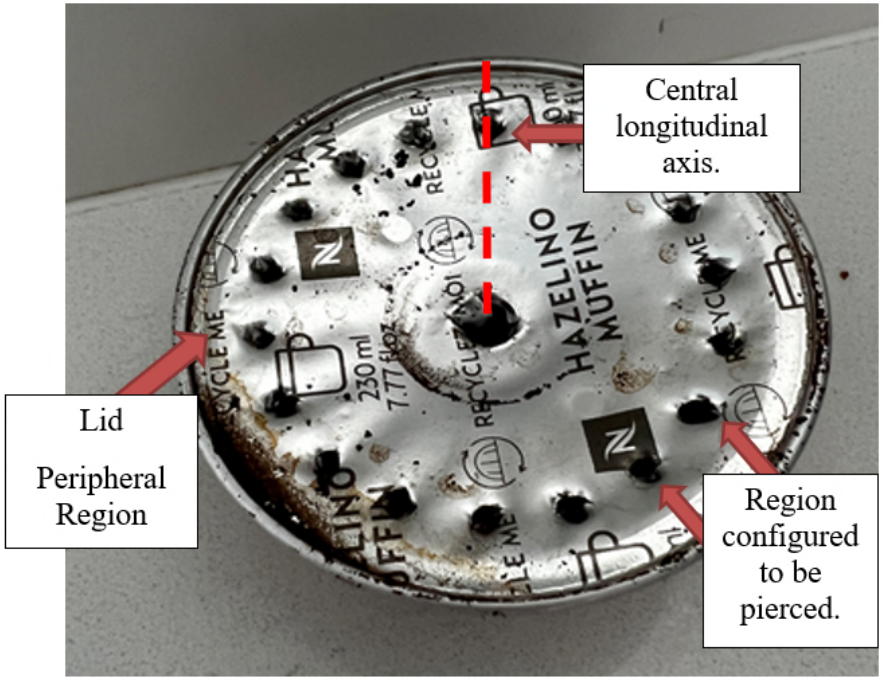

Optically detectable identifier
Portion capsule
Sensor/detected of a beverage machine.

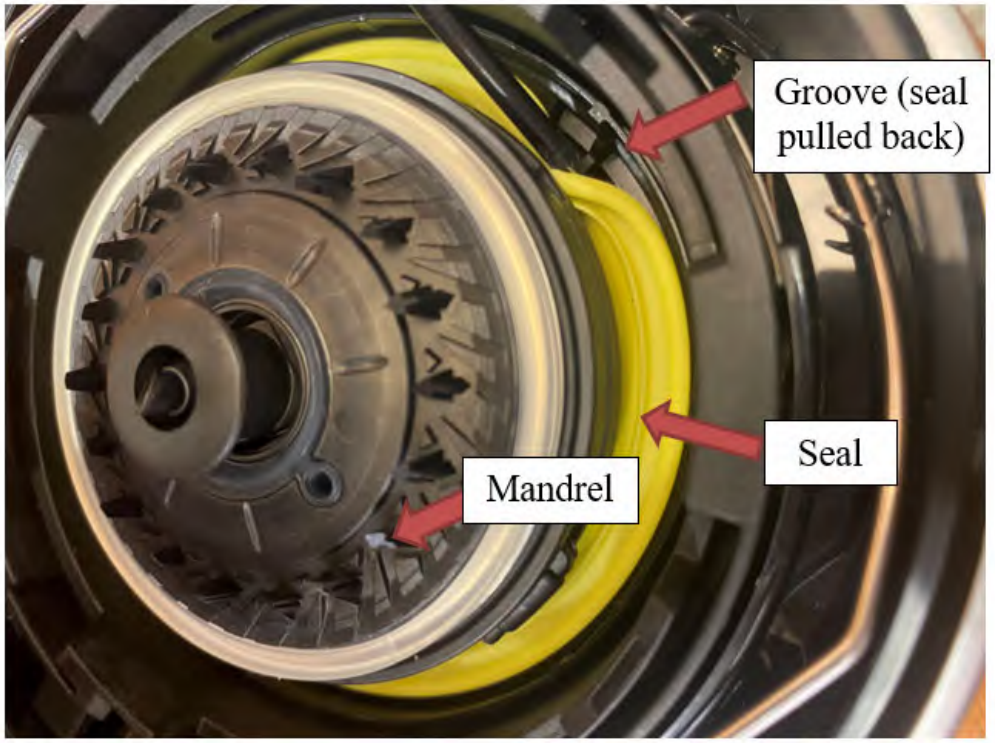

Optically detectable identifier
Beverage Machine
Portion Capsule
Sensor/detector of a beverage machine

	 *See, e.g.*, https://www.buynespresso.com/bh_en/vertuo-coffee-redefined#:~:text=To%20achieve%20this%20range%20of,Lungo%2C%20Mug%2C%20and%20Carafe.; https://www.nespresso.com/us/en/vertuo-coffee-machines; https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs.
[9] The beverage system according to claim 8,	*See* claim 8.

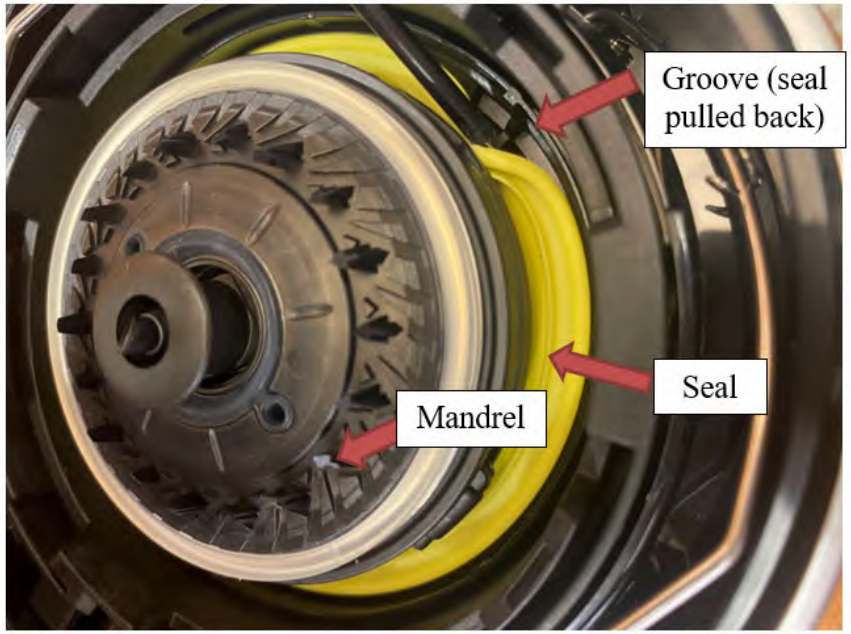
[9a] wherein the optically detectable identifier includes a metallic surface.	The portion capsule's optically detectable identifier includes a metallic surface. 
[10] The beverage system according to claim 5,	*See* claim 5.
[10a] wherein the beverage machine comprises a seal that is configured to bear against a top side of the lid in a region between a peripheral edge of the lid and the region of the lid	The beverage machine comprises a seal that is configured to bear against a top side of the lid in a region between a peripheral edge of the lid and the region of the lid that is pierced by the mandrel. The below annotated images illustrate the Accused Product's infringement of this limitation.

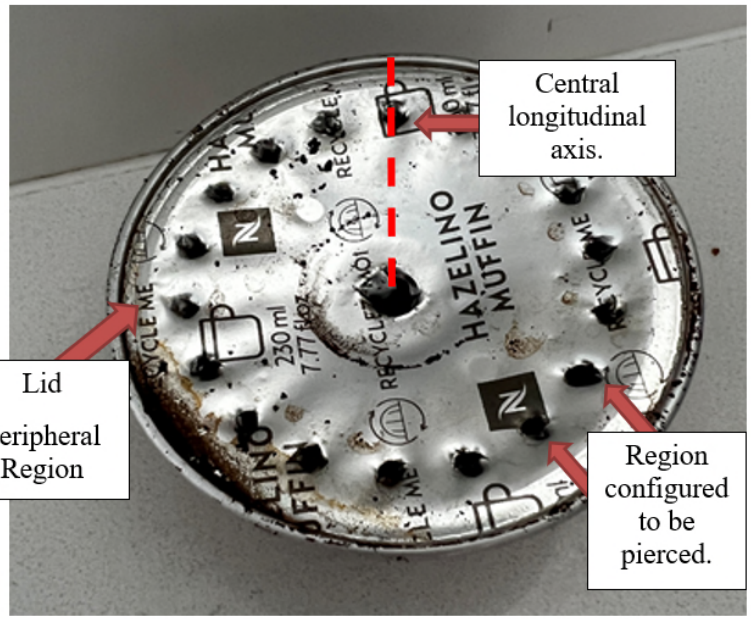
that is pierced by the mandrel.	

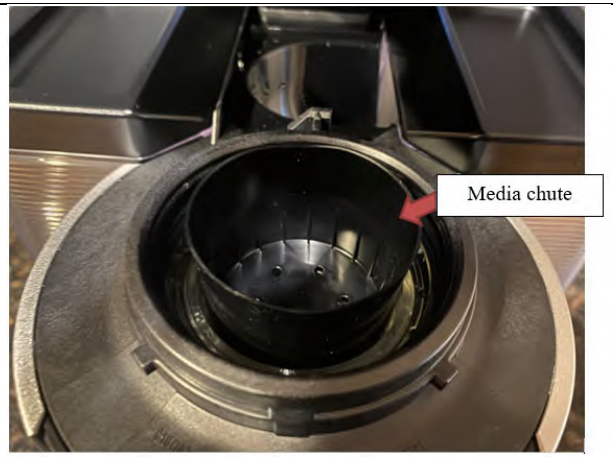
	
[11] The beverage system according to claim 9,	*See* claim 9.
[11a] wherein the beverage machine comprises a groove,	The beverage machine comprises a groove. The below annotated image illustrates the Accused Product's infringement of this limitation.

	
[11b] and a seal at least partially located in the groove that is configured to bear against a top side of the lid in a region between a peripheral edge of the lid and the region of the lid that is pierced by the mandrel.	The beverage machine comprises a seal at least partially located in the groove that is configured to bear against a top side of the lid in a region between a peripheral edge of the lid and the region of the lid that is pierced by the mandrel. The below annotated images illustrate the Accused Product's infringement of this limitation.

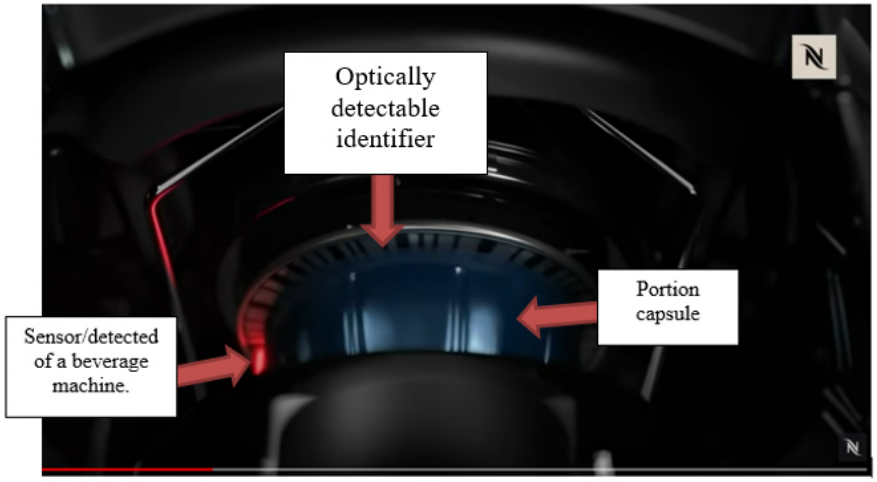
	 Seal that is configured to bear against a top side of the lid.

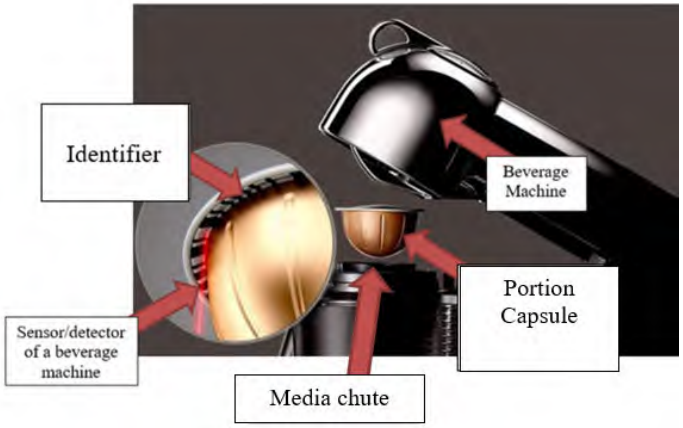

Groove (seal pulled back)
Seal
Mandrel

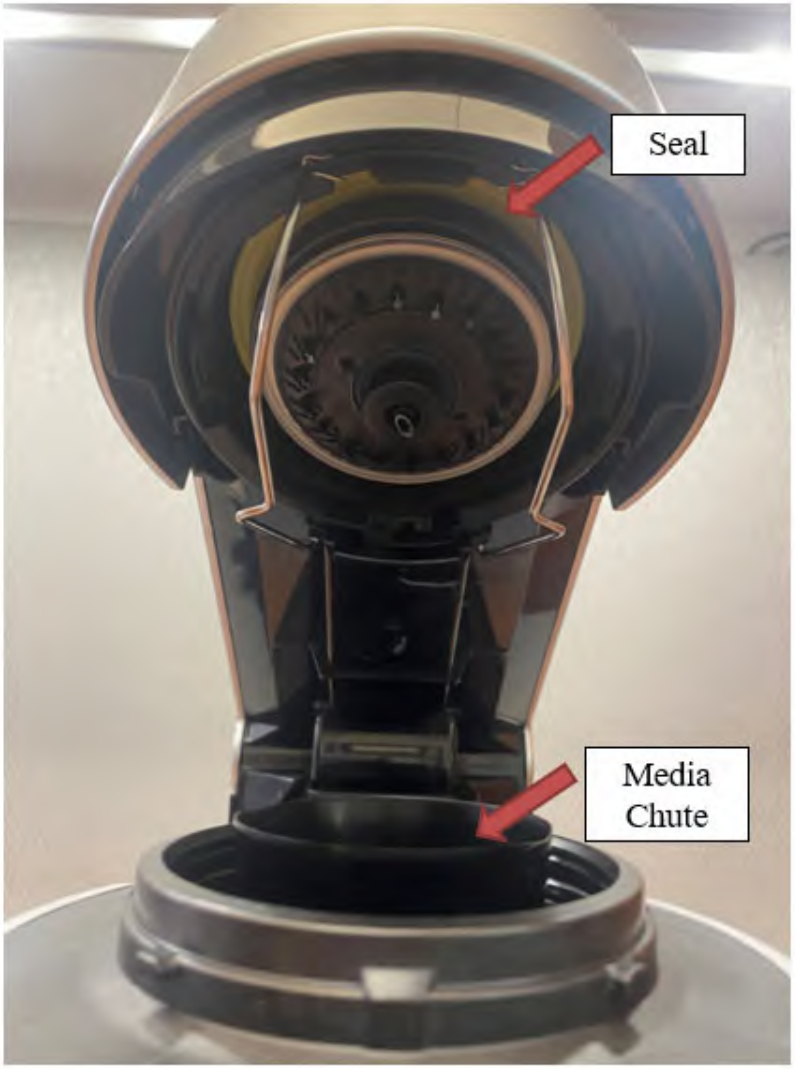
	
[12] The beverage system according to claim 11,	*See* claim 11.
[12a] wherein the media chute is configured to receive and support the portion capsule so that the portion capsule is in an opposing contacting relationship with the seal.	The beverage machine comprises a media chute configured to receive and support the portion capsule so that the portion capsule is in an opposing contacting relationship with the seal. The below annotated images illustrate a media chute configured to receive and support the portion capsule:

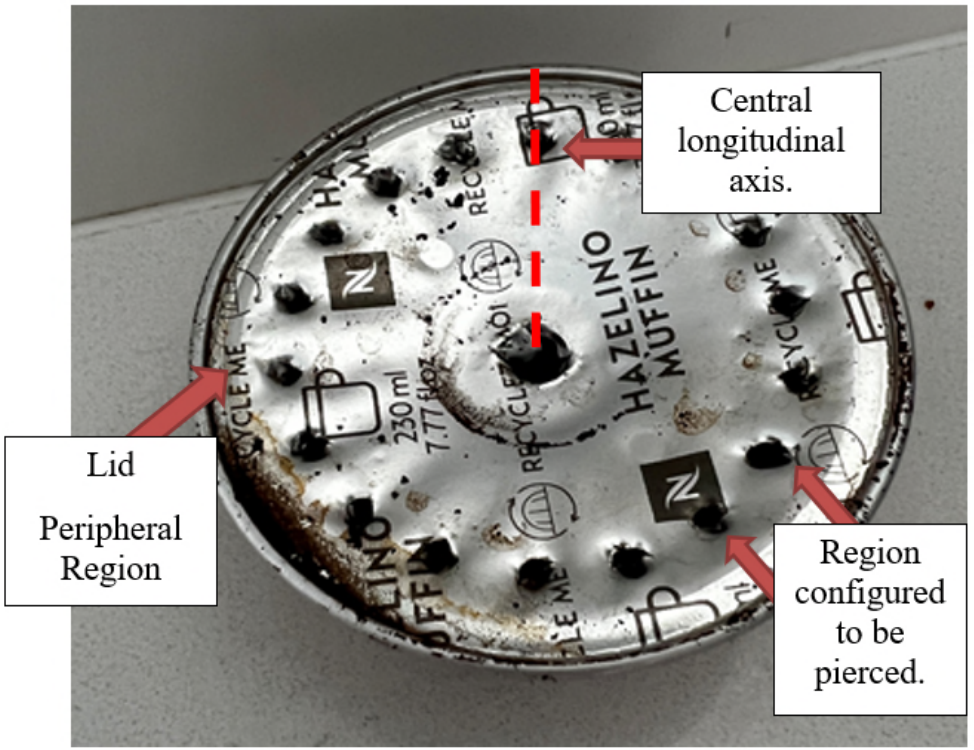

Media chute

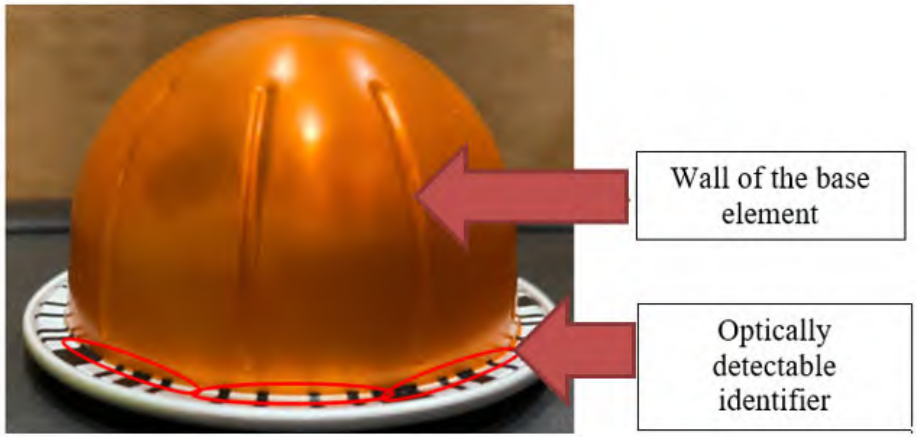

Media chute
NESPRESSO

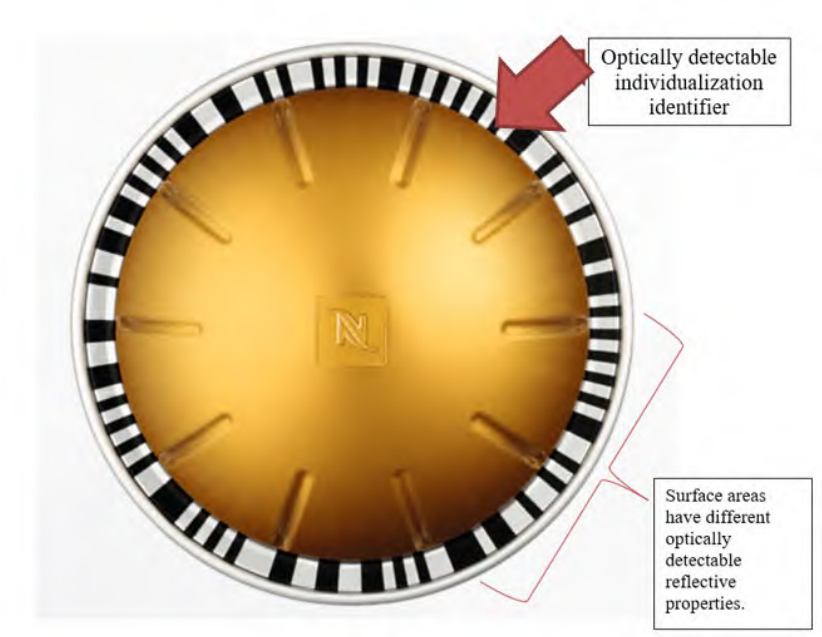

Optically detectable identifier
Portion capsule
Sensor/detected of a beverage machine.

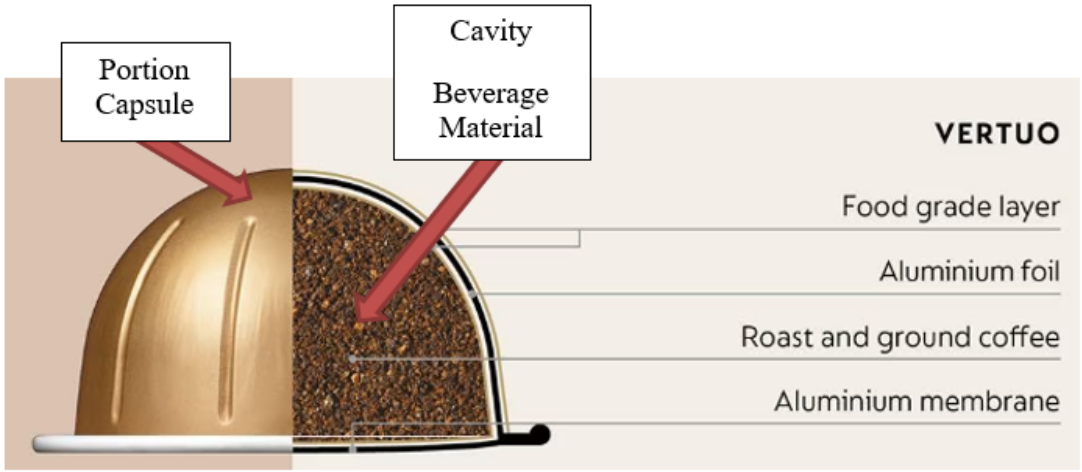

Identifier
Beverage Machine
Portion Capsule
Sensor/detector of a beverage machine
Media chute

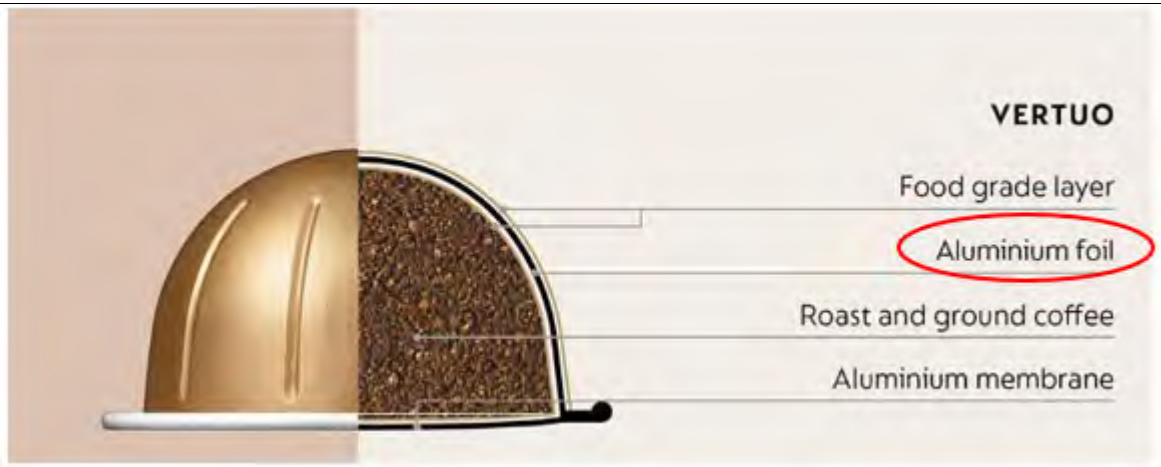

Seal
Media Chute

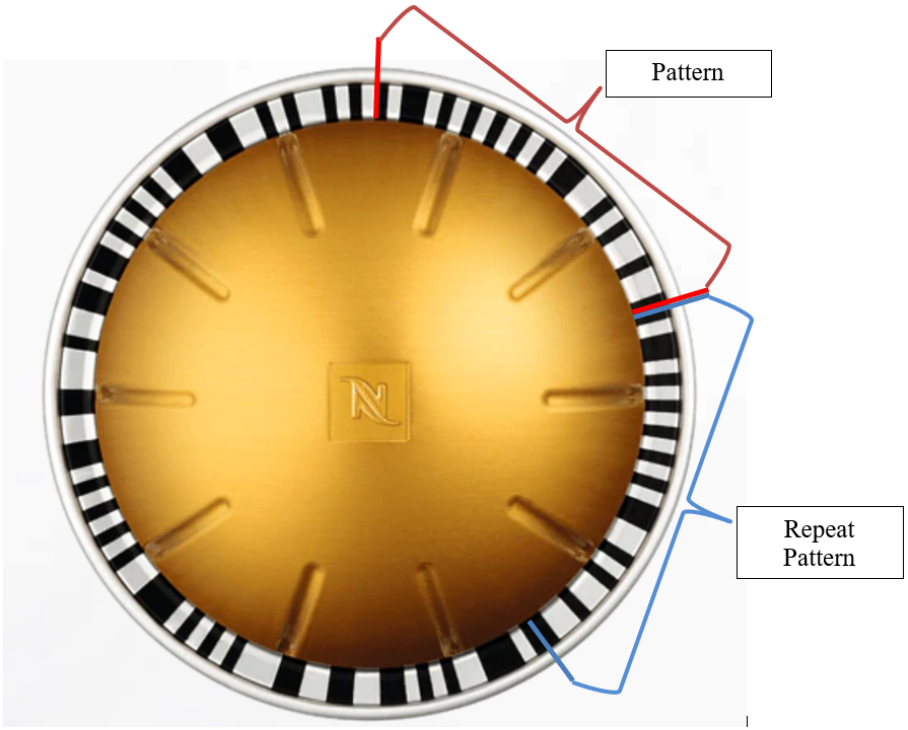
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs.
[13] The beverage system according to claim 7,	*See* claim 7.
[13a] wherein the optically detectable identifier is located on a side wall of the base element.	The Accused Product's optically detectable individualization identifier is located on the wall of the base element. The below annotated image illustrates this limitation.

	
[14] The beverage system according to claim 5,	*See* claim 5.
[14a] wherein the optically detectable identifier has a plurality of reflective zones,	The portion capsule has an optically detectable identifier, which has a plurality of reflective zones. The below annotated image illustrates the Accused Product's optically detectable individualization identifier, which includes surface areas having different optically detectable reflective properties.

	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[14b] the portion capsule is free of a filter,	The Accused Product is a portion capsule that is free of a filter inside the cavity. The below annotated image illustrates that the portion capsule is free of a filter inside of the cavity.

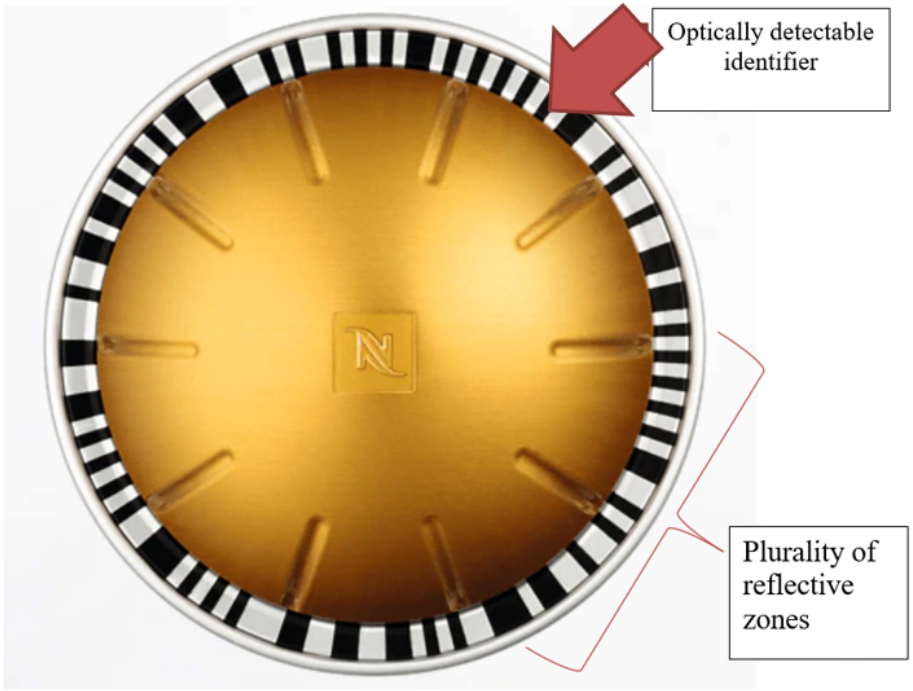
	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[14c] the portion capsule is made of metal,	The Accused Product's base element is made of metal. For example, the Accused Product's base element is made of aluminum which is a lightweight metal. *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium; *see* https://www.aluminiumleader.com/about_aluminium/what_is_aluminum/. The below annotated image illustrates the Accused Product's infringement of this limitation.

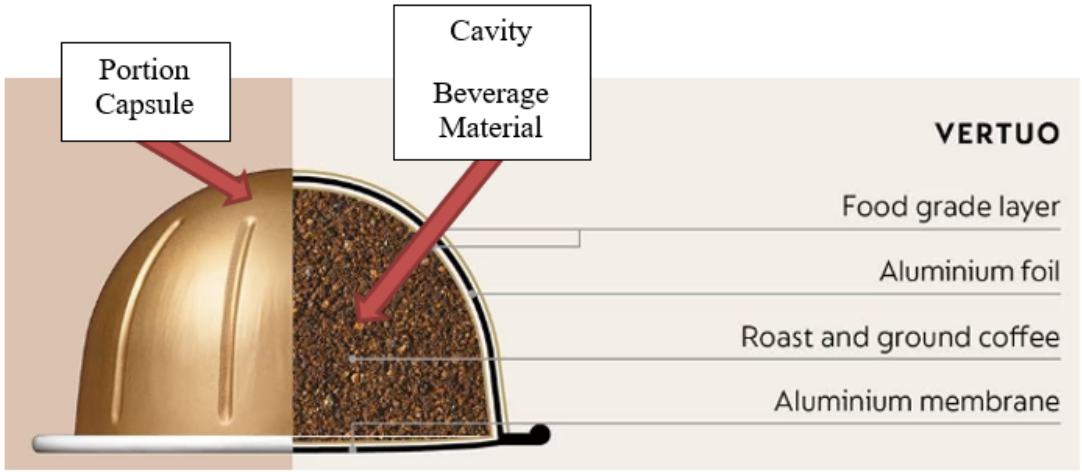
	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[14d] and the optically detectable identifier includes a repeat pattern.	The portion capsule has an optically detectable identifier, which includes a repeat pattern. The below annotated images illustrate the Accused Product's infringement of this limitation. One example of the identifier having a repeat pattern is shown below. The first pattern of the identifier is annotated in red. That pattern is repeated is annotated in blue.

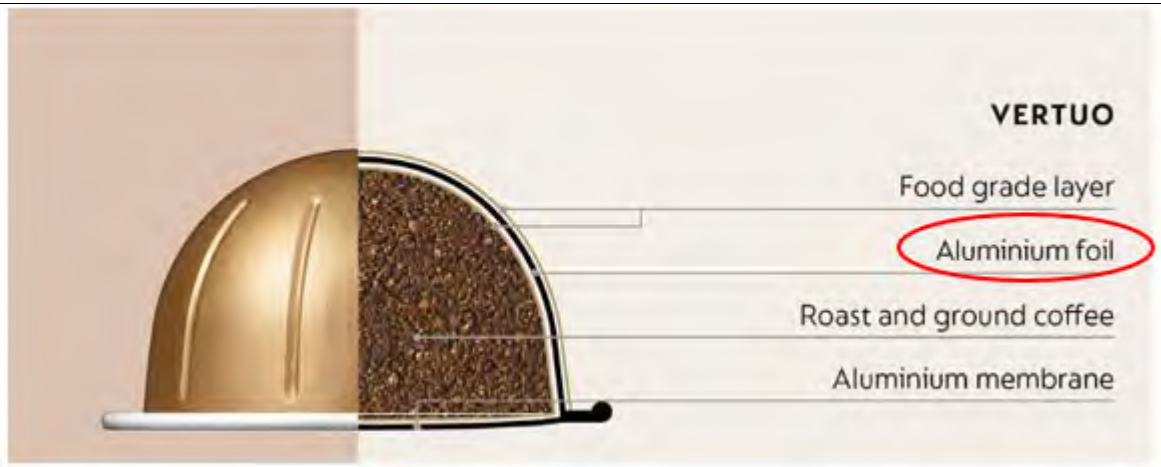


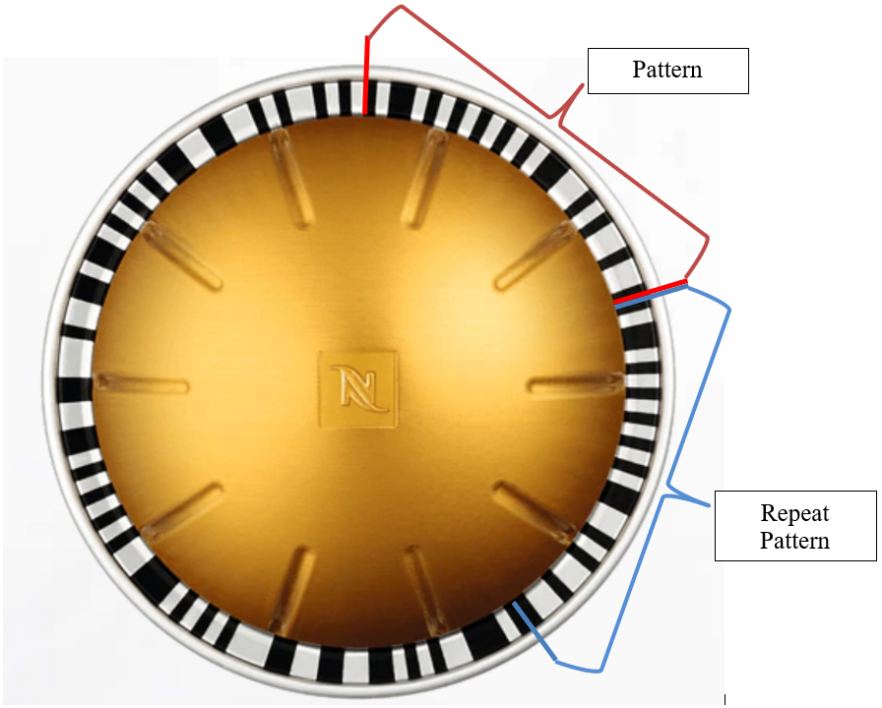
Another example of the identifier having a repeat pattern is shown below. The identifier is repeated five times around the circumference of the capsule, as annotated in green. In this example, the repeated portions of the identifier are spaced at equal intervals from the next closest repeated portion of the identifier.

	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[15] The beverage system according to claim 12,	*See* claim 12.
[15a] wherein the optically detectable identifier has a plurality of reflective zones,	The portion capsule's optically detectable identifier has a plurality of reflective zones. The below annotated image illustrates the Accused Product's infringement of this limitation.

	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[15b] the portion capsule is free of a filter,	The Accused Product is a portion capsule that is free of a filter inside the cavity. The below annotated image illustrates that the portion capsule is free of a filter inside of the cavity.

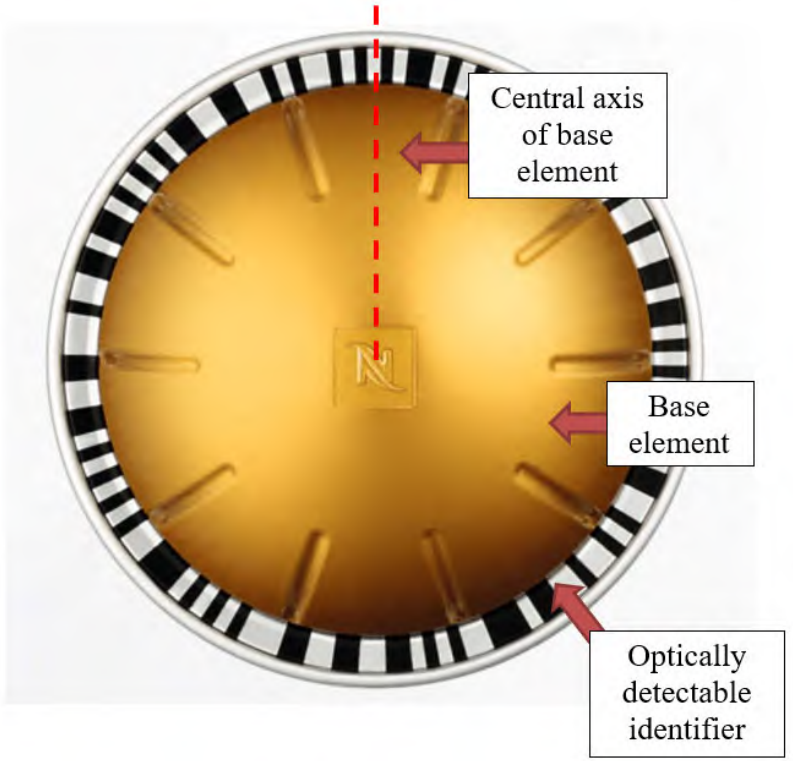
	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[15c] the portion capsule is made of metal,	The Accused Product's base element is made of metal. For example, the Accused Product's base element is made of aluminum which is a lightweight metal. *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium; *see* https://www.aluminiumleader.com/about_aluminium/what_is_aluminum/. The below annotated image illustrates the Accused Product's infringement of this limitation.

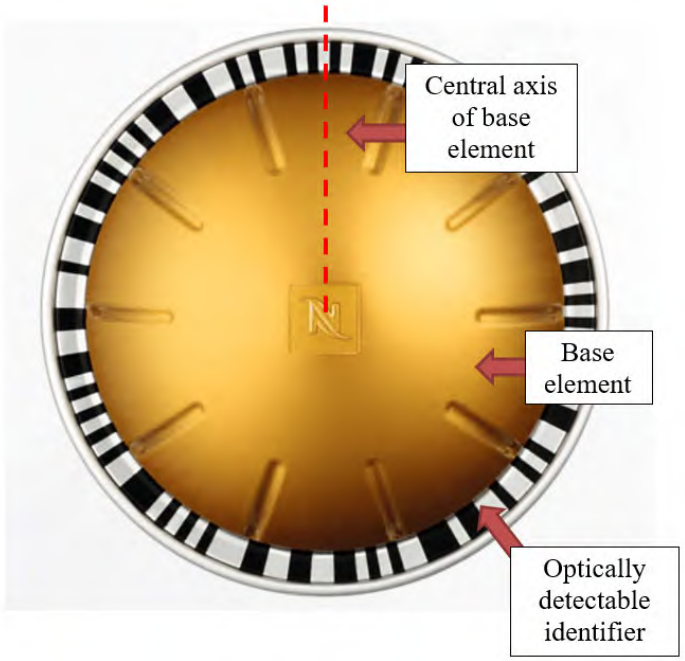
	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[15d] the optically detectable identifier includes a repeat pattern,	The portion capsule has an optically detectable identifier, which includes a repeat pattern. The below annotated images illustrate the Accused Product's infringement of this limitation. One example of the identifier having a repeat pattern is shown below. The first pattern of the identifier is annotated in red. That pattern is repeated is annotated in blue.

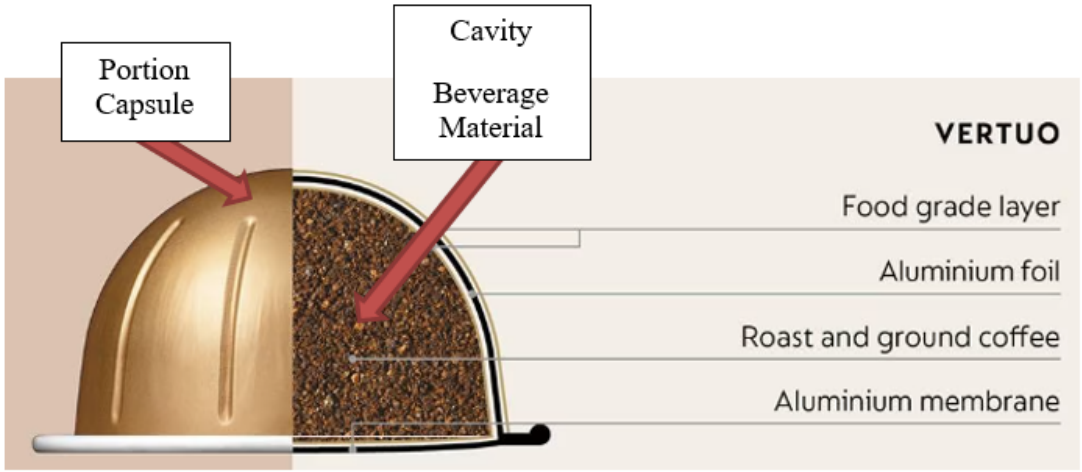


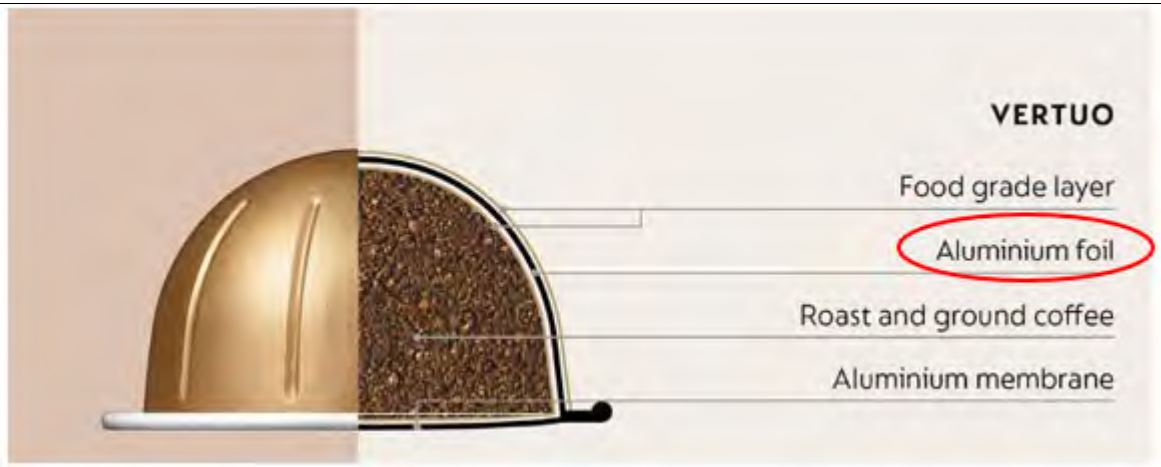
Another example of the identifier having a repeat pattern is shown below. The identifier is repeated five times around the circumference of the capsule, as annotated in green. In this example, the repeated portions of the identifier are spaced at equal intervals from the next closest repeated portion of the identifier.

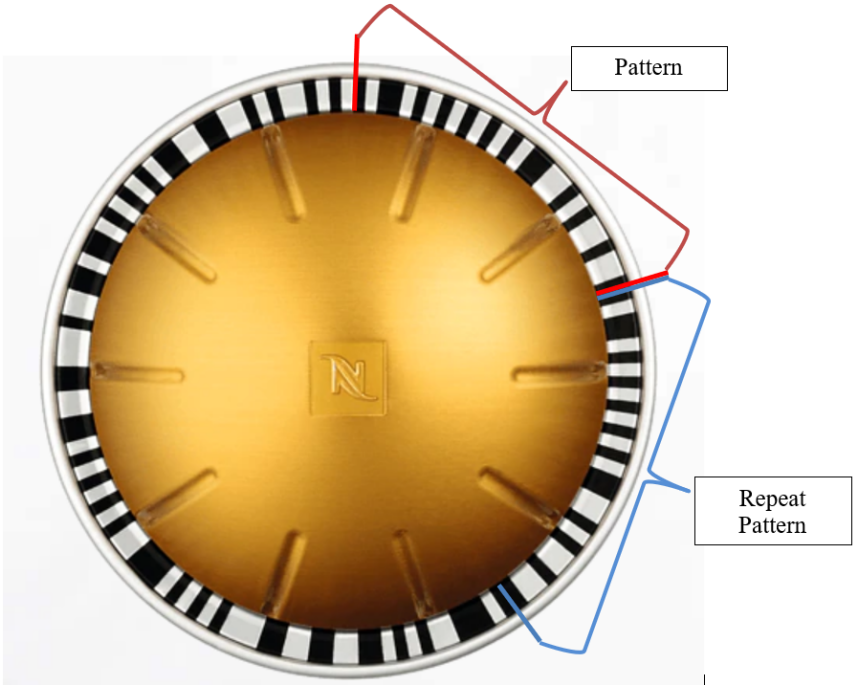
	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[15e] and the optically detectable identifier extends around a central axis of the base element.	The portion capsule's optically detectable identifier extends around a central axis of the base element. The below annotated image illustrates the Accused Product's infringement of this limitation.

	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[16] The beverage system according to claim 13,	*See* claim 13.
[16a] wherein the optically detectable identifier has a plurality of reflective zones,	The portion capsule's optically detectable identifier has a plurality of reflective zones. The below annotated image illustrates the Accused Product's infringement of this limitation.

	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[16b] the portion capsule is free of a filter,	The Accused Product is a portion capsule that is free of a filter inside the cavity. The below annotated image illustrates that the portion capsule is free of a filter inside of the cavity.

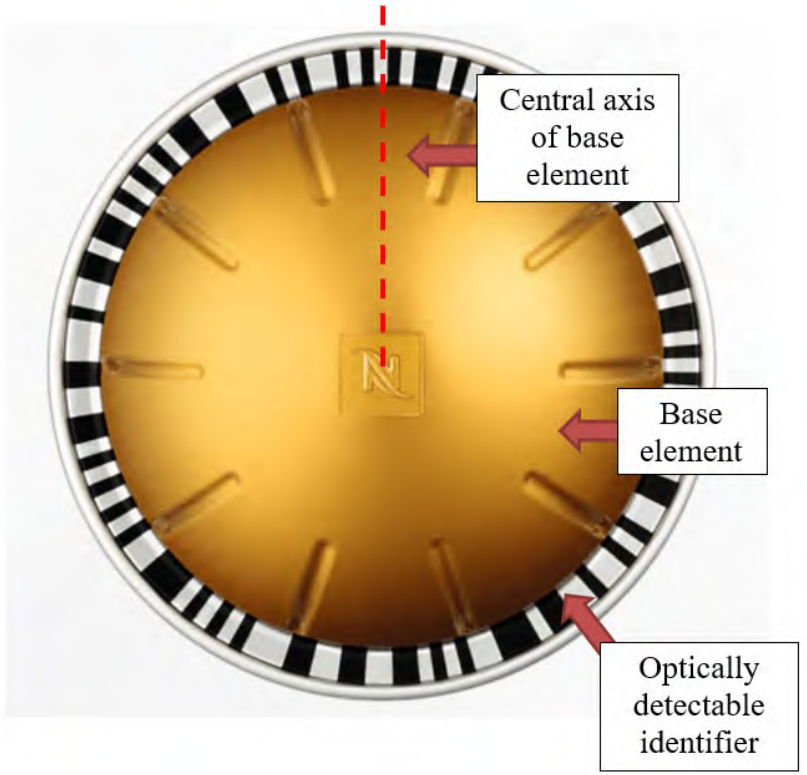
	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[16c] the portion capsule is made of metal,	The Accused Product's base element is made of metal. For example, the Accused Product's base element is made of aluminum which is a lightweight metal. *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium; *see* https://www.aluminiumleader.com/about_aluminium/what_is_aluminum/. The below annotated image illustrates the Accused Product's infringement of this limitation.

	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[16d] the optically detectable identifier includes a repeat pattern,	The portion capsule has an optically detectable identifier, which includes a repeat pattern. The below annotated images illustrate the Accused Product's infringement of this limitation. One example of the identifier having a repeat pattern is shown below. The first pattern of the identifier is annotated in red. That pattern is repeated is annotated in blue.



Another example of the identifier having a repeat pattern is shown below. The identifier is repeated five times around the circumference of the capsule, as annotated in green. In this example, the repeated portions of the identifier are spaced at equal intervals from the next closest repeated portion of the identifier.

	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[16e] the optically detectable identifier extends around a central axis of the base element,	The portion capsule's optically detectable identifier extends around a central axis of the base element. The below annotated image illustrates the Accused Product's infringement of this limitation.

	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[16f] and the base element is deep drawn.	The portion capsule's base element is deep drawn. The below annotated images illustrate the Accused Product's infringement of this limitation.

	 *See, e.g.*, https://www.buynespresso.com/bh_en/vertuo-coffee-redefined#:~:text=To%20achieve%20this%20range%20of,Lungo%2C%20Mug%2C%20and%20Carafe
[17] The beverage system according to claim 1,	*See* claim 1.
[17a] wherein the pump is controlled to not push heated water into the portion capsule upon a determination that the read optically detectable identifier does not agree with the stored reference.	The beverage machine comprises a pump which is controlled to not push heated water into the portion capsule upon a determination that the read optically detectable identifier does not agree with the stored reference. *See, e.g.*, https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."); https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). For example, if the identifier located on the portion capsule is obstructed or damaged, the beverage machine will prevent making of the beverage, including preventing operation of the pump that pushes water into the portion capsule, because the optically detectable identifier cannot be compared to a stored reference. For example, the screenshots from the Vertuo User Manual below describes various troubleshooting instances, including where the Vertuo beverage machine does not start or run, thereby failing to active the pump that supplies the water into the portion capsule, because individualization identifier on the portion capsule cannot be compared to a stored reference. Moreover, the User Manual refers to pumping water. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo (User Manual at p. 5, 11, 17, 21).

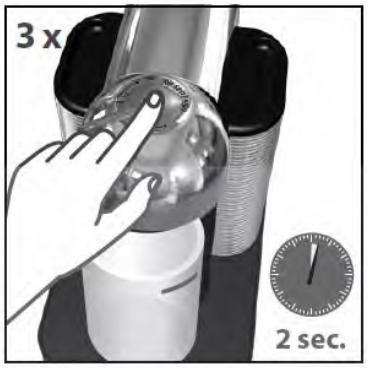
TROUBLESHOOTING

ASSISTANCE VIDEOS ARE AVAILABLE ON WWW.NESPRESSO.COM - VISIT THE "MACHINES" SECTION.

EN

1. No light on the button.	→ The machine has turned "OFF" automatically; push the button or "UNLOCK" the machine. → Check the outlet, plug, voltage, and fuse.
2. No coffee, no water.	→ Check that the water tank is filled. → Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → Descale if necessary. → Open the machine head and let the capsule be ejected. Then perform a cleaning as per cleaning section.
3. Coffee is not hot enough.	→ Preheat cup with hot water from the tap. → Descale if necessary.
4. The machine doesn't start and has light steady on. If blinking, see next points.	→ Check that lever is properly locked. → If you want to brew a Coffee or Espresso, check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → If you are cleaning, descaling or emptying the system, check that no capsule is inserted then close, lock the machine and push the button to start one of these operations.
5. The machine doesn't start and light blinks alternately; 1 blink and 1 pause.	→ Fill the water tank and push button to start. → Check that lever is properly locked.
6. Light blinks while machine is running.	→ If coffee is flowing normally, this indicates the machine is working properly. → If only water is flowing, the machine is executing a user request for either cleaning, descaling or emptying the system. Refer to the corresponding paragraph in this user manual. → If there is no intention to clean, descale, or empty the system, then push the button to stop the machine. If the machine is still blinking, exit descaling mode by holding the button for at least 7 seconds or refer to next section. → If problem persists, call the *Nespresso* Club.
7. Light blinks and machine is not running.	→ It will take some times before the coffee flow comes out (due to barcode reading and pre-wetting the coffee). → Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → Fill in the water tank and push button to start. → Turn the machine to "OFF mode" by pushing 3 seconds the button and then push it again to turn the machine "ON". Now wait approx. 20 minutes to allow machine cooling down after extensive use. → If machine doesn't move to "OFF" then exit descaling mode by pushing the button for at least 7 seconds.
8. Light blinks alternately 2 blinks and 1 pause continuously. Machine is not running.	→ During regular Coffee/Espresso preparation: 1) Check that a fresh, undamaged capsule is inserted in the correct position; 2) Check that lever is in "LOCKED" position; 3) If problem persists, eject capsule and insert a new one, lock and press button. → During Descaling, Emptying and Cleaning: 1) Check that a capsule is ejected; 2) Check that the lever is in "LOCKED" position.3) Press button for at least 3 seconds to turn machine to "OFF mode". 4) Press button again to turn machine "ON". If problem persists, disconnect powercord from the outlet and plug the machine back into the outlet after 10 seconds. Press the button to turn "ON" and press again to start brewing. → During Programming Volume: 1) Please check if a capsule has been well inserted. 2) Please refer to the corresponding chapter. → If problem persists, call the *Nespresso* Club.
9. Leakage or unusual coffee flow.	→ Check that the water tank is well positioned.

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8. Press the button 3 times within 2 seconds to start cleaning and let the cleaning procedure complete automatically. It will take less than 2 minutes before a flow comes out. The procedure consists of 3 cycles of pumping water in/internal cleaning/water flowing from outlet to complete.

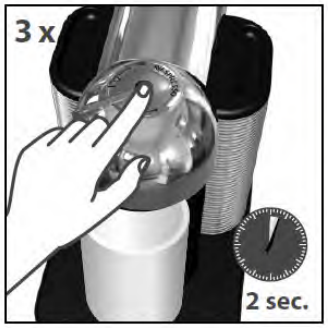
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8. Appuyer sur le bouton à 3 reprises dans un intervalle de 2 secondes pour lancer automatiquement la procédure de nettoyage. L'écoulement se produit dans les 2 minutes. La procédure complète est composée de 3 cycles de pompage de l'eau/nettoyage interne/écoulement de l'eau de l'orifice.

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5. Appuyer sur le bouton à 3 reprises dans un intervalle de 2 secondes. Le voyant lumineux clignotera rapidement. L'écoulement se produit dans les 2 minutes. La procédure de nettoyage se met automatiquement en marche pour une durée de 5 minutes. La procédure complète est composée de 3 cycles de pompage de l'eau/nettoyage interne/écoulement de l'eau de l'orifice.

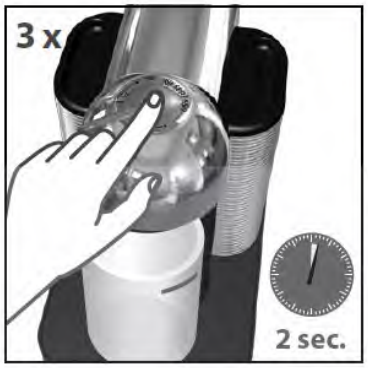
	 **When using electrical appliances, important safeguards should always be followed:** • The important safeguards are part of the appliance. Read the important safeguards provided with the appliance carefully prior to first use. Keep them in a place where you can find and refer to them in the future. • Protect the appliance from direct sunlight, water splash and humidity. • This appliance is designed for domestic and office use only. • Close supervision is necessary when the appliance is used by or near children. • Children shall not play with the appliance. • The manufacturer accepts no responsibility for and the warranty will not apply to any commercial use, inappropriate handling or use of the appliance, damage resulting from use for other purposes, faulty operation, non-professional repairs or failure to comply with the instructions. the warranty. • The appliance must only be connected after installation. • Do not pull the cord over sharp edges, clamp it or allow it to hang down. • Keep the cord away from heat and moisture. • If an extension lead is required, use only a grounded power cord with a conductor cross-section with matching input 14 AWG (2.08mm²). • Always place the appliance on a horizontal, stable, hard, even surface that does not allow for water accumulation under the machine. • The surface must be resistant to heat and fluids, like water, coffee, descaler or similar. • Disconnect the appliance from the power outlet when not in use for a long period of time. • Disconnect by pulling out the plug; do not pull on the cord itself to avoid damage. • Never touch the cord with wet hands. • Never put the appliance or part of it in a dishwasher. • Do not open the appliance. Hazardous voltage • Contact the *Nespresso* Club or *Nespresso* authorized representative for examination, repair or adjustment. • A damaged appliance can cause electric shocks, burns and fire. • Do not put fingers under coffee outlet; risk of scalding. • Do not insert fingers into capsule compartment when machine head is closing; risk of injury. • Do not put fingers into the capsule compartment or capsule shaft; risk of injury! • Water could flow around a capsule when not perforated by the blades and damage the appliance. • Be careful not to injure yourself on sharp points or trap your fingers when reaching inside the machine. • Beware of hot liquids when reaching inside the machine. • Never use a damaged or deformed capsule. • Always fill the water tank with fresh potable water. • Do not use any strong cleaning agent or solvent cleaner. • Use a damp cloth and mild cleaning agent to clean the surface of the appliance. • Do not use a steam or pressure cleaner to clean the appliance. This will damage the appliance and may create a life-threatening hazard. • Do not pour water or other liquids into the brewing unit. • Keep appliance, capsules and accessories out of reach of children. • This appliance is designed for *Nespresso* Vertuo coffee capsules available exclusively through the *Nespresso* Club or your *Nespresso* authorized representative. • All *Nespresso* appliances pass stringent controls. • Reliability tests under practical conditions are randomly performed on selected units. Some units can therefore show traces of previous use. • *Nespresso* reserves the right to change instructions without prior notice.
[18] The beverage system according to claim 5,	*See* claim 5.
[18a] wherein the pump is controlled to not push heated water into the portion capsule upon a determination that the read optically detectable identifier does not agree with the stored reference.	The beverage machine comprises a pump which is controlled to not push heated water into the portion capsule upon a determination that the read optically detectable identifier does not agree with the stored reference. *See, e.g.*, https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."); https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). For example, if the identifier located on the portion capsule is obstructed or damaged, the beverage machine will prevent making of the beverage, including preventing operation of the pump that pushes water into the portion capsule, because the optically detectable identifier cannot be compared to a stored reference. For example, the screenshots from the Vertuo User Manual below describes various troubleshooting instances, including where the Vertuo beverage machine does not start or run, thereby failing to active the pump that supplies the water into the portion capsule, because individualization identifier on the

portion capsule cannot be compared to a stored reference. Moreover, the User Manual refers to pumping water. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo (User Manual at p. 5, 11, 17, 21).

TROUBLESHOOTING

ASSISTANCE VIDEOS ARE AVAILABLE ON WWW.NESPRESSO.COM - VISIT THE "MACHINES" SECTION.

1. No light on the button.	→ The machine has turned "OFF" automatically; push the button or "UNLOCK" the machine. → Check the outlet, plug, voltage, and fuse.
2. No coffee, no water.	→ Check that the water tank is filled. → Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → Descale if necessary. → Open the machine head and let the capsule be ejected. Then perform a cleaning as per cleaning section.
3. Coffee is not hot enough.	→ Preheat cup with hot water from the tap. → Descale if necessary.
4. The machine doesn't start and has light steady on. If blinking, see next points.	→ Check that lever is properly locked. → If you want to brew a Coffee or Espresso, check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → If you are cleaning, descaling or emptying the system, check that no capsule is inserted then close, lock the machine and push the button to start one of these operations.
5. The machine doesn't start and light blinks alternately; 1 blink and 1 pause.	→ Fill the water tank and push button to start. → Check that lever is properly locked.
6. Light blinks while machine is running.	→ If coffee is flowing normally, this indicates the machine is working properly. → If only water is flowing, the machine is executing a user request for either cleaning, descaling or emptying the system. Refer to the corresponding paragraph in this user manual. → If there is no intention to clean, descale, or empty the system, then push the button to stop the machine. If the machine is still blinking, exit descaling mode by holding the button for at least 7 seconds or refer to next section. → If problem persists, call the *Nespresso* Club.
7. Light blinks and machine is not running.	→ It will take some times before the coffee flow comes out (due to barcode reading and pre-wetting the coffee). → Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → Fill in the water tank and push button to start. → Turn the machine to "OFF mode" by pushing 3 seconds the button and then push it again to turn the machine "ON". Now wait approx. 20 minutes to allow machine cooling down after extensive use. → If machine doesn't move to "OFF" then exit descaling mode by pushing the button for at least 7 seconds.
8. Light blinks alternately 2 blinks and 1 pause continuously. Machine is not running.	→ During regular Coffee/Espresso preparation: 1) Check that a fresh, undamaged capsule is inserted in the correct position; 2) Check that lever is in "LOCKED" position; 3) If problem persists, eject capsule and insert a new one, lock and press button. → During Descaling, Emptying and Cleaning: 1) Check that a capsule is ejected; 2) Check that the lever is in "LOCKED" position.3) Press button for at least 3 seconds to turn machine to "OFF mode". 4) Press button again to turn machine "ON". If problem persists, disconnect powercord from the outlet and plug the machine back into the outlet after 10 seconds. Press the button to turn "ON" and press again to start brewing. → During Programming Volume: 1) Please check if a capsule has been well inserted. 2) Please refer to the corresponding chapter. → If problem persists, call the *Nespresso* Club.
9. Leakage or unusual coffee flow.	→ Check that the water tank is well positioned.



8. Press the button 3 times within 2 seconds to start cleaning and let the cleaning procedure complete automatically. It will take less than 2 minutes before a flow comes out. The procedure consists of 3 cycles of pumping water in/internal cleaning/water flowing from outlet to complete.

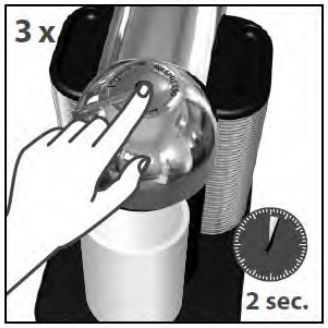
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5. Appuyer sur le bouton à 3 reprises dans un intervalle de 2 secondes. Le voyant lumineux clignotera rapidement. L'écoulement se produit dans les 2 minutes. La procédure de nettoyage se met automatiquement en marche pour une durée de 5 minutes. La procédure complète est composée de 3 cycles de pompage de l'eau/nettoyage interne/écoulement de l'eau de l'orifice.

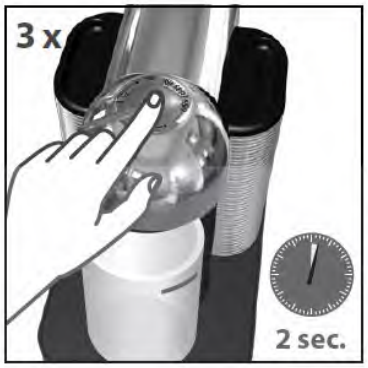
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[19] The beverage system according to claim 12,	*See* claim 12.
[19a] wherein the pump is controlled to not push heated water into the portion capsule upon a determination that the read optically detectable identifier does not agree with the stored reference.	The beverage machine comprises a pump which is controlled to not push heated water into the portion capsule upon a determination that the read optically detectable identifier does not agree with the stored reference. *See, e.g.*, https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."); https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). For example, if the identifier located on the portion capsule is obstructed or damaged, the beverage machine will prevent making of the beverage, including preventing operation of the pump that pushes water into the portion capsule, because the optically detectable identifier cannot be compared to a stored reference. For example, the screenshots from the Vertuo User Manual below describes various troubleshooting instances, including where the Vertuo beverage machine does not start or run, thereby failing to active

the pump that supplies the water into the portion capsule, because individualization identifier on the portion capsule cannot be compared to a stored reference. Moreover, the User Manual refers to pumping water. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo (User Manual at p. 5, 11, 17, 21).

TROUBLESHOOTING

ASSISTANCE VIDEOS ARE AVAILABLE ON WWW.NESPRESSO.COM - VISIT THE "MACHINES" SECTION.

1. No light on the button.	➔ The machine has turned "OFF" automatically; push the button or "UNLOCK" the machine. ➔ Check the outlet, plug, voltage, and fuse.
2. No coffee, no water.	➔ Check that the water tank is filled. ➔ Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ Descale if necessary. ➔ Open the machine head and let the capsule be ejected. Then perform a cleaning as per cleaning section.
3. Coffee is not hot enough.	➔ Preheat cup with hot water from the tap. ➔ Descale if necessary.
4. The machine doesn't start and has light steady on. If blinking, see next points.	➔ Check that lever is properly locked. ➔ If you want to brew a Coffee or Espresso, check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ If you are cleaning, descaling or emptying the system, check that no capsule is inserted then close, lock the machine and push the button to start one of these operations.
5. The machine doesn't start and light blinks alternately; 1 blink and 1 pause.	➔ Fill the water tank and push button to start. ➔ Check that lever is properly locked.
6. Light blinks while machine is running.	➔ If coffee is flowing normally, this indicates the machine is working properly. ➔ If only water is flowing, the machine is executing a user request for either cleaning, descaling or emptying the system. Refer to the corresponding paragraph in this user manual. ➔ If there is no intention to clean, descale, or empty the system, then push the button to stop the machine. If the machine is still blinking, exit descaling mode by holding the button for at least 7 seconds or refer to next section. ➔ If problem persists, call the *Nespresso* Club.
7. Light blinks and machine is not running.	➔ It will take some times before the coffee flow comes out (due to barcode reading and pre-wetting the coffee). ➔ Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ Fill in the water tank and push button to start. ➔ Turn the machine to "OFF mode" by pushing 3 seconds the button and then push it again to turn the machine "ON". Now wait approx. 20 minutes to allow machine cooling down after extensive use. ➔ If machine doesn't move to "OFF" then exit descaling mode by pushing the button for at least 7 seconds.
8. Light blinks alternately 2 blinks and 1 pause continuously. Machine is not running.	➔ During regular Coffee/Espresso preparation: 1) Check that a fresh, undamaged capsule is inserted in the correct position; 2) Check that lever is in "LOCKED" position; 3) If problem persists, eject capsule and insert a new one, lock and press button. ➔ During Descaling, Emptying and Cleaning: 1) Check that a capsule is ejected; 2) Check that the lever is in "LOCKED" position.3) Press button for at least 3 seconds to turn machine to "OFF mode". 4) Press button again to turn machine "ON". If problem persists, disconnect powercord from the outlet and plug the machine back into the outlet after 10 seconds. Press the button to turn "ON" and press again to start brewing. ➔ During Programming Volume: 1) Please check if a capsule has been well inserted. 2) Please refer to the corresponding chapter. ➔ If problem persists, call the *Nespresso* Club.
9. Leakage or unusual coffee flow.	➔ Check that the water tank is well positioned.



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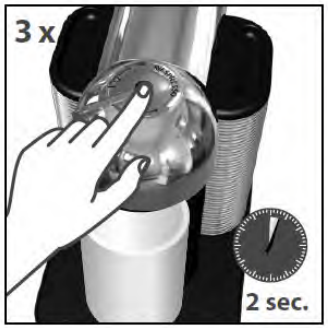
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[20] The beverage system according to claim 15,	*See* claim 15.
[20a] wherein the pump is controlled to not push heated water into the portion capsule upon a determination that the read optically detectable identifier does not agree with the stored reference.	The beverage machine comprises a pump which is controlled to not push heated water into the portion capsule upon a determination that the read optically detectable identifier does not agree with the stored reference. *See, e.g.*, https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."); https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). For example, if the identifier located on the portion capsule is obstructed or damaged, the beverage machine will prevent making of the beverage, including preventing operation of the pump that pushes water into the portion capsule, because the optically detectable identifier cannot be compared to a stored reference. For example, the screenshots from the Vertuo User Manual below describes various troubleshooting instances, including where the Vertuo beverage machine does not start or run, thereby failing to active the pump that supplies the water into the portion capsule, because individualization identifier on the

portion capsule cannot be compared to a stored reference. Moreover, the User Manual refers to pumping water. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo (User Manual at p. 5, 11, 17, 21).

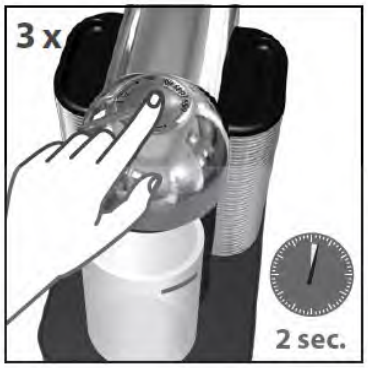
TROUBLESHOOTING

ASSISTANCE VIDEOS ARE AVAILABLE ON WWW.NESPRESSO.COM - VISIT THE "MACHINES" SECTION.

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1. No light on the button.	➔ The machine has turned "OFF" automatically; push the button or "UNLOCK" the machine. ➔ Check the outlet, plug, voltage, and fuse.
2. No coffee, no water.	➔ Check that the water tank is filled. ➔ Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ Descale if necessary. ➔ Open the machine head and let the capsule be ejected. Then perform a cleaning as per cleaning section.
3. Coffee is not hot enough.	➔ Preheat cup with hot water from the tap. ➔ Descale if necessary.
4. The machine doesn't start and has light steady on. If blinking, see next points.	➔ Check that lever is properly locked. ➔ If you want to brew a Coffee or Espresso, check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ If you are cleaning, descaling or emptying the system, check that no capsule is inserted then close, lock the machine and push the button to start one of these operations.
5. The machine doesn't start and light blinks alternately; 1 blink and 1 pause.	➔ Fill the water tank and push button to start. ➔ Check that lever is properly locked.
6. Light blinks while machine is running.	➔ If coffee is flowing normally, this indicates the machine is working properly. ➔ If only water is flowing, the machine is executing a user request for either cleaning, descaling or emptying the system. Refer to the corresponding paragraph in this user manual. ➔ If there is no intention to clean, descale, or empty the system, then push the button to stop the machine. If the machine is still blinking, exit descaling mode by holding the button for at least 7 seconds or refer to next section. ➔ If problem persists, call the *Nespresso* Club.
7. Light blinks and machine is not running.	➔ It will take some times before the coffee flow comes out (due to barcode reading and pre-wetting the coffee). ➔ Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ Fill in the water tank and push button to start. ➔ Turn the machine to "OFF mode" by pushing 3 seconds the button and then push it again to turn the machine "ON". Now wait approx. 20 minutes to allow machine cooling down after extensive use. ➔ If machine doesn't move to "OFF" then exit descaling mode by pushing the button for at least 7 seconds.
8. Light blinks alternately 2 blinks and 1 pause continuously. Machine is not running.	➔ During regular Coffee/Espresso preparation: 1) Check that a fresh, undamaged capsule is inserted in the correct position; 2) Check that lever is in "LOCKED" position; 3) If problem persists, eject capsule and insert a new one, lock and press button. ➔ During Descaling, Emptying and Cleaning: 1) Check that a capsule is ejected; 2) Check that the lever is in "LOCKED" position.3) Press button for at least 3 seconds to turn machine to "OFF mode". 4) Press button again to turn machine "ON". If problem persists, disconnect powercord from the outlet and plug the machine back into the outlet after 10 seconds. Press the button to turn "ON" and press again to start brewing. ➔ During Programming Volume: 1) Please check if a capsule has been well inserted. 2) Please refer to the corresponding chapter. ➔ If problem persists, call the *Nespresso* Club.
9. Leakage or unusual coffee flow.	➔ Check that the water tank is well positioned.

21



8. Press the button 3 times within 2 seconds to start cleaning and let the cleaning procedure complete automatically. It will take less than 2 minutes before a flow comes out. The procedure consists of 3 cycles of pumping water in/internal cleaning/water flowing from outlet to complete.

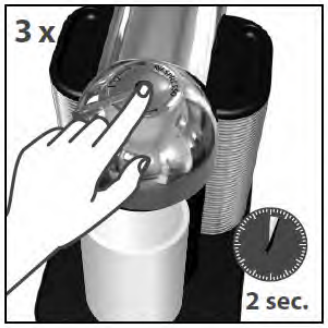
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8. Appuyer sur le bouton à 3 reprises dans un intervalle de 2 secondes pour lancer automatiquement la procédure de nettoyage. L'écoulement se produit dans les 2 minutes. La procédure complète est composée de 3 cycles de pompage de l'eau/nettoyage interne/écoulement de l'eau de l'orifice.

)ped at any time by pushing the
the cleaning process, push the
hine by turning the lever left and

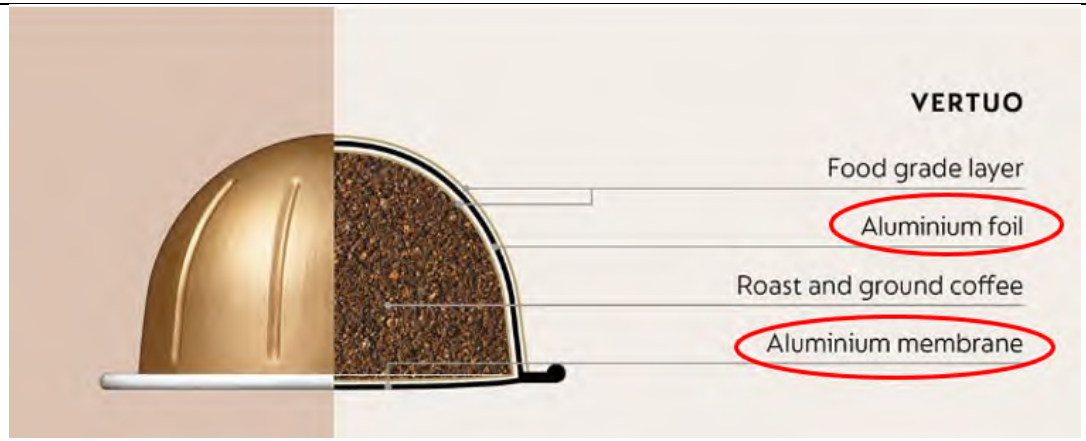
rompue à tout moment en appuyant

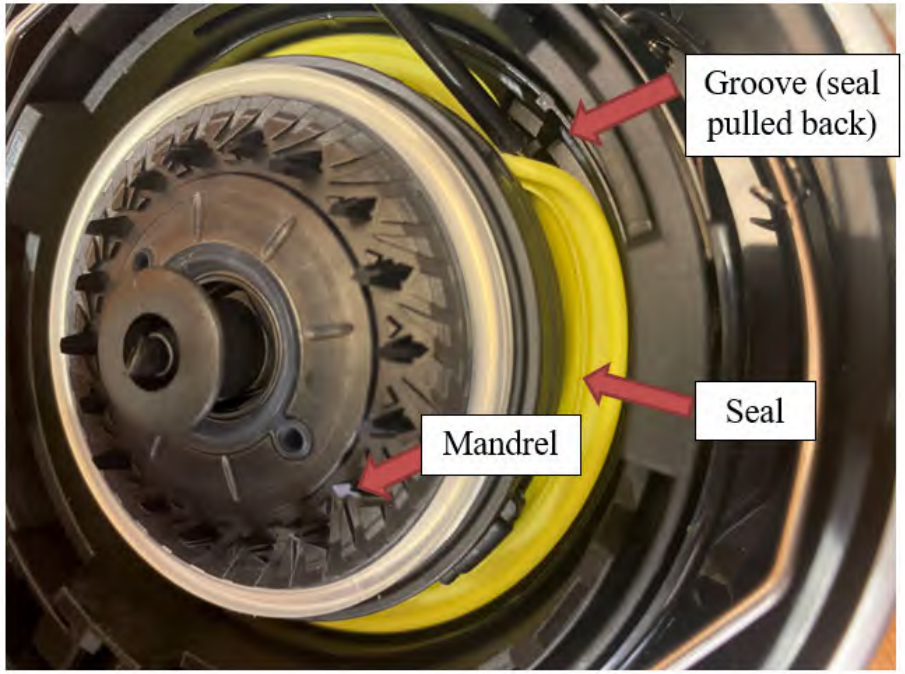


5. Push the button 3 times within 2 seconds. The button will blink quickly during the procedure. It will take less than 2 minutes before a flow comes out. The cleaning procedure will run automatically for 5 minutes. The procedure consists of 3 cycles of pumping water in/internal cleaning/water flowing from outlet to complete.

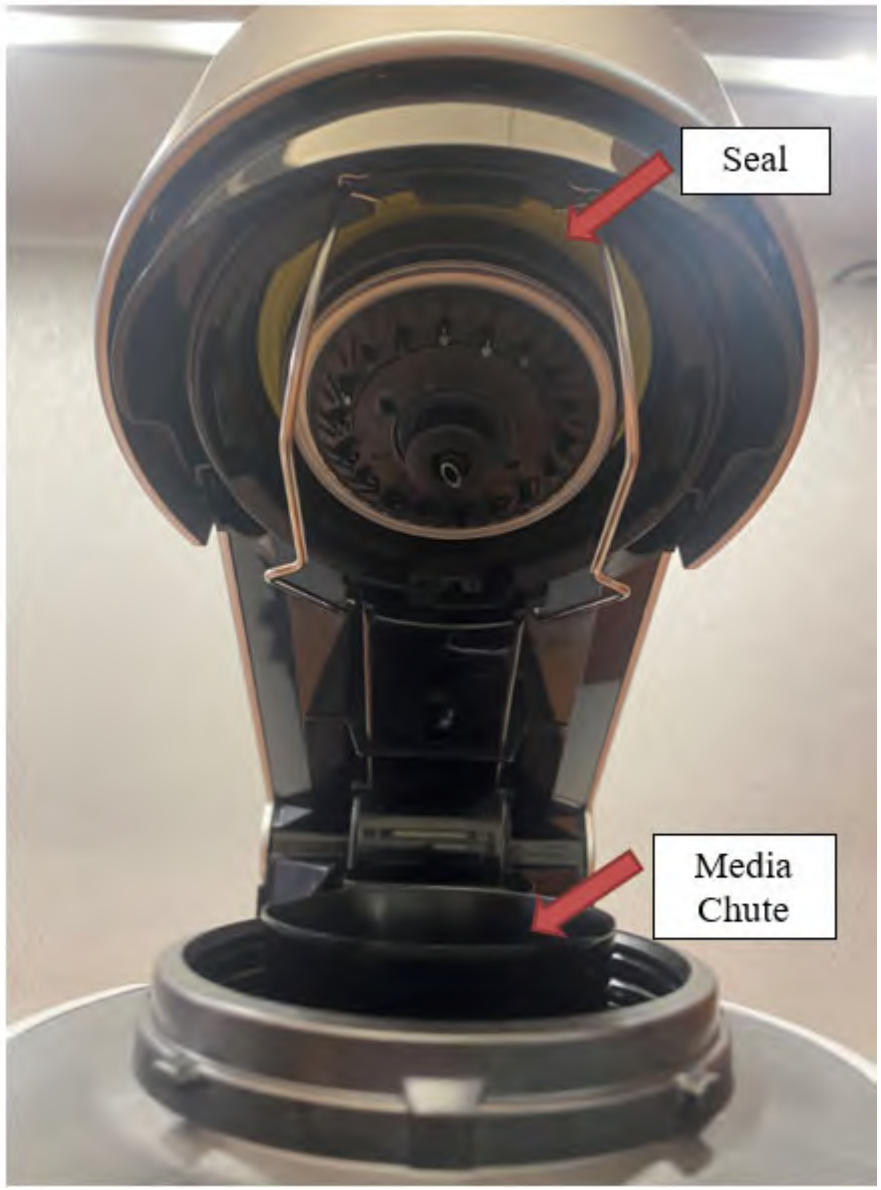
5. Appuyer sur le bouton à 3 reprises dans un intervalle de 2 secondes. Le voyant lumineux clignotera rapidement. L'écoulement se produit dans les 2 minutes. La procédure de nettoyage se met automatiquement en marche pour une durée de 5 minutes. La procédure complète est composée de 3 cycles de pompage de l'eau/nettoyage interne/écoulement de l'eau de l'orifice.

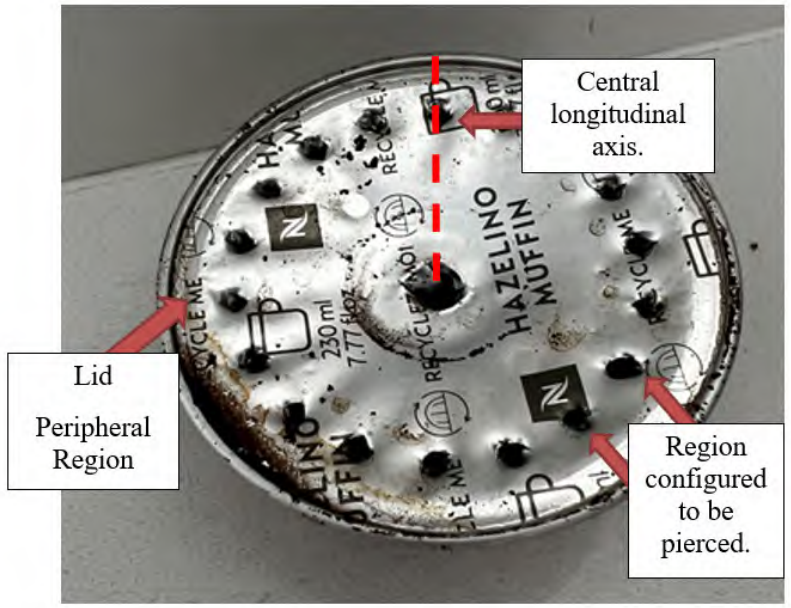
	 **When using electrical appliances, important safeguards should always be followed:** • The important safeguards are part of the appliance. Read the important safeguards provided with the appliance carefully prior to first use. Keep them in a place where you can find and refer to them in the future. • Protect the appliance from direct sunlight, water splash and humidity. • This appliance is designed for domestic and office use only. • Close supervision is necessary when the appliance is used by or near children. • Children shall not play with the appliance. • The manufacturer accepts no responsibility for and the warranty will not apply to any commercial use, inappropriate handling or use of the appliance, damage resulting from use for other purposes, faulty operation, non-professional repairs or failure to comply with the instructions. the warranty. • The appliance must only be connected after installation. • Do not pull the cord over sharp edges, clamp it or allow it to hang down. • Keep the cord away from heat and moisture. • If an extension lead is required, use only a grounded power cord with a conductor cross-section with matching input 14 AWG (2.08mm²). • Always place the appliance on a horizontal, stable, hard, even surface that does not allow for water accumulation under the machine. • The surface must be resistant to heat and fluids, like water, coffee, descaler or similar. • Disconnect the appliance from the power outlet when not in use for a long period of time. • Disconnect by pulling out the plug; do not pull on the cord itself to avoid damage. • Never touch the cord with wet hands. • Never put the appliance or part of it in a dishwasher. • Do not open the appliance. Hazardous voltage • Contact the *Nespresso* Club or *Nespresso* authorized representative for examination, repair or adjustment. • A damaged appliance can cause electric shocks, burns and fire. • Do not put fingers under coffee outlet; risk of scalding. • Do not insert fingers into capsule compartment when machine head is closing; risk of injury. • Do not put fingers into the capsule compartment or capsule shaft; risk of injury! • Water could flow around a capsule when not perforated by the blades and damage the appliance. • Be careful not to injure yourself on sharp points or trap your fingers when reaching inside the machine. • Beware of hot liquids when reaching inside the machine. • Never use a damaged or deformed capsule. • Always fill the water tank with fresh potable water. • Do not use any strong cleaning agent or solvent cleaner. • Use a damp cloth and mild cleaning agent to clean the surface of the appliance. • Do not use a steam or pressure cleaner to clean the appliance. This will damage the appliance and may create a life-threatening hazard. • Do not pour water or other liquids into the brewing unit. • Keep appliance, capsules and accessories out of reach of children. • This appliance is designed for *Nespresso* Vertuo coffee capsules available exclusively through the *Nespresso* Club or your *Nespresso* authorized representative. • All *Nespresso* appliances pass stringent controls. • Reliability tests under practical conditions are randomly performed on selected units. Some units can therefore show traces of previous use. • *Nespresso* reserves the right to change instructions without prior notice.
[21] The beverage system according to claim 1,	*See* claim 1.
[21a] wherein the portion capsule includes a barrier layer.	The portion capsule includes a barrier layer, *see, e.g.*, at least the aluminum of the portion capsule. *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium ("Aluminium foil provides a complete barrier to light, oxygen, moisture and bacteria"); https://www.nespresso.com/us/en/how-to-recycle-coffee-capsules ("Aluminum is the most protective material available today. It guarantees the freshness of the carefully crafted aromas and rich flavors of our coffees. Lightweight but strong, aluminum seals it from external elements which could harm it - oxygen, moisture and light.") The below annotated image illustrates the Accused Product's barrier layer to prevent moisture or aroma from escaping out of the portion capsule.

	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[22] The beverage system according to claim 21,	*See* claim 21.
[22a] wherein the beverage machine comprises a groove and a seal that is at least partially seated in the groove,	The beverage machine comprises a groove and a seal that is at least partially seated in the groove. The below annotated image illustrates the Accused Product's infringement of this limitation.

	
[22b] the seal is configured to bear against a top side of the lid.	The beverage machine comprises a seal that is configured to bear against a top side of the lid. The below annotated images illustrate the Accused Product's infringement of this limitation.


Seal that is configured to bear against a top side of the cover.


Seal
Media Chute

	
[23] The beverage system according to claim 21,	*See* claim 21.
[23a] wherein the grooves reinforce the wall region of the base element.	The portion capsule comprises grooves which reinforce the wall region of the base element. The below annotated image illustrates the Accused Product's infringement of this limitation.

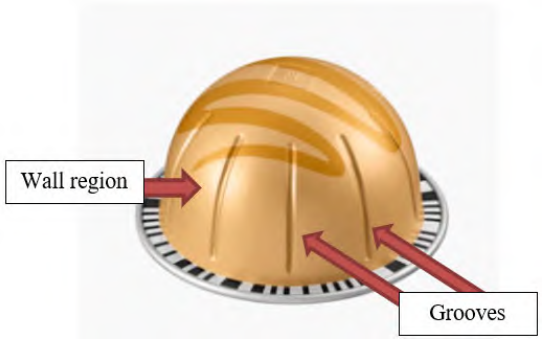
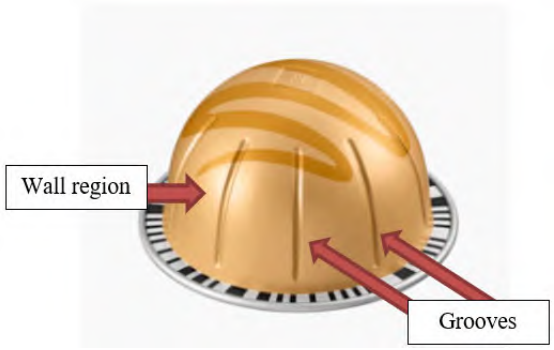
	
[24] The beverage system according to claim 22,	*See* claim 22
[24a] wherein the grooves reinforce the wall region of the base element.	The portion capsule comprises grooves which reinforce the wall region of the base element. The below annotated image illustrates the Accused Product's infringement of this limitation. 

EXHIBIT 910

U.S. Patent No. 11,554,910 ("'910 Patent")

Exemplary Accused Products

Nespresso products, including at least each of the following products (and their submodels), infringe either literally or under the doctrine of equivalents at least Claims 1-8 of the '910 Patent: Vertuo Creatista, Vertuo Pop+, Vertuo Next, VertuoPlus, Evoluo, and Vertuo capsules. The infringement chart below is based on the Vertuo capsules ("Accused Product"), which is exemplary of the infringement of the '910 Patent. The Accused Product does not contain components that materially differ from the novel characteristics of the claimed invention. Nespresso's acts of designing, marketing, importing into the USA, and selling the Accused Product, in addition to continuing to design, market, and import into the USA the Accused Product is also evidence of infringement.

In addition to Nespresso's direct infringement of the '910 Patent, Nespresso has indirectly infringed Claims 1-8 of the '910 Patent pursuant to 35 U.S.C. § 271(b) by causing others to directly infringe. For example, Nespresso's affiliates, customers, and third-party sellers directly infringe these claims by offering for sale, selling, using, and/or importing the Accused Product in the United States. Nespresso induced the infringement of Claims 1-8 through its promotion, marketing, training, and sale of the Accused Product. Nespresso supplied the Accused Product and actively encouraged the use of the same in the United States through the promotion and marketing of literature, imagery and/or video, which induced and resulted in direct infringement. Nespresso has known or should have known these actions would cause direct infringement of the '910 Patent and did so with specific intent to encourage direct infringement. Nespresso's acts of infringement were willful.

These infringement charts are exemplary and provided based on information obtained to date and may not be exhaustive. K-fee's investigation of Nespresso's infringement is ongoing. K-fee reserves the right to seek to supplement and/or amend these disclosures to identify additional asserted claims, accused instrumentalities, and/or to further identify where each element of each asserted claim is found in each accused instrumentality, including on the basis of discovery obtained from Nespresso and from third parties during the course of this litigation. As discovery progresses, Counterclaim Plaintiff may rely on additional factual and expert discovery to support its contentions that the Accused Product meets the claim limitations.

The accused instrumentalities and associated documents discussed and/or cited herein are representative in all material aspects for all other accused instrumentalities identified in this chart. Based on information presently available to K-fee, each of the Nespresso products is understood to operate in the same manner with respect to the contentions provided in this chart. Nespresso has not yet produced discovery in this action, and K-fee reserves the right to amend its contentions as to these products should Nespresso provide information showing any relevant differences among the products or any additional products containing the same functionality.

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Nespresso USA, Inc. Ex. 1049
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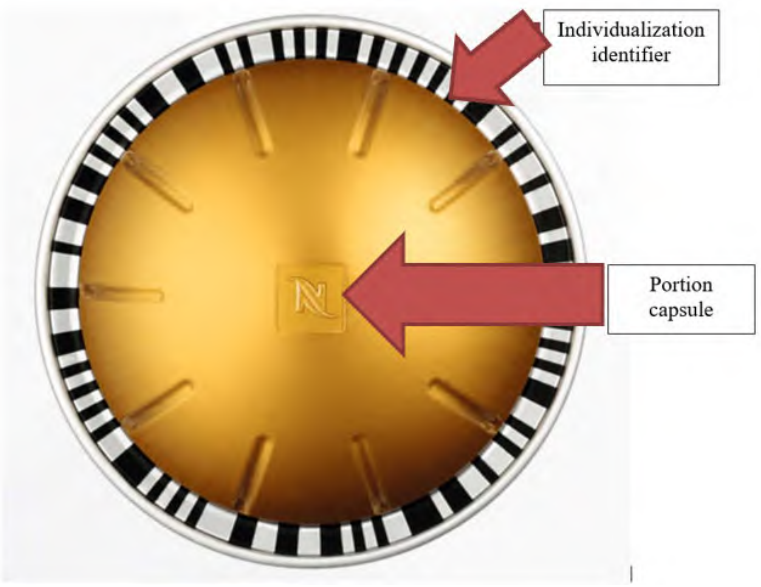
CLAIM LIMITATION U.S. Patent No. 11,554,910	NESPRESSO'S ACCUSED PRODUCT:
[1] A portion capsule for making a beverage and having an individualization identifier capable of being detected by a sensor/detection system for determining whether the portion capsule is suitable for a specific coffee machine, the portion capsule comprises:	The foregoing is applicable only to the extent the preamble of this claim is found to be limiting. To the extent the preamble is construed as a limitation, the Accused Product is a portion capsule for making a beverage and has 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 is inserted into a beverage machine for the purpose of making a beverage. The below images illustrate the portion capsule:  

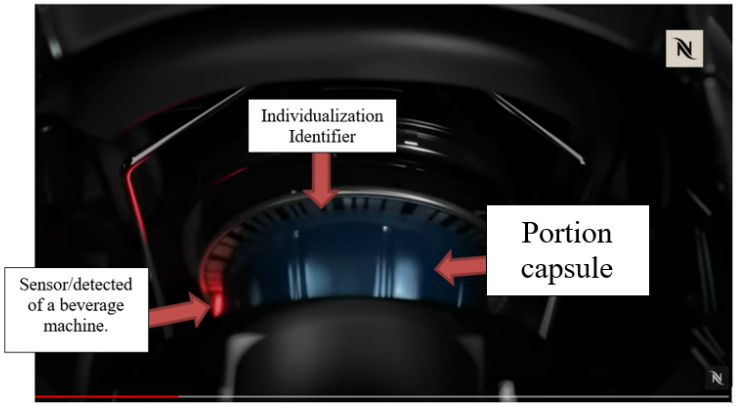
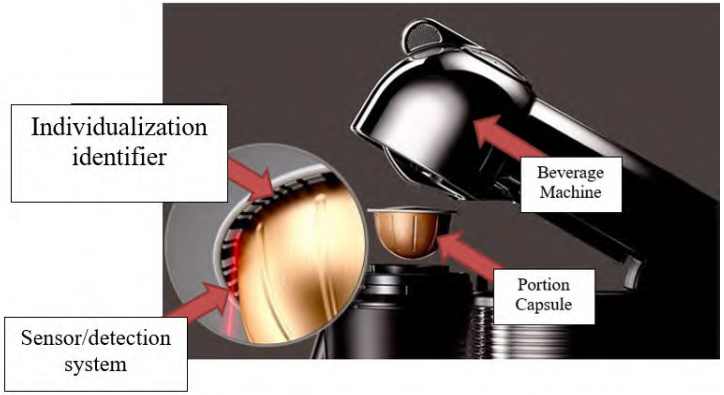


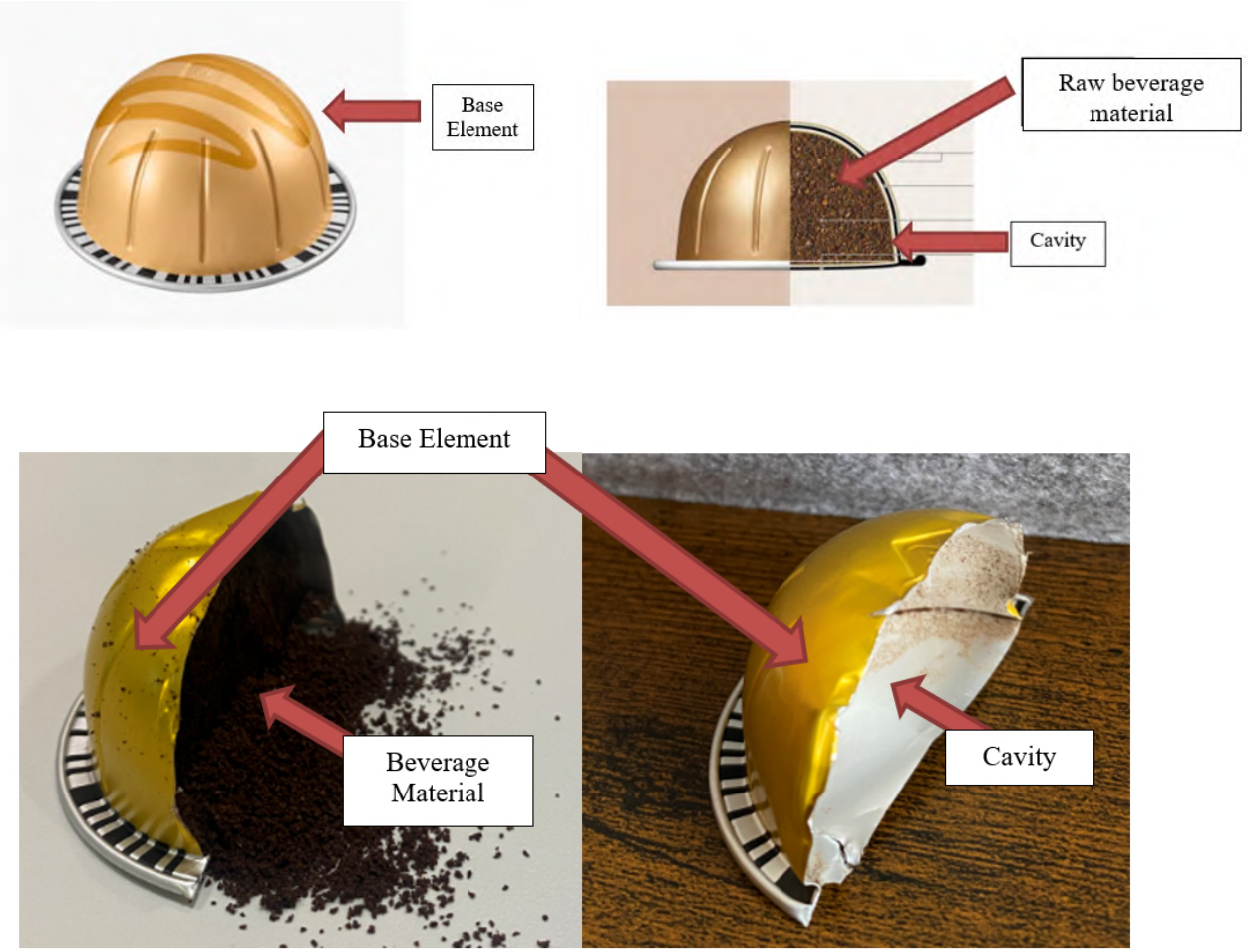
See, e.g., https://www.nespresso.com/us/en/vertuo-coffee-capsules; https://www.nespresso.com/us/en/choose-your-technology-vertuo.

The below image illustrates the portion capsule being inserted into a beverage machine for the purpose of making a beverage.

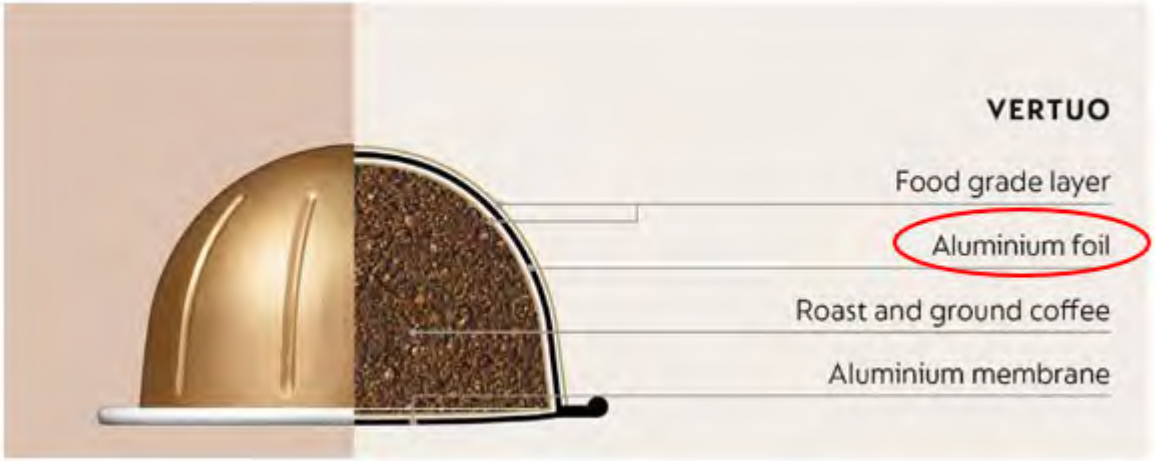


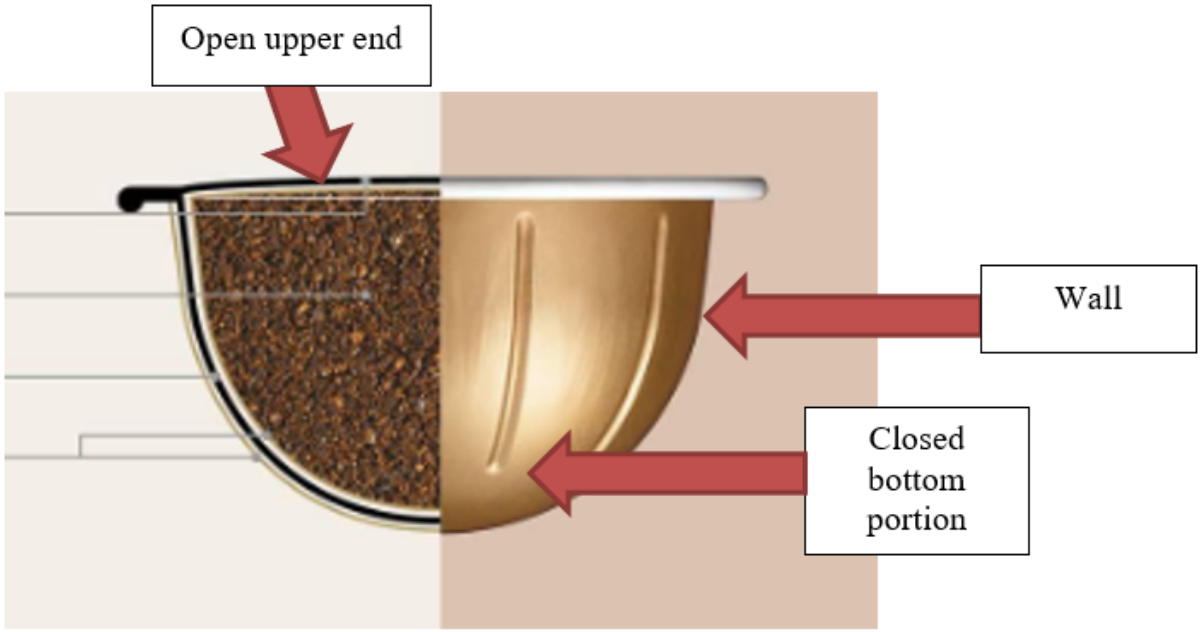
	See, e.g., https://www.youtube.com/watch?v=RTzUiX101C0. The below images illustrate the portion capsule's individualization identifier capable of being detected by a sensor/detection system for determining whether the portion capsule is suitable for a specific coffee machine. *See, e.g.*, https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."); https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). 

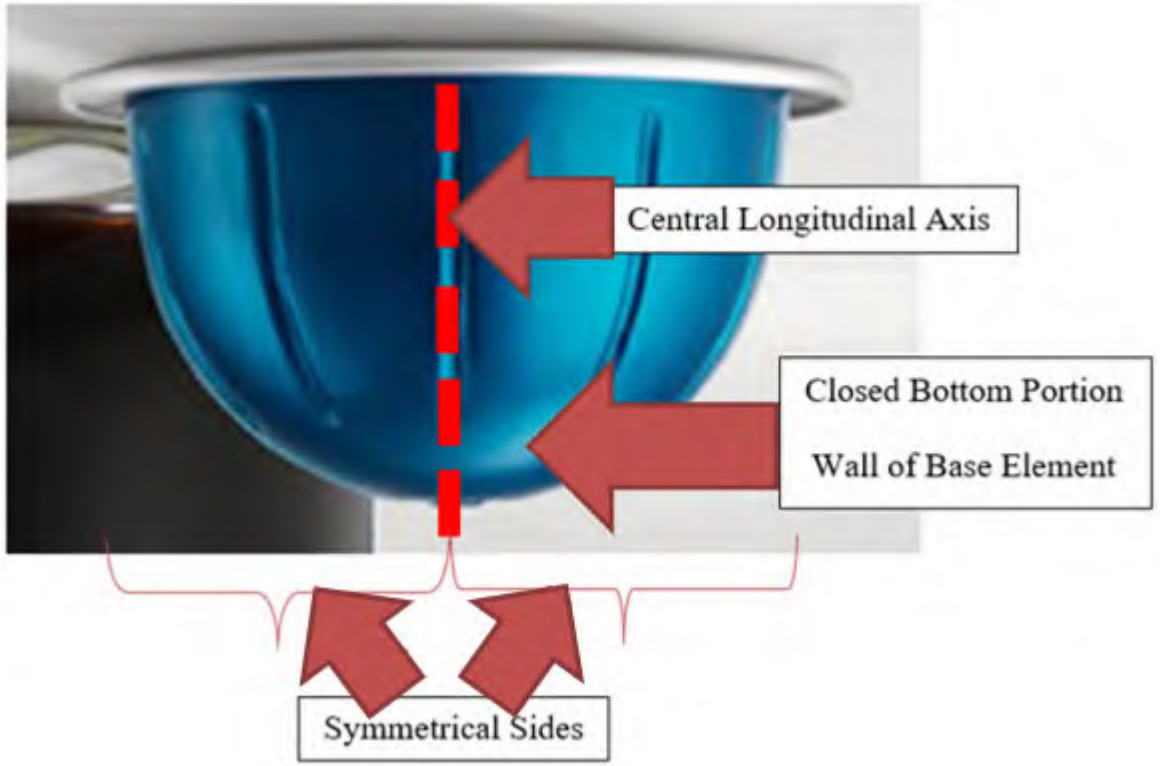
	  *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0; https://www.nespresso.com/us/en/choose-your-technology-vertuo; https://www.youtube.com/watch?v=__KOHPZXzcs.
[1a] a base element with a cavity, in which a raw beverage material is provided,	The portion capsule comprises of a base element with a cavity, in which a raw beverage material is provided. The cavity is within the base element such that the base element encompasses the cavity. The cavity is filled with raw beverage material (*e.g.*, powdered coffee material).

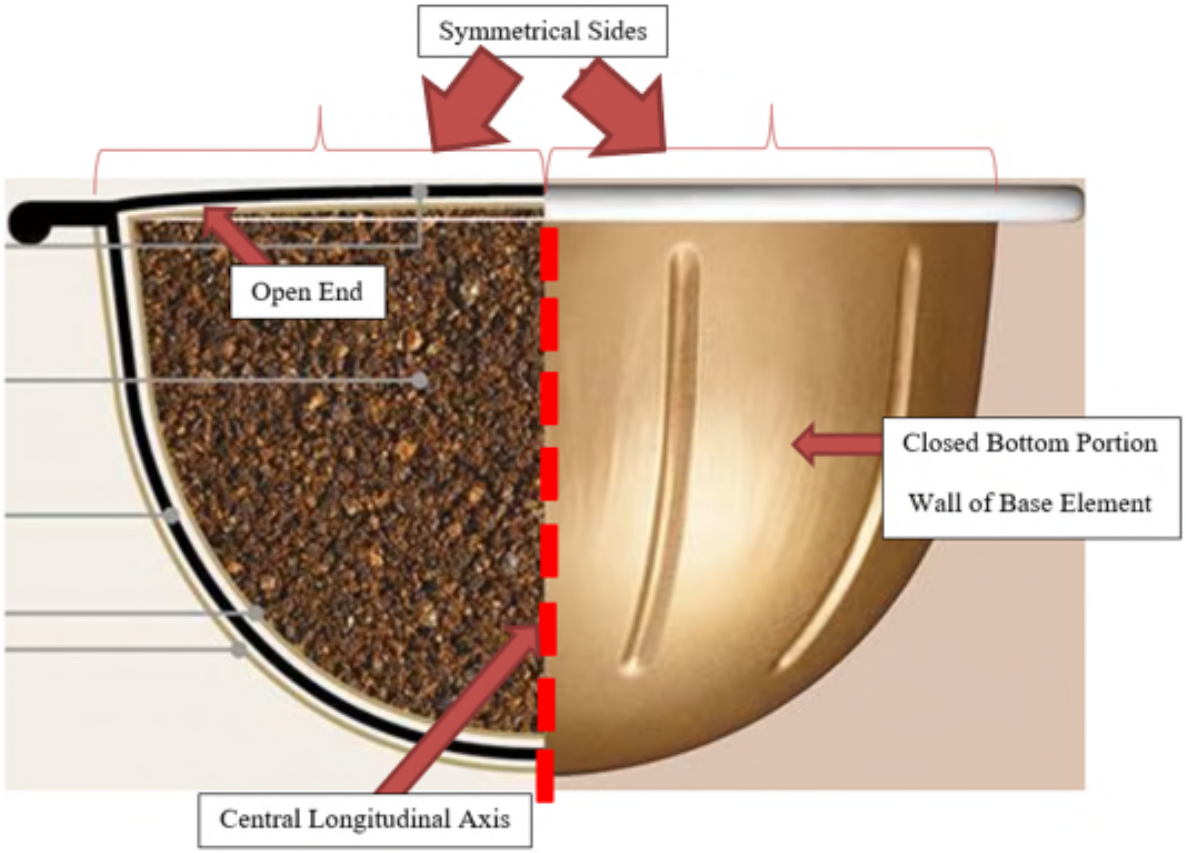
	The below annotated images illustrate the base element having a cavity in which a beverage material is provided.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium; https://www.nespresso.com/us/en/choose-your-technology-vertuo

[1b] the base element is deep drawn,	The portion capsule's base element is deep drawn. The below annotated image illustrates the Accused Product's infringement of this limitation.  *See, e.g.*, https://www.buynespresso.com/bh_en/vertuo-coffee-redefined#:~:text=To%20achieve%20this%20range%20of,Lungo%2C%20Mug%2C%20and%20Carafe
[1c] made of metal,	The Accused Product's base element is made of metal. For example, the Accused Product's base element is made of aluminum which is a lightweight metal. *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium; https://www.aluminiumleader.com/about_aluminium/what_is_aluminum/. The below annotated image illustrates the Accused Product's infringement of this limitation.

	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[1d] 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 portion capsule 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 below annotated image illustrates the Accused Product's infringement of this limitation.

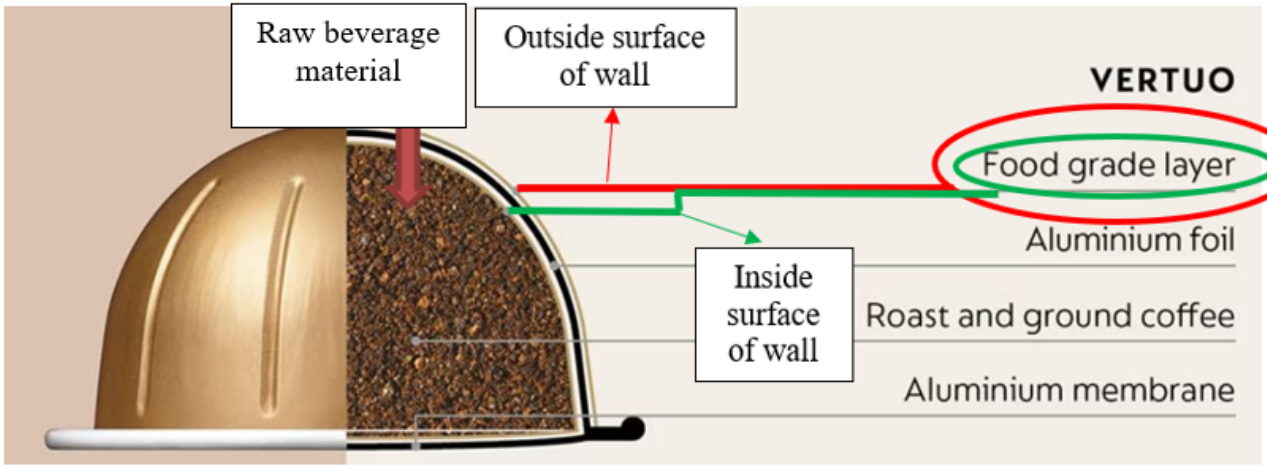
	 *See, e.g.*, https://www.nespresso.com/us/en/vertuo-coffee-capsules; https://www.sustainability.nespresso.com/why-aluminium
[1e] the wall is rotationally symmetrical about a central longitudinal axis of the base element,	The Accused Product's base element includes a wall that is rotationally symmetrical about a central longitudinal axis. The closed bottom portion of the portion capsule's base element comprises the base element's wall. The below annotated images illustrate the Accused Products' base element including a wall that is symmetrical about a central longitudinal axis thereof and having an open end and a closed bottom portion.

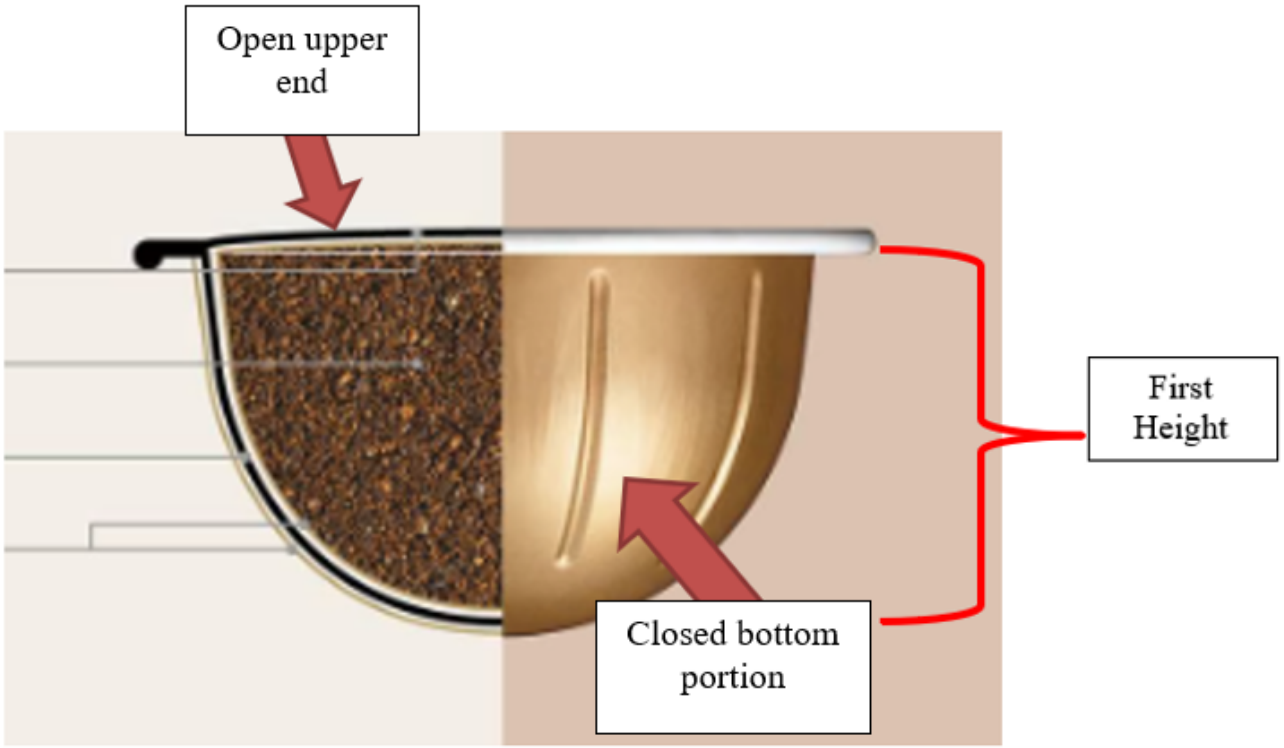

Central Longitudinal Axis
Closed Bottom Portion
Wall of Base Element
Symmetrical Sides

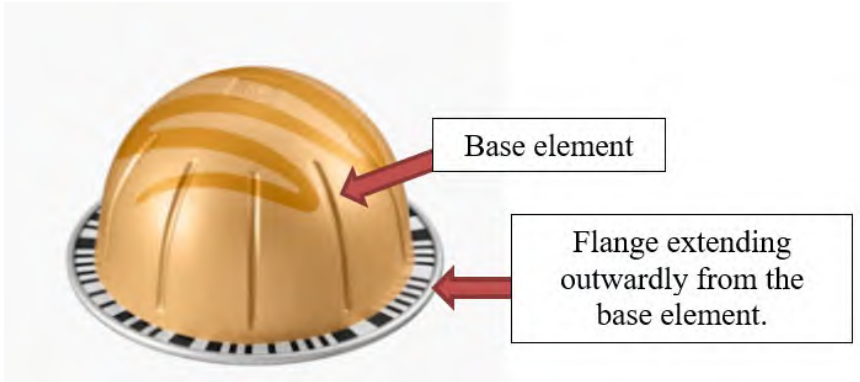


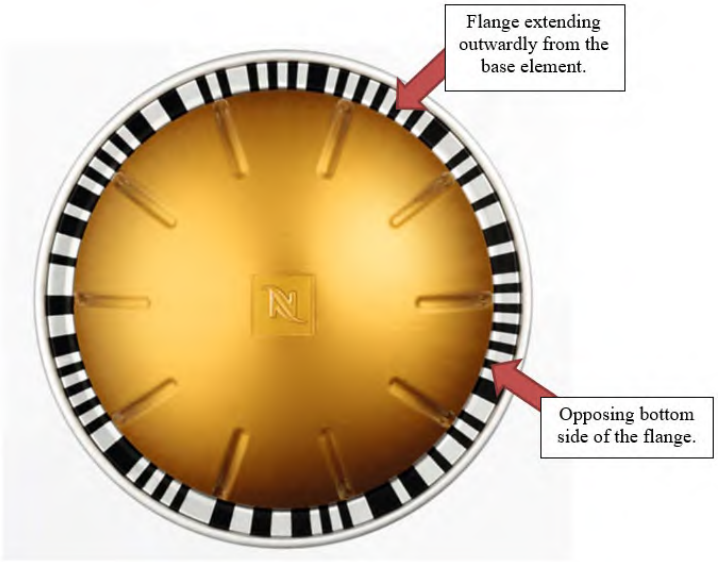
See, e.g., https://www.nespresso.com/us/en/vertuo-coffee-capsules; https://www.sustainability.nespresso.com/why-aluminium

Alternatively, to the extent any limitation herein is deemed not literally infringed, Plaintiff alleges that the limitation is infringed under the doctrine of equivalents. Under the function-way-result test of the doctrine of equivalents, an element in the accused device is equivalent to a claim limitation if it "performs substantially the same function in substantially the same way to obtain substantially the same result." *Virnetx, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1322-23 (Fed. Cir. 2014). For example,

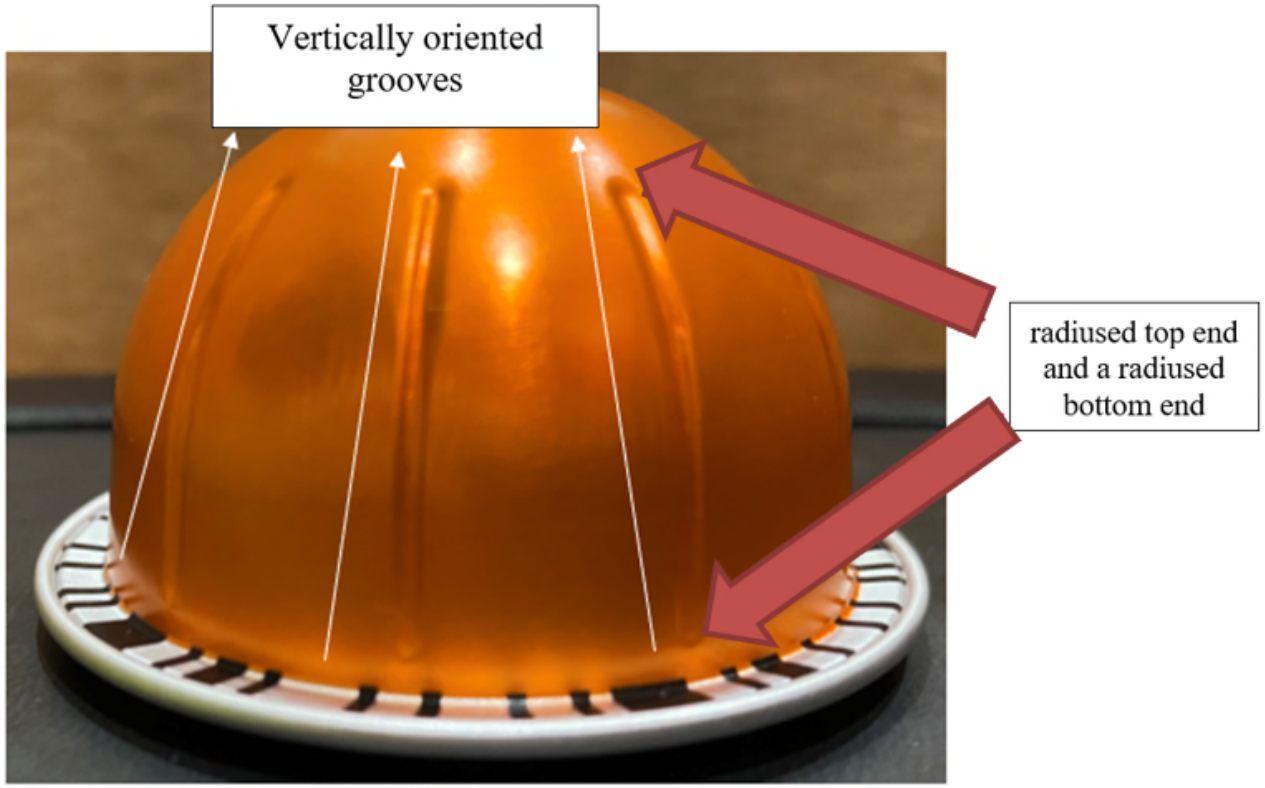
	the portion capsule's base element having an open end and a bottom portion with physical features, *see, e.g.*, the capsule walls, performs the same function, *e.g.* encasing the cavity of the portion capsule and providing a vessel that rotates smoothly with limited friction and turbulence at speeds up to 7000 RPM, in the substantially the same way, *e.g.* by encasing the base element in a symmetrical fashion about a central longitudinal axis of the base element, to achieve the same result, *e.g.* provide a vessel for the beverage material and ensure smooth rotation to brew coffee, as the claimed base element being symmetrical about a central longitudinal axis thereof and having an open end and a bottom portion.
[1f] the wall includes an outside surface and an inside surface that faces the raw beverage material,	The Accused Product's wall, which is included in the base element, has an outside surface, *see, e.g.*, the outer food grade layer. Additionally, the Accused Product's wall, which is included in the base element, has a separate inside surface, *see, e.g.*, the inner food grade layer, which faces the beverage material. The below annotated image illustrates the Accused Product's wall, which has an outside surface and an inside surface which faces the raw beverage material.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[1g] the base element has a first height that is defined	The Accused Product's base element has a height between the open upper end portion and the closed bottom, defined as the first height.

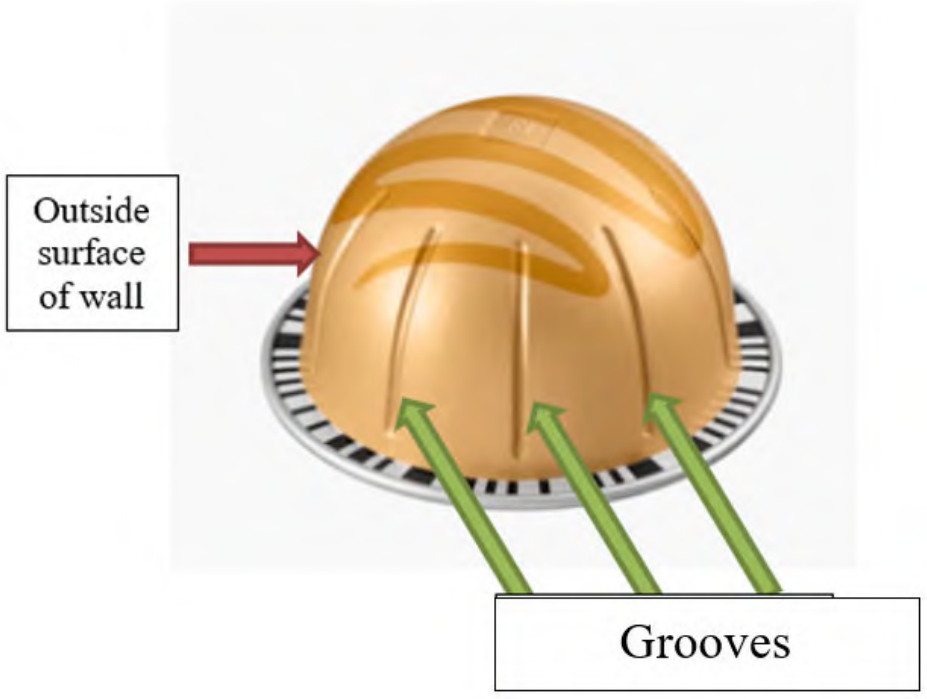
between the open upper end portion and the closed bottom;	The below annotated image illustrates the first height between the open end and the closed bottom portion of Accused Product.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[1h] a flange extending outwardly from the wall at the open upper end portion of the base element, the flange having a top side	The portion capsule has a flange extending outwardly from the wall at the open upper end portion of the base element. The flange has a top side and an opposing bottom side. The below annotated images illustrate the Accused Product's infringement of this limitation.

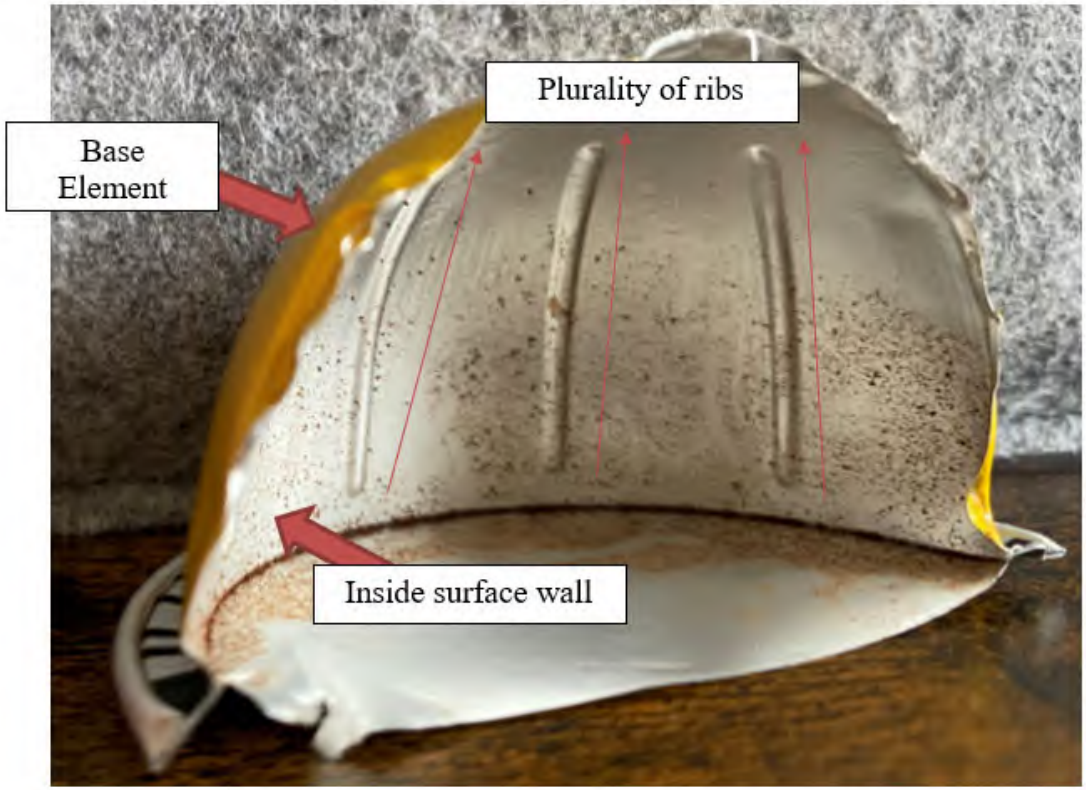
and an opposing bottom side,	 

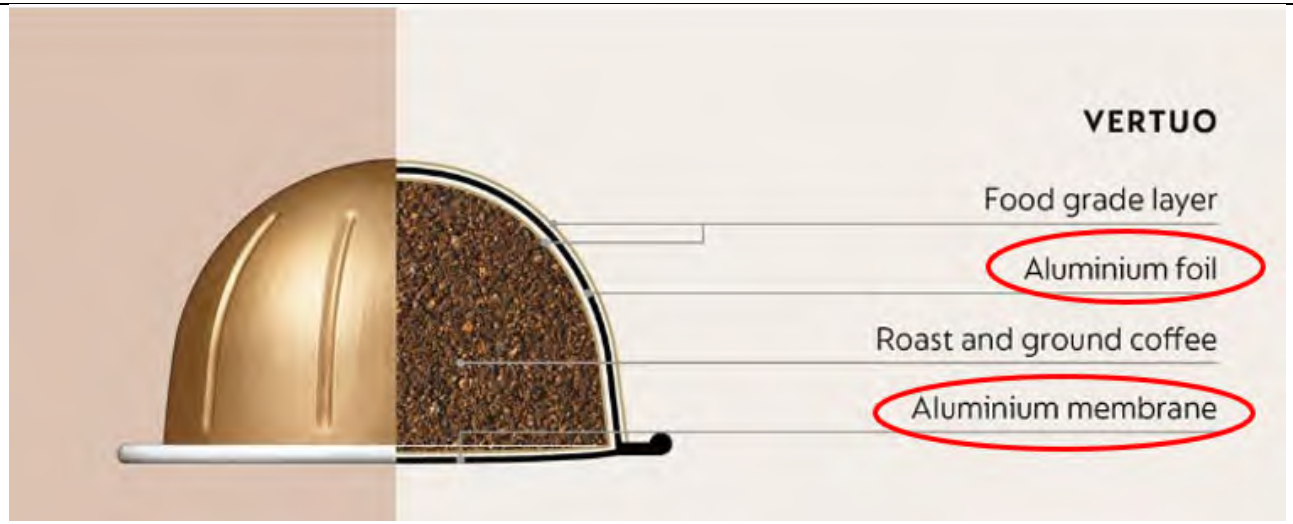
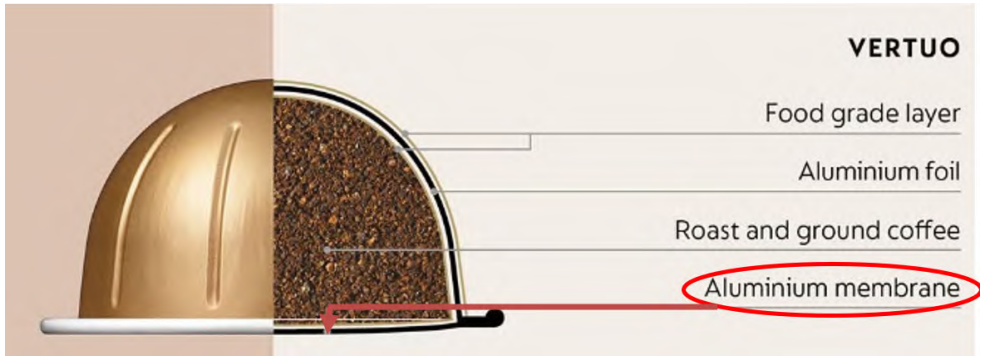
	 *See, e.g.*, https://www.nespresso.com/us/en/vertuo-coffee-capsules; https://www.nespresso.com/us/en/choose-your-technology-vertuo.
[1i] the individualization identifier is located on the bottom side of the flange;	The Accused Product has an individualization identifier, which is located on the bottom side/surface of the flange. The below annotated image illustrates the Accused Product's optically detectable individualization identifier, which is carried by the bottom surface of the rim.

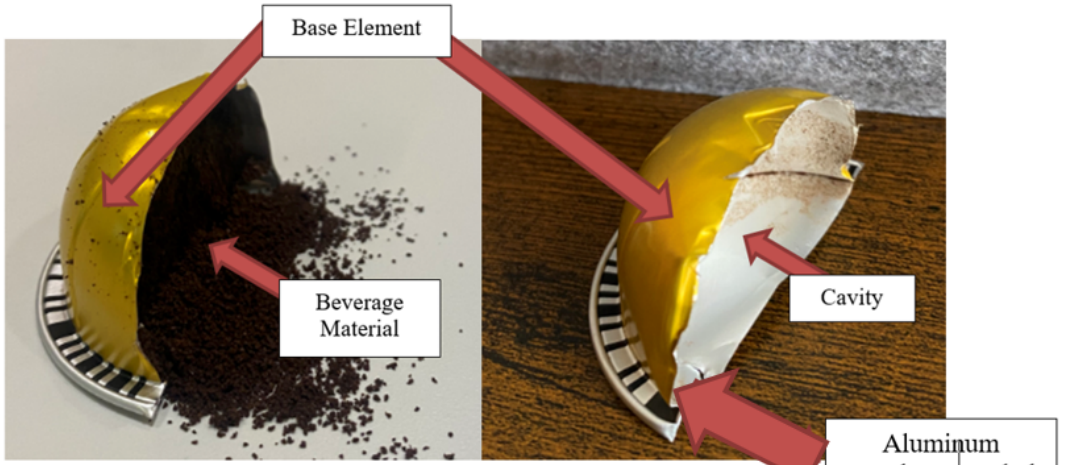
	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[1j] a plurality of vertically oriented grooves arranged on the outside surface of the wall, the plurality of vertically oriented grooves each have a radiused top end and a radiused bottom end and are spaced a distance between the flange and the	The portion capsule has 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 bottom end and are spaced a distance between the flange and the closed bottom, the plurality vertically oriented grooves cover 20% to 80% of the wall between the flange and the closed bottom. The below annotated images illustrate the Accused Product's infringement of this limitation.

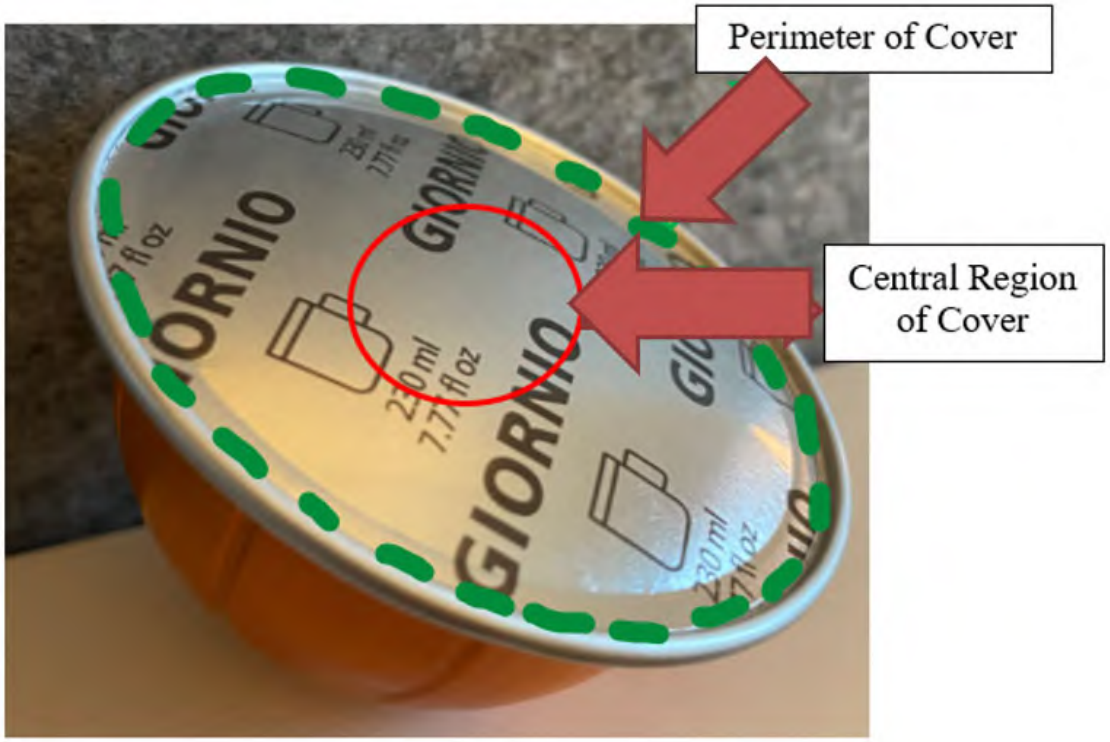
closed bottom, the plurality vertically oriented grooves cover 20% to 80% of the wall between the flange and the closed bottom;	

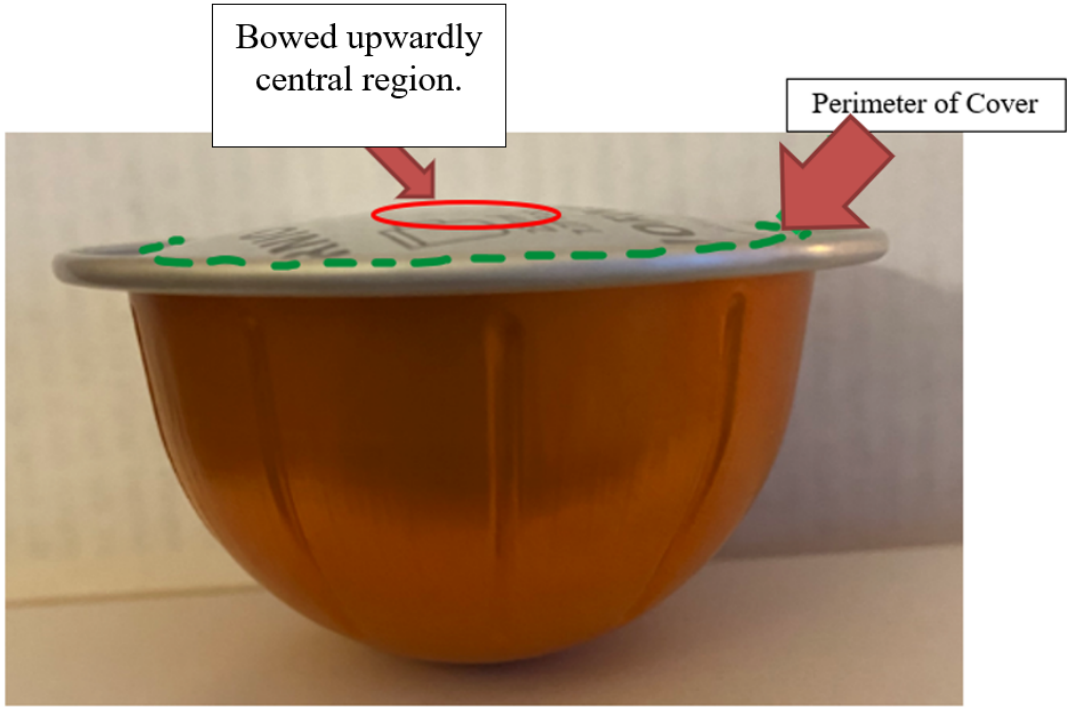
	
[1k] a plurality of vertically oriented ribs arranged on the inside surface of the wall;	The portion capsule has a plurality of vertically oriented ribs, *see, e.g.*, 10 ribs, arranged on the inside surface of the wall. The plurality of vertically oriented ribs exist on the inside surface of the wall. The below annotated image illustrates the Accused Product's plurality of vertically oriented ribs arranged on the inside surface of the wall.

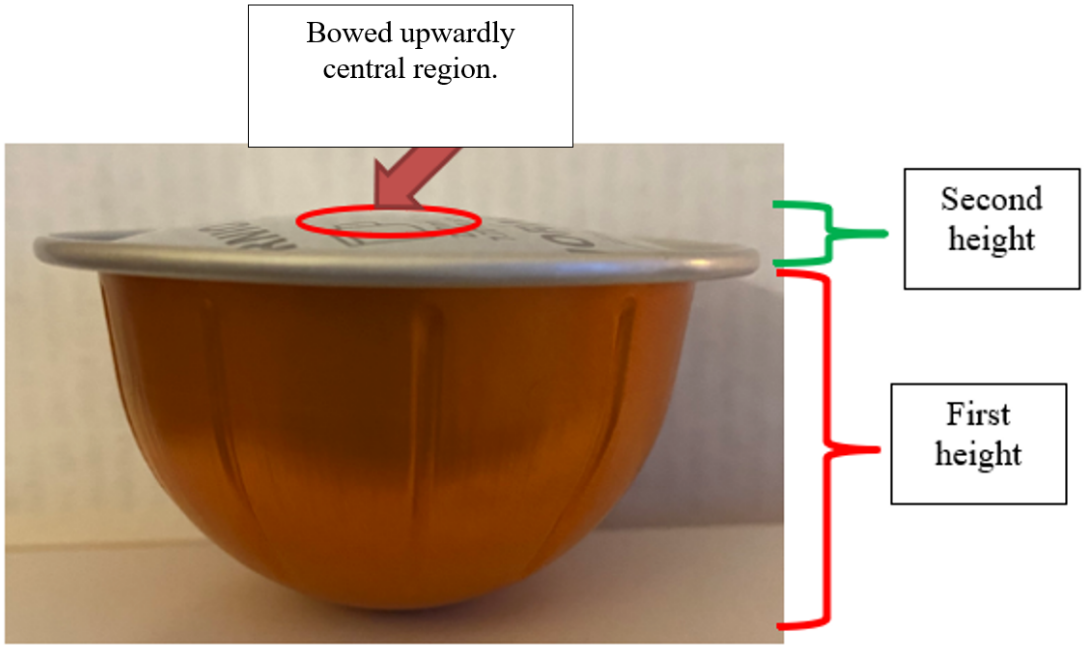
	
[1l] a barrier sheet to prevent moisture or aroma from escaping out of the portion capsule;	The portion capsule includes a barrier sheet, *see, e.g.*, at least the aluminum foil of the portion capsule. *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium ("Aluminium foil provides a complete barrier to light, oxygen, moisture and bacteria"); https://www.nespresso.com/us/en/how-to-recycle-coffee-capsules ("Aluminum is the most protective material available today. It guarantees the freshness of the carefully crafted aromas and rich flavors of our coffees. Lightweight but strong, aluminum seals it from external elements which could harm it - oxygen, moisture and light.") The below annotated image illustrates the Accused Product's barrier sheet to prevent moisture or aroma from escaping out of the portion capsule.

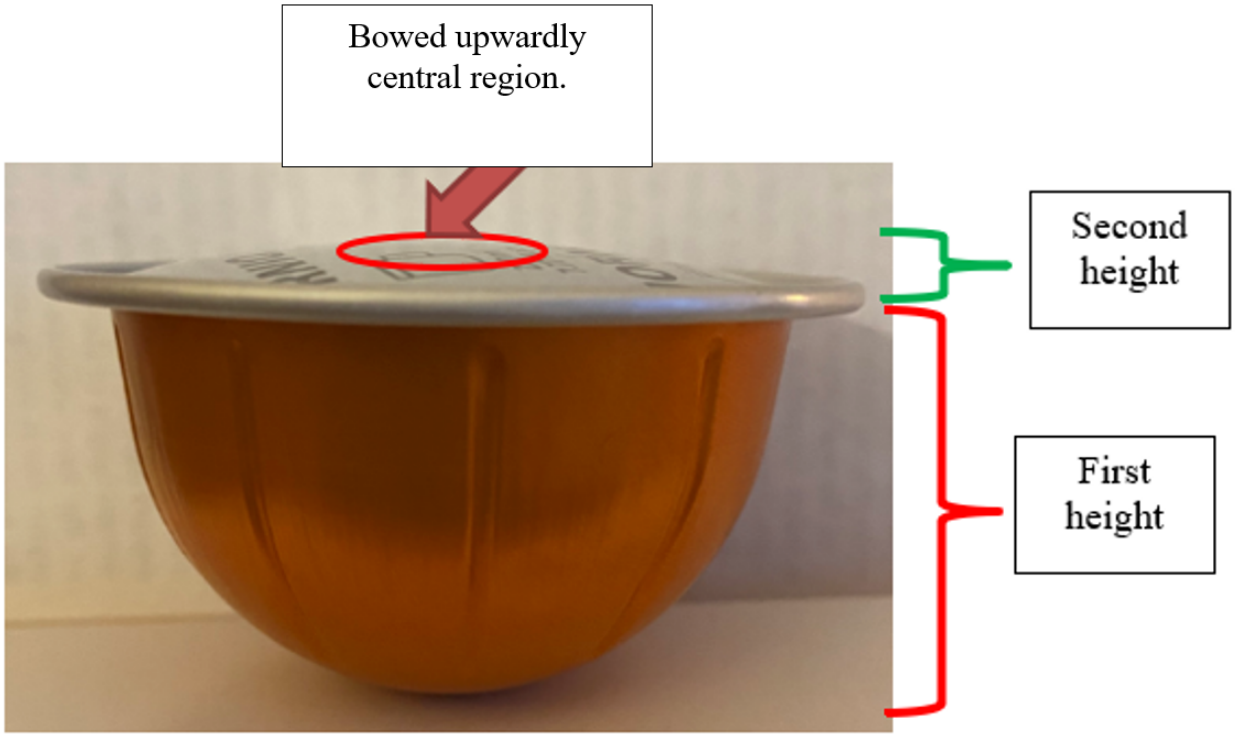
	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[1m] a cover comprising a metal foil that is sealed to the top side of the flange,	The portion capsule's cover comprises a metal foil lid, *see, e.g.*, aluminum membrane, that is sealed to the top side of the flange. The cavity is within the base element such that the base element encompasses the cavity. The cavity is filled with beverage material (*e.g.*, powdered coffee material). The below annotated images illustrate the Accused Product's infringement of this limitation. 

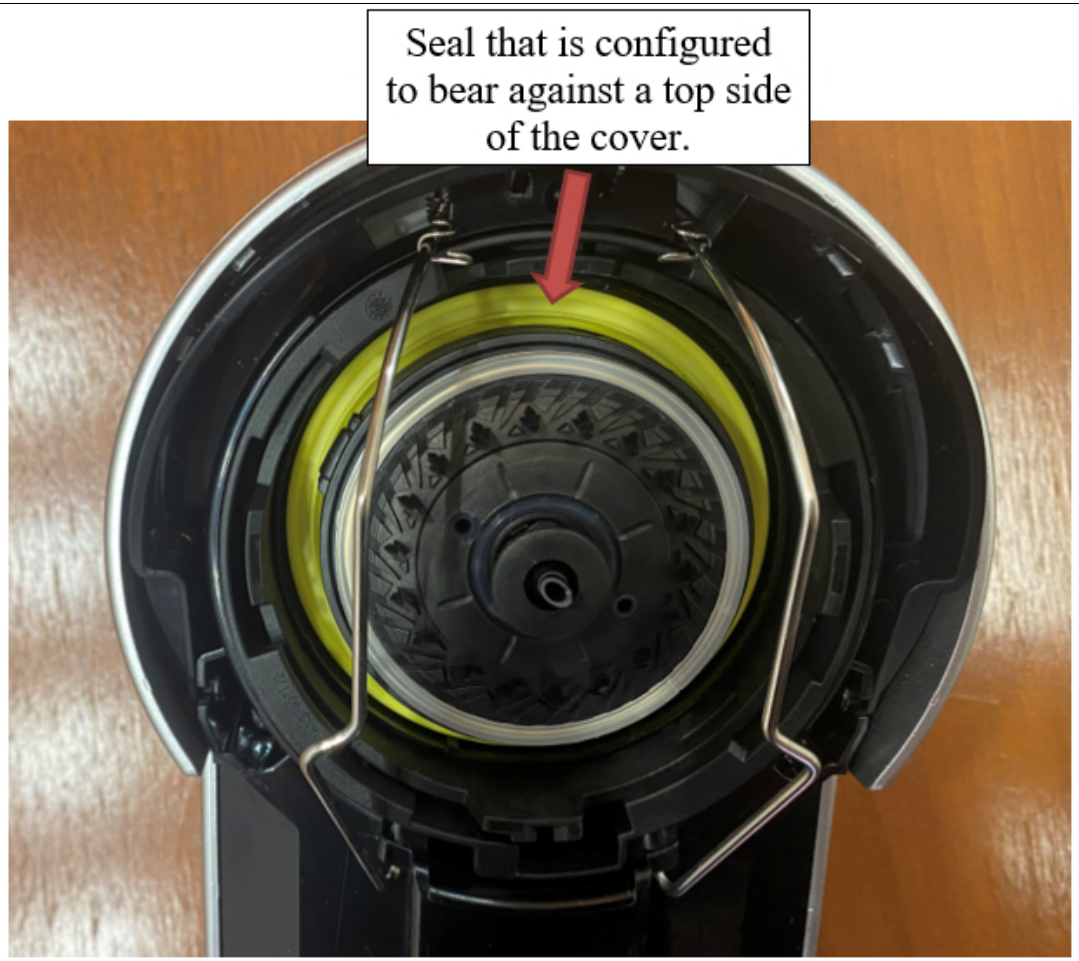
	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[1n] the cover having a central region and a perimeter,	The Accused Product's cover has a central region and a perimeter. The below annotated image illustrates the Accused Product's cover having a central region and a perimeter.

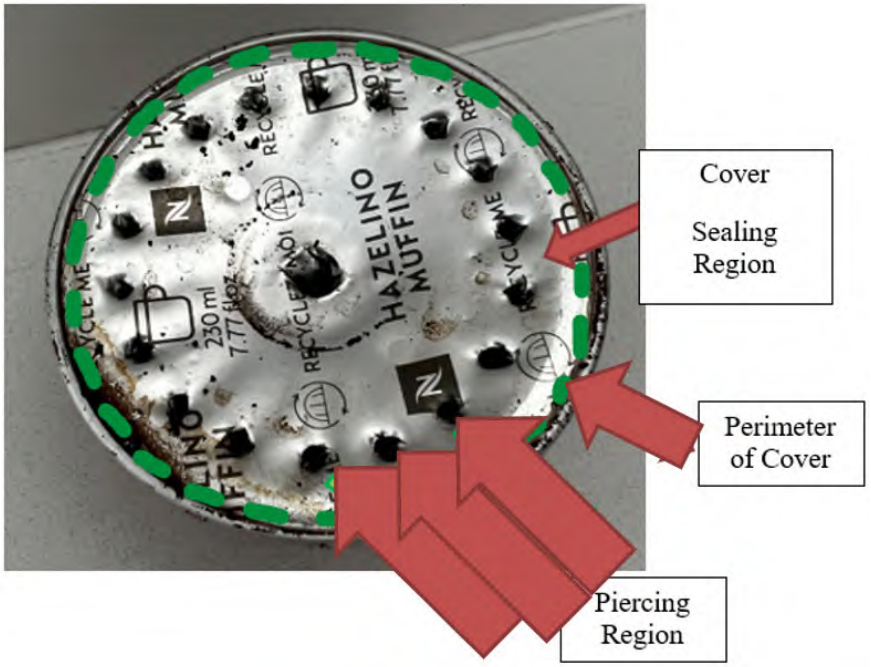
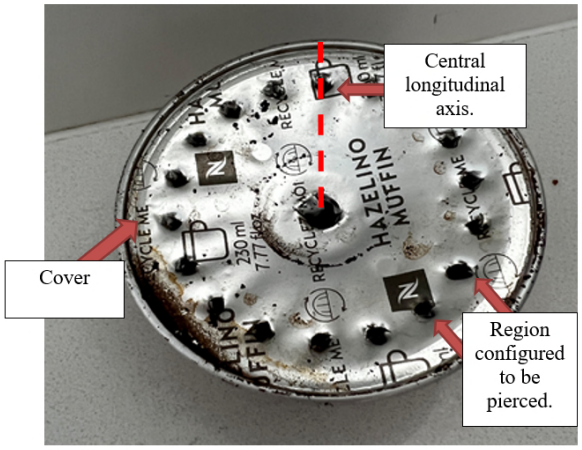
	
[1o] the cover is bowed upwardly to a second height at the central region relative to the perimeter, the second height of the cover is less than the first height of the base element,	The Accused Product's cover is bowed upwardly to a second height at the central region relative to the perimeter, the second height of the cover is less than the first height of the base element. The below annotated images illustrate the Accused Product's cover, which is bowed outwardly to a second height in the central region relative to the perimeter of the cover.

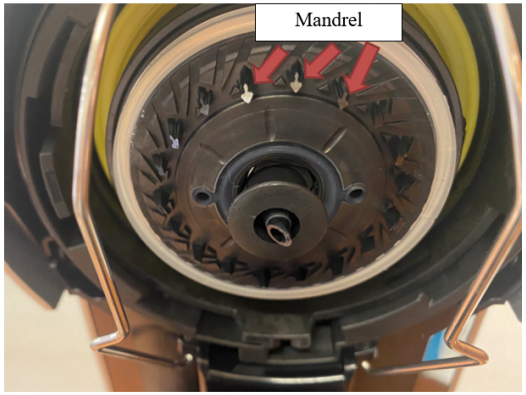

Bowed upwardly central region.
Perimeter of Cover

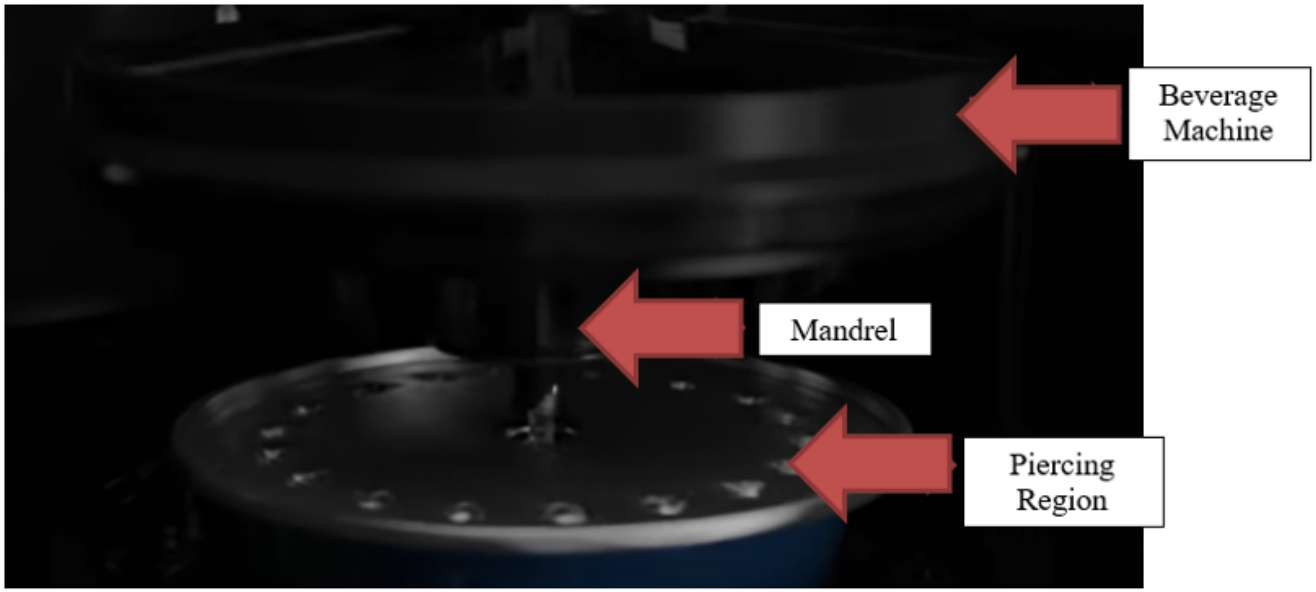
	
[1p] the cover being dimensioned and configured to provide a sealing area that is configured to bear against a seal of the specific coffee machine,	The Accused Product’s cover is dimensioned and configured to provide a sealing area that is configured to bear against a seal of the specific coffee machine. The below annotated image illustrates the Accused Product’s infringement of this limitation.


Bowed upwardly central region.
Second height
First height

	
[1q] the cover being dimensioned and configured to provide a piercing area that is configured to be pierced	The Accused Product’s cover is dimensioned and configured to provide a piercing area that is configured to be pierced by a mandrel of the specific coffee machine. The below annotated image illustrates the Accused Product’s infringement of this limitation.

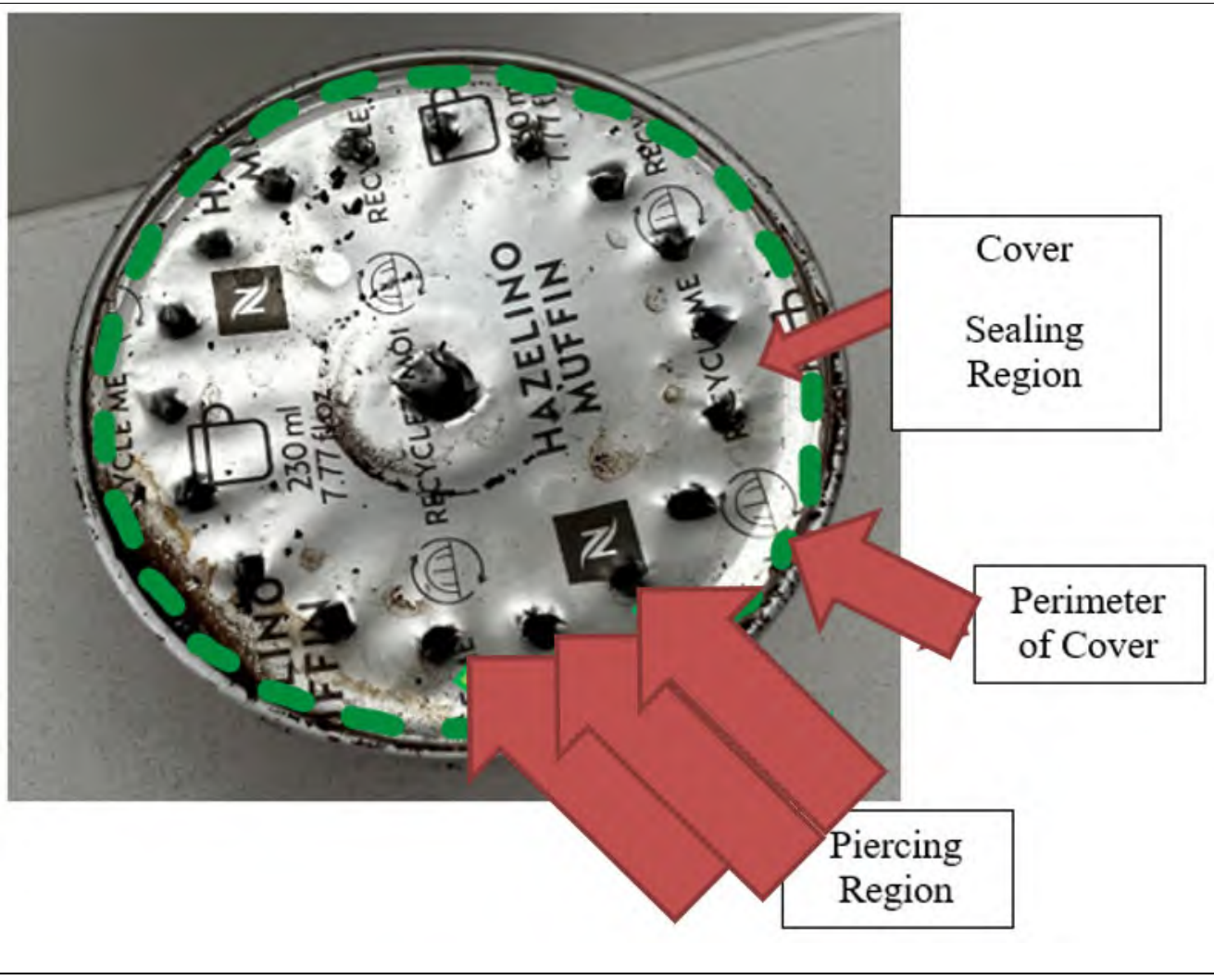
by a mandrel of the specific coffee machine,	 

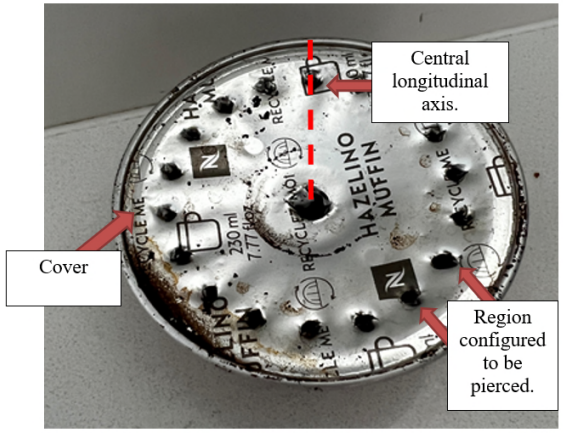
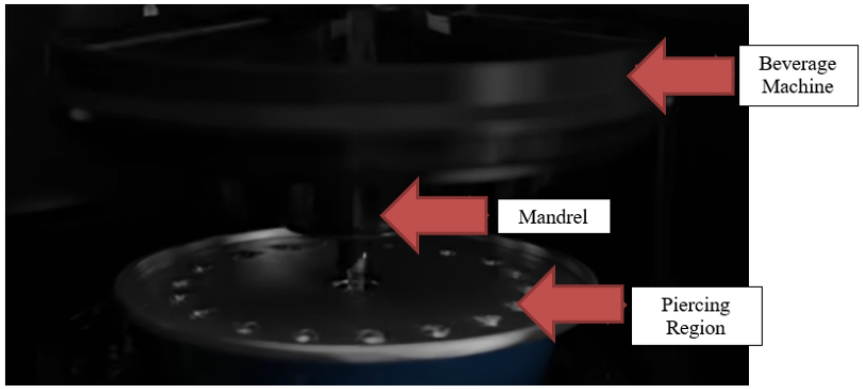


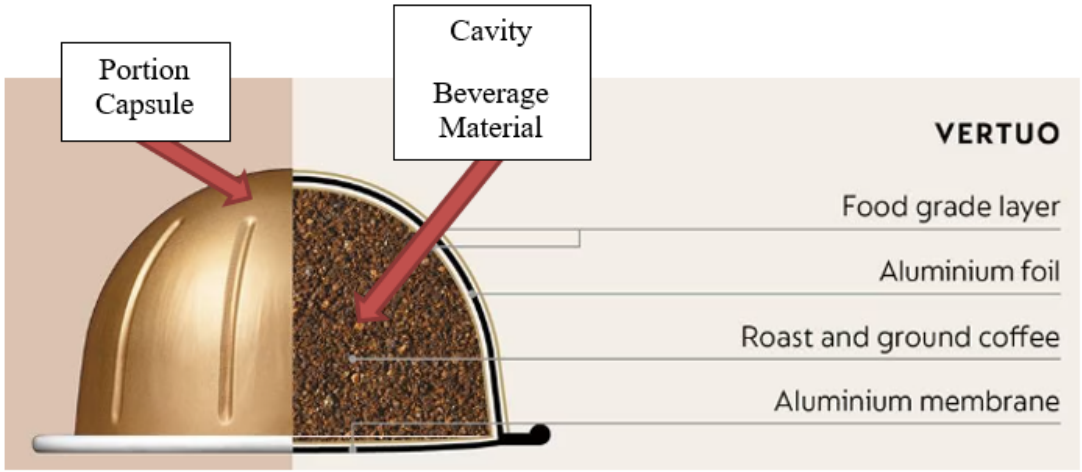


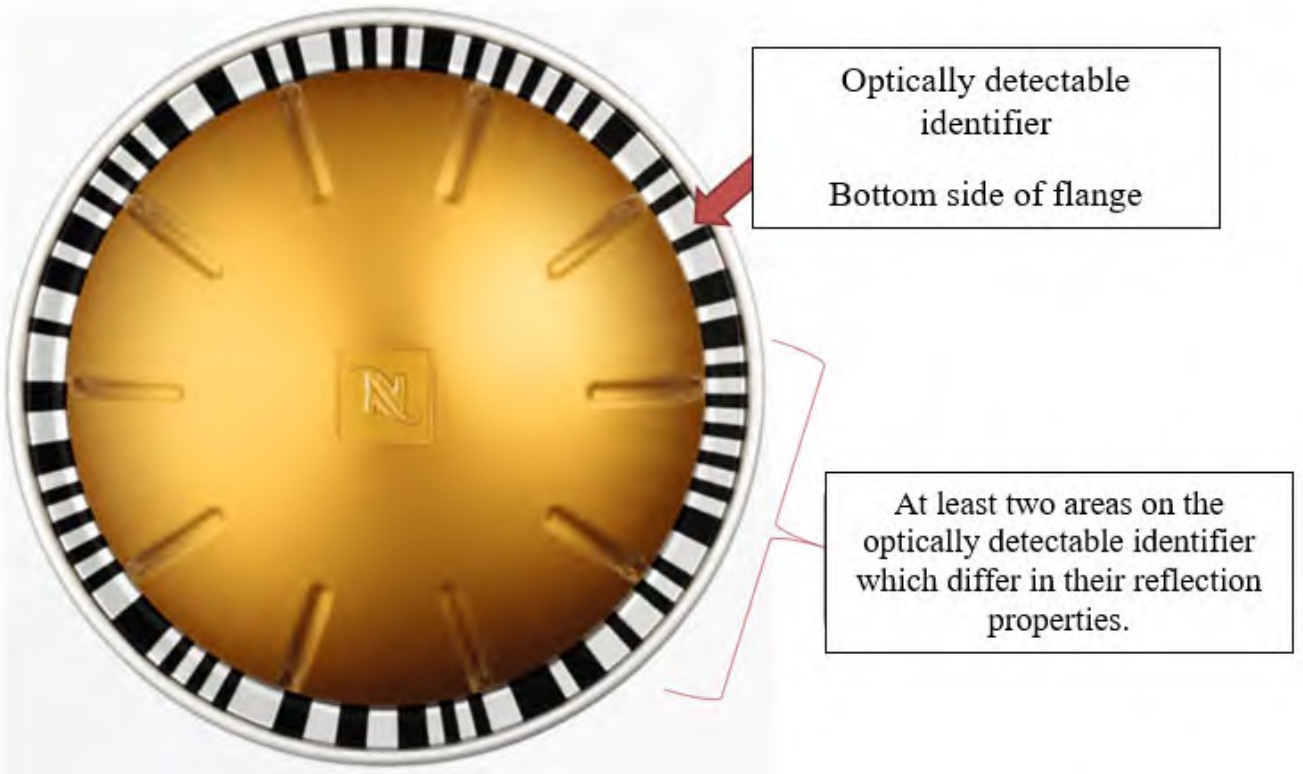
See, e.g., https://www.youtube.com/watch?v=RTzUiX101C0

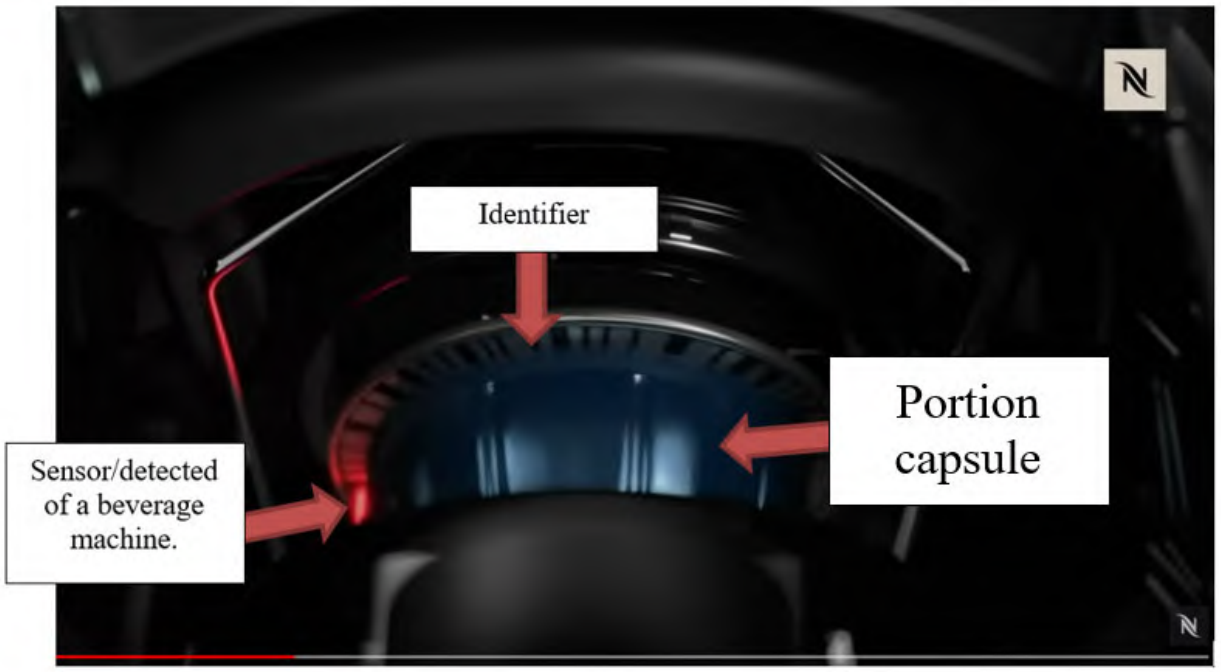
[1r] the piercing area being laterally offset from the central longitudinal axis of the base element;	The Accused Product's cover includes a piercing area/region being laterally offset from the central longitudinal axis of the base element. The below annotated images illustrate the Accused Product's infringement of this limitation.

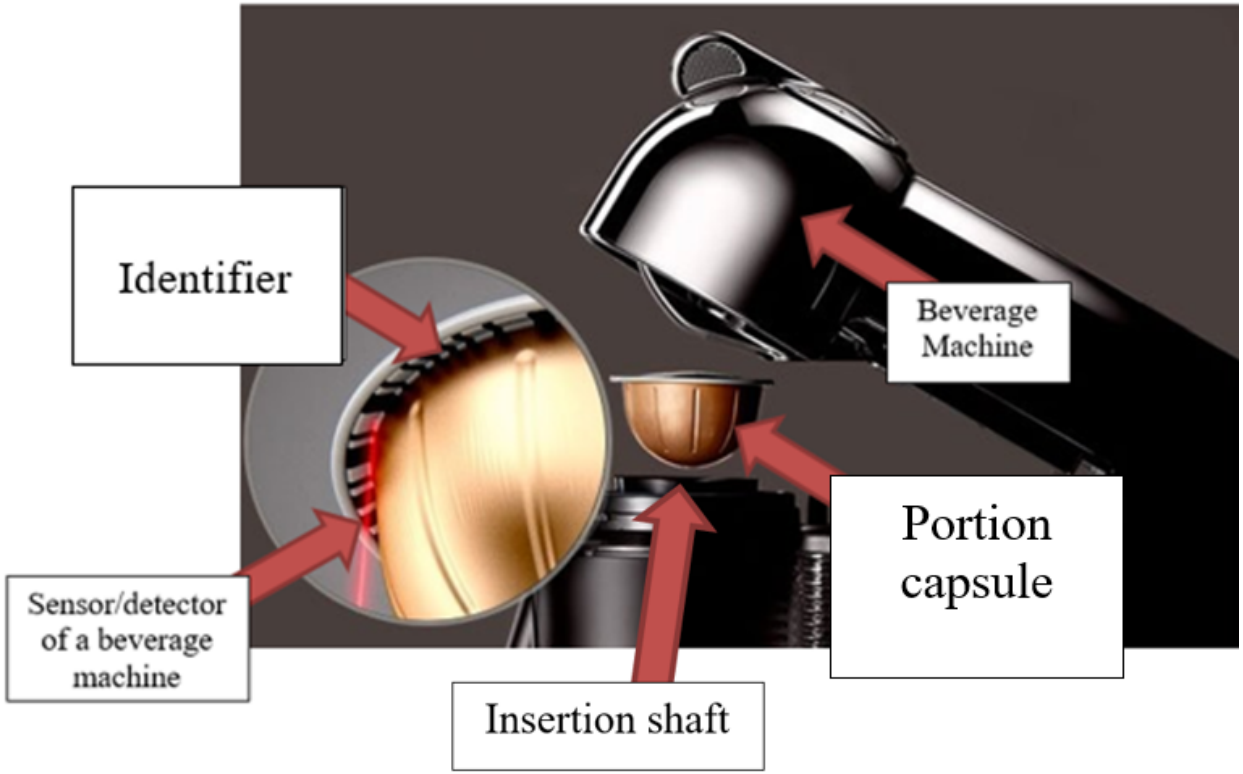

Cover
Sealing Region
Perimeter of Cover
Piercing Region
HAZELINO MUFFIN
230 ml
7.77 fl oz

	  *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0
[1s] wherein the portion capsule is free of a filter inside of the cavity; and	The Accused Product is a portion capsule that is free of a filter inside the cavity. The below annotated image illustrates that the portion capsule is free of a filter inside of the cavity.

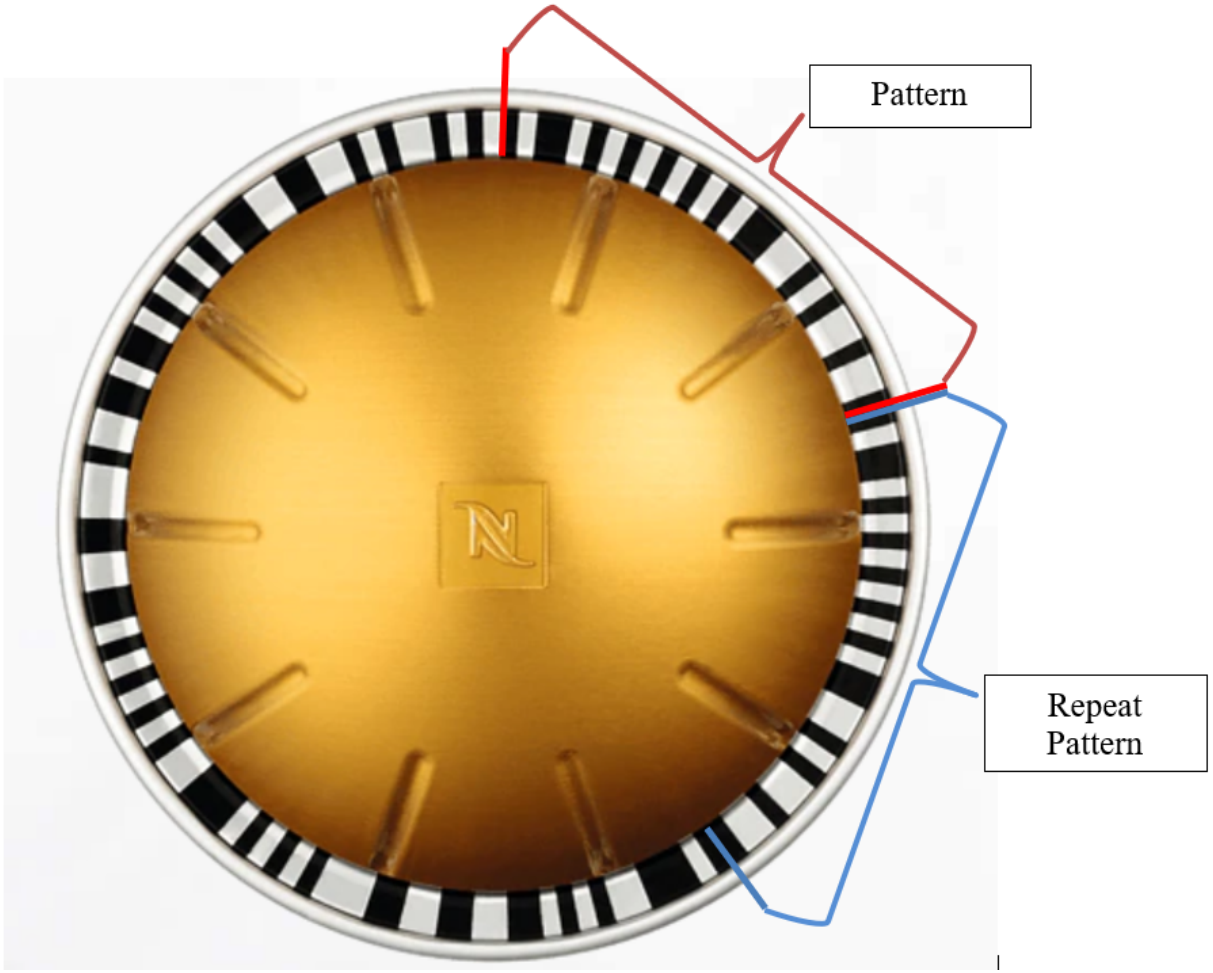
	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[1s.i] wherein the individualization identifier: comprises at least two areas which differ in their optically detectable reflection properties;	The Accused Product has an individualization identifier comprising at least two areas which differ in their optically detectable reflection properties. The below annotated image illustrates the Accused Product's infringement of this limitation.

	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[1.s.ii] includes an optically detectable, machine readable, repeat pattern;	The portion capsule includes an optically detectable, machine readable, repeat pattern. The below annotated images illustrate the Accused Product's infringement of this limitation.

	 Identifier Portion capsule Sensor/detected of a beverage machine.



One example of the identifier having a repeat pattern is shown below. The first pattern of the identifier is annotated in red. That pattern is repeated is annotated in blue.



Another example of the identifier having a repeat pattern is shown below. The identifier is repeated five times around the circumference of the capsule, as annotated in green. In this example, the repeated portions of the identifier are spaced at equal intervals from the next closest repeated portion of the identifier.

	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo; https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs.
[1.s.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;	The portion capsule's individualization identifier 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. For example, if the identifier located on the portion capsule is obstructed or damaged, the beverage machine will prevent making of the beverage because the beverage machine is unable to encode information used by the specific coffee machine to individualize the portion capsule. For example, the screenshot from the Vertuo User Manual below describes various troubleshooting instances, including where the Vertuo beverage machine does not start or run, thereby failing to active the pump that supplies the water into the single-serve capsule, because individualization identifier on the single-serve capsule cannot be compared to a stored reference. Moreover, the User Manual refers

to pumping water. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo (User Manual at p. 21).

TROUBLESHOOTING

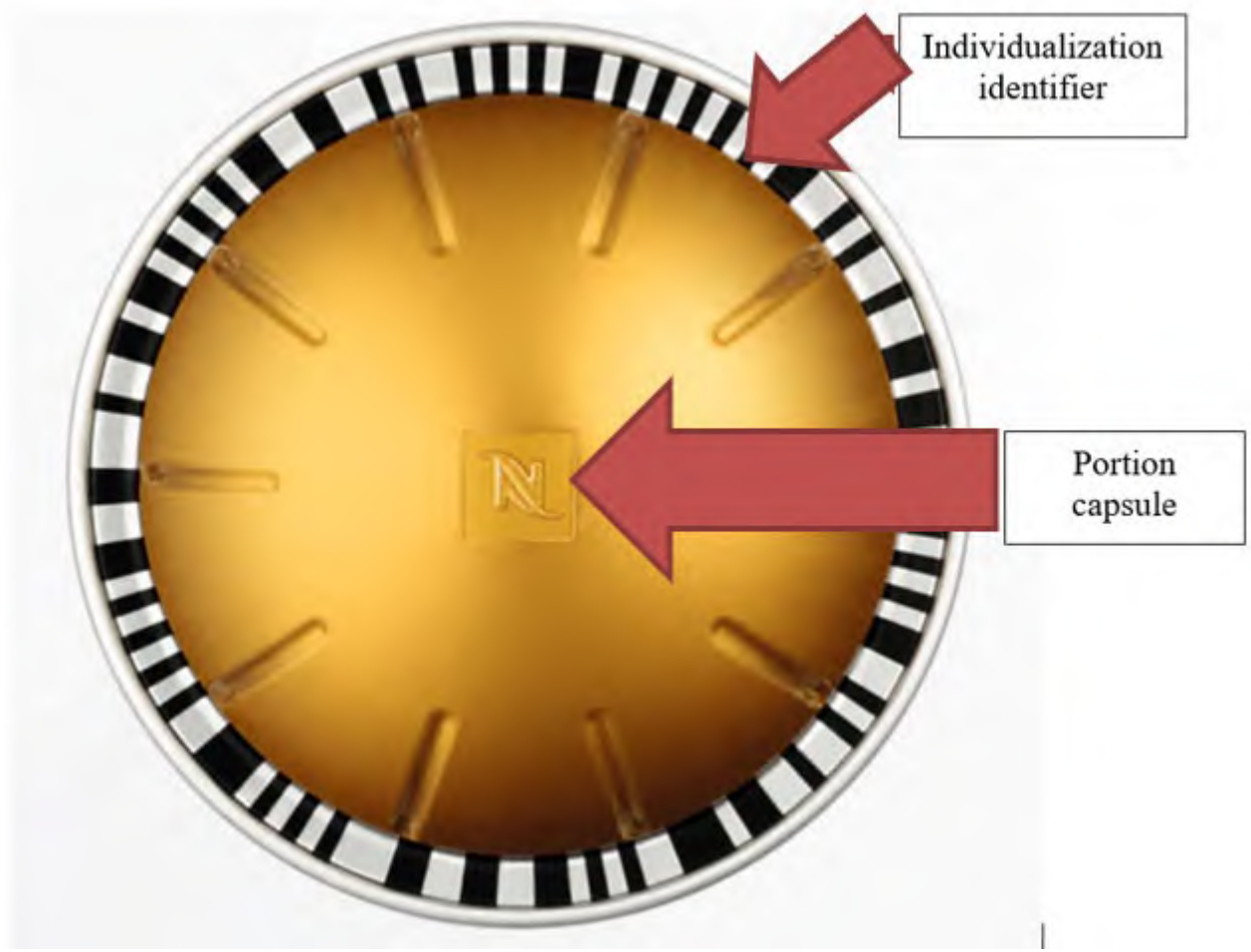
ASSISTANCE VIDEOS ARE AVAILABLE ON WWW.NESPRESSO.COM - VISIT THE "MACHINES" SECTION.

EN

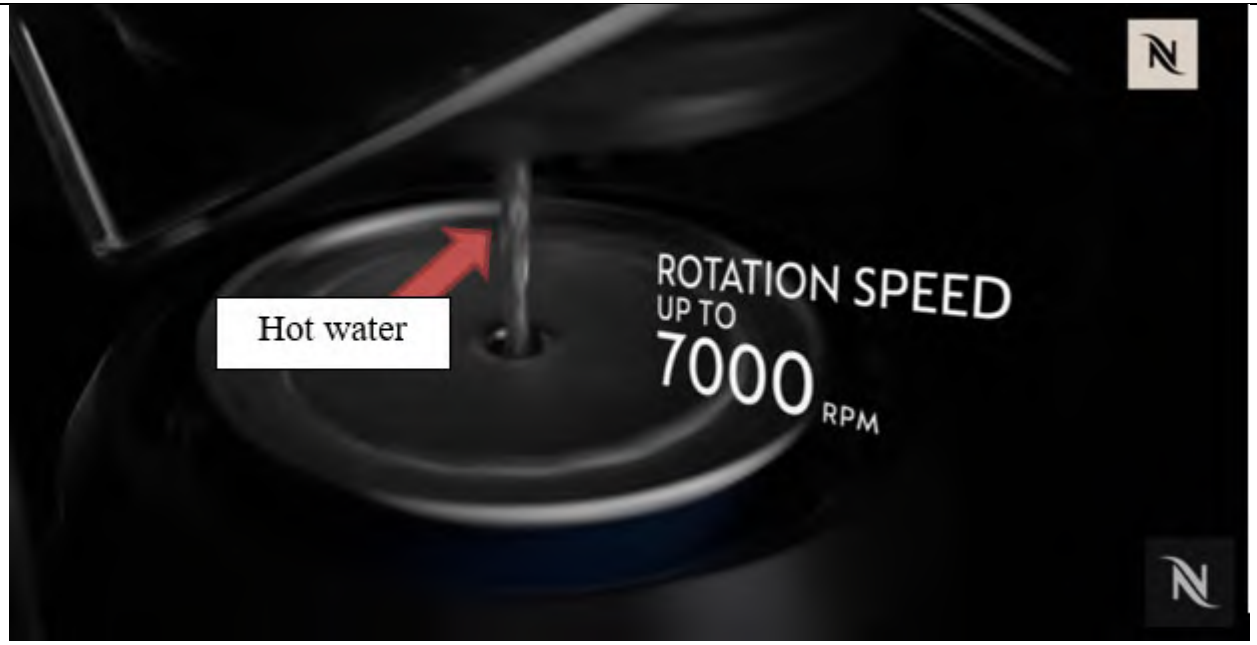
1. No light on the button.	→ The machine has turned "OFF" automatically; push the button or "UNLOCK" the machine. → Check the outlet, plug, voltage, and fuse.
2. No coffee, no water.	→ Check that the water tank is filled. → Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → Descale if necessary. → Open the machine head and let the capsule be ejected. Then perform a cleaning as per cleaning section.
3. Coffee is not hot enough.	→ Preheat cup with hot water from the tap. → Descale if necessary.
4. The machine doesn't start and has light steady on. If blinking, see next points.	→ Check that lever is properly locked. → If you want to brew a Coffee or Espresso, check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → If you are cleaning, descaling or emptying the system, check that no capsule is inserted then close, lock the machine and push the button to start one of these operations.
5. The machine doesn't start and light blinks alternately; 1 blink and 1 pause.	→ Fill the water tank and push button to start. → Check that lever is properly locked.
6. Light blinks while machine is running.	→ If coffee is flowing normally, this indicates the machine is working properly. → If only water is flowing, the machine is executing a user request for either cleaning, descaling or emptying the system. Refer to the corresponding paragraph in this user manual. → If there is no intention to clean, descale, or empty the system, then push the button to stop the machine. If the machine is still blinking, exit descaling mode by holding the button for at least 7 seconds or refer to next section. → If problem persists, call the *Nespresso* Club.
7. Light blinks and machine is not running.	→ It will take some times before the coffee flow comes out (due to barcode reading and pre-wetting the coffee). → Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → Fill in the water tank and push button to start. → Turn the machine to "OFF mode" by pushing 3 seconds the button and then push it again to turn the machine "ON". Now wait approx. 20 minutes to allow machine cooling down after extensive use. → If machine doesn't move to "OFF" then exit descaling mode by pushing the button for at least 7 seconds.
8. Light blinks alternately 2 blinks and 1 pause continuously. Machine is not running.	→ During regular Coffee/Espresso preparation: 1) Check that a fresh, undamaged capsule is inserted in the correct position; 2) Check that lever is in "LOCKED" position; 3) If problem persists, eject capsule and insert a new one, lock and press button. → During Descaling, Emptying and Cleaning: 1) Check that a capsule is ejected; 2) Check that the lever is in "LOCKED" position.3) Press button for at least 3 seconds to turn machine to "OFF mode". 4) Press button again to turn machine "ON". If problem persists, disconnect powercord from the outlet and plug the machine back into the outlet after 10 seconds. Press the button to turn "ON" and press again to start brewing. → During Programming Volume: 1) Please check if a capsule has been well inserted. 2) Please refer to the corresponding chapter. → If problem persists, call the *Nespresso* Club.
9. Leakage or unusual coffee flow.	→ Check that the water tank is well positioned.

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The below annotated images illustrate the Accused Product's infringement of this limitation.


Individualization identifier
Portion capsule


Hot water
ROTATION SPEED
UP TO
7000
RPM

	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0
[1.s.iv] encodes information used by the specific coffee machine to activate a pump of the specific coffee machine;	The portion capsule's individualization identifier encodes information used by the specific coffee machine to activate a pump of the specific coffee machine. For example, if the identifier located on the portion capsule is obstructed or damaged, the beverage machine will prevent making of the beverage because the beverage machine is unable to encode information used by the specific coffee machine to individualize the portion capsule. For example, the screenshot from the Vertuo User Manual below describes various troubleshooting instances, including where the Vertuo beverage machine does not start or run, thereby failing to active the pump that supplies the water into the single-serve capsule, because individualization identifier on the single-serve capsule cannot be compared to a stored reference. Moreover, the User Manual refers to pumping water. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo (User Manual at p. 21).

TROUBLESHOOTING

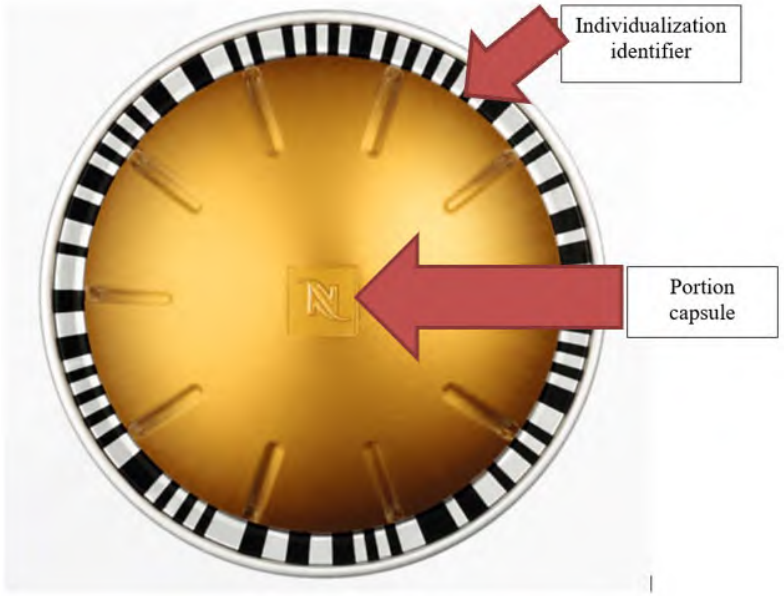
ASSISTANCE VIDEOS ARE AVAILABLE ON WWW.NESPRESSO.COM - VISIT THE "MACHINES" SECTION.

EN

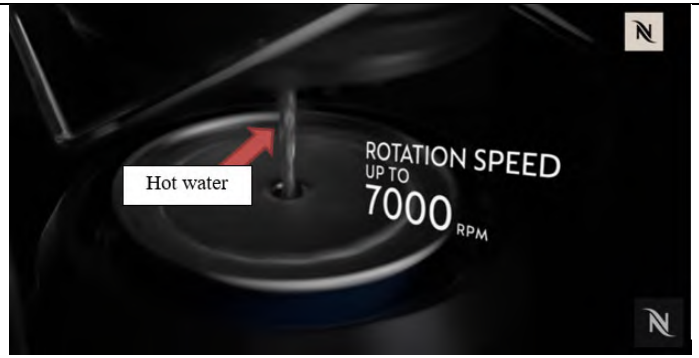
1. No light on the button.	➔ The machine has turned "OFF" automatically; push the button or "UNLOCK" the machine. ➔ Check the outlet, plug, voltage, and fuse.
2. No coffee, no water.	➔ Check that the water tank is filled. ➔ Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ Descale if necessary. ➔ Open the machine head and let the capsule be ejected. Then perform a cleaning as per cleaning section.
3. Coffee is not hot enough.	➔ Preheat cup with hot water from the tap. ➔ Descale if necessary.
4. The machine doesn't start and has light steady on. If blinking, see next points.	➔ Check that lever is properly locked. ➔ If you want to brew a Coffee or Espresso, check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ If you are cleaning, descaling or emptying the system, check that no capsule is inserted then close, lock the machine and push the button to start one of these operations.
5. The machine doesn't start and light blinks alternately; 1 blink and 1 pause.	➔ Fill the water tank and push button to start. ➔ Check that lever is properly locked.
6. Light blinks while machine is running.	➔ If coffee is flowing normally, this indicates the machine is working properly. ➔ If only water is flowing, the machine is executing a user request for either cleaning, descaling or emptying the system. Refer to the corresponding paragraph in this user manual. ➔ If there is no intention to clean, descale, or empty the system, then push the button to stop the machine. If the machine is still blinking, exit descaling mode by holding the button for at least 7 seconds or refer to next section. ➔ If problem persists, call the *Nespresso* Club.
7. Light blinks and machine is not running.	➔ It will take some times before the coffee flow comes out (due to barcode reading and pre-wetting the coffee). ➔ Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. ➔ Fill in the water tank and push button to start. ➔ Turn the machine to "OFF mode" by pushing 3 seconds the button and then push it again to turn the machine "ON". Now wait approx. 20 minutes to allow machine cooling down after extensive use. ➔ If machine doesn't move to "OFF" then exit descaling mode by pushing the button for at least 7 seconds.
8. Light blinks alternately 2 blinks and 1 pause continuously. Machine is not running.	➔ During regular Coffee/Espresso preparation: 1) Check that a fresh, undamaged capsule is inserted in the correct position; 2) Check that lever is in "LOCKED" position; 3) If problem persists, eject capsule and insert a new one, lock and press button. ➔ During Descaling, Emptying and Cleaning: 1) Check that a capsule is ejected; 2) Check that the lever is in "LOCKED" position.3) Press button for at least 3 seconds to turn machine to "OFF mode". 4) Press button again to turn machine "ON". If problem persists, disconnect powercord from the outlet and plug the machine back into the outlet after 10 seconds. Press the button to turn "ON" and press again to start brewing. ➔ During Programming Volume: 1) Please check if a capsule has been well inserted. 2) Please refer to the corresponding chapter. ➔ If problem persists, call the *Nespresso* Club.
9. Leakage or unusual coffee flow.	➔ Check that the water tank is well positioned.

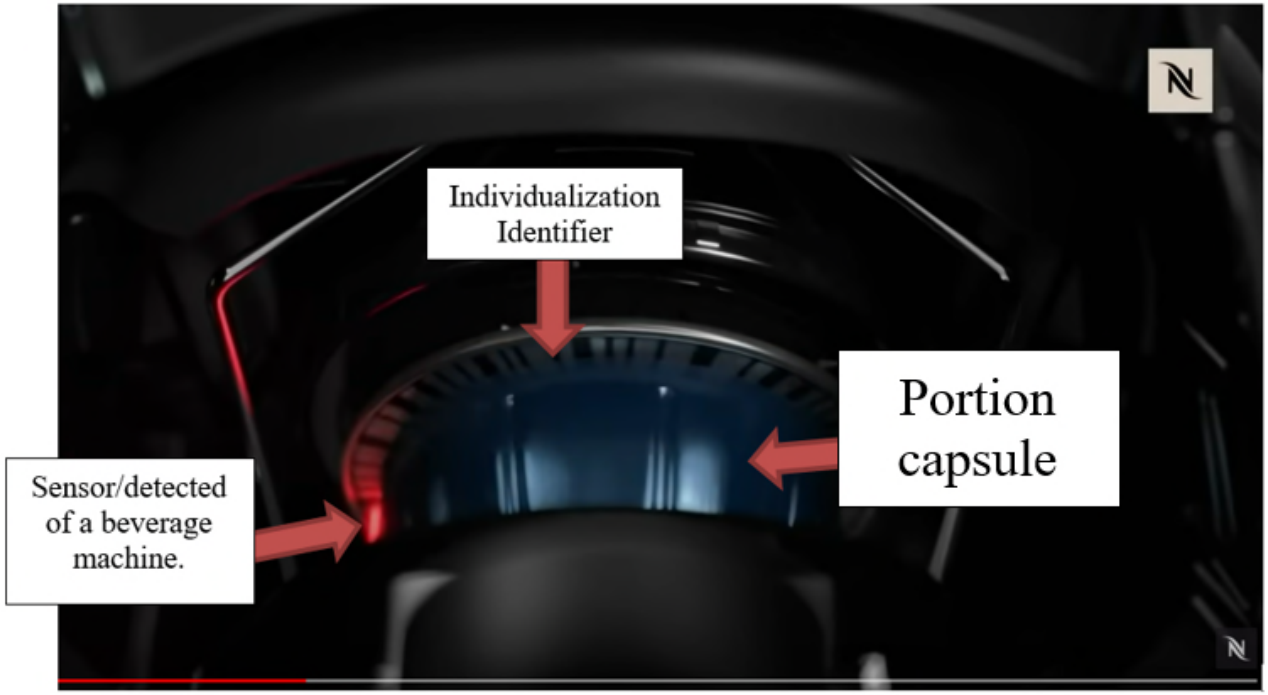
21

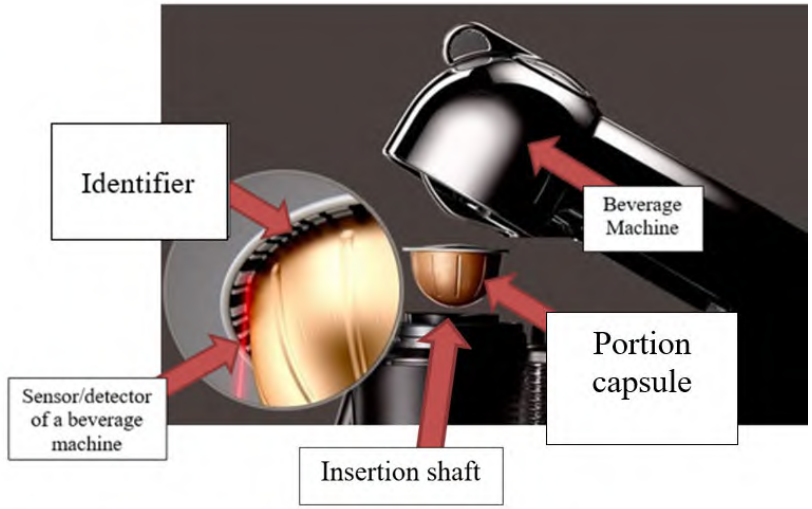
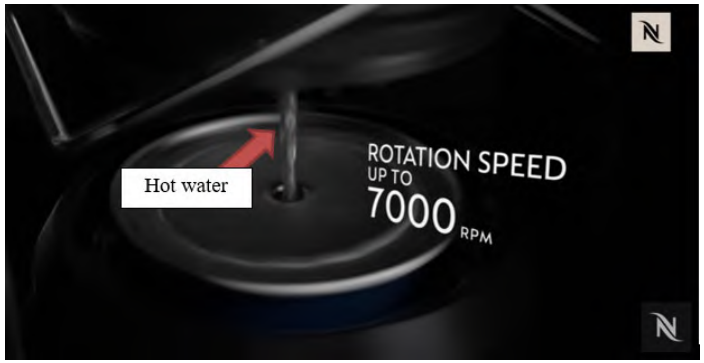
The below annotated images illustrate the Accused Product's infringement of this limitation.

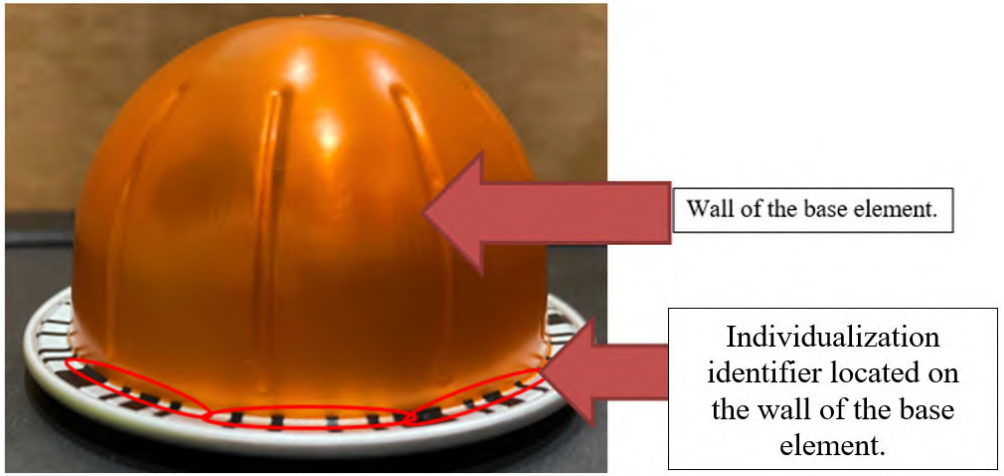

Individualization identifier
Portion capsule



	  *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0
[1.s.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	The portion capsule's individualization identifier 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. *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo ("You can precisely prepare your small or large coffee with generous and silky crema, as each Vertuo machines uses barcode recognition and a brewing extraction system to create your coffee experience. The unique barcode on each capsule adjusts the flow and volume of water, temperature, infusion time and capsule rotation to make the best part of your coffee experience - your perfect coffee, every time.");

temperature of the hot water;	https://www.youtube.com/watch?v=RTzUiX101C0 at 0:13-0:25 ("With a simple touch of the button, the capsule begins to rotate, allowing the machine to read the barcode on its rim and automatically calibrate the perfect brewing parameters for that particular blend."); https://www.nespresso.com/us/en/machine-assistance/vertuo at 0:28-0:35 ("You can tailor the size of your coffee or espresso…the programming is specific to each capsule size). For example, if the identifier located on the portion capsule is obstructed or damaged, the beverage machine will prevent making of the beverage because the beverage machine is unable to encode information used by the specific coffee machine. The below annotated images illustrate the Accused Product's infringement of this limitation. 

	  *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs.
[1.s.vi] is further provided on the outside surface of the wall of the base element; and	The portion capsule's individualization identifier is further provided on the outside surface of the wall of the base element. The below annotated image illustrates this limitation.

	
[1.s.vii] is compared to a stored reference to determine if the portion capsule is suitable for the specific coffee machine.	The portion capsule's individualization identifier is compared to a stored reference to determine if the portion capsule is suitable for the specific coffee machine. *See, e.g.*, https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."); https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). For example, if the identifier located on the portion capsule is obstructed or damaged, the beverage machine will prevent making of the beverage, because the identifier cannot be compared to a stored reference. For example, the screenshot from the Vertuo User Manual below describes various troubleshooting instances, including where the Vertuo beverage machine does not start or run, thereby failing to active the pump that supplies the water into the single-serve capsule, because individualization identifier on the single-serve capsule cannot be compared to a stored reference. Moreover, the User Manual refers to pumping water. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo (User Manual at p. 21).

TROUBLESHOOTING

ASSISTANCE VIDEOS ARE AVAILABLE ON WWW.NESPRESSO.COM - VISIT THE "MACHINES" SECTION.

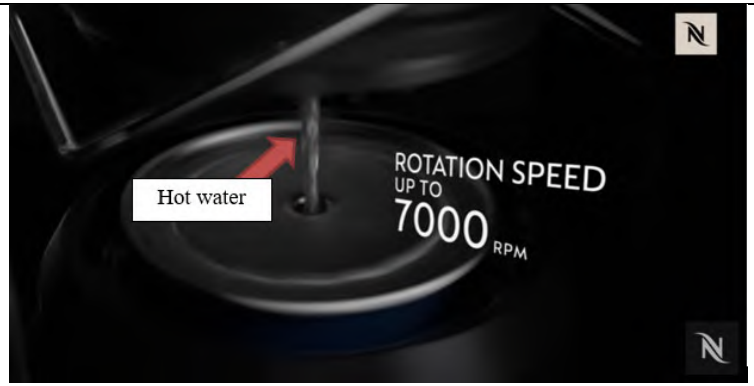
EN

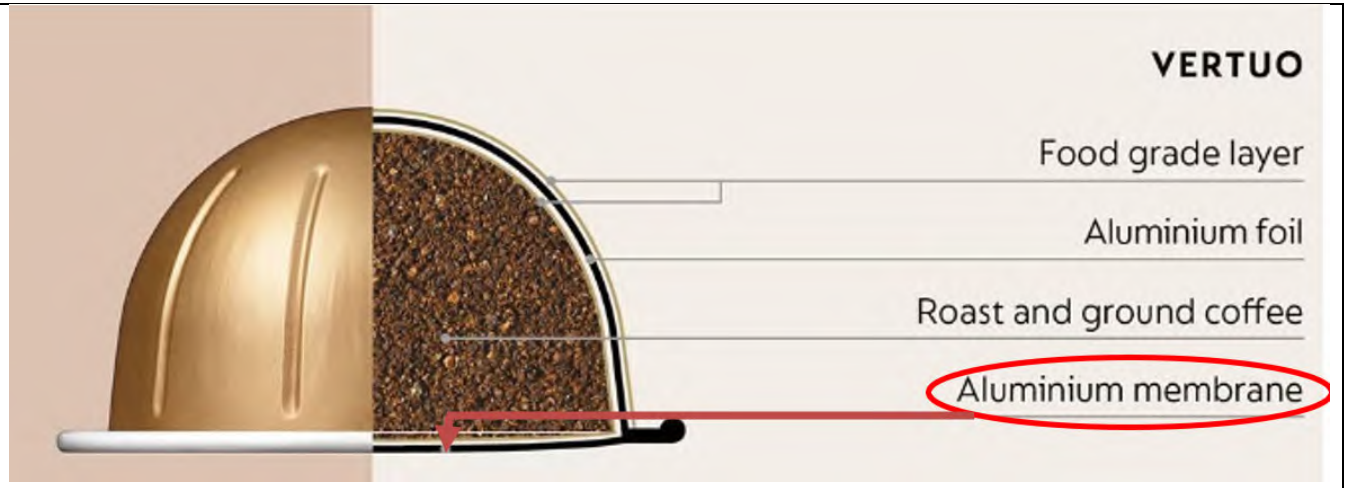
1. No light on the button.	→ The machine has turned "OFF" automatically; push the button or "UNLOCK" the machine. → Check the outlet, plug, voltage, and fuse.
2. No coffee, no water.	→ Check that the water tank is filled. → Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → Descale if necessary. → Open the machine head and let the capsule be ejected. Then perform a cleaning as per cleaning section.
3. Coffee is not hot enough.	→ Preheat cup with hot water from the tap. → Descale if necessary.
4. The machine doesn't start and has light steady on. If blinking, see next points.	→ Check that lever is properly locked. → If you want to brew a Coffee or Espresso, check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → If you are cleaning, descaling or emptying the system, check that no capsule is inserted then close, lock the machine and push the button to start one of these operations.
5. The machine doesn't start and light blinks alternately; 1 blink and 1 pause.	→ Fill the water tank and push button to start. → Check that lever is properly locked.
6. Light blinks while machine is running.	→ If coffee is flowing normally, this indicates the machine is working properly. → If only water is flowing, the machine is executing a user request for either cleaning, descaling or emptying the system. Refer to the corresponding paragraph in this user manual. → If there is no intention to clean, descale, or empty the system, then push the button to stop the machine. If the machine is still blinking, exit descaling mode by holding the button for at least 7 seconds or refer to next section. → If problem persists, call the *Nespresso* Club.
7. Light blinks and machine is not running.	→ It will take some times before the coffee flow comes out (due to barcode reading and pre-wetting the coffee). → Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → Fill in the water tank and push button to start. → Turn the machine to "OFF mode" by pushing 3 seconds the button and then push it again to turn the machine "ON". Now wait approx. 20 minutes to allow machine cooling down after extensive use. → If machine doesn't move to "OFF" then exit descaling mode by pushing the button for at least 7 seconds.
8. Light blinks alternately 2 blinks and 1 pause continuously. Machine is not running.	→ During regular Coffee/Espresso preparation: 1) Check that a fresh, undamaged capsule is inserted in the correct position; 2) Check that lever is in "LOCKED" position; 3) If problem persists, eject capsule and insert a new one, lock and press button. → During Descaling, Emptying and Cleaning: 1) Check that a capsule is ejected; 2) Check that the lever is in "LOCKED" position.3) Press button for at least 3 seconds to turn machine to "OFF mode". 4) Press button again to turn machine "ON". If problem persists, disconnect powercord from the outlet and plug the machine back into the outlet after 10 seconds. Press the button to turn "ON" and press again to start brewing. → During Programming Volume: 1) Please check if a capsule has been well inserted. 2) Please refer to the corresponding chapter. → If problem persists, call the *Nespresso* Club.
9. Leakage or unusual coffee flow.	→ Check that the water tank is well positioned.

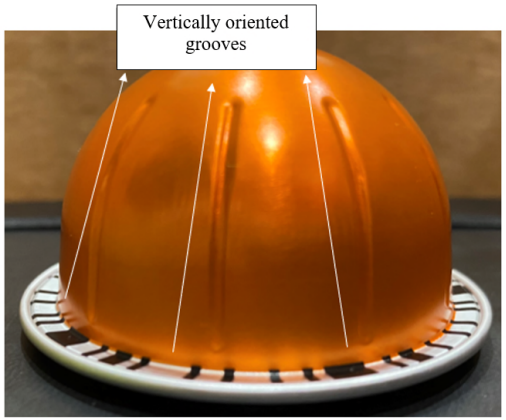
21

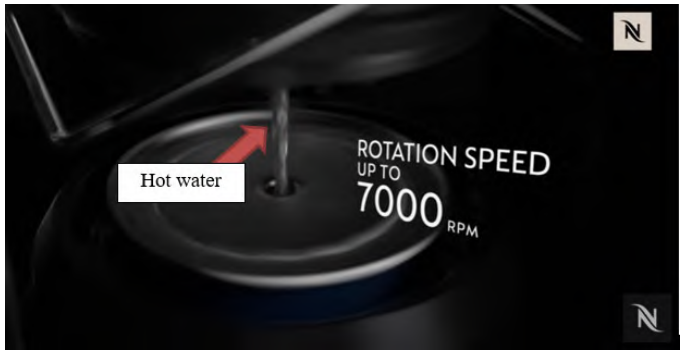
The below annotated images illustrate this limitation.



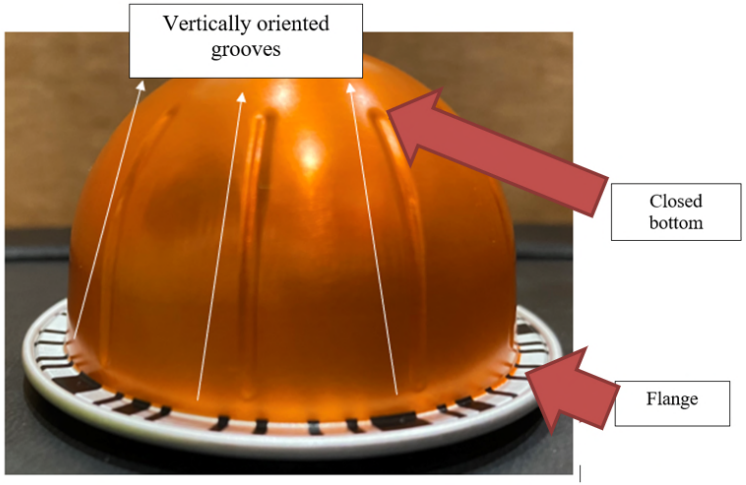
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0
[2] The portion capsule according to claim 1,	*See* claim 1.
[2a] wherein the individualization identifier is electrically conductive.	The portion capsule's individualization identifier is electrically conductive. The individualization identifier located on the bottom surface of the flange is an aluminum membrane. Aluminum is the "second most conductive material available in a practical sense." *See* https://www.gabrian.com/does-aluminum-conduct-electricity/. The below annotated image illustrates this limitation.

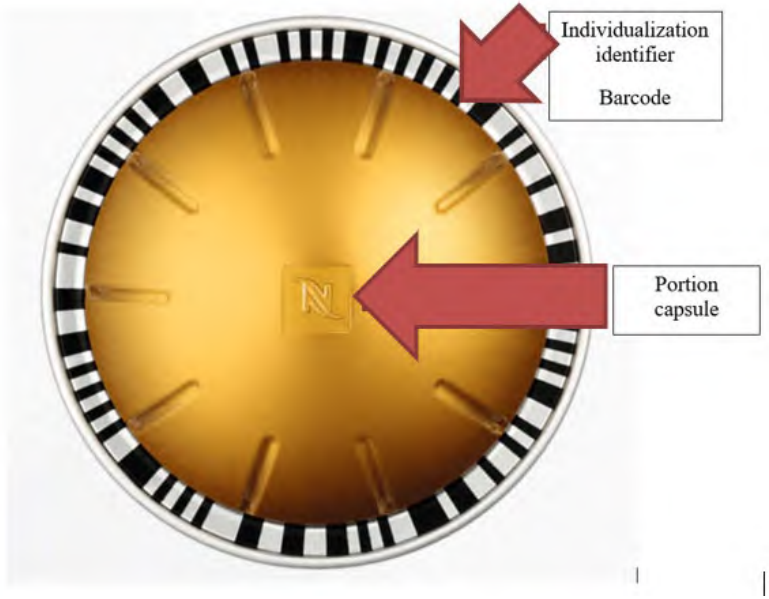
	 *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[3] The portion capsule according to claim 2,	*See* claim 2.
[3a] wherein the plurality of vertically oriented grooves generate turbulence of the hot water in the cavity, impart rigidity to the wall of the base element, or both.	The portion capsule's the plurality of vertically oriented grooves generate turbulence of the hot water in the cavity and/or impart rigidity to the wall of the base element. The below annotated images illustrate this limitation.

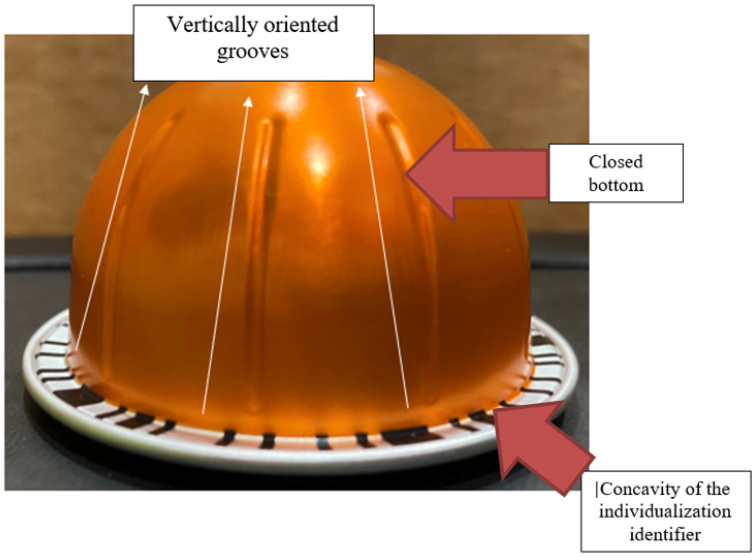

Vertically oriented grooves

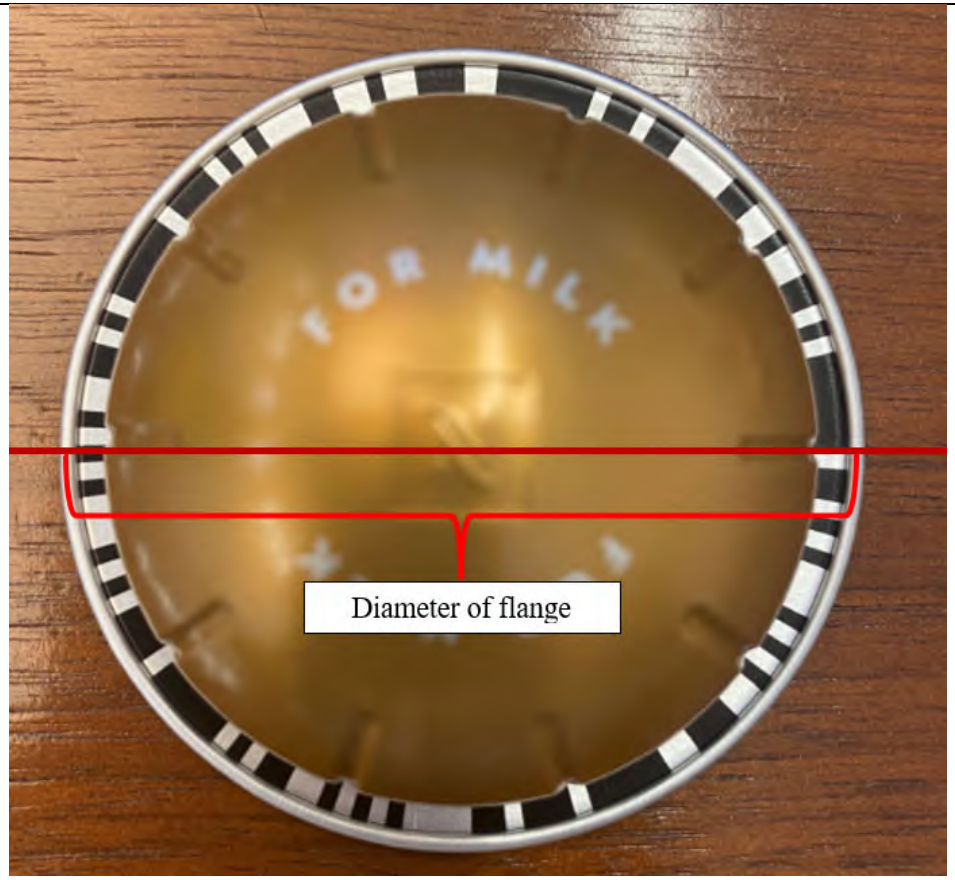

Hot water
ROTATION SPEED
UP TO
7000
RPM

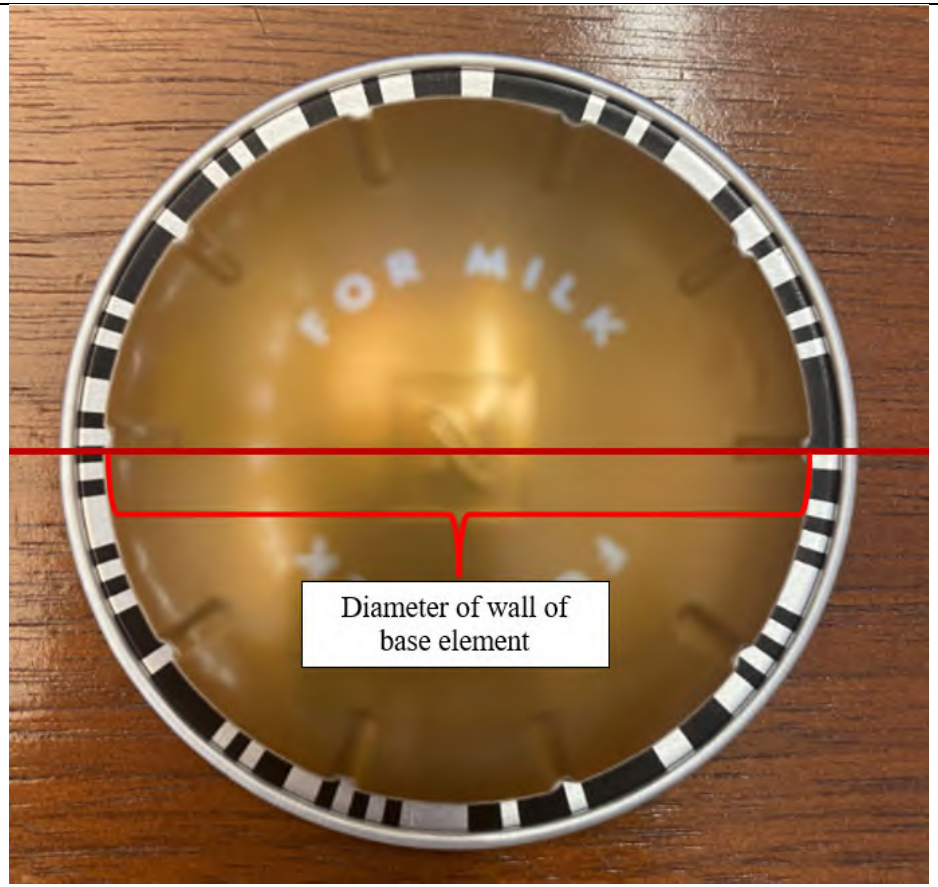
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0
[4] The portion capsule according to claim 3,	*See* claim 3.
[4a] wherein the vertically-oriented grooves cover 40% to 60% of the wall between the flange and the closed bottom.	The portion capsule's vertically-oriented grooves cover 40% to 60% of the wall between the flange and the closed bottom. The below annotated image illustrates this limitation.

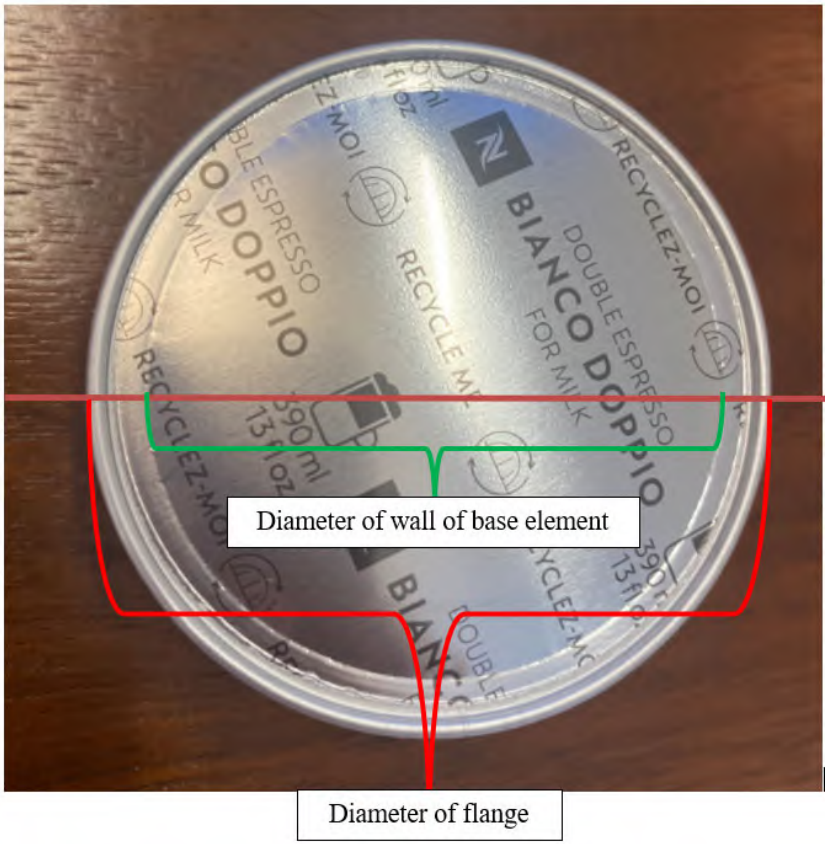
	
[5] The portion capsule according to claim 3,	*See* claim 3.
[5a] wherein the individualization identifier is a barcode.	The portion capsule's individualization identifier is a barcode. *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."); *see, e.g.*, https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."). The below annotated image illustrates this limitation.

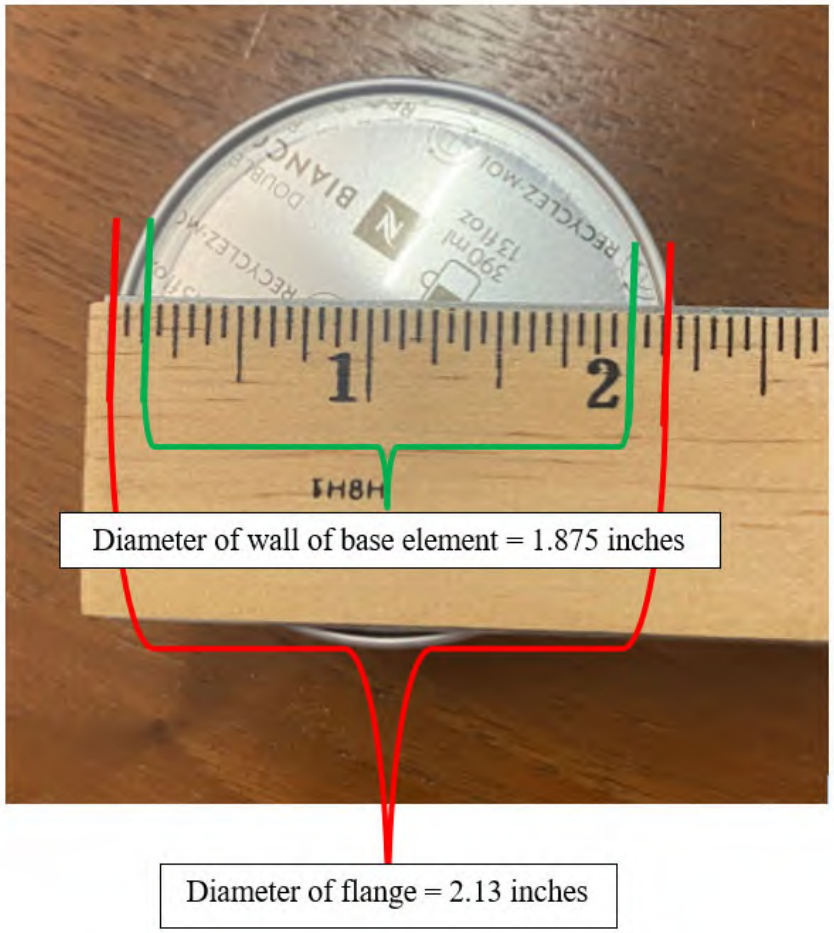
	
[6] The portion capsule according to claim 3	*See* claim 3.
[6a] wherein the individualization identifier exhibits a concavity and/or a convexity.	The portion capsule's individualization identifier exhibits a concavity and/or a convexity. The below annotated image illustrates the portion capsule's individualization identifier exhibiting concavity.

	
[7] The portion capsule according to claim 6,	*See* claim 6.
[7a] 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.	The portion capsule's 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. The wall region's diameter is approximately 1.875 inches and the flange's diameter is approximately 2.13 inches. Therefore, the ratio of a diameter of the wall of the base element which adjoins the flange to a diameter of the flange is 1.875 divided by 2.13, equaling 0.88. 0.88 is between 0.85 and 0.89. The below annotated images illustrate this limitation.


Diameter of flange

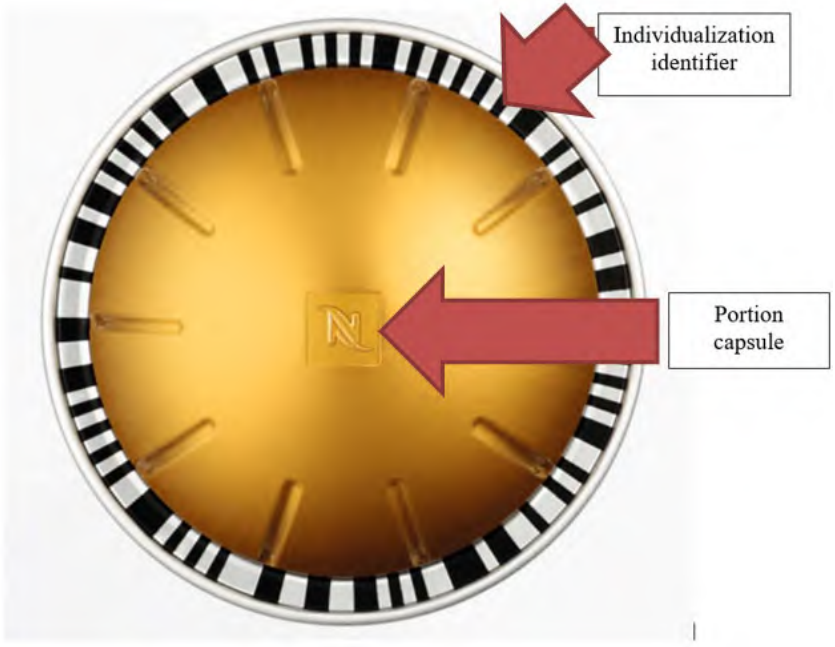

Diameter of wall of base element

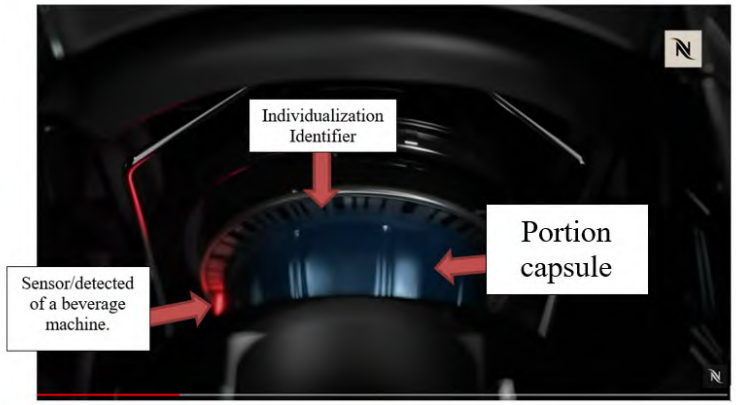
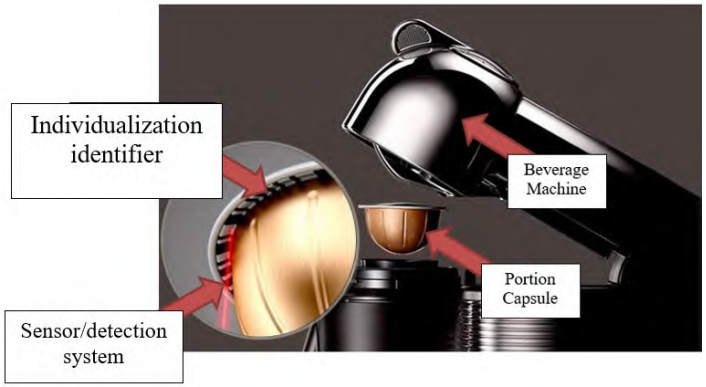

Diameter of wall of base element
Diameter of flange

	
[8] A portion capsule for making a beverage and having an individualization identifier capable of being detected by a sensor/detection	The foregoing is applicable only to the extent the preamble of this claim is found to be limiting. To the extent the preamble is construed as a limitation, the Accused Product is a portion capsule for making a beverage and has an individualization identifier capable of being detected by a sensor/detection system for determining whether the portion capsule is suitable for a specific coffee

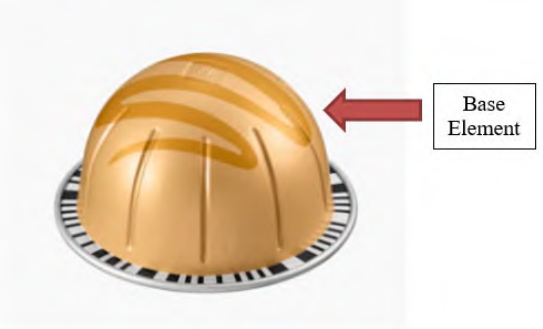
system for determining whether the portion capsule is suitable for a specific coffee machine, the portion capsule comprises:	machine. The portion capsule is inserted into a beverage machine for the purpose of making a beverage. The below images illustrate the portion capsule:    *See, e.g.*, https://www.nespresso.com/us/en/vertuo-coffee-capsules; https://www.nespresso.com/us/en/choose-your-technology-vertuo.

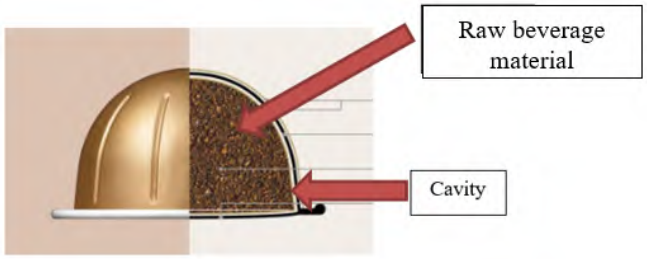
	The below image illustrates the portion capsule being inserted into a beverage machine for the purpose of making a beverage.  *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0. The below images illustrate the portion capsule's individualization identifier capable of being detected by a sensor/detection system for determining whether the portion capsule is suitable for a specific coffee machine. *See, e.g.*, https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This

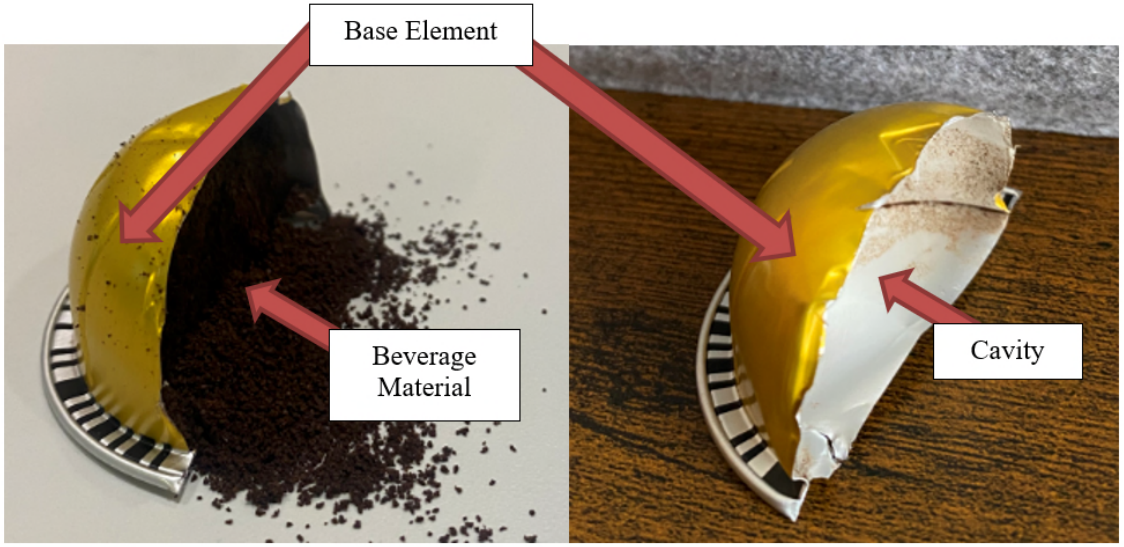
	machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."); https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). 

	  *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0; https://www.nespresso.com/us/en/choose-your-technology-vertuo; https://www.youtube.com/watch?v=__KOHPZXzcs.
[8a] a base element with a cavity, in which a raw beverage material is provided,	The portion capsule comprises of a base element with a cavity, in which a raw beverage material is provided. The cavity is within the base element such that the base element encompasses the cavity. The cavity is filled with raw beverage material (*e.g.*, powdered coffee material).

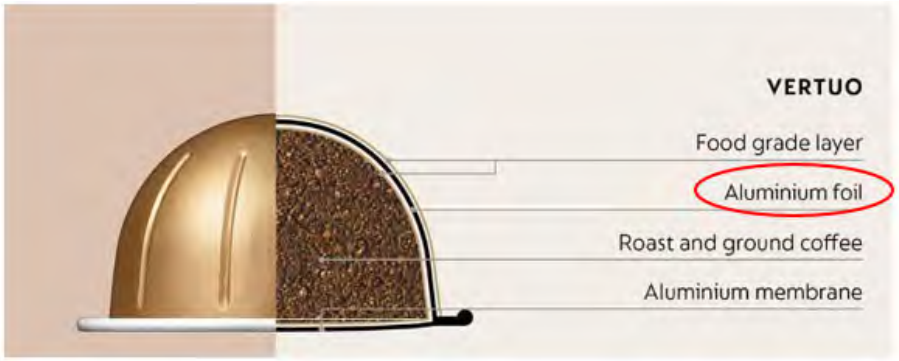
The below annotated images illustrate the base element having a cavity in which a beverage material is provided.

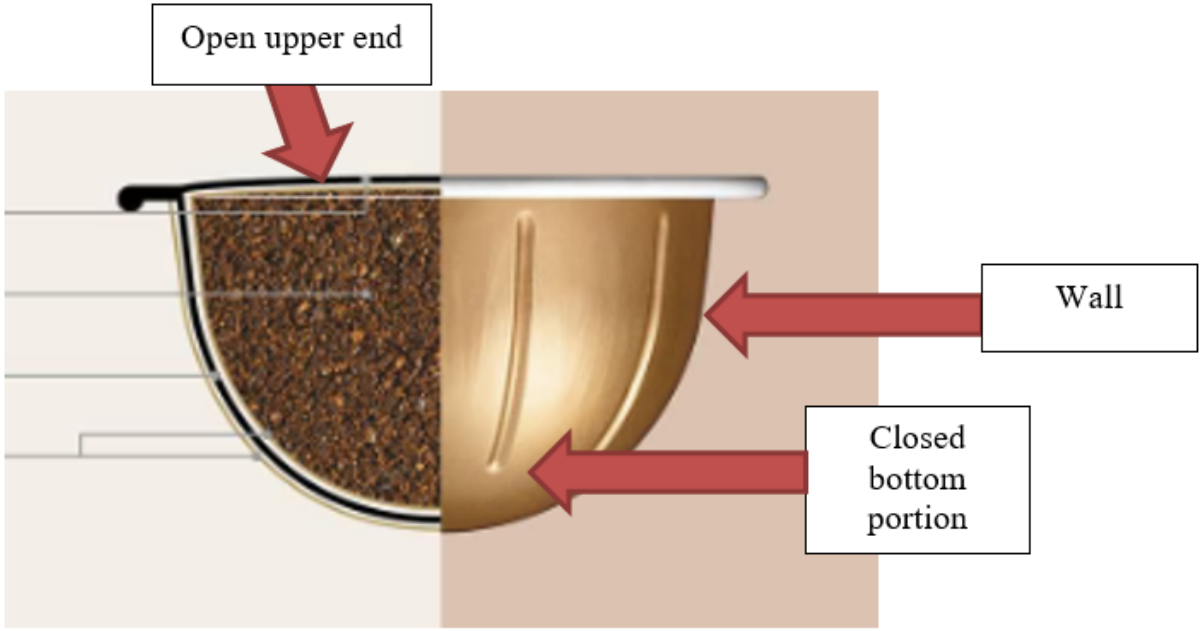


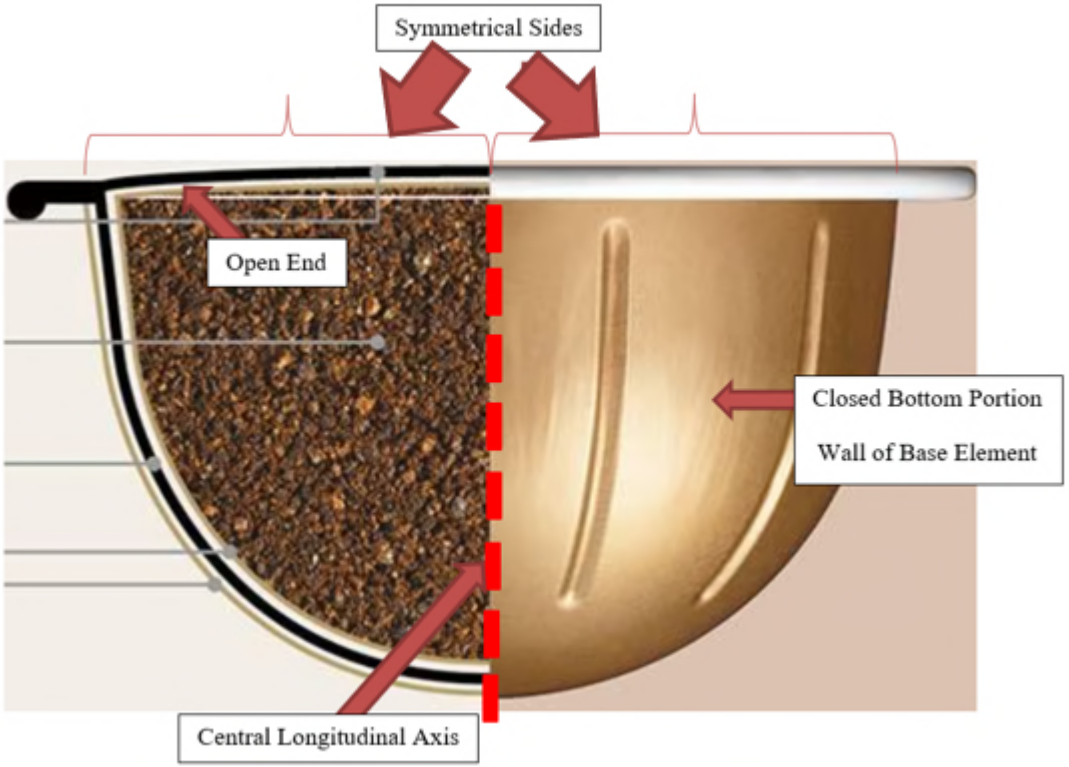




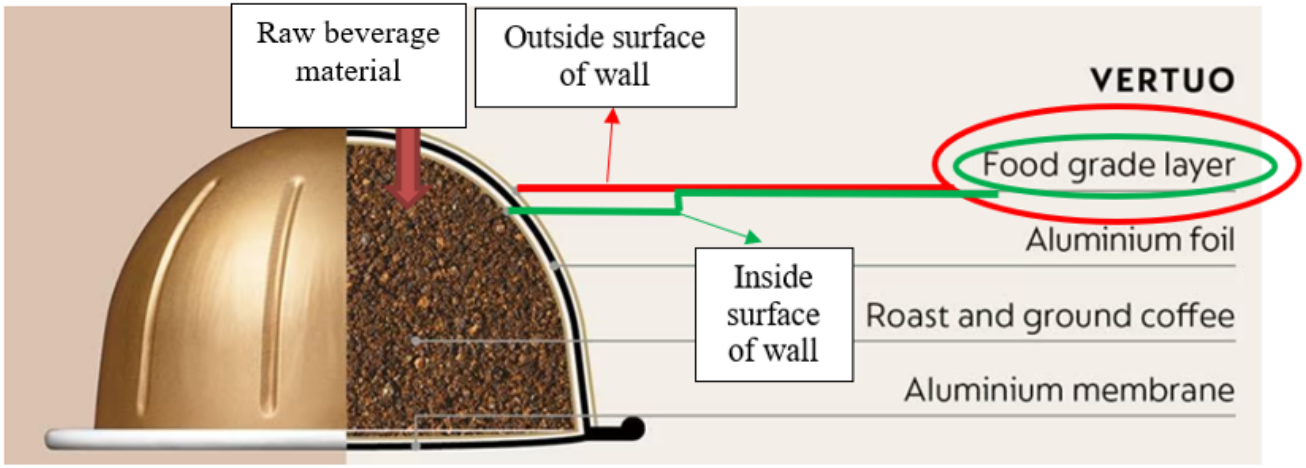
See, e.g., https://www.sustainability.nespresso.com/why-aluminium; https://www.nespresso.com/us/en/choose-your-technology-vertuo

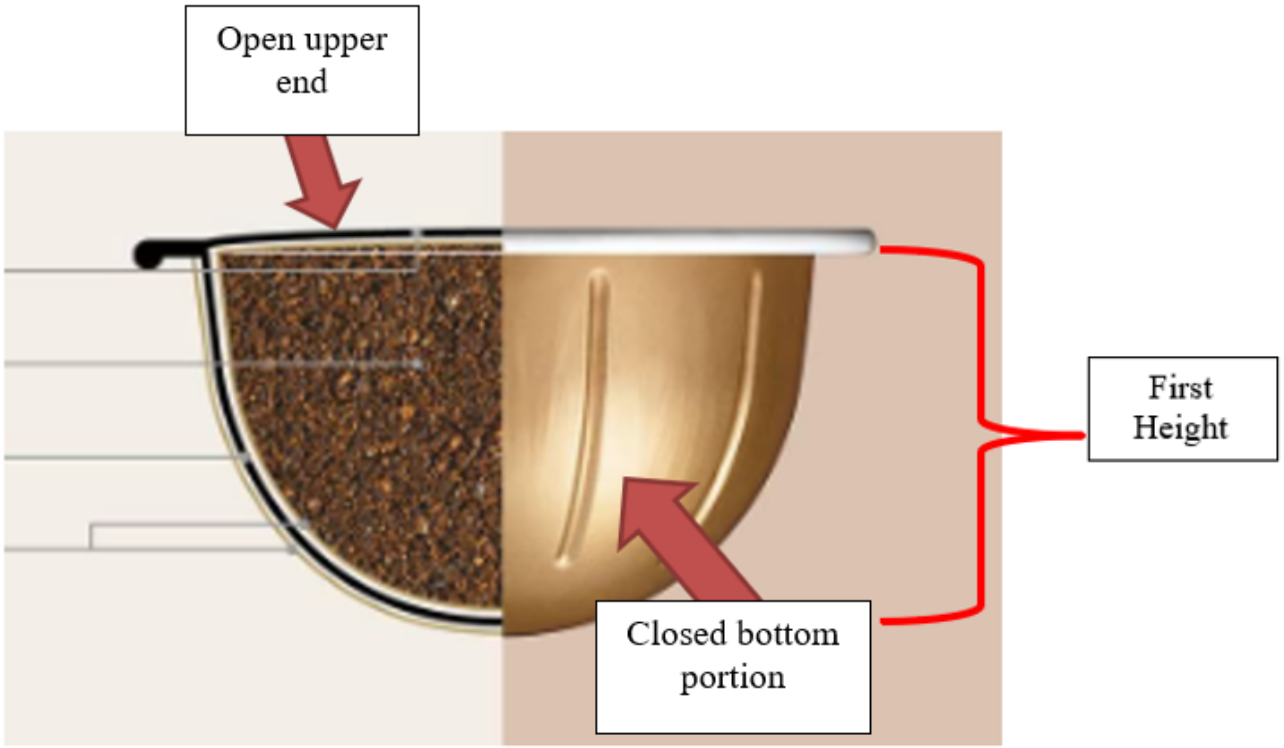
[8b] the base element is deep drawn,	The portion capsule's base element is deep drawn. The below annotated image illustrates the Accused Product's infringement of this limitation.  *See, e.g.,* https://www.buynespresso.com/bh_en/vertuo-coffee-redefined#:~:text=To%20achieve%20this%20range%20of,Lungo%2C%20Mug%2C%20and%20Carafe
[8c] made of metal,	The Accused Product's base element is made of metal. For example, the Accused Product's base element is made of aluminum which is a lightweight metal. *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium; *see* https://www.aluminiumleader.com/about_aluminium/what_is_aluminum/. The below annotated image illustrates the Accused Product's infringement of this limitation. 

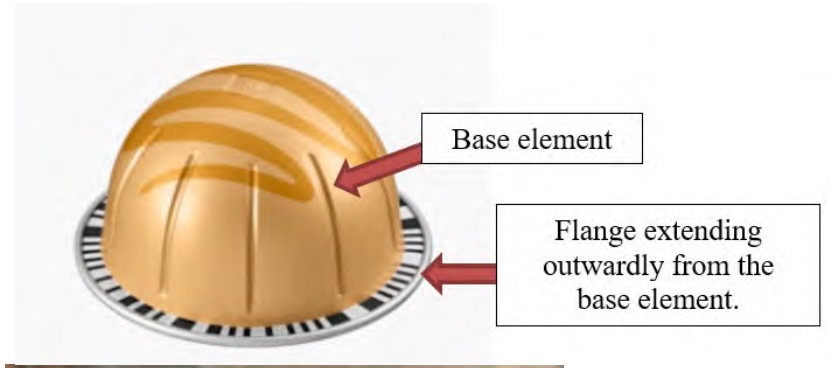
	See, e.g., https://www.sustainability.nespresso.com/why-aluminium
[8d] and has an open upper end portion, a closed bottom, and a wall that extends from the open upper end portion to the closed bottom,	The portion capsule has an open upper end portion, a closed bottom, and a wall that extends from the open upper end portion to the closed bottom. The below annotated image illustrates the Accused Product's infringement of this limitation.  *See, e.g.*, https://www.nespresso.com/us/en/vertuo-coffee-capsules; https://www.sustainability.nespresso.com/why-aluminium
[8e] the wall is rotationally symmetrical about a central longitudinal axis of the base element,	The Accused Product's base element includes a wall that is rotationally symmetrical about a central longitudinal axis. The closed bottom portion of the portion capsule's base element comprises the base element's wall.

	The below annotated image illustrates the Accused Products' base element including a wall that is symmetrical about a central longitudinal axis thereof and having an open end and a closed bottom portion. 

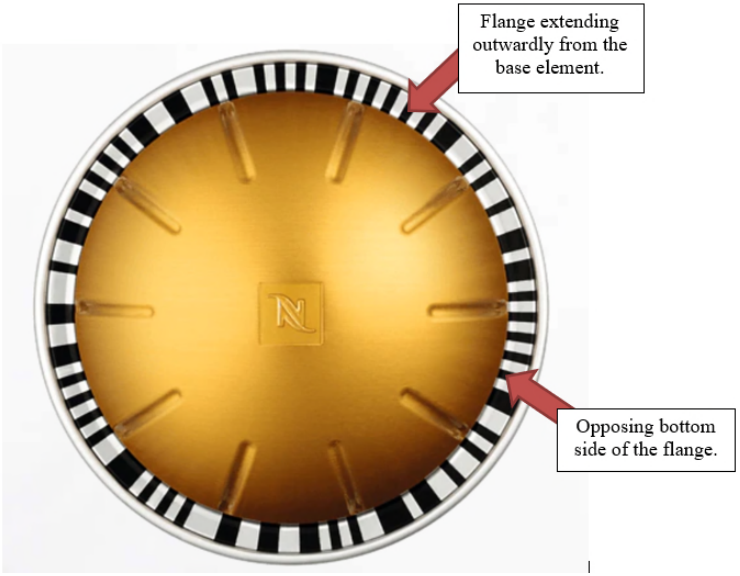
	See, e.g., https://www.nespresso.com/us/en/vertuo-coffee-capsules; https://www.sustainability.nespresso.com/why-aluminium Alternatively, to the extent any limitation herein is deemed not literally infringed, Plaintiff alleges that the limitation is infringed under the doctrine of equivalents. Under the function-way-result test of the doctrine of equivalents, an element in the accused device is equivalent to a claim limitation if it "performs substantially the same function in substantially the same way to obtain substantially the same result." *Virnetx, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1322-23 (Fed. Cir. 2014). For example, the portion capsule's base element having an open end and a bottom portion with physical features, *see, e.g.*, the capsule walls, performs the same function, *e.g.* encasing the cavity of the portion capsule and providing a vessel that rotates smoothly with limited friction and turbulence at speeds up to 7000 RPM, in the substantially the same way, *e.g.* by encasing the base element in a symmetrical fashion about a central longitudinal axis of the base element, to achieve the same result, *e.g.* provide a vessel for the beverage material and ensure smooth rotation to brew coffee, as the claimed base element being symmetrical about a central longitudinal axis thereof and having an open end and a bottom portion.
[8f] the wall includes an outside surface and an inside surface that faces the raw beverage material,	The Accused Product's wall, which is included in the base element, has an outside surface, *see, e.g.*, the outer food grade layer. Additionally, the Accused Product's wall, which is included in the base element, has a separate inside surface, *see, e.g.*, the inner food grade layer, which faces the beverage material. The below annotated image illustrates the Accused Product's wall, which has an outside surface and an inside surface which faces the raw beverage material.

	 *See, e.g.,* https://www.sustainability.nespresso.com/why-aluminium
[8g] the base element has a first height that is defined between the open upper end portion and the closed bottom;	The Accused Product's base element has a height between the open upper end portion and the closed bottom, defined as the first height. The below annotated image illustrates the first height between the open end and the closed bottom portion of Accused Product.

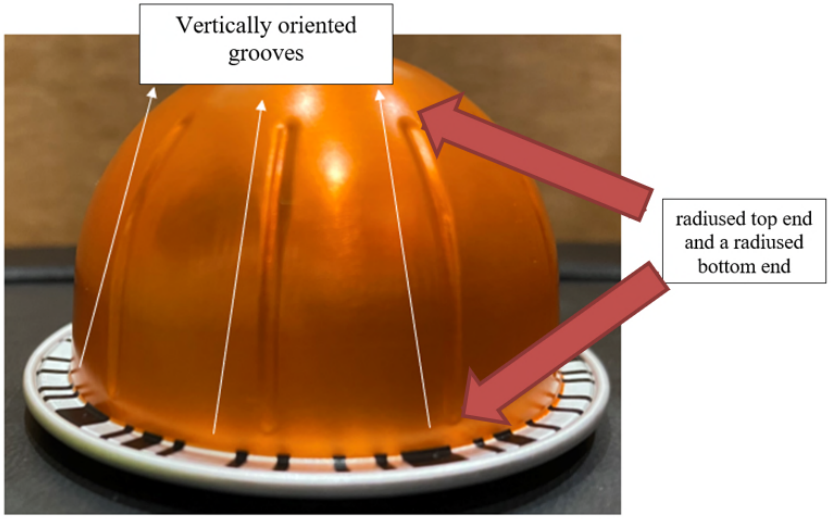
	 *See, e.g.,* https://www.sustainability.nespresso.com/why-aluminium
[8h] a flange extending outwardly from the wall at the open upper end portion of the base element, the flange having a top side and an opposing bottom side,	The portion capsule has a flange extending outwardly from the wall at the open upper end portion of the base element. The flange has a top side and an opposing bottom side. The below annotated images illustrate the Accused Product's infringement of this limitation.

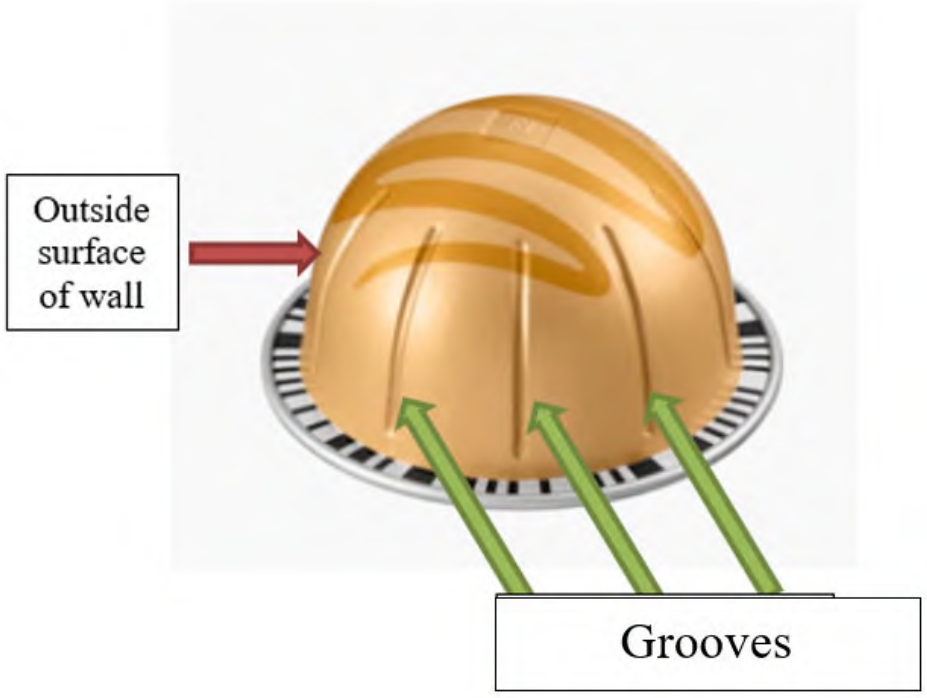

Base element
Flange extending outwardly from the base element.

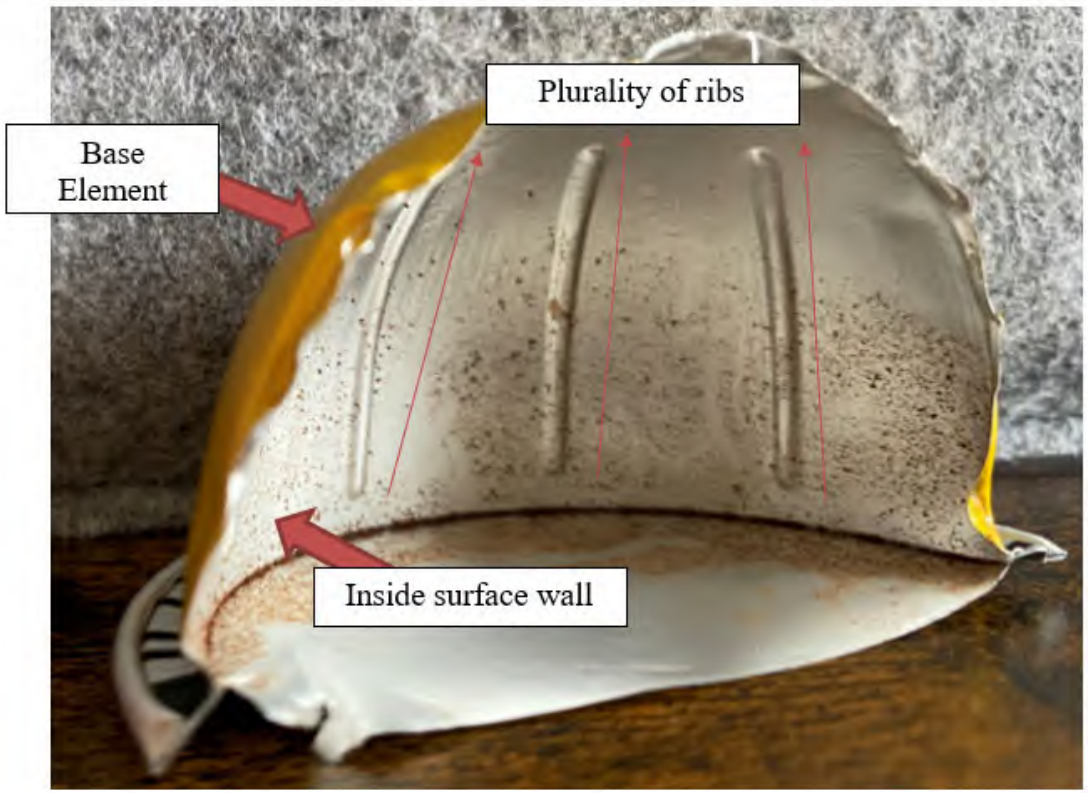

Top side of flange

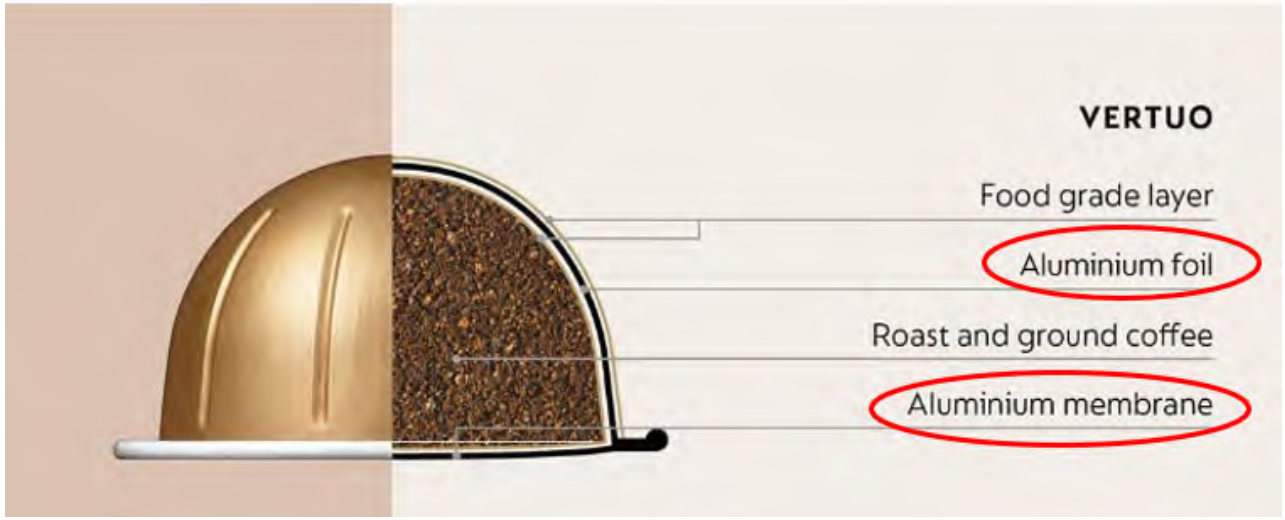
	 *See, e.g.,* https://www.nespresso.com/us/en/vertuo-coffee-capsules
[8i] the individualization identifier is located on the bottom side of the flange;	The Accused Product has an individualization identifier, which is located on the bottom side/surface of the flange. The below annotated image illustrates the Accused Product's optically detectable individualization identifier, which is carried by the bottom surface of the rim.

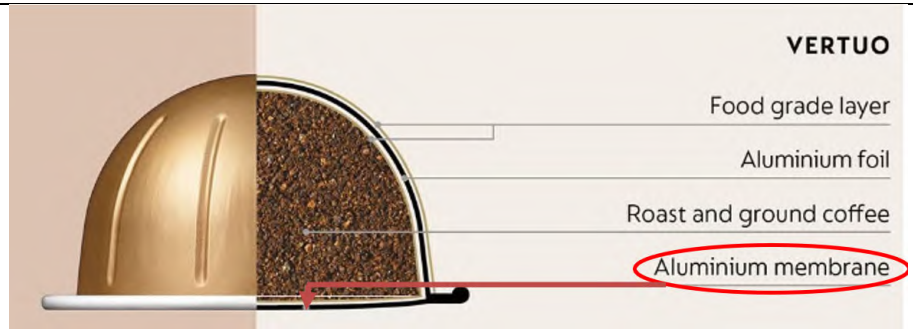
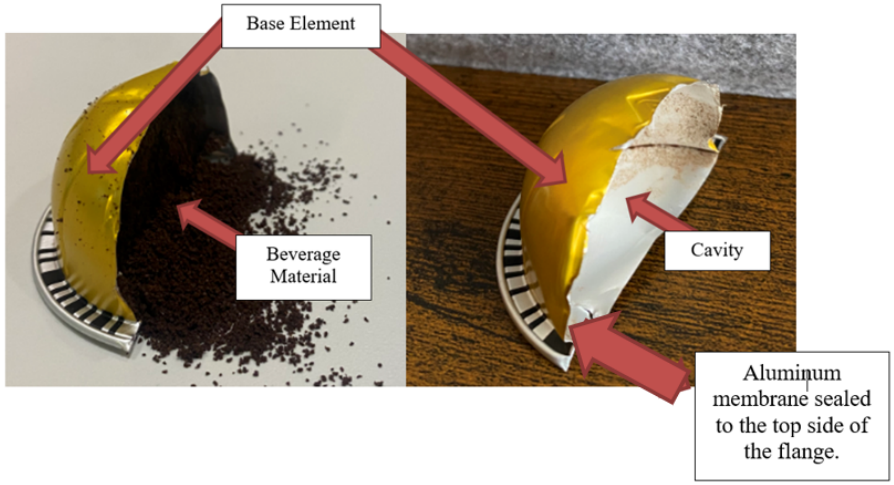
	 *See, e.g.,* https://www.nespresso.com/us/en/choose-your-technology-vertuo
[8j] a plurality of vertically-oriented grooves arranged on the outside surface of the wall, the plurality of vertically-oriented grooves each have a radiused top end and a radiused bottom end and are spaced a distance between the flange and the	The portion capsule has 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 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. The below annotated images illustrate the Accused Product's infringement of this limitation.

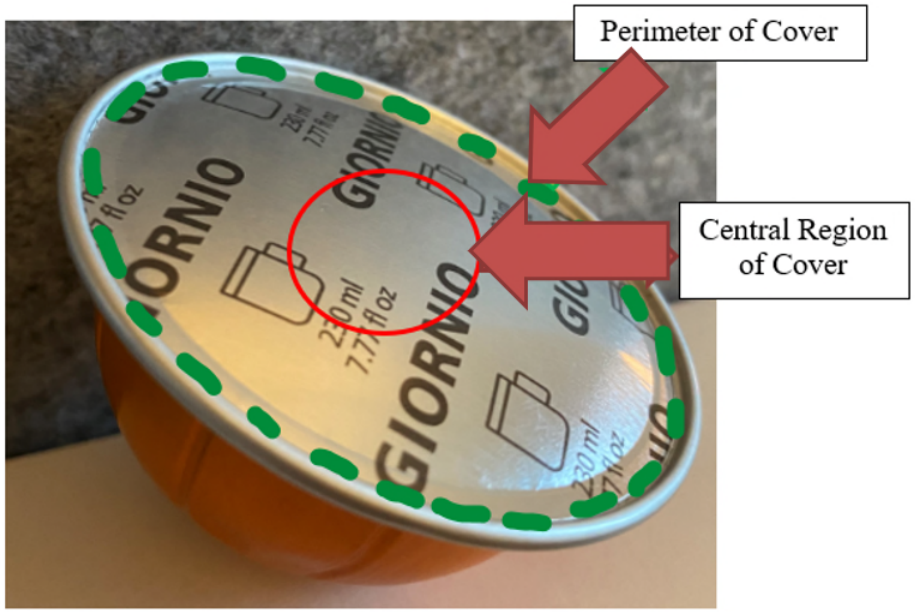
closed bottom, the plurality of vertically-oriented grooves cover 20% to 80% of the wall between the flange and the closed bottom;	

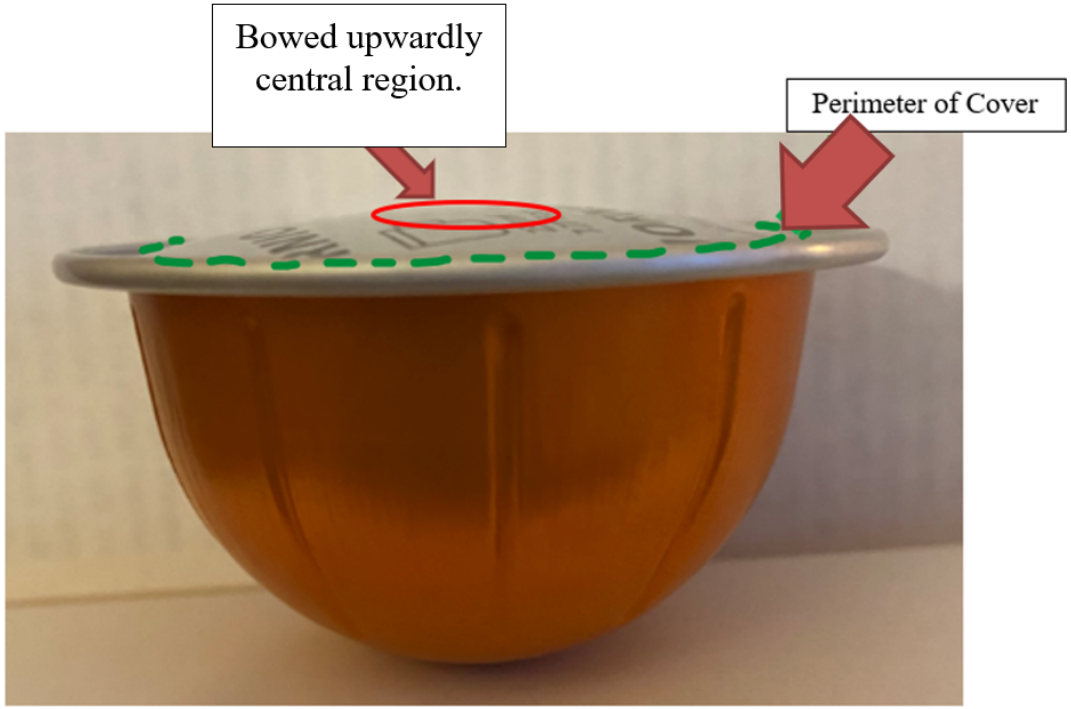
	
[8k] a plurality of vertically oriented ribs arranged on the inside surface of the wall;	The portion capsule has a plurality of vertically oriented ribs, *see, e.g.*, 10 ribs, arranged on the inside surface of the wall. The plurality of vertically oriented ribs exist on the inside surface of the wall. The below annotated image illustrates the Accused Product's plurality of vertically oriented ribs arranged on the inside surface of the wall.

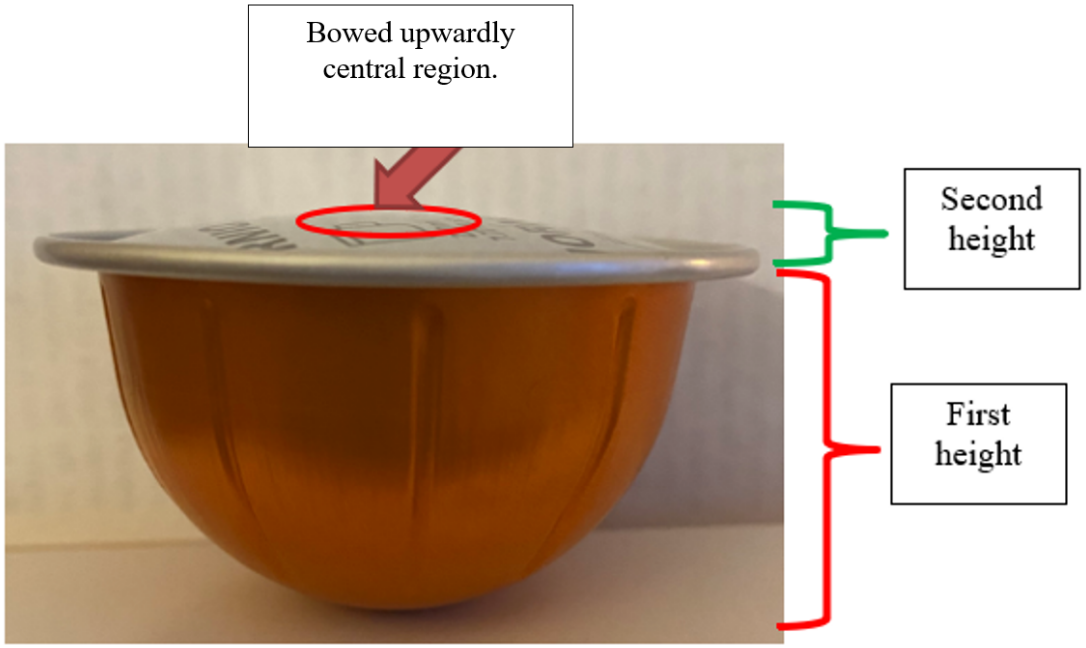
	
[8l] a barrier sheet to prevent moisture or aroma from escaping out of the portion capsule;	The portion capsule includes a barrier sheet, *see, e.g.*, at least the aluminum of the portion capsule. *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium ("Aluminium foil provides a complete barrier to light, oxygen, moisture and bacteria"); https://www.nespresso.com/us/en/how-to-recycle-coffee-capsules ("Aluminum is the most protective material available today. It guarantees the freshness of the carefully crafted aromas and rich flavors of our coffees. Lightweight but strong, aluminum seals it from external elements which could harm it - oxygen, moisture and light.")

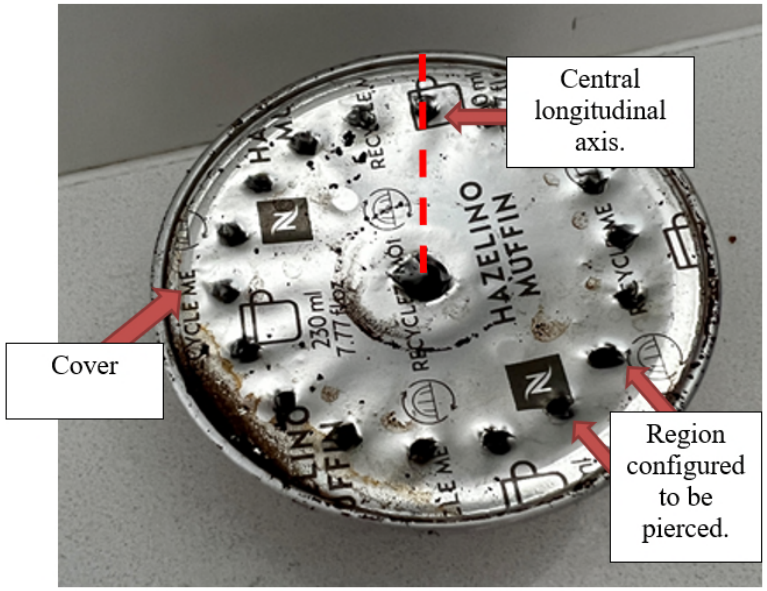
	The below annotated image illustrates the Accused Product's barrier sheet to prevent moisture or aroma from escaping out of the portion capsule.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[8m] a cover comprising a metal foil that is sealed to the top side of the flange,	The portion capsule's cover comprises a metal foil lid, *see, e.g.*, aluminum membrane, that is sealed to the top side of the flange. The cavity is within the base element such that the base element encompasses the cavity. The cavity is filled with beverage material (*e.g.*, powdered coffee material). The below annotated images illustrate the Accused Product's infringement of this limitation.

	  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium
[8n] the cover having a central region and a perimeter,	The Accused Product's cover has a central region and a perimeter. The below annotated image illustrates the Accused Product's cover having a central region and a perimeter.

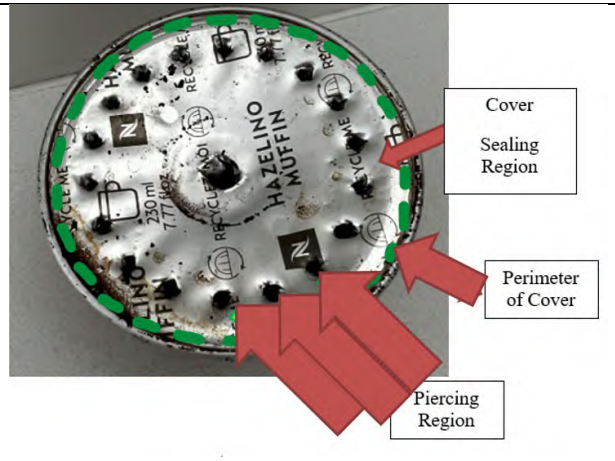
	
[8o] the cover is bowed upwardly to a second height at the central region relative to the perimeter, the second height of the cover is less than the first height of the base element,	The Accused Product's cover is bowed upwardly to a second height at the central region relative to the perimeter, the second height of the cover is less than the first height of the base element. The below annotated images illustrate the Accused Product's cover, which is bowed outwardly to a second height in the central region relative to the perimeter of the cover.

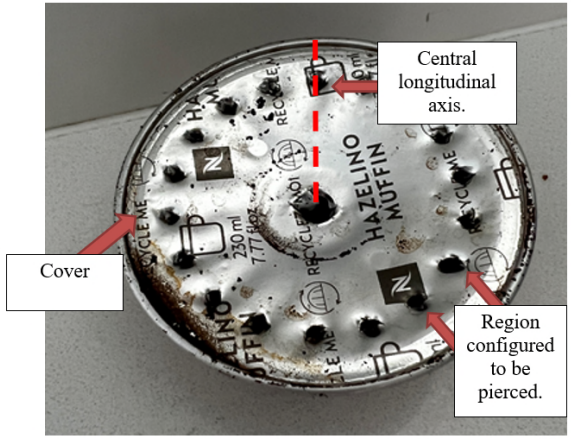

Bowed upwardly central region.
Perimeter of Cover

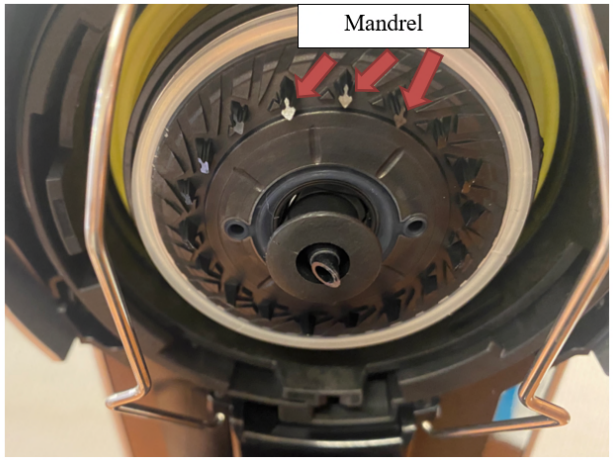
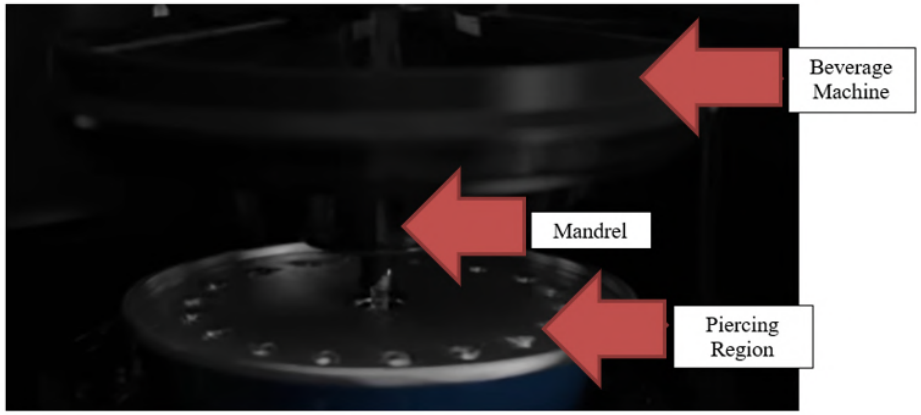
	
[8p] the cover being dimensioned and configured to provide a sealing area that is configured to bear against a seal of the specific coffee machine,	The Accused Product’s cover is dimensioned and configured to provide a sealing area that is configured to bear against a seal of the specific coffee machine. The below annotated images illustrate the Accused Product’s infringement of this limitation.

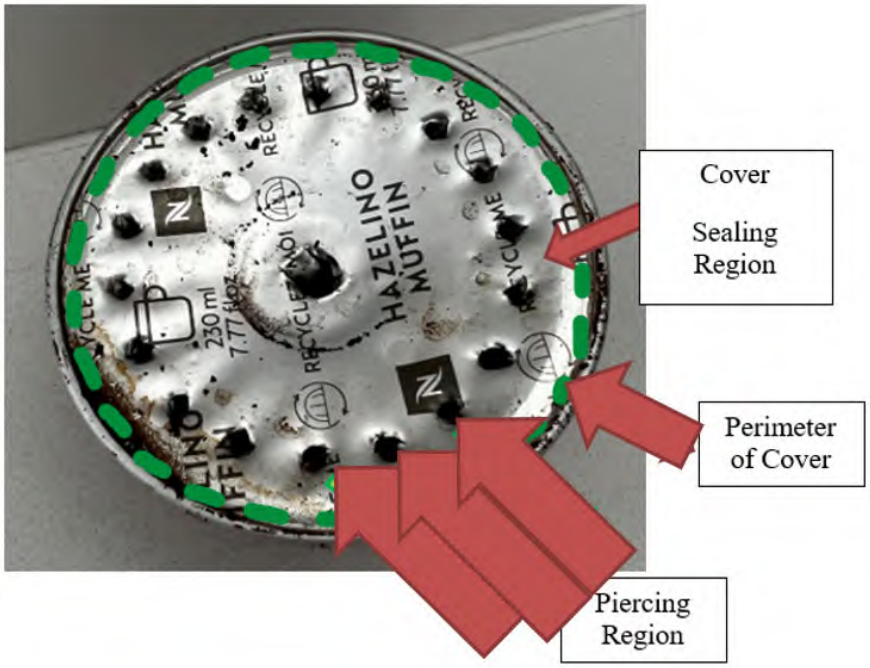

Central longitudinal axis.
Cover
Region configured to be pierced.
HAZELINO MUFFIN
230 ml 7.77 fl oz

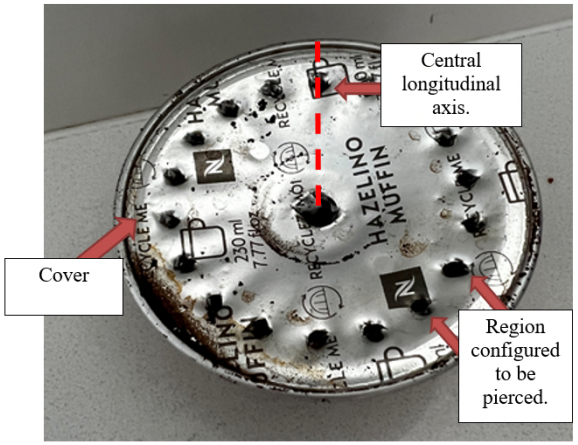
	
[8q] the cover being dimensioned and configured to provide a piercing area that is configured to be pierced by a mandrel of the specific coffee machine,	The Accused Product's cover is dimensioned and configured to provide a piercing area that is configured to be pierced by a mandrel of the specific coffee machine. The below annotated images illustrate the Accused Product's infringement of this limitation.

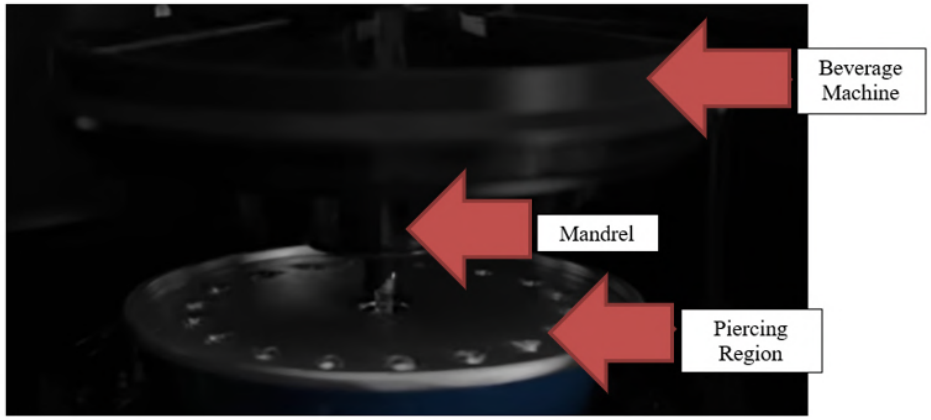
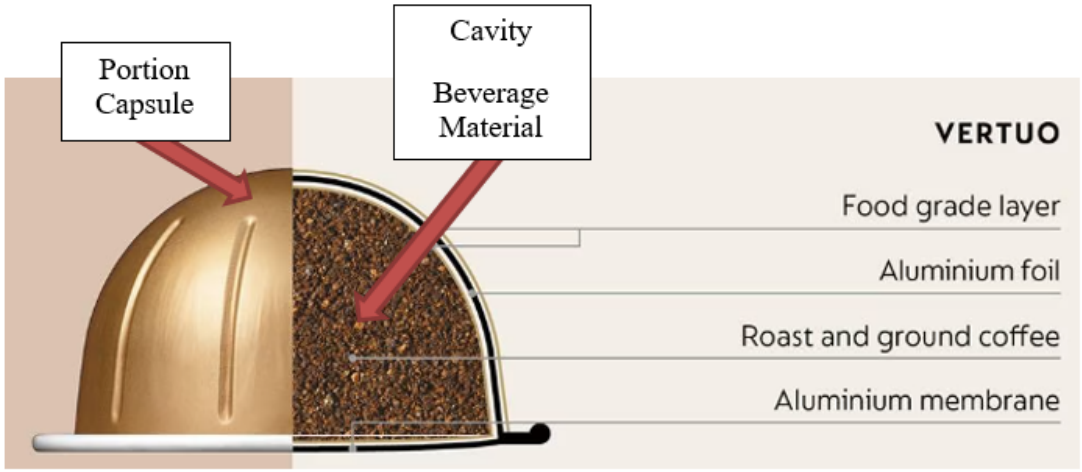

Cover
Sealing Region
Perimeter of Cover
Piercing Region

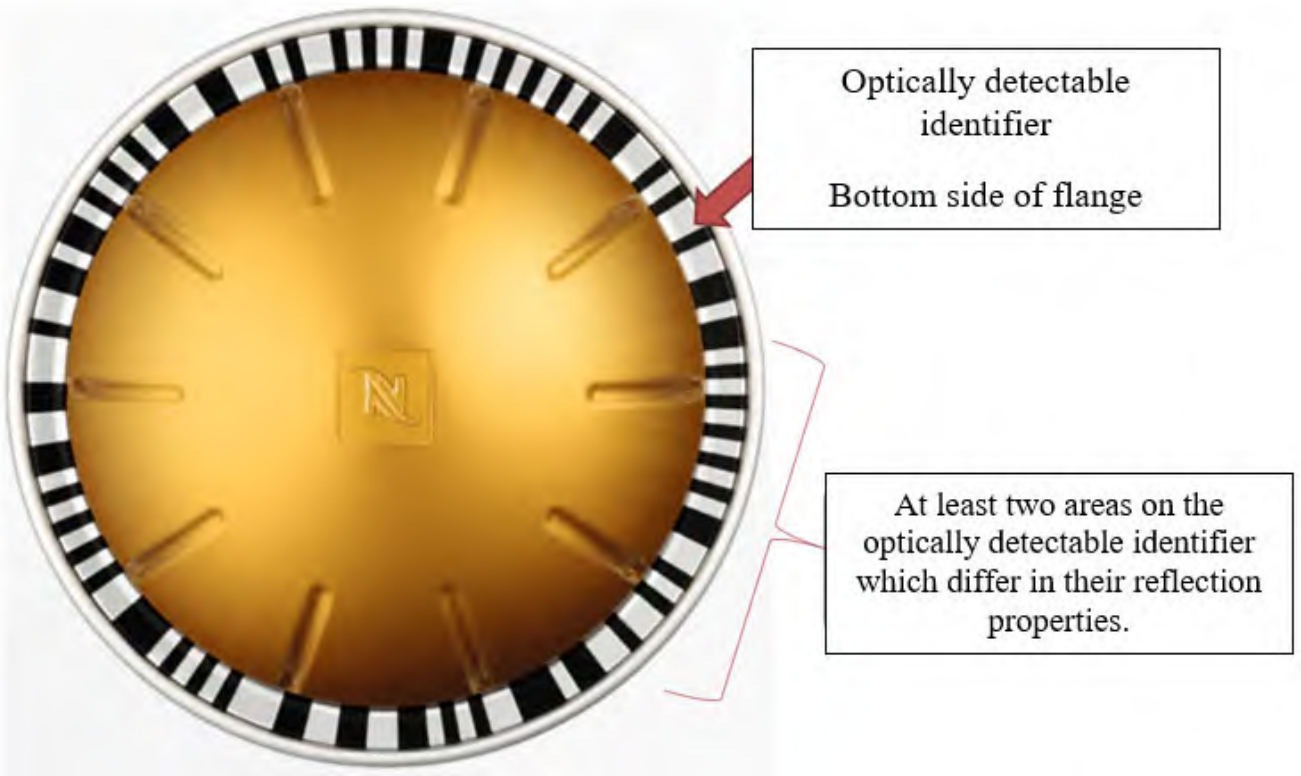

Central longitudinal axis.
Cover
Region configured to be pierced.

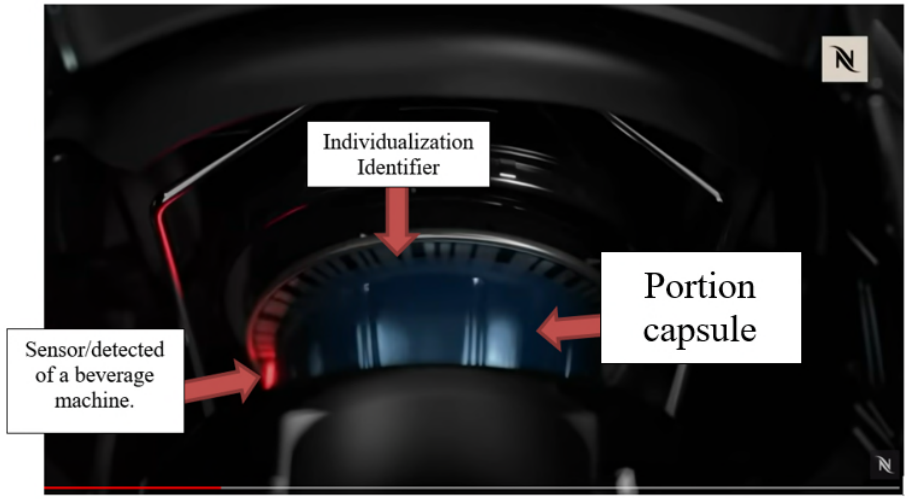
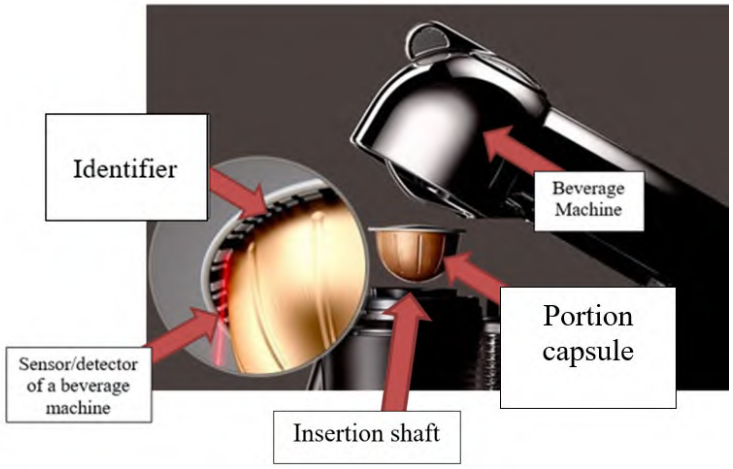
	  *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0
[8r] the piercing area being laterally offset from the central longitudinal axis of the base element;	The Accused Product's cover includes a piercing area/region being laterally offset from the central longitudinal axis of the base element. The below annotated images illustrate the Accused Product's infringement of this limitation.

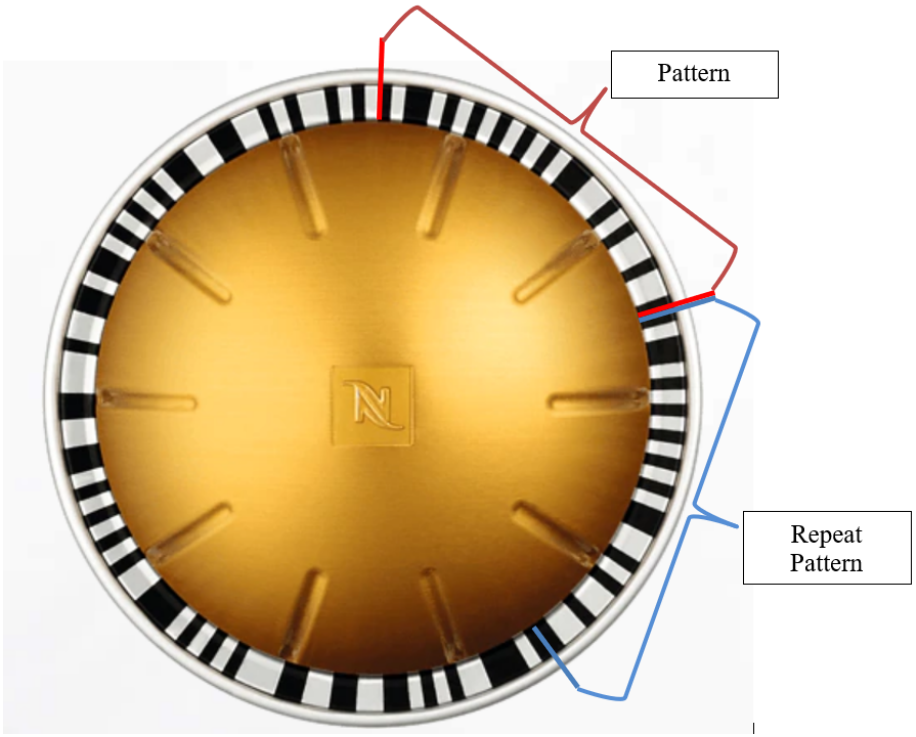

Cover
Sealing Region
Perimeter of Cover
Piercing Region
HAZELINO MUFFIN
230 ml
7.77 fl oz


Central longitudinal axis.
Cover
Region configured to be pierced.
HAZELINO MUFFIN
230 ml
7.77 fl oz

	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0
[8s] wherein the portion capsule is free of a filter inside of the cavity; and wherein the individualization identifier:	The Accused Product is a portion capsule that is free of a filter inside the cavity. The below annotated image illustrates that the portion capsule is free of a filter inside of the cavity.  *See, e.g.*, https://www.sustainability.nespresso.com/why-aluminium

[8s.i] comprises at least two areas which differ in their optically detectable reflection properties;	The Accused Product has an individualization identifier comprising at least two areas which differ in their optically detectable reflection properties. The below annotated image illustrates the Accused Product's infringement of this limitation.  *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo
[8.s.ii] includes an optically detectable,	The portion capsule includes an optically detectable, machine readable, repeat pattern. The below annotated images illustrate the Accused Product's infringement of this limitation.

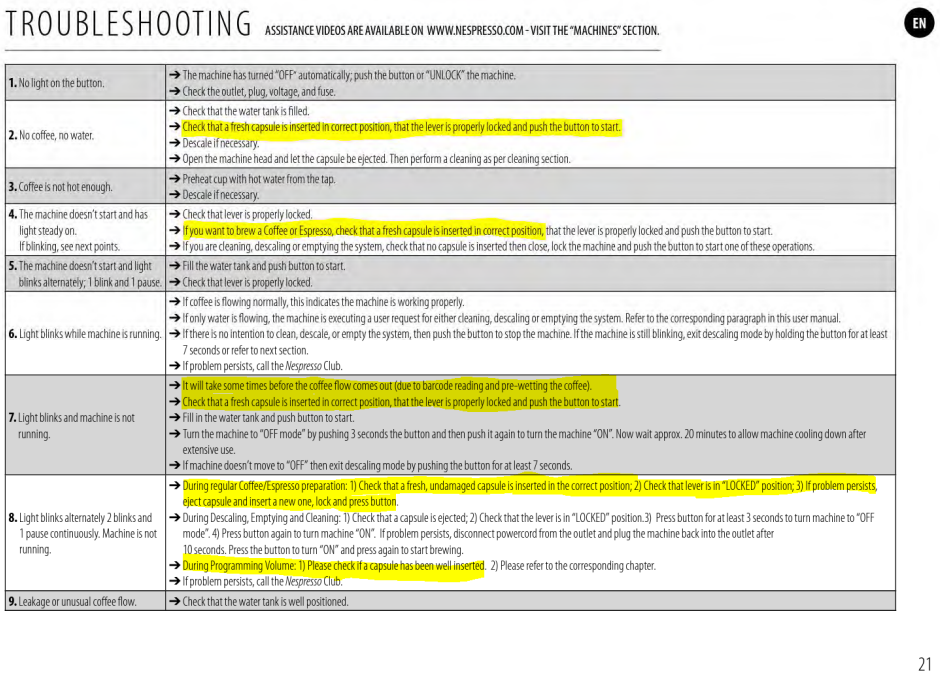
machine readable, repeat pattern;	  One example of the identifier having a repeat pattern is shown below. The first pattern of the identifier is annotated in red. That pattern is repeated is annotated in blue.



Another example of the identifier having a repeat pattern is shown below. The identifier is repeated five times around the circumference of the capsule, as annotated in green. In this example, the repeated portions of the identifier are spaced at equal intervals from the next closest repeated portion of the identifier.

	 *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo; https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs.
[8.s.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;	The portion capsule's individualization identifier 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. For example, if the identifier located on the portion capsule is obstructed or damaged, the beverage machine will prevent making of the beverage because the beverage machine is unable to encode information used by the specific coffee machine to individualize the portion capsule. For example, the screenshot from the Vertuo User Manual below describes various troubleshooting instances, including where the Vertuo beverage machine does not start or run, thereby failing to active

the pump that supplies the water into the single-serve capsule, because individualization identifier on the single-serve capsule cannot be compared to a stored reference. Moreover, the User Manual refers to pumping water. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo (User Manual at p. 21).

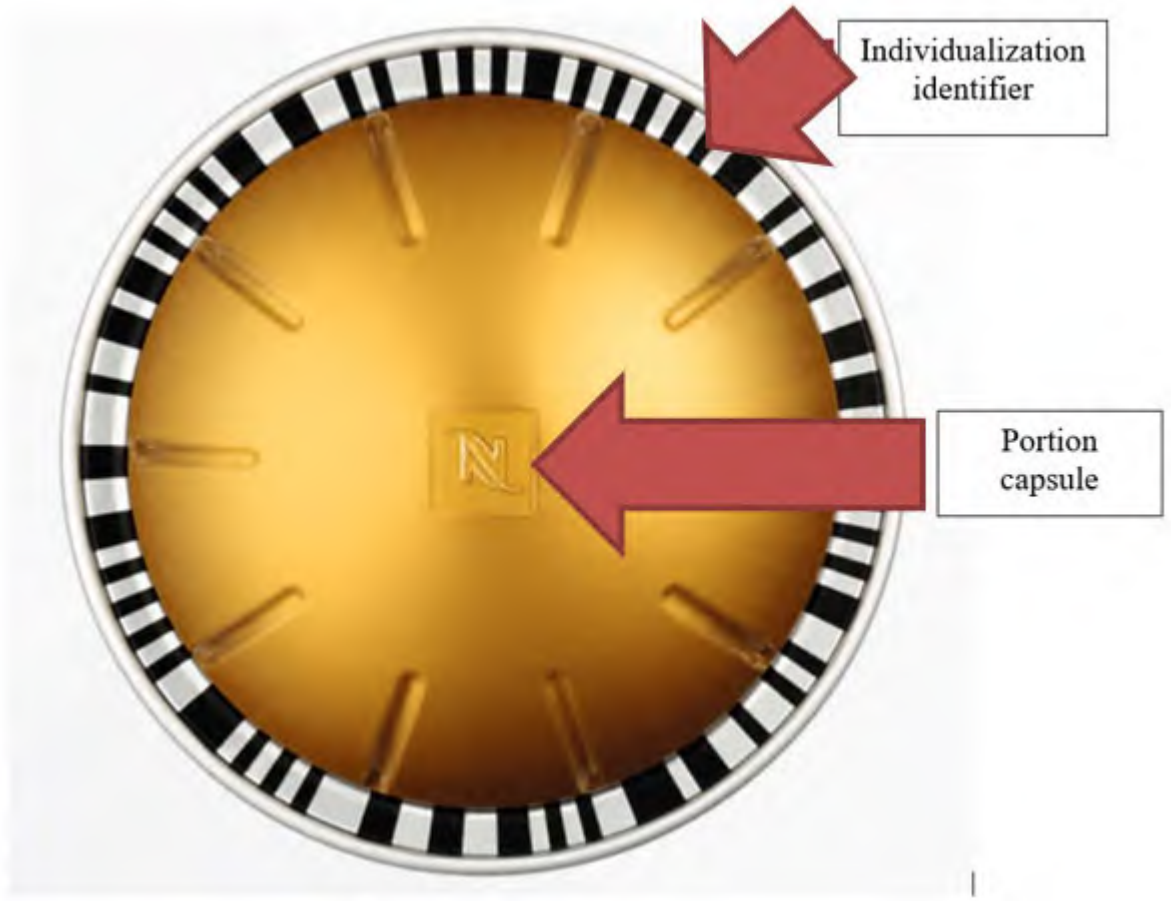


TROUBLESHOOTING ASSISTANCE VIDEOS ARE AVAILABLE ON WWW.NESPRESSO.COM - VISIT THE "MACHINES" SECTION. EN

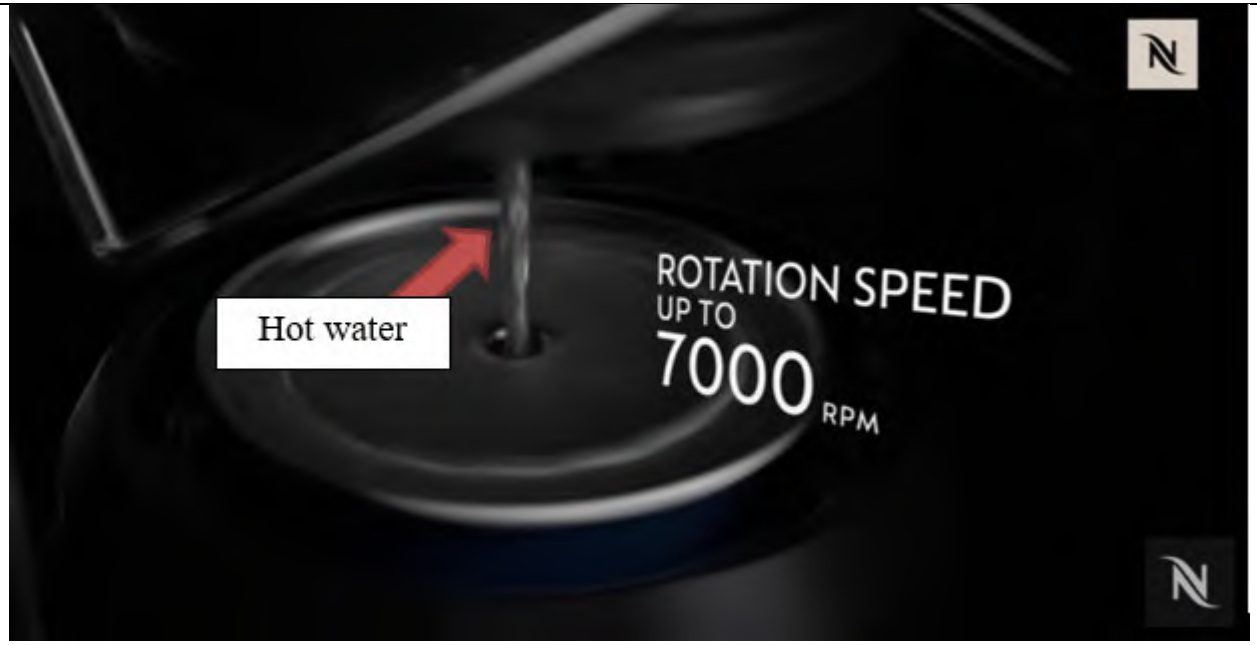
1. No light on the button.	→ The machine has turned "OFF" automatically; push the button or "UNLOCK" the machine. → Check the outlet, plug, voltage, and fuse.
2. No coffee, no water.	→ Check that the water tank is filled. → Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → Descale if necessary. → Open the machine head and let the capsule be ejected. Then perform a cleaning as per cleaning section.
3. Coffee is not hot enough.	→ Preheat cup with hot water from the tap. → Descale if necessary.
4. The machine doesn't start and has light steady on. If blinking, see next points.	→ Check that lever is properly locked. → If you want to brew a Coffee or Espresso, check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → If you are cleaning, descaling or emptying the system, check that no capsule is inserted then close, lock the machine and push the button to start one of these operations.
5. The machine doesn't start and light blinks alternately; 1 blink and 1 pause.	→ Fill the water tank and push button to start. → Check that lever is properly locked.
6. Light blinks while machine is running.	→ If coffee is flowing normally, this indicates the machine is working properly. → If only water is flowing, the machine is executing a user request for either cleaning, descaling or emptying the system. Refer to the corresponding paragraph in this user manual. → If there is no intention to clean, descale, or empty the system, then push the button to stop the machine. If the machine is still blinking, exit descaling mode by holding the button for at least 7 seconds or refer to next section. → If problem persists, call the *Nespresso* Club.
7. Light blinks and machine is not running.	→ It will take some times before the coffee flow comes out (due to barcode reading and pre-wetting the coffee). → Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → Fill in the water tank and push button to start. → Turn the machine to "OFF mode" by pushing 3 seconds the button and then push it again to turn the machine "ON". Now wait approx. 20 minutes to allow machine cooling down after extensive use. → If machine doesn't move to "OFF" then exit descaling mode by pushing the button for at least 7 seconds.
8. Light blinks alternately 2 blinks and 1 pause continuously. Machine is not running.	→ During regular Coffee/Espresso preparation: 1) Check that a fresh, undamaged capsule is inserted in the correct position; 2) Check that lever is in "LOCKED" position; 3) If problem persists, eject capsule and insert a new one, lock and press button. → During Descaling, Emptying and Cleaning: 1) Check that a capsule is ejected; 2) Check that the lever is in "LOCKED" position.3) Press button for at least 3 seconds to turn machine to "OFF mode". 4) Press button again to turn machine "ON". If problem persists, disconnect powercord from the outlet and plug the machine back into the outlet after 10 seconds. Press the button to turn "ON" and press again to start brewing. → During Programming Volume: 1) Please check if a capsule has been well inserted. 2) Please refer to the corresponding chapter. → If problem persists, call the *Nespresso* Club.
9. Leakage or unusual coffee flow.	→ Check that the water tank is well positioned.

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The below annotated images illustrate the Accused Product's infringement of this limitation.


Individualization identifier
Portion capsule


Hot water
ROTATION SPEED
UP TO
7000
RPM

	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0
[8.s.iv] encodes information used by the specific coffee machine to activate a pump of the specific coffee machine;	The portion capsule's individualization identifier encodes information used by the specific coffee machine to activate a pump of the specific coffee machine. For example, if the identifier located on the portion capsule is obstructed or damaged, the beverage machine will prevent making of the beverage because the beverage machine is unable to encode information used by the specific coffee machine. For example, the screenshot from the Vertuo User Manual below describes various troubleshooting instances, including where the Vertuo beverage machine does not start or run, thereby failing to active the pump that supplies the water into the single-serve capsule, because individualization identifier on the single-serve capsule cannot be compared to a stored reference. Moreover, the User Manual refers to pumping water. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo (User Manual at p. 21).

TROUBLESHOOTING

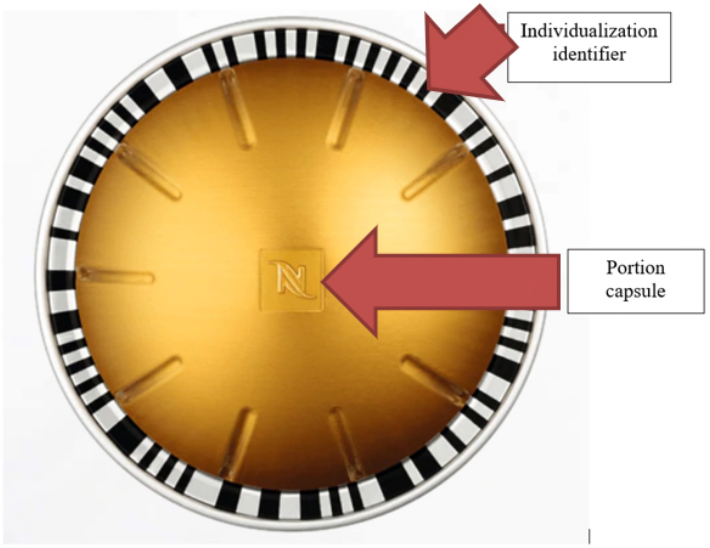
ASSISTANCE VIDEOS ARE AVAILABLE ON WWW.NESPRESSO.COM - VISIT THE "MACHINES" SECTION.

EN

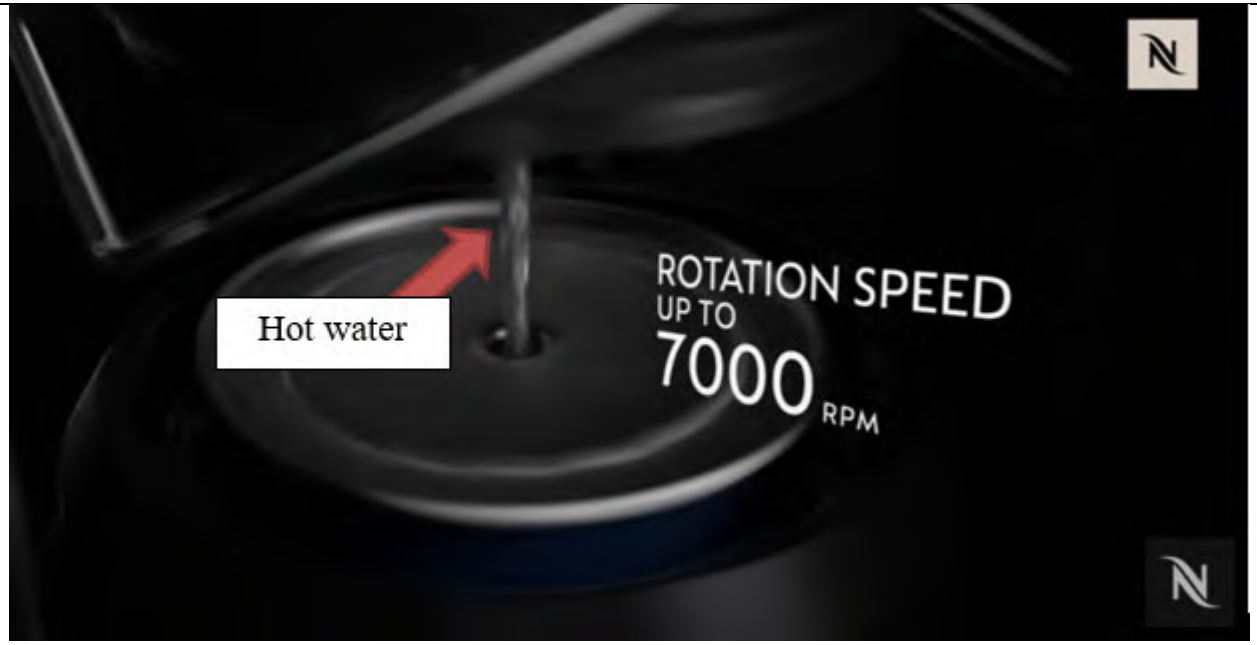
1. No light on the button.	→ The machine has turned "OFF" automatically; push the button or "UNLOCK" the machine. → Check the outlet, plug, voltage, and fuse.
2. No coffee, no water.	→ Check that the water tank is filled. → Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → Descale if necessary. → Open the machine head and let the capsule be ejected. Then perform a cleaning as per cleaning section.
3. Coffee is not hot enough.	→ Preheat cup with hot water from the tap. → Descale if necessary.
4. The machine doesn't start and has light steady on. If blinking, see next points.	→ Check that lever is properly locked. → If you want to brew a Coffee or Espresso, check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → If you are cleaning, descaling or emptying the system, check that no capsule is inserted then close, lock the machine and push the button to start one of these operations.
5. The machine doesn't start and light blinks alternately; 1 blink and 1 pause.	→ Fill the water tank and push button to start. → Check that lever is properly locked.
6. Light blinks while machine is running.	→ If coffee is flowing normally, this indicates the machine is working properly. → If only water is flowing, the machine is executing a user request for either cleaning, descaling or emptying the system. Refer to the corresponding paragraph in this user manual. → If there is no intention to clean, descale, or empty the system, then push the button to stop the machine. If the machine is still blinking, exit descaling mode by holding the button for at least 7 seconds or refer to next section. → If problem persists, call the *Nespresso* Club.
7. Light blinks and machine is not running.	→ It will take some times before the coffee flow comes out (due to barcode reading and pre-wetting the coffee). → Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → Fill in the water tank and push button to start. → Turn the machine to "OFF mode" by pushing 3 seconds the button and then push it again to turn the machine "ON". Now wait approx. 20 minutes to allow machine cooling down after extensive use. → If machine doesn't move to "OFF" then exit descaling mode by pushing the button for at least 7 seconds.
8. Light blinks alternately 2 blinks and 1 pause continuously. Machine is not running.	→ During regular Coffee/Espresso preparation: 1) Check that a fresh, undamaged capsule is inserted in the correct position; 2) Check that lever is in "LOCKED" position; 3) If problem persists, eject capsule and insert a new one, lock and press button. → During Descaling, Emptying and Cleaning: 1) Check that a capsule is ejected; 2) Check that the lever is in "LOCKED" position.3) Press button for at least 3 seconds to turn machine to "OFF mode". 4) Press button again to turn machine "ON". If problem persists, disconnect powercord from the outlet and plug the machine back into the outlet after 10 seconds. Press the button to turn "ON" and press again to start brewing. → During Programming Volume: 1) Please check if a capsule has been well inserted. 2) Please refer to the corresponding chapter. → If problem persists, call the *Nespresso* Club.
9. Leakage or unusual coffee flow.	→ Check that the water tank is well positioned.

21

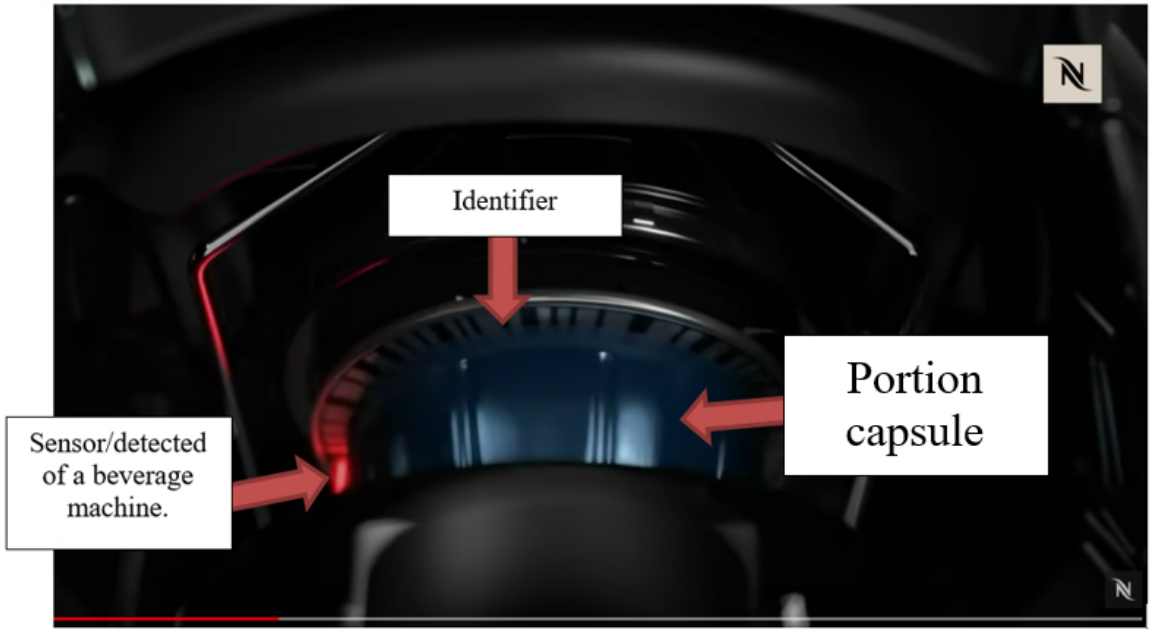
The below annotated images illustrate the Accused Product's infringement of this limitation.

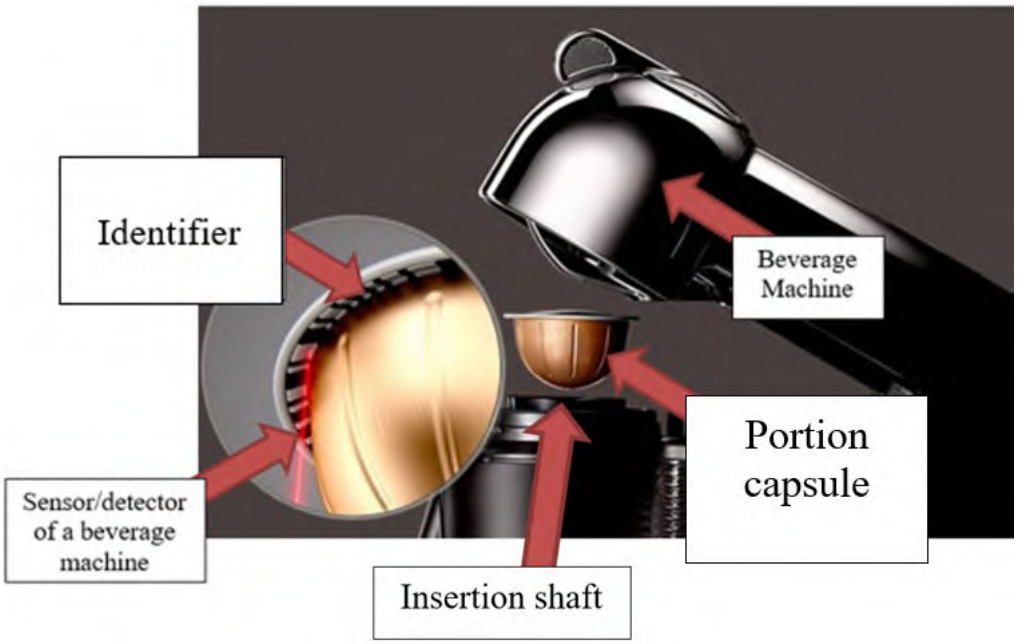
	 Individualization identifier Portion capsule

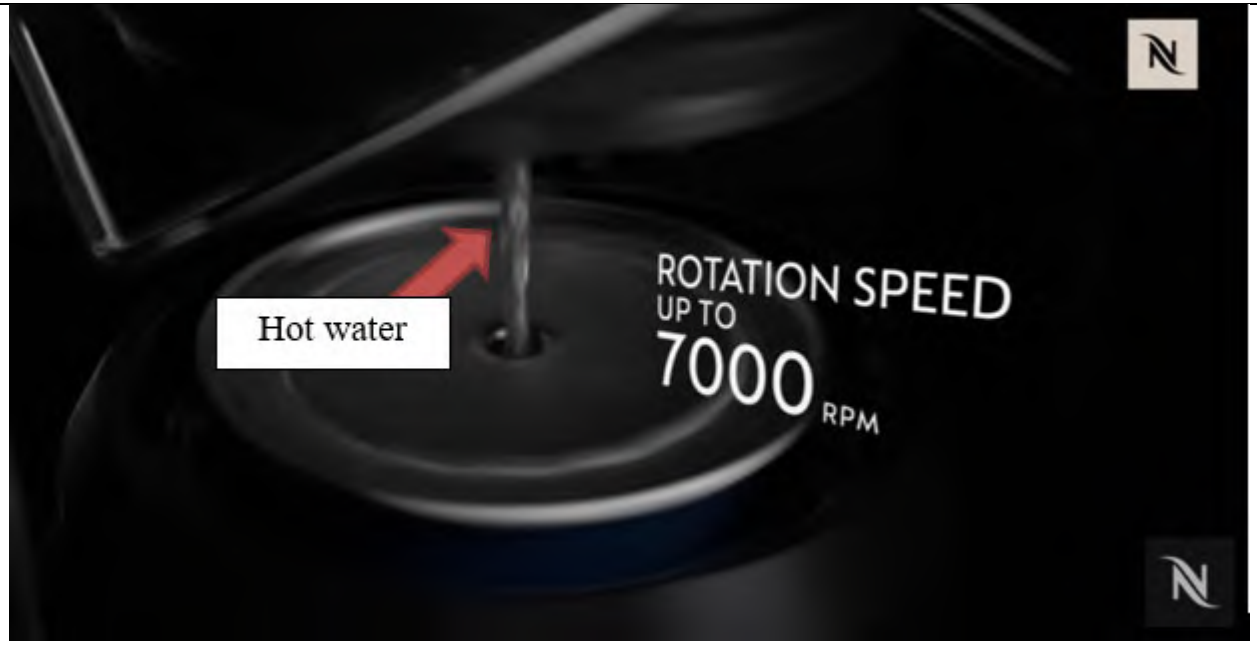
	

	 Hot water ROTATION SPEED UP TO 7000 RPM

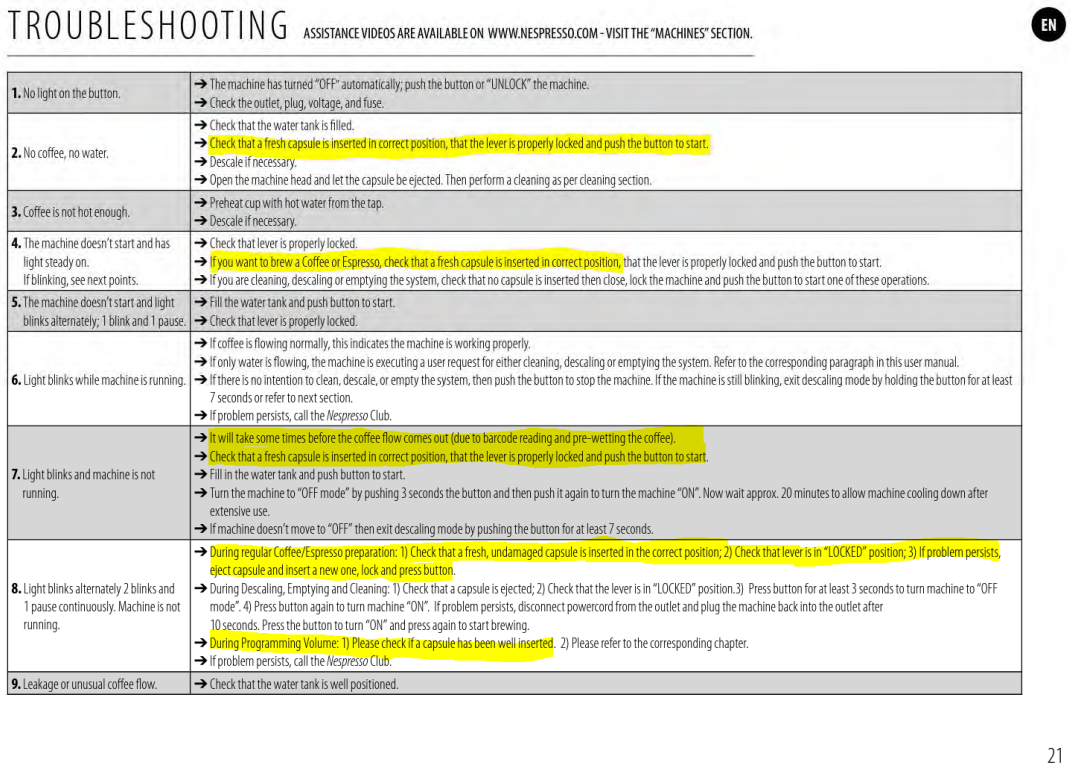
	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0
[8.s.v] encodes information used by the specific coffee machine to control a beverage-making process, which includes setting a quantity of hot water, pressure of the hot water, and/or a temperature of the hot water;	The portion capsule's individualization identifier 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. *See, e.g.*, https://www.nespresso.com/us/en/choose-your-technology-vertuo ("You can precisely prepare your small or large coffee with generous and silky crema, as each Vertuo machines uses barcode recognition and a brewing extraction system to create your coffee experience. The unique barcode on each capsule adjusts the flow and volume of water, temperature, infusion time and capsule rotation to make the best part of your coffee experience - your perfect coffee, every time."); https://www.youtube.com/watch?v=RTzUiX101C0 at 0:13-0:25 ("With a simple touch of the button, the capsule begins to rotate, allowing the machine to read the barcode on its rim and automatically calibrate the perfect brewing parameters for that particular blend.");

	https://www.nespresso.com/us/en/machine-assistance/vertuo at 0:28-0:35 ("You can tailor the size of your coffee or espresso…the programming is specific to each capsule size). The below annotated images illustrate the Accused Product's infringement of this limitation. 


Identifier
Beverage Machine
Portion capsule
Sensor/detector of a beverage machine
Insertion shaft

	 *See, e.g.*, https://www.youtube.com/watch?v=RTzUiX101C0; https://www.youtube.com/watch?v=__KOHPZXzcs.
[8.s.vi] is compared to a stored reference to determine if the portion capsule is suitable for the specific coffee machine.	The portion capsule's individualization identifier is compared to a stored reference to determine if the portion capsule is suitable for the specific coffee machine. *See, e.g.*, https://www.youtube.com/watch?v=QqYnKp9iX0U at 0:17-0:23 ("This machine operates with Nespresso Vertuo capsules. Nespresso classic capsules cannot be used in this machine."); https://www.nespresso.com/us/en/choose-your-technology-vertuo ("Vertuo technology reads the barcode on each capsule, automatically adjusting to the perfect settings, so you can brew your favorite type of coffee, time after time, without fail."). For example, the screenshot from the Vertuo User Manual below describes various troubleshooting instances, including where the Vertuo beverage machine does not start or run because the portion capsule is not properly inserted and therefore the individualization identifier on the portion capsule cannot be compared to a stored reference to determine if the portion capsule is suitable for the specific

coffee machine. *See, e.g.*, https://www.nespresso.com/us/en/machine-assistance/vertuo (User Manual at p. 21).

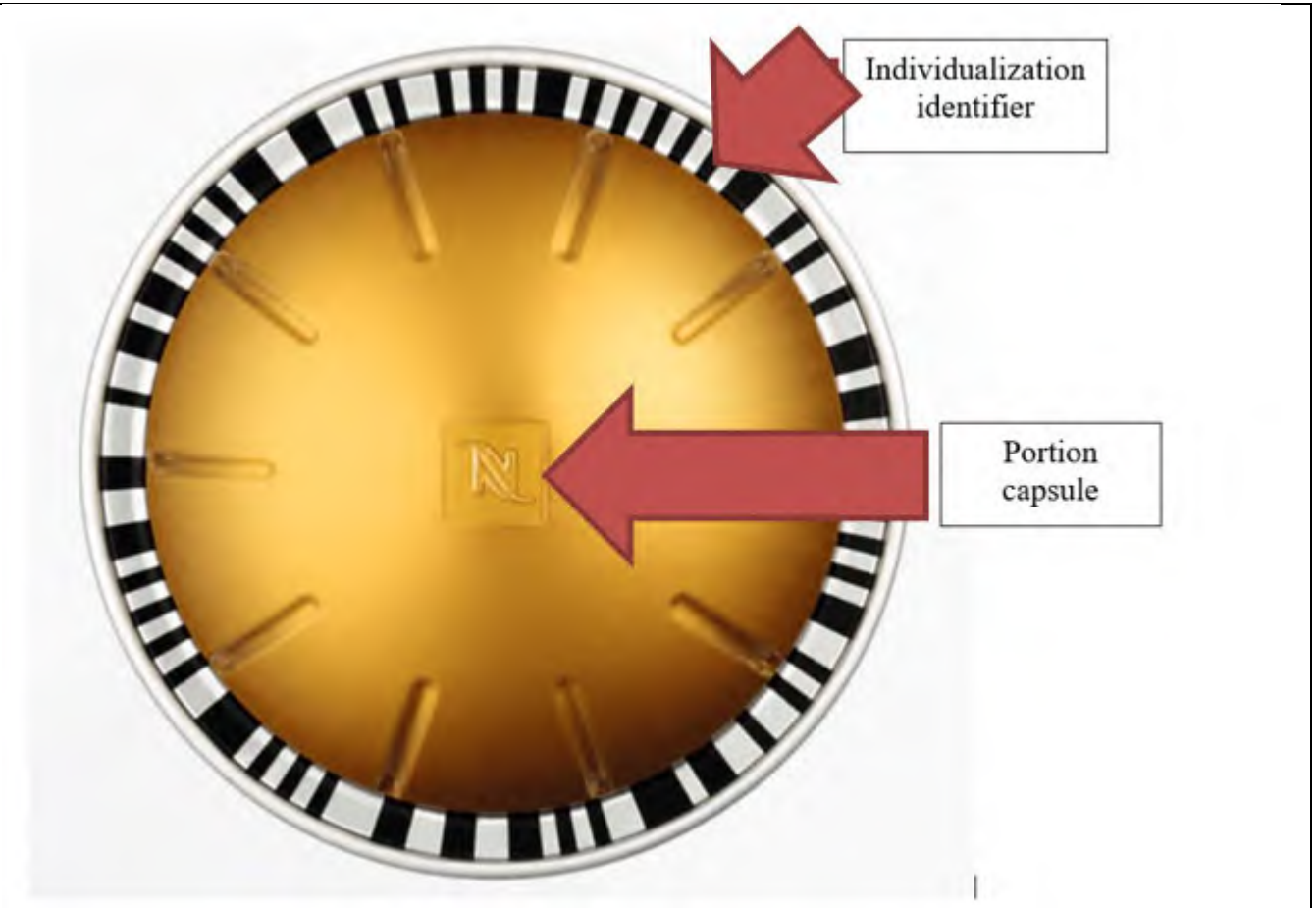


TROUBLESHOOTING ASSISTANCE VIDEOS ARE AVAILABLE ON WWW.NESPRESSO.COM - VISIT THE "MACHINES" SECTION. EN

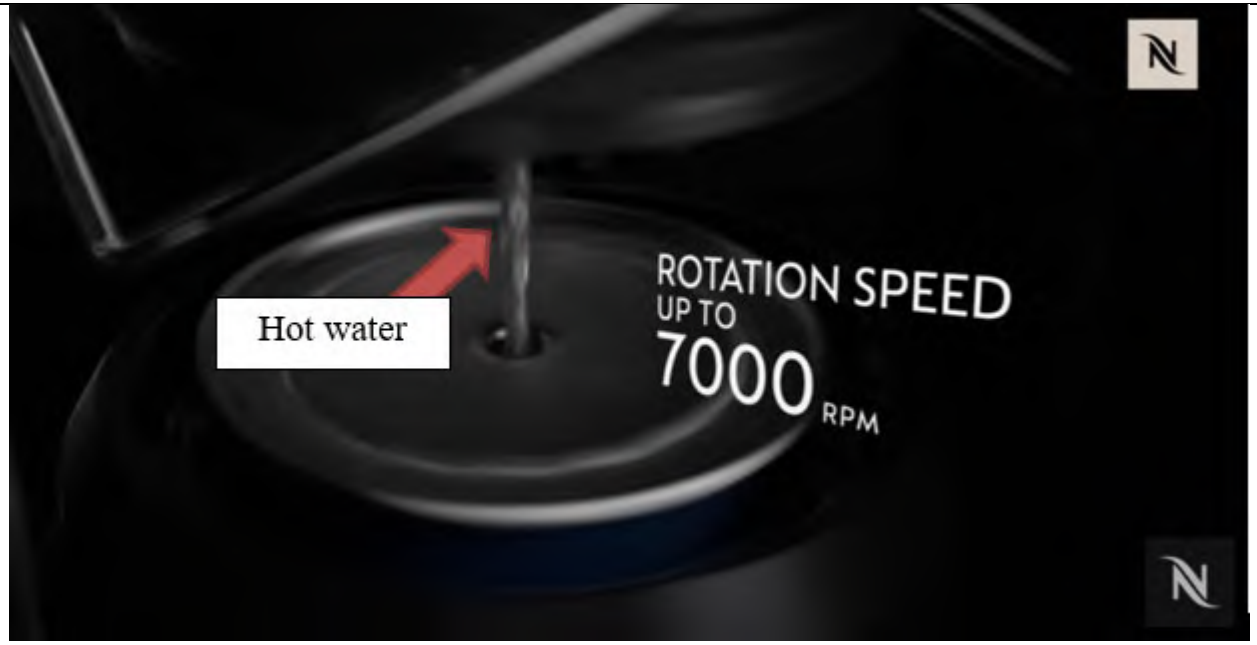
1. No light on the button.	→ The machine has turned "OFF" automatically; push the button or "UNLOCK" the machine. → Check the outlet, plug, voltage, and fuse.
2. No coffee, no water.	→ Check that the water tank is filled. → Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → Descale if necessary. → Open the machine head and let the capsule be ejected. Then perform a cleaning as per cleaning section.
3. Coffee is not hot enough.	→ Preheat cup with hot water from the tap. → Descale if necessary.
4. The machine doesn't start and has light steady on. If blinking, see next points.	→ Check that lever is properly locked. → If you want to brew a Coffee or Espresso, check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → If you are cleaning, descaling or emptying the system, check that no capsule is inserted then close, lock the machine and push the button to start one of these operations.
5. The machine doesn't start and light blinks alternately; 1 blink and 1 pause.	→ Fill the water tank and push button to start. → Check that lever is properly locked.
6. Light blinks while machine is running.	→ If coffee is flowing normally, this indicates the machine is working properly. → If only water is flowing, the machine is executing a user request for either cleaning, descaling or emptying the system. Refer to the corresponding paragraph in this user manual. → If there is no intention to clean, descale, or empty the system, then push the button to stop the machine. If the machine is still blinking, exit descaling mode by holding the button for at least 7 seconds or refer to next section. → If problem persists, call the *Nespresso* Club.
7. Light blinks and machine is not running.	→ It will take some times before the coffee flow comes out (due to barcode reading and pre-wetting the coffee). → Check that a fresh capsule is inserted in correct position, that the lever is properly locked and push the button to start. → Fill in the water tank and push button to start. → Turn the machine to "OFF mode" by pushing 3 seconds the button and then push it again to turn the machine "ON". Now wait approx. 20 minutes to allow machine cooling down after extensive use. → If machine doesn't move to "OFF" then exit descaling mode by pushing the button for at least 7 seconds.
8. Light blinks alternately 2 blinks and 1 pause continuously. Machine is not running.	→ During regular Coffee/Espresso preparation: 1) Check that a fresh, undamaged capsule is inserted in the correct position; 2) Check that lever is in "LOCKED" position; 3) If problem persists, eject capsule and insert a new one, lock and press button. → During Descaling, Emptying and Cleaning: 1) Check that a capsule is ejected; 2) Check that the lever is in "LOCKED" position.3) Press button for at least 3 seconds to turn machine to "OFF mode". 4) Press button again to turn machine "ON". If problem persists, disconnect powercord from the outlet and plug the machine back into the outlet after 10 seconds. Press the button to turn "ON" and press again to start brewing. → During Programming Volume: 1) Please check if a capsule has been well inserted. 2) Please refer to the corresponding chapter. → If problem persists, call the *Nespresso* Club.
9. Leakage or unusual coffee flow.	→ Check that the water tank is well positioned.

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The below annotated images illustrate this limitation.


Individualization identifier
Portion capsule


Hot water
ROTATION SPEED
UP TO
7000
RPM



See, e.g., https://www.youtube.com/watch?v=RTzUiX101C0