

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TROVE BRANDS, LLC,
Petitioner,

v.

CAMELBAK PRODUCTS, LLC,
Patent Owner.

IPR2024-01137
U.S. Patent No. 10,676,255

DECLARATION OF MICHAEL JOBIN

TABLE OF CONTENTS

I.	INTRODUCTION	2
II.	QUALIFICATIONS AND PROFESSIONAL EXPERIENCE	4
A.	Educational Background	5
B.	Career History	5
C.	Patents.....	10
III.	RELEVANT LEGAL STANDARDS.....	12
IV.	OVERVIEW OF THE '255 PATENT	15
V.	LEVEL OF ORDINARY SKILL IN THE ART	20
VI.	CLAIM CONSTRUCTION	23
A.	“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”	24
B.	“a resilient mouthpiece engaged with the mount outlet and removably coupled to the pivotal mount for pivotal movement with the pivotal mount”	38
C.	“wherein the resilient mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user’s teeth”	42
VII.	THE PETITION DOES NOT ESTABLISH THE UNPATENTABILITY OF ANY OF THE CHALLENGED CLAIMS.....	45
A.	Nakajima	46
1.	Nakajima does not have a “mouthpiece” that is “pivotal about an axis defined by the pair of lateral projections.”	46
2.	Nakajima does not have a “mouthpiece” that exhibits “pivotal movement with the pivotal mount.”	63
B.	Ribarits	68
1.	Ribarits does not show a “resilient mouthpiece” which is “adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user’s teeth”	68
2.	Ribarits does not show a “resilient mouthpiece” which is “removably coupled to a pivotal mount”	75

I, Michael Jobin, do hereby declare as follows:

I. INTRODUCTION

1. I am making this declaration at the request of Patent Owner CamelBak Products, LLC (“CamelBak”) in the matter of this *Inter Partes* Review of U.S. Patent No. 10,676,255 (“the ’255 patent”).

2. I am being compensated for my work on this matter and for reasonable and customary expenses associated with my work and testimony in this proceeding. My compensation is not contingent on the outcome of this matter or the specifics of my testimony, and I have no other interest in this case or the parties thereto.

3. I have been asked to provide my opinions regarding whether claims 1–7 and 9–23 (the “Challenged Claims”) of the ’255 patent are unpatentable insofar as they would have been anticipated and/or obvious to a person having ordinary skill in the art (“POSITA”) at the time of the alleged invention, in light of the prior art, based on the grounds of unpatentability set forth by Petitioner in its Petition in this matter. It is my opinion that none of the Challenged Claims are unpatentable in that they would not have been obvious to a POSITA based on the grounds of unpatentability set forth in the Petition.

4. In the preparation of this declaration, I have reviewed the below as well as any other documents cited herein that are not listed below:

- Paper 1 - Petition for *Inter Partes* Review of U.S. Patent No. 10,676,255

- Paper 9 – Institution Decision in IPR2024-01137, dated January 28, 2025
- Ex. 1001 - U.S. Patent No. 10,676,255 (“the ’255 patent”)
- Ex. 1002 - Ex Parte Reexamination Certificate No. 10,676,255
- Ex. 1003 - Declaration of Glenn E. Vallee, Ph.D.
- Ex. 1004 - Certified English Translation of Japanese Patent Publication No. 2002-211613 (“Nakajima”)
- Ex. 1005 - U.S. Patent No. 6,070,767 (“Gardner”)
- Ex. 1006 - Certified English Translation of International Publication No. WO 2004/063042 to Ribarits (“Ribarits”)
- Ex. 1007 - U.S. Patent No. 4,485,963 (“Panicci”)
- Ex. 1008 - U.S. Patent No. 5,203,468 (“Hsu”)
- Ex. 1009 - Certified English Translation of Korean Patent Publication No. KR 200282506 Y1 (“Park”)
- Ex. 1010 - U.S. Patent No. 6,523,711 (“Hughes”)
- Ex. 1011 - Excerpts from the File History of the ’250 patent
- Ex. 1012 - Excerpts of the Reexamination of the ’255 Patent
- Ex. 2001 - File history of Ex Parte Reexamination Control No. 90/015,192
- Ex. 2008 - U.S. Patent Application Publication No. 2005/0029271 (“McDonough”)
- Ex. 2009 - Japanese Patent App. Pub. No. 2001-294252 (“Toudou”)
- Ex. 2010 - File History of U.S. Patent No. 10,676,255
- Ex. 2015 - U.S. Patent Application Publication No. 2002/0166990 (“Yang”)
- Ex. 2017 - American Heritage Dictionary – “pivot”
- Ex. 2018 - Cambridge Dictionary – “pivot”
- Ex. 2019 - Oxford Concise English Dictionary – “pivot”
- Ex. 2020 - McGraw-Hill Dictionary of Scientific and Technical Terms – “pivot”
- Ex. 2021 - Merriam-Webster Dictionary – “pivot”

- Ex. 2022 - Science Facts – “Rotational Motion”
- Ex. 2023 – Halliday & Resnick – Fundamentals of Physics Textbook
- Ex. 2025 – Transcript of the Deposition of Dr. Glenn Vallee, dated April 4, 2025
- Ex. 2026 - Young & Freedman – University Physics Textbook
- Ex. 2027 - Sciencing – “Rotational Motion (Physics): What Is It & Why It Matters”

5. In forming the opinions expressed below, I have considered: the documents listed above, the relevant legal standards, including the standards for anticipation and obviousness; any additional documents or authorities as cited in the body of this declaration; and my own knowledge and experience based upon my background, education, training, and work experience.

6. I may rely upon these materials, my knowledge and experience, and/or additional materials to rebut arguments raised by the patent owner. Further, I may also consider additional documents and information in forming any necessary opinions, including documents that may not yet have been provided to me. Unless otherwise noted, all emphasis in any quoted material has been added.

II. QUALIFICATIONS AND PROFESSIONAL EXPERIENCE

7. My complete qualifications and professional experience are described in my *Curriculum Vitae*, a current copy of which can be found in **Exhibit 2024**. The following is a brief summary of my relevant qualifications and professional experience.

A. Educational Background

8. I received two degrees from the University of Michigan in 1991, a Bachelor of Science in Engineering with a focus on mechanical engineering, and a Bachelor of Fine Arts in Industrial Design with a focus on product development, both cum laude. I was the recipient of the Kiefer Award for excellence in Industrial Design.

B. Career History

9. I am currently the Director of Product Development at 908 Devices, Inc. in Boston, Massachusetts. I have more than 33 years of experience in product and technology development as a mechanical engineer, consultant and entrepreneur. I have worked in various product development companies throughout my 33-year career, and have I developed many products that demonstrate knowledge and experience relevant to the subject matter at issue in this case, including numerous fluid-containing and dispensing devices, such as those for beverages and other liquids. I have summarized below this relevant work experience, as well as some relevant project examples.

10. After my undergraduate degrees, I was hired as a program manager by Design 4 Plastics, Inc. I leveraged my industrial design and engineering education to develop a wide range of products. My projects included a heavy emphasis on plastic part design (including injection molding, rotational molding, vacuum and

pressure forming) and sheet metal fabrication (stamping, forming). While there, I designed fluid pumps for laboratory and industrial fluid dispensing applications and a custom impeller pump for insufflation of the abdomen during laparoscopic surgery. I also developed garden hose accessories such as hose reels and sprayers that used quick disconnect fittings and valves. For Coca-Cola, I developed a disposable valve for a bag-in-box syrup dispensing system.

11. Next, in 1996, I joined Proteus, Inc. as Senior Mechanical Engineer. There, I focused on product design and engineering of products for consumer, medical, and laboratory applications. For example, I developed a disposable cartridge for laboratory analysis of blood samples. For PUR, I developed a faucet-mounted water filter with a replaceable cartridge and a rotary actuated valve, as well as filtered water pitchers.

12. I founded Boston Innovation in 1998, focusing on developing precision fluidic dispensing instruments for pharmaceutical research applications that leveraged a novel pressure activated valve technology that I invented. In these instruments, sample fluid was stored in small sealed reservoirs, and precision low volumes dispensed by the translation of a needle and application of a rinse fluid and/or air pressure. *See, e.g.*, U.S. Pat. Nos. 6,085,773 and 6,706,538.

13. During this time, I developed and licensed novel valve technology to Delta Faucet. This project was focused on a high flow tub fill valve for residential plumbing use. For Gillette, I designed a disposable shaving cream dispenser.

14. In 2000, I joined Arthur D. Little, where I led mechanical engineering of a next-generation network storage product, integrating contributions of mechanical, software, hardware and industrial designers.

15. I founded MicroBioSciences in 2001. There, I invented and developed novel disposable fluid handling cartridges for high throughput screening in pharmaceutical research.

16. Later in 2001, I joined Altitude, Inc., a product development consulting firm, first as Engineering Manager, and then I was promoted to Director of Engineering in 2005. I performed design and engineering activities, and I led a team of designers and engineers to develop a wide range of consumer products, medical devices and instrumentation.

17. I developed coffee makers for Sunbeam and Mr. Coffee, as well as a coffee carafe with a refined pour spout to minimize drips. I also developed a wide range of home humidifiers for Honeywell, Kaz, and Vicks. These included water reservoirs with removable caps and elastomer valves. In addition, I developed a bottled water dispenser for PUR with chilled and heated water and dispensing valves. This included a refillable water reservoir with a wide mouth threaded cap

and valve for easy cleaning. For Exact Sciences, I designed a custom cylindrical sample collection and shipping vessel with a large diameter threaded lid and gaskets.

18. I developed the first integrated ice shaving and blending frozen drink appliances designed for home use for Margaritaville. These products included a reservoir for ice, a robust motor and rotary ice shaving blade, a blender, and electronic controls. I also developed a wine preservation and dispensing system for home use. The product stored multiple wine bottles at the user-selected optimum temperature using thermoelectric chiller technology and used valves and air pressure for dispensing, and vacuum for preservation.

19. I developed a handheld eye medication dispenser for Optimyst. This product included a custom disposable fluid reservoir and ultrasonic dispensing technology. *See, e.g.,* U.S. Patent Nos. D597,206; 8,545,463; 8,012,136.

20. I developed commercial carpet cleaning extraction technology for Tennant Company. This included fluid reservoirs, valves and plumbing connections.

21. I also developed pressure washers for Briggs and Stratton and a range of safety eyewear for UVEX. These included adjustable features leveraging advanced injection molding techniques, such as in-mold assembly. *See, e.g.,* U.S. Patent Nos. 7,758,789; 7,246,901; 7,237,892; 7,210,777; 7,175,270.

22. In 2008, I founded Aston Technology Advisors and continued with product development and consulting activities. There, I developed an instrument that uses sound to measure wind. This included a novel hydronic heating system for melting snow. *See* U.S. Patent Nos. 8,958,269 and 9,279,821.

23. I worked with a major beer company on a home keg dispenser, including work on a plastic recyclable vessel for beer.

24. I developed a custom, portable container and dispenser for hand sanitizer.

25. In 2012, I co-founded 908 Devices Inc. to develop portable chemical detection instrumentation based on mass spectroscopy. Here, I have developed various instruments with applications in pharmaceutical research, forensics and hazardous material identification at the point of need. These instruments include complex fluid handling, fluidic and pneumatic connectors, custom vacuum pumps, pressure regulators and pressure sensors. *See* U.S. Patent Nos. D703,074; D703,075; 9,093,253; 9,502,226; 9,698,000; 9,978,574; 10,438,787.

26. At 908 Devices, I have also developed various customized fluid vials, bottles, caps, gaskets and packaging for shipping chemical reagents.

27. Throughout my professional career, I have designed products that have won various awards, including: Industrial Designers Society of America (IDSA)

IDEA Awards, R&D 100, The Scientist Top 10 Innovations, and The Instrument Business Outlook Industrial Design Gold Award.

28. I have served as an expert witness in numerous patent cases, including cases relating to fluid-containing and fluid-dispensing devices, such as single-serve coffee makers, liquid dispensing valves, and elastomeric dispensing valves for water bottles, among others. For example, I was hired on behalf of the United States Patent & Trademark Office as a technical expert witness in a case related to a USPTO Examiner's rejection of patent claims relating to single-serve coffee pods for single-serve coffee systems. My work in that case involved technical analysis of relevant prior art. Key issues in that matter included high volume manufacturing of thermoformed plastic pods, forming and assembly of filter baskets, and fluidics technology for fluid flow through the system under high pressure. Ultimately, the USPTO Examiner's rejection was affirmed on appeal.

C. Patents

29. I am a named inventor on nineteen issued utility patents and six issued design patents, listed below. These patents range in technologies from consumer products to medical devices to instrumentation and address technical issues like precision fluid handling, injection molding, and compact mass spectroscopy.

- U.S. D932,046 Fluidic cartridge assembly
- U.S. 10,438,787 Integrated mass spectrometry systems

- U.S. 9,978,574 Sample collection in compact mass spectrometry systems
- U.S. 9,698,000 Integrated mass spectrometry systems
- U.S. 9,502,226 Sample collection in compact mass spectrometry systems
- U.S. 9,279,821 Deicing system in sodar systems
- U.S. 9,093,253 High pressure mass spectrometry systems and methods
- U.S. 8,958,269 Transducer for phased array acoustic systems
- U.S. D703,074 Handheld sensor
- U.S. D703,075 Sensor device
- U.S. 8,545,463 Ophthalmic fluid reservoir assembly for use with an ophthalmic fluid delivery device
- U.S. 8,525,111 High pressure mass spectrometry systems and methods
- U.S. 8,012,136 Ophthalmic fluid delivery device and method of operation
- U.S. 7,758,789 Temple bar assembly for eyeglasses
- U.S. D597,206 Ophthalmic misting device
- U.S. 7,246,901 Adjustable length upper frame member for eyeglasses
- U.S. 7,237,892 Temple bar with ball and socket hinge and method of making same
- U.S. 7,210,777 Floating lens brow bar attachment for eyeglasses
- U.S. 7,175,270 Flexible frame assembly for eyeglasses
- U.S. D534,446 Handheld instrument
- U.S. 7,080,904 One piece spectacle with temple pre-load
- U.S. 6,706,538 Microvolume liquid dispensing array
- U.S. 6,085,773 Automatic fluid switching valve
- U.S. D425,979 Window fan
- U.S. 5,794,897 Transmission line hanger, a method of attaching the hanger and the resulting assembly

III. RELEVANT LEGAL STANDARDS

30. I am not an attorney. In preparing and expressing my opinions and considering the subject matter of the '255 patent, I am relying on certain basic legal principles that counsel have explained to me. These principles are discussed below. I have been informed that a party challenging a claim's patentability in an inter partes review bears the burden to show by a preponderance of the evidence that the claim is unpatentable in view of the prior art. I understand that a "preponderance" means "more likely than not."

31. I understand that prior art to the '255 patent includes patents and printed publications in the relevant art that predate the priority date of the alleged invention recited in the '255 patent. As noted, here, I have been instructed to assume April 11, 2005, is the priority date of the '255 patent.

32. I have been informed and understand that a patent claim is unpatentable as "anticipated" under 35 U.S.C. § 102 if each element of that claim is disclosed either explicitly or inherently in a single prior art reference. I understand that the question of anticipation is whether a POSITA would have reasonably understood or inferred from the prior art reference's teachings that every claim element was disclosed in that single reference. I further understand that for an element that is not explicitly disclosed by a prior art reference to be deemed inherently disclosed by the reference, the element must be "necessarily present" in the reference. For

anticipation by a prior art patent or printed publication, I further understand that the reference's description must enable a POSITA to practice the claimed invention without undue experimentation.

33. I have been informed that a patent claim is unpatentable as "obvious" under 35 U.S.C. § 103 if the differences between the claimed invention and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. I have also been informed by counsel that the obviousness analysis takes into account factual inquiries including the level of ordinary skill in the art, the scope and content of the prior art, and the differences between the prior art and the claimed subject matter.

34. I understand that for a claim to be unpatentable as obvious, the party asserting unpatentability must identify prior art references that alone or in combination with one or more other prior art references would have rendered the claim obvious to one of ordinary skill in the art at the time of the invention. I understand that a single prior art reference can render a claim obvious if it would have been obvious to modify that reference to arrive at the patented invention. I understand that it is appropriate to look to the knowledge of a POSITA in assessing whether it would have been obvious to modify a single prior art reference to produce the claimed invention.

35. I have been informed that where, as here, an obviousness defense is based on a combination of prior art references, a patent claim is not obvious unless a POSITA would have been motivated to combine or modify prior art elements to obtain the invention as set forth in the claim with a reasonable expectation of success. I understand that a motivation to combine prior art references can come from the references themselves or from the understanding of a POSITA.

36. I have been informed that references must be considered in their entirety from the view of a POSITA at the time of the invention, but that viewing the art through hindsight is impermissible.

37. I have been informed that in considering obviousness, it is relevant to consider whether the prior art includes references that “teach away” from the claimed invention. I understand that a reference teaches away from the claimed invention if a POSITA, reading the reference, would be discouraged from following the path of the claimed invention or would be led in a divergent direction.

38. I have been informed that a claim can recite elements using functional language. Such elements are known as “means-plus-function” elements and are construed according to a particular set of rules. When construing a means-plus-function element, the function recited in the claim must be identified. The element is then construed to cover the corresponding structure disclosed in the specification for performing the recited function, as well as any equivalent structures known at

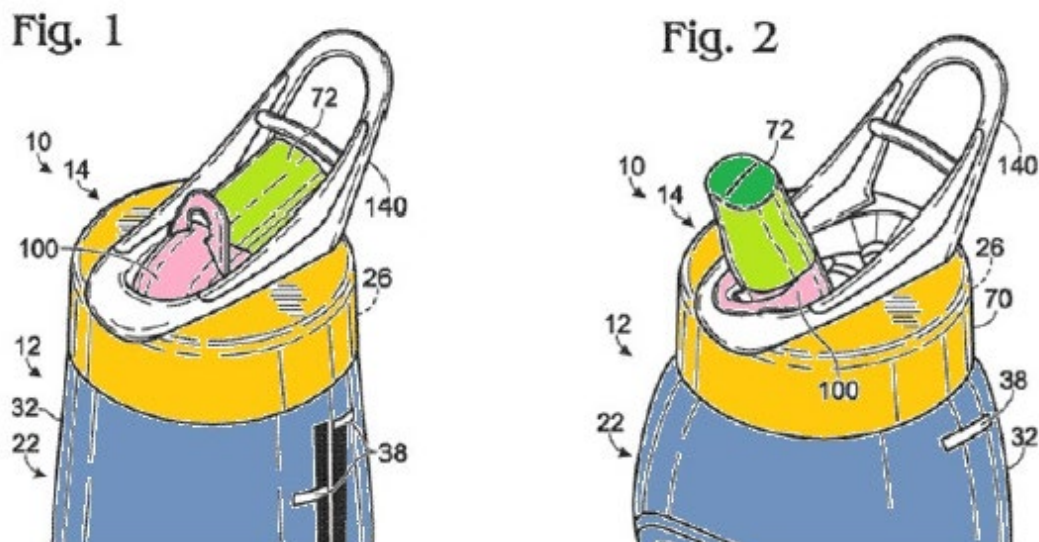
the time of the invention. I have been further informed that a prior art structure is equivalent to the corresponding structure in the specification if the prior art structure performs the same function—the one recited in the claim—in substantially the same way and with substantially the same results.

39. I understand that claim construction is a matter of law. I understand that claim construction should be based upon the claim language itself and that a claim term should be given their ordinary and customary meaning as understood by a person of ordinary skill in the art at the effective filing date of the patent, unless the inventors expressed a clear intent to redefine the term. I further understand that claim terms must be read in light of the entire specification and other intrinsic evidence such as the file history. I also understand that the intrinsic record, including the claims, specification, and file history are the most important evidence to consider during claim construction. I understand that extrinsic evidence, such as dictionaries in the relevant art around the time of the patent's filing or other documents and testimony, can also help explain the meaning of claim terms.

IV. OVERVIEW OF THE '255 PATENT

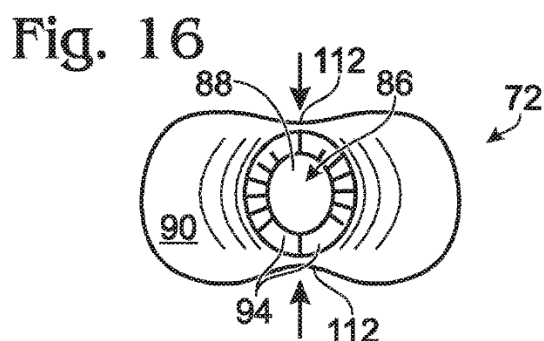
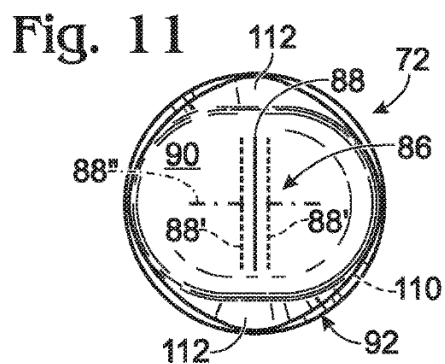
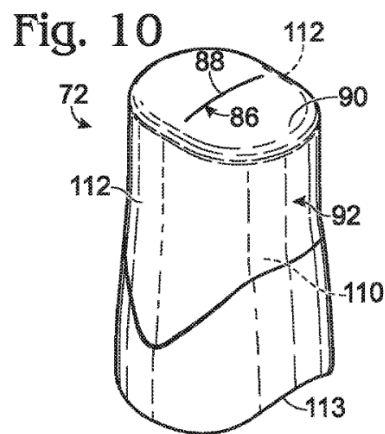
40. The '255 patent discloses several embodiments of drink bottles (10) each with cap assemblies (14) including mouthpieces (70) attached to a pivotal mount (100). Ex.1001 at Abstract, 2:63–67, 3:10–34, 7:1–11, 8:6–10, Figs. 1–2. The '255 patent describes that the pivotal mounts with attached mouthpieces may be

pivoted over an axis from a stowed position to a dispensing position, such that a user can drink from the mouthpiece. *Id.* at 3:21–42, 7:25–48.



Ex.1001, Figs. 1–2 (annotated); Pet. at 12.

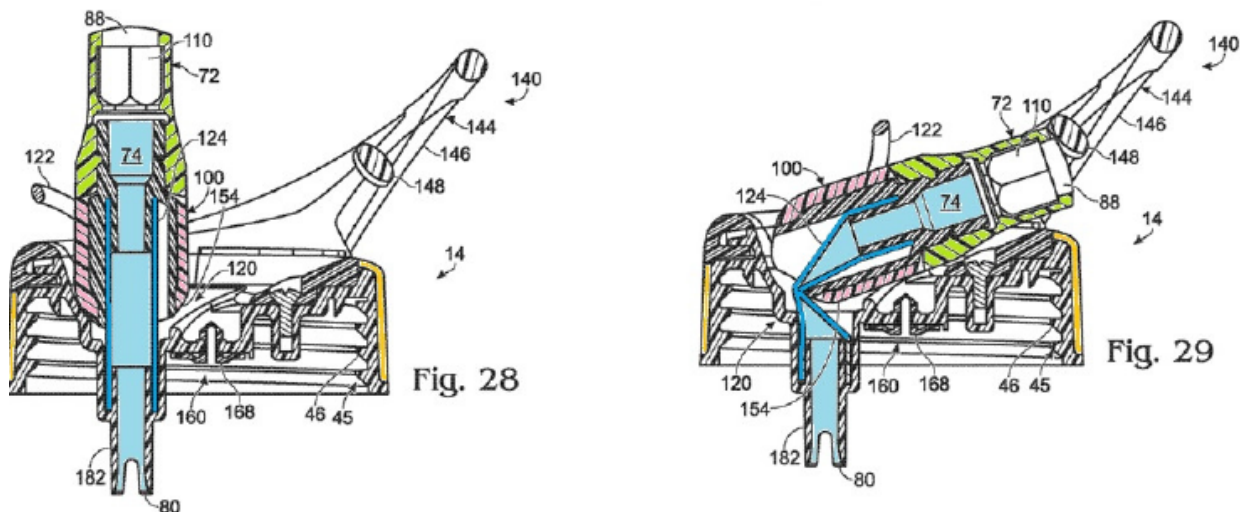
41. The patent further describes that the cap assembly (including the pivotal mount and mouthpiece) defines a fluid conduit. *Id.* at Abstract, 3:2–14, 6:29–39. The mouthpiece may have an opening, which may include a slit, which is biased towards a closed configuration, such that when a user bites on the mouthpiece to deform it, it opens to a dispensing configuration where fluid can flow through the mouthpiece opening. *Id.* at 8:14–22, 8:50–9:6, Figs. 10–16.



Ex.1001, Figs. 10, 11 & 16. In certain embodiments, the mouthpiece prevents fluid from being dispensed until the user bites the mouthpiece, which allows the bottle to be positioned in various orientations without fluid leakage. *Id.* at 10:9–27.

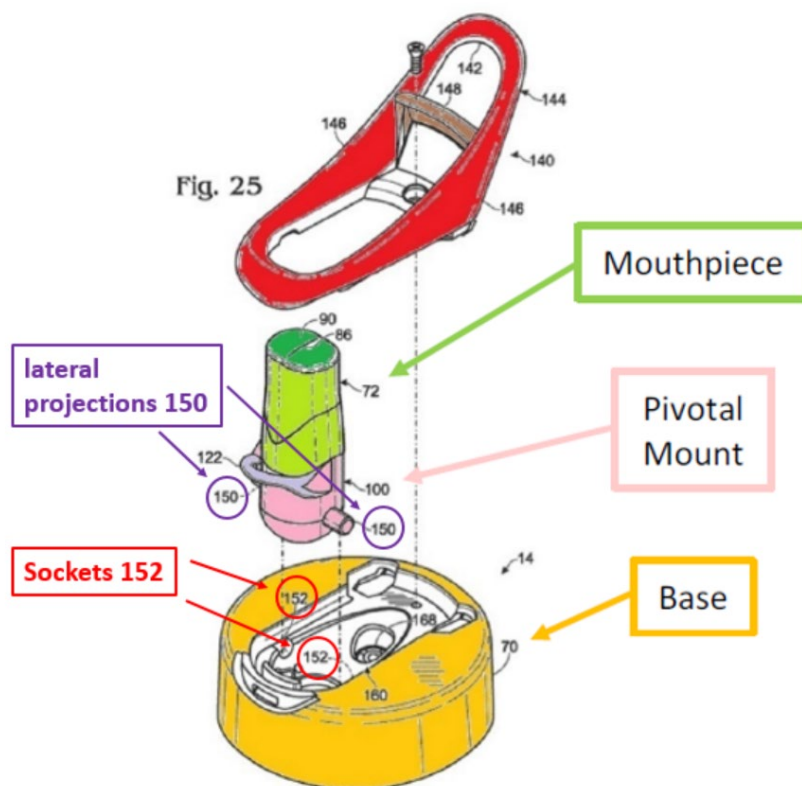
42. The fluid conduit may further include an on-off shutoff valve, which is “crimped” (i.e., the flow of drink liquid is selectively restricted) when the mouthpiece and pivotal mount are pivoted from a dispensing to a stowed position. *Id.* at 10:27–11:11, 11:38–41. An embodiment of this valve is shown below in the dispensing position (Fig. 28) and stowed position (Fig. 29). In this embodiment, the valve is implemented via a flexible tube 124 that is crimped when in the stowed

configuration and opened when in the dispensing configuration. Ex.1001 at 18:20–35, Figs. 28–29.



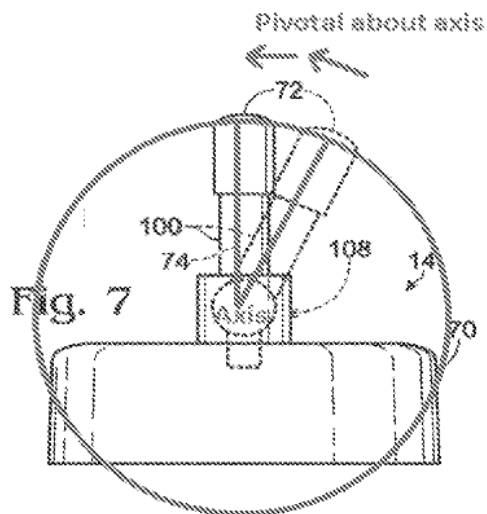
Ex.1001, Figs. 28–29 (annotated); Pet. at 13.

43. In certain embodiments of the drink bottles, the pivotal mount 100 of the cap assembly base 70 includes lateral projections 150, shown in purple in Figure 25 below. Ex.1001 at 16:57–67, Fig. 25. The projections rotate within sockets 152, functioning as rotatable supports or axles. The pivotal mount and its coupled mouthpiece rotate, between a stowed and a dispensing configuration, about the axis which is defined by the lateral projections 150 rotating within sockets 152. *Id.* at 16:61–67, claim 1.



Ex.1001, Fig. 25 (annotated); Pet. at 11.

44. The patentee stated during reexamination that the limitation requiring the mouthpiece to be “pivotal about the axis defined by the pair of lateral projections” is shown, for example, in Figure 7 of the '255 patent and provided the below annotated version of Figure 7:



Ex.2001 at 637. In this figure, and as described by the patentee during prosecution, the mouthpiece 72 is pivotal about an axis defined by the pair of lateral projections, the pivotal joint being labeled as 108. The mouthpiece 72 and pivotal mount 100 are pivotal together about this common axis. *Id.*

V. LEVEL OF ORDINARY SKILL IN THE ART

45. I understand that my assessment of the claims of the '255 patent must be undertaken from the perspective of a person having ordinary skill in the art reading the '255 patent as of its priority date and in light of the specification and file history of the '255 patent. I also understand that my assessment of the prior art is to be done from the perspective of what would have been known or understood by a person having ordinary skill in the art and the teachings of the prior art understood from that perspective. I refer to such a person having ordinary skill in the art as a "POSITA."

46. I was asked to determine the level of ordinary skill in the art that a POSITA would have had in the field of the '255 patent as of its priority date.

47. I understand there are multiple factors relevant to determining the level of ordinary skill in the pertinent art, including: (1) the levels of education and experience of persons working in the field at the time of the invention; (2) the sophistication of the technology; (3) the types of problems encountered in the field; and (4) the prior art solutions to those problems. I have considered and analyzed each of these factors in arriving at my opinion regarding the level of ordinary skill in the art.

48. I have been instructed to assume that April 11, 2005, the filing date of the U.S. Provisional Application (No. 60/670,828) to which the '255 patent claims priority, is the correct priority date for the '255 patent. I have not been asked to offer any opinion on whether the '255 patent is properly entitled to this priority date.

49. In my opinion, a POSITA in the field of the '255 patent, as of April 11, 2005, would have had a bachelor's degree in mechanical engineering or the equivalent coursework and approximately one year of experience with liquid-containing devices, with more work experience substituting for less education and vice versa.

50. I note that Petitioner's declarant, Dr. Vallee, opined that, in his opinion, "one skilled in the art would have had an undergraduate degree in mechanical

engineering or equivalent coursework, as well as one or more years of experience in designing, prototyping, and/or manufacturing fluid containers or similar products. More work experience may substitute for less education, and vice versa.” Ex.1003, ¶26.

51. I do not discern any meaningful difference between my opinion and Dr. Vallee’s opinion as to the level of ordinary skill in the art that would have any impact on my opinions in this proceeding, and my opinions would be the same applying either definition.

52. I note that I met at least these minimum qualifications set forth in my proposed definition and set forth in Dr. Vallee’s proposed definition to be considered a POSITA as of the assumed priority date of the ’255 patent of April 11, 2005. And while my qualifications at that time exceeded that of a POSITA, I nonetheless placed myself back in the shoes of the hypothetical POSITA having the education and experience level set forth in these proposed definitions as of April 11, 2005 (rather than my own shoes) when performing my analysis and arriving at my opinions in this matter.

53. I understand that a person of ordinary skill in the art is not a specific real individual, but rather a hypothetical individual having the qualities reflected by the factors above. This hypothetical person has knowledge of all prior art in the

relevant field and takes from each reference what it would teach to a person having the education and experience of a POSITA.

54. Even if not expressly stated below, all of my opinions expressed herein are offered from the perspective of this hypothetical POSITA, as provided in the definitions set forth above and as of April 11, 2005. Further, I may in some cases use the present tense (e.g., “a POSITA would understand”) instead of the past tense (e.g. “a POSITA would have understood”) for simplicity and brevity, but all opinions below are given from the perspective of what a POSITA would have understood as of April 11, 2005.

VI. CLAIM CONSTRUCTION

55. I have been asked to offer my opinion regarding the correct claim construction of certain terms. I discuss this claim construction below. For those claim terms not addressed with an express construction below, I have been instructed to apply the plain and ordinary meaning of those claim terms as would have been understood by a POSITA as of the assumed priority date of the '255 patent after reviewing the patent and its file history, including the file history of any related patents.

A. “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”

56. I was asked to offer my opinion regarding the correct claim construction of this claim term. In my opinion, a POSITA would have understood this limitation to mean that the resilient mouthpiece “moves with rotational motion about an axis of rotation defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets.” As I explain in further detail below, as a matter of physics, rotational motion about the axis of rotation requires maintaining a constant radius or distance between the mouthpiece and the axis of rotation defined by the lateral projections. This construction is consistent with the intrinsic and extrinsic evidence.

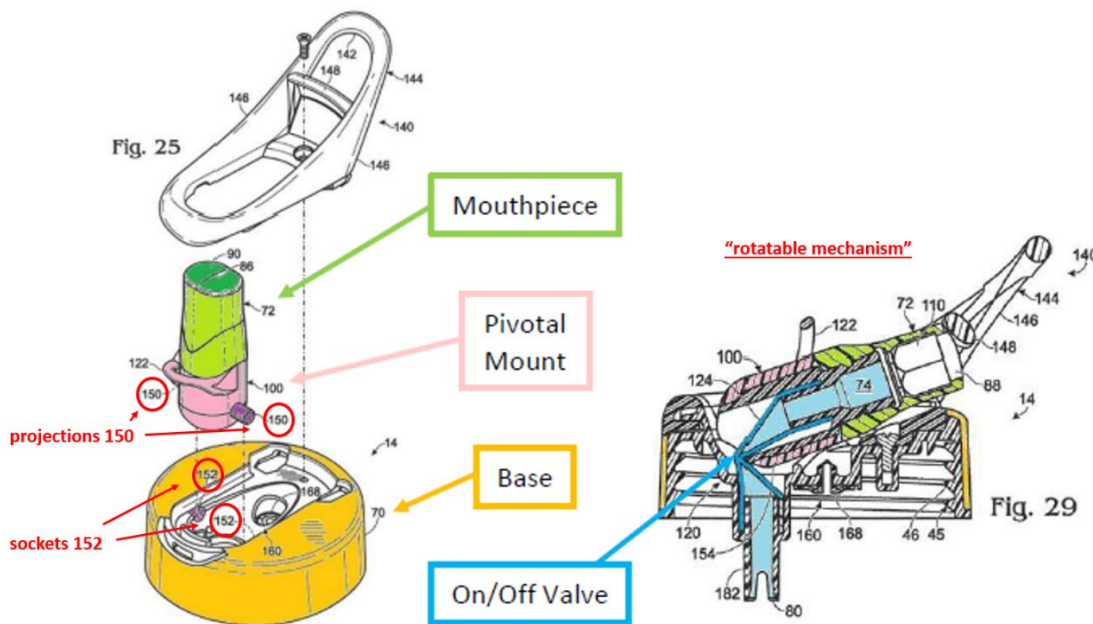
57. The claims of the '255 patent recite “a pivotal mount coupled to the cap assembly base for pivotal movement relative to the cap assembly base, . . . wherein the pivotal mount includes a pair of lateral projections, wherein the cap assembly base defines a pair of sockets into which the pair of lateral projections extend.” Ex.1002, 1:41-47, 2:35-40. The claims also recite “a resilient mouthpiece . . . 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.” Ex.1002, 1:48-54, 2:41-47.

58. The plain claim language therefore requires the mouthpiece to engage in pivotal movement (*with* the pivotal mount), and that movement is pivotal about an axis defined by the pivotal mount's lateral projections as those projections *rotate* within the sockets defined in the cap assembly base. The fact that the axis is defined by the rotation of the lateral projections within the sockets in the cap assembly base indicates to a POSITA that the required "pivotal movement" is *rotational* motion about an axis of rotation.

59. A POSITA looking at the '255 specification would find further support for this construction. Throughout the specification, the position and movement of the mouthpiece and pivotal mount are described as "rotational." See Ex.1001, at 5:16-23 (describing the "*rotational* position" of the bite-actuated valve assembly); 7:54-60 (describing the ability to adjust the "*rotational* orientation" of the pivotal mount via a pivotal joint that couples the pivotal mount to the cap assembly). The specification also describes that the on/off valve can be provided via a "*rotatable* mechanism" in which "a portion of the fluid conduit upstream from the internal chamber of the mouthpiece (such as the inlet, outlet, or an intermediate portion of the mount) is selectively obstructed until the mouthpiece . . . is *rotated* to a position in which the obstruction no longer prevents drink fluid from passing through the fluid conduit." *Id.*, at 12:20-28.

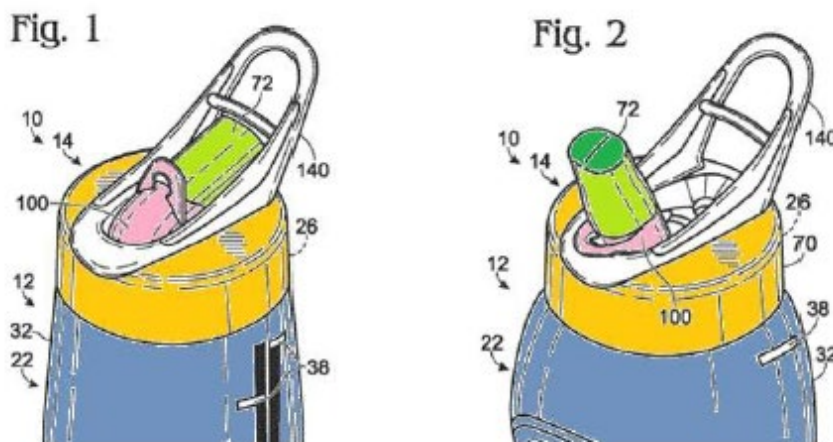
60. The projections 150 on the pivotal mount which rotate within the sockets 152 on the cap assembly base are described as “***rotatable supports, or axles, upon which the mount and any attached mouthpiece may be pivotally moved*** relative to the base of the cap assembly, such as between stowed and dispensing configurations and/or otherwise within the previously discussed range of positions.” *Id.* at 16:50-60.

61. Petitioner’s annotated version of Figure 25 and 29 below depict the mouthpiece 72 (green) and pivotal mount 100 (pink) being rotatably supported at the joint created by the mount’s projections 150 (red) rotating within the sockets 152 (red) of the base (yellow). Additional annotations have been added in red to show the “rotatable mechanism”—i.e., the lateral projections rotating within the sockets.



Pet., 3; Ex. 1001, at Figs. 25 & 29 (annotated).

62. The specification consistently describes rotational motion about the joint that couples the pivotal mount to the base, and the figures also consistently depict the pivotal mount and mouthpiece engaging in rotational motion together about an axis of rotation defined by this joint. For example, in Petitioner’s annotated versions of Figures 1 and 2 below, the mouthpiece 72 and pivotal mount 100 rotate together about the joint created by the projections rotating within the sockets between a closed position (Fig. 1) and an open position (Fig. 2):

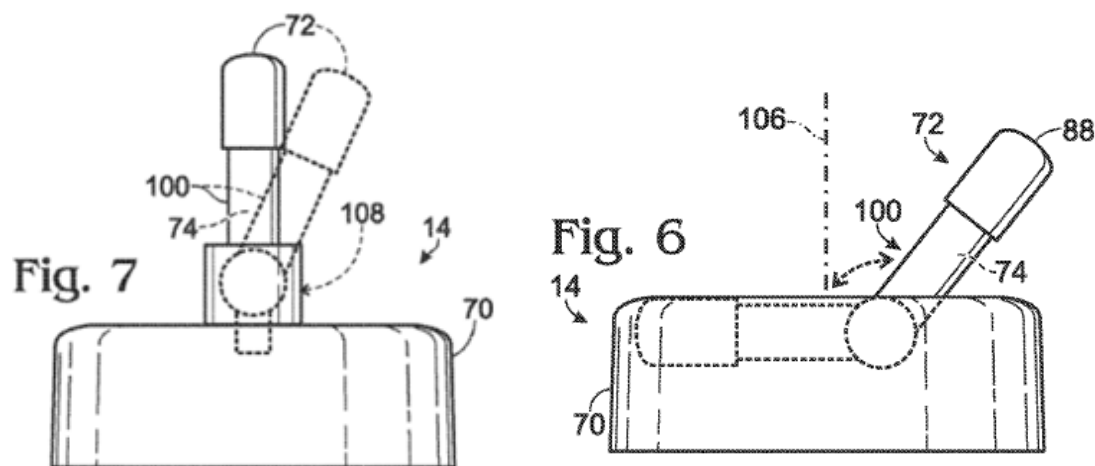


Pet., 9; Ex.1001, Figs. 1-2 (annotated).

63. I understand that Petitioner’s expert, Dr. Vallee, also described the movement of the mouthpiece and pivotal mount as “rotation” or about an “axis of rotation.” Ex.2025 (Vallee Tr.) at 104:16-21 (stating that the pivot axis is “analogous with the axis of **rotation** of the pivotal mount”); *see also id.* at 22:5-13 (explaining that “there is a spout that **rotates** from a stowed position to an unstowed position”), 32:2-12 (referring to the “**rotation**” of the mouthpiece between dispensing and

stowed configurations); 38:1-19 (describing the pivotal mount which “*rotate[s]* around” an “axis”). His characterizations of the pivotal movement required by the claims appear to support my proposed construction.

64. Moreover, in every embodiment in the '255 specification, the pivotal mount and the mouthpiece pivot together, in a circular path (i.e., with a constant radius) about the same pivotal axis of rotation defined by the lateral projections. *See, e.g.,* Ex.1001, at 7:54–60; *see also id.*, at 3:18–21, 7:25–33, 9:19–26. The figures likewise depict in every embodiment that the pivotal mount and *resilient mouthpiece* engage in rotational motion together about this axis of rotation.



Id., Fig. 7 (showing mouthpiece 72 and pivotal mount 100 rotating about the axis of rotation defined by joint 108 and thus the path is circular with a constant radius); Fig. 6.

Fig. 1

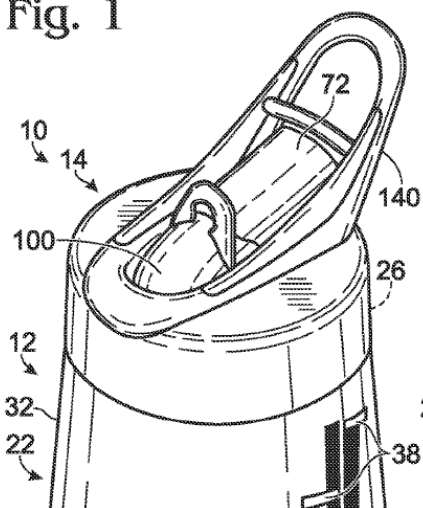
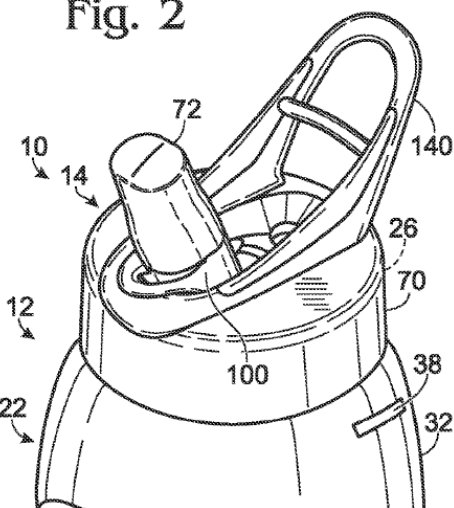


Fig. 2



Id., Figs. 1-2 (showing mouthpiece 72 and pivotal mount 100 rotating together about the axis of rotation defined by the joint where mount 100 attaches to the cap and thus they move in a circular path of constant radius).

Fig. 21

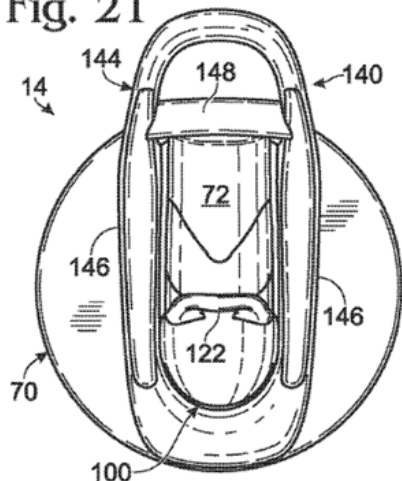
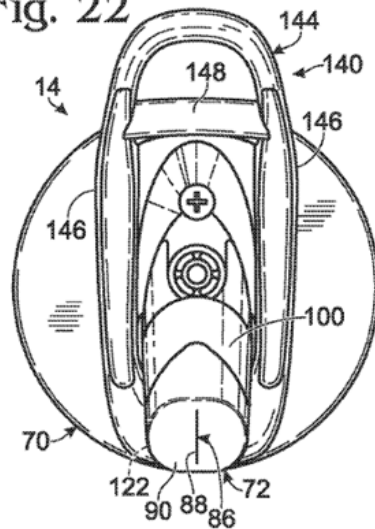
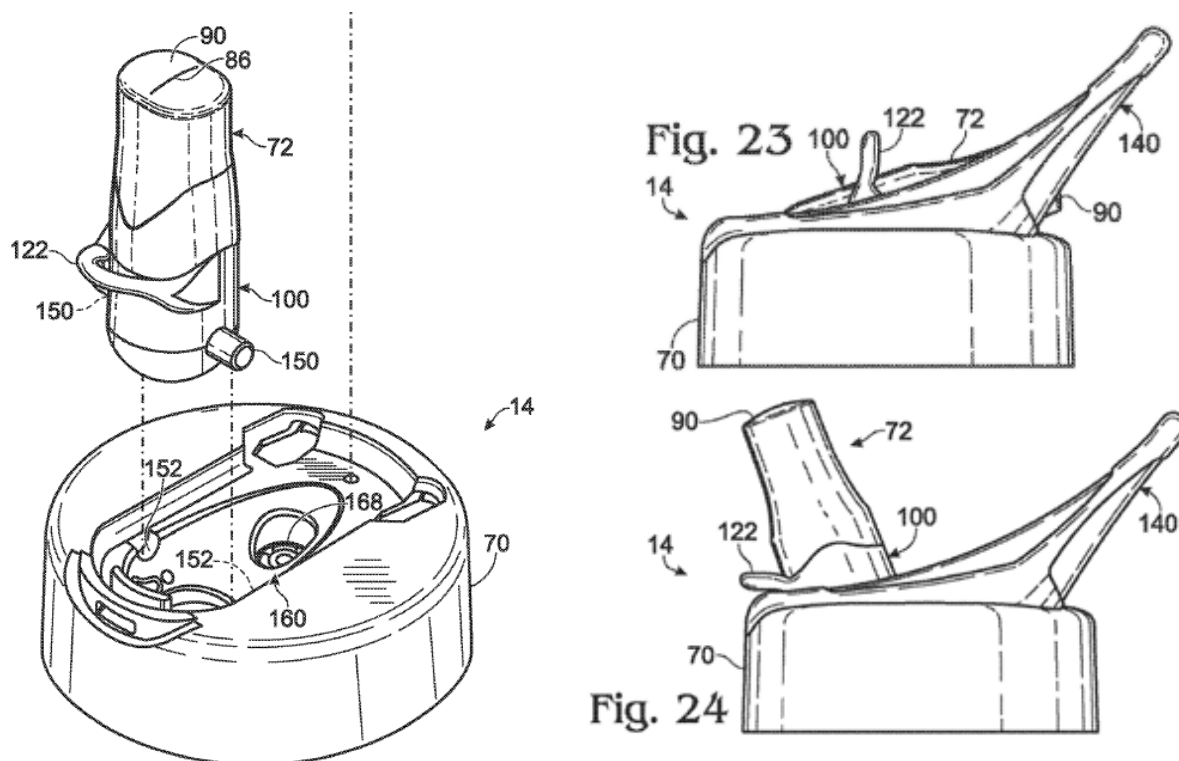


Fig. 22



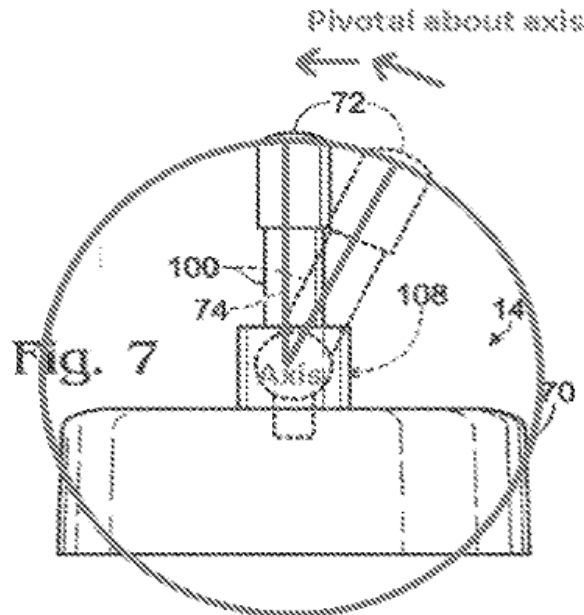


Id., Figs. 21–25; see also *id.*, Figs. 26–29.

65. This construction is also supported by the reexamination history of the '255 patent, in particular, Patent Owner's argument made to overcome the rejection of claim 1. During the reexamination, Patent Owner distinguished the up-and-down translational movement of McDonough's alleged "mouthpiece" from the pivotal movement required by the claims. *See* Ex.2001 at 637-639; *see also id.* at 588-89 (setting forth ground of rejection for claim 1). Specifically, referring to Figure 7 of the '255 patent, Patent Owner explained that this figure depicts the claimed requirement that the 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”

and labeled Figure 7 as shown below:



Ex.2001, at 637.

66. Patent Owner labeled the joint 108 formed by the projections rotating in the sockets as being the “Axis,” and drew a circular path depicting **rotational** motion of the mouthpiece 72 about this “Axis.” As is required in order to have “rotational movement,” Patent Owner’s annotations depict a constant radius/distance between the mouthpiece 72 and “Axis.” Patent Owner labeled this rotational motion about this “Axis” as being “Pivotal about axis.” *Id.* Patent Owner then stated: “As shown above, the mouthpiece 72 is pivotal about an axis defined by the pair of lateral projections as they rotate.” *Id.* (emphasis in original).

67. Patent Owner then distinguished McDonough from the '255 patent by arguing that “portion 16 of the straw” of McDonough—which was mapped to the claimed “mouthpiece” by the examiner and highlighted by Patent Owner’s annotations—“is not *pivotal about an axis* defined by the pair of lateral projections.” Ex.2001 at 638. The Specialist had mapped the pivotal axis to the “axle projections 30” of McDonough about which the straw positioning mechanism 20 rotates. *Id.* at 588-89. As illustrated in the below annotated versions of Figure 2 and 3 provided by Patent Owner during the reexamination, the straw’s end 16 (mapped to the “mouthpiece”) “is not pivotal about an axis defined by the pair of lateral projections,” as argued by Patent Owner. *Id.* at 638 (emphasis in original). Instead, Patent Owner argued that, “when the straw positioning member 20 is pivoted about a pivotal axis [i.e. axles 30], the portion 16 of straw 14 is pulled downwards.” *Id.* (underline added).

68. As shown below, Patent Owner annotated Figures 2 and 3 of McDonough with a circular path and a fixed radius to depict rotational motion of the positioning member 20 about the axis defined by axles 30 and contrast this motion from the downward/upward motion of the dinking end 16 (alleged “mouthpiece”) of straw 14. *Id.*

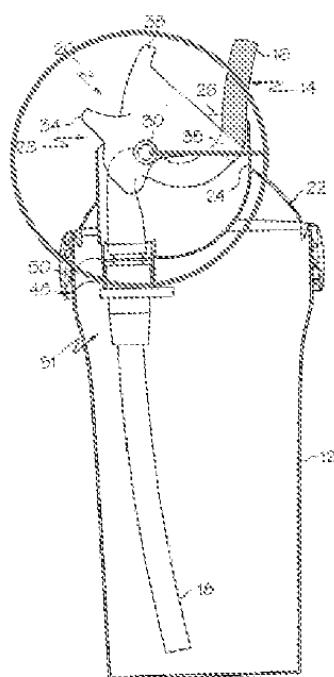


FIG. 2

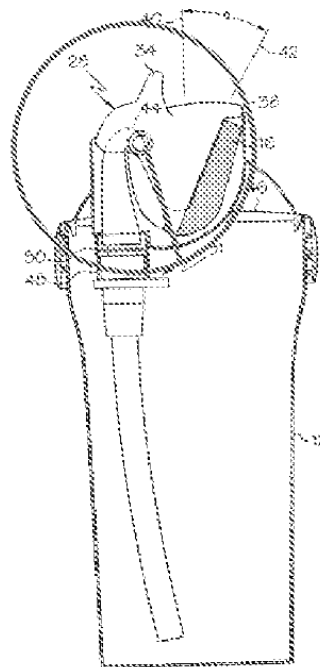


FIG. 3

Ex.2002 at 638; *see also* McDonough (Ex.2008), at Figs. 2–3.

69. From this reexamination history, a POSITA would have understood that the Patent Owner was distinguishing between translational movement in McDonough (i.e., upward and downward movement) of the alleged mouthpiece, portion 16 of the straw, from the claimed “pivotal movement” about an axis that patent owner had annotated in Figure 7 (rotational movement about the alleged pivotal axis at axles 30). In other words, the requirement that the movement of the mouthpiece must be “pivotal about an axis” is not satisfied by upward and downward translational movement relative to the alleged axis.

70. The below annotated version of Figures 2 and 3 from the original version of McDonough (Ex.2008) shows that the alleged *mouthpiece* (drinking end

16 of the straw) does not engage in rotational motion about the axis defined by axles 30, because it does not move in a circular path which maintains a constant distance to the axis. Instead, it engages in up and down translational motion (red arrows) relative to the axles 30.

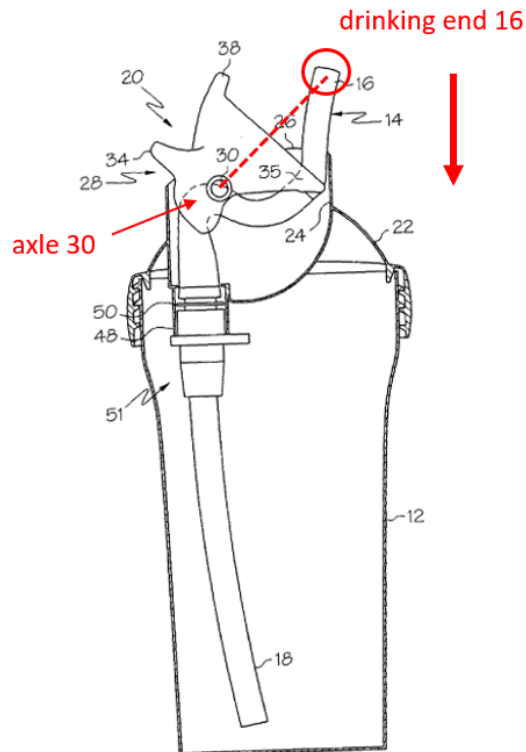


FIG. 2

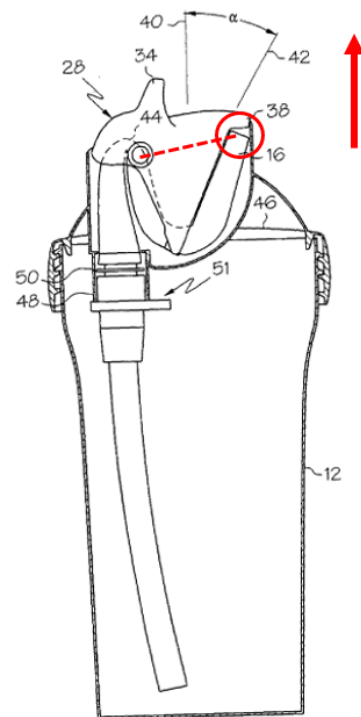


FIG. 3

Ex.2008, Figs. 2–3 (red annotations added).

71. Moreover, a POSITA would understand the word “pivot” to itself mean something which rotates, or turns. Technical and lay dictionaries describe “pivot” in terms of rotation. Ex.2017 (“A short rod or shaft on which a related part rotates or swings . . . The act of turning on or as if on a pivot . . . To cause to rotate, revolve or turn.”); Ex.2018 (“a fixed point supporting something that turns or balances . . .

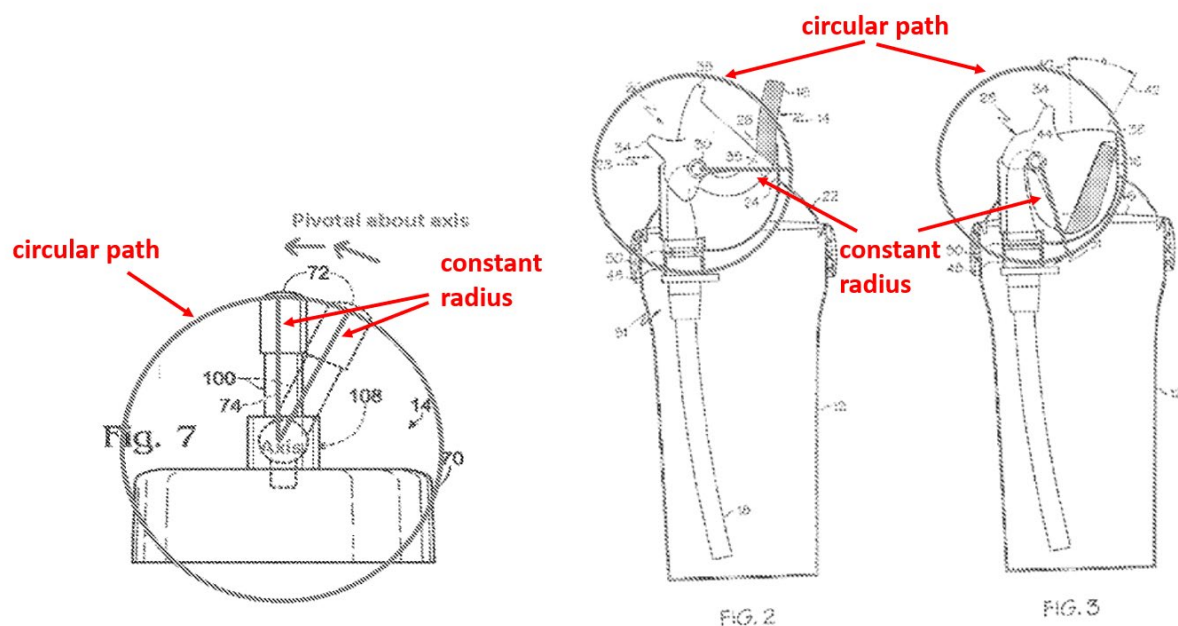
to turn or twist”); Ex.2019 (“the central point, pin, or shaft on which a mechanism turns or oscillates”); Ex.2020 (“A short, pointed shaft forming the center and fulcrum on which something turns, balances, or oscillates”); Ex.2021 (“a shaft or pin on which something turns”).

72. The concept of rotational movement occurring about an axis of rotation would have been well understood by a POSITA at the time of the ’255 patent. An undergraduate physics course (a prerequisite to a bachelor’s degree in mechanical engineering or the equivalent as set forth in my description of a POSITA above) would have taught the concept of rotational motion about an axis of rotation, wherein rigid body would rotate in circular path about a common axis with a common velocity. In this case, all points of a rigid body (such as the mouthpiece and pivotal mount) maintain a constant distance from the axis of rotation, because if they did not maintain a constant distance from the axis, the path would not be circular and therefore the motion would be translational instead of rotational.

73. This concept is described in various educational textbooks and websites. For example, the website at Ex. 2022 describes the basic concepts of rotational motion that a POSITA would have been taught in an undergraduate physics course, wherein “[R]otational motion . . . is a type of motion in which all points of a rigid body maintain a constant distance from an imaginary axis and rotate in circulate paths about a common axis with a common velocity.” Ex.2022, at 1; *see*

also Ex.2026, at 279 (“When a rigid body rotates about a fixed axis, every particle in the body moves in a circular path that lies in a plane perpendicular to the axis and is centered on the axis.”); Ex.2027, at 2 (rotational motion “has to be circular” and “planetary orbits are actually elliptical (slightly oval) and therefore not an example of rotational motion”) . The textbook at Ex. 2023 similarly describes that “an “axis of rotation” as requiring that “every point of the body moves in a circle whose center lies on the axis of rotation, and every point moves through the same angle during a particular time interval.” Ex.2023 at 258-259. Rotational motion is distinct from translational motion, “in which an object moves along a straight or curved line.” Ex.2023 at 258. If a rotating body does not maintain a constant distance from the axis of rotation, then its path will cease to be circular and its motion will be translational, not rotational.

74. The reexamination history is consistent with this basic requirement of physics that rotational motion about an axis of rotation requires a circular path and a constant/fixed distance/radius to the axis of rotation. In particular, Patent Owner annotated Figure 7 of the '255 patent with a circular path and fixed radius when stating this was “pivotal about an axis.” In addition, Patent Owner annotated Figures 2 and 3 of McDonough with a circular path and fixed radius when distinguishing the straw positioning member 20’s pivotal movement about the axis defined by axle 30 from the upward/downward translational movement of the drinking end 16:



Ex.2001, at 637-638 (red annotations added). This argument by Patent Owner in reexamination is consistent with every embodiment described in the '255 specification, as discussed above, because they describe the movement as “rotational” and the figures depict the mouthpiece and pivotal mount moving in a circular path of constant radius about an axis of rotation defined by the lateral projections, which, thus, depicts rotational motion. *See, e.g.*, Ex.1001, at 7:54–60; *see also id.*, at 3:18–21, 7:25–33, 9:19–26; Figs. 1-2, 6-7, 21-29.

75. A POSITA therefore would understand, in the context of the intrinsic and extrinsic evidence, that the limitation “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” means that “the resilient mouthpiece moves with rotational motion about an axis of rotation defined by the pair of lateral

projections as the pair of lateral projections rotate within the pair of sockets,” and that, as a matter of physics, rotational motion about an axis of rotation requires maintaining a constant distance/radius between the mouthpiece and the axis of rotation.

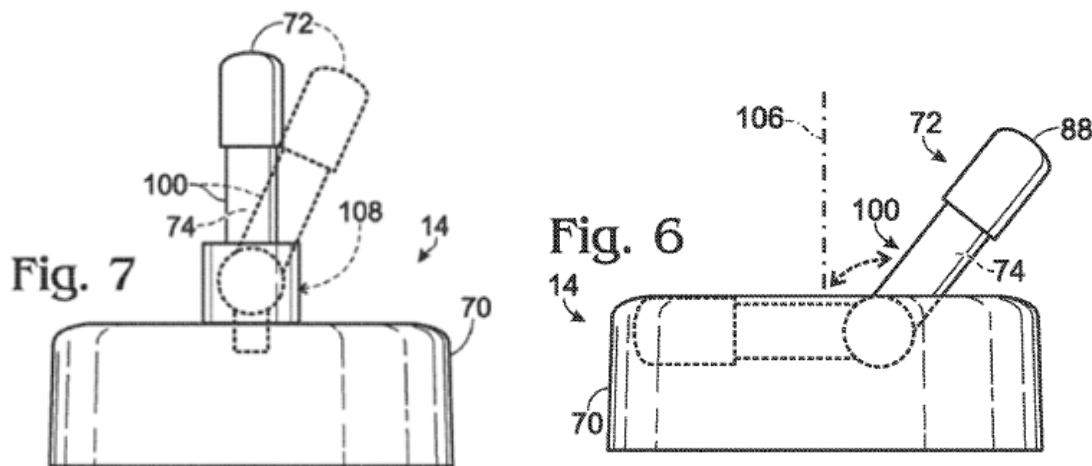
B. “a resilient mouthpiece engaged with the mount outlet and removably coupled to the pivotal mount for pivotal movement with the pivotal mount”

76. I was asked to offer my opinion regarding the correct claim construction of this claim term. In my opinion, a POSITA would have understood the required “pivotal movement with the pivotal mount” to require the mouthpiece and pivotal mount to engage in rotational motion in the same direction about the axis of rotation defined by the lateral projections. This is consistent with the intrinsic and extrinsic evidence.

77. The claims recite “a pivotal mount . . . for pivotal movement” and “a resilient mouthpiece . . . coupled to the pivotal mount for pivotal movement with the pivotal mount . . . wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections [included on the pivotal mount] as the pair of lateral projections rotate within the pair of sockets.” Therefore, taken together with the limitation discussed above in Sec. VI.A, the plain claim language indicates to a POSITA that in order for the mouthpiece to engage in “pivotal movement with the pivotal mount” that is “pivotal about an axis” defined by the pivotal mount’s lateral

projections as they rotate, the pivotal mount itself must also engage in rotational motion about the same axis as the mouthpiece. And, because the claim language requires pivotal movement “with,” rather than “away from” the pivotal mount, a POSITA would also understand that the mouthpiece and pivotal mount must engage in rotational motion in the same direction about this same axis of rotation.

78. The '255 specification supports Patent Owner's proposed construction. Indeed, in every embodiment, the pivotal mount and the mouthpiece pivot together in the same direction about the same pivotal axis defined by the two joints. *See, e.g.*, Ex.1001, at 7:54–60; *see also id.*, at 3:18–21, 7:25-33, 9:19–26. The figures likewise depict in every embodiment that the pivotal mount and *resilient mouthpiece* engage in rotational motion together about the same axis in the same direction.



Id., Fig. 7 (showing mouthpiece 72 and pivotal mount 100 rotating about the same pivotal axis defined by joint 108 in the same direction); Fig. 6.

Fig. 1

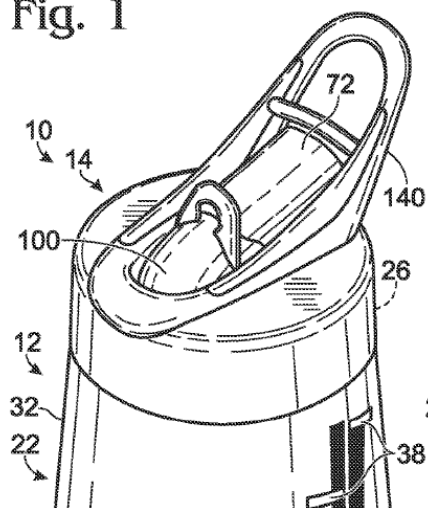
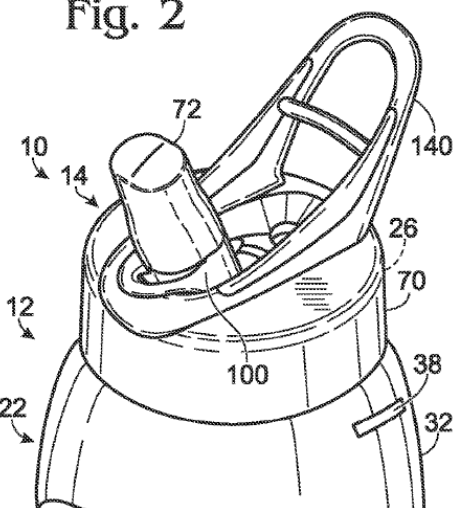


Fig. 2



Id., Figs. 1-2 (showing mouthpiece 72 and pivotal mount 100 rotating together in the same direction about the same joint where mount 100 attaches to cap).

Fig. 21

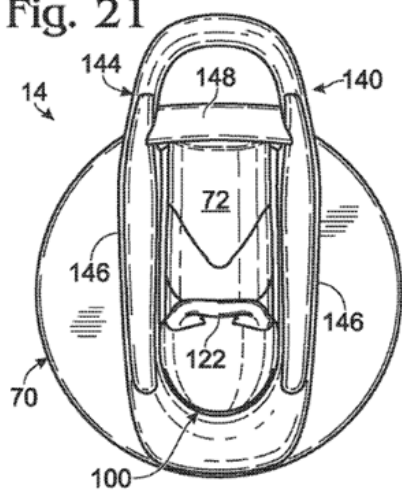
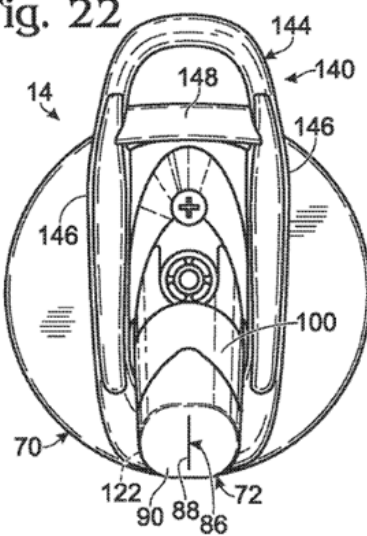
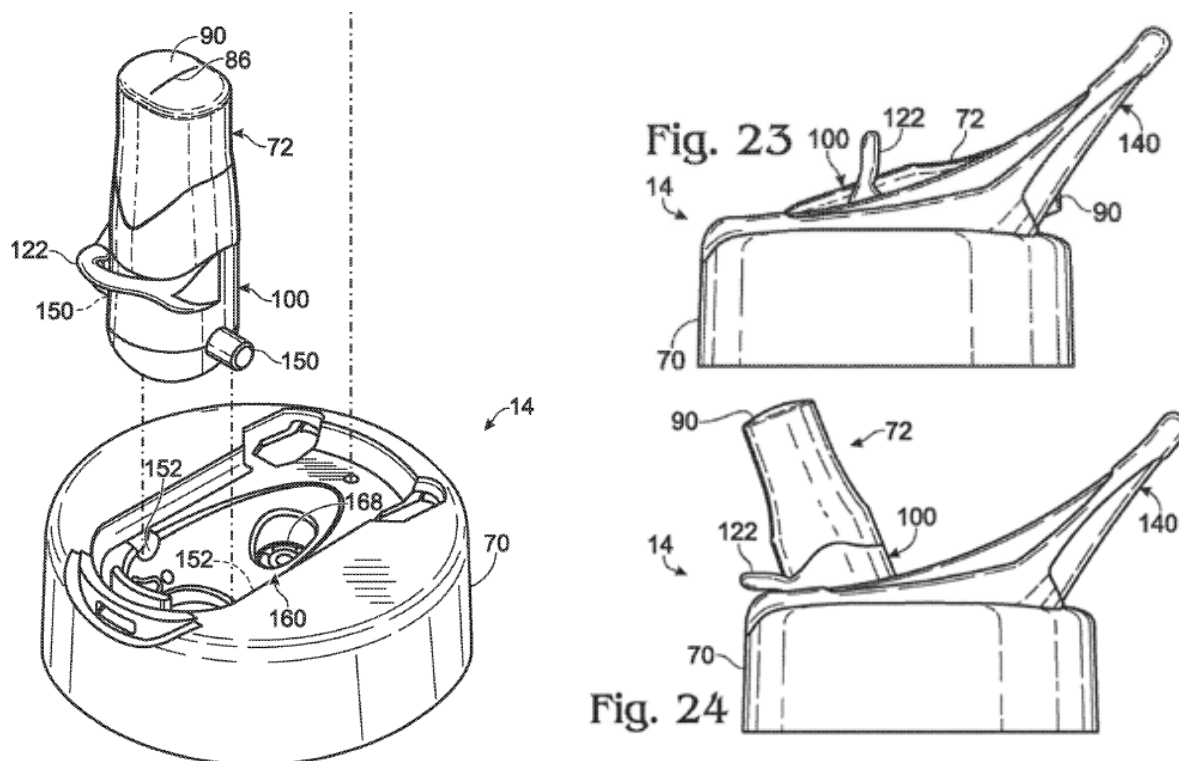


Fig. 22





Id., Figs. 21–25; see also *id.*, Figs. 26–29.

79. The plain claim language would also have indicated to a POSITA reviewing the '255 patent that the mouthpiece's claimed "pivotal movement with the pivotal mount") where the pivotal mount is "for pivotal movement" and where the mouthpiece is "pivotal about an axis defined by" the pivotal mount's "pair of lateral projections") means that the claimed mouthpiece and pivotal mount must **both** engage in rotational motion about the **same** axis of rotation defined by the lateral projections. Again, the testimony of Petitioner's declarant, Dr. Vallee, appears to support this construction, as he testified that the lateral projections "define an axis of rotation" for both the mouthpiece and pivotal mount. Ex.2025 (Vallee Tr.)

at 58:16-60:11. A POSITA reviewing the '255 patent would have likewise understood that the claimed pivotal movement “with,” rather than “away from,” the pivotal mount, when read in light of the specification, requires the mouthpiece and pivotal mount to rotate in the same direction, as well.

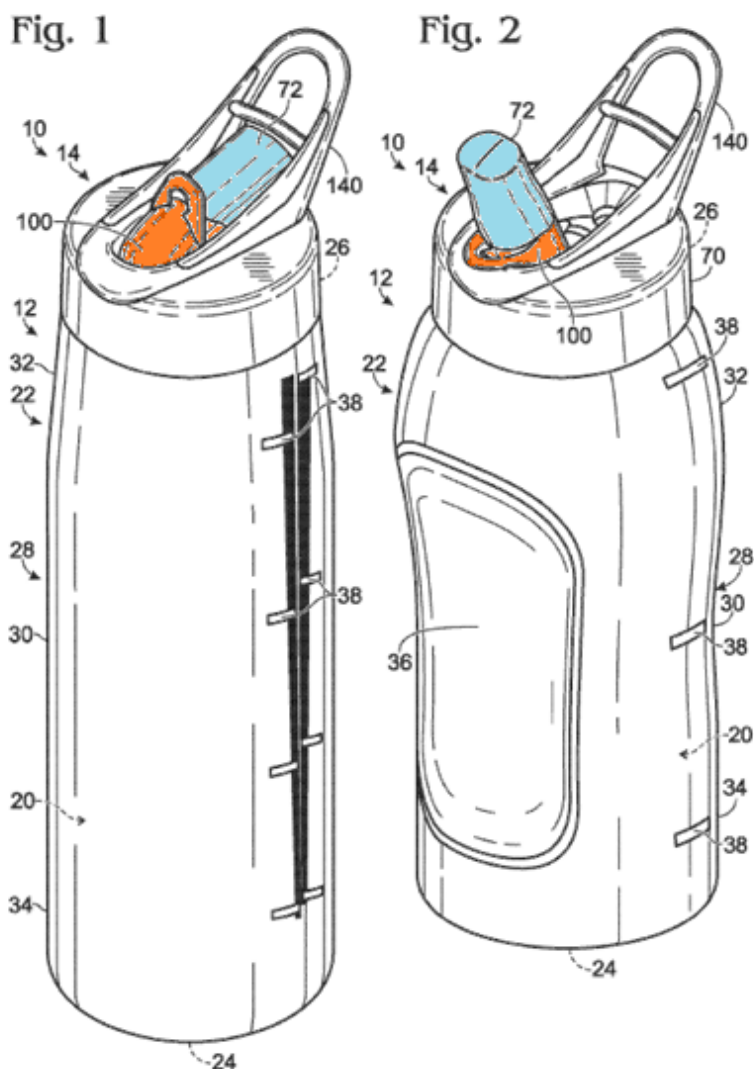
80. The claim language, specification, and extrinsic evidence each support the construction that the mouthpiece being “coupled to the pivotal mount for pivotal movement with the pivotal mount” must require that the mouthpiece and pivotal mount engage in rotational motion in the same direction about the same axis of rotation.

C. “wherein the resilient mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user’s teeth”

81. The independent claims of the '255 patent recite “wherein the resilient mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user’s teeth.” Ex.1002 at 1:64–66, 2:57–59. A POSITA at the time of the '255 patent would have understood that the term “adapted to” in the context of the claim limitation “wherein the resilient mouthpiece is **adapted to** resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user’s teeth” requires that the resilient mouthpiece must be designed or configured to resiliently compress responsive to compressive forces

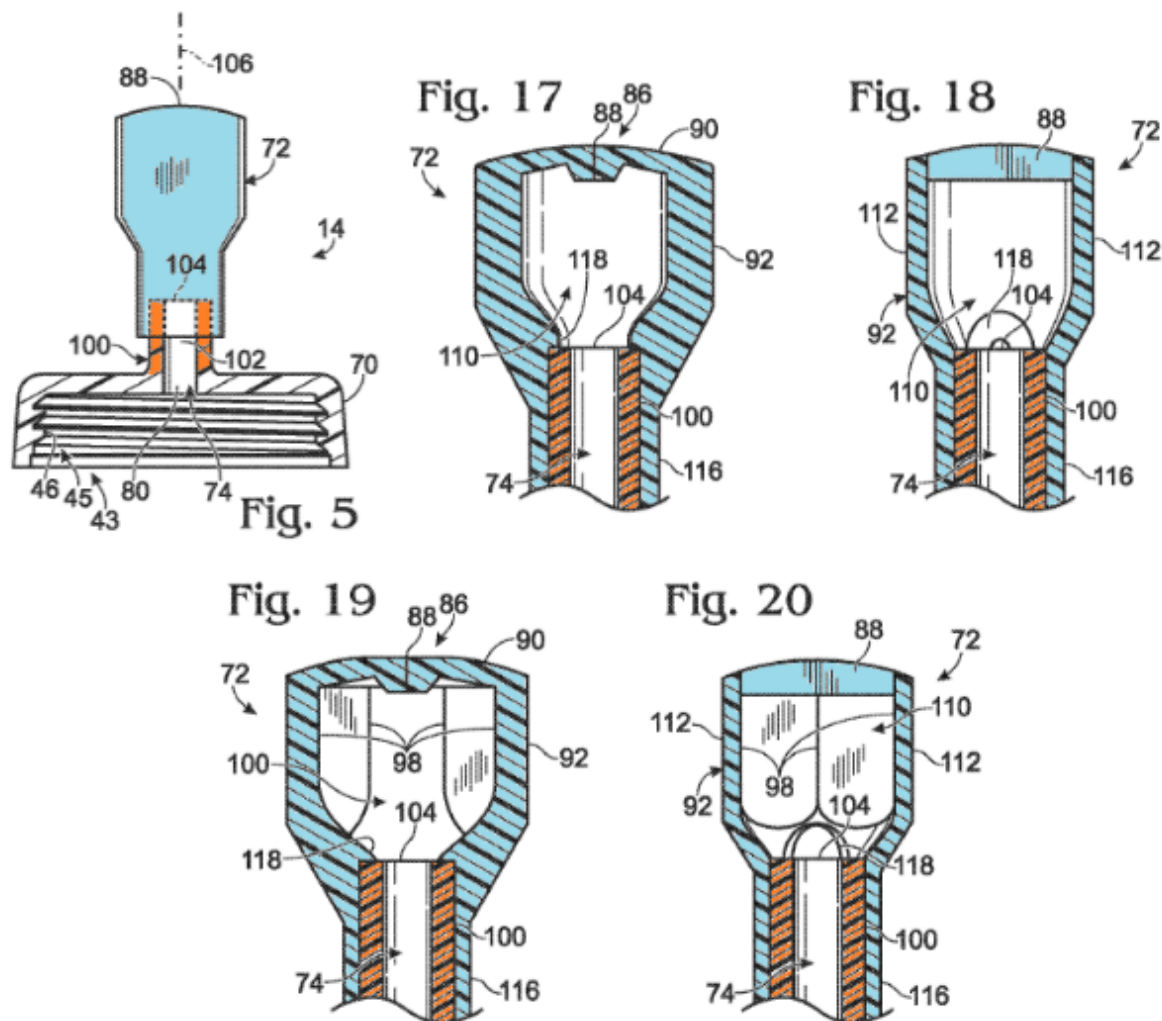
applied from the user's teeth. In other words, it is not sufficient that the mouthpiece *could be modified to* be capable of such resilient compression by a user's teeth.

82. A POSITA would understand the intrinsic evidence in the '255 patent to support that the "adapted to" phrase in claims 1 and 20 requires that the *resilient mouthpiece* be designed or configured to "resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth." A user must therefore be permitted by the design and configuration of the claimed drink bottle to bite down on the *resilient mouthpiece*. It is insufficient that the mouthpiece merely be hypothetically capable of being compressed by a user's teeth, such as if the mouthpiece were removed or if the design or configuration were different. The '255 patent's specification describes structural attributes that enable a user to resiliently compress the mouthpiece by biting. In particular, the arrangement of elements in the *cap assembly* of the '255 patent claims make the *resilient mouthpiece* "adapted to" resiliently compress when a user bites on it. When the mount (item 100) is in a stowed configuration, as shown in Figure 1 below, "the mouthpiece [item 72] is not suitably positioned for a user to bite upon the mouthpiece." Ex.1001 at 3:27–34, Fig. 1. But the dispensing configuration (illustrated in Figure 2, below) allows the user to drink from the bottle by biting the mouthpiece. *See id.* at 3:21–27, Fig. 2.



Ex.1001, Figs. 1–2 (annotated).

83. In all of the embodiments shown in the '255 patent, the mouthpiece extends beyond the pivotal mount, such that the mouthpiece is intentionally exposed to the “compressive forces” which can be “applied to the resilient mouthpiece by a user’s teeth.”



Ex.1001, Figs. 5, 17–20.

84. As such, a POSITA would have understood that in order to be “adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user’s teeth,” the “resilient mouthpiece” must be designed or configured to do so without modification.

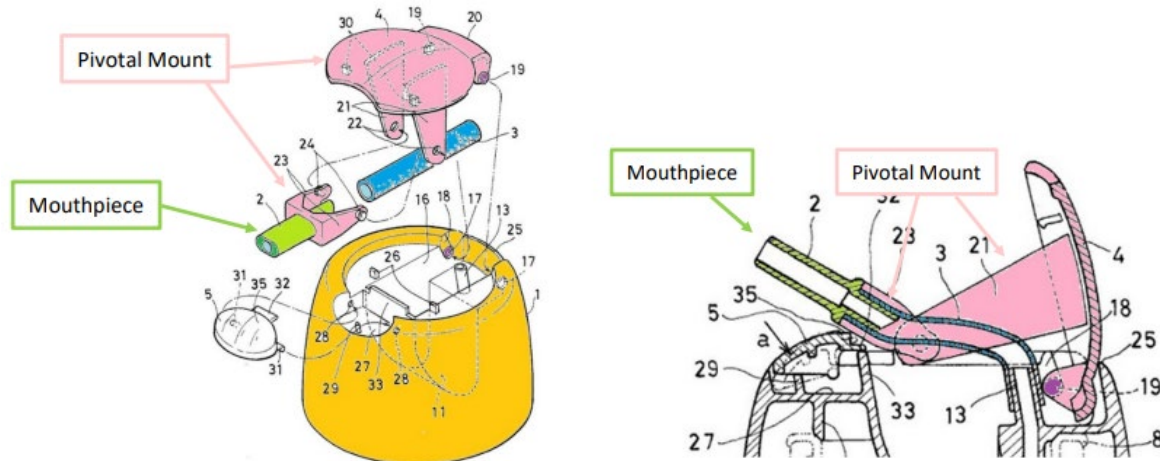
VII. THE PETITION DOES NOT ESTABLISH THE UNPATENTABILITY OF ANY OF THE CHALLENGED CLAIMS

A. Nakajima

85. In my opinion, Nakajima fails to disclose the mouthpiece's required "pivotal movement with the pivotal mount," which is recited in the independent claims challenged under Grounds 1 and 2. As I explain below, it is my opinion that Nakajima does not disclose a "mouthpiece" that pivots about a "pivotal axis defined by the pair of lateral projections," nor does it disclose a "mouthpiece" that engages in "pivotal movement *with* the pivotal mount" as required by claims 1 and 20.

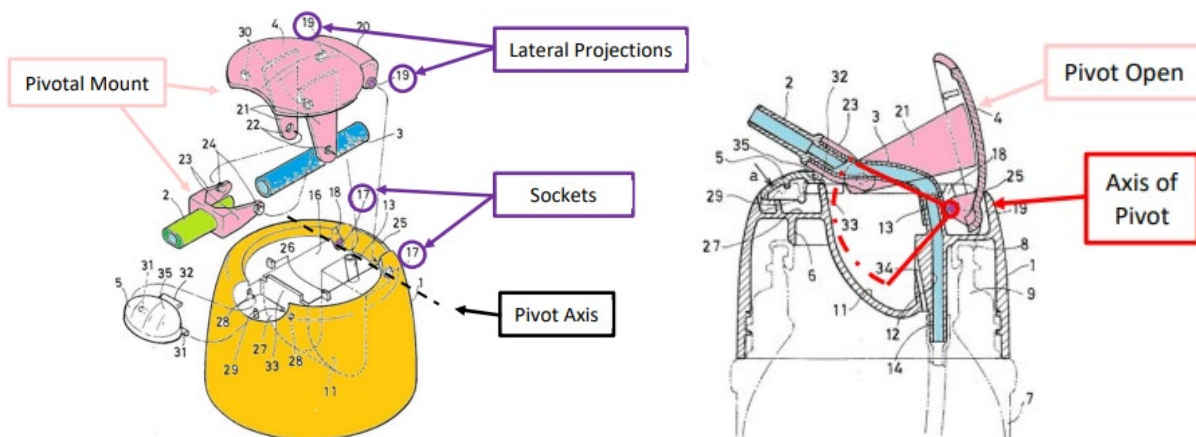
1. Nakajima does not have a "mouthpiece" that is "pivotal about an axis defined by the pair of lateral projections."

86. The Petition alleges that the "resilient mouthpiece" is a particular portion of the "mouthpiece 2" in Nakajima. As is shown below in Petitioners annotated Figures 1 and 3 from Nakajima, Petitioner does not allege that the entirety of "mouthpiece 2" is the "mouthpiece." Petitioner maps only the portion of "mouthpiece 2" which is colored green to the "mouthpiece." Petitioner contends that the other elements of "mouthpiece 2," including "arms 23" and "protrusions 24" colored in pink below, are part of the "pivotal mount." Pet., 25.



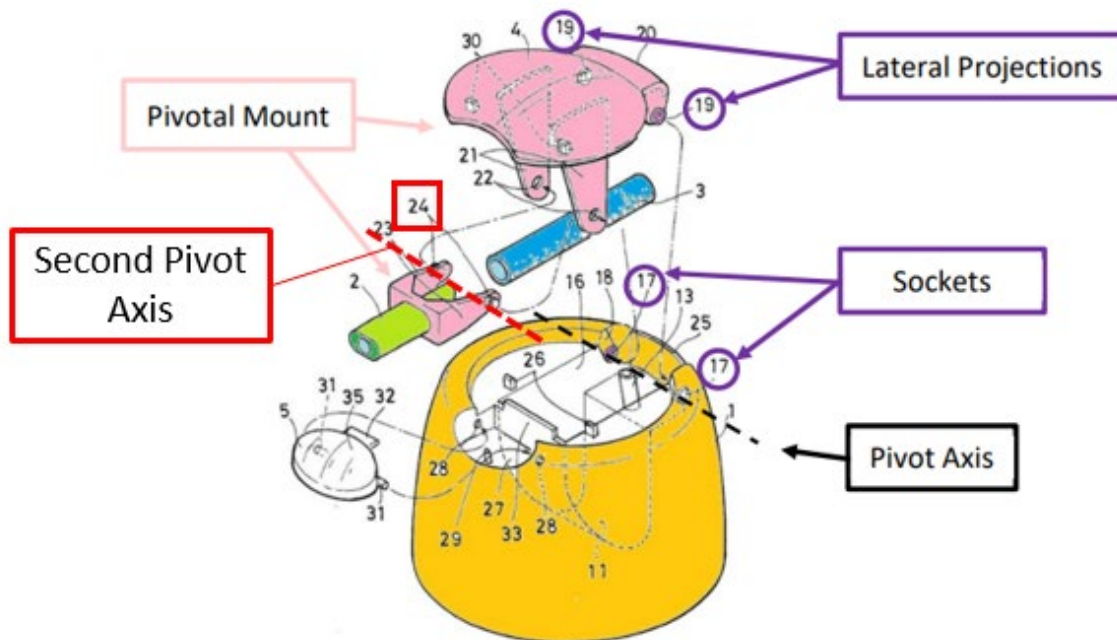
Pet., 25 (citing Ex.1004, Fig. 1, [0003]; Ex.1003 ¶82); *id.*, 29 (citing Ex.1004, Fig. 3, Ex.1003, ¶88).

87. In Nakajima, the lid 4 rotates about a pair of hinge shafts 19, rotating within a pair of recesses 17. Ex.1004, ¶[0025]. Petitioner therefore labeled that axis, defined by hinge shafts 19, the “pivot axis” and “axis of pivot” in its annotated figures below.



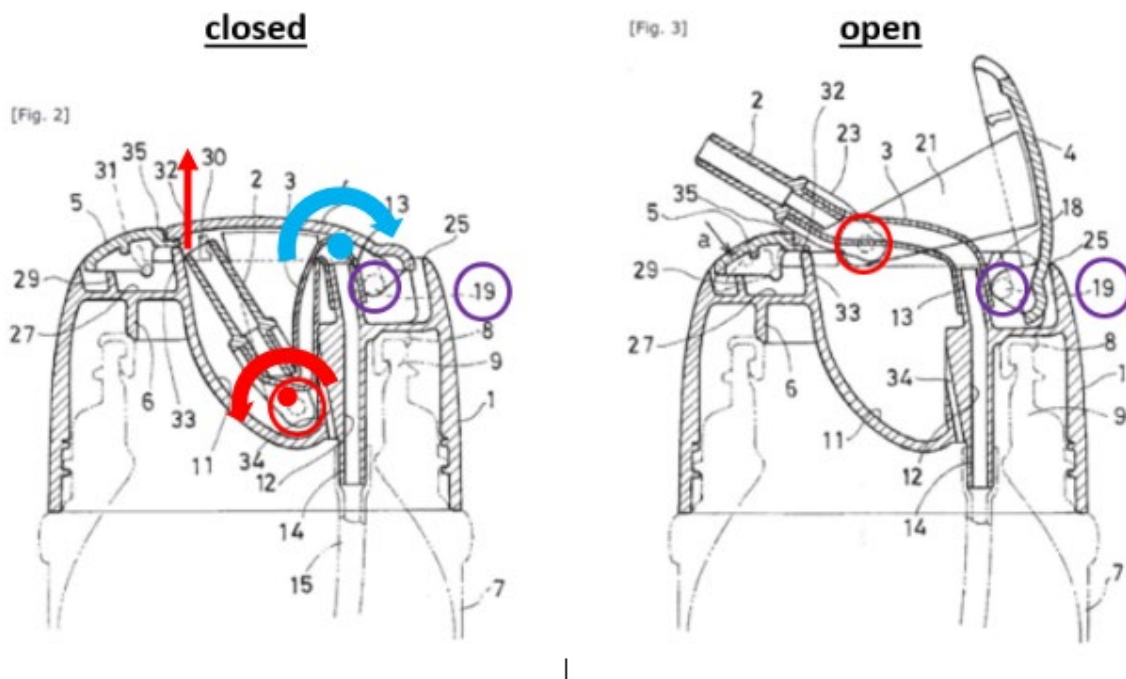
Pet., 26-27 (citing Ex.1004, Figs. 1 & 3).

88. Even if Nakajima's lid 4 (part of the pivotal mount) rotates about the labeled "pivot axis" or "axis of pivot" defined by the alleged "lateral projections," the alleged mouthpiece does not. The alleged "mouthpiece" moves up and forward when the lid 4 opens, which is translational motion. Ex.1004 ¶3 ("[T]he mouthpiece *moves up and down* in conjunction with the opening and closing of the lid."). As I have annotated in red in the figure below, the component that Petitioner has identified as the "mouthpiece" rotates about a second pivotal axis, which is defined not by the lateral projections 19, but instead by a pair of protrusions 24, which rotate within a pair of holes 22. Ex.1004, [0016] ("[A] protrusion 24 on [each of] the arms 23 of the mouthpiece 2 is *rotatably fitted* into a hole 22 at the bottom end of each leg piece 21.") (emphasis added). I have labeled this separate axis the "second pivot axis."



Pet., 27 (citing Ex.1004, Fig. 1) (red annotations added).

89. Because the Petitioner mapped the “pair of lateral projections” to the hinge shafts 19, the second pivot axis, about which the alleged “mouthpiece” pivots, is not “defined by the pair of lateral projections.” The annotated versions of Nakajima’s Figures 2 and 3 below demonstrate the mouthpiece’s pivotal movement about the second pivot axis. The **red** annotations indicate how the alleged *resilient mouthpiece* moves as the lid opens, including the mouthpiece’s counterclockwise rotation about the axis defined by protrusions 24. The **blue** annotations indicate the lid’s clockwise movement about a different axis, i.e., the alleged *axis defined by the pair of lateral projections* (Nakajima’s hinge shafts 19). The “pivotal axis” about which the alleged mouthpiece rotates is in a completely separate location than the “axis defined by the pair of lateral projections” shown in blue below.

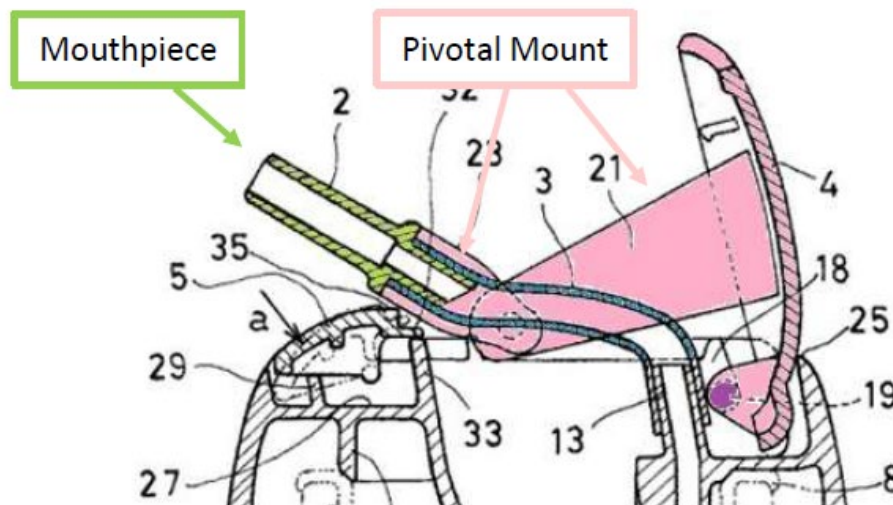


Ex.1004, Figs. 2–3.

90. A POSITA would have understood that the green portion of “mouthpiece 2” that Petitioner contends is the claimed *resilient mouthpiece* rotates freely (e.g., in response to the force of gravity) about the red axis defined by protrusions 24. In order to be additionally rotational about the axis defined by hinge shafts 19, there would have to be a piece keeping the mouthpiece in alignment with the lid (i.e., part of the pivotal mount) such that the *resilient mouthpiece* would rotate “with” the lid. Nakajima does not suggest any such alignment between the *resilient mouthpiece* and the lid. Instead, the alleged *resilient mouthpiece* freely rotates under operation of gravity in the opposite direction about an entirely different axis and is

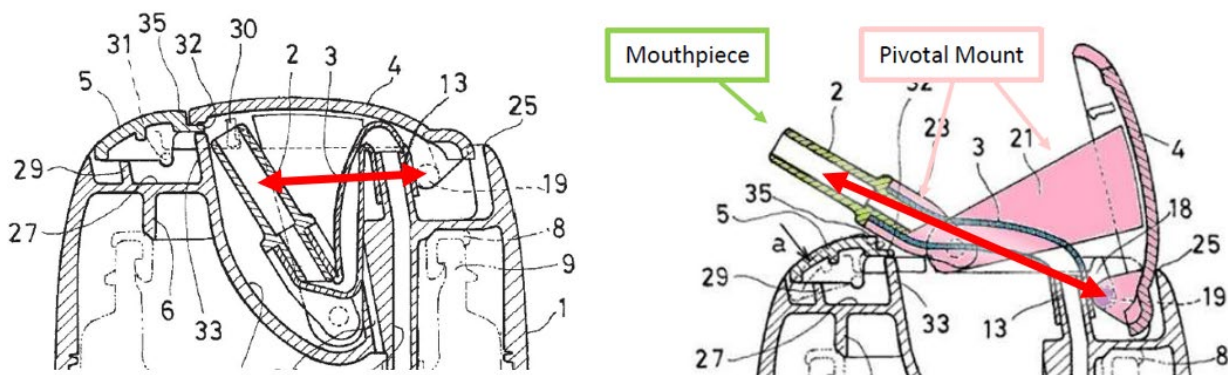
not held in alignment with the lid by any other piece such that it would rotate with the lid about the same axis defined by hinge shafts 19.

91. As I discussed above in Section VI.A, the requirement that the mouthpiece must be “pivotal about an axis defined by the pair of lateral projections” means that the mouthpiece moves with rotational motion about an axis of rotation defined by the pair of lateral projections. As a matter of physics, rotational motion about an axis of rotation requires maintaining a constant distance/radius between the mouthpiece and the axis of rotation. *See supra* Sec. VI.A. Nakajima does not meet this limitation because the alleged mouthpiece (the green portion of Nakajima’s “mouthpiece 2”) **does not ever** maintain a constant distance or radius from the alleged axis of rotation (hinge shafts 19) and, as a result, **does not** engage in rotational motion about this alleged axis of rotation:



Pet., 29 (citing Ex. 1004, Fig. 3; Ex 1003, ¶88).

92. I have used red arrows below to illustrate the distance between any point on the alleged mouthpiece and the alleged pivotal axis defined by hinge shafts 19. That distance is not constant—it is continually changing during the opening and closing of the lid. Because a constant distance is not maintained between the *mouthpiece* and the alleged pivot axis, the movement of the *mouthpiece* is not rotational motion about the alleged axis (hinges 19), it is instead translational upward and downward motion relative to the alleged axis (hinges 19).



Ex.1004, Figs. 2-3 (annotated)

93. Moreover, a POSITA familiar with reexamination history of the '255 patent would have understood that Nakajima's mouthpiece does not meet this limitation for the same reasons that McDonough's mouthpiece did not. Again, referring to the annotated figures (below) from McDonough, Patent Owner argued that "portion 16 of the straw" of McDonough—mapped to the *resilient mouthpiece* by the examiner and highlighted by Patent Owner's annotations—"is not pivotal about an axis defined by the pair of lateral projections." Ex.2002 at 638. The

examiner had mapped the lateral projections to the “axle projections 30” of McDonough about which the straw positioning mechanism 20 rotates. *Id.* at 588-89. As illustrated in the below annotated versions of Figure 2 and 3 provided by patentee during the reexamination, the straw’s end 16 (mapped to the mouthpiece) “is not pivotal about an axis defined by the pair of lateral projections,” as argued by Patent Owner. *Id.* at 638 (emphasis in original).

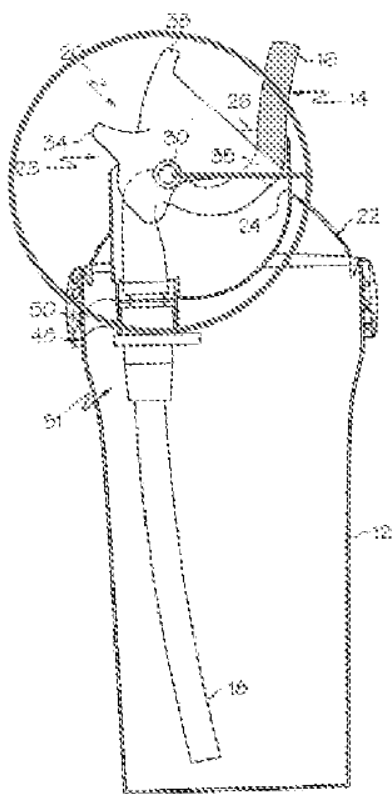


FIG. 2

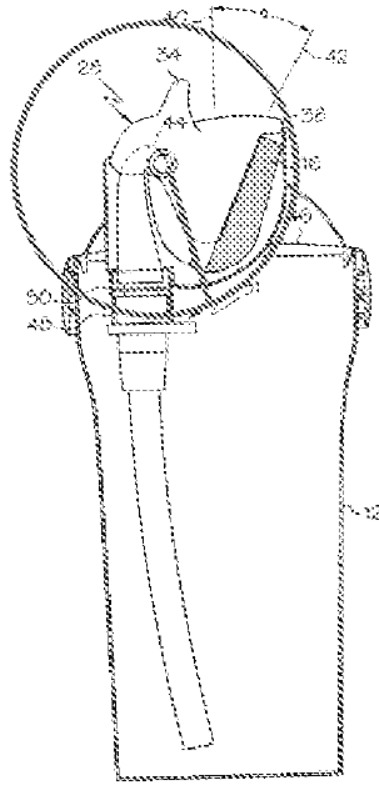
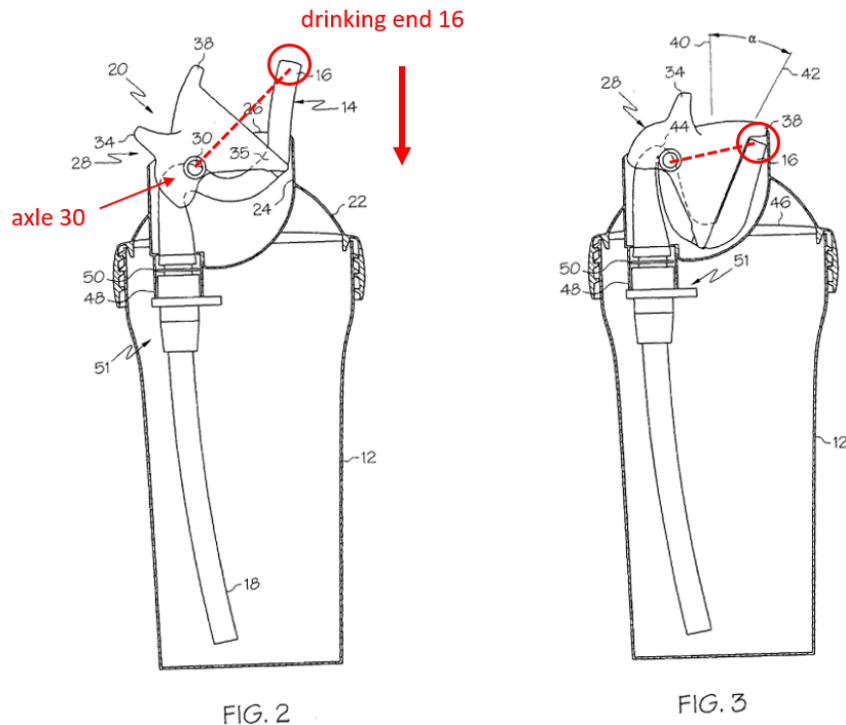


FIG. 3

94. In the '192 reexamination, Patent Owner argued that “when the straw positioning member 20 is pivoted about a pivotal axis [i.e. axles 30], the portion 16 of straw 14 is pulled downwards.” *Id.* (underline added). A POSITA would

therefore understand this to be upward and downward (translational movement) of the alleged mouthpiece (i.e., portion 16 of the straw) in relation to axles 30 from the claimed pivotal movement of the *mouthpiece* that must be *pivotal about an axis* defined by axles 30. In other words, Patent Owner made clear that McDonough's mouthpiece is not pivotal about the axis defined by axles 30 because of its translational upward and downward movement, as opposed to movement in a circular path at a constant distance/radius from the axis.



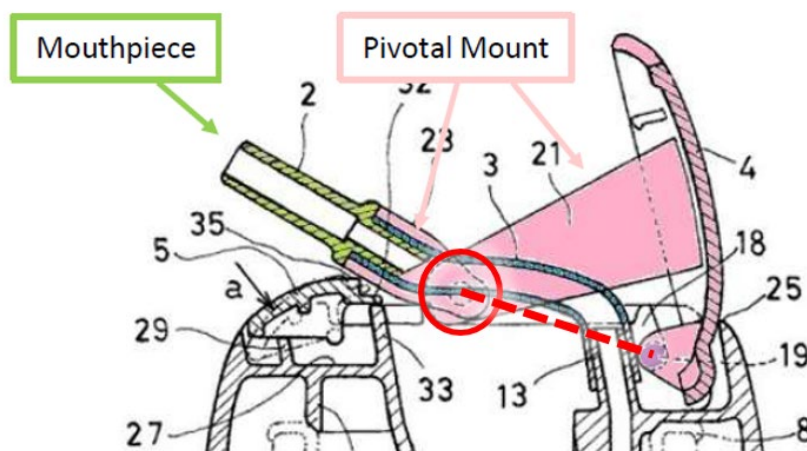
Ex.2008, Figs. 2–3 (annotated).

95. A POSITA would have understood that Nakajima is similar to McDonough in that the mouthpiece in Nakajima moves only translationally in relation to the “axis defined by the pair of lateral projections.” Just like in

McDonough, “Nakajima’s mouthpiece ‘moves up and down in conjunction with the opening and closing of the lid.’” Pet., 29 (quoting Ex.1004 ¶3). Such movement is translational in relation to the “axis defined by the pair of lateral projections”—not rotational *about* the claimed axis, and therefore does not meet the claim limitation.

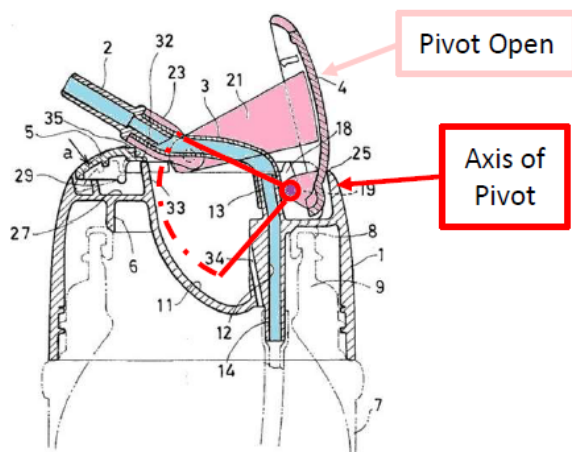
96. I note that the Board made a finding in its Institution Decision as follows: “As cited by Petitioner, from the closed position, for example, the Nakajima’s mouthpiece would appear to move based on clockwise rotation about hinge shaft 19.” Paper 6 at 15. It appears that the Board may have been referring to the movement of Nakajima’s entire “mouthpiece 2,” including its arm 23 and protrusions 24, when making this statement. That is, I do not believe that the Board was referring to just the portion of mouthpiece 2 that Petitioner colors green and labels as the alleged *mouthpiece* of the claims when the Board referred to “Nakajima’s mouthpiece” in that sentence, because, as discussed, Nakajima’s mouthpiece 2 includes the arm 23 and protrusions 24 that Petitioner contends are part of the claimed *pivotal mount* and not part of the claimed *mouthpiece*.

97. If I am correct in this belief, then the Board may have been merely referring to the fact that the very center of the protrusions 24 appears to potentially rotate in a clockwise direction about the hinge shafts 19 when moved from the closed position, as shown below.



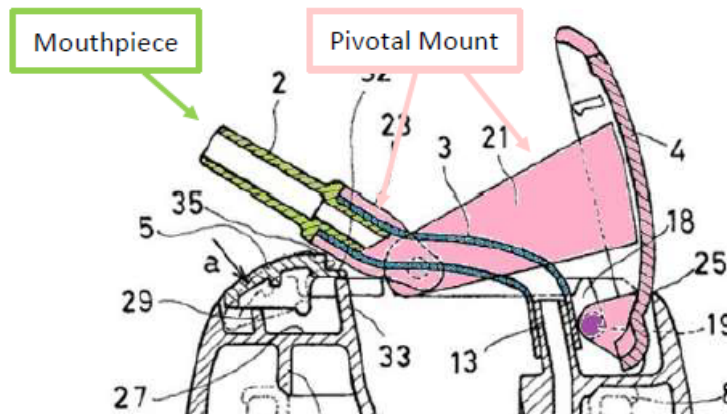
Pet., 29 (citing Ex.1004, Fig 3 (annotated)) (with annotations added in red).

98. This movement of the very center of protrusions 24 appears to be what Petitioner attempts to convey with its somewhat confusing and inaccurate annotated version of Figure 3 showing a red arc below:



Pet., 30 (citing Ex.1004, Fig. 3). However, any such potential clockwise rotation of the very center of protrusions 24 about hinge shafts 19, as found by the Board and as illustrated with Petitioner's red arc annotation, only shows potential rotational

motion of the alleged *pivotal mount* about the hinge shafts 19, not the alleged *mouthpiece*. Thus, this alleged rotational movement is irrelevant to showing whether Petitioner's alleged green *mouthpiece* moves with rotational motion about the axis defined by the hinge shafts 19 because the alleged *mouthpiece* does not include any of the portions of Nakajima's mouthpiece 2 colored pink, including the protrusions 24. This is because Petitioner relies on only the green-colored portion of Nakajima's mouthpiece 2 as being the claimed *mouthpiece* and Petitioner relies on the protrusions 24 as being part of the claimed *pivotal mount*, as shown again below:



Pet., 29.

99. As discussed above, the green portion of mouthpiece 2 of Nakajima only ever rotates about the axis of rotation defined by the protrusions 24 rotating within the holes 22 and never rotates about the axis of rotation defined by the hinge shafts 19. Therefore, it is irrelevant whether any part of arm 23, such as the very

center of protrusions 24, of mouthpiece 2 of Nakajima ever rotates clockwise about the hinge shafts 19 when opening from the closed position, as shown by Petitioner's red arc annotation, and as noted by the Board at page 15 of the Institution Decision, because the arm 23 and protrusions 24 are not part of the green alleged *mouthpiece* and are instead part of the pink alleged *pivotal mount*.

100. I understand that Petitioner's declarant, Dr. Vallee, testified that the claimed mouthpiece (and thus Nakajima's alleged mouthpiece) need only have a "rotational component" to be "pivotal about an axis" and that, thus, only a "component of the motion of the object must be at a fixed radius" such that "you can rotate in a noncircular manner" and can "rotate[s] around but not in a fixed – fixed radius." Ex.2025 at 60:18-22, 62:5-64:7. Dr. Vallee also contended that "you could have a rotational component and a translational component," Ex.2025 at 64:8-19, though he agreed the rotational component must have a "fixed radius" to be rotational, rather than translational. Ex.2025 at 64:4-18. He also conceded that a noncircular path would require a combination with at least "some translation." Ex.2025 at 114:17-115:3. Though Dr. Vallee is correct that it is possible to have combined rotational motion and translational motion when the axis of rotation moves, such combined motion can still be represented separately as rotational motion about the center of mass of the rigid body and translational motion of the center of mass of the rigid body. See Ex.2026 (University Physics by Young &

Freedman), at 308 (when “the axis of rotation moves,” “every possible motion of a rigid body can be represented as a combination of *translational motion of the center of mass* and *rotation about an axis through the center of mass.*”).

101. For example, Figure 10.11 below illustrates a combination of translational and rotational motion by showing a tossed baton whose center of mass translates in a parabola and which also rotates about its center of mass. Figure 10.13 below likewise shows a rolling ball or wheel. But even when translational motion and rotational motion are combined, if there is a rotational component, ***it must still have a fixed radius to the axis of rotation*** to be considered rotational.

Figure 10.11 The motion of a rigid body is a combination of translational motion of the center of mass and rotation around the center of mass.

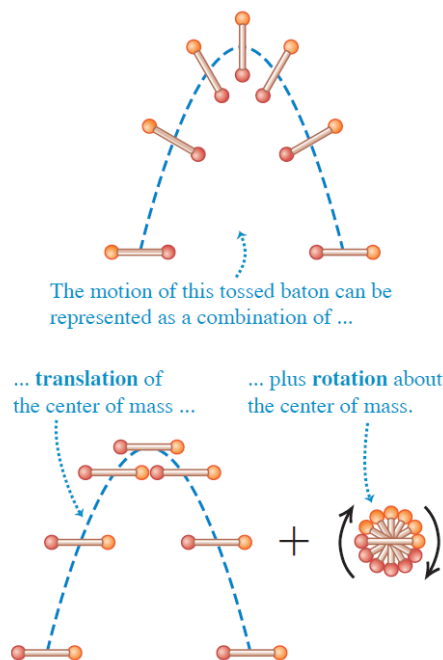
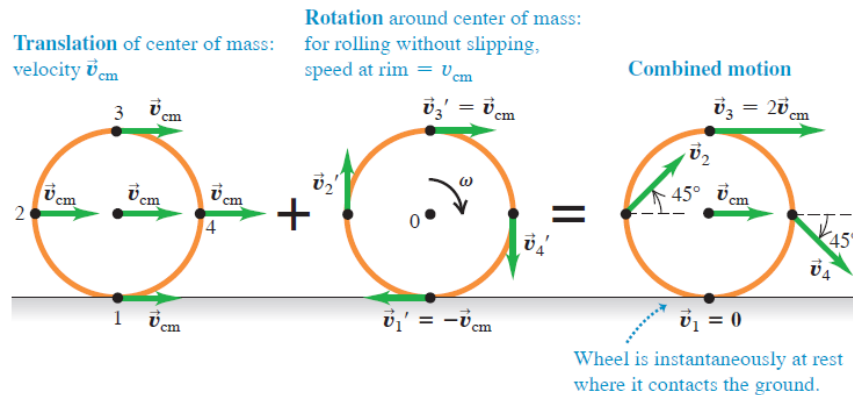


Figure 10.13 The motion of a rolling wheel is the sum of the translational motion of the center of mass and the rotational motion of the wheel around the center of mass.



Ex.2026, at 308-310.

102. A POSITA would understand that the combined motion (i.e., such as the rolling motion of a wheel shown above) “is a combination of purely translational and purely rotational motions,” where “pure rotation” requires that “every point of the body moves in a circle whose center lies on the axis of rotation, and every point moves through the same angle during a particular time interval.” See Ex.2023, at 296; Ex.2027 (“Rotational motion . . . has to be circular An object can be rotating while also experiencing linear motion Scientists consider these kinds of motion separately because separate equations (but again, tightly analogous) are required to interpret and explain them.”).

103. Dr. Vallee testified that Nakajima has two examples of pure rotation: the rotation of protrusion 24 about the hinge 19, the rotation of the alleged mouthpiece about the protrusion 24. Ex.2025, 118:4-22. But neither of these two examples constitute the claimed rotational motion, as that motion must be rotation

of the mouthpiece about the axis defined by the pair of lateral projections (i.e., about hinges 19). The rotation of the protrusions 24 (part of the alleged *pivotal mount*) about the hinges 19 (alleged *axis*) is not rotation of any part of the alleged *mouthpiece* about the hinges 19 (alleged *axis*), and the rotation of the alleged *mouthpiece* about the protrusions 24 (part of the alleged *pivotal mount*) is not rotation about the alleged *axis* (hinges 19). I note that Dr. Vallee admitted that Nakajima's alleged *mouthpiece* (green) never maintains a fixed radius with respect to hinge 19 (the alleged *axis defined by the pair of lateral projections*), Ex.2025, 126:7-127:2. As such, he also admitted that the alleged *mouthpiece* (green) never engages in pure rotational motion about hinge 19 (alleged *axis defined by the pair of lateral projections*). *Id.*, 115:4-116:4 (“Q. Okay. So would you agree with me, then, that the green portion of Nakajima's mouthpiece does not engage in pure rotational motion about hinge 19? A. ***And that's correct.*** It pivots about 19, it rotates about 19, but because of axis – that goes through 24, it had that additional component of rotation.”). While he took the position that “[i]t is still in pure rotation because it has a pure rotational component,” *id.* at 126:15-16, neither pure rotational component identified by Dr. Vallee is relevant to the claims, as I discussed above, because neither constitutes rotation of the alleged *mouthpiece* (green) about the *axis defined by the pair of lateral projections* (i.e., hinge 19).

104. I note that Dr. Vallee repeatedly attempted to use the moon's rotation about the earth and the earth's rotation about the sun, as an example of a two-axis system, to suggest that the moon, therefore, still "pivots" about the sun, but I note that he admitted that the moon never maintains a fixed radius to the sun and, thus, the moon never engages in pure rotational motion about the sun. Ex.2025, 124:7-125:14. Because the moon never maintains a fixed radius to the sun because of its rotation about the earth as the earth rotates about the sun, a POSITA would understand that the moon does not satisfy the requirements of the definition for rotational motion about the sun and, therefore, cannot be said to move *pivotal about an axis* defined by the sun as that term is used in the claims of the '255 patent. Finally, I also disagree with Dr. Vallee's testimony suggesting that pure rotation is a hypothetical quantity that can never be realized because of variations in dimensions on the order of thousandths of an inch allowed by manufacturing tolerances and caused by temperature variation. Ex.2025, 123:3-124:3. Persons of ordinary skill in the art, who would have had an undergraduate degree in mechanical engineering or the equivalent (which includes coursework in physics), have consistently applied the concept of rotational motion from physics to describe real-world mechanical systems, despite minor dimensional deviations which may result from manufacturing tolerances. In fact, the '255 patent is a prime example—the specification consistently uses variations of the term "rotational" to describe aspects

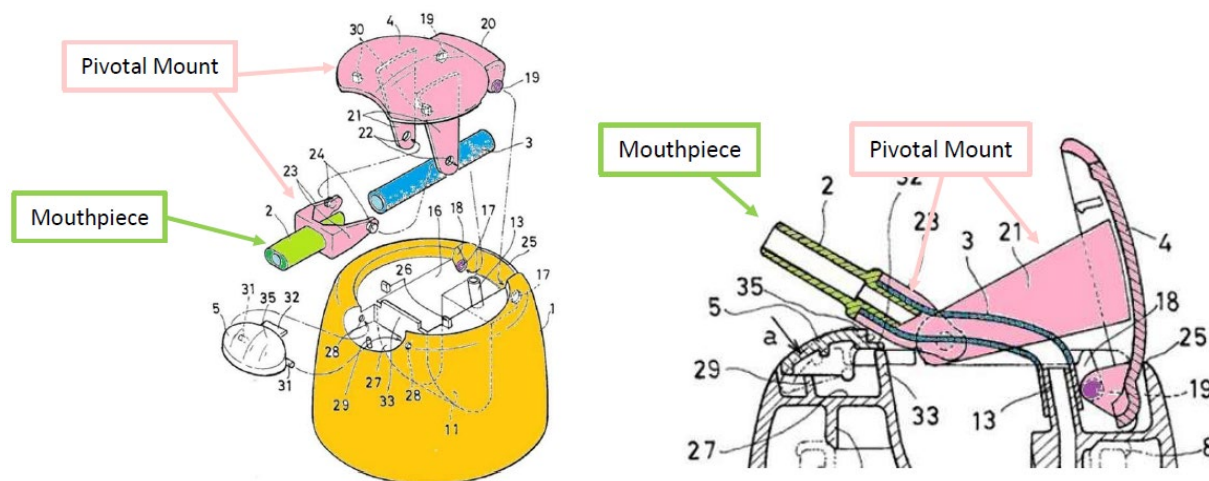
of its drink bottle design (see paragraphs 58-62 above) even though such minor manufacturing tolerances and dimensional variations from temperature differences would have been present.

2. Nakajima does not have a “mouthpiece” that exhibits “pivotal movement with the pivotal mount.”

105. In my opinion, Nakajima’s alleged *mouthpiece* identified by Petitioner does not engage in the required “*pivotal movement with the pivotal mount relative to the cap assembly base*” as required by the claims. The proper construction of this limitation requires that the *resilient mouthpiece* and *pivotal mount* engage in rotational motion in the same direction about the same axis of rotation defined by the lateral projections. *See supra* Sec. V.B. Because Nakajima’s alleged *resilient mouthpiece* does not engage in rotational motion in the same direction as the alleged *pivotal mount* about the same axis of rotation defined by the lateral projections as the *pivotal mount*, Nakajima does not satisfy this limitation. Instead, Nakajima’s alleged mouthpiece engages in rotational motion about a *different* axis of rotation in a *different* direction than Nakajima’s pivotal mount.

106. As I explained above, Petitioner contends the *mouthpiece* of the claim is disclosed by one particular portion of Nakajima’s “mouthpiece 2.” *See* Pet., 24–26. As indicated by the annotations reproduced below, Petitioner contends that the green annotated portion of Nakajima’s “mouthpiece 2” is the claimed *mouthpiece*. *Id.*, 24–26. Petitioner further identifies the arms 23 and their protrusions 24 of

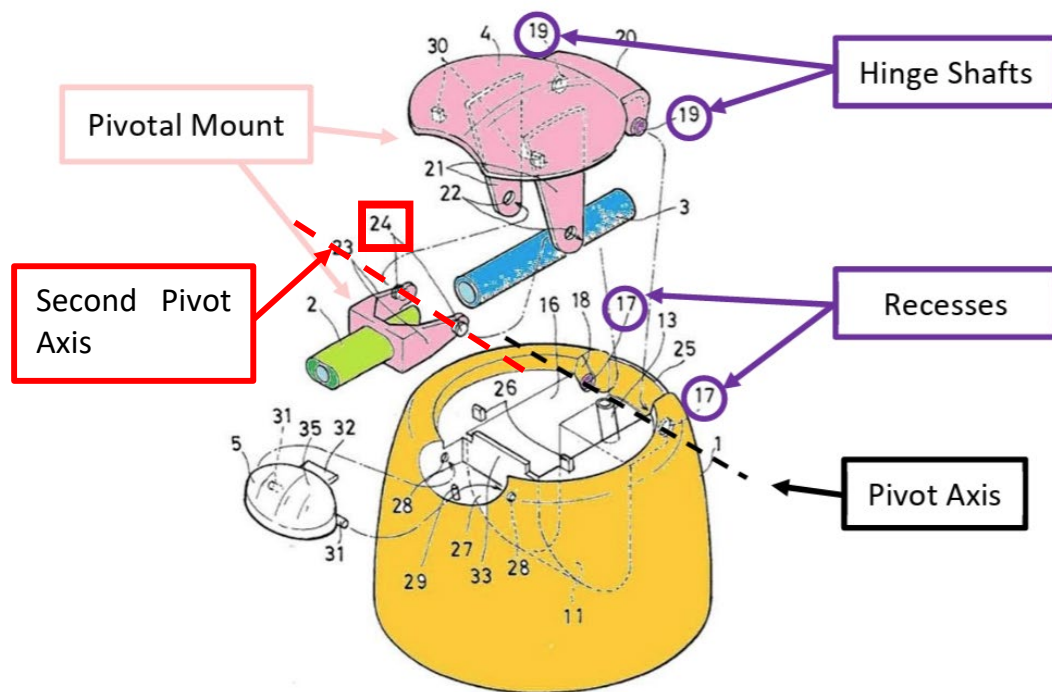
Nakajima's "mouthpiece 2" as being part of the *pivotal mount*, along with "lid 4" (collectively annotated pink), not part of the claimed *mouthpiece* (annotated green).
Pet., 25.



Pet., 25 (citing Ex.1004, Fig. 1, [0003]; Ex.1002 ¶74); *id.*, 25 (citing Ex.1004, Fig. 3). Thus, Petitioner maps part of "mouthpiece 2" to the claimed *mouthpiece* and part of it to the claimed *pivotal mount*.

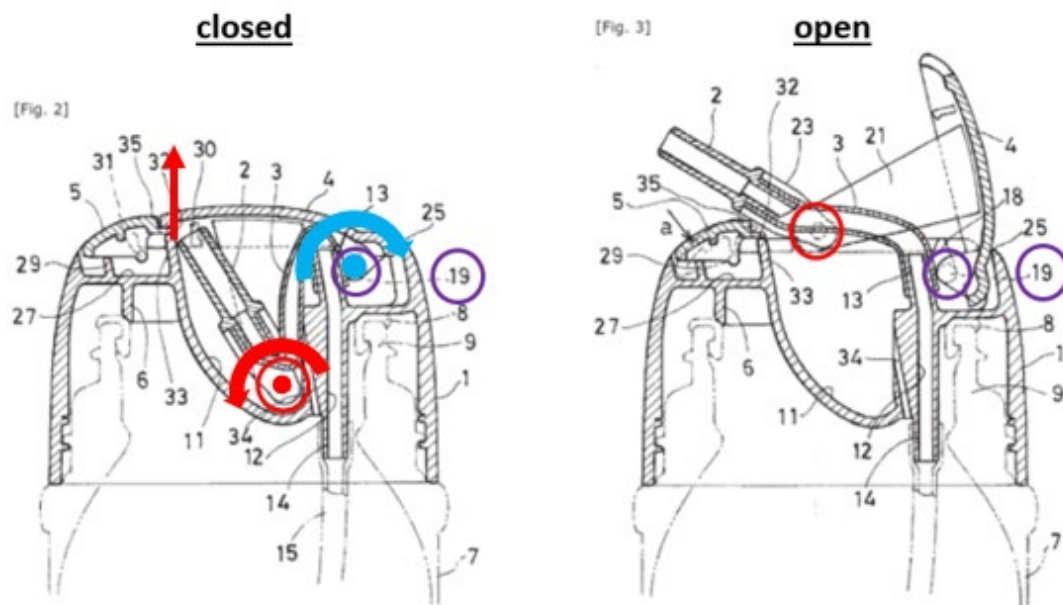
107. The alleged *mouthpiece* in Nakajima does not exhibit *pivotal movement with the pivotal mount*, i.e., about the alleged *pivotal axis* that the alleged *pivotal mount* engages in *pivotal movement* about. Pet., 29-30, 34-35. In particular, lid 4 pivots in a clockwise direction about the axis defined by the hinge shafts 19 (the alleged *pivotal axis*) when it opens, but the alleged *mouthpiece* (green portion of mouthpiece 2) does not pivot with the lid (i.e., part of alleged *pivotal mount*) about the alleged *pivotal axis*. Instead, Nakajima discloses that the alleged *mouthpiece* moves up, and then forward, when the lid 4 pivots to the open position. *Id.*; see

Ex.1004 ¶3 (“[T]he mouthpiece moves up and down in conjunction with the opening and closing of the lid.”). To the extent the alleged *mouthpiece* exhibits pivotal movement, it only pivots about a different axis—one defined by protrusions 24 rotating in holes 22 (identified by the red annotations above), not the alleged *pivotal axis* defined by hinge shafts 19. Ex.1004, [0016] (“[A] protrusion 24 on [each of] the arms 23 of the mouthpiece 2 is *rotatably fitted* into a hole 22 at the bottom end of each leg piece 21.”) (emphasis added).



Pet. 27 (citing Ex.1004, Fig. 1) (red annotations added). As shown, the alleged *mouthpiece*, which Petitioner colors green, only pivots about the axis labeled the second pivot axis colored red in the annotation added above. Thus, the alleged *mouthpiece* does not engage in *pivotal movement with the pivotal mount*.

108. First, as construed, for Nakajima’s alleged *mouthpiece* to engage in “pivotal movement *with* the pivotal mount,” Nakajima’s alleged *mouthpiece* must move with rotational motion **about the same axis of rotation** (defined by the pair of lateral projections) as the pivotal mount in the same direction as the pivotal mount. But Nakajima’s alleged *mouthpiece* does not. Specifically, it does not maintain a constant distance from the axis of rotation, and therefore does not move with rotational motion about the same axis of rotation as the pivotal mount and, thus, does not exhibit the claimed “pivotal movement with the pivotal mount,” as construed. As set forth above, Nakajima’s alleged *mouthpiece* (the green portion of the mouthpiece 2) does not engage in rotational motion about the same axis of rotation as the alleged *pivotal mount* (i.e., about hinge shafts 19). Nakajima’s alleged mouthpiece only engages in rotational motion about an axis defined by the protrusions 24 of “mouthpiece 2” (shown in red below). *See supra* Sec. VI.A. As a result, Nakajima’s alleged mouthpiece never engages in rotational motion about the same alleged *axis* defined by the *lateral projections* (hinge shafts 19, shown in blue below) about which Nakajima’s alleged pivotal mount (including lid 4) rotates. *See supra* Sec. VI.A.



Ex.1004, Figs. 2–3.

109. Second, as set forth above, Nakajima’s alleged *mouthpiece* does not ever rotate in the **same direction** as the alleged pivotal mount, as also required by Patent Owner’s construction of “pivotal movement with the pivotal mount.” See Section VI.A above. Thus Nakajima’s alleged *mouthpiece* does not engage in pivotal movement “*with*” the pivotal mount, as properly construed. Instead, as shown again below, Nakajima’s alleged *mouthpiece* rotates about a different axis of rotation than the alleged *pivotal mount* in a direction opposite the direction of rotation of the alleged *pivotal mount*, as shown by the **red** and **blue** circular arrows above.

110. Therefore, Nakajima’s alleged *mouthpiece* does not ever engage in “pivotal movement with the pivotal mount,” as construed.

B. Ribarits

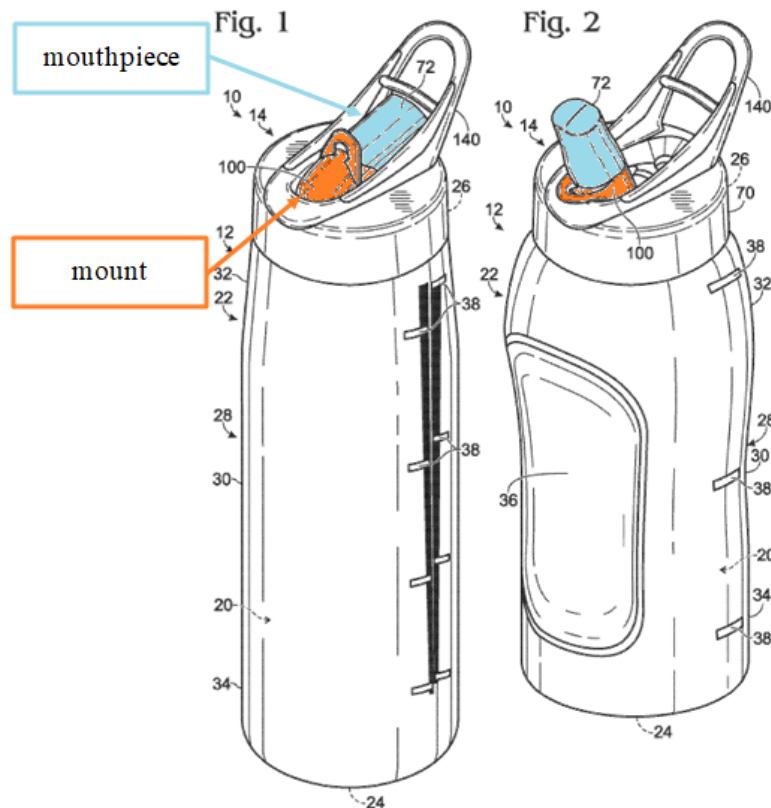
111. In my opinion, Ribarits does not disclose all of the elements of the three challenged independent claims, claims 1 and 20. As I explain below, it's my opinion that Ribarits does not disclose a "mouthpiece" that: (1) defines a portion of the fluid conduit, including the dispensing outlet; and (2) is "disposed on" the pivotal mount. The lack of disclosure regarding these independent claim limitations affects every challenged dependent claim, as well, since those claims incorporate the limitations of the independent claims. The grounds based on Ribarits—Grounds 2 and 3—therefore do not show that any of the challenged claims would have been obvious.

1. Ribarits does not show a "resilient mouthpiece" which is "adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth"

112. The independent claims of the '255 patent require that the "resilient mouthpiece" be "adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth." Ex.1002, 1:64-67, 2:57-59.

113. A POSITA at the time of the '255 would have understood that if a component is "adapted to" perform a function, it must be capable of performing that function without modification. In other words, the design of the component should not have to be changed to accomplish the function if that component is "adapted to" perform the function.

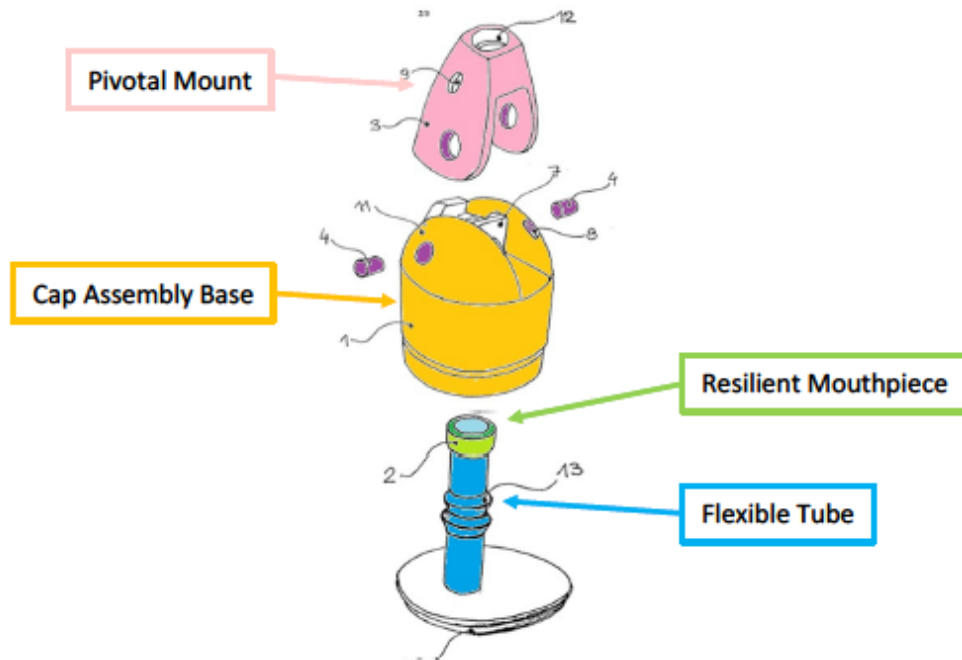
114. A POSITA at the time of the '255 patent would have understood that this limitation requires a mouthpiece made from a soft, deformable material, such that when a user bites down on the mouthpiece, the shape of the mouthpiece changes in response to the force of the user's teeth. A reading of the '255 patent specification confirms my understanding of this limitation. The mouthpiece is shown with a stowed configuration and a dispensing configuration, in which the mouthpiece is exposed such that a user is able to bite on it. *E.g.*, Ex.1001 at 3:21–34, Figs. 1–2.



Ex.1001, Figs. 1–2 (annotated).

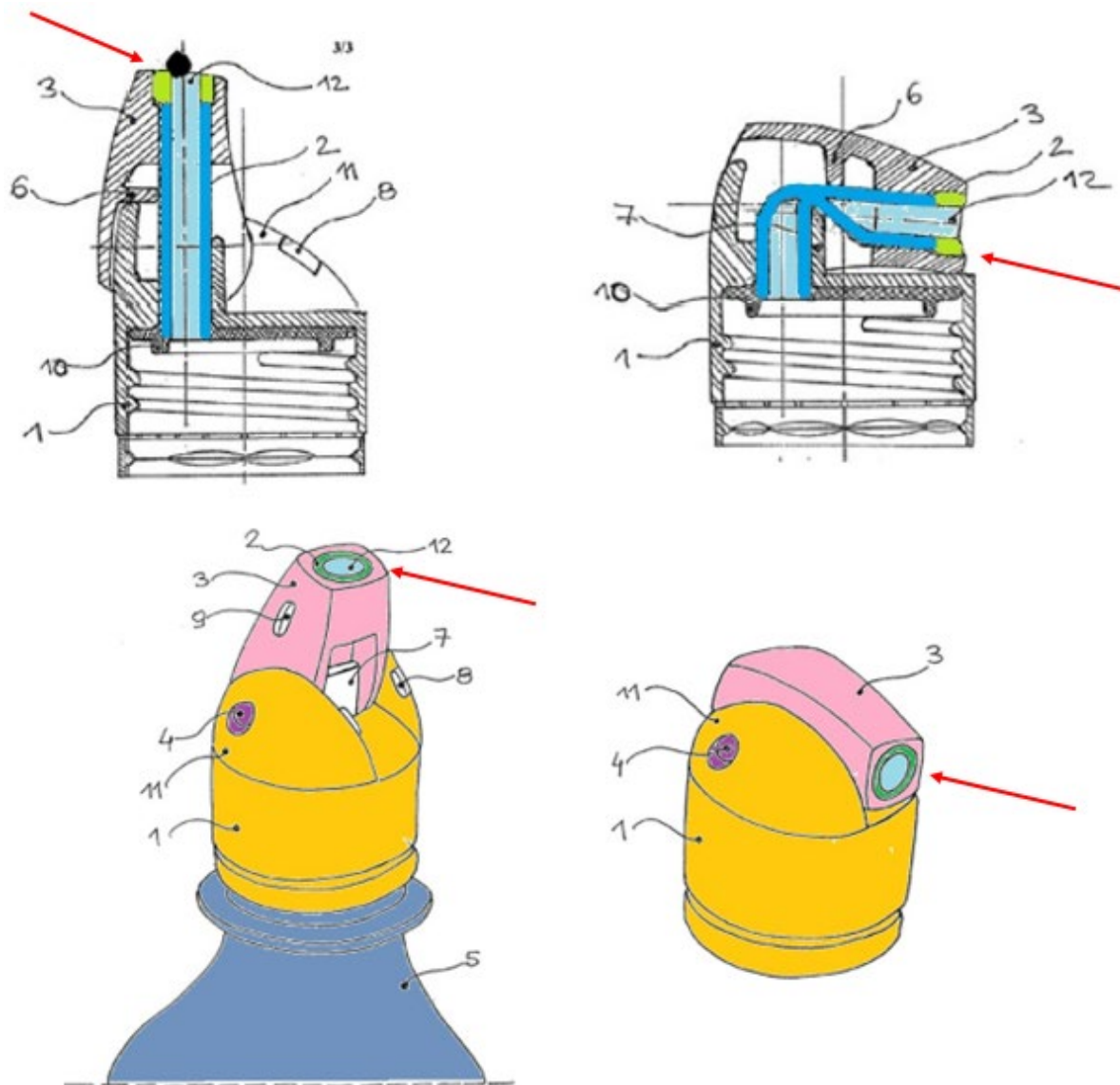
115. Petitioner alleges that Ribarits's mouthpiece is the end portion of the sealed tubular element 2, as shown in annotated Figure 2 below. This sealed tubular

element is inserted into the drinking spout 3. Ex.1006 at Abstract, 3 (claim 1); *see id.* at 2 (similar).



Pet. at 72; *see* Ex.1006, Fig. 2.

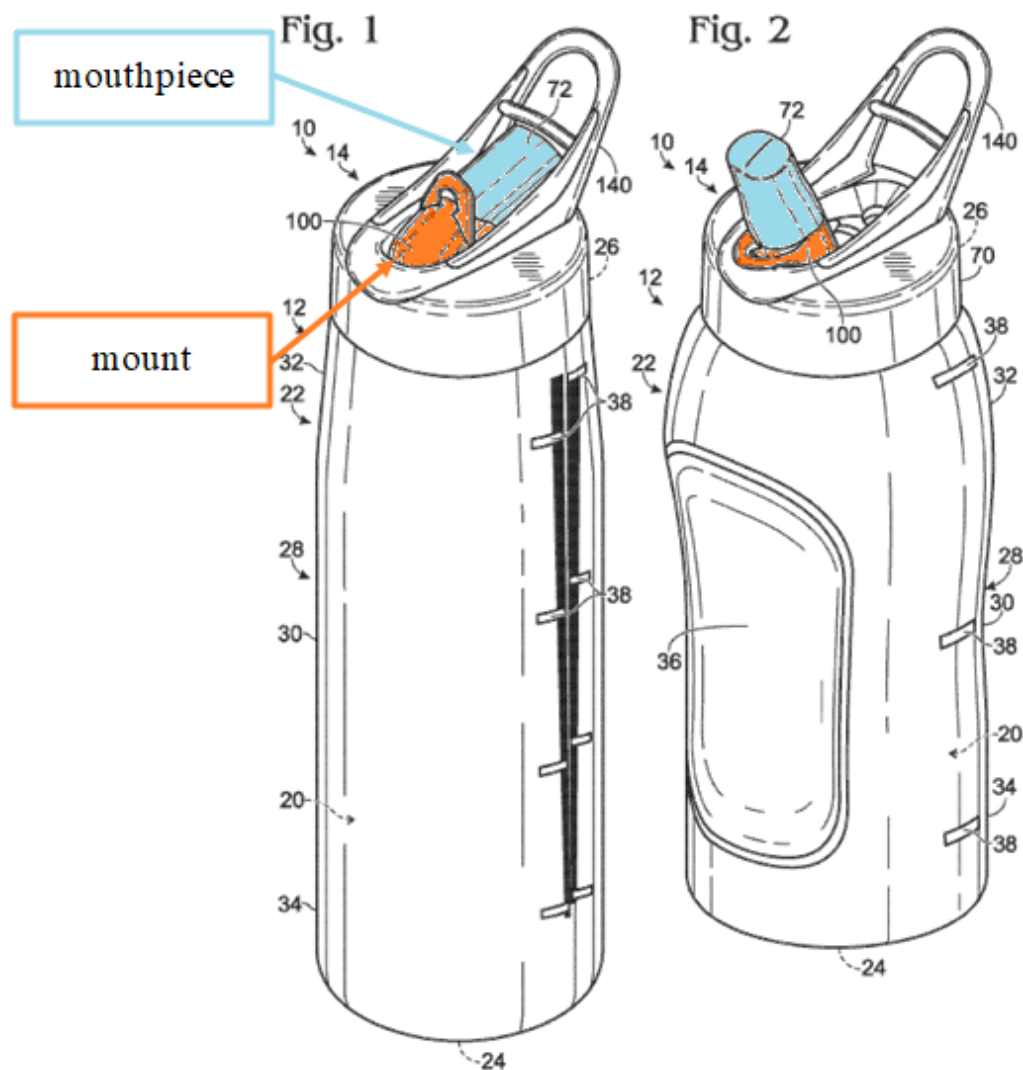
116. Because it is “inserted into the drinking spout,” the end of “sealed tubular element 2” is not exposed, such that a user is able to bite down on the mouthpiece and deform its shape. Instead, the alleged mouthpiece is entirely surrounded by the drinking spout 3. Figures 1 and 3 of Ribarits below show that the end of tubular element 2 is completely flush with the end of the drinking spout 3, such that a user would not be able to bite any portion of tubular element 3.



Pet. at 65–66 (annotated labels omitted); *see* Ex.1006, Figs. 1 & 3.

117. In contrast, the '255 patent describes a design having a dispensing configuration, in which the mouthpiece's position relative to other components exposes the mouthpiece to a user's bite. *See, e.g.,* Ex.1001 at 3:21–34, Figs. 1–2. This is distinct from the stowed configuration, as shown in Figure 1 below, in

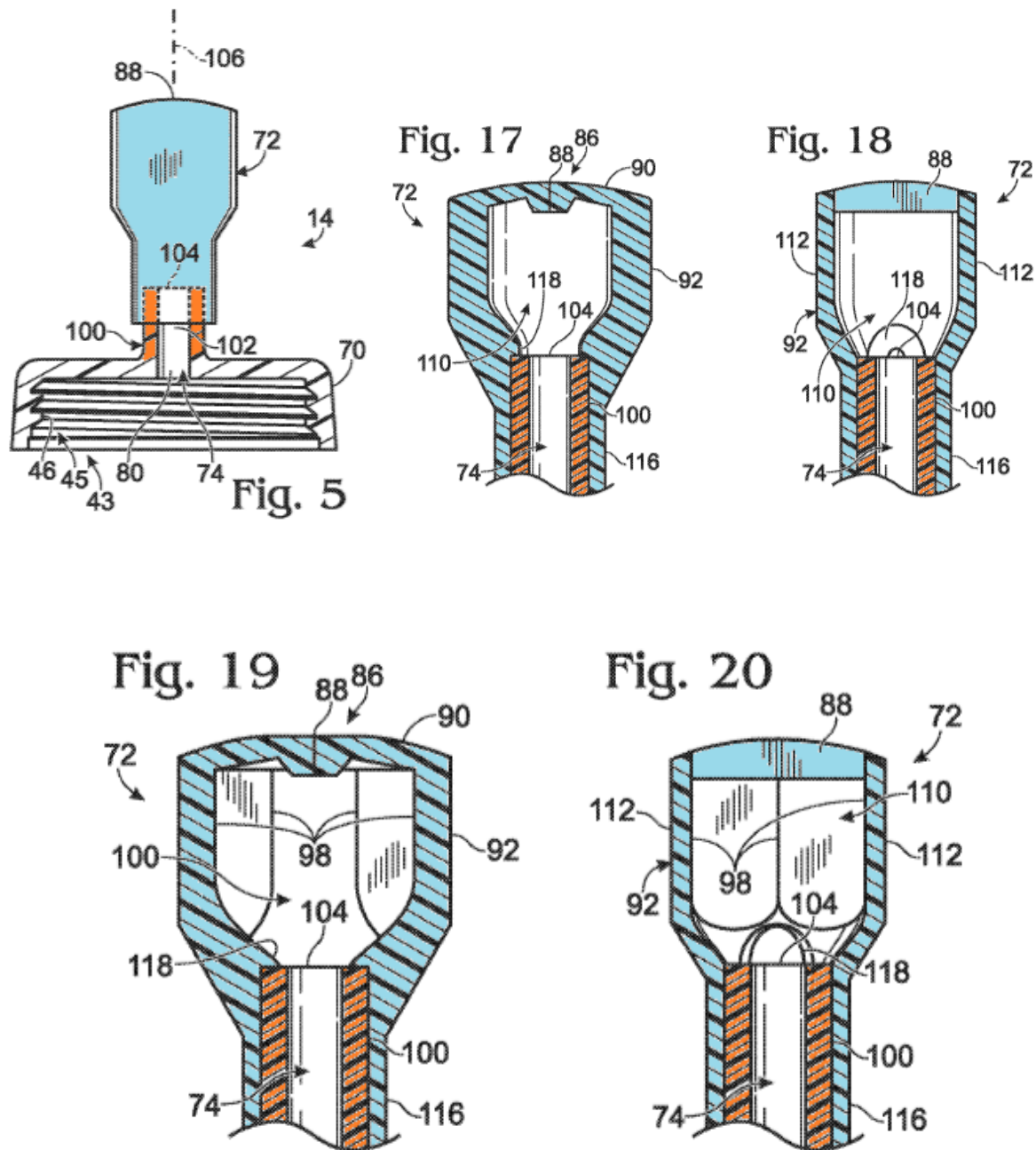
which “the mouthpiece [item 72] is not suitably positioned for a user to bite upon the mouthpiece.” Ex.1001 at 3:27–34, Fig. 1.



Ex.1001, Figs. 1–2 (annotated).

118. Figures 1 and 2 are not unique examples—other figures annotated below show similar configurations in which the mouthpiece extends beyond the

pivotal mount in order to expose the mouthpiece, intentionally allowing the user to bite on it.



Ex.1001, Figs. 5, 17–20.

119. In fact, Ribarits appears to be intentionally designed to prohibit the type of deformation of the mouthpiece required by the '255 patent claims. The drink spout 3 completely surrounds the tubular element 2, indicating that it is meant to *protect* the tubular element from any deformation caused by the user's teeth. A POSITA would have made this design choice so that a user could drink from the bottle without unintentionally cutting off the liquid supply when biting down. Because the mouthpiece is designed to prevent the user from applying a bite force to it, it cannot be "adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth."

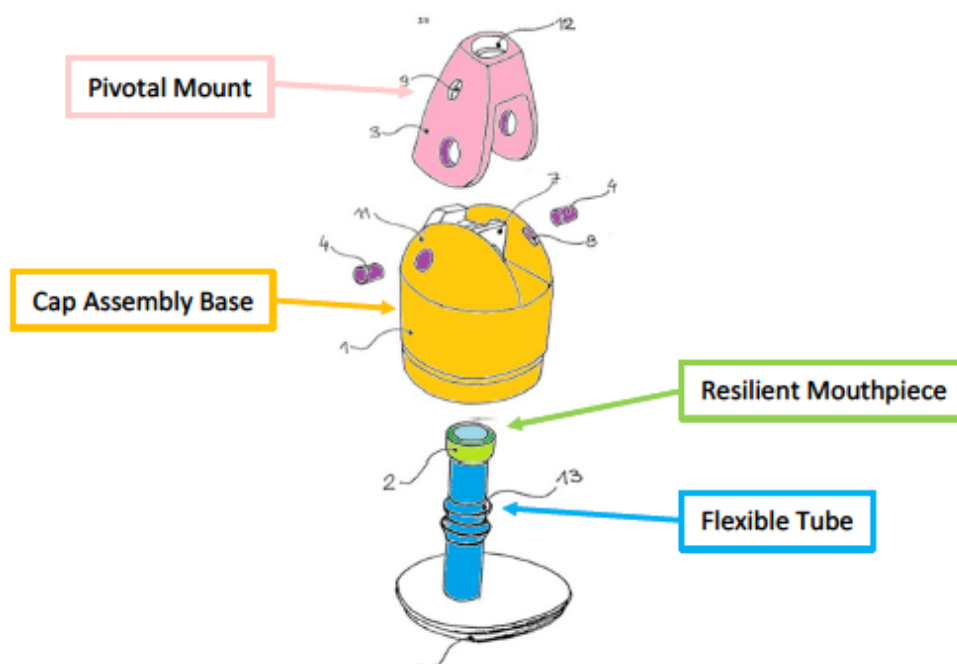
120. Moreover, Ribarits does not satisfy this limitation when the term "adapted to" is construed as "designed or configured to." *See supra* Sec. V.C. A POSITA reading Ribarits would understand that tubular element 2 is not "designed or configured to" be resiliently compressed by a user's teeth, because it is designed and configured such that its alleged mouthpiece is not exposed to a user's bite and is instead surrounded by its pivotal mount (drinking spout 3). In fact, the alleged mouthpiece would not be capable of being resiliently compressed by a user's teeth unless significant modifications were made to the design of the drinking container. Tubular element 2 would have to be removed from the surrounding drink spout 3 in order for a user to compress tubular element 2 with their teeth. But there is no indication from Ribarits that it is possible to remove tubular element 2 without

destroying the remainder of the drink container. And even if tubular element 2 *could* be removed such that a user could bite down on it, the device could not be opened and closed as intended without drink spout 3. *See, e.g.*, Ex. 1006, 2 (explaining that the drink device is opened and closed via drink spout 3).

121. Because a user could not compress Ribarits's tubular element 2 without significantly modifying or destroying the drinking device, and rendering it inoperable for its intended purpose, it is my opinion that Ribarits's alleged "mouthpiece" is not "adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth" as required by the independent claims of the '255 patent.

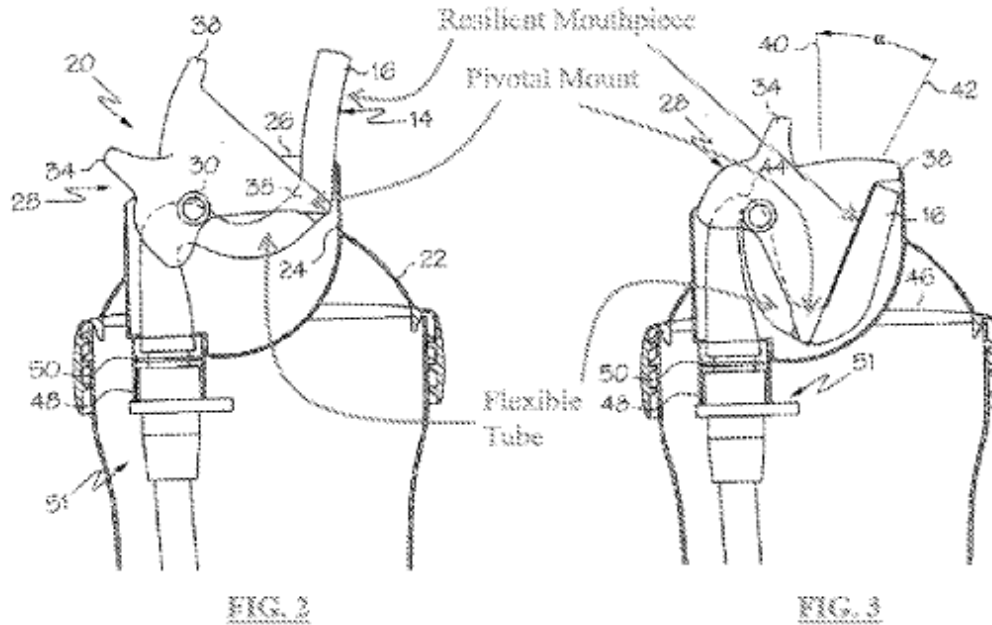
2. Ribarits does not show a "resilient mouthpiece" which is "removably coupled to a pivotal mount"

122. As is explained above, Petitioner alleges that Ribarits's mouthpiece is the end portion of the sealed tubular element 2, as shown in annotated Figure 2 below.



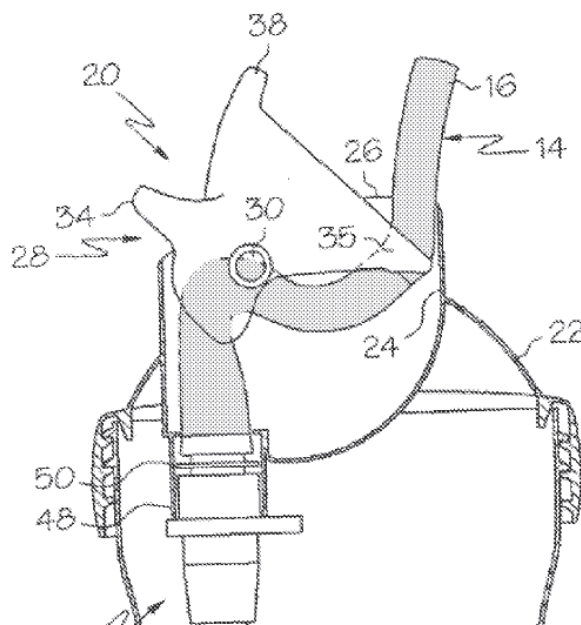
Pet. at 72; *see* Ex.1006, Fig. 2. This sealed tubular element is “inserted into” the drinking spout 3. Ex.1006 at Abstract, 3 (claim 1); *see id.* at 2 (similar).

123. A POSITA, having read the prosecution history of the '255 patent, would understand that the mouthpiece being “coupled to” the pivotal mount requires more than simply *passing through* the pivotal mount. During prosecution, the examiner identified McDonough’s “straw positioning mechanism 20 . . . embodied as a straw positioning member 28” as the *pivotal mount*. *Id.* at 31 (quoting Ex.2008 ¶[0021]). Using the third-party requestor’s mapping (shown below), the examiner identified the “drinking end 16” of “flexible straw 14” as the *resilient mouthpiece*. *Id.* at 32 (citing Ex.2008 ¶[0025]); *see* Ex.1012 at 102–03, 107; Ex.2008 ¶[0022].



Ex.1012 at 107. As is shown in Figures 2 and 3 of McDonough above, McDonough’s alleged pivotal mount surrounds at least portions of the alleged mouthpiece.

124. In response, the patentee argued that “as shown [below], the straw 14 in McDonough passes through the straw positioning mechanism 20, but it is not coupled . . . to the straw positioning mechanism 20.” *Id.* at 15 (underline added). A POSITA reading the prosecution history would therefore understand that, in the context of the ’255 patent, “coupled to” means something more than simply “passing through” the pivotal mount.



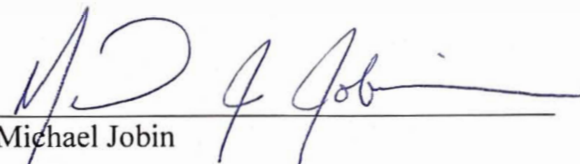
Ex.1012 at 15 (excerpting and annotating Ex.2008, Fig. 2).

125. Ribarits states that the sealed tubular element 2 is “inserted into” the drinking spout 3, and does not indicate any other method of “coupling.” Ex.1006 at Abstract, 3 (claim 1); *see id.* at 2 (similar). As such, a POSITA would understand that the tubular element 2 is passing through drinking spout 3. Because the prosecution history of the ’255 patent indicates that “passing through” is not adequate for two parts to be “coupled,” Ribarits does not meet this limitation.

VIII. CONCLUSION

This declaration and my opinions herein are made to the best of my knowledge and understanding, and based on the material available to me, at the time of signing this declaration. I declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 or Title 18 of the United States Code.

Date: 4/29/25



Michael Jobin