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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

TROVE BRANDS, LLC, a Utah limited liability company, Plaintiff, v. CAMELBAK PRODUCTS, LLC AND VISTA OUTDOOR INC. Defendants.	No. 5:23-CV-04267-PCP **TROVE BRANDS' INVALIDITY CONTENTIONS** Hon. P. Casey Pitts
AND RELATED COUNTERCLAIMS	

Pursuant to the Court's Case Management Order (Docket No. (hereinafter "D.I.") 25) and Patent Local Rules ("PLR") 3-3 and 3-4, Trove Brands, LLC, ("Trove Brands" or "Plaintiff") hereby provides to and serves upon Defendants CamelBak Products, LLC ("CamelBak") and Vista Outdoor, Inc. ("VOI" or "Vista") (collectively, "Defendants") the following Invalidity Contentions and Accompanying Document Production. In addition to these Contentions and its accompanying exhibits and productions, pending judgment or trial, Trove Brands will rely on any invalidity analyses set forth in any forthcoming invalidity expert report(s) served by Trove Brands in this matter served during Expert Discovery.

I. GENERAL STATEMENTS.

These Contentions are based on information reasonably available to Trove Brands at this time, and may require subsequent amendment, alteration, and/or supplementation pursuant to PLR 3-6 or other order of the Court. Further, CamelBak has not provided its Disclosure of Asserted Claims and Infringement Contentions ("Infringement Contentions") in a sufficiently clear and specific manner to enable Trove Brands to fully evaluate the invalidity of each asserted claim from the perspective of CamelBak's purported application of the asserted claims. Accordingly, Trove Brands reserves the right to amend, alter and/or supplement these contentions based on, for example, further investigation, fact or expert discovery, evaluation of the scope and content of the prior art, any claim construction from the Court, or as a result of CamelBak's contentions. See PLR 3-6. These contentions may be in the alternative and do not constitute any concession by Defendant for the purposes of claim construction or noninfringement. See Fed. R. Civ. P. 8(d).

Furthermore, these contentions are provided without prejudice to Trove Brands' right to introduce at trial any subsequently discovered evidence or expert opinions relating to currently known facts and to produce and introduce at trial all evidence, whenever discovered, relating to the proof of subsequently discovered facts. Trove Brands reserves the right to refer to, conduct discovery with reference to, or offer into evidence at the time of trial, any and all facts, expert opinion testimony, documents and things notwithstanding the written statements herein.

Except as provided by law, these Contentions do not purport to affect the scope or effect

of any Petitions for Inter Partes Review or other collateral action subsequently filed by Trove Brands seeking invalidation or cancellation of the patents or claims at issue.

The information set forth below is provided without waiving: (1) the right to object to the use of any statement for any purpose, in this action or any other action, on the grounds of privilege, relevance, materiality or any other appropriate grounds; (2) the right to object to any request involving or relating to the subject matter of the statements herein; or (3) the right to revise, correct, supplement or clarify any of the statements provided below at any time.

A. Asserted Claims

Per CamelBak's December 21, 2023, Infringement Contentions, CamelBak currently is asserting U.S. Patent Nos. 8,905,252 ("the '252 Patent"), 9,463,911 ("the '911 Patent"), 10,676,255 ("the '255 Patent"), 11,242,178 (the "'178 Patent"), 9,782,028 ("the '028 Patent"), 10,165,879 ("the '879 Patent"), and 11,684,187 ("the '187 Patent") (individually, each an "Asserted Patent" or "Patent-in-Suit;" collectively, the "Asserted Patents" or the "Patents-in-Suit"). CamelBak has disclosed it is asserting:

- claims 5, 6, 7, 19 of the '252 Patent;
- claims 14, 15, 16, 19, 37, 38 of the '911 Patent;
- claims 1, 3, 4, 5, 9, 11, 12, 13, 19 of the '255 Patent;
- claims 1, 2, 4, 5, 6, 10, 11, 12, 14, 15, 16, 17, 20, 21, 22 of the '178 Patent;
- claims 1, 2, 5, 6, 8, 9, 15, 16, 21 of the '028 Patent;
- claims 1, 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 of the '879 Patent; and
- claims 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19 of the '187 Patent

(individually, each an "Asserted Claim;" collectively, the "Asserted Claims").[1]

[1] In its December 21, 2023, Disclosure of Asserted Claims and Infringement Contentions, CamelBak also purports to assert claims 1, 2, 4, 5, and 6 of U.S. Patent No. 11,851,250 ("the '250 patent"). *See* Infringement Contentions at §II.A, Exs. H-1-H-2. However, CamelBak prematurely served its Infringement Contentions on these claims before they issued on December 26, 2023. *See* D.I. 28, 30. Furthermore, the '250 Patent is not yet part of the case. *See* D.I. 1, 19, 26, 27. CamelBak has moved for leave to amend its pleadings to add a claim of infringement of the '250 Patent. *See* D.I. 28. Trove Brands opposes this motion. *See* D.I. 29. The motion is currently pending. As infringement or invalidity of the '250 Patent is not yet part of this case, these Invalidity Contentions do not address claims 1, 2, 4, 5, and 6 of the '250 Patent. However, Trove Brands reserves the right to provide invalidity contentions for any claim of the '250 Patent that Defendants may be permitted by the Court to assert in this litigation.

Infringement Contentions at §II.A. These Invalidity Contentions address each of the above-identified Asserted Claims identified in the Infringement Contentions.

In the Infringement Contentions, CamelBak provided alleged Priority Dates for the Asserted Claims. Infringement Contentions at §II.A. Trove Brands does not waive objections or the ability to dispute the Priority Dates alleged by CamelBak by virtue of not addressing them here. Trove Brands reserves the right to provide invalidity contentions for any other claims Defendants may be permitted by the Court to assert in this litigation.

B. Claim Construction

The Court has not yet construed the Asserted Claims. Nor has any party yet proposed claim constructions for any terms of the Asserted Claims. Trove Brands' position on the invalidity of one or more Asserted Claims may depend on how these claims are construed by the Court. Trove Brands therefore reserves the right to identify additional prior art and/or to supplement, modify, amend, and/or clarify its disclosures and/or contentions in light of the Court's construction of the Asserted Claims, but Trove Brands herein creates no burden or obligation on itself to do so. See PLR 3-6(a). These Invalidity Contentions are based, at least in part, on Trove Brands' present understanding of the Asserted Claims and the understanding seemingly advocated by CamelBak in its Infringement Contentions.

To the extent that these Invalidity Contentions reflect constructions of claim terms that may be consistent with or implicit in CamelBak's Infringement Contentions, no inference is intended, nor should any inference be drawn, that Trove Brands agrees with such claim constructions. Trove Brands takes no position on any matter of claim construction in these Invalidity Contentions other than to allege that certain claims are invalid, as set forth below. Any statement herein describing or tending to describe any claim element is provided solely for the purpose of understanding the relevant prior art or other basis for invalidity. Trove Brands expressly reserves the right to propose any claim construction it considers appropriate and to contest any claim construction it considers inappropriate.

In part because claim construction has not been resolved, these Invalidity Contentions may be made in the alternative and are not necessarily intended to be consistent with each other, and should be viewed accordingly. Furthermore, Trove Brands' inclusion of prior art that would render a claim invalid based on a particular scope or construction of the claim, including that apparently applied by CamelBak in its Infringement Contentions, is not, and should in no way be seen as, an adoption or admission as to the accuracy of such scope or construction. Trove Brands reserves all rights to further supplement and/or modify the positions and information in these Invalidity Contentions, including without limitation, the prior art and grounds of invalidity, after the Court has construed the Asserted Claims.

C. Ongoing Discovery and Disclosures

Discovery in this case is in its early stages and Trove Brands' investigation, including Trove Brands' search for prior art, is ongoing. Trove Brands therefore reserves the right to further supplement and/or alter the positions taken and information disclosed in these Invalidity Contentions including, without limitation, the prior art and grounds of invalidity set forth herein, to take into account information or defenses that may come to light as a result of these continuing efforts. See, e.g., PLR 3-6(b).

Trove Brands reserves all rights to further supplement and/or amend these Invalidity Contentions if and when further information becomes available.

II. IDENTIFICATION OF PRIOR ART (PLR 3-3(a)).

Trove Brands identifies the following prior art references that either anticipate or render obvious the Asserted Claims.

A. Printed Publications Prior Art.

The following publications are prior art to the Asserted Claims under pre-AIA 35 U.S.C. § 102(a), (b) and/or (e) and AIA 35 U.S.C. § 102(a)(1) and (a)(2).

Several of the references Trove Brands relies on herein are drafted in languages other than English. Unless otherwise indicated, to assist in its own preparation and Defendants' review of these Invalidity Contentions, Trove Brands, herein and in the accompanying charts under PLR 3-3(c), relies on the Patent Translate machine translations provided by Google and the EPO. Both

the publication in its original language and the machine translations have been or are being produced along with these Invalidity Contentions per 3-4(b). These are indicated by a "†" symbol in the below tables. Further, to assist in Defendants' review of these Invalidity Contentions, pin-cites to the written text of these references refers to the paragraph or page within the translated version of the publication. Trove Brands reserves the right to subsequently retain a professional translation service to translate the non-English references and to consequently amend, modify, or supplement its Invalidity Contentions as necessary based on the new translations.

1. '252 Patent Printed Publications Prior Art.

Patent / Publication Number and Other Identifiers	Date of Issue / Publication
US 9,272,822 ("Samartgis")	Pub. February 21, 2013
US 7,753,240 ("Leoncavallo")	Issued July 13, 2010
US 8,550,269 ("Lane")	Pub December 13, 2012
US D586,184 ("Miller")	Issue February 10, 2009
US 3,307,752 ("Anderson")	Issue March 7, 1967
US 2012/0260487 ("Nichols")	Pub October 18, 2012
EP 2177447 ("Gorskey")	Pub April 21, 2010
US 3,153,490 ("Carl")	Pub October 20, 1964
US 2006/0006578 ("Johnson")	Pub January 12, 2006
US 8,408,414 ("Roth")	Pub April 2, 2013
CN 101624107 ("Lin")	Pub January 13, 2010

2. '911, '255, and '178 Patents Printed Publications Prior Art.

Patent / Publication Number and Other Identifiers	Date of Issue / Publication
US 5,203,468 ("Hsu")	Issued Apr. 20, 1993
JP 2002-211613 A ("Nakajima") †	Pub. July 21, 2002
KR 200282506 Y1 ("Park") †	Pub. July 22, 2002
(PCT Pub.) WO 2004/063042 A2 ("Ribarits") †	Pub. July 29, 2004

Patent / Publication Number and Other Identifiers	Date of Issue / Publication
(PCT Pub.) WO 2000/003946 ("McCormack")	Pub. Jan. 27, 2000
US Pub. 2002/0166990 ("Yang")	Pub. Nov. 14, 2002
US Pub. 2003/0222238 ("Getzewich")	Pub. Dec. 4, 2003
US 4,836,404 ("Coy")	Issued June 6, 1989
US 5,060,833 ("Edison")	Issued Oct. 29, 1991
US 5,085,349 ("US5085349" / "Fawcett")	Issued Feb. 4, 1992
US 5,601,207 ("US5601207" / "Paczonay")	Issued Feb. 11, 1997
US Pub.2004/0079775 A1 ("Choi")	Pub. Apr. 29, 2004
US 5,101,991 ("Morifuji")	Issued Apr. 7, 1992
US 4,485,963 ("Panicci")	Issued Dec. 4, 1984
US Pub. 2003/0102318 ("Lee")	Pub. June 5, 2003
US Pub. 2002/0040909 ("Goto")	Pub. Apr. 11, 2002
US 6,390,341 ("Ohmi")	Issued May 21, 2002
US 5,873,478 ("Sullivan")	Issued Feb. 23, 1999
US 2,936,934 ("Kubiliunas")	Issued May 17, 1960
US Pub. 2004/0217139 ("Roth")	Pub. Nov. 4, 2004
JP 2004154494 ("Morimoto") †	Pub. June 3, 2004

3. '028, '879, and '187 Patents Printed Publications Prior Art.

Patent / Publication Number and Other Identifiers	Date of Issue / Publication
US 5,203,468 ("Hsu")	Issued Apr. 20, 1993
JP 2002-211613 A ("Nakajima") †	Pub. July 21, 2002
KR 200282506 Y1 ("Park") †	Pub. July 22, 2002
(PCT Pub.) WO 2004/063042 A2 ("Ribarits") †	Pub. July 29, 2004
US Pub. 2007/0039959 A1 ("Choi")	Pub. Feb. 22, 2007

Patent / Publication Number and Other Identifiers	Date of Issue / Publication
JP 2006176184 A ("Uehara") †	Pub. July 6, 2006
US 5,582,320 ("Lin")	Issued Dec. 10, 1996
GB 1091180A ("Morton")	Pub. Nov. 15, 1967
US Pub. 2005/0258382A1 ("Yang")	Pub. Nov. 24, 2005
US Pub. 2004/0217139 ("Roth")	Pub. Nov. 4, 2004
US Pub. 2005/0061814 A1 ("Jackel")	Pub. Mar. 24, 2005
DE 8335960 U1 ("Menshen") †	Pub. Jan. 26, 1984
DE 2658590 A1 ("Stahl") †	Pub. June 29, 1978

B. Prior Art Knowledge, Use, and Sale

The subject matter of the Asserted Claims was well known in the field of art, as evidenced by the following items, which were in commerce in the United States prior to the priority dates of one or more Asserted Claims. To the extent products or items are depicted or referenced, the images and specific products or items are exemplary: Trove Brands hereby identifies that its Invalidity Contentions related to these products or items are inclusive of similar products and items. Products or items that include the same or substantially the same lid structure, regardless of any differences in coloring scheme or changes to marketing name or model number, that were also known, used, or sold prior to the priority dates of the corresponding Asserted Claims, should be considered as the same product or item. Trove Brands' investigation is ongoing, and Trove Brands may need to seek further discovery from Defendants and/or third parties to obtain physical samples of and/or further information about the products and items below.

1. Contigo Jackson

Contigo Jackson beverage container was on sale, offered for sale, or publicly used or known at least as of February 25, 2013 by Ignite USA, LLC and/or affiliated entities. See https://www.youtube.com/watch?v=bXmT0lfrsbE with a date stamp of February 25, 2013; https://res.cloudinary.com/mediocre/image/upload/v1436986263/wdcxfrqxn7m317mwvlp3.png, https://meh.com/forum/topics/contigo-jackson-24oz-hydration-bottle-3-pack-1,;

https://silkletter.com/custom-24-oz-contigo-jackson-bottle.html; and USD700,802;

2. Thermos Funtainer (and Foogo)

The **Thermos Funtainer** was publicly used and known, sold, and offered for sale in the United States no later than 2004 by Thermos. *History of Thermos*, Thermos.com (last accessed Jan. 22, 2024), https://thermos.com/pages/history; TROVE0011013-0011014 [Wayback Machine docs].

The **Thermos Foogoo** was publicly used and known, sold, and offered for sale in the United States at least as early as 2007 by Thermos. TROVE0010962-0010973 (Adrienne, *Thinking Thermos: A Funtainer and Foogo Comparison*, Baby Toolkit (May 10, 2007), https://babytoolkit.blogspot.com/2007/05/thinking-thermos-funtainer-and-foogo.html.). In the PLR 3-3(c) charts, Trove Brands refers to the Thermos Foogoo as "Thermos Funtainer" for ease of reference.

3. Igloo Playmate

The **Igloo Playmate** was on sale, offered for sale, or publicly used or known in the United States by Igloo no later than 1986. *See* TROVE0011027-0011042 (*Vintage Igloo WIX Playmate Cooler Half Gallon Thermos Water Jug 1986 90's Red*, eBay.com (last accessed Jan. 18, 2024)).

4. Igloo Beverage Cooler

The **Igloo Beverage Cooler** was on sale, offered for sale, or publicly used or known in the United States by Igloo no later than 1999. *See* TROVE0011015-0011026 (*Igloo Beverage Cooer Water Jug 1 Gallon Straw Purple Jade Jumbo Vintage 90s*, eBay.com (last accessed Jan. 18, 2024)).

5. Coleman Water Jug

The **Coleman Water Jug** was on sale, offered for sale, or publicly used or known in the United States by Coleman no later than 1993. *See* TROVE0010929-0010961 (*Vtg 90s Coleman Water Jug Turquoise Flip Spout Yellow Handle 1993 Graphics*, eBay.com (last accessed Jan. 18, 2024); *Vintage Coleman Water Jug Cooler Polylite 1/2 Gallon 5590 Jug Green*, eBay.com (last accessed Jan. 18, 2024); *Vintage COLEMAN POLYLITE Red 1/2 Gallon Thermos 5590 Water Jug Cooler*, eBay.com (last accessed Jan. 18, 2024)); Images of the Coleman Water Jug. *Id.*

(TROVE0010947-0010952).

III. THE PRIOR ART ANTICIPATES OR RENDERS OBVIOUS THE ASSERTED CLAIMS (PLR 3-3(b)).

A. '252 Patent Anticipation.

Samartgis anticipates Claims 5-7, 16, and 19 as shown in the claim charts attached as Appendix A1.

Leoncavallo anticipates Claims 5-7 and 16-19 as shown in the claim charts attached as Appendix A2.

Lane anticipates Claims 5-7 and 16-19 as shown in the claim charts attached as Appendix A3.

Contigo Jackson anticipates Claims 5-7, 16, and 19 as shown in the claim charts attached as Appendix A4.

Miller anticipates Claims 5-7, 16, and 19 as shown in the claim charts attached as Appendix A5.

B. '252 Patent Obviousness.

Samartgis

To the extent it does not anticipate one or more of the asserted claims, Samartgis in view of the knowledge and skill of a POSITA renders obvious each asserted claim.[2]

Samartgis in view of Leoncavallo, Anderson, Nichols, Gorskey, Carl, and/or Johnson renders obvious Claim 16.

Samartgis in view of Leoncavallo, Lane, Gorskey, Carl, and/or Johnson renders obvious Claims 17 and 18.

Leoncavallo

To the extent it does not anticipate one or more of the asserted claims, Leoncavallo in view of the knowledge and skill of a POSITA renders obvious each asserted claim.

Leoncavallo in view of Samartgis, Anderson, Nichols, Gorskey, Carl and/or Johnson

[2] Whether or not explicitly stated, each obviousness ground in these Invalidity Contentions should be understood to include the knowledge and skill of a POSITA.

renders obvious Claim 16.

Leoncavallo in view of Samartgis, Lane, Gorskey, Carl, and/or Johnson renders obvious Claims 17 and 18.

Lane

To the extent it does not anticipate one or more of the asserted claims, Lane in view of the knowledge and skill of a POSITA renders obvious each asserted claim.

Lane in view of Samartgis, Contigo Jackson, Miller, Roth, Anderson, and/or Lin renders obvious Claims 5-7 and 19.

Lane in view of Samartgis, Leoncavallo, Anderson, Nichols, Gorskey, Carl, and/or Johnson renders obvious Claim 16, including combinations of art for Claim 5.

Lane in view of Samartgis, Leoncavallo, Gorskey, Carl, and/or Johnson renders obvious Claims 17 and 18, including combinations of art for Claim 5.

Contigo Jackson

To the extent it does not anticipate one or more of the asserted claims, Contigo Jackson in view of the knowledge and skill of a POSITA renders obvious each asserted claim.

Contigo Jackson in view of Samartgis, Leoncavallo, Lane, Miller, and/or Lin renders obvious Claims 5-7 and 19.

Contigo Jackson in view of Samartgis, Leoncavallo, Anderson, Nichols, Gorskey, Carl, and/or Johnson renders obvious Claim 16, including combinations of art for Claim 5.

Contigo Jackson in view of Samartgis, Leoncavallo, Lane, Carl, Gorskey, and/or Johnson renders obvious Claims 17 and 18, including combinations of art for Claim 5.

Miller

To the extent it does not anticipate one or more of the asserted claims, Miller in view of the knowledge and skill of a POSITA renders obvious each asserted claim.

Miller in view of Contigo Jackson, Samartgis, Leoncavallo, Lane, and/or Lin renders obvious Claims 5-7 and 19.

Miller in view of Samartgis, Leoncavallo, Anderson, Nichols, Gorskey, Carl, and/or Johnson renders obvious Claim 16, including combinations of art for Claim 5.

Miller in view of Samartgis, Leoncavallo, Lane, Carl, Gorskey, and/or Johnson renders obvious Claims 17 and 18, including combinations of art for Claim 5.

The disclosure of the elements of each claim by the prior art for the '252 Patent obviousness combinations discussed above is set forth in the claim charts attached as Appendices A1 to A5 along with exemplary reasons why certain features would have been obvious to a POSITA in view of the knowledge of a POSITA and the prior art.

C. '911 Patent Anticipation.

Ribarits anticipates Claims 14, 15, 16, 19, 37, and 38 as shown in the claim charts attached as Appendix B1.

Hsu anticipates Claims 14-16, 19, 37, and 38 as shown in the claim charts attached as Appendix B2.

Nakajima anticipates Claims 14-16, 37, and 38 as shown in the claim charts attached as Appendix B3.

Park anticipates Claims 14-16, 37, and 38 as shown in the claim charts attached as Appendix B4.

D. '911 Patent Obviousness.

Ribarits

To the extent it does not anticipate one or more of the asserted claims, Ribarits in view of the knowledge and skill of a POSITA renders obvious each asserted claim as shown in the claim charts attached as Appendix B1.

Ribarits in view of Hsu, Nakajima, Park, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, Morifuji, Panicci, Lee, Goto, Ohmi, Sullivan, and/or Kubiliunas renders obvious the asserted claims as shown in the claim charts attached as Appendix B1, setting forth exemplary combinations and motivation to combine the references.

Hsu

To the extent it does not anticipate one or more of the asserted claims, Hsu in view of the knowledge and skill of a POSITA renders obvious each asserted claim as shown in the claim charts attached as Appendix B2.

Hsu in view of one or more of Ribarits, Nakajima, Park, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, and/or Morifuji renders obvious each asserted claim as shown in the claim charts attached as Appendix B2, setting forth exemplary combinations and motivation to combine references.

Nakajima

To the extent it does not anticipate one or more of the asserted claims, Nakajima in view of the knowledge and skill of a POSITA renders obvious each asserted claim as shown in the claim charts attached as Appendix B3.

Nakajima in view of Ribarits, Choi, Hsu, Park, Sullivan, Kubiliunas, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, Morifuji, and/or Morimoto renders obvious renders obvious each asserted claim as shown in the claim charts attached as Appendix B3, setting forth exemplary combinations and motivation to combine.

Park

To the extent it does not anticipate one or more of the asserted claims, Park in view of the knowledge and skill of a POSITA renders obvious each asserted claim as shown in the claim charts attached as Appendix 43..

Park in view of Ribarits, Choi, Nakajima, Hsu, Sullivan, Kubiliunas, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, Morifuji, and/or Morimoto renders obvious renders obvious each asserted claim as shown in the claim charts attached as Appendix B4, setting forth exemplary combinations and motivation to combine.

E. ’178 Patent Anticipation.

Ribarits anticipates Claims 1, 2, 10-12, and 20-22 as shown in the claim charts attached as Appendix C1.

Hsu anticipates Claims 1-2, 4-6, 10-12, 14-17, and 20-22 as shown in the claim charts attached as Appendix C2

Nakajima anticipates Claims 1-2, 4-6, 10-12, 14-17, and 20-22 as shown in the claim charts attached as Appendix C3

Park anticipates Claims 1-2, 4-6, 11-12, 14-17, and 20-22 as shown in the claim charts

attached as Appendix C4

F. ’178 Patent Obviousness.

Ribarits

To the extent it does not anticipate one or more of the asserted claims, Ribarits in view of the knowledge and skill of a POSITA renders obvious each asserted claim as shown in the claim charts attached as Appendix C1.

Ribarits in view of Hsu, Nakajima, Park, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, Morifuji, Panicci, Sullivan, Kubiliunas, Goto, Ohmi and/or Roth renders obvious each asserted claim as shown in the claim charts attached as Appendix C1, setting forth exemplary combinations and motivation to combine the references.

Hsu

To the extent it does not anticipate one or more of the asserted claims, Hsu in view of the knowledge and skill of a POSITA renders obvious each asserted claim as shown in the claim charts attached as Appendix C2.

Hsu in view of one or more of Ribarits, Nakajima, Park, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, Morifuji, and/or Roth renders obvious each asserted claims as shown in the claim charts attached as Appendix C2, setting forth exemplary combinations and motivation to combine references.

Nakajima

To the extent it does not anticipate one or more of the asserted claims, Nakajima in view of the knowledge and skill of a POSITA renders obvious each asserted claim.

Nakajima in view of Ribarits, Choi, Hsu, Park, Sullivan, Kubiliunas, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, Morifuji, and/or Morimoto renders obvious renders obvious each asserted claim as shown in the claim charts attached as Appendix C3, setting forth exemplary combinations and motivation to combine.

Park

To the extent it does not anticipate one or more of the asserted claims, Park in view of the knowledge and skill of a POSITA renders obvious each asserted claim.

Park in view of Ribarits, Choi, Nakajima, Hsu, Sullivan, Kubiliunas, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, Morifuji, and/or Morimoto renders obvious renders obvious each asserted claim as shown in the claim charts attached as Appendix C4, setting forth exemplary combinations and motivation to combine.

G. ’255 Patent Anticipation.

Ribarits anticipates Claims 1, 9, 11 -13, and 19 as shown in the claim charts attached as Appendix D1.

Hsu anticipates Claims 1, 3-5, 9, 11–13, and 19 as shown in the claim charts attached as Appendix D2.

Nakajima anticipates Claims 1, 3-5, 9, 11-13, and 19 as shown in the claim charts attached as Appendix D3.

Park anticipates Claims 1, 3-5, 9, 11-13, and 19 as shown in the claim charts attached as Appendix D4.

H. ’255 Patent Obviousness.

Ribarits

To the extent it does not anticipate one or more of the asserted claims, Ribarits in view of the knowledge and skill of a POSITA renders obvious each asserted claim as shown in the claim charts attached as Appendix D1.

Ribarits in view of Hsu, Nakajima, Park, Sullivan, Kubiliunas, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, Morifuji, Panicci, Lee, Goto, and/or Ohmi renders obvious each asserted claim as shown in the claim charts attached as Appendix D1, setting forth exemplary combinations and motivation to combine the references.

Hsu

To the extent it does not anticipate one or more of the asserted claims, Hsu in view of the knowledge and skill of a POSITA renders obvious each asserted claim as shown in the claim charts attached as Appendix D2.

Hsu in view of Ribarits, Nakajima, Park, Sullivan, Kubiliunas, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, and/or Morifuji renders obvious each

asserted claim as shown in the claim charts attached as Appendix D2, setting forth exemplary combinations and motivation to combine the references.

Nakajima

To the extent it does not anticipate one or more of the asserted claims, Nakajima in view of the knowledge and skill of a POSITA renders obvious each asserted claim as shown in the claim charts attached as Appendix D3.

Nakajima in view of Ribarits, Choi, Hsu, Park, Sullivan, Kubiliunas, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, Morifuji, and/or Morimoto renders obvious renders obvious each asserted claim as shown in the claim charts attached as Appendix D3, setting forth exemplary combinations and motivation to combine.

Park

To the extent it does not anticipate one or more of the asserted claims, Park in view of the knowledge and skill of a POSITA renders obvious each asserted claim as shown in the claim charts attached as Appendix D4.

Park in view of Ribarits, Choi, Nakajima, Hsu, Sullivan, Kubiliunas, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, Morifuji, and/or Morimoto renders obvious renders obvious each asserted claim as shown in the claim charts attached as Appendix D4, setting forth exemplary combinations and motivation to combine.

I. ’028 Patent Anticipation.

Ribarits anticipates Claims 1, 2, 5, 6, 8, 9, 15, 16, and 21 as shown in the claim charts attached as Appendix E1.

Hsu anticipates Claims 1, 2, 5, 6, 8, 9, 16, and 21 as shown in the claim charts attached as Appendix E2.

Choi anticipates Claims 1, 2, 5, 6, 8, 9, 15, 16, and 21 as shown in the claim charts attached as Appendix E3.

J. ’028 Patent Obviousness.

Ribarits

To the extent it does not anticipate one or more of the asserted claims, Ribarits in view of the knowledge and skill of a POSITA renders obvious each asserted claim as shown in the claim charts attached as Appendix E1.

Ribarits in view one or more of Hsu, Choi, the Igloo Playmate, Roth, Park, Nakajima, Uehara, Lin, the Thermos Funtainer, Morton, Jackel, and/or Yang renders obvious each asserted claim as shown in the claim charts attached as Appendix E1, setting forth exemplary combinations and motivation to combine the references.

Hsu

To the extent it does not anticipate one or more of the asserted claims, Hsu in view of the knowledge and skill of a POSITA renders obvious each asserted claim as shown in the claim charts attached as Appendix E2.

Hsu in view of Uehara, Ribarits, Lin, Choi, the Thermos Funtainer, Jackel, Yang, Morton, Karl, the Igloo Playmate, and/or Roth renders obvious each asserted claim as shown in the claim charts attached as Appendix E2, setting forth exemplary combinations and motivation to combine the references.

Choi

To the extent it does not anticipate one or more of the asserted claims, Choi in view of the knowledge and skill of a POSITA renders obvious each asserted claim as shown in the claim charts attached as Appendix E3.

Choi in view of Hsu, Park, Nakajima, Uehara, Ribartis, Lin, the Thermos Funtainer, Jackel, Morton, and/or Yang renders obvious renders obvious each asserted claim as shown in the claim charts attached as Appendix E3, setting forth exemplary combinations and motivation to combine.

K. '879 Patent Anticipation.

Ribarits anticipates Claims 1, 5-8, 10-18 as shown in the claim charts attached as Appendix F1.

Hsu anticipates Claims 1, 3, 5-19 as shown in the claim charts attached as Appendix F2.

Choi anticipates Claims 1, 3, 5-8, and 10-19 as shown in the claim charts attached as Appendix F3.

L. ’879 Patent Obviousness.

Ribarits

To the extent it does not anticipate one or more of the asserted claims, Ribarits in view of the knowledge and skill of a POSITA renders obvious each asserted claim as shown in the claim charts attached as Appendix F1.

Ribarits in view of Hsu, Park, Nakajima, Uehara, Lin, the Thermos Funtainer, Morton, Yang, Jackel, Menshen, Stahl, the Igloo Beverage Cooler, the Coleman Water Jug, and/or Choi renders obvious each asserted claim as shown in the claim charts attached as Appendix F1, setting forth exemplary combinations and motivation to combine the references..

Hsu

To the extent it does not anticipate one or more of the asserted claims, Hsu in view of the knowledge and skill of a POSITA renders obvious each asserted claim as shown in the claim charts attached as Appendix F2.

Hsu in view of Nakajima, Uehara, Ribarits, Lin, Choi, the Thermos Funtainer, Jackel, Morton, Karl, Yang, Park, the Igloo Playmate, and/or Roth renders obvious each asserted claim as shown in the claim charts attached as Appendix F2, setting forth exemplary combinations and motivation to combine the references.

Choi

To the extent it does not anticipate one or more of the asserted claims, Choi in view of the knowledge and skill of a POSITA renders obvious each asserted claim.

Choi in view of Hsu, Park, Nakajima, Uehara, Ribartis, Lin, the Thermos Funtainer, Jackel, Morton, and/or Yang renders obvious renders obvious each asserted claim as shown in the claim charts attached as Appendix F3, setting forth exemplary combinations and motivation to combine.

M. ’187 Patent Anticipation.

Ribarits anticipates Claims 1, 3-9, 11-17, and 19 as shown in the claim charts attached as Appendix G1.

Hsu anticipates Claims 1, 3-9, 11-15, 17, 19 as shown in the claim charts attached as Appendix G2.

Choi anticipates Claims 1, 3-9, 11-17, and 19 as shown in the claim charts attached as Appendix G3.

N. '187 Patent Obviousness.

Ribarits

To the extent it does not anticipate one or more of the asserted claims, Ribarits in view of the knowledge and skill of a POSITA renders obvious each asserted claim as shown in the claim charts attached as Appendix G1.

Ribarits in view one or more of Hsu, Choi, Yang, Park, Nakajima, Uehara, Lin, the Thermos Funtainer, Morton, Jackel, Igloo Playmate, and/or Roth renders obvious each asserted claim as shown in the claim charts attached as Appendix G1, setting forth exemplary combinations and motivation to combine the references.

Hsu

To the extent it does not anticipate one or more of the asserted claims, Hsu in view of the knowledge and skill of a POSITA renders obvious each asserted claim as shown in the claim charts attached as Appendix G2.

Hsu in view of Nakajima, Uehara, Ribarits, Lin, Choi, the Thermos Funtainer, Jackel, Yang, Morton, Karl, the Igloo Playmate, and/or Roth renders obvious each asserted claim as shown in the claim charts attached as Appendix G2, setting forth exemplary combinations and motivation to combine the references.

Choi

To the extent it does not anticipate one or more of the asserted claims, Choi in view of the knowledge and skill of a POSITA renders obvious each asserted claim.

Choi in view of Hsu, Park, Nakajima, Uehara, Ribartis, Lin, the Thermos Funtainer, Jackel, Morton, and/or Yang renders obvious renders obvious each asserted claim as shown in the claim charts attached as Appendix G3, setting forth exemplary combinations and motivation to combine.

IV. Secondary Considerations.

Trove Brands is not aware of any secondary considerations of non-obviousness. Given

that the subject matter claimed in the Asserted Patents is not new, Trove Brands is not aware of any commercial success attributable to the claimed subject matter, long-felt need in the industry, unexpected results, skepticism of the invention, or teaching away from the invention. Trove Brands is also not aware of any praise for the alleged inventions or copying of the alleged inventions by other companies. CamelBak has not identified any secondary considerations of non-obviousness in its Infringement Contentions. If Defendants identify any alleged evidence of secondary considerations in the future, Trove Brands reserves the right to respond to that information.

V. CHARTS IDENTIFYING SPECIFICALLY WHERE IN EACH ITEM OF PRIOR ART EACH ASSERTED CLAIM IS FOUND (PLR 3-3(c)).

These charts are attached hereto as Appendices A1-G3. The table below summarizes the Appendices:

Appx.	Asserted Patent	Reference(s)
A1	’252 Patent	Samartgis alone or in view of Leoncavallo, Lane, Anderson, Nichols, Gorskey, Carl, and Johnson
A2	’252 Patent	Leoncavallo alone or in view of Samartgis, Lane Anderson, Nichols, Gorskey, Carl and/or Johnson
A3	’252 Patent	Lane alone or in view of Samartgis, Leoncavallo, Contigo Jackson, Miller, Roth, Anderson, Nichols, Gorskey, Carl, Johnson, and/or Lin
A4	’252 Patent	Contigo Jackson alone or in view of Samartgis, Leoncavallo, Lane, Anderson, Miller, Nichols, Gorskey, Carl, Johnson, and/or Lin
A5	’252 Patent	Miller alone or in view of Contigo Jackson, Samartgis, Leoncavallo, Lane, Anderson, Nichols, Gorskey, Carl, Johnson, and/or Lin
B1	’911 Patent	Ribarits alone or in view of Hsu, Nakajima, Park, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, Morifuji, Panicci, Lee, Goto, Ohmi, Sullivan, and/or Kubiliunas
B2	’911 Patent	Hsu alone or in view of one or more of Ribarits, Nakajima, Park, McCormack, Yang, Getzewich, Coy, Edison, US5085349,

Appx.	Asserted Patent	Reference(s)
		US5601207, Choi, and/or Morifuji
B3	’911 Patent	Nakajima alone or in view of Ribarits, Choi, Hsu, Park, Sullivan, Kubiliunas, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, Morifuji, and/or Morimoto
B4	’911 Patent	Park alone or in view of Ribarits, Choi, Nakajima, Hsu, Sullivan, Kubiliunas, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, Morifuji, and/or Morimoto
C1	’178 Patent	Ribarits alone or in view of Hsu, Nakajima, Park, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, Morifuji, Panicci, Sullivan, Kubiliunas, Goto, Ohmi and/or Roth
C2	’178 Patent	Hsu alone or in view of one or more of Ribarits, Nakajima, Park, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, Morifuji, and/or Roth
C3	’178 Patent	Nakajima alone or in view of Ribarits, Choi, Hsu, Park, Sullivan, Kubiliunas, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, Morifuji, and/or Morimoto
C4	’178 Patent	Park alone or in view of Ribarits, Choi, Nakajima, Hsu, Sullivan, Kubiliunas, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, Morifuji, and/or Morimoto
D1	’255 Patent	Ribarits alone or in view of Hsu, Nakajima, Park, Sullivan, Kubiliunas, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, Morifuji, Panicci, Lee, Goto, and/or Ohmi
D2	’255 Patent	Hsu alone or in view of Ribarits, Nakajima, Park, Sullivan, Kubiliunas, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, and/or Morifuji
D3	’255 Patent	Nakajima alone or in view of Ribarits, Choi, Hsu, Park, Sullivan, Kubiliunas, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, Morifuji, and/or Morimoto
D4	’255 Patent	Park alone or in view of Ribarits, Choi, Nakajima, Hsu, Sullivan, Kubiliunas, McCormack, Yang, Getzewich, Coy, Edison, US5085349, US5601207, Choi, Morifuji, and/or Morimoto
E1	’028 Patent	Ribarits alone or in view one or more of Hsu, Choi, the Igloo Playmate, Roth, Park, Nakajima, Uehara, Lin, the Thermos Funtainer, Morton, Jackel, and/or Yang

Appx.	Asserted Patent	Reference(s)
E2	’028 Patent	Hsu alone or in view of Uehara, Ribarits, Lin, Choi, the Thermos Funtainer, Jackel, Yang, Morton, Karl, the Igloo Playmate, and/or Roth
E3	’028 Patent	Choi alone or in view of Hsu, Park, Nakajima, Uehara, Ribartis, Lin, the Thermos Funtainer, Jackel, Morton, and/or Yang
F1	’879 Patent	Ribarits alone or in view of Hsu, Park, Nakajima, Uehara, Lin, the Thermos Funtainer, Morton, Yang, Jackel, Menshen, Stahl, the Igloo Beverage Cooler, the Coleman Water Jug, and/or Choi
F2	’879 Patent	Hsu alone or in view of Nakajima, Uehara, Ribarits, Lin, Choi, the Thermos Funtainer, Jackel, Morton, Karl, Yang, Park, the Igloo Playmate, and/or Roth
F3	’879 Patent	Choi alone or in view of Hsu, Park, Nakajima, Uehara, Ribartis, Lin, the Thermos Funtainer, Jackel, Morton, and/or Yang
G1	’187 Patent	Ribarits alone or in view one or more of Hsu, Choi, Yang, Park, Nakajima, Uehara, Lin, the Thermos Funtainer, Morton, Jackel, Igloo Playmate, and/or Roth
G2	’187 Patent	Hsu alone or in view of Nakajima, Uehara, Ribarits, Lin, Choi, the Thermos Funtainer, Jackel, Yang, Morton, Karl, the Igloo Playmate, and/or Roth
G3	’187 Patent	Choi alone or in view of Hsu, Park, Nakajima, Uehara, Ribartis, Lin, the Thermos Funtainer, Jackel, Morton, and/or Yang

VI. DOCUMENT PRODUCTION ACCOMPANYING INVALIDITY CONTENTIONS (PLR 3-4).

Trove Brands has produced, or with these Invalidity Contentions is producing, the documents required by PLR 3-4, and below separately identifies by production number which documents correspond to each category.

Documents to be produced with our invalidity contentions include documents designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.” As provided in the Protective Order of the Northern District of California, the documents may be disclosed only to Outside Counsel of Record, and may not be disclosed to in-house counsel or any other person within

CamelBak.

A. Source code, specifications, schematics, flow charts, artwork, formulas, or other documentation sufficient to show the operation of any aspects or elements of an Accused Instrumentality identified by the patent claimant in its Patent L.R. 3-1(c) chart (PLR 3-4(a)).

Trove Brands has produced or is producing documents responsive to PLR 3-4(a) at TROVE0010214-0010435.

B. A copy or sample of the prior art identified pursuant to Patent L.R. 3-3(a) which does not appear in the file history of the patent(s) at issue.

To the extent any such item is not in English, an English translation of the portion(s) relied upon shall be produced (PLR 3-4(b)).

Trove Brands has produced or is producing documents responsive to PLR 3-4(b) at TROVE0010926-0013105 and TROVE0013107-0013322

C. All agreements that may be related to the accused instrumentality or may be comparable to a license that would result from a hypothetical reasonable royalty negotiation (PLR 3-4(c)).

Trove Brands has produced or is producing documents responsive to PLR 3-4(c) at TROVE0010451-0010580.

D. Documents sufficient to show the sales, revenue, cost, and profits for accused instrumentalities identified pursuant to Patent L.R. 3-1(b) for any period of alleged infringement (PLR 3-4(d)).

Trove Brands has produced or is producing documents responsive to PLR 3-4(d) at TROVE0013106.

E. All agreements that may be used to support the party denying infringement's damages case (PLR 3-4(e)).

N/A

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 22, 2024

By: */s/ Cheryl T. Burgess*
Ali S. Razai
Cheryl T. Burgess
Jacob R. Rosenbaum
Robert W. Servilio

Attorneys for Plaintiff
Trove Brands, LLC

CERTIFICATE OF SERVICE

I, the undersigned, certify and declare that I am a citizen of the United States. I am over the age of 18 and not a party to the above-entitled case. I am employed in Irvine, California, in the office of a member of the bar of this Court at whose direction this service was made. My business address is 2040 Main Street, Fourteenth Floor, Irvine, California. I am readily familiar with the firm's practices for the collection and processing of mail, and that mail so processed is deposited the same day during the ordinary course of business.

On January 22, 2024, I caused to be served a true copy of the foregoing document, **TROVE BRANDS' INVALIDITY CONTENTIONS** on the parties or their counsel shown below, via e-mail:

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I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on January 22, 2024, at Irvine, California.

/s/ Estefania Munoz

Estefania Munoz