

Appendix D3

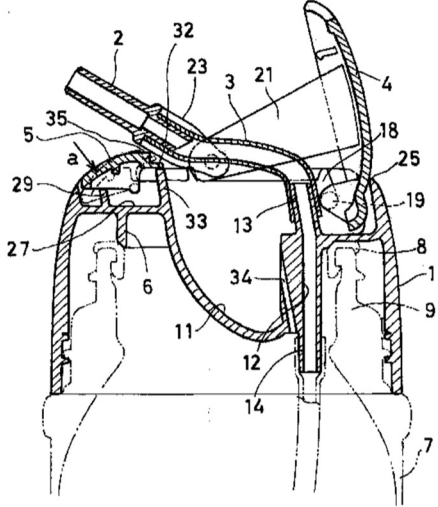
JP 2002-21163 (“Nakajima”)

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.

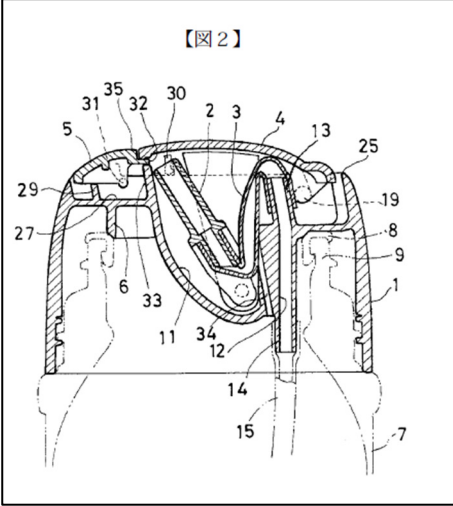
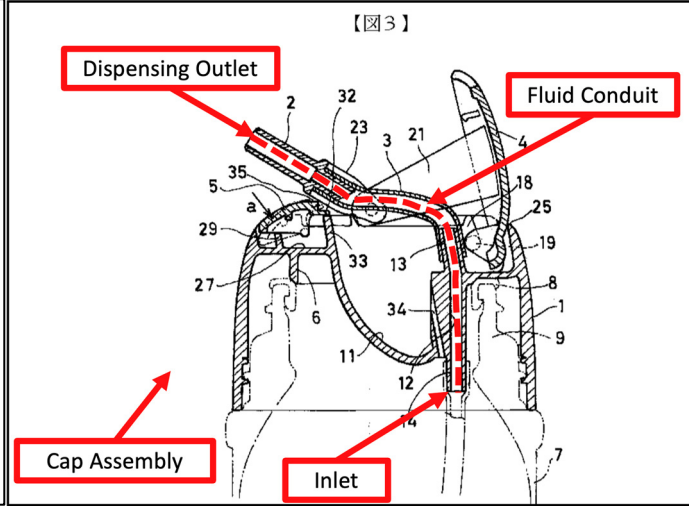
Claim Chart for U.S. Patent No. 10,676,255 (“the ‘255 patent”)

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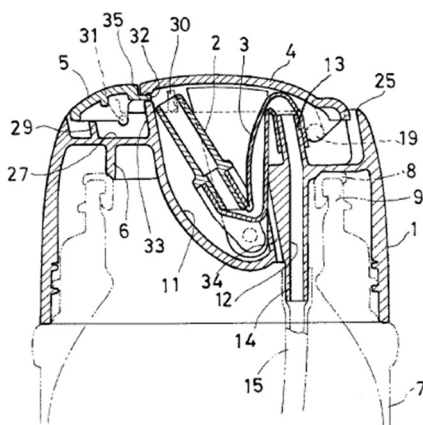
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Claim Language	Disclosure in Prior Art
<p>1[a]. a fluid container having a neck with an opening and having an internal compartment sized to hold a volume of potable drink fluid;</p>	<p>Nakajima: Nakajima discloses a fluid container having a neck with an opening and having an internal compartment sized to hold a volume of potable drink fluid.</p> <p>Nakajima at [0001]: “The present invention relates to a stopper with a spout for a liquid container such as a water bottle.”</p> <p>Nakajima at [0007]: The “present invention provides a method for attaching the mouthpiece communicating with the inside of the container upwardly to the stopper main body, and for attaching the mouthpiece communicating with the inside of the container to the stopper body, and for attaching the mouthpiece to the lid hinge to cover the mouthpiece. In a stopper with a spout for a liquid container...”</p> <p>Nakajima, Fig 3:</p> <p style="text-align: center;">【図3】</p>  <p>Nakajima at [0013]: “container 7.”</p>

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Claim Language	Disclosure in Prior Art
<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 cap assembly to a user, and further wherein the cap assembly comprises:</p>	<p>Nakajima: Nakajima 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>Nakajima at [0013]: “The stopper body 1 is provided with an annular rib 6 (see FIG. 2) on its lower surface, and seals the mouth 9 of the container 7 by pressing the rib 6 against the mouth packing 8 of the container 7.”</p> <p>Nakajima, Figs 2 and 3 (annotated):</p> <div style="display: flex; justify-content: space-around;">   </div> <p>Nakajima at [0005]: “[Problems to be Solved by the Invention] On the other hand, from the user's standpoint, in order to maintain the cleanliness of the [prior art] liquid container, when cleaning the inside of the stopper, it is necessary to remove the lid and perform cleaning and other maintenance. You may want to. In this case, since the lid is forcibly fitted as described above, it is difficult to remove it easily, and if you try to remove it forcibly, there is a risk that part of the lid will be destroyed.”</p> <p>Nakajima at [0006]: “Therefore, the present invention provides a stopper with a suction spout for the above-</p>

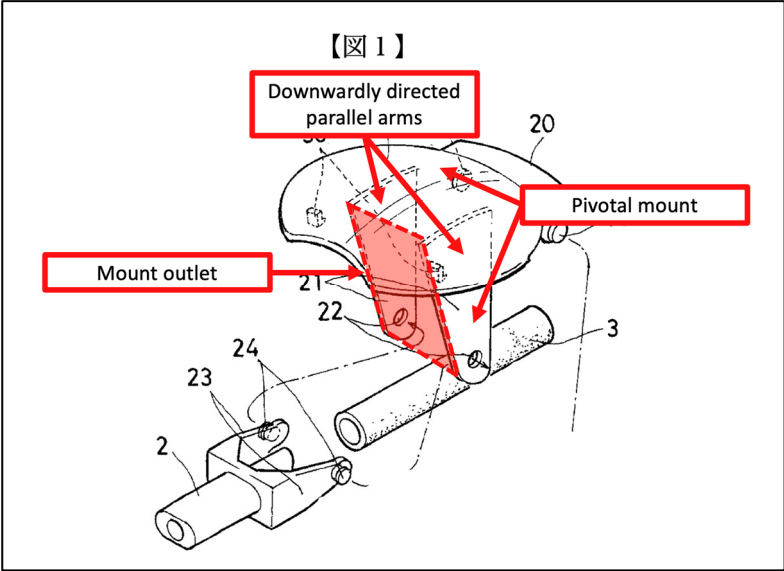
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Claim Language	Disclosure in Prior Art
	<p>mentioned lid, which does not easily come off during normal use, but can be easily removed when cleaning is required without destroying it.”</p> <p>Nakajima, claim 1: “The suction spout that communicates with the inside of the container ...”</p>
<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>Nakajima: Nakajima 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>Nakajima at [0013]: “The stopper body 1 is provided with an annular rib 6 (see FIG. 2) on its lower surface, and seals the mouth 9 of the container 7 by pressing the rib 6 against the mouth packing 8 of the container 7.”</p> <p style="text-align: center;">【図 2】</p> 

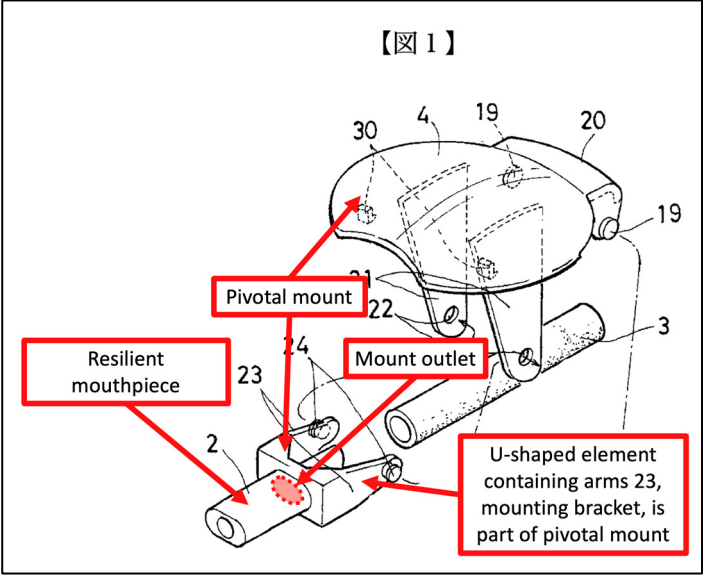
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Claim Language	Disclosure in Prior Art
	<p>Nakajima, Figs. 1 and 3 (annotated):</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div data-bbox="726 345 1335 821"> <p style="text-align: center;">【図3】</p> <p style="position: absolute; top: 220px; left: 560px; border: 1px solid red; padding: 2px;">Cap Assembly base removably coupled to neck of fluid container</p> <p style="position: absolute; top: 360px; left: 365px; border: 1px solid red; padding: 2px;">Neck</p> <p style="position: absolute; top: 480px; left: 450px; border: 1px solid red; padding: 2px;">Fluid Container</p> </div> <div data-bbox="1356 345 1835 821"> <p style="text-align: center;">【図1】</p> <p style="position: absolute; top: 225px; left: 660px; border: 1px solid red; padding: 2px;">Cap Assembly base decoupled from neck of fluid container</p> </div> </div> <p>Nakajima at [0006]: “Therefore, the present invention provides a stopper with a suction spout for the above-mentioned lid, which does not easily come off during normal use, but can be easily removed when cleaning is required without destroying it.”</p>

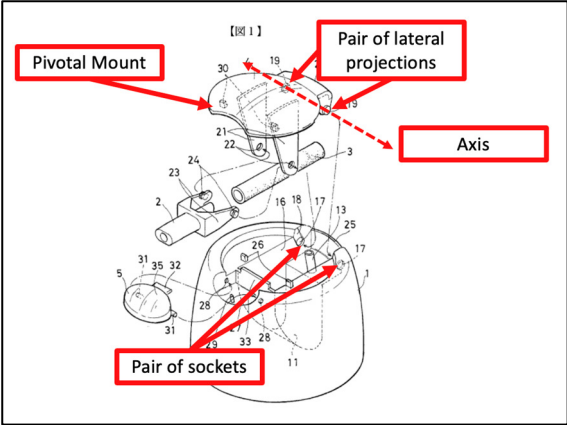
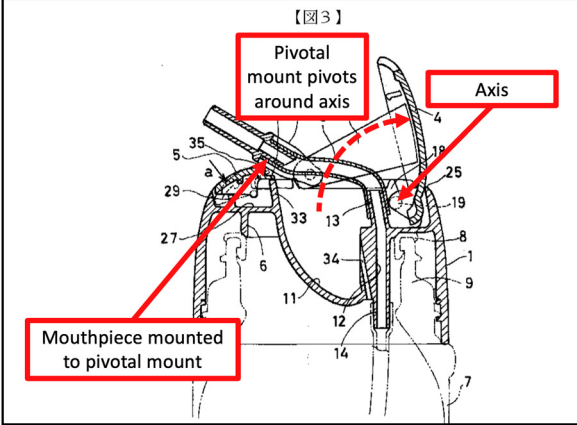
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Claim Language	Disclosure in Prior Art
<p>1[d]. a pivotal mount coupled to the cap assembly base for pivotal movement relative to the cap assembly base, the pivotal mount comprising a mount outlet,</p>	<p>Nakajima: Nakajima discloses a pivotal mount coupled to the cap assembly base for pivotal movement relative to the cap assembly base, the pivotal mount comprising a mount outlet.</p> <p>Nakajima, Fig 1 (cropped and annotated):</p>  <p>The diagram, labeled 【図 1】, shows a perspective view of a mechanical assembly. A cap assembly base (20) is at the top. A pivotal mount (21) is attached to the base. A mount outlet (22) is located on the pivotal mount. Two downwardly directed parallel arms (23, 24) are shown. Other components are labeled 2, 3, and 24.</p>

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Claim Language	Disclosure in Prior Art
	<p>Alternately, the arms on the mouthpiece are also part of the pivotal mount.</p> <p>Nakajima, Fig 1 (cropped and annotated):</p>  <p>【図 1】</p> <p>30 4 19 20</p> <p>19 3</p> <p>Pivotal mount 21 22</p> <p>Resilient mouthpiece 23 24</p> <p>Mount outlet 2</p> <p>U-shaped element containing arms 23, mounting bracket, is part of pivotal mount</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>Nakajima: Nakajima 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>Nakajima at [0008]: “According to the above configuration, in normal use, the hinge shaft rotates while being regulated by the inner circumferential wall of the bearing recess as the lid is opened and closed.”</p> <p>Nakajima at [0016]: “A pair of hinge shafts 19, 19 are provided on both left and right sides of a hinge portion 20 (see FIG. 1) provided at the rear end of the lid 4, and each hinge shaft 19 is rotatably fitted into each bearing recess 17.”</p> <p>Nakajima at [0016]: “The lid 4 covers the storage recess 11 and the upper surface of the stopper body 1 in the</p>

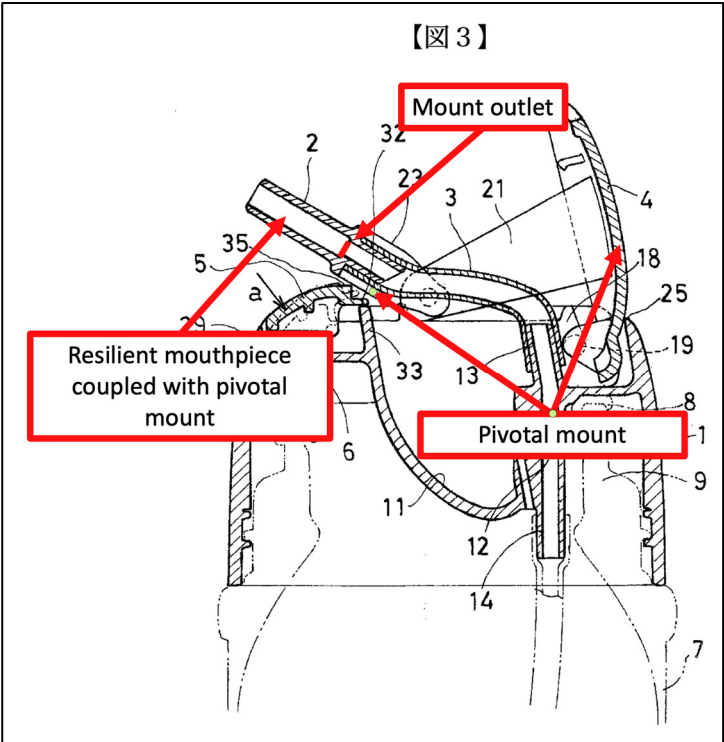
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Claim Language	Disclosure in Prior Art
	<p>vicinity thereof. A pair of leg pieces 21, 21 are provided on the lower surface of the lid 4, and a protrusion 24 of an arm 23 provided on the mouthpiece 2 is rotatably fitted into a hole 22 provided at the lower end of each leg piece 21.”</p> <p>Nakajima at [0016]: “A pair of hinge shafts 19, 19 are provided on both left and right sides of a hinge portion 20 (see FIG. 1) provided at the rear end of the lid 4, and each hinge shaft 19 is rotatably fitted into each bearing recess 17.”</p> <p>Nakajima at [0020]: When the upper surface of the rear end of the button 5 is pushed in (see arrow a in FIG. 3), the protruding piece 32 side of the button 5 rises, which pushes the lid 4 upward and engages the engaging hook 30. The engagement of the engagement protrusion 26 is disengaged, and the lid 4 is pushed open by the restoring elasticity of the suction hose 3.</p> <p>Nakajima, Figs. 1 and 3 (annotated):</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;">   </div>

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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>Nakajima: Nakajima 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>Nakajima, Fig 1 (cropped and annotated) and 3 (annotated):</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div data-bbox="730 500 1318 1015" style="text-align: center;"> <p>【図 1】</p> </div> <div data-bbox="1339 500 1801 1015" style="text-align: center;"> <p>【図 3】</p> </div> </div> <p>To the extent Defendant argues that Nakajima does not disclose a resilient mouthpiece it would have been obvious to modify Nakajima to include a resilient mouthpiece in view of the knowledge of one skilled in the art. As discussed elsewhere herein, the prior art includes many examples in the context of reusable beverage containers like Nakajima of resilient mouthpieces adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth. <i>See</i> Appendix B1 (“Ribarits”) at Claim 14[d]), Appendix B2 (“Nakajima”) at Claim 14[d]).</p> <p>Alternately, the arms on the mouthpiece are also part of the pivotal mount. Under this alternative Nakajima also 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>

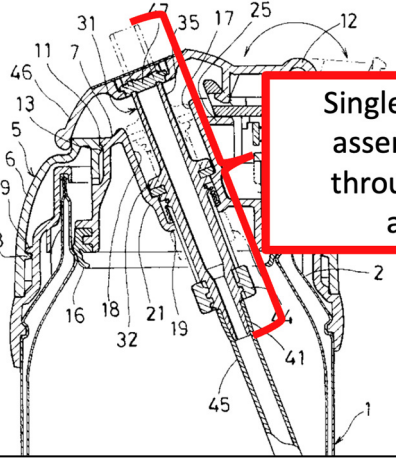
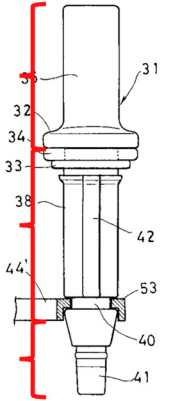
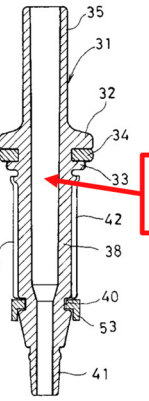
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Claim Language	Disclosure in Prior Art
	<p>Nakajima, Fig 3 (annotated):</p>  <p>A POSITA would have understood that the mouthpiece disclosed in Nakajima passes through the arms on the mouthpiece portion of the pivotal mount and is removably coupled thereto. To the extent Defendants argue that arms on the mouthpiece does not disclose a resilient mouthpiece engaged with the mount outlet and removably coupled to the pivotal mount, it would have been obvious to modify arms on the mouthpiece as claimed. For the reasons discussed above, it would have been obvious to modify arms on the mouthpiece to include a bite actuated mouthpiece. It was well known at the time to removably couple bite actuated mouthpieces to a mount outlet. <i>See, e.g.</i>,</p> <p>US20040079775A1 (“Choi”) at Figs. 23, 24.</p>

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Claim Language	Disclosure in Prior Art
	<div data-bbox="730 256 1577 678"> <p>Fig. 23</p> <p>Mount</p> <p>Resilient mouthpiece</p> <p>Mount engaged with resilient mouthpiece</p> </div> <p>Choi at [0097]: “Mouthpiece 44 is formed from a deformable material, such as silicone, and includes a neck 142 that is stretched around fitting 140.”</p> <p>A POSITA would have understood that a resilient mouthpiece could similarly be removably coupled to the arms on the mouthpiece disclosed in Nakajima.</p> <p>It was also well known at the time to removably couple resilient mouthpieces to a mount outlet by passing the mouthpiece assembly through a mounting bracket. <i>See, e.g.</i>,</p> <p>Appendix D1 (Ribarits) at Claim 14[d].</p> <p>Morimoto, Figs 1 (cropped and annotated) and 4 (annotated):</p>

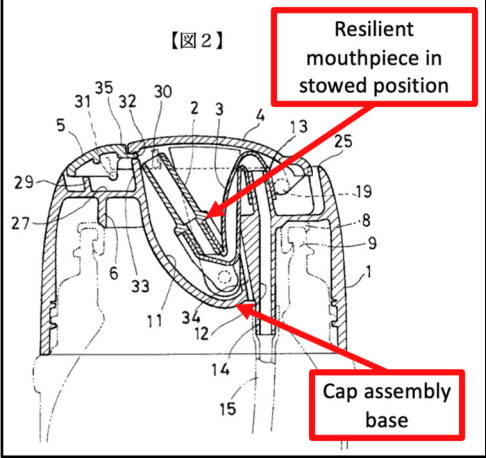
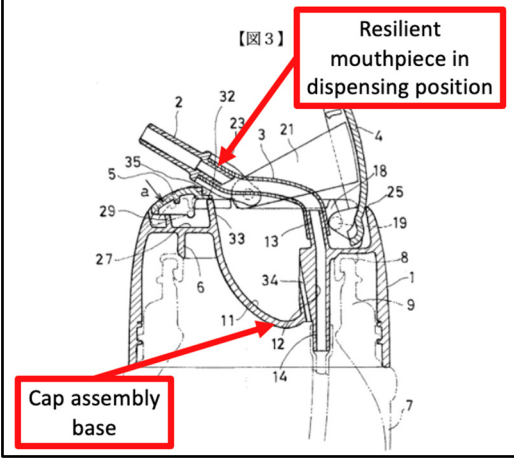
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Claim Language	Disclosure in Prior Art
	<p>【 図 1 】</p>  <p>Single mouthpiece assembly passing through entire lid assembly</p> <p>【 図 4 】</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>(a)</p>  <p>Front portion</p> <p>Mounting bracket</p> <p>Rear portion</p> </div> <div style="text-align: center;"> <p>(b)</p>  <p>Single straw runs through entire interior</p> </div> </div> <p>Either option would meet the requirements for a mouthpiece engaged with the mount outlet and removably coupled to the pivotal mount.</p>

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Claim Language	Disclosure in Prior Art
	<p>A POSITA would have been motivated to modify Nakajima to include a resilient mouthpiece engaged with the mount outlet and removably coupled to the pivotal mount for several reasons.</p> <p>First, a POSITA would have been motivated to make the mouthpiece removable for ease of cleaning and for the ability to replace damaged mouthpieces.</p> <p>Second, the substitution represents nothing more than the simple addition of one known element (a removable mouthpiece) to another known element (a mounting bracket) to obtain predictable results (a mouthpiece removably coupled to a mounting bracket). <i>KSR</i>, 550 U.S. at 417.</p> <p>Third, the combination also represents the use of a known technique (using removable components) to improve a similar device (Nakajima’s mouthpiece) in the same way. <i>KSR</i>, 550 U.S. at 417.</p> <p>Fourth, using a removable mouthpiece was well-known, leading a POSITA to reasonably expect success in the combination.</p> <p>Finally, the combination applies a known technique (using a removable mouthpiece) to a known device (Nakajima ’s mounting bracket) that is ready for improvement and yields predictable results (a removable mouthpiece that is easier to clean and replaceable). <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>Nakajima: Nakajima discloses wherein the resilient mouthpiece defines a portion of the fluid conduit, including the dispensing outlet.</p> <p>Nakajima at [0014]: “The suction hose 3 has the required elasticity. Its elasticity is such that if you bend it into a dogleg shape with your fingertips and then release your hand, it will return to its straight state due to its own elasticity.”</p> <p>Nakajima at [0018]: When the lid 4 is in the closed state, the suction hose 3 is bent at two upper and lower places and folded into the storage recess 11 together with the suction port 2.</p> <p>Nakajima at [0018]: Although the suction hose 3 pushes up the lid 4 due to its elasticity, the engagement force between the engagement hook 30 and the engagement protrusion 26 is large enough to overcome the elasticity and prevent the lid 4 from being opened without permission.</p>

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Claim Language	Disclosure in Prior Art
	<p>Nakajima, Figs. 3 and 2 (annotated):</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;">   </div> <p>To the extent Defendants argue that Nakajima does not disclose a resilient mouthpiece adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth, it would have been obvious to a POSITA in view of the knowledge of a POSITA.</p> <p>To the extent Defendant argues that Nakajima does not disclose the resilient mouthpiece of claim 14[d], it would have been obvious to modify Nakajima 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 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>As discussed elsewhere herein, the prior art includes many examples in the context of reusable beverage containers like Nakajima of resilient mouthpieces adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth. <i>See</i> Appendix B1 (“Ribarits”) at Claim 14[d]).</p> <p>A POSITA would have understood that resilient material such as those used in the references cited above could be used with Hsu's 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 Hsu because a bite actuated mouthpiece would provide a secondary level of protection</p>

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	<p>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 Nakajima 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 Nakajima 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 Nakajima 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 (Nakajima’s 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 (Nakajima’s 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 (Nakajima ’s 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>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 positioned further away from the cap assembly base than when the resilient mouthpiece and the pivotal mount are in the stowed position;</p>	<p>Nakajima: Nakajima 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> <p>Nakajima at [0014]: “The suction hose 3 has the required elasticity. Its elasticity is such that if you bend it into a dogleg shape with your fingertips and then release your hand, it will return to its straight state due to its own elasticity.”</p>

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Claim Language	Disclosure in Prior Art
	<p>Nakajima at [0018]: When the lid 4 is in the closed state, the suction hose 3 is bent at two upper and lower places and folded into the storage recess 11 together with the suction port 2.</p> <p>Nakajima at [0018]: Although the suction hose 3 pushes up the lid 4 due to its elasticity, the engagement force between the engagement hook 30 and the engagement protrusion 26 is large enough to overcome the elasticity and prevent the lid 4 from being opened without permission.</p> <p>Nakajima, Figs. 3 and 2 (annotated):</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div data-bbox="726 529 1211 987"> <p style="text-align: center;">【図 2】</p> <p style="text-align: center;">Resilient mouthpiece in stowed position</p> <p style="text-align: center;">Cap assembly base</p> </div> <div data-bbox="1236 529 1751 987"> <p style="text-align: center;">【図 3】</p> <p style="text-align: center;">Resilient mouthpiece in dispensing position</p> <p style="text-align: center;">Cap assembly base</p> </div> </div> <p>To the extent Defendants argue that Nakajima does not disclose a resilient mouthpiece adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth, it would have been obvious to a POSITA in view of the knowledge of a POSITA.</p> <p>To the extent Defendant argues that Nakajima does not disclose the resilient mouthpiece of claim 14[d], it would have been obvious to modify Nakajima 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 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>

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	<p>As discussed elsewhere herein, the prior art includes many examples in the context of reusable beverage containers like Nakajima of resilient mouthpieces adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth. <i>See</i> Appendix B1 (“Ribarits”) at Claim 14[d]).</p> <p>A POSITA would have understood that resilient material such as those used in the references cited above could be used with Hsu’s 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 Hsu 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 Nakajima 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 Nakajima 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 Nakajima 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 (Nakajima’s 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 (Nakajima’s 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 (Nakajima ’s 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>

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Claim Language	Disclosure in Prior Art
<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>Nakajima: Nakajima 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>Nakajima at [0014]: “The suction hose 3 has the required elasticity. Its elasticity is such that if you bend it into a dogleg shape with your fingertips and then release your hand, it will return to its straight state due to its own elasticity.”</p> <p>Nakajima at [0018]: When the lid 4 is in the closed state, the suction hose 3 is bent at two upper and lower places and folded into the storage recess 11 together with the suction port 2.</p> <p>Nakajima at [0018]: Although the suction hose 3 pushes up the lid 4 due to its elasticity, the engagement force between the engagement hook 30 and the engagement protrusion 26 is large enough to overcome the elasticity and prevent the lid 4 from being opened without permission.</p> <p>Nakajima, Figs. 3 and 2 (annotated):</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div data-bbox="726 787 1211 1245"> <p style="text-align: center;">【図2】</p> </div> <div data-bbox="1236 787 1751 1245"> <p style="text-align: center;">【図3】</p> </div> </div> <p>To the extent Defendants argue that Nakajima does not disclose a resilient mouthpiece adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth, it would have been obvious to a POSITA in view of the knowledge of a POSITA.</p>

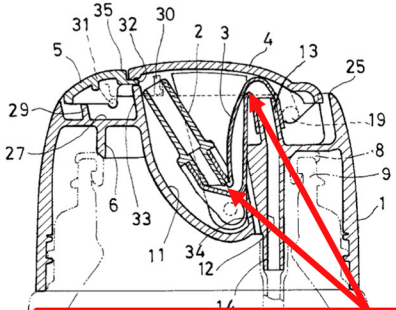
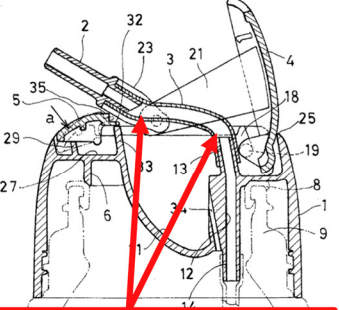
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Claim Language	Disclosure in Prior Art
	<p>To the extent Defendant argues that Nakajima does not disclose the resilient mouthpiece of claim 14[d], it would have been obvious to modify Nakajima to include a resilient mouthpiece in view of the knowledge of one skilled in the art. Resilient mouthpieces adapted to resiliently compress responsive to compressive forces applied to the resilient 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>As discussed elsewhere herein, the prior art includes many examples in the context of reusable beverage containers like Nakajima of resilient mouthpieces adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth. <i>See</i> Appendix B1 (“Ribarits”) at Claim 14[d]).</p> <p>A POSITA would have understood that resilient material such as those used in the references cited above could be used with Hsu's 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 Hsu 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 Nakajima 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 Nakajima 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 Nakajima 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 (Nakajima's 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 (Nakajima's 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>

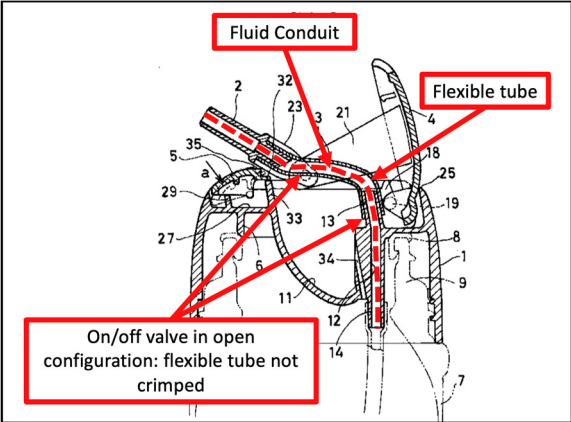
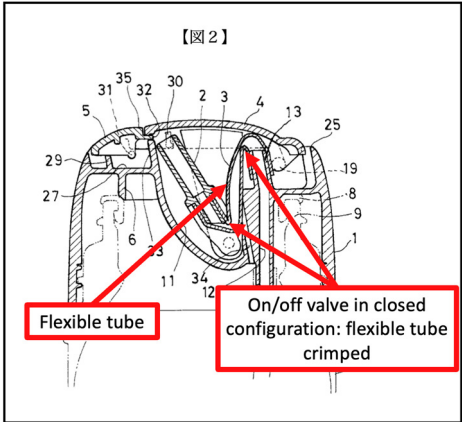
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Claim Language	Disclosure in Prior Art
	<p>Finally, the combination applies a known technique (using a resilient, deformable spout material to enable bite actuation or for comfort) to a known device (Nakajima ’s spout) that is ready for improvement and yields predictable results (a spout with bite-actuated functionality or improved comfort). <i>KSR</i>, 550 U.S. at 417.</p>
<p>1[j]. 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 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; wherein the manual on/off valve includes a flexible tube that defines a portion of the fluid conduit;</p>	<p>Nakajima: Nakajima 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 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; wherein the manual on/off valve includes a flexible tube that defines a portion of the fluid conduit.</p> <p>Nakajima at [0011]: “When the lid 4 is in the closed state, the suction hose 3 is bent at two upper and lower places and folded into the storage recess 11 together with the suction port 2.”</p> <p>Nakajima at [0022]: “The stopper of the liquid container according to the embodiment is constructed as described above, and in a normal state, as shown in FIG. The lid is engaged and is in a closed state covering the storage recess 11. In this case, a portion of the bent suction hose 3 seals the air hole 34 and prevents the liquid inside the container 7 from leaking.”</p> <p>Nakajima at [0023]: “The lid 4 is pushed up and opened by the restoring elasticity of the suction hose 3. In conjunction with the opening of the lid 4, the suction port 2 protrudes above the button 5, and the seal of the air hole 34 is released to prevent the interior of the container 7 from being depressurized.”</p>

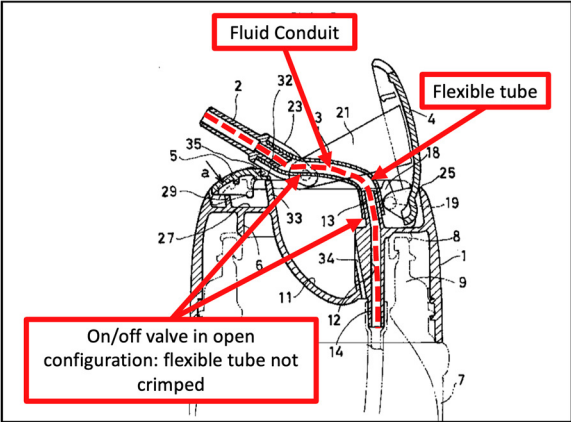
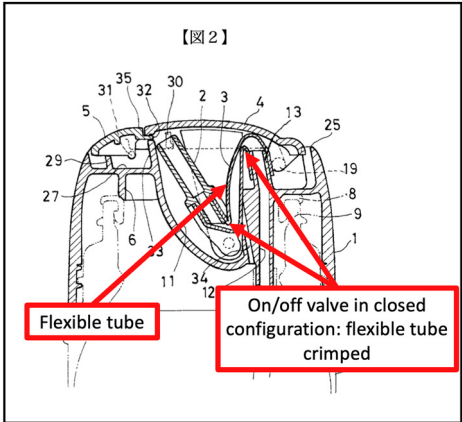
Appendix D3
JP 2002-21163 (“Nakajima”)

Claim Language	Disclosure in Prior Art
	<p>Nakajima, Figs. 3 and 2 (annotated):</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"> <p>【図 2】</p>  <p>On/off valve in closed configuration restricting drink fluid from flowing between the inlet and the dispensing outlet</p> </div> <div style="text-align: center;"> <p>【図 3】</p>  <p>On/off valve in open configuration permitting drink fluid to flow between the inlet and the dispensing outlet</p> </div> </div> <p>Nakajima at [0011]: “an elastic suction hose”</p> <p>Nakajima at [0014]: “The suction hose 3 has the required elasticity.”</p>

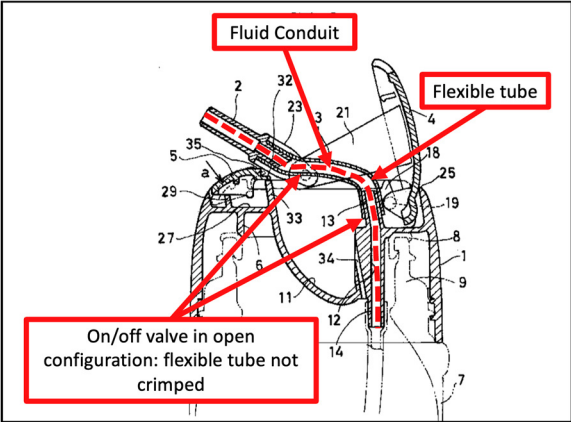
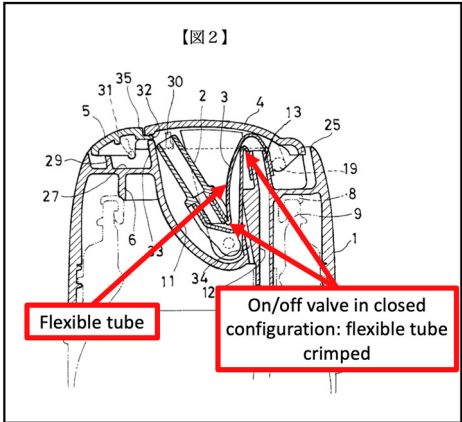
Appendix D3
JP 2002-21163 (“Nakajima”)

Claim Language	Disclosure in Prior Art
	<p>Nakajima, Figs 2 and 3 (annotated):</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;">   </div> <p>Nakajima at [0018]: “When the lid 4 is in the closed state, the suction hose 3 is bent at two upper and lower places and folded into the storage recess 11 together with the suction port 2.”</p>

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Claim Language	Disclosure in Prior Art
<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>Nakajima: Nakajima 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>Nakajima at [0011]: “an elastic suction hose”</p> <p>Nakajima at [0014]: “The suction hose 3 has the required elasticity.</p> <p>Nakajima, Figs 2 and 3 (annotated):</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;">   </div> <p>Nakajima at [0018]: “When the lid 4 is in the closed state, the suction hose 3 is bent at two upper and lower places and folded into the storage recess 11 together with the suction port 2.”</p>

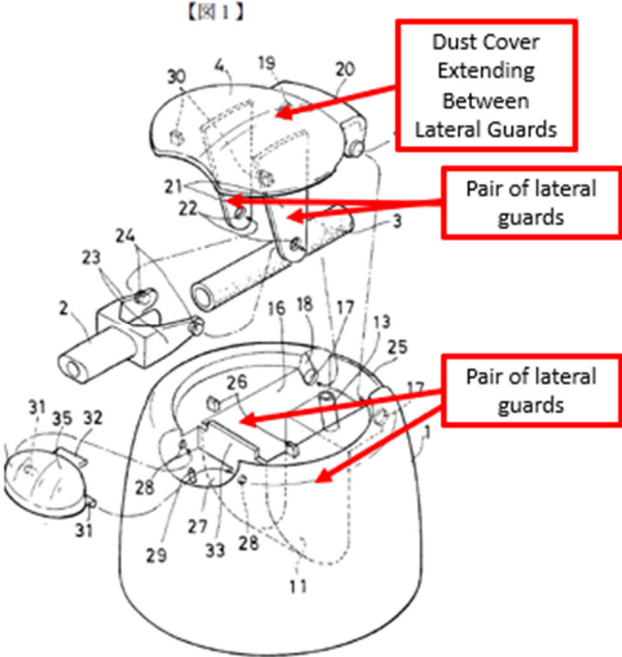
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Claim Language	Disclosure in Prior Art
<p>1[1]. wherein when the manual on/off valve is in the open configuration, the tube is not crimped and does not obstruct the flow of drink fluid through the fluid conduit.</p>	<p>Nakajima: Nakajima discloses 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>Nakajima at [0011]: “an elastic suction hose”</p> <p>Nakajima at [0014]: “The suction hose 3 has the required elasticity.</p> <p>Nakajima, Figs 2 and 3 (annotated):</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;">   </div> <p>Nakajima at [0018]: “When the lid 4 is in the closed state, the suction hose 3 is bent at two upper and lower places and folded into the storage recess 11 together with the suction port 2.”</p>

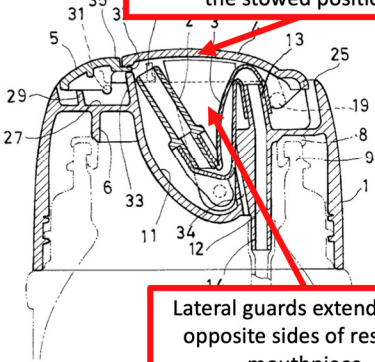
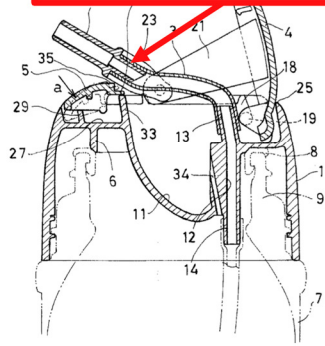
Appendix D3
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Claim Language	Disclosure in Prior Art
<p>3. The drink container of claim 1, wherein the cap assembly includes a pair of lateral guards that extend on opposed sides of the resilient mouthpiece when the resilient mouthpiece and the pivotal 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>Nakajima: Nakajima 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>Nakajima at [0016]: “The lid 4 covers the storage recess 11 and the upper surface of the stopper body 1 in the vicinity thereof.”</p> <p>Nakajima at [0016]: “When the lid 4 is in the closed state, the suction hose 3 is bent at two upper and lower places and folded into the storage recess 11 together with the suction port 2.”</p> <p>Nakajima at [0016]: “A pair of leg pieces 21, 21 are provided on the lower surface of the lid 4, and a protrusion 24 of an arm 23 provided on the mouthpiece 2 is rotatably fitted into a hole 22 provided at the lower end of each leg piece 21.”</p>

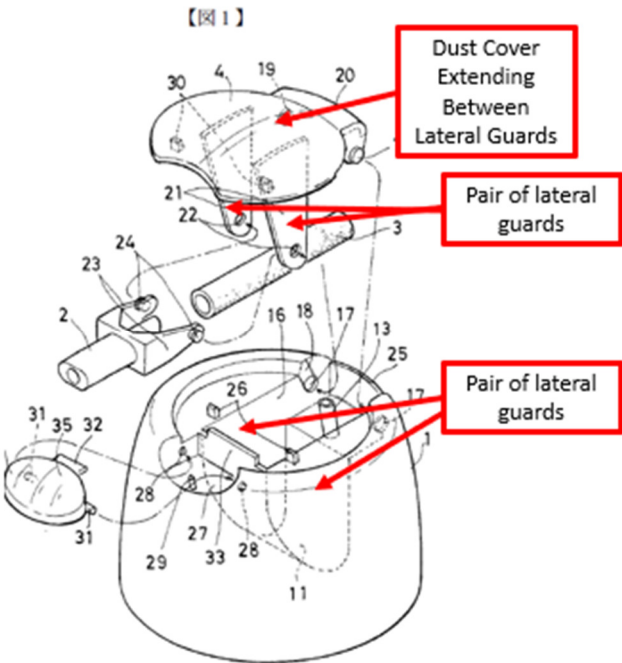
Appendix D3
JP 2002-21163 (“Nakajima”)

Claim Language	Disclosure in Prior Art
	<p>Nakajima, Fig. 1 (annotated):</p> <p style="text-align: center;">【図 1】</p>  <p>The diagram illustrates a mechanical assembly, likely a pump or motor, with various components labeled with numbers. The assembly includes a central cylindrical body (11) with internal components (12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35). A dust cover (19) is shown extending between lateral guards (21, 22). The drawing is annotated with three red boxes and arrows:</p> <ul style="list-style-type: none"> Dust Cover Extending Between Lateral Guards: Points to part 19. Pair of lateral guards: Points to parts 21 and 22. Pair of lateral guards: Points to parts 26 and 27.

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Claim Language	Disclosure in Prior Art
	<p data-bbox="730 289 1125 318">Nakajima, Figs. 2 and 3 (annotated):</p> <div data-bbox="730 347 1257 834"><p data-bbox="905 358 1234 451">Dust cover extending across a portion of the dispensing outlet in the stowed position</p><p data-bbox="940 727 1199 820">Lateral guards extending on opposite sides of resilient mouthpiece</p></div> <div data-bbox="1276 347 1772 834"><p data-bbox="1409 358 1759 451">Resilient mouthpiece pivoted away from dust cover when pivoted to dispensing position</p></div>

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Claim Language	Disclosure in Prior Art
<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>Nakajima: Nakajima 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>Nakajima at [0016]: “The lid 4 covers the storage recess 11 and the upper surface of the stopper body 1 in the vicinity thereof.”</p> <p>Nakajima at [0016]: “When the lid 4 is in the closed state, the suction hose 3 is bent at two upper and lower places and folded into the storage recess 11 together with the suction port 2.”</p> <p>Nakajima at [0016]: “A pair of leg pieces 21, 21 are provided on the lower surface of the lid 4, and a protrusion 24 of an arm 23 provided on the mouthpiece 2 is rotatably fitted into a hole 22 provided at the lower end of each leg piece 21.”</p> <p>Nakajima, Fig. 1 (annotated):</p> 

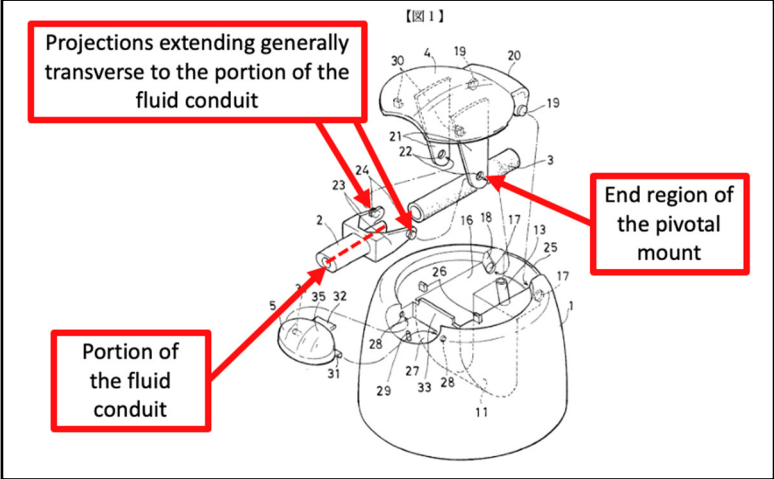
Appendix D3
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Claim Language	Disclosure in Prior Art
	<p data-bbox="730 256 1129 285">Nakajima, Figs. 2 and 3 (annotated):</p> <div data-bbox="730 285 1255 773"><p data-bbox="898 302 1234 391">Dust cover extending across a portion of the dispensing outlet in the stowed position</p><p data-bbox="926 659 1207 748">Lateral guards extending on opposite sides of resilient mouthpiece</p></div> <div data-bbox="1276 285 1772 773"><p data-bbox="1409 302 1745 391">Resilient mouthpiece pivoted away from dust cover when pivoted to dispensing position</p></div>

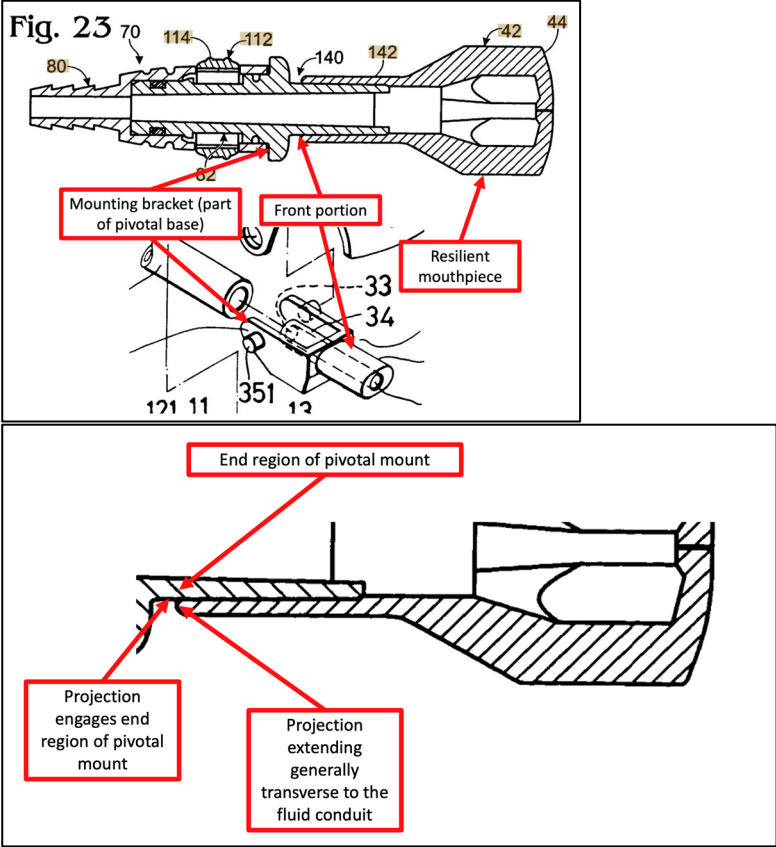
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Claim Language	Disclosure in Prior Art
<p>5. The drink container of claim 3, wherein the dust cover projects above an upper surface of the cap assembly base.</p>	<p>Nakajima: Nakajima discloses the drink container of claim 3, wherein the dust cover projects above an upper surface of the cap assembly base.</p> <p>Nakajima, Figs. 2, 3 (annotated):</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div data-bbox="730 440 1331 901" style="text-align: center;"> <p>【図 2】</p> <p>Dust cover</p> <p>An upper surface of the cap assembly base</p> </div> <div data-bbox="1339 440 1885 901" style="text-align: center;"> <p>【図 3】</p> <p>An upper surface of the cap assembly base</p> <p>Dust cover</p> </div> </div>

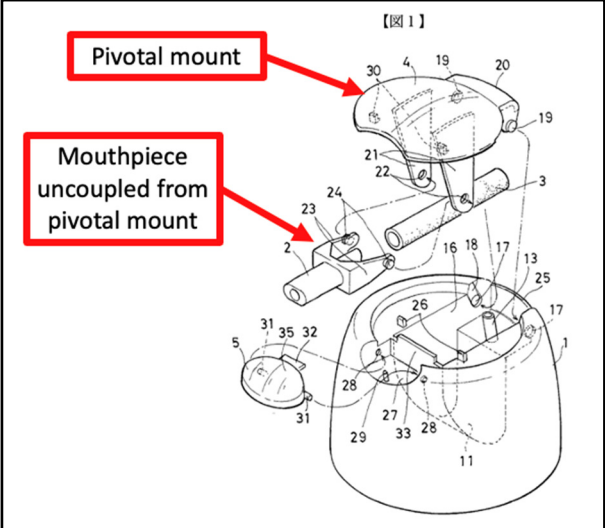
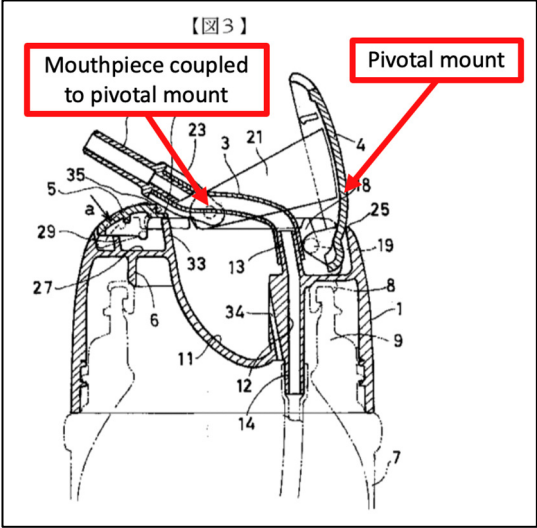
Appendix D3
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Claim Language	Disclosure in Prior Art
<p>9. The drink container of claim 1, wherein the resilient mouthpiece includes projections that extend generally transverse to the portion of the fluid conduit that extends through the resilient mouthpiece, and further wherein the projections engage an end region of the pivotal mount.</p>	<p>Nakajima: Nakajima 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>Nakajima, Fig. 1 (annotated):</p>  <p>Nakajima at [0016]: “The lid 4 covers the storage recess 11 and the upper surface of the stopper body 1 in the vicinity thereof. A pair of leg pieces 21, 21 are provided on the lower surface of the lid 4, and a protrusion 24 of an arm 23 provided on the mouthpiece 2 is rotatably fitted into a hole 22 provided at the lower end of each leg piece 21.”</p> <p>Alternately, the arms on the mouthpiece are also part of the pivotal mount. In this alternative, it would have been obvious for the resilient mouthpiece disclosed in Nakajima to include 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. As discussed above, it was well known at the time to removably couple resilient mouthpieces to a mount outlet on a bracket. <i>See</i> claim 1[f]. It was common to include projections that extend generally transverse to the portion of the fluid conduit that extends through the resilient mouthpiece, wherein the projections engage an end region of the pivotal mount to do so. <i>See, e.g.,</i></p>

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Claim Language	Disclosure in Prior Art
	<p>Appendix D1 (Ribarits) at Claim 9.</p> <p>Choi, Fig. 23 and Hsu, Fig 1 (cropped and annotated):</p>  <p>Fig. 23</p> <p>Mounting bracket (part of pivotal base)</p> <p>Front portion</p> <p>Resilient mouthpiece</p> <p>End region of pivotal mount</p> <p>Projection engages end region of pivotal mount</p> <p>Projection extending generally transverse to the fluid conduit</p> <p>It would have been obvious to include similar projections to secure the resilient mouthpiece to the arms of the mouthpiece.</p>

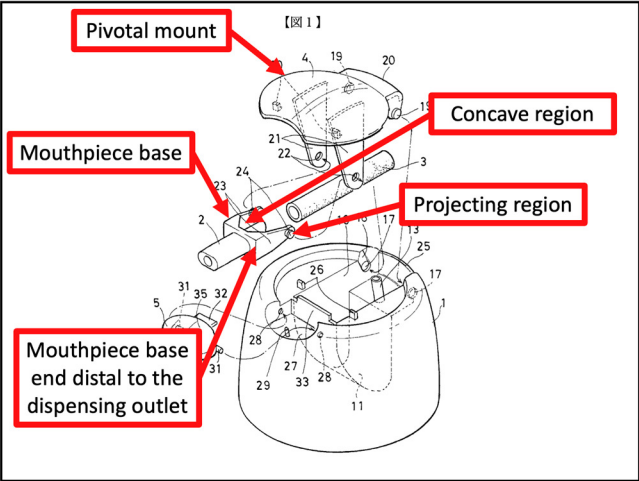
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Claim Language	Disclosure in Prior Art
<p>11. The drink container of claim 1, wherein the resilient mouthpiece is configured to be selectively removed from and recoupled to the pivotal mount.</p>	<p>Nakajima: Nakajima discloses the drink container of claim 1, wherein the resilient mouthpiece is configured to be selectively removed from and recoupled to the pivotal mount.</p> <p>Nakajima, Figs. 1 and 3 (annotated):</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;">   </div> <p>Alternately, the arms on the mouthpiece are also part of the pivotal mount. As discussed in Claim 1[f], Nakajima discloses a resilient mouthpiece removably coupled to the pivotal mount, or it would have been obvious to modify Hsu to include a mouthpiece that can be selectively removed and recoupled to the pivotal mount for ease of cleaning or for replacement of the mouthpiece.</p>

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Claim Language	Disclosure in Prior Art
<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>Nakajima: Nakajima 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>Nakajima discloses a pivotal mount to which the resilient mouthpiece is mounted. <i>See</i> Claim 16 above (pivotal mount).</p> <p>Nakajima discloses 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 mouth piece on the pivotal mount.</p> <p>Nakajima at [0014]: “The suction hose 3 is connected to the connection port 13, and the lower suction hose 15 is connected to the connection port 14. The suction hose 3 has the required elasticity. Its elasticity is such that if you bend it into a dogleg shape with your fingertips and then release your hand, it will return to its straight state due to its own elasticity. The aforementioned suction port 2 is connected to its tip.”</p> <p>Nakajima at [0016]: “The lid 4 covers the storage recess 11 and the upper surface of the stopper body 1 in the vicinity thereof. A pair of leg pieces 21, 21 are provided on the lower surface of the lid 4, and a protrusion 24 of an arm 23 provided on the mouthpiece 2 is rotatably fitted into a hole 22 provided at the lower end of each leg piece 21.”</p>

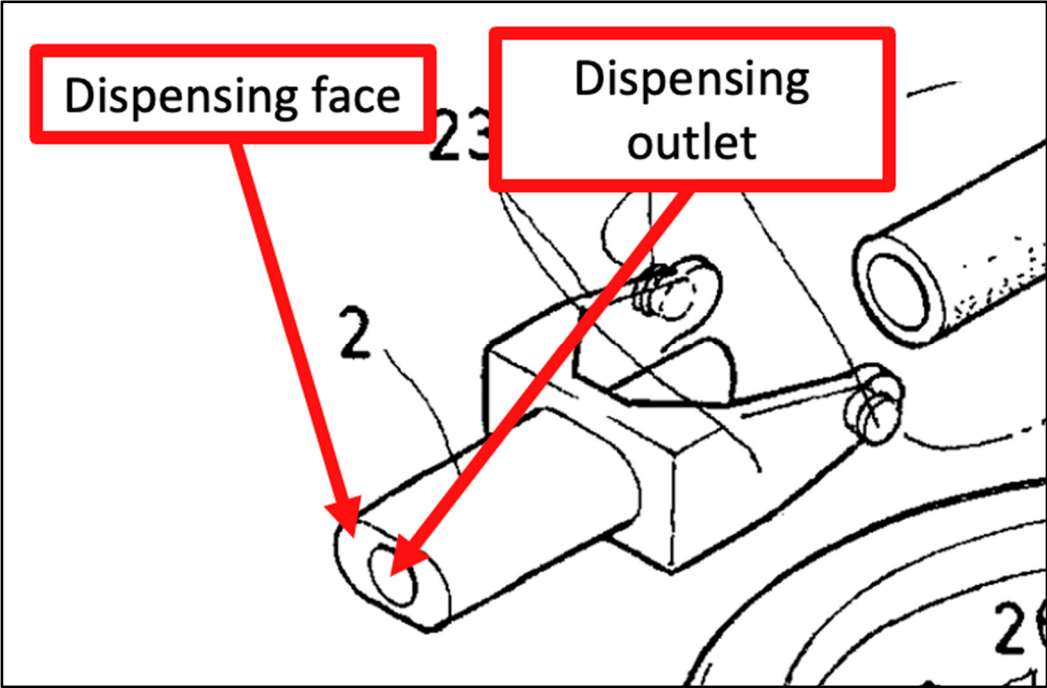
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Claim Language	Disclosure in Prior Art
	<p>Nakajima, Fig. 1 (annotated):</p>  <p>Alternately, the arms on the mouthpiece are also part of the pivotal mount. To the extent Defendant argues that Nakajima does not disclose a resilient mouthpiece as described in Claim 19, it would have been obvious to modify Nakajima 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 Nakajima’s 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>

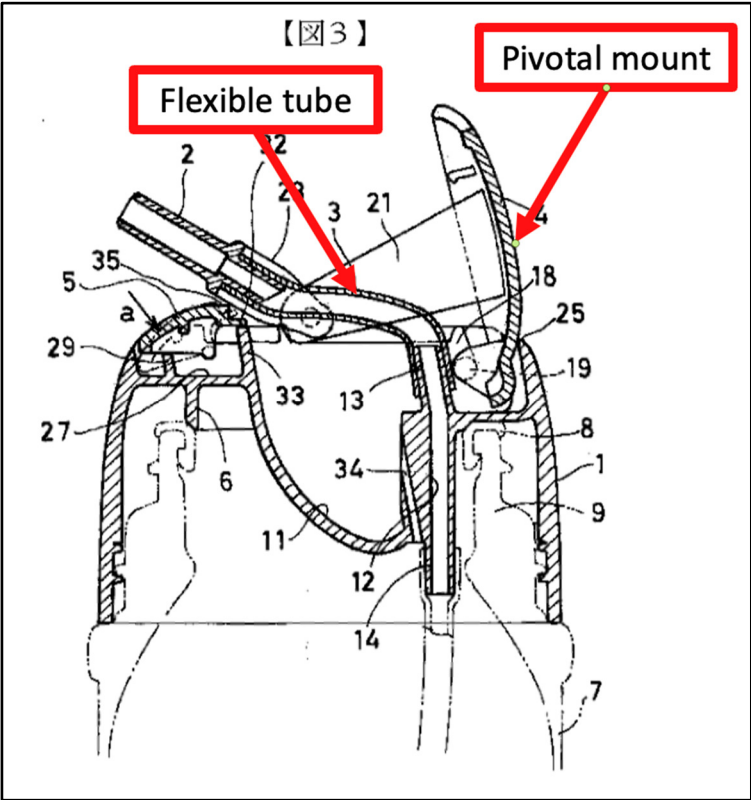
Appendix D3
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Claim Language	Disclosure in Prior Art
	<div data-bbox="741 274 1211 634" data-label="Image"> </div> <p data-bbox="726 695 890 721">Yang at Fig. 8:</p> <div data-bbox="741 769 1211 1040" data-label="Image"> </div> <p data-bbox="726 1109 1896 1406">A POSITA would have understood that modifying Nakajima to include the resilient mouthpieces disclosed in McCormack and Yang would include mounting the bite actuated valve to the pivotal mount arms on the mouthpiece disclosed in Nakajima. 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 Nakajima’s pivotal mount.</p>

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Claim Language	Disclosure in Prior Art
<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>Nakajima: Nakajima 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>Nakajima, Fig 1 (cropped and annotated):</p> 

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Claim Language	Disclosure in Prior Art
<p>19. The drink container of claim 1, wherein the flexible tube is secured to the pivotal mount.</p>	<p>Nakajima: Nakajima discloses the drink container of claim 1, wherein the flexible tube is secured to the pivotal mount.</p> <p>Nakajima Fig. 3 (annotated):</p>  <p>Nakajima [0011]: “an elastic suction hose is connected to the suction port, and the suction port is rotatably attached to the lid. The suction hose is folded in when the suction port is closed, and the lid is biased in the opening direction by the restoring elasticity of the hose.”</p> <p>Nakajima at Claim 4: “An engaging portion for the lid and a means for releasing the engagement are provided on the</p>

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JP 2002-21163 (“Nakajima”)

Claim Language	Disclosure in Prior Art
	plug body, the suction port is rotatably attached to the lid, an elastic suction hose is connected to the suction port, and the suction port is rotatably attached to the lid.” To the extent that the arms part of the pivotal mount, the flexible tube is secured to the pivotal mount.