

Mudd, Jason (SHB)

From: Trials <Trials@USPTO.GOV>
Sent: Thursday, May 15, 2025 9:39 AM
To: Mudd, Jason (SHB); Trials
Cc: MLB-Trove-IPR-252; Peterson, Jacob; Razai, Ali; Stein, Alexander B.; Bregman, Dion M.; Schletzbaum, Ryan (SHB); CamelBak-IPR
Subject: RE: IPR2024-00858 (Trove v. CamelBak) (Patent No. 8,905,252) - request for authorization to file motion to strike

EXTERNAL

Counsel,

Patent Owner's request is denied. Contrary to what Patent Owner contends, Petitioner did not limit its section 112(f) argument solely to "equivalent" structures. Rather, as noted in our Institution Decision, Petitioner asserts that Samartgis's lug members 15 and 16 are "*at least* equivalent" to the structure identified in the specification (i.e., the two or more spaced-apart tabs on the handle)" because "[l]ike the opposed tabs of the '252 patent, the lug members 15 and 16 are projections that extend from the inner surface of the handle to engage the closure." See Inst. Dec. 10 (citing Pet. 35) (emphasis added). Petitioner's use of "at least equivalent" encompasses both structural identity and equivalence under section 112(f). Moreover, as noted in our Institution Decision, because Patent Owner chose not to address the section 112(f) issue at the preliminary stage, we invited both parties to explore this issue further at the trial stage. See *id.* As such, Petitioner's arguments appear to be properly responsive. To the extent Patent Owner continues to believe otherwise, it may argue the point in its sur-reply.

Regards,

Andrew Kellogg,
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From: Mudd, Jason (SHB) <jmudd@shb.com>
Sent: Wednesday, May 14, 2025 3:56 PM
To: Trials <Trials@USPTO.GOV>
Cc: MLB-Trove-IPR-252 <mlb-trove-ipr-252@morganlewis.com>; Peterson, Jacob <jacob.peterson@morganlewis.com>; Razai, Ali <ali.razai@morganlewis.com>; Stein, Alexander B. <alexander.stein@morganlewis.com>; Bregman, Dion M. <dion.bregman@morganlewis.com>; Schletzbaum, Ryan (SHB) <RSCHLETZBAUM@shb.com>; CamelBak-IPR <CamelBak-IPR@shb.com>
Subject: IPR2024-00858 (Trove v. CamelBak) (Patent No. 8,905,252) - request for authorization to file motion to strike

Dear Board:

Patent Owner CamelBak writes with regard to IPR2024-00858 to respectfully request authorization to file a motion to strike certain new arguments raised by Petitioner for the first time in Petitioner's Reply (Paper 20) that were not contained in the Petition. Specifically, Patent Owner requests authorization to file a motion to strike the following:

- 1) Petitioner's argument on pages 15-17 of the Reply that Samartgis's lug members 15 and 16 are structurally identical to the corresponding structure for the claimed "closure retention mechanism" in the '252 patent (spaced-apart tabs 56) under 35 U.S.C. § 112(f). The Petition had only argued they were equivalent under 35 U.S.C. § 112(f).
- 2) Petitioner's argument on page 17 of the Reply that provides argument as to why Samartgis's lug members 15 and 16 are allegedly equivalent to the '252 patent's spaced-apart tabs 56 under 35 U.S.C. § 112(f). The Petition had provided no such explanation as to why, and Petitioner's arguments in its Reply are not responsive to Patent Owner's arguments in the Patent Owner Response.
- 3) Petitioner's argument on page 20 of the Reply that Leoncavallo's detents 90 are structurally identical to the corresponding structure for the claimed "closure retention mechanism" in the '252 patent (spaced-apart tabs 56) under 35 U.S.C. § 112(f). The Petition had only argued they were equivalent under 35 U.S.C. § 112(f).
- 4) Petitioner's argument on pages 20-21 of the Reply that provides argument as to why Leoncavallo's detents 90 are allegedly equivalent to the '252 patent's spaced-apart tabs 56 under 35 U.S.C. § 112(f). The Petition had provided no such explanation as to why, and Petitioner's arguments in its Reply are not responsive to Patent Owner's arguments in the Patent Owner Response.
- 5) To the extent Petitioner is relying on pages 7-12 of the Reply on any cap position in Samartgis other than that shown in Figure 9 as being the alleged "stowed position" required by the '252 patent claims, then any such argument is new and should be stricken. The Petition only identified the position of Figure 9 as being the alleged "stowed" position.

Patent Owner has conferred with Petitioner regarding this request. Petitioner disagrees with the above and opposes this request. Should the Board wish to convene a conference call to discuss this request, then the parties will provide their availabilities upon request.

Sincerely,
Jason Mudd
Counsel for Patent Owner

Jason R. Mudd
Senior Counsel
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HARDY & BACON

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