

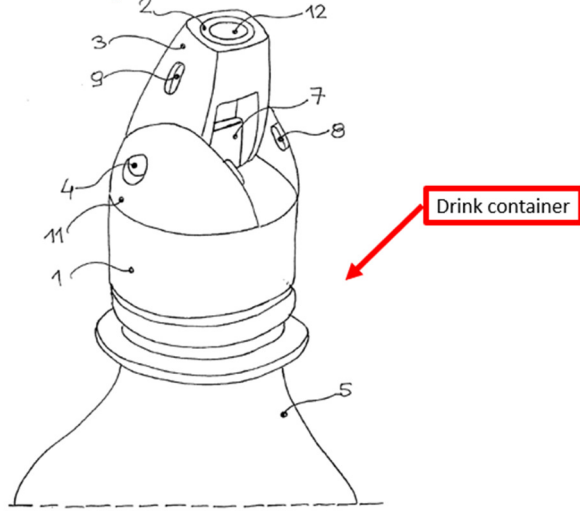
Appendix D1

WO2004063042A2 (“Ribarits”)

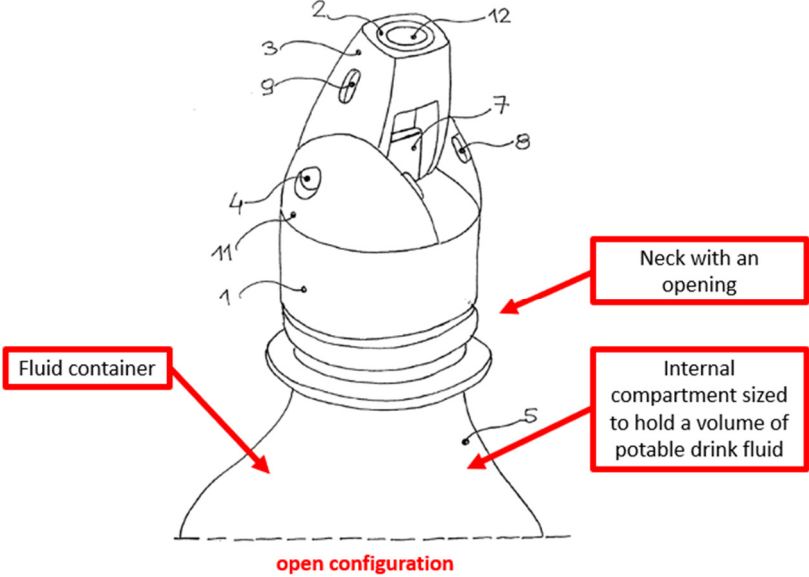
Trove Brands provides this invalidity analysis as representative only; the cited disclosures of each reference are exemplary only, based on currently available information. As discovery has just commenced and claims have not yet been construed, Trove Brands reserves the right to supplement and/or amend these positions in accordance with the Federal Rules of Civil Procedures and any applicable local rules. Trove Brands reserves the right to rely on additional citations within each reference cited herein and does not waive that right by not expressly citing them here. Trove Brands reserves the right to rely on any disclosure in any of the cited references.

Appendix D1
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Claim Chart for U.S. Patent No. 10,676,255 (“the ’255 patent”)

Claim Language	Disclosure in Prior Art
1[pre]. A drink container, comprising:	<p>Ribarits: To the extent the preamble is limiting, Ribarits discloses a drink container.</p> <p>Ribarits at ll.14: “The invention relates to a device for comfortable drinking and portioning from one of the bottles commonly used today.”</p> <p>Ribarits, Fig. 1:</p>  <p>The diagram shows a cross-sectional view of a drink container. It has a main body (1) with a neck (2) at the top. The neck has an opening (3) and an internal compartment (4). A cap (5) is shown at the bottom of the neck. A red arrow points from a box labeled 'Drink container' to the main body (1).</p>
1[a]. a fluid container having a neck with an opening and having an internal compartment sized to hold a volume of potable drink fluid;	<p>Ribarits: Ribarits discloses a fluid container having a neck with an opening and having an internal compartment sized to hold a volume of potable drink fluid.</p> <p>Ribarits, Fig. 1 (annotated):</p>

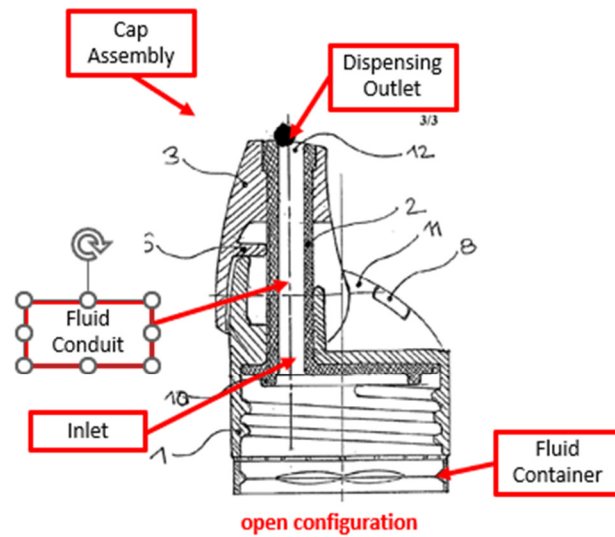
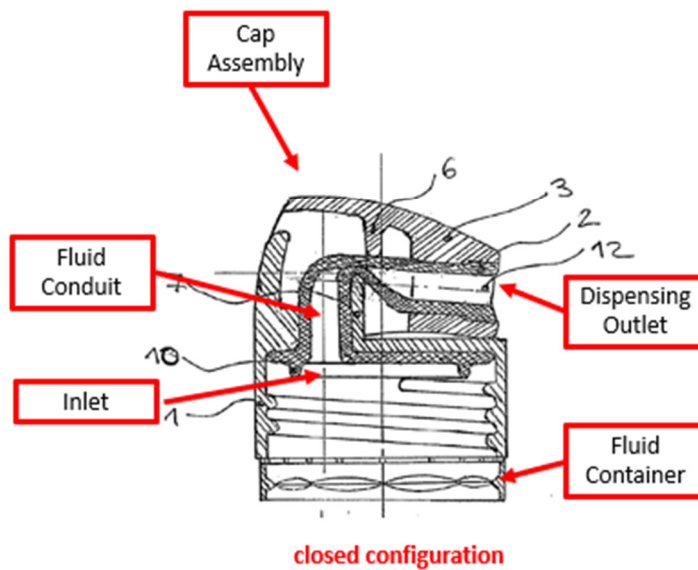
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Claim Language	Disclosure in Prior Art
	 <p>Ribarits at ll.61-63: “If you now want to drink from this drinking device screwed onto a PET bottle, the following patented mechanism is activated. The drinking spout is movably mounted in the wing parts placed on top of the closure cap using both axes. When the drinking bowl is swiveled open, the elastic hose drawn into it is directed and the opening is thus released. The. [sic] in the bottle. The liquid can now be removed via the hose guided in the drinking spout, with the seal being achieved by screwing the bottle neck onto the sealing part of this element.”</p>
<p>1[b]. a cap assembly removably coupled to the fluid container to cover the opening, wherein the cap assembly defines a fluid conduit for drink fluid to flow from the fluid container and through the cap assembly to a user, wherein the fluid conduit includes an inlet through which drink fluid from the fluid container may enter the fluid conduit, and a dispensing outlet through which drink fluid in the fluid conduit may be dispensed from the</p>	<p>Ribarits: Ribarits discloses a cap assembly removably coupled to the fluid container to cover the opening, wherein the cap assembly defines a fluid conduit for drink fluid to flow from the fluid container and through the cap assembly to a user, wherein the fluid conduit includes an inlet through which drink fluid from the fluid container may enter the fluid conduit, and a dispensing outlet through which drink fluid in the fluid conduit may be dispensed from the cap assembly to a user, and further wherein the cap assembly comprises.</p> <p>Ribarits, Fig. 1 (annotated):</p>

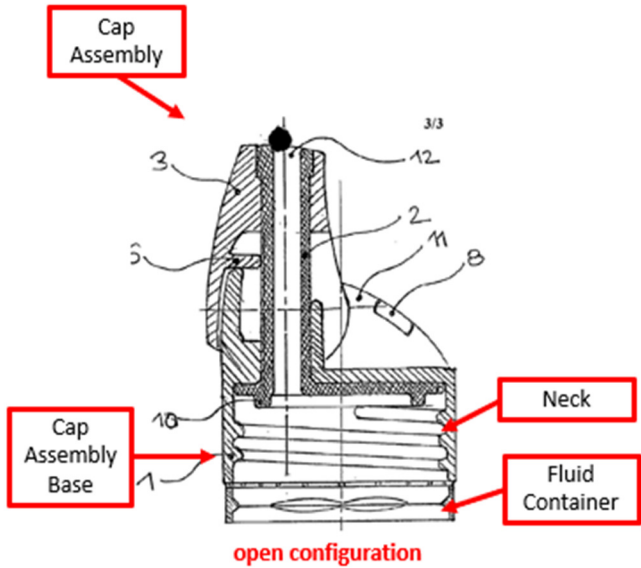
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Claim Language	Disclosure in Prior Art
<p>cap assembly to a user, and further wherein the cap assembly comprises:</p>	<div data-bbox="758 266 1598 862"> </div> <p>Ribarits at at ll.55-57: “This task is solved in a drinking device of the type mentioned at the beginning by the features highlighted in claim 1. The invention solves the problem outlined above in that a drinking spout is pivotably mounted at the top of a conventional threaded closure cap.”</p> <p>Ribarits, claim 1: “ Drinking device consisting of a closure cap (1), a sealing hose element (2) inserted into it and a drinking spout (3) which is fastened in the side wing parts (11) via two axle bolts (4), the sealing hose element (2) is pushed into the drinking spout (3), characterized in that when the closure cap (1) is screwed onto the bottle (5) the necessary seal is created by means of the sealing rings (10) and that the knobs (11) attached to the wing parts (8) into the recesses (9) on the drinking spout (3).”</p> <p>Ribarits, Fig. 3 (open) and 3 (closed) (annotated):</p>

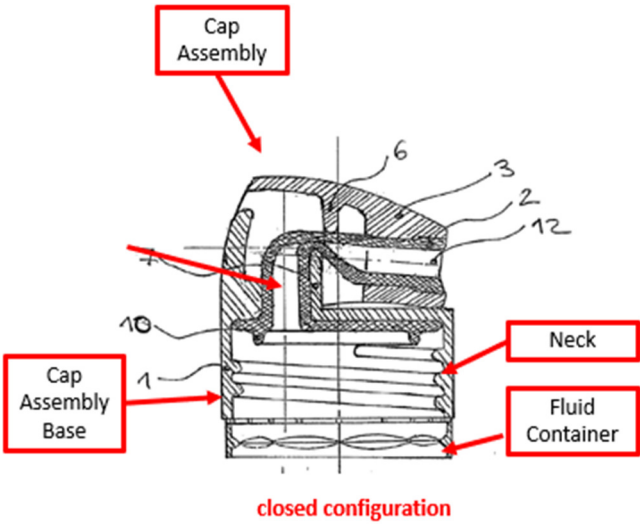
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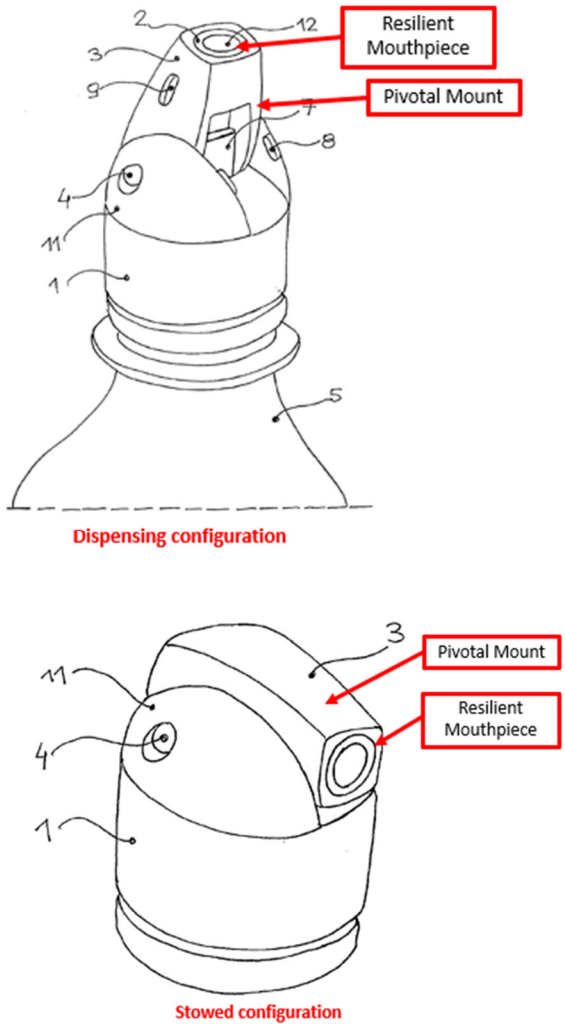
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Claim Language	Disclosure in Prior Art
<p>1[c]. a cap assembly base removably coupled to the neck of the fluid container, wherein the cap assembly base is configured to be selectively and repeatedly decoupled from and re-coupled to the neck of the fluid container;</p>	<p>Ribarits: Ribarits discloses a cap assembly base removably coupled to the neck of the fluid container, wherein the cap assembly base is configured to be selectively and repeatedly decoupled from and re-coupled to the neck of the fluid container.</p> <p>Ribarits, Fig. 3 (open) and 3 (closed) (annotated):</p>  <p>The diagram illustrates a cross-sectional view of a cap assembly base (1) in an open configuration, coupled to the neck of a fluid container. The cap assembly base (1) features a series of horizontal ribs (10) that engage with the neck of the fluid container. A cap assembly (3) is shown at the top, which includes a cap (3) and a cap assembly base (1). The cap assembly base (1) is shown in an open configuration, where it is detached from the neck of the fluid container. The cap assembly (3) is shown in a closed configuration, where it is coupled to the neck of the fluid container. The diagram includes various numbered parts: 1 (Cap Assembly Base), 2 (Cap), 3 (Cap Assembly), 4 (Cap Assembly Base), 5 (Cap Assembly Base), 6 (Cap Assembly Base), 7 (Cap Assembly Base), 8 (Cap Assembly Base), 9 (Cap Assembly Base), 10 (Cap Assembly Base), 11 (Cap Assembly Base), 12 (Cap Assembly Base), 13 (Cap Assembly Base), 14 (Cap Assembly Base), 15 (Cap Assembly Base), 16 (Cap Assembly Base), 17 (Cap Assembly Base), 18 (Cap Assembly Base), 19 (Cap Assembly Base), 20 (Cap Assembly Base), 21 (Cap Assembly Base), 22 (Cap Assembly Base), 23 (Cap Assembly Base), 24 (Cap Assembly Base), 25 (Cap Assembly Base), 26 (Cap Assembly Base), 27 (Cap Assembly Base), 28 (Cap Assembly Base), 29 (Cap Assembly Base), 30 (Cap Assembly Base), 31 (Cap Assembly Base), 32 (Cap Assembly Base), 33 (Cap Assembly Base), 34 (Cap Assembly Base), 35 (Cap Assembly Base), 36 (Cap Assembly Base), 37 (Cap Assembly Base), 38 (Cap Assembly Base), 39 (Cap Assembly Base), 40 (Cap Assembly Base), 41 (Cap Assembly Base), 42 (Cap Assembly Base), 43 (Cap Assembly Base), 44 (Cap Assembly Base), 45 (Cap Assembly Base), 46 (Cap Assembly Base), 47 (Cap Assembly Base), 48 (Cap Assembly Base), 49 (Cap Assembly Base), 50 (Cap Assembly Base), 51 (Cap Assembly Base), 52 (Cap Assembly Base), 53 (Cap Assembly Base), 54 (Cap Assembly Base), 55 (Cap Assembly Base), 56 (Cap Assembly Base), 57 (Cap Assembly Base), 58 (Cap Assembly Base), 59 (Cap Assembly Base), 60 (Cap Assembly Base), 61 (Cap Assembly Base), 62 (Cap Assembly Base), 63 (Cap Assembly Base), 64 (Cap Assembly Base), 65 (Cap Assembly Base), 66 (Cap Assembly Base), 67 (Cap Assembly Base), 68 (Cap Assembly Base), 69 (Cap Assembly Base), 70 (Cap Assembly Base), 71 (Cap Assembly Base), 72 (Cap Assembly Base), 73 (Cap Assembly Base), 74 (Cap Assembly Base), 75 (Cap Assembly Base), 76 (Cap Assembly Base), 77 (Cap Assembly Base), 78 (Cap Assembly Base), 79 (Cap Assembly Base), 80 (Cap Assembly Base), 81 (Cap Assembly Base), 82 (Cap Assembly Base), 83 (Cap Assembly Base), 84 (Cap Assembly Base), 85 (Cap Assembly Base), 86 (Cap Assembly Base), 87 (Cap Assembly Base), 88 (Cap Assembly Base), 89 (Cap Assembly Base), 90 (Cap Assembly Base), 91 (Cap Assembly Base), 92 (Cap Assembly Base), 93 (Cap Assembly Base), 94 (Cap Assembly Base), 95 (Cap Assembly Base), 96 (Cap Assembly Base), 97 (Cap Assembly Base), 98 (Cap Assembly Base), 99 (Cap Assembly Base), 100 (Cap Assembly Base).</p>

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Claim Language	Disclosure in Prior Art
	 <p>Ribarits at ll.55-57: “This task is solved in a drinking device of the type mentioned at the beginning by the features highlighted in claim 1. The invention solves the problem outlined above in that a drinking spout is pivotably mounted at the top of a conventional threaded closure cap.”</p> <p>Ribarits at ll.63: “The liquid can now be removed via the hose guided in the drinking spout, with the seal being achieved by screwing the bottle neck onto the sealing part of this element.”</p>
<p>1[d]. a pivotal mount coupled to the cap assembly base for pivotal movement relative to the cap assembly base, the pivotal mount comprising a mount outlet,</p>	<p>Ribarits: Ribarits discloses a pivotal mount coupled to the cap assembly base for pivotal movement relative to the cap assembly base.</p> <p>Ribarits, Figs. 3 (closed) and 3 (open) (annotated):</p>

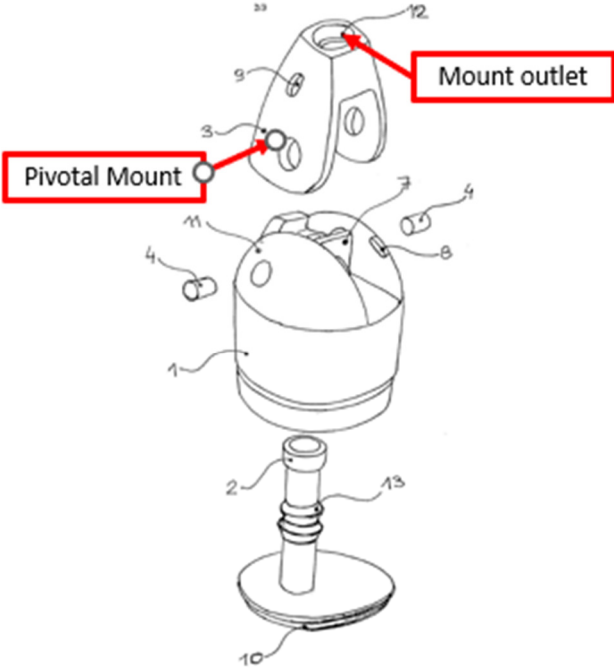
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Claim Language	Disclosure in Prior Art
	 <p>The figure consists of two line drawings of a water bottle cap assembly. The top drawing is labeled "Dispensing configuration" and shows the cap with a resilient mouthpiece (12) and a pivotal mount (7) extended. The bottom drawing is labeled "Stowed configuration" and shows the cap with the resilient mouthpiece (3) and pivotal mount (3) retracted. Both drawings include callouts for "Resilient Mouthpiece" and "Pivotal Mount".</p>

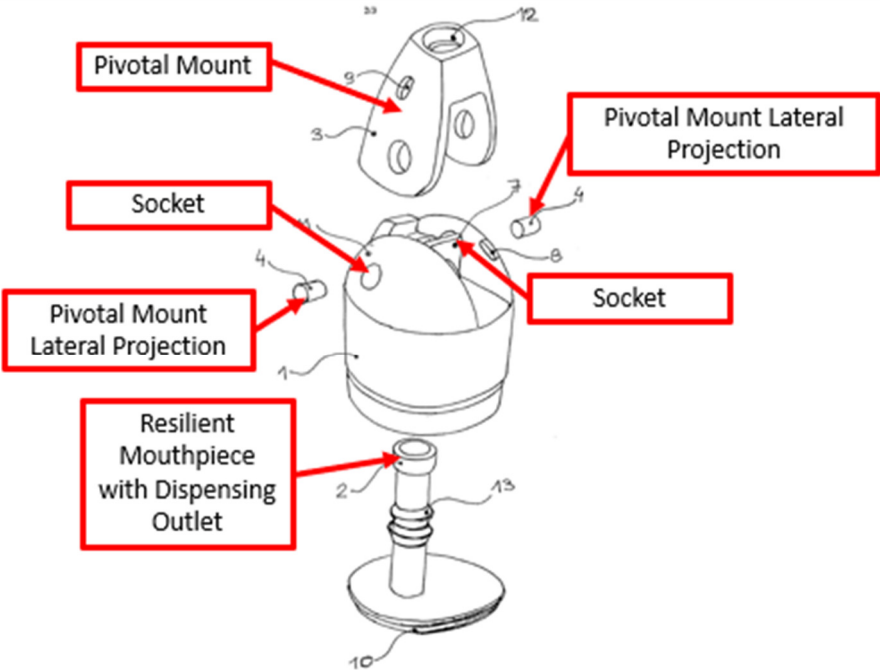
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Claim Language	Disclosure in Prior Art
	<p>Ribarits at ll.57-60: “The invention solves the problem outlined above in that a drinking spout is pivotably mounted at the top of a conventional threaded closure cap. ... There is also a sealing hose element made of rubber or latex inserted into these two parts.”</p> <p>Ribarits at ll.57-68: “The invention solves the problem outlined above in that a drinking spout is pivotably mounted at the top of a conventional threaded closure cap. ... The drinking spout is movably mounted in the wing parts placed on top of the closure cap using both axes. When the drinking bowl is swiveled open, the elastic hose drawn into it is directed and the opening is thus released. The. in the bottle. The liquid can now be removed via the hose guided in the drinking spout, ... If the device is now to be closed, the hose is moved between the outlet opening of the cap and the receptacle in the drinking spout by folding down the drinking spout. of the two webs are bent and the device is closed.”</p> <p>Ribarits:</p> <p>Ribarits discloses that the pivotal mount includes a mount outlet.</p> <p>Ribarits, Fig. 2 [annotated]:</p>

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Claim Language	Disclosure in Prior Art
	 <p>The diagram shows an exploded view of a water bottle cap assembly. At the top is a cap (12) with a central opening (11) and two side openings (9, 10). A red arrow points from the text 'Mount outlet' to the side opening (10). Below the cap is a pivotal mount (3) with two lateral projections (4, 5). A red arrow points from the text 'Pivotal Mount' to the mount (3). The mount is shown fitting into a base (1) which has two sockets (6, 7) for the lateral projections. Below the base is a neck (2) with a threaded section (13) and a base plate (10).</p>
<p>1[e]. wherein the pivotal mount includes a pair of lateral projections, wherein the cap assembly base defines a pair of sockets into which the pair of lateral projections extend;</p>	<p>Ribarits: Ribarits discloses wherein the pivotal mount includes a pair of lateral projections, wherein the cap assembly base defines a pair of sockets into which the pair of lateral projections extend.</p> <p>Ribarits, Fig. 2 [annotated]:</p>

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Claim Language	Disclosure in Prior Art
	 <p>The diagram shows a dental device with several components labeled with callouts in red boxes:</p> <ul style="list-style-type: none"> Pivotal Mount: Points to a component at the top of the device. Socket: Points to a component on the side of the device. Pivotal Mount Lateral Projection: Points to a projection on the side of the pivotal mount. Resilient Mouthpiece with Dispensing Outlet: Points to the main body of the device. Socket: Points to another component on the side of the device. <p>The drawing includes various numbered parts (1, 2, 3, 4, 7, 8, 9, 10, 12, 13) and shows the device in a closed position.</p> <p>Ribarits, Figs. 3 (closed) and 3 (open) (annotated):</p>

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	<p>The figure consists of two line drawings of a water bottle cap assembly. The top drawing is labeled "Dispensing configuration" and shows the cap with a resilient mouthpiece (12) and a pivotal mount (7) extended. The bottom drawing is labeled "Stowed configuration" and shows the cap with the mouthpiece and mount retracted. Labels include: Resilient Mouthpiece, Pivotal Mount, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12.</p>

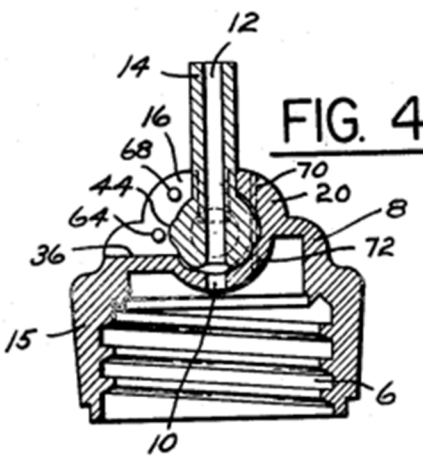
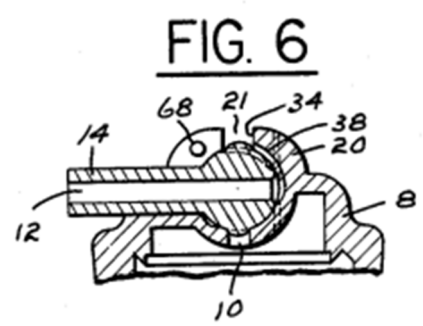
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Claim Language	Disclosure in Prior Art
	<p>Ribarits at ll.57-60: “The invention solves the problem outlined above in that a drinking spout is pivotably mounted at the top of a conventional threaded closure cap. ... There is also a sealing hose element made of rubber or latex inserted into these two parts.”</p> <p>Ribarits at ll.57-68: “The invention solves the problem outlined above in that a drinking spout is pivotably mounted at the top of a conventional threaded closure cap. ... The drinking spout is movably mounted in the wing parts placed on top of the closure cap using both axes. When the drinking bowl is swiveled open, the elastic hose drawn into it is directed and the opening is thus released. The. in the bottle. The liquid can now be removed via the hose guided in the drinking spout, ... If the device is now to be closed, the hose is moved between the outlet opening of the cap and the receptacle in the drinking spout by folding down the drinking spout. of the two webs are bent and the device is closed.”</p> <p>To the extent Defendant argues that Ribarits does not disclose a pivotal mount that includes a pair of lateral projections that extend into a pair of sockets in the base, it would have been obvious to modify Ribarits to include this feature in view of the knowledge of one skilled in the art. Using a pivotal mount that includes a pair of lateral projections that extend into a pair of sockets in the base was well known by the time of the invention. The concept of using lateral projections and corresponding sockets to connect two items so that they can pivot relative to one another is old in the mechanical arts generally and for bottle enclosures. The prior art includes many examples in the context of reusable beverage containers like Ribarits. Each of the references below disclose a pair of lateral projections that extend into a pair of sockets in the base to permit a component attached to the base to pivot. <i>See, e.g.,</i></p> <p>U.S. Patent No. 5,203,468 (“Hsu”): <i>See</i> Appendix B2 (Claim 16).</p> <p>JP 2002-21163 (“Nakagima”): <i>See</i> Appendix B3 (Claim 16).</p> <p>KR 200282506 (“Park”): <i>See</i> Appendix B4 (Claim 16).</p> <p>US5873478 (“Sullivan”) at 3:11-27: “As shown in FIG. 2, spout 22 on each side of its base section 23, is provided with a projection 25 which is received in a corresponding notch in housing 10, in the known manner. The provision of projections 25 allows the user to easily flip-up or down the spout 22 and keeps it aligned and properly seated in recess 20.”</p>

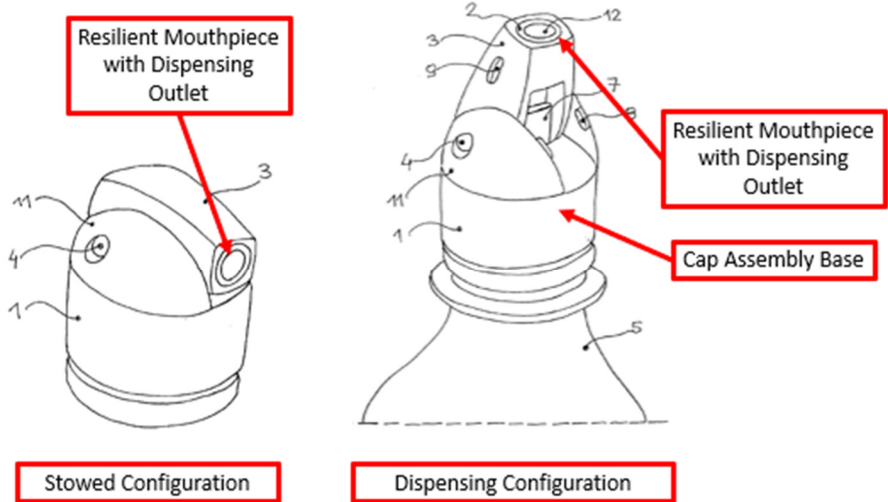
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Claim Language	Disclosure in Prior Art
	<p>FIG. 1 FIG. 2</p> <p>FIG. 3 FIG. 5</p> <p>US2936934 (“Kubiliunas”) at 2:29-38: “The spout 14 at its lower end has a body 22 having on opposite sides thereof trunnions 24 and 26. The trunnions fit against curved surfaces 28 and 30 (see Fig. 13) while the body 22 is received by the correspondingly curved surface 32. Thus the curved seating surfaces in the top receive the spout body and trunnions and make it possible for the spout to be swung from horizontal position, as shown in Fig. 6, to vertical position, as shown in Fig. 4.”</p>

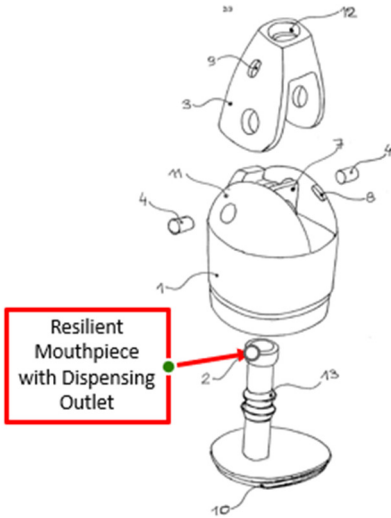
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	<div style="display: flex; justify-content: space-around; align-items: flex-start;">   </div> <p>A POSITA would have been motivated to substitute the lateral projection and sockets disclosed in any of the above references in place of the axle bolts disclosed in Ribarits to secure the pivotal mount to the base of the cap. A POSITA would have been motivated to make this substitution for several reasons.</p> <p>First, this would have provided the benefit of a snap fit between the pivotal mount and the base. This would be beneficial at least because it would make removing the pivotal mount easier for cleaning. It would also make replacing the pivotal mount easier in the even the pivotal mount is damaged.</p> <p>Second, the substitution represents nothing more than the simple addition of one known element (lateral projections and sockets) to another known element (Ribarits’ pivotal mount and base) to obtain predictable results (a snap fit, pivotable spout). <i>KSR</i>, 550 U.S. at 417.</p> <p>Third, the combination also represents the use of a known technique (lateral projections and sockets) to improve a similar device (Ribarits’ pivotal mount and base) in the same way. <i>KSR</i>, 550 U.S. at 417.</p> <p>Fourth, using lateral projections and sockets was well-known, leading a POSITA to reasonably expect success in the combination.</p>

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<p>1[f]. a resilient mouthpiece engaged with the mount outlet and removably coupled to the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base, wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets;</p>	<p>Finally, the combination applies a known technique (using lateral projections and sockets) to a known device (Ribarits’ pivotal mount and base) that is ready for improvement and yields predictable results (a snap fit, pivotable spout). <i>KSR</i>, 550 U.S. at 417.</p> <p>Ribarits: Ribarits discloses a resilient mouthpiece engaged with the mount outlet and removably coupled to the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base, wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets.</p> <p>Ribarits, Fig. 1 (open) and 1 (closed) (annotated):</p>  <p>Ribarits, Fig. 2 (annotated):</p>

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Claim Language	Disclosure in Prior Art
	 <p>Ribarits at ll.61-68: “If you now want to drink from this drinking device screwed onto a PET bottle, the following patented mechanism is activated. The drinking spout is movably mounted in the wing parts placed on top of the closure cap using both axes. When the drinking bowl is swiveled open, the elastic hose drawn into it is directed and the opening is thus released. The. in the bottle. The liquid can now be removed via the hose guided in the drinking spout, with the seal being achieved by screwing the bottle neck onto the sealing part of this element. If the device is now to be closed, the hose is moved between the outlet opening of the cap and the receptacle in the drinking spout by folding down the drinking spout. of the two webs are bent and the device is closed.”</p> <p>Ribarits, claim 1: “ Drinking device consisting of a closure cap (1), a sealing hose element (2) inserted into it and a drinking spout (3) which is fastened in the side wing parts (11) via two axle bolts (4), the sealing hose element (2) is pushed into the drinking spout (3), characterized in that when the closure cap (1) is screwed onto the bottle (5) the necessary seal is created by means of the sealing rings (10) and that the knobs (11) attached to the wing parts (8) into the recesses (9) on the drinking spout (3).”</p> <p>A POSITA would have understood that the sealing hose element (2) is resilient and compressible.</p> <p>To the extent Defendant argues that Ribarits does not disclose the resilient mouthpiece, it would have been obvious to modify Ribarits to include a resilient mouthpiece in view of the knowledge of one skilled in the art. Resilient mouthpieces adapted to resiliently compress responsive to compressive forces applied to the resilient</p>

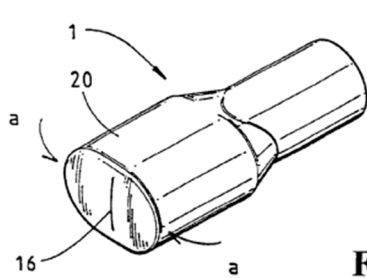
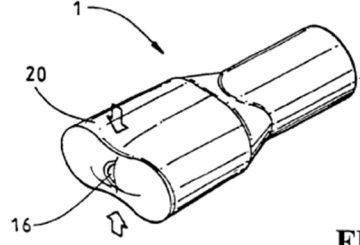
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	<p>mouthpiece by a user's teeth were well known at the time of the invention. These types of mouthpieces were often used in baby bottle or children's cups to provide a bite proof material that is gentler on a child's teeth and gums. Resilient materials were also standard for bite-actuated mouthpieces.</p> <p>The prior art includes many examples in the context of reusable beverage containers like Ribarits of resilient mouthpieces adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth. Each of the below references disclose the limitation of Claim 14[d]. <i>See, e.g.,</i></p> <p>U.S. Patent No. 5,203,468 (“Hsu”): <i>See</i> Appendix B2 (Claim 14[d]).</p> <p>JP 2002-21163 (“Nakagima”): <i>See</i> Appendix B3 (Claim 14[d]).</p> <p>KR 200282506 (“Park”): <i>See</i> Appendix B4 (Claim 14[d]).</p> <p>WO2000003946 (“McCormack”) at Abstract: “A personal hydration system with an improved mouthpiece for use in providing fluid for delivery to a user. The mouthpiece includes a neck (62) that is adapted to be mounted on a supply tube to a hydration system and which is joined to a resilient head (30). The head includes a dispensing face (32) with a pair of lips (50) that define a normally closed slit, through which fluid is dispensed through the mouthpiece. There is a bite region that extends from the neck; through a shoulder (46) transition, to the perimeter of the head.”</p> <p>McCormack at Fig. 18:</p>

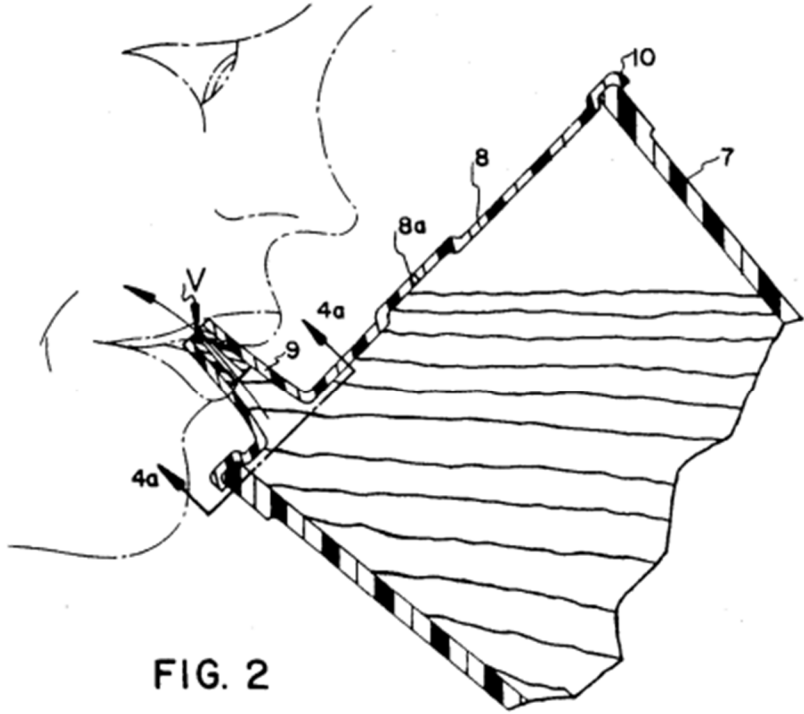
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	<div data-bbox="770 303 1344 745" data-label="Image"> </div> <p>McCormack at 12:15-21: “As shown, mouthpiece 100 has outer dimensions that correspond with the previously disclosed embodiments, including a neck 102 and a head 104 with a dispensing face 106, bite region 108 and lip-receiving shoulder 110. Face 106 extends to an outer perimeter 112, where it is joined to a bite region 108, and includes a pair of opposed lips 114 that define a slit 116 (indicated in Fig. 19) extending therebetween.”</p> <p>US20020166990 (“Yang”) at [0006]: “When using, the soft nozzle is held in the mouth and pressed by the clench of the teeth and lips such that the water outlet crevice is in open status. Working together with the suction by the mouth, it attains the drinking function.”</p> <p>Yang at Figs. 8, 9:</p>

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	<div data-bbox="772 289 1136 565">  <p align="center">FIG. 8</p> </div> <div data-bbox="1297 289 1654 532">  <p align="center">FIG. 9</p> </div> <p>2003/0222238 (“Getzewich”): “A user operates the valve by compressing the flattened sides of the tube together, thereby distorting the diaphragm and opening the slit to allow liquid to be expelled, typically by sucking into the user’s mouth.”</p> <p>US4836404 (“Coy”) at Abstract: “A closure for containers particularly adapted for use in dispensing liquid beverages. The closure includes a spout for delivery of the liquid beverage, and the spout is provided with a flow control valve housed within the spout. The valve and spout are formed of resilient materials, and the valve is normally closed, but is openable by lip pressure applied externally of the spout.”</p>

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	 <p align="center">FIG. 2</p> <p>US5060833 (“Edison”) at Abstract: “A resilient mouthpiece adapted to be held in the mouth of the bicyclist is connected to the container by a length of tubing. The mouthpiece is a valve device and has a cylindrical sidewall that forms a chamber. A spring biased valve element located inside the chamber normally prevents flow therethrough. When the opposed sidewalls of the chamber are compressed between the teeth, liquid flows through the mouthpiece. This allows the mouthpiece to be held securely between the lips and whenever the sidewalls are compressed by the teeth, fluid flows from the container, through the tubing and into the mouth of the bicyclist.”</p> <p>Edison at 3:37-45: “When the large diameter outer wall part 70 of the mouthpiece is clamped between the teeth, ball valve 58 is upset from the end of tube 20 as seen in FIG. 5A, or seat 62 of FIG. 5B. This allows liquid to flow through tube 20, into chamber 56, and through outlet 68 where it can be ingested by the athlete.”</p>

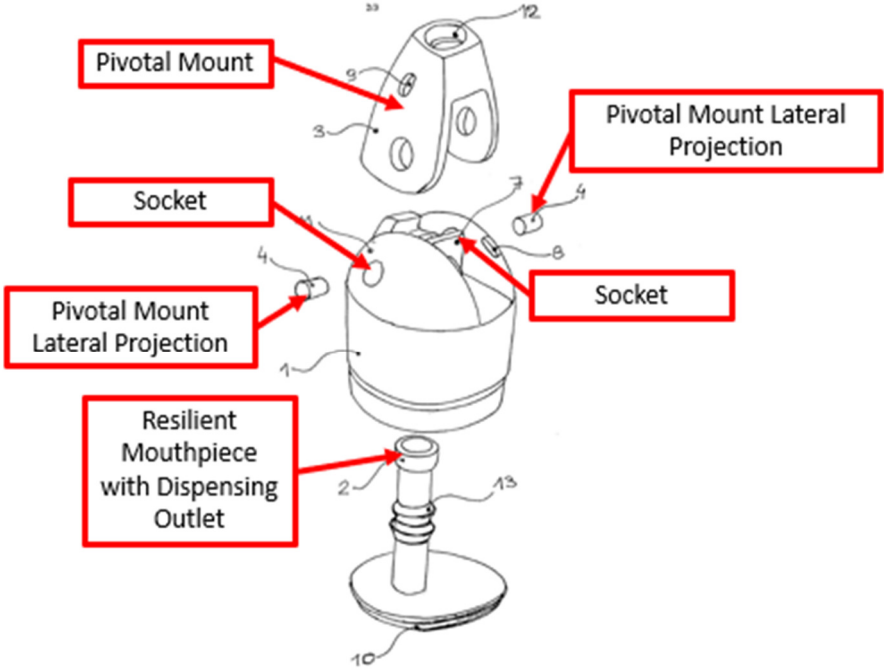
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Claim Language	Disclosure in Prior Art
	<div data-bbox="804 289 1465 605" data-label="Image"> <p style="text-align: center;">FIG. 5A</p> </div> <p>See also US5085349 (Titled Resilient valve and dispensing system for bicyclists); US5601207 (titled Bite valve having a plurality of slits and disclosing “A portion of the deformable closure between the slits changes shape when the bite valve is subjected to opposed compressive forces. This causes the portion of the deformable closure to change shape and the slits to open and form a plurality of openings allowing liquid flow through the deformable closure”).</p> <p>US20040079775A1 (“Choi”) at [0066]: “An example of a mouthpiece 42 is a bite-actuated, or mouth-actuated, mouthpiece 44 that it is selectively deformed from a sealed (or closed) position, in which fluid is prevented from being dispensed from the mouthpiece, to a dispensing (or open) position, in which the user may draw fluid from the reservoir through the tube and mouthpiece when the user compresses the mouthpiece with the user's teeth or lips. Bite actuated mouthpieces are often biased or otherwise configured to automatically return to the closed position when a user is not exerting force upon the mouthpiece to configure the mouthpiece to its closed position.”</p> <p>US20040079775A1 (“Choi”) at [0098]: “In FIGS. 24-26, female member 80 is shown integrated with on/off valve 76. . . . Valve 76 is adapted to obstruct or permit the flow of drink fluid therethrough depending upon the relative configuration of the valve. When the valve is configured to its open (on) configuration, drink fluid may flow through the valve, and when the valve is configured to its closed (off) configuration, the valve blocks fluid conduit 84 so that drink fluid cannot flow through the valve. . . . Although not required, on/off valves are typically configured to remain in a user-selected configuration until repositioned by the user. Therefore, unlike a bite-actuated mouthpiece that is biased to automatically return to a closed position, on/off valves typically will remain in a selected open or closed configuration until repositioned by a user.”</p>

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Claim Language	Disclosure in Prior Art
	<p>US5101991 (“Morifuji”) at Abstract: “A nipple (3) for a nursing bottle (1) is made from a soft elastic material, such as plastic.”</p> <p>A POSITA would have understood that resilient material such as those used in the references cited above could be used with Ribarits’ mouthpiece, and would have been motivated to make this substitution for several reasons.</p> <p>First, a POSITA would have been motivated to substitute a resilient bite-actuated mouthpiece for the mouthpiece disclosed in Ribarits because a bite actuated mouthpiece would provide a secondary level of protection against spills. It was known at the time that bite actuated mouthpieces could be used in conjunction with other on/off valves because each provided complementary functionality. Whereas an on off valve such as the one described in Ribarits will remain in a user-selected configuration until repositioned by the user, a bite-actuated mouthpiece that is biased to automatically return to a closed position. <i>See, e.g.,</i> Choi at [0098]. Therefore, adding the bite actuated mouthpiece would provide the added benefit of preventing spills even when the on off valve of Ribarits is configured in the on position.</p> <p>Alternatively, a POSITA would have been motivated to substitute a resilient material for the entire portion of the mouthpiece disclosed in Ribarits that comes into contact with the user’s mouth because a resilient material would be gentler on the teeth and gums, especially for kids.</p> <p>Second, the substitution represents nothing more than the simple addition of one known element (bite actuated mouthpiece or other resilient mouthpiece) to another known element (Ribarits’ spout) to obtain predictable results (a resilient, deformable spout). <i>KSR</i>, 550 U.S. at 417.</p> <p>Third, the combination also represents the use of a known technique (using a resilient, deformable spout material to enable bite actuation or for comfort) to improve a similar device (Ribarits’ mouthpiece) in the same way. <i>KSR</i>, 550 U.S. at 417.</p> <p>Fourth, using a resilient, deformable spout material was well-known, leading a POSITA to reasonably expect success in the combination.</p> <p>Finally, the combination applies a known technique (using a resilient, deformable spout material to enable bite actuation or for comfort) to a known device (Ribarits’ spout) that is ready for improvement and yields predictable results (a spout with bite-actuated functionality or improved comfort). <i>KSR</i>, 550 U.S. at 417.</p> <p>Ribarits, Fig. 2 [annotated]:</p>

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Claim Language	Disclosure in Prior Art
	 <p>The diagram shows a water bottle (1) with a flip-top lid (3) and a base (10). The lid (3) is shown in an open position, revealing the interior of the bottle. The lid (3) is connected to the bottle body (1) by a hinge mechanism (4). The hinge mechanism (4) includes a pivotal mount (3) and a pivotal mount lateral projection (4). The bottle body (1) has a resilient mouthpiece with a dispensing outlet (2) at the top. The base (10) is connected to the bottle body (1) by a neck (13). The neck (13) has a socket (8) and a resilient mouthpiece with a dispensing outlet (2). The base (10) has a socket (4) and a resilient mouthpiece with a dispensing outlet (2). The diagram is annotated with the following labels:</p> <ul style="list-style-type: none"> Pivotal Mount Socket Pivotal Mount Lateral Projection Resilient Mouthpiece with Dispensing Outlet Pivotal Mount Lateral Projection Socket <p>Ribarits, Figs. 3 (closed) and 3 (open) (annotated):</p>

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Claim Language	Disclosure in Prior Art
	<p>Dispensing configuration</p> <p>Stowed configuration</p>

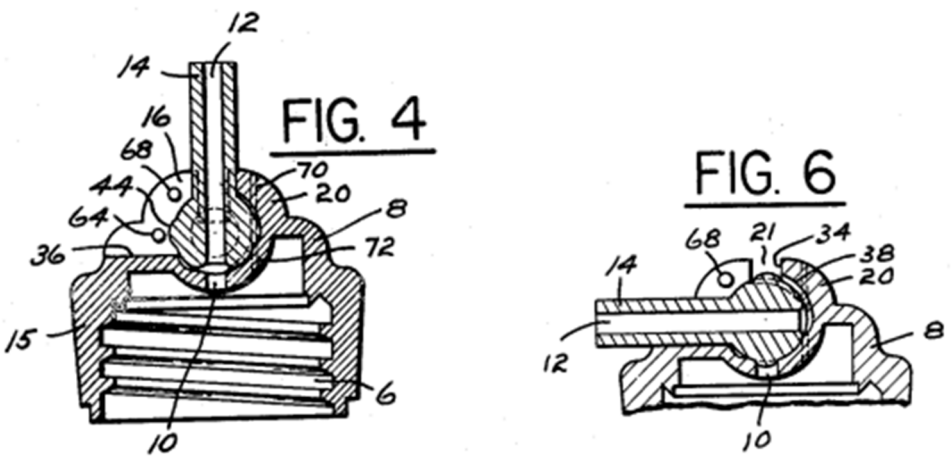
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Claim Language	Disclosure in Prior Art
	<p>Ribarits at ll.57-60: “The invention solves the problem outlined above in that a drinking spout is pivotably mounted at the top of a conventional threaded closure cap. ... There is also a sealing hose element made of rubber or latex inserted into these two parts.”</p> <p>Ribarits at ll.57-68: “The invention solves the problem outlined above in that a drinking spout is pivotably mounted at the top of a conventional threaded closure cap. ... The drinking spout is movably mounted in the wing parts placed on top of the closure cap using both axes. When the drinking bowl is swiveled open, the elastic hose drawn into it is directed and the opening is thus released. The. in the bottle. The liquid can now be removed via the hose guided in the drinking spout, ... If the device is now to be closed, the hose is moved between the outlet opening of the cap and the receptacle in the drinking spout by folding down the drinking spout. of the two webs are bent and the device is closed.”</p> <p>To the extent Defendant argues that Ribarits does not disclose a pivotal mount that includes a pair of lateral projections that extend into a pair of sockets in the base, it would have been obvious to modify Ribarits to include this feature in view of the knowledge of one skilled in the art. Using a pivotal mount that includes a pair of lateral projections that extend into a pair of sockets in the base was well known by the time of the invention. The concept of using lateral projections and corresponding sockets to connect two items so that they can pivot relative to one another is old in the mechanical arts generally and for bottle enclosures. The prior art includes many examples in the context of reusable beverage containers like Ribarits. Each of the references below disclose a pair of lateral projections that extend into a pair of sockets in the base to permit a component attached to the base to pivot. <i>See, e.g.,</i></p> <p>U.S. Patent No. 5,203,468 (“Hsu”): <i>See</i> Appendix B2 (Claim 16).</p> <p>JP 2002-21163 (“Nakagima”): <i>See</i> Appendix B3 (Claim 16).</p> <p>KR 200282506 (“Park”): <i>See</i> Appendix B4 (Claim 16).</p> <p>US5873478 (“Sullivan”) at 3:11-27: “As shown in FIG. 2, spout 22 on each side of its base section 23, is provided with a projection 25 which is received in a corresponding notch in housing 10, in the known manner. The provision of projections 25 allows the user to easily flip-up or down the spout 22 and keeps it aligned and properly seated in recess 20.”</p>

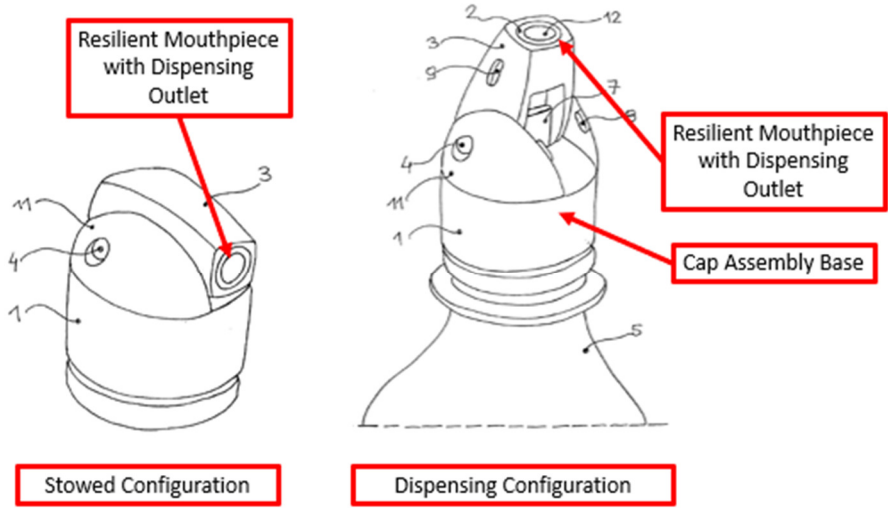
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Claim Language	Disclosure in Prior Art
	<p>FIG. 1 FIG. 2</p> <p>FIG. 3 FIG. 5</p> <p>US2936934 (“Kubiliunas”) at 2:29-38: “The spout 14 at its lower end has a body 22 having on opposite sides thereof trunnions 24 and 26. The trunnions fit against curved surfaces 28 and 30 (see Fig. 13) while the body 22 is received by the correspondingly curved surface 32. Thus the curved seating surfaces in the top receive the spout body and trunnions and make it possible for the spout to be swung from horizontal position, as shown in Fig. 6, to vertical position, as shown in Fig. 4.”</p>

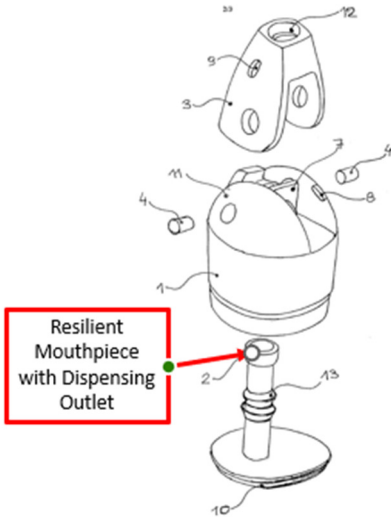
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Claim Language	Disclosure in Prior Art
	<div style="text-align: center;">  </div> <p>A POSITA would have been motivated to substitute the lateral projection and sockets disclosed in any of the above references in place of the axle bolts disclosed in Ribarits to secure the pivotal mount to the base of the cap. A POSITA would have been motivated to make this substitution for several reasons.</p> <p>First, this would have provided the benefit of a snap fit between the pivotal mount and the base. This would be beneficial at least because it would make removing the pivotal mount easier for cleaning. It would also make replacing the pivotal mount easier in the even the pivotal mount is damaged.</p> <p>Second, the substitution represents nothing more than the simple addition of one known element (lateral projections and sockets) to another known element (Ribarits’ pivotal mount and base) to obtain predictable results (a snap fit, pivotable spout). <i>KSR</i>, 550 U.S. at 417.</p> <p>Third, the combination also represents the use of a known technique (lateral projections and sockets) to improve a similar device (Ribarits’ pivotal mount and base) in the same way. <i>KSR</i>, 550 U.S. at 417.</p> <p>Fourth, using lateral projections and sockets was well-known, leading a POSITA to reasonably expect success in the combination.</p>

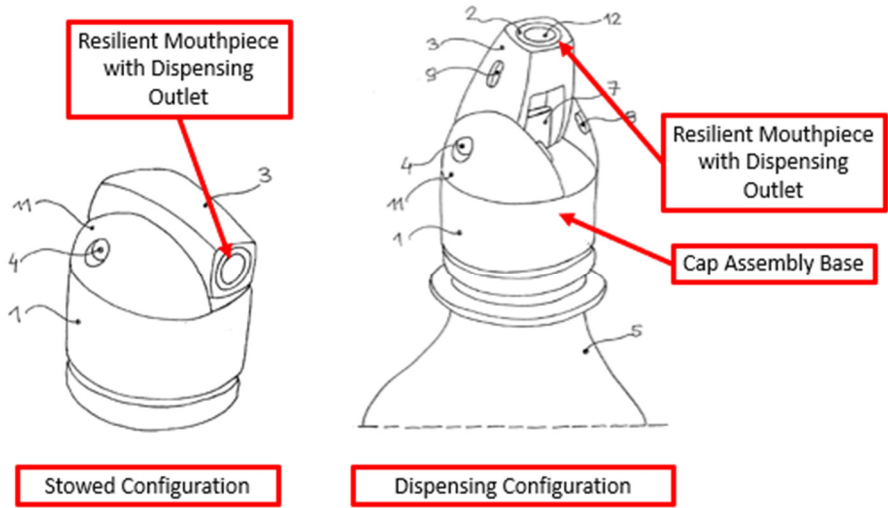
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Claim Language	Disclosure in Prior Art
	<p>Finally, the combination applies a known technique (using lateral projections and sockets) to a known device (Ribarits’ pivotal mount and base) that is ready for improvement and yields predictable results (a snap fit, pivotable spout). <i>KSR</i>, 550 U.S. at 417.</p>
<p>1[g]. wherein the resilient mouthpiece defines a portion of the fluid conduit, including the dispensing outlet;</p>	<p>Ribarits: Ribarits discloses wherein the resilient mouthpiece defines a portion of the fluid conduit, including the dispensing outlet.</p> <p>Ribarits, Fig. 1 (open) and 1 (closed) (annotated):</p>  <p>Ribarits, Fig. 2 (annotated):</p>

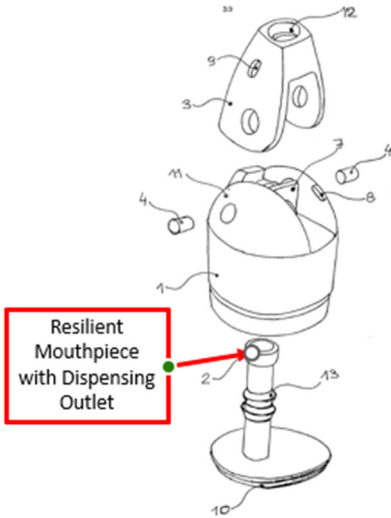
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Claim Language	Disclosure in Prior Art
	 <p>Ribarits at ll.61-68: “If you now want to drink from this drinking device screwed onto a PET bottle, the following patented mechanism is activated. The drinking spout is movably mounted in the wing parts placed on top of the closure cap using both axes. When the drinking bowl is swiveled open, the elastic hose drawn into it is directed and the opening is thus released. The. in the bottle. The liquid can now be removed via the hose guided in the drinking spout, with the seal being achieved by screwing the bottle neck onto the sealing part of this element. If the device is now to be closed, the hose is moved between the outlet opening of the cap and the receptacle in the drinking spout by folding down the drinking spout. of the two webs are bent and the device is closed.”</p> <p>Ribarits, claim 1: “ Drinking device consisting of a closure cap (1), a sealing hose element (2) inserted into it and a drinking spout (3) which is fastened in the side wing parts (11) via two axle bolts (4), the sealing hose element (2) is pushed into the drinking spout (3), characterized in that when the closure cap (1) is screwed onto the bottle (5) the necessary seal is created by means of the sealing rings (10) and that the knobs (11) attached to the wing parts (8) into the recesses (9) on the drinking spout (3).”</p>
<p>1[h]. wherein the resilient mouthpiece and the pivotal mount are configured to be selectively pivoted between a stowed position and a dispensing position, and further in the dispensing position, the dispensing outlet is</p>	<p>Ribarits: Ribarits discloses wherein the resilient mouthpiece and the pivotal mount are configured to be selectively pivoted between a stowed position and a dispensing position, and further in the dispensing position, the dispensing outlet is positioned further away from the cap assembly base than when the resilient mouthpiece and the pivotal mount are in the stowed position.</p>

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<p>positioned further away from the cap assembly base than when the resilient mouthpiece and the pivotal mount are in the stowed position;</p>	<p>Ribarits, Fig. 1 (open) and 1 (closed) (annotated):</p>  <p>Ribarits, Fig. 2 (annotated):</p>

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Claim Language	Disclosure in Prior Art
	 <p>Ribarits at ll.61-68: “If you now want to drink from this drinking device screwed onto a PET bottle, the following patented mechanism is activated. The drinking spout is movably mounted in the wing parts placed on top of the closure cap using both axes. When the drinking bowl is swiveled open, the elastic hose drawn into it is directed and the opening is thus released. The. in the bottle. The liquid can now be removed via the hose guided in the drinking spout, with the seal being achieved by screwing the bottle neck onto the sealing part of this element. If the device is now to be closed, the hose is moved between the outlet opening of the cap and the receptacle in the drinking spout by folding down the drinking spout. of the two webs are bent and the device is closed.”</p> <p>Ribarits, claim 1: “ Drinking device consisting of a closure cap (1), a sealing hose element (2) inserted into it and a drinking spout (3) which is fastened in the side wing parts (11) via two axle bolts (4), the sealing hose element (2) is pushed into the drinking spout (3), characterized in that when the closure cap (1) is screwed onto the bottle (5) the necessary seal is created by means of the sealing rings (10) and that the knobs (11) attached to the wing parts (8) into the recesses (9) on the drinking spout (3).”</p>
<p>1[i]. wherein the resilient mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth; and</p>	<p>Ribarits: Ribarits discloses wherein the resilient mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth.</p> <p>Ribarits, Fig. 2 (annotated):</p>

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Claim Language	Disclosure in Prior Art
	<p>Ribarits at ll.61-68: “If you now want to drink from this drinking device screwed onto a PET bottle, the following patented mechanism is activated. The drinking spout is movably mounted in the wing parts placed on top of the closure cap using both axes. When the drinking bowl is swiveled open, the elastic hose drawn into it is directed and the opening is thus released. The. in the bottle. The liquid can now be removed via the hose guided in the drinking spout, with the seal being achieved by screwing the bottle neck onto the sealing part of this element. If the device is now to be closed, the hose is moved between the outlet opening of the cap and the receptacle in the drinking spout by folding down the drinking spout. of the two webs are bent and the device is closed.”</p> <p>Ribarits, claim 1: “ Drinking device consisting of a closure cap (1), a sealing hose element (2) inserted into it and a drinking spout (3) which is fastened in the side wing parts (11) via two axle bolts (4), the sealing hose element (2) is pushed into the drinking spout (3), characterized in that when the closure cap (1) is screwed onto the bottle (5) the necessary seal is created by means of the sealing rings (10) and that the knobs (11) attached to the wing parts (8) into the recesses (9) on the drinking spout (3).”</p> <p>A POSITA would have understood that the sealing hose element (2) is resilient and compressible.</p> <p>To the extent Defendant argues that Ribarits does not disclose the resilient mouthpiece, it would have been obvious to modify Ribarits to include a resilient mouthpiece in view of the knowledge of one skilled in the art.</p>

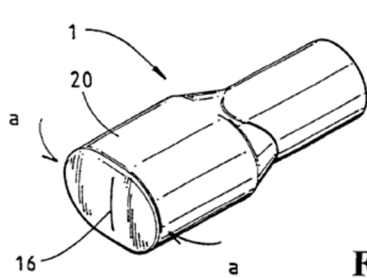
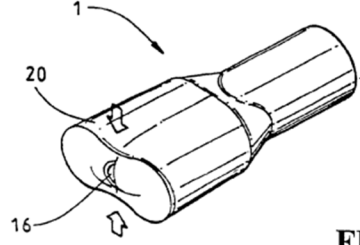
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	<p>Resilient mouthpieces adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth were well known at the time of the invention. These types of mouthpieces were often used in baby bottle or children's cups to provide a bite proof material that is gentler on a child's teeth and gums. Resilient materials were also standard for bite-actuated mouthpieces.</p> <p>The prior art includes many examples in the context of reusable beverage containers like Ribarits of resilient mouthpieces adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth. Each of the below references disclose the limitation of Claim 14[d]. <i>See, e.g.,</i></p> <p>U.S. Patent No. 5,203,468 (“Hsu”): <i>See</i> Appendix B2 (Claim 14[d]).</p> <p>JP 2002-21163 (“Nakagima”): <i>See</i> Appendix B3 (Claim 14[d]).</p> <p>KR 200282506 (“Park”): <i>See</i> Appendix B4 (Claim 14[d]).</p> <p>WO2000003946 (“McCormack”) at Abstract: “A personal hydration system with an improved mouthpiece for use in providing fluid for delivery to a user. The mouthpiece includes a neck (62) that is adapted to be mounted on a supply tube to a hydration system and which is joined to a resilient head (30). The head includes a dispensing face (32) with a pair of lips (50) that define a normally closed slit, through which fluid is dispensed through the mouthpiece. There is a bite region that extends from the neck; through a shoulder (46) transition, to the perimeter of the head.”</p> <p>McCormack at Fig. 18:</p>

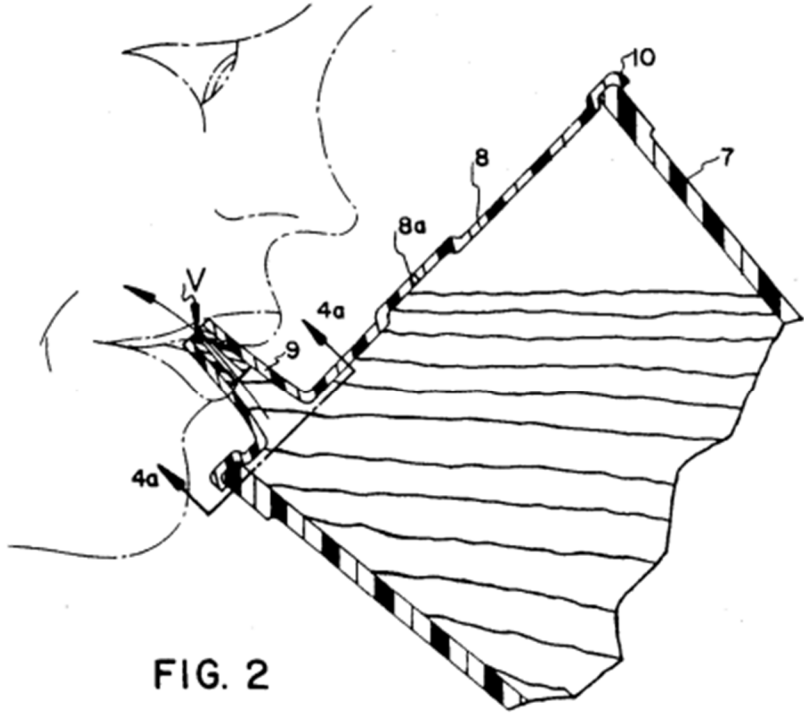
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Claim Language	Disclosure in Prior Art
	<div data-bbox="770 302 1344 745" data-label="Image"> </div> <p>McCormack at 12:15-21: “As shown, mouthpiece 100 has outer dimensions that correspond with the previously disclosed embodiments, including a neck 102 and a head 104 with a dispensing face 106, bite region 108 and lip-receiving shoulder 110. Face 106 extends to an outer perimeter 112, where it is joined to a bite region 108, and includes a pair of opposed lips 114 that define a slit 116 (indicated in Fig. 19) extending therebetween.”</p> <p>US20020166990 (“Yang”) at [0006]: “When using, the soft nozzle is held in the mouth and pressed by the clench of the teeth and lips such that the water outlet crevice is in open status. Working together with the suction by the mouth, it attains the drinking function.”</p> <p>Yang at Figs. 8, 9:</p>

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	<div data-bbox="772 289 1136 565">  <p align="center">FIG. 8</p> </div> <div data-bbox="1297 289 1654 532">  <p align="center">FIG. 9</p> </div> <p>2003/0222238 (“Getzewich”): “A user operates the valve by compressing the flattened sides of the tube together, thereby distorting the diaphragm and opening the slit to allow liquid to be expelled, typically by sucking into the user’s mouth.”</p> <p>US4836404 (“Coy”) at Abstract: “A closure for containers particularly adapted for use in dispensing liquid beverages. The closure includes a spout for delivery of the liquid beverage, and the spout is provided with a flow control valve housed within the spout. The valve and spout are formed of resilient materials, and the valve is normally closed, but is openable by lip pressure applied externally of the spout.”</p>

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	 <p style="text-align: center;">FIG. 2</p> <p>US5060833 (“Edison”) at Abstract: “A resilient mouthpiece adapted to be held in the mouth of the bicyclist is connected to the container by a length of tubing. The mouthpiece is a valve device and has a cylindrical sidewall that forms a chamber. A spring biased valve element located inside the chamber normally prevents flow therethrough. When the opposed sidewalls of the chamber are compressed between the teeth, liquid flows through the mouthpiece. This allows the mouthpiece to be held securely between the lips and whenever the sidewalls are compressed by the teeth, fluid flows from the container, through the tubing and into the mouth of the bicyclist.”</p> <p>Edison at 3:37-45: “When the large diameter outer wall part 70 of the mouthpiece is clamped between the teeth, ball valve 58 is upset from the end of tube 20 as seen in FIG. 5A, or seat 62 of FIG. 5B. This allows liquid to flow through tube 20, into chamber 56, and through outlet 68 where it can be ingested by the athlete.”</p>

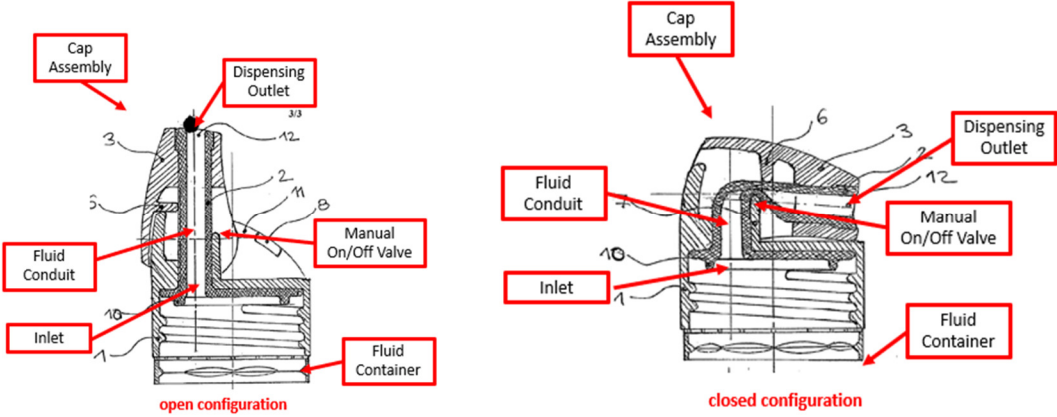
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Claim Language	Disclosure in Prior Art
	<div data-bbox="804 289 1465 605" data-label="Image"> <p style="text-align: center;">FIG. 5A</p> </div> <p>See also US5085349 (Titled Resilient valve and dispensing system for bicyclists); US5601207 (titled Bite valve having a plurality of slits and disclosing “A portion of the deformable closure between the slits changes shape when the bite valve is subjected to opposed compressive forces. This causes the portion of the deformable closure to change shape and the slits to open and form a plurality of openings allowing liquid flow through the deformable closure”).</p> <p>US20040079775A1 (“Choi”) at [0066]: “An example of a mouthpiece 42 is a bite-actuated, or mouth-actuated, mouthpiece 44 that it is selectively deformed from a sealed (or closed) position, in which fluid is prevented from being dispensed from the mouthpiece, to a dispensing (or open) position, in which the user may draw fluid from the reservoir through the tube and mouthpiece when the user compresses the mouthpiece with the user's teeth or lips. Bite actuated mouthpieces are often biased or otherwise configured to automatically return to the closed position when a user is not exerting force upon the mouthpiece to configure the mouthpiece to its closed position.”</p> <p>US20040079775A1 (“Choi”) at [0098]: “In FIGS. 24-26, female member 80 is shown integrated with on/off valve 76. . . . Valve 76 is adapted to obstruct or permit the flow of drink fluid therethrough depending upon the relative configuration of the valve. When the valve is configured to its open (on) configuration, drink fluid may flow through the valve, and when the valve is configured to its closed (off) configuration, the valve blocks fluid conduit 84 so that drink fluid cannot flow through the valve. . . . Although not required, on/off valves are typically configured to remain in a user-selected configuration until repositioned by the user. Therefore, unlike a bite-actuated mouthpiece that is biased to automatically return to a closed position, on/off valves typically will remain in a selected open or closed configuration until repositioned by a user.”</p>

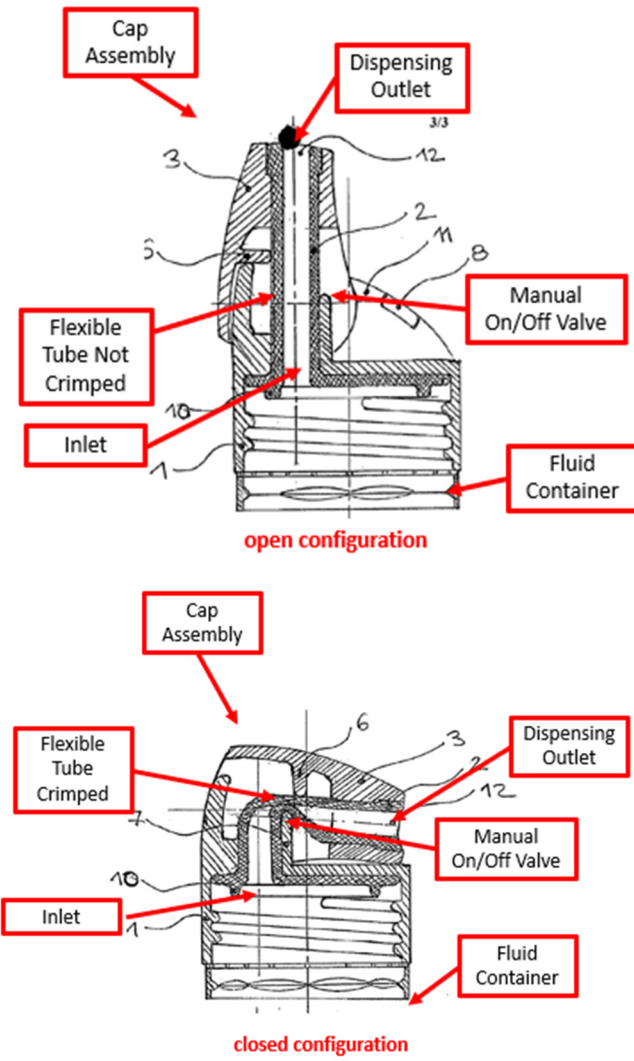
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	<p>US5101991 (“Morifuji”) at Abstract: “A nipple (3) for a nursing bottle (1) is made from a soft elastic material, such as plastic.”</p> <p>A POSITA would have understood that resilient material such as those used in the references cited above could be used with Ribarits’ mouthpiece, and would have been motivated to make this substitution for several reasons.</p> <p>First, a POSITA would have been motivated to substitute a resilient bite-actuated mouthpiece for the mouthpiece disclosed in Ribarits because a bite actuated mouthpiece would provide a secondary level of protection against spills. It was known at the time that bite actuated mouthpieces could be used in conjunction with other on/off valves because each provided complementary functionality. Whereas an on off valve such as the one described in Ribarits will remain in a user-selected configuration until repositioned by the user, a bite-actuated mouthpiece that is biased to automatically return to a closed position. <i>See, e.g.,</i> Choi at [0098]. Therefore, adding the bite actuated mouthpiece would provide the added benefit of preventing spills even when the on off valve of Ribarits is configured in the on position.</p> <p>Alternatively, a POSITA would have been motivated to substitute a resilient material for the entire portion of the mouthpiece disclosed in Ribartis that comes into contact with the user’s mouth because a resilient material would be gentler on the teeth and gums, especially for kids.</p> <p>Second, the substitution represents nothing more than the simple addition of one known element (bite actuated mouthpiece or other resilient mouthpiece) to another known element (Ribarits’ spout) to obtain predictable results (a resilient, deformable spout). <i>KSR</i>, 550 U.S. at 417.</p> <p>Third, the combination also represents the use of a known technique (using a resilient, deformable spout material to enable bite actuation or for comfort) to improve a similar device (Ribarits’ mouthpiece) in the same way. <i>KSR</i>, 550 U.S. at 417.</p> <p>Fourth, using a resilient, deformable spout material was well-known, leading a POSITA to reasonably expect success in the combination.</p> <p>Finally, the combination applies a known technique (using a resilient, deformable spout material to enable bite actuation or for comfort) to a known device (Ribarits’ spout) that is ready for improvement and yields predictable results (a spout with bite-actuated functionality or improved comfort). <i>KSR</i>, 550 U.S. at 417.</p>
1[j]. a manual on/off valve having a closed configuration, in which the manual on/off valve obstructs the fluid conduit to restrict	<p>Ribarits:</p> <p>Ribarits discloses a manual on/off valve having a closed configuration, in which the manual on/off valve obstructs the fluid conduit to restrict drink fluid from flowing between the inlet and the dispensing outlet, and</p>

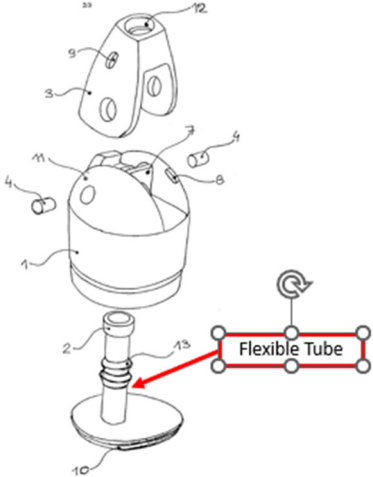
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Claim Language	Disclosure in Prior Art
<p>drink fluid from flowing between the inlet and the dispensing outlet, and an open configuration, in which the manual on/off valve permits drink fluid to flow through the fluid conduit from the inlet to the dispensing outlet;</p> <p>wherein the manual on/off valve includes a flexible tube that defines a portion of the fluid conduit;</p>	<p>an open configuration, in which the manual on/off valve permits drink fluid to flow through the fluid conduit from the inlet to the dispensing outlet;</p> <p>wherein the manual on/off valve includes a flexible tube that defines a portion of the fluid conduit.</p> <p>Ribarits, Fig. 3 (open) and 3 (closed) (annotated):</p>  <p>Ribarits at 11.61-68: “If you now want to drink from this drinking device screwed onto a PET bottle, the following patented mechanism is activated. The drinking spout is movably mounted in the wing parts placed on top of the closure cap using both axes. When the drinking bowl is swiveled open, the elastic hose drawn into it is directed and the opening is thus released. The. in the bottle. The liquid can now be removed via the hose guided in the drinking spout, with the seal being achieved by screwing the bottle neck onto the sealing part of this element. If the device is now to be closed, the hose is moved between the outlet opening of the cap and the receptacle in the drinking spout by folding down the drinking spout. of the two webs are bent and the device is closed.”</p> <p>Ribarits, Figs. 3 (closed) and 3 (open) (annotated), 2 (cropped and annotated):</p>

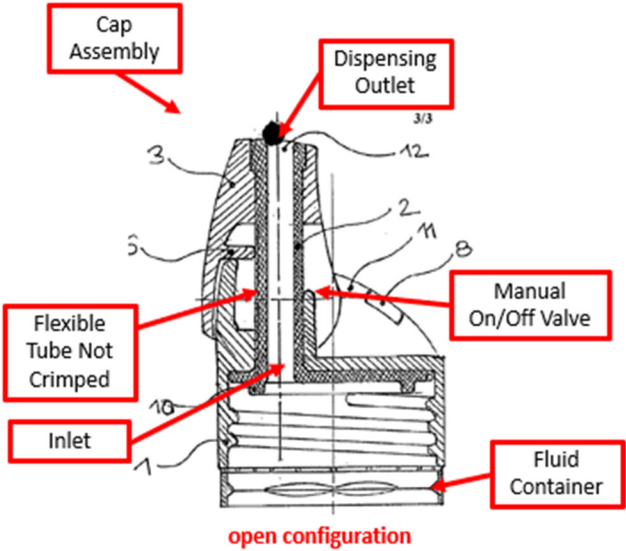
Appendix D1
WO2004063042A2 (“Ribarits”)

Claim Language	Disclosure in Prior Art
	 <p>The diagrams illustrate a fluid container assembly with a cap assembly at the top, a dispensing outlet, a manual on/off valve, a flexible tube, an inlet, and a fluid container. In the 'open configuration', the flexible tube is not crimped, allowing fluid to flow from the inlet through the tube and valve to the dispensing outlet. In the 'closed configuration', the flexible tube is crimped, preventing fluid flow. The diagrams are annotated with labels: Cap Assembly, Dispensing Outlet, Flexible Tube Not Crimped, Inlet, Manual On/Off Valve, Fluid Container, and Flexible Tube Crimped. The text 'open configuration' and 'closed configuration' are written below the respective diagrams.</p> <p>Ribarits, Fig 2 (annotated):</p>

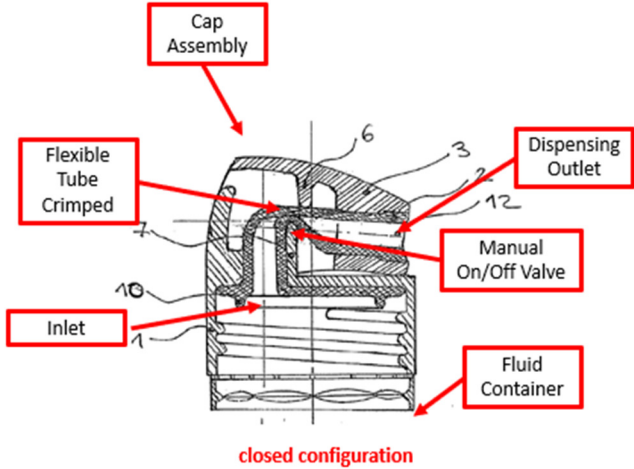
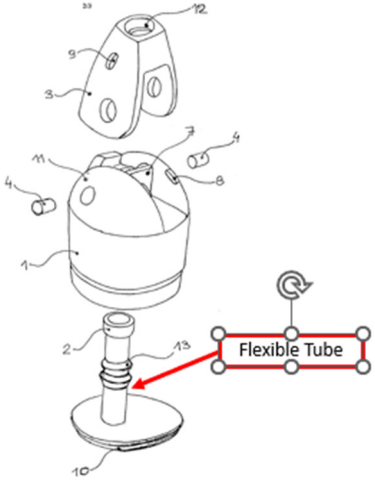
Appendix D1
WO2004063042A2 (“Ribarits”)

Claim Language	Disclosure in Prior Art
	 <p>The diagram shows a drinking device with a main body (1) and a drinking spout (2) at the top. A flexible tube (13) is connected to the spout. The tube has a bellows-like design (13) in the hose section. The device is shown in two states: open and closed. The open state shows the tube (13) extended from the spout (2). The closed state shows the tube (13) retracted into the main body (1). The tube (13) is labeled 'Flexible Tube'.</p> <p>Ribarits, claim 3: “Drinking device according to claims 1 and 2, characterized in that the sealing hose element (2) has a bellows-like design (13) in the hose section.”</p> <p>Ribarits, claim 4: “Drinking device according to claims 1 to 3, characterized in that the sealing hose element (2) is made of rubber or plastic.”</p> <p>Ribarits at ll.57-60: “The invention solves the problem outlined above in that a drinking spout is pivotably mounted at the top of a conventional threaded closure cap. ... There is also a sealing hose element made of rubber or latex inserted into these two parts.”</p> <p>Ribarits at ll.63-71: “The drinking spout is movably mounted in the wing parts placed on top of the closure cap using both axes. When the drinking bowl is swiveled open, the elastic hose drawn into it is directed and the opening is thus released. The. in the bottle. The liquid can now be removed via the hose guided in the drinking spout, with the seal being achieved by screwing the bottle neck onto the sealing part of this element. If the device is now to be closed, the hose is moved between the outlet opening of the cap and the receptacle in the drinking spout by folding down the drinking spout. of the two webs are bent and the device is closed. A safety mechanism is built in to prevent unintentional opening. Two recesses on the side of the wing parts, into which the nubs attached to the drinking spout snap, prevent the drinking spout from accidentally jumping open.”</p>

Appendix D1
WO2004063042A2 (“Ribarits”)

Claim Language	Disclosure in Prior Art
	<p>Ribarits, claim 1: “ Drinking device consisting of a closure cap (1), a sealing hose element (2) inserted into it and a drinking spout (3) which is fastened in the side wing parts (11) via two axle bolts (4), the sealing hose element (2) is pushed into the drinking spout (3), characterized in that when the closure cap (1) is screwed onto the bottle (5) the necessary seal is created by means of the sealing rings (10) and that the knobs (11) attached to the wing parts (8) into the recesses (9) on the drinking spout (3).”</p>
<p>1[k]. wherein when the manual on/off valve is in the closed configuration, the tube is crimped to obstruct the flow of drink fluid through the fluid conduit; and</p>	<p>Ribarits:</p> <p>Ribarits discloses wherein when the manual on/off valve is in the closed configuration, the tube is crimped to obstruct the flow of drink fluid through the fluid conduit.</p> <p>Ribarits, Figs. 3 (closed) and 3 (open) (annotated), 2 (cropped and annotated):</p> 

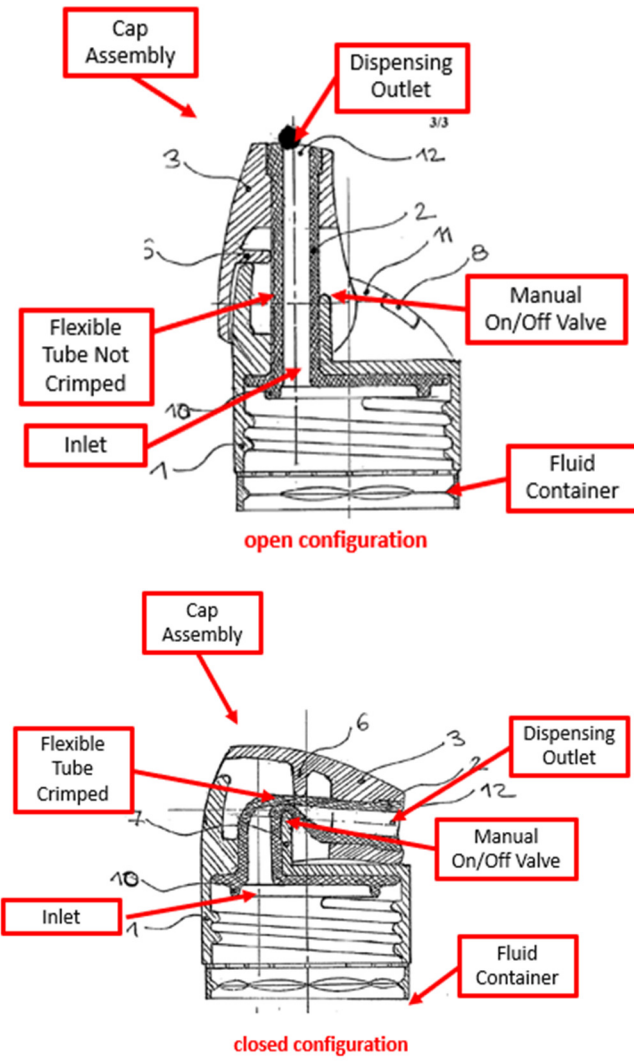
Appendix D1
WO2004063042A2 (“Ribarits”)

Claim Language	Disclosure in Prior Art
	 <p style="text-align: center;">closed configuration</p> <p>Ribarits, Fig 2 (annotated):</p> 

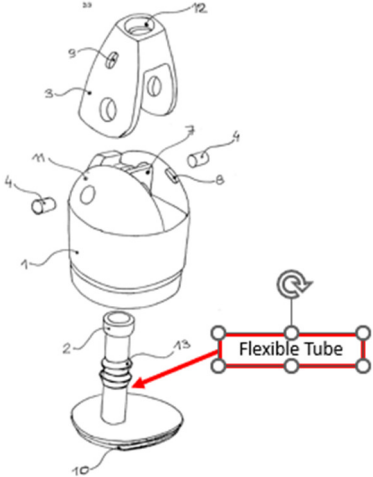
Appendix D1
WO2004063042A2 (“Ribarits”)

Claim Language	Disclosure in Prior Art
	<p>Ribarits, claim 3: “Drinking device according to claims 1 and 2, characterized in that the sealing hose element (2) has a bellows-like design (13) in the hose section.”</p> <p>Ribarits, claim 4: “Drinking device according to claims 1 to 3, characterized in that the sealing hose element (2) is made of rubber or plastic.”</p> <p>Ribarits at ll.57-60: “The invention solves the problem outlined above in that a drinking spout is pivotably mounted at the top of a conventional threaded closure cap. ... There is also a sealing hose element made of rubber or latex inserted into these two parts.”</p> <p>Ribarits at ll.63-71: “The drinking spout is movably mounted in the wing parts placed on top of the closure cap using both axes. When the drinking bowl is swiveled open, the elastic hose drawn into it is directed and the opening is thus released. The. in the bottle. The liquid can now be removed via the hose guided in the drinking spout, with the seal being achieved by screwing the bottle neck onto the sealing part of this element. If the device is now to be closed, the hose is moved between the outlet opening of the cap and the receptacle in the drinking spout by folding down the drinking spout. of the two webs are bent and the device is closed. A safety mechanism is built in to prevent unintentional opening. Two recesses on the side of the wing parts, into which the nubs attached to the drinking spout snap, prevent the drinking spout from accidentally jumping open.”</p> <p>Ribarits, claim 1: “ Drinking device consisting of a closure cap (1), a sealing hose element (2) inserted into it and a drinking spout (3) which is fastened in the side wing parts (11) via two axle bolts (4), the sealing hose element (2) is pushed into the drinking spout (3), characterized in that when the closure cap (1) is screwed onto the bottle (5) the necessary seal is created by means of the sealing rings (10) and that the knobs (11) attached to the wing parts (8) into the recesses (9) on the drinking spout (3).”</p>
<p>1[1]. wherein when the manual on/off valve is in the open configuration, the tube is not crimped and does not obstruct the flow of drink fluid through the fluid conduit.</p>	<p>Ribarits: Ribarits discloses wherein when the manual on/off valve is in the open configuration, the tube is not crimped and does not obstruct the flow of drink fluid through the fluid conduit.</p> <p>Ribarits, Figs. 3 (closed) and 3 (open) (annotated), 2 (cropped and annotated):</p>

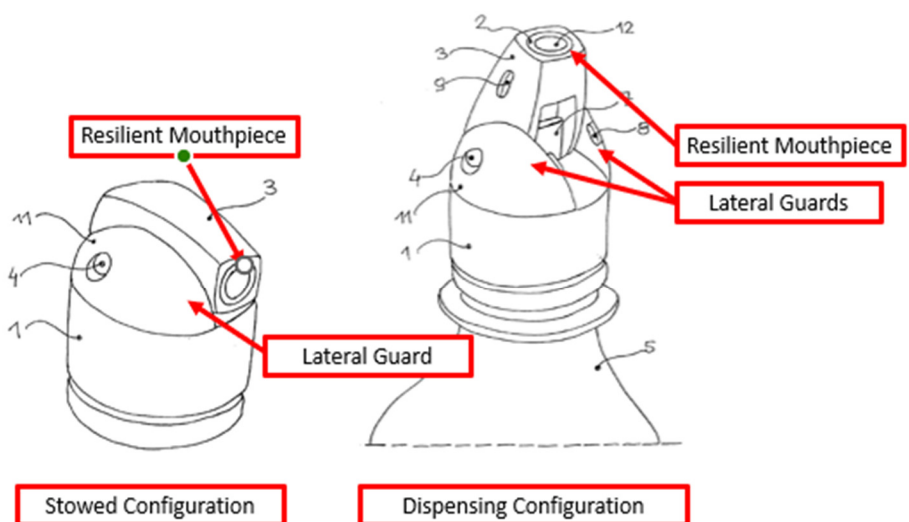
Appendix D1
WO2004063042A2 (“Ribarits”)

Claim Language	Disclosure in Prior Art
	 <p>The diagrams illustrate a fluid container assembly in two states. The top diagram, labeled 'open configuration', shows the assembly with a 'Cap Assembly' at the top, a 'Dispensing Outlet' (3/3) on the side, a 'Manual On/Off Valve' (8) on the side, an 'Inlet' (1) at the bottom, and a 'Fluid Container' (1) at the base. A 'Flexible Tube Not Crimped' (10) is shown extending from the inlet. The bottom diagram, labeled 'closed configuration', shows the same assembly but with the 'Flexible Tube Crimped' (10) and the 'Manual On/Off Valve' (8) in a different position. Other components labeled include 'Cap Assembly' (3), 'Dispensing Outlet' (12), 'Manual On/Off Valve' (8), 'Inlet' (1), and 'Fluid Container' (1).</p> <p>Ribarits, Fig 2 (annotated):</p>

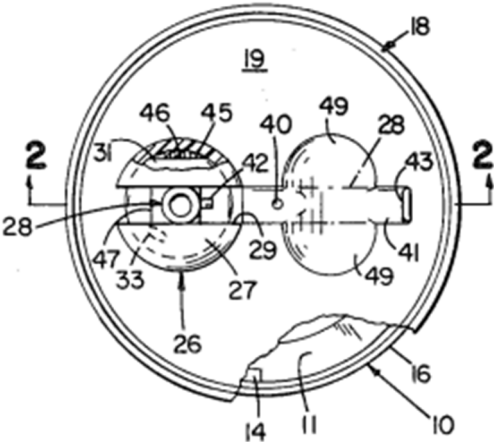
Appendix D1
WO2004063042A2 (“Ribarits”)

Claim Language	Disclosure in Prior Art
	 <p>The diagram shows a drinking device with a main body (1) and a drinking spout (2). A flexible tube (13) is connected to the spout. The tube has a bellows-like design (13) in the hose section. The device is shown in two states: open and closed. The open state shows the spout (2) extended upwards. The closed state shows the spout (2) folded down. The flexible tube (13) is shown in a cross-section view, indicating its internal structure. The device is labeled with various parts: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.</p> <p>Ribarits, claim 3: “Drinking device according to claims 1 and 2, characterized in that the sealing hose element (2) has a bellows-like design (13) in the hose section.”</p> <p>Ribarits, claim 4: “Drinking device according to claims 1 to 3, characterized in that the sealing hose element (2) is made of rubber or plastic.”</p> <p>Ribarits at ll.57-60: “The invention solves the problem outlined above in that a drinking spout is pivotably mounted at the top of a conventional threaded closure cap. ... There is also a sealing hose element made of rubber or latex inserted into these two parts.”</p> <p>Ribarits at ll.63-71: “The drinking spout is movably mounted in the wing parts placed on top of the closure cap using both axes. When the drinking bowl is swiveled open, the elastic hose drawn into it is directed and the opening is thus released. The. in the bottle. The liquid can now be removed via the hose guided in the drinking spout, with the seal being achieved by screwing the bottle neck onto the sealing part of this element. If the device is now to be closed, the hose is moved between the outlet opening of the cap and the receptacle in the drinking spout by folding down the drinking spout. of the two webs are bent and the device is closed. A safety mechanism is built in to prevent unintentional opening. Two recesses on the side of the wing parts, into which the nubs attached to the drinking spout snap, prevent the drinking spout from accidentally jumping open.”</p>

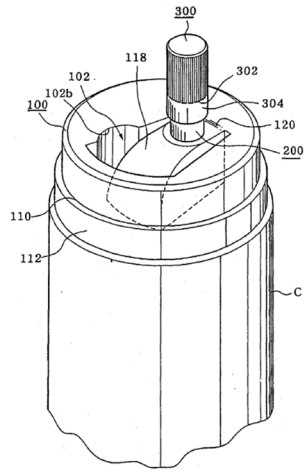
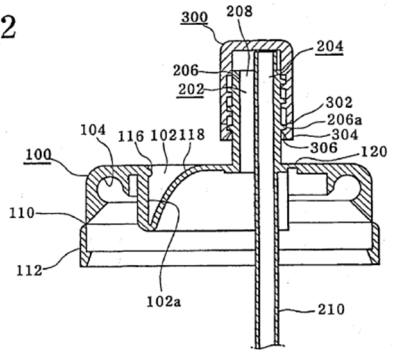
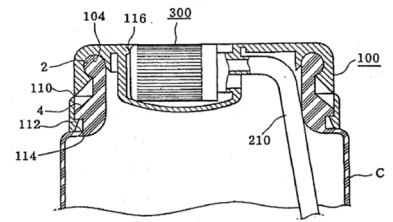
Appendix D1
WO2004063042A2 (“Ribarits”)

Claim Language	Disclosure in Prior Art
	<p>Ribarits, claim 1: “ Drinking device consisting of a closure cap (1), a sealing hose element (2) inserted into it and a drinking spout (3) which is fastened in the side wing parts (11) via two axle bolts (4), the sealing hose element (2) is pushed into the drinking spout (3), characterized in that when the closure cap (1) is screwed onto the bottle (5) the necessary seal is created by means of the sealing rings (10) and that the knobs (11) attached to the wing parts (8) into the recesses (9) on the drinking spout (3).”</p>
<p>3. The drink container of claim 1, wherein the cap assembly includes a pair of lateral guards that extend on opposed sides of the resilient mouthpiece when the resilient mouthpiece and the pivotal mount are in the stowed position, and further wherein the cap assembly includes a dust cover extending between the pair of lateral guards and positioned to protect the dispensing outlet of the resilient mouthpiece by extending across at least a portion of the dispensing outlet of the resilient mouthpiece when the resilient mouthpiece and the pivotal mount are in the stowed position.</p>	<p>Ribarits:</p> <p>Ribarits discloses the drink container of claim 1, wherein the cap assembly includes a pair of lateral guards that extend on opposed sides of the resilient mouthpiece when the resilient mouthpiece and the pivotal mount are in the stowed position, and further wherein the cap assembly includes a dust cover extending between the pair of lateral guards and positioned to protect the dispensing outlet of the resilient mouthpiece by extending across at least a portion of the dispensing outlet of the resilient mouthpiece when the resilient mouthpiece and the pivotal mount are in the stowed position.</p> <p>Ribarits, Fig. 1 (open) and 1 (closed) (annotated):</p>  <p style="text-align: center;"> Resilient Mouthpiece Resilient Mouthpiece Lateral Guard Lateral Guards Stowed Configuration Dispensing Configuration </p>

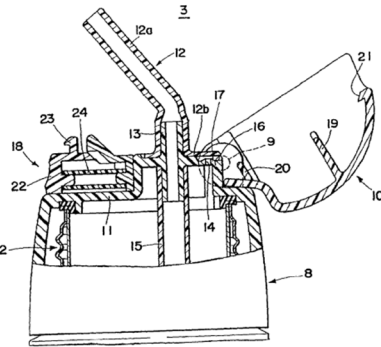
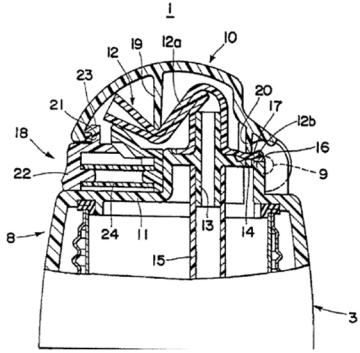
Appendix D1
WO2004063042A2 (“Ribarits”)

Claim Language	Disclosure in Prior Art
	<p>It would have been obvious to modify Ribarits to include a dust cover extending between the pair of lateral guards in view of the knowledge of one skilled in the art. Using a dust cover and lateral guards to protect a spout was well known by the time of the invention to cover as much of the exposed area of the spout. One reason was for hygienic purposes, to ensure the portion of the lid that contacted a user’s mouth remained clean and free of dirt. Another reason was to protect a rotatable spout, such as Ribarits’ spout, from accidental opening.</p> <p>The prior art includes many examples in the context of reusable beverage containers like Ribarits using a dust cover extending between a pair of lateral guards to protect the dispensing outlet of a spout. Each of the references identified below disclose the limitation. <i>See, e.g.,</i></p> <p>4,485,963 (“Panicci”):</p> <p style="text-align: center;">FIG 1</p>  <p>Panicci at 3:35-51: “Cover 18 includes a storage recess 41 in the plane of slot 29, sized to accommodate the upper tubular portion of straw member 28. An air hole 40 in recess 41 allows air into the cup to equalize the pressure inside and out side the cup and thus enhance the pressure differential during use of the straw. When segment 28 is pivoted into recess 41, pin 42 on straw member 28 plugs hole 40 to prevent spilling and contamination of the cup’s contents. Pin 42 is sized to be force-fitted into air hole 40, and air hole 40 tapers very slightly inwardly to hold pin 42, thus sealing hole 40. Tab 43 at the end of recess 41 is positioned to cover the upper end of straw segment 26 to avoid contamination of the straw. Gripping recesses 49 on either side of</p>

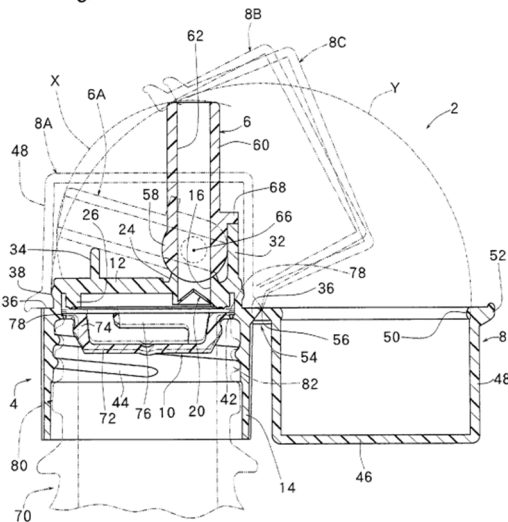
Appendix D1
WO2004063042A2 (“Ribarits”)

Claim Language	Disclosure in Prior Art
	<p>storage recess 41 allow access to the sides and bottom of straw member 28 to pull pin 42 from hole 40 and thus easily remove straw member 28 from recess 41.”</p> <p>US20030102318 (“Lee”) at [0046]: “The outflow means 200 coupled with the cap 300 is folded into a concave space 102 of the main body 100 by a bending means(see FIG. 3), or is vertically erected(see FIGS. 1 and 2).”</p> <p style="text-align: center;">FIG. 1</p>  <p style="text-align: center;">FIG. 2</p>  <p style="text-align: center;">FIG. 3</p> 

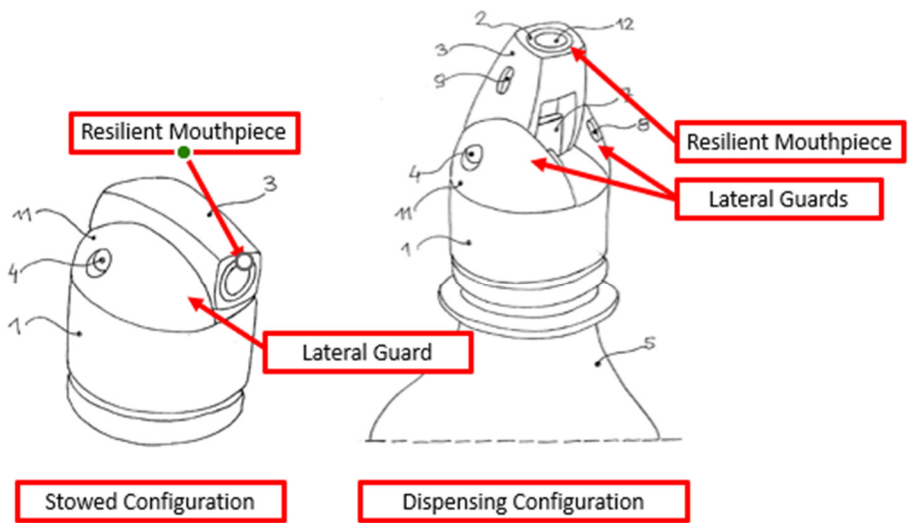
Appendix D1 **WO2004063042A2 (“Ribarits”)**

Claim Language	Disclosure in Prior Art
	<p>US20020040909 (“Goto”) at [25]: “The cap body 3 includes a lid body 8 threadably and releasably mounted to a threaded portion 7 formed at a shoulder of the container body 2 and a cap 10 rotatively installed at the lid body 8 via a hinge axle 9.”</p> <p>The prior art also includes many examples in the context of reusable beverage containers like Ribarits using a cap serving as a dust cover extending between lateral a pair of lateral guards to protect the dispensing outlet of a spout. Each of the references below disclose the limitation of the claim as well. <i>See, e.g.,</i></p> <p>U.S. Patent No. 5,203,468 (“Hsu”): <i>See</i> Appendix B2 (Claim 14[f]).</p> <p>JP 2002-21163 (“Nakagima”): <i>See</i> Appendix B3 (Claim 14[f]).</p> <p>KR 200282506 (“Park”): <i>See</i> Appendix B4 (Claim 14[f]).</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> <p>FIG.1</p>  </div> <div style="text-align: center;"> <p>FIG.2</p>  </div> </div> <p>US 6,390,341 (“Ohmi”):</p>

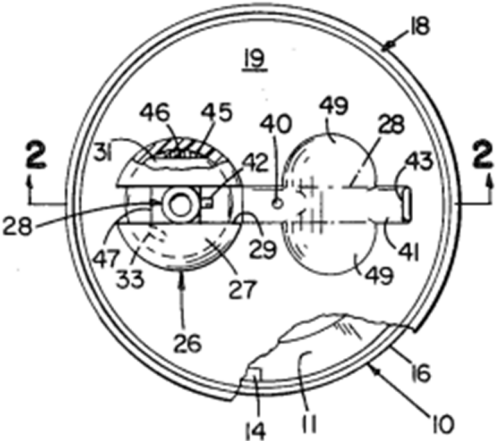
Appendix D1
WO2004063042A2 (“Ribarits”)

Claim Language	Disclosure in Prior Art
	<p style="text-align: center;">Fig. 2</p>  <p>A POSITA would have been motivated to add a dust cover and lateral guards to protect the spout in Ribarits, including the dust cover and lateral guards disclosed above. A POSITA would have been motivated to make this substitution for several reasons.</p> <p>First, a POSITA would have been motivated to add a dust cover and lateral guards to cover more exposed surface of the Ribartits spout to improve hygiene and to reduce the risk of accidental opening.</p> <p>Second, the substitution represents nothing more than the simple addition of one known element (a dust cover and lateral guards) to another known element (Ribarits’ cap) to obtain predictable results (a spout protected by a dust cover and lateral guards). <i>KSR</i>, 550 U.S. at 417.</p> <p>Third, the combination also represents the use of a known technique (using a dust cover and lateral guards to improve hygiene and prevent accidental opening) to improve a similar device (Ribarits’ cap) in the same way. <i>KSR</i>, 550 U.S. at 417.</p> <p>Fourth, using a dust cover and lateral guards was well-known, leading a POSITA to reasonably expect success in the combination.</p>

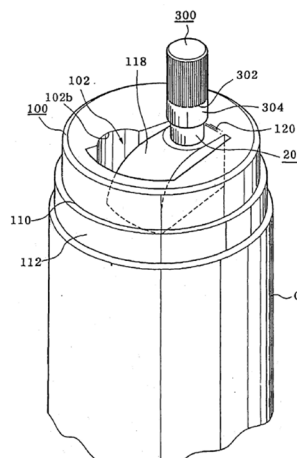
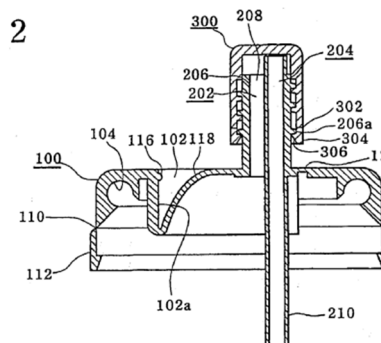
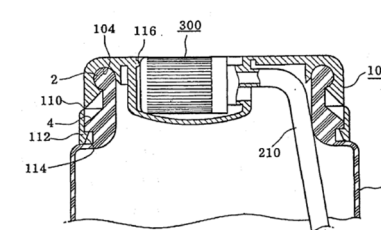
Appendix D1
WO2004063042A2 (“Ribarits”)

Claim Language	Disclosure in Prior Art
	<p>Finally, the combination applies a known technique (using a dust cover and lateral guards for better hygiene and security) to a known device (Ribarits’ cap) that is ready for improvement and yields predictable results (a spout protected by a dust cover and lateral guards). <i>KSR</i>, 550 U.S. at 417.</p>
<p>4. The drink container of claim 3, wherein when the resilient mouthpiece is pivoted from the stowed position to the dispensing position, the resilient mouthpiece pivots away from the dust cover.</p>	<p>Ribarits: Ribarits discloses the drink container of claim 3, wherein when the resilient mouthpiece is pivoted from the stowed position to the dispensing position, the resilient mouthpiece pivots away from the dust cover.</p> <p>Ribarits, Fig. 1 (open) and 1 (closed) (annotated):</p>  <p>It would have been obvious to modify Ribarits to include a dust cover extending between the pair of lateral guards in view of the knowledge of one skilled in the art. Using a dust cover and lateral guards to protect a spout was well known by the time of the invention to cover as much of the exposed area of the spout. One reason was for hygienic purposes, to ensure the portion of the lid that contacted a user’s mouth remained clean and free of dirt. Another reason was to protect a rotatable spout, such as Ribartis’ spout, from accidental opening.</p>

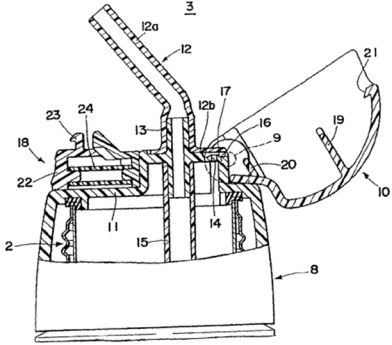
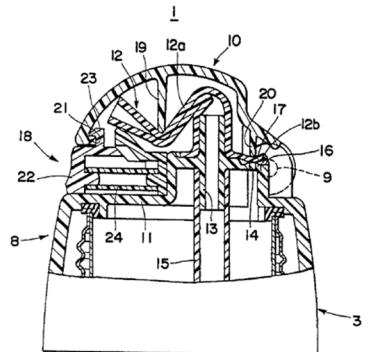
Appendix D1
WO2004063042A2 (“Ribarits”)

Claim Language	Disclosure in Prior Art
	<p>The prior art includes many examples in the context of reusable beverage containers like Ribarits using a dust cover extending between a pair of lateral guards to protect the dispensing outlet of a spout. Each of the references identified below disclose the limitation of Claim 14[d]. <i>See, e.g.</i>,</p> <p>4,485,963 (“Panicci”):</p> <p style="text-align: center;">FIG 1</p>  <p>Panicci at 3:35-51: “Cover 18 includes a storage recess 41 in the plane of slot 29, sized to accommodate the upper tubular portion of straw member 28. An air hole 40 in recess 41 allows air into the cup to equalize the pressure inside and out side the cup and thus enhance the pressure differential during use of the straw. When segment 28 is pivoted into recess 41, pin 42 on straw member 28 plugs hole 40 to prevent spilling and contamination of the cup’s contents. Pin 42 is sized to be force-fitted into air hole 40, and air hole 40 tapers very slightly inwardly to hold pin 42, thus sealing hole 40. Tab 43 at the end of recess 41 is positioned to cover the upper end of straw segment 26 to avoid contamination of the straw. Gripping recesses 49 on either side of storage recess 41 allow access to the sides and bottom of straw member 28 to pull pin 42 from hole 40 and thus easily remove straw member 28 from recess 41.”</p> <p>US20030102318 (“Lee”) at [0046]: “The outflow means 200 coupled with the cap 300 is folded into a concave space 102 of the main body 100 by a bending means(see FIG. 3), or is vertically erected(see FIGS. 1 and 2).”</p>

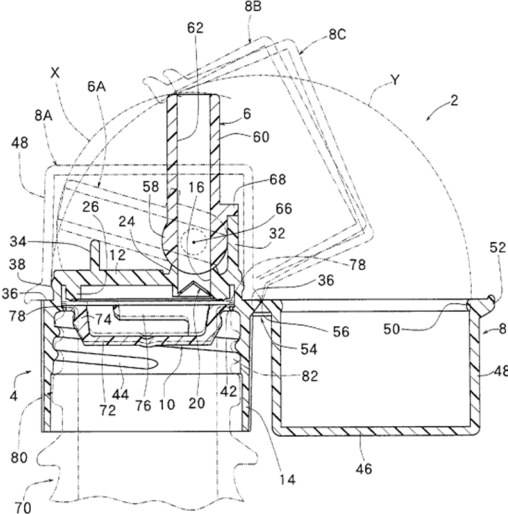
Appendix D1
WO2004063042A2 (“Ribarits”)

Claim Language	Disclosure in Prior Art
	<p>FIG. 1</p>  <p>FIG. 2</p>  <p>FIG. 3</p>  <p>US20020040909 (“Goto”) at [25]: “The cap body 3 includes a lid body 8 threadably and releasably mounted to a threaded portion 7 formed at a shoulder of the container body 2 and a cap 10 rotatively installed at the lid body 8 via a hinge axle 9.”</p>

Appendix D1
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Claim Language	Disclosure in Prior Art
	<p>The prior art also includes many examples in the context of reusable beverage containers like Ribarits using a cap serving as a dust cover extending between lateral a pair of lateral guards to protect the dispensing outlet of a spout. Each of the references below disclose the limitation of Claim 14[d] as well. <i>See, e.g.,</i></p> <p>U.S. Patent No. 5,203,468 (“Hsu”): <i>See</i> Appendix B2 (Claim 14[f]).</p> <p>JP 2002-21163 (“Nakagima”): <i>See</i> Appendix B3 (Claim 14[f]).</p> <p>KR 200282506 (“Park”): <i>See</i> Appendix B4 (Claim 14[f]).</p> <div style="text-align: center;"> <p>FIG.1</p>  </div> <div style="text-align: center;"> <p>FIG.2</p>  </div> <p>US 6,390,341 (“Ohmi”):</p>

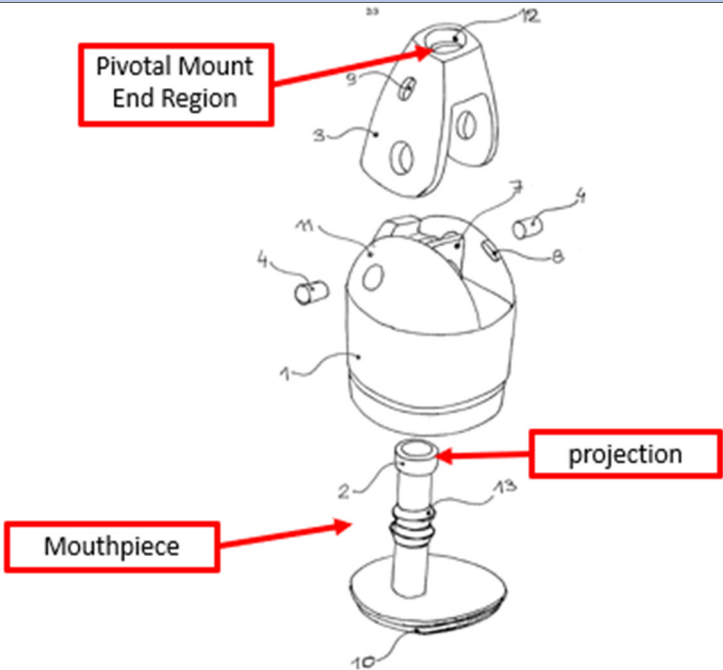
Appendix D1
WO2004063042A2 (“Ribarits”)

Claim Language	Disclosure in Prior Art
	<p style="text-align: center;">Fig. 2</p>  <p>A POSITA would have been motivated to add a dust cover and lateral guards to protect the spout in Ribarits, including the dust cover and lateral guards disclosed above. A POSITA would have been motivated to make this substitution for several reasons.</p> <p>First, a POSITA would have been motivated to add a dust cover and lateral guards to cover more exposed surface of the Ribartits spout to improve hygiene and to reduce the risk of accidental opening.</p> <p>Second, the substitution represents nothing more than the simple addition of one known element (a dust cover and lateral guards) to another known element (Ribarits’ cap) to obtain predictable results (a spout protected by a dust cover and lateral guards). <i>KSR</i>, 550 U.S. at 417.</p> <p>Third, the combination also represents the use of a known technique (using a dust cover and lateral guards to improve hygiene and prevent accidental opening) to improve a similar device (Ribarits’ cap) in the same way. <i>KSR</i>, 550 U.S. at 417.</p> <p>Fourth, using a dust cover and lateral guards was well-known, leading a POSITA to reasonably expect success in the combination.</p>

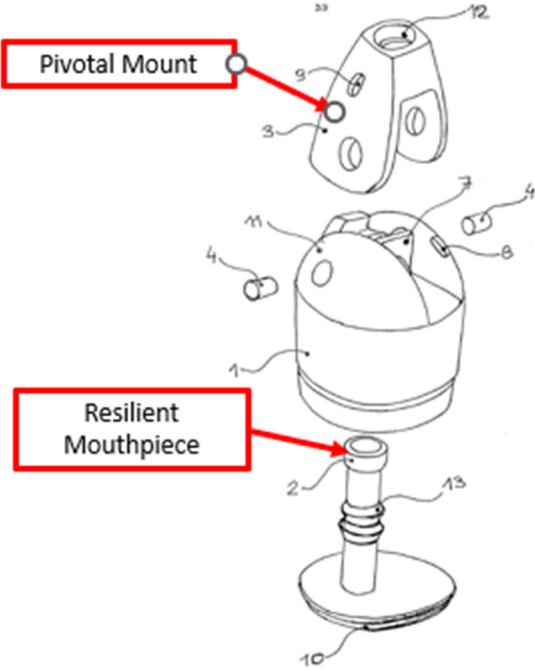
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	<p>Finally, the combination applies a known technique (using a dust cover and lateral guards for better hygiene and security) to a known device (Ribarits’ cap) that is ready for improvement and yields predictable results (a spout protected by a dust cover and lateral guards). <i>KSR</i>, 550 U.S. at 417.</p>
<p>5. The drink container of claim 3, wherein the dust cover projects above an upper surface of the cap assembly base.</p>	<p>Ribarits: Ribarits renders obvious the drink container of claim 3, wherein the dust cover projects above an upper surface of the cap assembly base.</p> <p>As discussed elsewhere herein, a POSITA would have been motivated to add a dust cover and lateral guards to protect the spout in Ribarits. See Appendix B1 at Claim 14[f]. Each of the identified combinations would have resulted in a dust cover projecting above an upper surface of the cap assembly base. <i>Id.</i></p>
<p>9. The drink container of claim 1, wherein the resilient mouthpiece includes projections that extend generally transverse to the portion of the fluid conduit that extends through the resilient mouthpiece, and further wherein the projections engage an end region of the pivotal mount.</p>	<p>Ribarits: Ribarits discloses the drink container of claim 1, wherein the resilient mouthpiece includes projections that extend generally transverse to the portion of the fluid conduit that extends through the resilient mouthpiece, and further wherein the projections engage an end region of the pivotal mount.</p> <p>Ribarits, Fig. 2 [annotated]:</p>

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	 <p>Ribarits at [61-68]: “If you now want to drink from this drinking device screwed onto a PET bottle, the following patented mechanism is activated. The drinking spout is movably mounted in the wing parts placed on top of the closure cap using both axes. When the drinking bowl is swiveled open, the elastic hose drawn into it is directed and the opening is thus released. The. in the bottle. The liquid can now be removed via the hose guided in the drinking spout, with the seal being achieved by screwing the bottle neck onto the sealing part of this element. If the device is now to be closed, the hose is moved between the outlet opening of the cap and the receptacle in the drinking spout by folding down the drinking spout. of the two webs are bent and the device is closed.”</p> <p>Ribarits, claim 1: “ Drinking device consisting of a closure cap (1), a sealing hose element (2) inserted into it and a drinking spout (3) which is fastened in the side wing parts (11) via two axle bolts (4), the sealing hose element (2) is pushed into the drinking spout (3), characterized in that when the closure cap (1) is screwed onto the bottle (5) the necessary seal is created by means of the sealing rings (10) and that the knobs (11) attached to the wing parts (8) into the recesses (9) on the drinking spout (3).”</p>

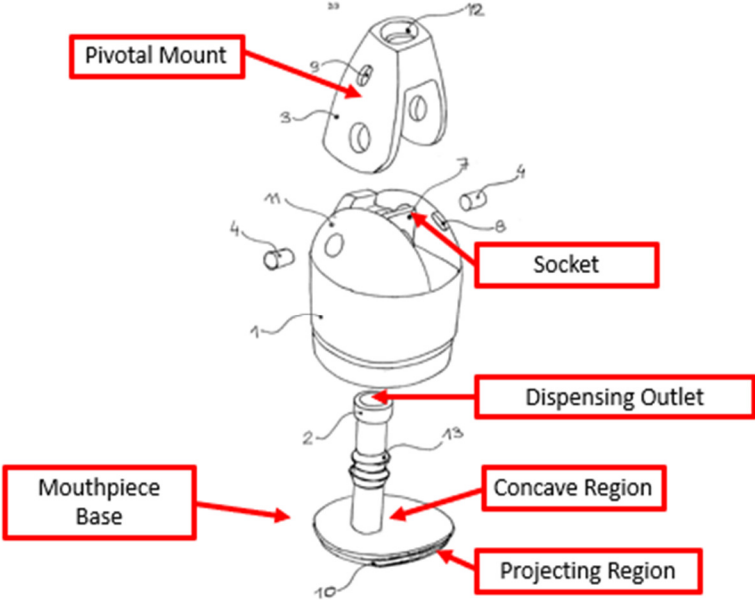
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	<p>To the extent Ribartis does not disclose multiple projections, modifying the mouthpiece of Ribartis to include multiple projections would have been obvious in view of the knowledge of a POSITA. Adding one or more projections that could engage with one or more corresponding depressions in Ribartis’ pivotal mount would improve the connectivity between the mouthpiece and pivotal mount, ensuring that the components do not accidentally disengage.</p>
<p>11. The drink container of claim 1, wherein the resilient mouthpiece is configured to be selectively removed from and recoupled to the pivotal mount.</p>	<p>Ribarits: Ribarits discloses the drink container of claim 1, wherein the resilient mouthpiece is configured to be selectively removed from and recoupled to the pivotal mount.</p> <p>Ribarits, Fig. 2 (annotated):</p>  <p>Ribarits at [61-68]: “If you now want to drink from this drinking device screwed onto a PET bottle, the following patented mechanism is activated. The drinking spout is movably mounted in the wing parts placed</p>

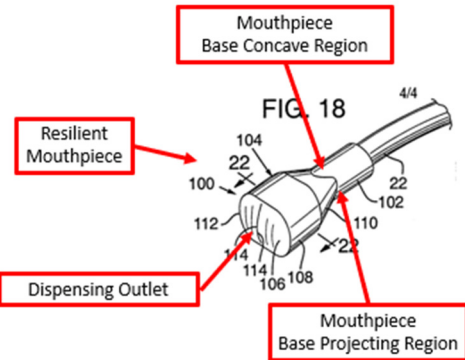
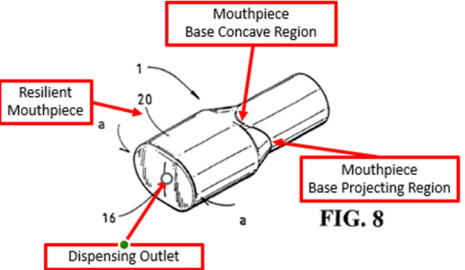
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	<p>on top of the closure cap using both axes. When the drinking bowl is swiveled open, the elastic hose drawn into it is directed and the opening is thus released. The. in the bottle. The liquid can now be removed via the hose guided in the drinking spout, with the seal being achieved by screwing the bottle neck onto the sealing part of this element. If the device is now to be closed, the hose is moved between the outlet opening of the cap and the receptacle in the drinking spout by folding down the drinking spout. of the two webs are bent and the device is closed.”</p> <p>Ribarits, claim 1: “ Drinking device consisting of a closure cap (1), a sealing hose element (2) inserted into it and a drinking spout (3) which is fastened in the side wing parts (11) via two axle bolts (4), the sealing hose element (2) is pushed into the drinking spout (3), characterized in that when the closure cap (1) is screwed onto the bottle (5) the necessary seal is created by means of the sealing rings (10) and that the knobs (11) attached to the wing parts (8) into the recesses (9) on the drinking spout (3).”</p>
<p>12. The drink container of claim 11, wherein the resilient mouthpiece includes a mouthpiece base with an end distal the dispensing outlet that has a contoured configuration that does not extend at a constant distance from the dispensing outlet, wherein the end of the resilient mouthpiece base includes a projecting region and a concave region, wherein the projecting region of the end of the mouthpiece base extends a greater distance away from the dispensing outlet than the concave region of the end of the mouthpiece base, and further wherein the pivotal mount is configured to engage the projecting region and the concave region of the mouthpiece base to restrict rotation of the resilient mouthpiece relative to the pivotal mount.</p>	<p>Ribarits:</p> <p>Ribarits discloses the drink container of claim 11, wherein the resilient mouthpiece includes a mouthpiece base with an end distal the dispensing outlet that has a contoured configuration that does not extend at a constant distance from the dispensing outlet, wherein the end of the resilient mouthpiece base includes a projecting region and a concave region, wherein the projecting region of the end of the mouthpiece base extends a greater distance away from the dispensing outlet than the concave region of the end of the mouthpiece base, and further wherein the pivotal mount is configured to engage the projecting region and the concave region of the mouthpiece base to restrict rotation of the resilient mouthpiece relative to the pivotal mount.</p> <p>Ribarits, Fig. 2 [annotated]:</p>

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	 <p>Ribarits at ll.61-68: “If you now want to drink from this drinking device screwed onto a PET bottle, the following patented mechanism is activated. The drinking spout is movably mounted in the wing parts placed on top of the closure cap using both axes. When the drinking bowl is swiveled open, the elastic hose drawn into it is directed and the opening is thus released. The. in the bottle. The liquid can now be removed via the hose guided in the drinking spout, with the seal being achieved by screwing the bottle neck onto the sealing part of this element. If the device is now to be closed, the hose is moved between the outlet opening of the cap and the receptacle in the drinking spout by folding down the drinking spout. of the two webs are bent and the device is closed.”</p> <p>Ribarits, claim 1: “ Drinking device consisting of a closure cap (1), a sealing hose element (2) inserted into it and a drinking spout (3) which is fastened in the side wing parts (11) via two axle bolts (4), the sealing hose element (2) is pushed into the drinking spout (3), characterized in that when the closure cap (1) is screwed onto the bottle (5) the necessary seal is created by means of the sealing rings (10) and that the knobs (11) attached to the wing parts (8) into the recesses (9) on the drinking spout (3).”</p>

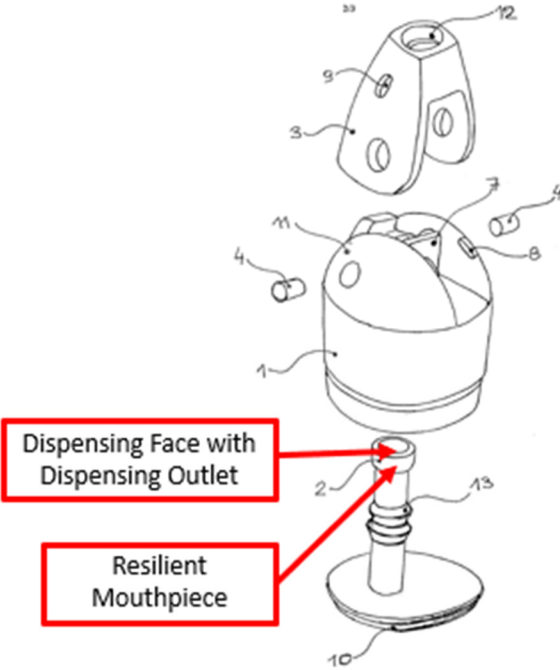
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Claim Language	Disclosure in Prior Art
	<p>To the extent Defendant argues that Ribarits does not disclose a resilient mouthpiece as described in Claim 19, it would have been obvious to modify Ribarits to include this feature in view of the knowledge of one skilled in the art. As discussed above in claim 14[d], a POSITA would have understood that other materials or mouthpieces could be used with Ribarits’ lid, including the resilient mouthpieces disclosed in McCormack and Yang, and a POSITA would have been motivated to make this substitution for the reasons discussed above.</p> <p>Many of these references disclose a resilient mouthpiece as described in Claim 19. <i>See, e.g.,</i></p> <p>McCormack at Fig. 18:</p>  <p>Yang at Fig. 8:</p> 

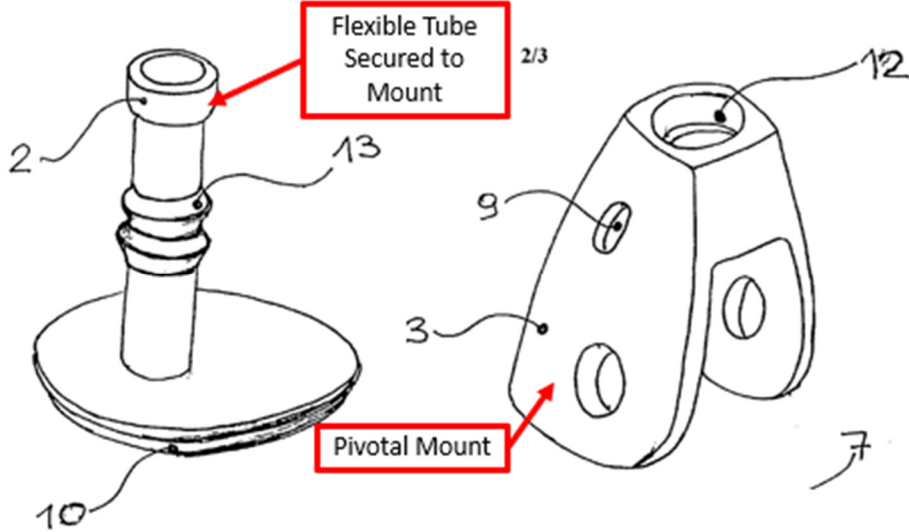
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Claim Language	Disclosure in Prior Art
	<p>A POSITA would have understood that modifying Ribarits to include the resilient mouthpieces disclosed in McCormack and Yang would include mounting the bite actuated valve to the pivotal mount disclosed in Ribarits. It would have been obvious to configure the resulting pivotal mount to engage the projecting region and the concave region of the mouthpiece base to restrict rotation of the resilient mouthpiece on the pivotal mount. This is because bite actuated mouthpiece such as those in McCormack and Yang are directional, i.e., they are intended to be compressed along one axis but not the other. A POSITA would have understood that applying a bite force to the resilient mouthpiece in a direction perpendicular to the dispensing outlet slit would open the valve to permit dispensing fluid, while biting on the resilient mouthpiece in a direction parallel to the dispensing outlet slit would not. Therefore, a POSITA would have recognized the need to maintain the mouthpiece orientation when combined with Ribarits’ pivotal mount.</p>
<p>13. The drink container of claim 1, wherein the resilient mouthpiece includes a dispensing face, and further wherein the dispensing outlet extends through the dispensing face of the resilient mouthpiece.</p>	<p>Ribarits: Ribarits discloses the drink container of claim 1, wherein the resilient mouthpiece includes a dispensing face, and further wherein the dispensing outlet extends through the dispensing face of the resilient mouthpiece.</p> <p>Ribarits, Fig. 2 (annotated):</p>

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Claim Language	Disclosure in Prior Art
	 <p>The diagram shows a cross-sectional view of a drink container assembly. At the top is a cap (3) with a handle (9) and a latch (12). Below the cap is a main body (1) with a flexible tube (4) extending from the top. The tube is secured to a pivotal mount (10) at the bottom. A callout box labeled 'Dispensing Face with Dispensing Outlet' points to the top of the tube (2). Another callout box labeled 'Resilient Mouthpiece' points to the bottom of the tube (13). Other components labeled include 11, 14, 15, and 16.</p>
<p>19. The drink container of claim 1, wherein the flexible tube is secured to the pivotal mount.</p>	<p>Ribarits: Ribarits discloses the drink container of claim 1, wherein the flexible tube is secured to the pivotal mount.</p> <p>Ribarits, Fig. 2 (annotated, excerpt):</p>

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Claim Language	Disclosure in Prior Art
	 <p>The diagram shows a cross-sectional view of a drinking device. A central vertical tube (2) is shown with a flexible tube (2/3) secured to a mount (13). The tube (2) is inserted into a drinking spout (3) of a container (7). The container (7) has a pivotal mount (10) at its base. Other components labeled include 9, 12, and 13. Red boxes highlight the 'Flexible Tube Secured to Mount' and 'Pivotal Mount' labels, with red arrows pointing to the corresponding parts in the drawing.</p> <p>Ribarits, claim 1: “ . . . (4), the sealing hose element (2) is pushed into the drinking spout (3),”</p>