

IPR2024-01137

Trove Brands v. CamelBak Products

Filed: July 22, 2025

Filed on behalf of: Petitioner Trove Brands, LLC

By: Ali S. Razai (Reg. No. 60,771)

Dion M. Bregman (Reg. No. 45,645)

Alexander B. Stein (Reg. No. 71,367)

Jacob L. Peterson (Reg. No. 65,096)

MORGAN, LEWIS & BOCKIUS LLP

600 Anton Blvd., Ste. 1800

Costa Mesa, CA 92626

Telephone: (714) 830-0600

Email: MLB-Trove-IPR-255@morganlewis.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TROVE BRANDS, LLC,

Petitioner,

v.

CAMELBAK PRODUCTS, LLC,

Patent Owner.

Case No. IPR2024-01137

U.S. Patent No. 10,676,255

**PETITIONER'S REPLY IN SUPPORT OF PETITION FOR
INTER PARTES REVIEW OF U.S. PATENT NO. 10,676,255**

TABLE OF CONTENTS

	Page No.
I. INTRODUCTION	1
II. CLAIM CONSTRUCTION	2
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”	2
B. “coupled to the pivotal mount for pivotal movement with the pivotal mount”	11
C. “wherein the resilient mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user’s teeth”	14
III. GROUND 1: NAKAJIMA IN VIEW OF A POSA’S KNOWLEDGE RENDERS CLAIMS 1, 3–5, 9–11, 13, AND 18–19 OBVIOUS.....	19
A. Claim 1 Is Unpatentable Over Nakajima In View Of A POSA’s Knowledge	19
1. Nakajima’s “resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections”	19
2. Nakajima’s Mouthpiece Moves Pivotaly With The Pivotal Mount.....	22
B. Claims 3–5, 9–11, 13, And 18–19 Are Unpatentable Over Nakajima In View Of A POSA’s Knowledge.....	24
IV. GROUND 2: NAKAJIMA IN VIEW OF GARDNER RENDERS CLAIMS 12 AND 14–16 OBVIOUS	25

TABLE OF CONTENTS

	Page No.
V. GROUND 3: RIBARITS IN VIEW OF A POSA’S KNOWLEDGE RENDERS CLAIMS 1, 9, 11, 13, AND 17–19 OBVIOUS.....	25
A. Claim 1 Is Unpatentable Over Ribarits In View Of A POSA’s Knowledge	25
1. Ribarits’ “mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user’s teeth”	26
2. Ribarits’ Discloses A Mouthpiece Coupled To A Pivotal Mount.....	28
B. Claims 9, 11, 13, And 17–19 Are Unpatentable Over Ribarits In View Of A POSA’s Knowledge	30
VI. GROUND 4: RIBARITS IN VIEW OF HUGHES AND/OR PANICCI RENDERS CLAIMS 2–7 AND 20–23 OBVIOUS	30

TABLE OF AUTHORITIES

Page No(s).

Cases

<i>Am. Piledriving Equip., Inc. v. Geoquip, Inc.</i> , 637 F.3d 1324 (Fed. Cir. 2011)	4, 12
<i>Amazon.com, Inc. v. Barnesandnoble.com, Inc.</i> , 239 F.3d 1343 (Fed. Cir. 2001)	11
<i>Aspex Eyewear, Inc. v. Marchon Eyewear, Inc.</i> , 672 F.3d 1335 (Fed. Cir. 2012)	15
<i>Aug. Tech. Corp. v. Camtek, Ltd.</i> , 655 F.3d 1278 (Fed. Cir. 2011)	3
<i>CommScope Techs. LLC v. Dali Wireless Inc.</i> , 10 F.4th 1289 (Fed. Cir. 2021)	11
<i>DSW, Inc. v. Shoe Pavilion, Inc.</i> , 537 F.3d 1342 (Fed. Cir. 2008)	4, 12
<i>In re Gianelli</i> , 739 F.3d 1375 (Fed. Cir. 2014)	17, 18
<i>Hewlett-Packard Co. v. Bausch & Lomb Inc.</i> , 909 F.2d 1464 (Fed. Cir. 1990)	14
<i>Invitrogen Corp. v. Biocrest Mfg., L.P.</i> , 327 F.3d 1364 (Fed. Cir. 2003)	17
<i>K-2 Corp. v. Salomon S.A.</i> , 191 F.3d 1356 (Fed. Cir. 1999)	3, 18
<i>Martek Biosciences Corp. v. Nutrinova, Inc.</i> , 579 F.3d 1363 (Fed. Cir. 2009)	6
<i>Ex parte Masham</i> , 2 U.S.P.Q.2d 1647 (B.P.A.I. 1987)	14

TABLE OF AUTHORITIES

Page No(s).

<i>N. Telecom Ltd. v. Samsung Elecs. Co.</i> , 215 F.3d 1281 (Fed. Cir. 2000)	5, 6
<i>Oatey Co. v. IPS Corp.</i> , 514 F.3d 1271 (Fed. Cir. 2008)	17
<i>Omega Eng'g, Inc. v. Raytek Corp.</i> , 334 F.3d 1314 (Fed. Cir. 2003)	4, 6
<i>Parus Holdings, Inc. v. Google LLC</i> , 70 F.4th 1365 (Fed. Cir. 2023)	25, 30
<i>Rexnord Corp. v. Laitram Corp.</i> , 274 F.3d 1336 (Fed. Cir. 2001)	6
<i>SciMed Life Sys., Inc. v. Advanced Cardiovascular Sys., Inc.</i> , 242 F.3d 1337 (Fed. Cir. 2001)	4, 12
<i>Teva Pharms. U.S.A., Inc. v. Sandoz, Inc.</i> , 789 F.3d 1335 (Fed. Cir. 2015)	11
<i>Thorner v. Sony Comput. Ent. Am. LLC</i> , 669 F.3d 1362 (Fed. Cir. 2012)	3
<i>Wasica Fin. GmbH v. Cont'l Auto. Sys., Inc.</i> , 853 F.3d 1272 (Fed. Cir. 2017)	17

Statutes

35 U.S.C. §112	11
----------------------	----

Other Authorities

M.P.E.P. §2114 (9th ed. Rev. 01.2024)	14
---	----

LIST OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent No. 10,676,255 (“the ’255 patent”)
1002	Ex Parte Reexamination Certificate No. 10,676,255 C1
1003	Declaration of Glenn E. Vallee, Ph.D.
1004	Certified English Translation of Japanese Patent Publication No. 2002-211613 (“Nakajima”)
1005	U.S. Patent No. 6,070,767 (“Gardner”)
1006	Certified English Translation of International Publication No. WO 2004/063042 (“Ribarits”)
1007	U.S. Patent No. 4,485,963 (“Panicci”)
1008	U.S. Patent No. 5,203,468 (“Hsu”)
1009	Certified English Translation of Korean Patent Publication No. KR 200282506 Y1 (“Park”)
1010	U.S. Patent No. 6,523,711 (“Hughes”)
1011	Excerpts of the File History of the ’255 Patent
1012	Excerpts of the Reexamination of the ’255 Patent
1013	CamelBak Infringement Contentions for the ’255 patent dated December 21, 2023, in <i>Trove Brands, LLC v. CamelBak Products, LLC, et al.</i> , No. 5:23-cv-04267-PCP (N.D. Cal. Feb. 14, 2024)
1014	Order Setting Case Schedule in <i>Trove Brands, LLC v. CamelBak Products, LLC, et al.</i> , No. 5:23-cv-04267-PCP (N.D. Cal. Feb. 14, 2024)
1015	WO 2004/063042 A2

Exhibit No.	Description
1016	JP 2002-211613
1017	KR 2002-282506 Y1
1018	07-10-2025 Deposition Transcript of Michael Jobin

I. INTRODUCTION

In its Patent Owner Response (“POR”), CamelBak first seeks to rewrite the challenged claims of the ’255 patent through claim construction and then argues that these claims are patentable over the prior art. CamelBak’s arguments lack merit.

The challenged claims are unpatentable under Grounds 1–4. CamelBak’s arguments concerning the independent claims (claims 1 and 20) fail to overcome the compelling evidence of unpatentability. CamelBak’s arguments rely on novel claim constructions that are inconsistent with both intrinsic and extrinsic evidence.

CamelBak argues under Grounds 1–2 that Nakajima’s mouthpiece is not pivotal about a specific axis, asserting that the mouthpiece does not “move[] with rotational motion” and “maintain[] a constant distance/radius between the mouthpiece and the axis of rotation.” Paper 19 (“POR”), 51. However, these arguments improperly attempt to impose limitations not found in the claims, contradict other claim language, and conflict with CamelBak’s own infringement contentions in district court. The Board has already rejected these arguments in the Institution Decision (Paper 9, (“ID”), 14–15) and should do so again.

Regarding Grounds 3–4, CamelBak argues that Ribarits’ mouthpiece does not permit a user to bite down on it. POR, 42. But neither the claim language nor a proper claim construction requires this. The mouthpiece need only have sufficient resilience to compress under forces exerted by a user’s teeth—a characteristic that

CamelBak acknowledges Ribarits' mouthpiece possesses. Even under CamelBak's construction, Ribarits' mouthpiece satisfies the claim limitation by being positioned to receive compressive forces from a user's teeth.

The Board should reject CamelBak's arguments and find the challenged claims unpatentable.

II. CLAIM CONSTRUCTION

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”**

In an effort to circumvent the prior art, CamelBak proposes an unduly narrow construction of the straightforward term “pivotal.” POR, 15. Specifically, CamelBak urges the Board to construe “pivotal” to mean to “move[] with rotational motion,” which, according to CamelBak, “as a matter of physics ... *requires maintaining a constant distance/radius between the mouthpiece and the axis of rotation defined by the lateral projections.*” *Id.* (emphasis added). CamelBak's attempt to import extraneous limitations into the claim language finds no support in the intrinsic or extrinsic record.

As an initial matter, Trove does not dispute that the plain and ordinary meaning of “pivotal” can *include*¹ “movement with rotational motion.” But there is no basis for requiring that such movement must maintain a constant distance/radius between the mouthpiece and the axis of rotation defined by the lateral projections.

CamelBak does not—and cannot—argue lexicography or disavowal. Ex.1018, 44:6–25 (CamelBak’s expert confirming “pivotal is not a term that has been defined” by the ’255 patent); *Aug. Tech. Corp. v. Camtek, Ltd.*, 655 F.3d 1278, 1286 (Fed. Cir. 2011) (“Absent a clear disavowal or contrary definition in the specification or the prosecution history, the patentee is entitled to the full scope of its claim language.”); *see also Thorner v. Sony Comput. Ent. Am. LLC*, 669 F.3d 1362, 1366 (Fed. Cir. 2012). As courts have consistently held, “[c]ourts do not rewrite claims; instead, [they] give effect to the terms chosen by the patentee.” *K-2 Corp. v. Salomon S.A.*, 191 F.3d 1356, 1364–65 (Fed. Cir. 1999).

Next, CamelBak does not—and cannot—argue that its proposed construction is required by the plain language of the claims. Instead, CamelBak’s argument is a thinly veiled attempt to import limitations from specific embodiments in an effort to avoid the prior art. But claim construction is not an exercise to “redefine claim

¹ As acknowledged in the Institution Decision, “additional rotation [of the mouthpiece] is not foreclosed by the plain language of the claims.” ID, 14–15.

recitations or to read limitations into the claims to obviate factual questions of infringement and validity but rather to give meaning to the limitations actually contained in the claims” *Am. Piledriving Equip., Inc. v. Geoquip, Inc.*, 637 F.3d 1324, 1331 (Fed. Cir. 2011). CamelBak’s proposed additional limitation should therefore be rejected. *SciMed Life Sys., Inc. v. Advanced Cardiovascular Sys., Inc.*, 242 F.3d 1337, 1340 (Fed. Cir. 2001) (characterizing importing limitations from the specification into the claims as “one of the cardinal sins of patent law”); *DSW, Inc. v. Shoe Pavilion, Inc.*, 537 F.3d 1342, 1347 (Fed. Cir. 2008) (holding that claim construction “cannot alter what the patentee has chosen to claim as his invention, that limitations appearing in the specification will not be read into claims, and that interpreting what is meant by a word in a claim is not to be confused with adding an extraneous limitation appearing in the specification, which is improper” (internal quotation marks and emphasis omitted)).

To the extent CamelBak seeks to rely on its prosecution arguments to construe the term “pivotal,” that argument likewise fails. Nothing in CamelBak’s prosecution arguments demonstrates a clear and unambiguous disclaimer or disavowal. *Omega Eng’g, Inc. v. Raytek Corp.*, 334 F.3d 1314, 1325–26 (Fed. Cir. 2003) (“[F]or prosecution disclaimer to attach, our precedent requires that the alleged disavowing actions or statements made during prosecution be both clear and unmistakable.”).

During re-examination of the '255 patent, CamelBak argued that a straw described in the Examiner-cited reference, McDonough (Ex. 2008), moves “downward” and is thus not “pivotal about an axis defined by the pair of lateral projections.” Ex. 2001, 637–638. But “descriptions of the *asserted references*, as opposed to a description of the [claim],” typically do not constitute a disclaimer. *N. Telecom Ltd. v. Samsung Elecs. Co.*, 215 F.3d 1281, 1294 (Fed. Cir. 2000). CamelBak’s arguments did not define “pivotal,” nor indicate an intent to limit “pivotal.” Although CamelBak now contends that a person of ordinary skill in the art (“POSA” or “POSITA”) would interpret its annotated figures in the prosecution history to mean that “pivotal” must be limited to circular rotation (*see* POR, 24–29), its arguments remain open to multiple reasonable interpretations and do not rise to the level of clear and unambiguous disclaimer or disavowal of claim scope.

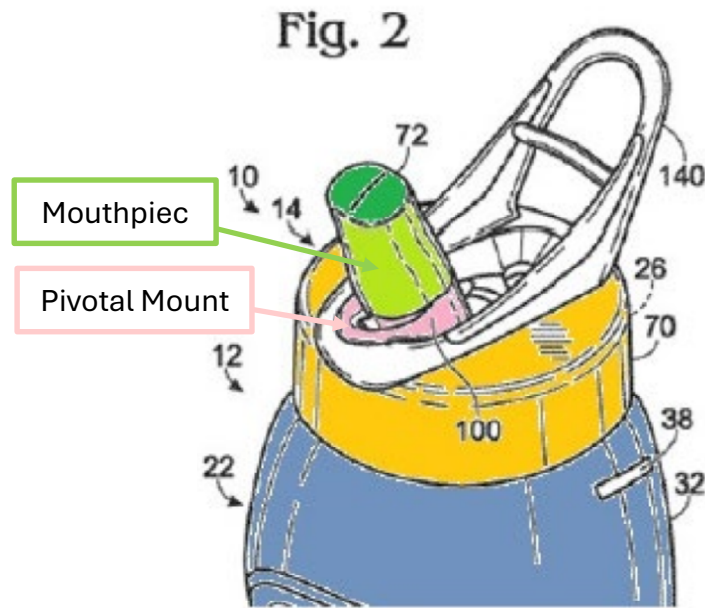
As the Board noted, “Patentee presented multiple arguments to distinguish McDonough, arguing for example that McDonough’s drinking end (mouthpiece) 16 is not coupled to straw positioning mechanism (pivotal mount) 20 [] and separately arguing that ‘portion 16 of the straw in McDonough (mapped to the resilient mouthpiece) is not pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets, as required by the claims.’” ID, 15 (citing Ex.2001, 635–636, 638); *see also* POR, 80 (CamelBak noting “[t]he examiner then allowed amended claim 1 and new claim 20, citing [the

coupled limitation] among the limitations missing from McDonough”), 81 (CamelBak referencing “patentee’s argument distinguishing McDonough based on the *coupled* limitation”). These alternative arguments undermine any purported clear and unmistakable disavowal. *See, e.g., Martek Biosciences Corp. v. Nutrinova, Inc.*, 579 F.3d 1363, 1377 (Fed. Cir. 2009) (“Although the selected statements arguably support Lonza’s assertion, those statements are undercut considerably by additional statements recited in the same two pages of prosecution history relied upon by Lonza: ... the applicant’s statements distinguishing the prior art at issue from the claimed invention on alternative grounds unrelated to the way NaOH was used in the prior art reference. Thus, under this court’s precedent, Martek committed no clear and unmistakable disavowal of claim scope.”). Courts have consistently declined to apply the doctrine of prosecution disclaimer when, as here, the alleged disavowal is ambiguous and open to multiple reasonable interpretations. *See, e.g., Omega*, 334 F.3d at 1324; *N. Telecom Ltd.*, 215 F.3d at 1294; *Rexnord Corp. v. Laitram Corp.*, 274 F.3d 1336, 1347 (Fed. Cir. 2001).

CamelBak’s arguments also separately fail because CamelBak misapplies the very “principle of physics” on which its position relies. CamelBak states “a POSITA would have understood that rotational motion is a type of motion in which all points of *a rigid body* maintain a constant distance from an imaginary axis (i.e. an axis of rotation)” POR, 32 (citing Ex.2016, ¶73 (citing Ex.2022, 1)) (emphasis added);

see also id., 60 (discussing a “rigid body”), 64 (same). However, CamelBak concedes that the claimed resilient mouthpiece is not rigid, explaining that “the resilient mouthpiece must be designed or configured to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user’s teeth.” *Id.*, 39–40; *see also* Ex.1018, 22:20–23:6 (CamelBak’s expert explaining “a resilient mouthpiece that’s designed to compress is very distinct from a structure which is made from a rigid material that is designed to resist deformation”). Because the mouthpiece is not rigid, its points would not be expected to maintain a constant distance from the axis of rotation during movement and use.

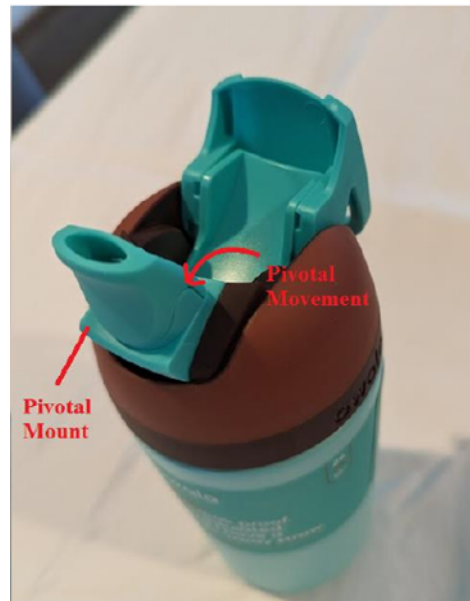
The lack of rigidity in the resilient mouthpiece undermines CamelBak’s proposed construction. Any bending of the mouthpiece would cause points along it to deviate from a constant distance from the axis of rotation. CamelBak’s own expert testified that, in reference to the ’255 patent’s Figure 2 embodiment, a user “can push on either the mouthpiece or the pivot mount in order to put it into the stowed position.” Ex.1018, 13:9–15:14.



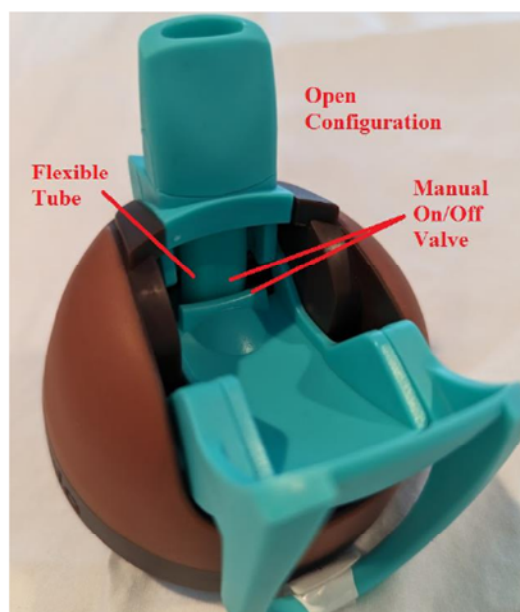
Ex.2016, ¶62 (annotated). If the user pushes the mouthpiece, CamelBak’s expert explained: “it is logical that that mouthpiece, at least the tip of it near the distal end, which is marked in dark green, could flex a bit under the force of a person’s thumb if you pushed on it with enough force to deform the material.” Ex.1018, 13:9–15:14. Such deformation would cause parts of the mouthpiece to deviate from maintaining a constant distance from the axis of rotation. *See also id.*, 15:15–16:7 (CamelBak’s expert explaining that “if a comparable pressure were applied to that mouthpiece while the pivot mount was held stationary, some deformation might be expected”); Ex.2016, ¶114 (CamelBak’s expert explaining that the “mouthpiece [is] made from a soft, deformable material” and “the shape of the mouthpiece changes in response to the force of the user’s teeth”).

CamelBak itself asserts that “[i]f a rotating body does not maintain a constant distance/radius from the axis of rotation, then its path will cease to be circular and its motion will be translational, not rotational.” POR, 33. Under CamelBak’s own reasoning, the resilient mouthpieces disclosed in the ’255 patent need not follow “a circular path of constant radius/distance to the axis,” but instead exhibit “motion that has a translational component relative to the axis”—thus failing to meet CamelBak’s stated requirement for rotational movement. *See id.*, 29; *see also id.*, 67 (CamelBak arguing that “[b]ecause a constant distance is not maintained, the alleged mouthpiece does not move with rotational motion about the alleged pivotal axis”).

CamelBak’s proposed construction further contradicts its infringement contentions in district court. In that proceeding, CamelBak presented the images below, where the image on the left depicts the alleged resilient mouthpiece of the accused product undergoing movement in which all points on the mouthpiece do not maintain a constant distance from the axis of rotation:



Ex.1013, Claim Chart (Exhibit C-1) 9, 5. CamelBak also identifies a flexible tube connected to the accused product's mouthpiece, which is bendable at locations other than the axis of rotation and thus causes the mouthpiece to vary in distance from the axis of rotation during movement and use:



Id., Claim Chart (Exhibit C-1) 10.

Adopting CamelBak’s proposed construction also injects indefiniteness because the claims provide no objective way to verify the requirement of “maintaining a constant distance/radius between the mouthpiece and the axis of rotation” in a drink container with a resilient mouthpiece. A parameter that cannot be consistently measured or confirmed leaves a POSA without “reasonable certainty” as to the scope of the claim, contravening 35 U.S.C. §112. *See, e.g., Teva Pharms. U.S.A., Inc. v. Sandoz, Inc.*, 789 F.3d 1335, 1342–45 (Fed. Cir. 2015) (finding claims indefinite where the record lacked a single, reproducible methodology for determining the critical parameter).

The Board should reject CamelBak’s newly advanced and inconsistent interpretation, which appears tailored solely to avoid invalidity. *See Amazon.com, Inc. v. Barnesandnoble.com, Inc.*, 239 F.3d 1343, 1351 (Fed. Cir. 2001) (holding that a “patent may not, like a ‘nose of wax,’ be twisted one way to avoid [unpatentability] and another to find infringement”); *CommScope Techs. LLC v. Dali Wireless Inc.*, 10 F.4th 1289, 1299 (Fed. Cir. 2021) (same).

B. “coupled to the pivotal mount for pivotal movement with the pivotal mount”

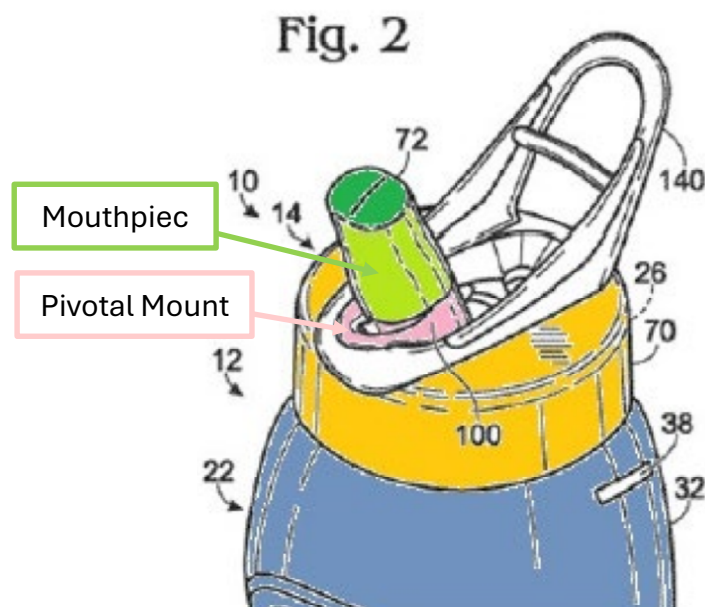
CamelBak contends that this phrase should be construed to “require that the mouthpiece and pivotal mount must engage *in rotational motion in the same direction about the same axis of rotation* defined by the lateral projections.” POR, 35 (emphasis added). However, CamelBak’s proposed construction attempts to

import limitations that are not present in the claim language and finds no support in the intrinsic or extrinsic record. The claim language requires that the mouthpiece undergo “pivotal movement with the pivotal mount relative to the cap assembly base.” Ex.1002, claims 1, 20. This means that the mouthpiece pivots relative to the cap assembly base, such as in response to movement of the pivotal mount.²

To the extent CamelBak seeks to use embodiments described in the ’255 patent to construe this phrase, that argument fails as a matter of law. Claim construction is not an exercise to “redefine claim recitations or to read limitations into the claims to obviate factual questions of infringement and validity but rather to give meaning to the limitations actually contained in the claims” *Am. Piledriving*, 637 F.3d at 1331. The extraneous limitations proposed by CamelBak lack support in the claims, written description, and prosecution history and should therefore be rejected. *SciMed Life Sys.*, 242 F.3d at 1340; *DSW*, 537 F.3d at 1347.

² To the extent the plain and ordinary meaning of the phrase “coupled to the pivotal mount for pivotal movement with the pivotal mount” requires elaboration, Trove does not disagree that it encompasses the mouthpiece and the pivotal mount engaging in pivotal movement “in the same direction about the same axis of rotation defined by the lateral projections.”

The lack of rigidity in the resilient mouthpiece also undermines CamelBak's proposed construction. Bending of the mouthpiece would cause it to "mov[e] off in a different direction," a consequence that CamelBak's expert acknowledges would be inconsistent with the proposed construction. Ex.1018, 50:8–21. As CamelBak's expert explained in reference to the '255 patent's Figure 2 embodiment, "if a comparable pressure [comparable to biting] were applied to that mouthpiece while the pivot mount was held stationary, some deformation might be expected." *Id.*, 15:15–16:7; *see also id.*, 13:9–15:14.



Ex.2016, ¶62 (annotated).

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

CamelBak argues this limitation requires that “[a] user must [] be permitted by the design and configuration of the claimed drink bottle to bite down on the *resilient mouthpiece*, and it is insufficient for a mouthpiece to merely be hypothetically capable of being compressed by a user’s teeth.” POR, 42. But CamelBak’s interpretation improperly imposes a requirement for actual contact with a user’s teeth, even though the plain language does not mandate such contact.

Courts and the U.S. Patent Office have consistently held that “apparatus claims cover what a device *is*, not what a device *does*.” *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1468 (Fed. Cir. 1990); M.P.E.P. §2114(II) (9th ed. Rev. 01.2024) (citing *Hewlett-Packard*). The U.S. Patent Office has also confirmed that “[a] claim containing a ‘recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus’ if the prior art apparatus teaches all the structural limitations of the claim.” M.P.E.P. §2114(II) (citing *Ex parte Masham*, 2 U.S.P.Q.2d 1647 (B.P.A.I. 1987)).

Here, the claim limitation recites the structure of a resilient mouthpiece and specifies that the resilient mouthpiece possesses a particular degree of “resilient[] compress[ability].” The remainder of the limitation simply describes what the

structure ***might do***, not a required condition. CamelBak’s proposed construction improperly narrows the claim to require the mouthpiece to be reachable by a user’s teeth. This improper narrowing is taken even a step further by CamelBak’s expert, who testified that claim 1 requires “teeth to be applying forces from two different directions at the same time” and is “not talking about a scenario where a force is applied in one direction.” Ex.1018, 18:11–19:11; *see also id.*, 22:12–19.

When courts have addressed the phrase “adapted to,” as recited in claims 1 and 20, they have considered whether it is used in a broader sense—meaning “capable of” or “suitable for”—or in a narrower sense—meaning “made to, designed to, or configured to.” *Aspex Eyewear, Inc. v. Marchon Eyewear, Inc.*, 672 F.3d 1335, 1349 (Fed. Cir. 2012). In this case, the intrinsic evidence reinforces the broader, capability-based interpretation. The limitation recites: “the resilient mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user’s teeth.” Ex.1002, claims 1, 20. This language does not require a bite-actuated structure—only that the mouthpiece can compress if such forces are applied. It need only have sufficient resilience to compress under forces exerted by a user’s teeth.

The specification of the ’255 patent supports the same conclusion for several reasons. First, it uses “adapted to” to modify “configured to,” indicating that these phrases are not synonymous and should not be treated interchangeably. *See, e.g.*,

Ex.1001, 8:51–54 (“In use, the mouthpiece is *adapted to be configured to* the dispensing configuration by a user placing the mouthpiece in the user’s mouth” (emphasis added)); *see also* POR, 76–77 (CamelBak arguing that an interpretation that renders a separate term superfluous must be rejected and that “the ’255 patent does not treat [two] terms as interchangeable”).

Second, the specification describes embodiments where the mouthpiece self-seals without bite actuation, confirming bite actuation is not required. Ex.1001, Abstract (“In some embodiments, the drink spouts include mouthpieces, including *self-sealing and/or* bite-actuated mouthpieces.” (emphasis added)). For example, the user may “squeeze a fluid container that is designed to be collapsed during use [] to commence the flow of drink fluid through the mouthpiece to the user.” *Id.*, 10:15–19; *see also id.*, 9:65–10:2.

Third, the specification identifies compressive forces from a user’s teeth as one example of forces that may act on the mouthpiece. *See, e.g., id.*, 8:64–9:3 (“Mouthpiece 72 may be referred to as a self-sealing valve, or valve assembly, because the mouthpiece is constructed to automatically return to its closed, or sealed, configuration when the compressive forces, *such as* may be applied by a user’s teeth or mouth, are no longer applied to maintain the mouthpiece in its dispensing configuration.” (emphasis added)), 17:37–40.

If “adapted to” were construed as CamelBak proposes, it would exclude self-sealing embodiments from the claim scope—contradicting the principle that claims should be read to cover disclosed embodiments unless those embodiments are clearly excluded. *Wasica Fin. GmbH v. Cont’l Auto. Sys., Inc.*, 853 F.3d 1272, 1280 (Fed. Cir. 2017) (“We normally do not interpret claim terms in a way that excludes disclosed examples in the specification.”); *see also Oatey Co. v. IPS Corp.*, 514 F.3d 1271, 1276–77 (Fed. Cir. 2008) (“At leas[t] where claims can reasonably [be] interpreted to include a specific embodiment, it is incorrect to construe the claims to exclude that embodiment, absent probative evidence [to] the contrary.”); *Invitrogen Corp. v. Biocrest Mfg., L.P.*, 327 F.3d 1364, 1369 (Fed. Cir. 2003). Interpreting “adapted to” as a capability aligns the claims with the ’255 patent’s full disclosure: every disclosed mouthpiece—whether self-sealing or bite-actuated—is suitable for compressive response to teeth forces even if that is not the primary actuation mode.

CamelBak cites *In re Gianelli* to argue that “[t]he description of bite-able mouthpieces in the disclosure demonstrates that the claimed phrase ‘adapted to’ is used to mean ‘designed or configured to’ rather than merely ‘capable of.’” POR, 44 (citing *In re Gianelli*, 739 F.3d 1375, 1379–80 (Fed. Cir. 2014)). But *Gianelli* addressed a very different record: the claims there required a “handle adapted to be grasped by a user while performing a rowing motion,” and both the specification and prosecution history tied that phrase to a specific structural orientation of the

handle—one absent in the prior art machine. *Gianelli*, 739 F.3d at 1378–80. By contrast, claims 1 and 20 in the '255 patent recite: “the resilient mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user’s teeth”—a property that inheres in any suitably resilient mouthpiece, regardless of how the forces are generated. Because the intrinsic evidence here shows no intent to limit these claims to a bite-actuated design, the ordinary, capability-based meaning of “adapted to” applies.

Moreover, if CamelBak intended to impose a structural limitation involving interaction with a user’s teeth, it knew how to do so. For example, claim 15 recites:

the resilient mouthpiece includes *opposed bite regions*, wherein the dispensing face includes opposed lips between which the dispensing outlet is defined, and further wherein *when a user applies compressive forces to the opposed bite regions, the lips are urged away from each other to enlarge the dispensing outlet*.

Ex.1001, claim 15 (emphasis added); *see also* Ex. 1002, 1:21 (Claim 15 was not reexamined.). That CamelBak did not include such limitations in independent claims 1 and 20 demonstrates that they should not be imported through claim construction. As courts have consistently held, “[c]ourts do not rewrite claims; instead, [they] give effect to the terms chosen by the patentee.” *K-2*, 191 F.3d at 1364–65.

III. GROUND 1: NAKAJIMA IN VIEW OF A POSA'S KNOWLEDGE RENDERS CLAIMS 1, 3–5, 9–11, 13, AND 18–19 OBVIOUS

A. Claim 1 Is Unpatentable Over Nakajima In View Of A POSA's Knowledge

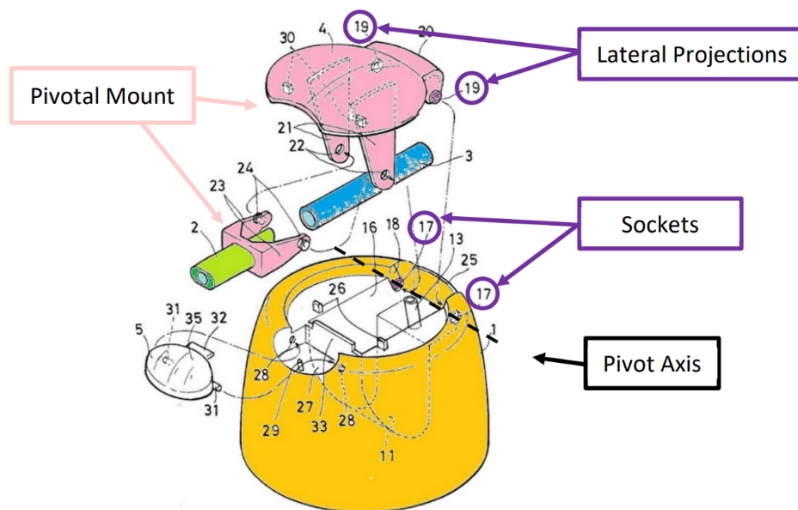
CamelBak does not dispute that Ground 1 renders claim 1 unpatentable with respect to all limitations except those related to the resilient mouthpiece. POR, ii. Specifically, CamelBak argues that Nakajima does not disclose (1) its mouthpiece is pivotal about an axis defined by the pair of lateral projections, and (2) its mouthpiece moves pivotally with the pivotal mount. POR, 45, 65.

CamelBak's arguments rely on novel claim constructions that lack support in either the intrinsic or extrinsic record. The Board should reject these arguments, as it did in the Institution Decision (ID, 14–15), and find claims 1, 3–5, 9–11, 13, and 18–19 unpatentable as set forth in the Petition.

1. Nakajima's "resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections"

CamelBak argues that Nakajima does not disclose this limitation based on a novel claim construction that requires the resilient mouthpiece to "move[] with *rotational motion* about an axis of rotation defined by the pair of lateral projections," where this motion must "*maintain[] a constant distance/radius between the mouthpiece and the axis of rotation.*" POR, 51 (emphasis added). But as discussed, this construction finds no support in the intrinsic and extrinsic record. *Supra* §II.A.

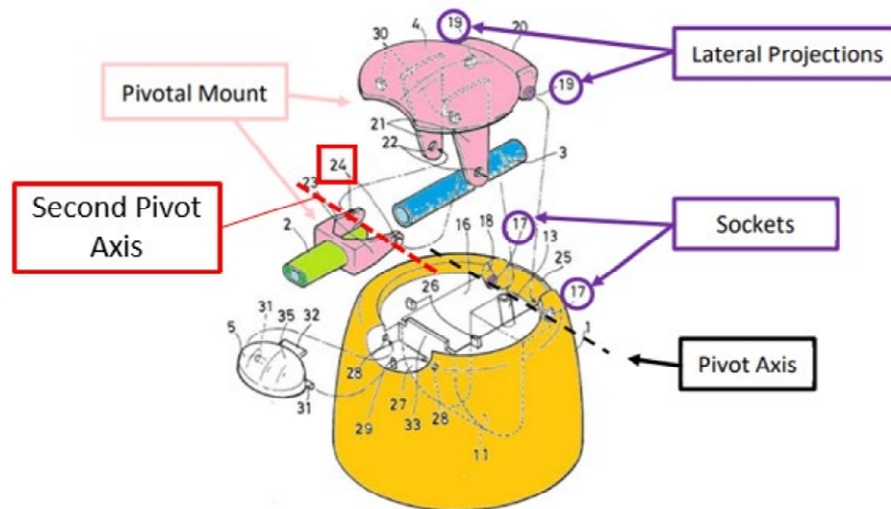
As explained in the Petition, Nakajima discloses that its mouthpiece is pivotal about the axis defined by a pair of lateral projections. Pet., 34–35. The mouthpiece (green) is coupled to a pivotal mount (pink), which has two parts: (1) lid 4 with leg pieces 21, and (2) mouthpiece bracket arms 23. *Id.*, 25. Lid 4 includes hinge shafts 19 that project laterally and define a pivot axis. *Id.*, 34–35.



Id., 34 (annotating Ex. 1003, Fig.1). Because Nakajima’s mouthpiece is “inserted through [mouthpiece bracket arms 23], and thus engaged with” the pivotal mount, the mouthpiece pivots about the pivot axis as lid 19 opens and closes. *Id.*, 29 (citing Ex.1003, ¶88), 34–35 (citing Ex.1003, ¶¶102–103).

CamelBak argues that Nakajima’s mouthpiece “never rotates about the axis of rotation defined by the hinge shafts 19.” POR, 59. However, this argument conflicts with CamelBak’s other statements regarding Nakajima. For example, CamelBak explains and illustrates that Nakajima’s mouthpiece “pivots about a

different axis—one defined by protrusions 24 rotating in holes 22 (identified by the red annotations and ‘Second Pivot Axis’ below).” *Id.*, 47–48.



Id., 48. This Second Pivot Axis is directly coupled to lid 4, which CamelBak acknowledges “close[s] [] and open[s] by pivoting about the axis defined by the hinge shafts 19, 19 [] rotating within the shaft receiving recesses 17, 17.” *Id.*, 6. Given that CamelBak concedes the “mouthpiece moves...when the lid 4 rotates to the open position” (*id.*, 47 (emphasis removed)), it follows that Nakajima’s mouthpiece must pivot about the axis defined by the hinge shafts 19 while pivoting about the Second Pivot Axis.

Despite CamelBak’s statements about Nakajima’s mouthpiece’s rotational behavior, CamelBak attempts to characterize the mouthpiece’s movement as “translational” rather than “rotational.” *Id.*, 47–48, 53. But the plain language and

correct construction of the limitation require “pivotal”—not “translational” or “rotational”—movement. *Supra* §II.A.

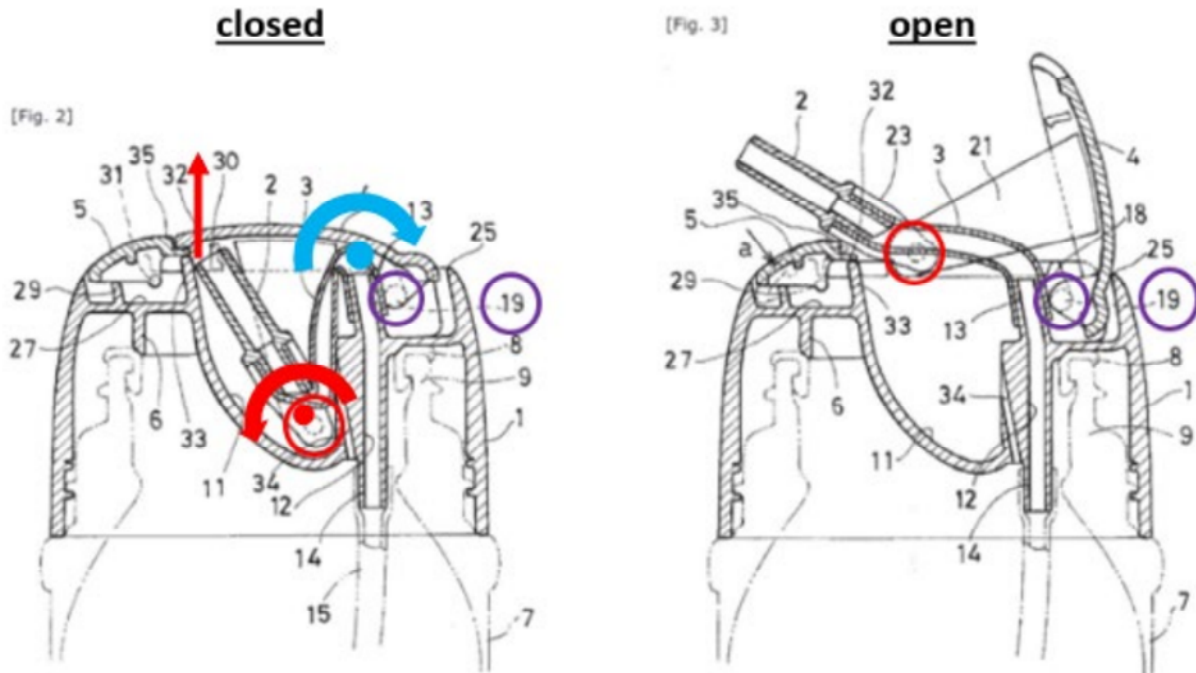
CamelBak also argues that its prosecution statements regarding the Examiner-cited reference, McDonough (Ex.2008), support its interpretation of Nakajima. POR, 53–56. But unlike McDonough’s straw, Nakajima’s mouthpiece is coupled to the pivotal mount and pivots with it. This coupling distinguishes Nakajima’s mouthpiece from McDonough’s straw, which CamelBak argued is not “engaged with” McDonough’s straw positioning member (mapped to the claimed pivotal mount) (Ex.2001, 634–636). *See also id.*, POR, 81 (CamelBak referencing “patentee’s argument distinguishing McDonough based on the *coupled* limitation”); ID, 15 (Board noting Patentee argued “McDonough’s drinking end (mouthpiece) 16 is not coupled to straw positioning mechanism (pivotal mount) 20”).

2. Nakajima’s Mouthpiece Moves Pivotally With The Pivotal Mount

CamelBak argues that Nakajima does not disclose the limitation “coupled to the pivotal mount for pivotal movement with the pivotal mount,” relying on a novel claim construction that requires “the resilient mouthpiece and the pivotal mount [to] engage in rotational motion in the same direction about the same axis of rotation defined by the lateral projections.” POR, 65 (emphasis removed). However, as discussed, CamelBak’s construction is unsupported by the intrinsic and extrinsic record. *Supra* §II.B.

CamelBak first argues that Nakajima’s mouthpiece must—but does not—“move with rotational motion about the same axis of rotation as the pivotal mount.” POR, 66. This argument is based on CamelBak’s flawed premise that the mouthpiece “does not engage in rotational motion about the axis defined by the hinge shafts 19.” *Id.*, 66–67. This argument fails for the reasons already addressed in the previous section. *Supra* §III.A.1.

Next, CamelBak argues that Nakajima’s mouthpiece “does not ever rotate in the same direction as the alleged pivotal mount,” asserting instead that the “mouthpiece rotates only in a direction opposite to the direction of rotation of the alleged pivotal mount....” POR, 68 (emphasis removed). To support this position, CamelBak references annotated figures from Nakajima, in which its expert added a red circular arrow to indicate purported rotation in one direction and a blue circular arrow to indicate rotation in the opposite direction:



Id. (citing Ex.2016, ¶108). But the red circular arrow depicts purported rotation of a component other than the mouthpiece. When focus is directed to Nakajima’s mouthpiece, it is shown pivoting—from the closed to the open position—with the same clockwise rotation as lid 4, about the axis defined by hinge shafts 19. *See also* ID, 15 (Board noting that “Nakajima’s mouthpiece would appear to move based on clockwise rotation about hinge shaft 19”).

B. Claims 3–5, 9–11, 13, And 18–19 Are Unpatentable Over Nakajima In View Of A POSA’s Knowledge

CamelBak provides no additional arguments regarding these claims, instead relying on its independent claim arguments. POR, ii. These arguments fail for the reasons described above. *See supra* §III.A. CamelBak has waived all other

challenges. *See Parus Holdings, Inc. v. Google LLC*, 70 F.4th 1365, 1373 (Fed. Cir. 2023) (arguments not raised in POR are deemed waived).

IV. GROUND 2: NAKAJIMA IN VIEW OF GARDNER RENDERS CLAIMS 12 AND 14–16 OBVIOUS

CamelBak provides no additional arguments regarding these claims, instead relying on its arguments for Ground 1. POR, ii. These arguments fail for the reasons described above. *See supra* §III.A. CamelBak has waived all other challenges. *See Parus Holdings*, 70 F.4th at 1373.

V. GROUND 3: RIBARITS IN VIEW OF A POSA’S KNOWLEDGE RENDERS CLAIMS 1, 9, 11, 13, AND 17–19 OBVIOUS

A. Claim 1 Is Unpatentable Over Ribarits In View Of A POSA’s Knowledge

CamelBak does not dispute that Ground 3 renders claim 1 unpatentable with respect to all limitations except those related to the resilient mouthpiece. POR, ii–iii. Specifically, CamelBak argues that Ribarits does not disclose (1) its mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user’s teeth, and (2) its mouthpiece is coupled to a pivotal mount. POR, 69, 76.

As discussed below, CamelBak’s arguments fail to rebut that claims 1, 9, 11, 13, and 17–19 are unpatentable as set forth in the Petition. Accordingly, the Board should find these claims unpatentable.

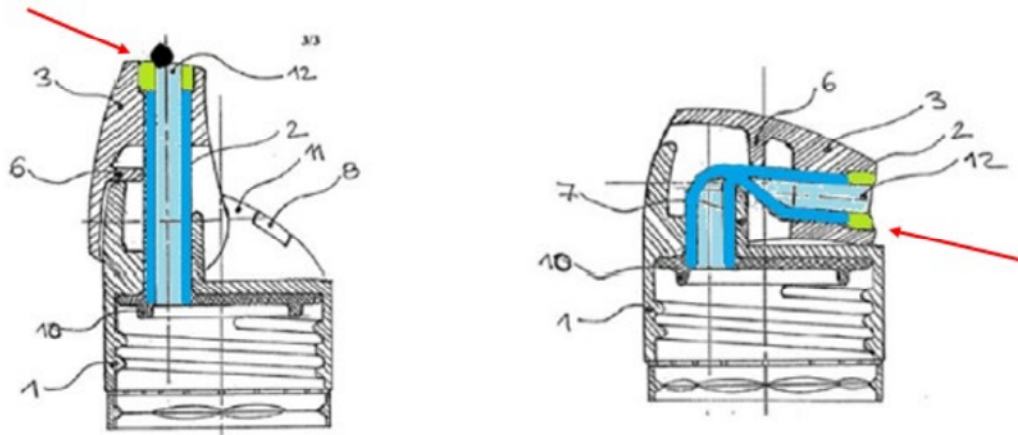
1. Ribarits’ “mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user’s teeth”

CamelBak argues that Ribarits does not disclose this limitation based on a claim construction requiring the mouthpiece to be “‘adapted to’ allow a user to apply ‘compressive forces’ with the user’s teeth to ‘resiliently compress’ the [mouthpiece].” POR, 73. CamelBak argues that Ribarits instead describes a configuration where the drink bottle “prevents a user from applying a bite force to the alleged resilient mouthpiece to resiliently compress it.” *Id.*, 74 (emphasis removed).

CamelBak’s arguments rely on a claim construction that, for the reasons discussed, is incorrect. *See supra* §II.C. Once the correct claim construction is applied, there is no dispute that Ribarits discloses this limitation. Indeed, CamelBak concedes that Ribarits’ mouthpiece is “compressible by a user’s bite if it were modified by being disassembled and having its flexible tubular element 2 be removed from the drinking spout 3 to expose it to a user’s bite.” POR, 75. Accordingly, the Board should reject CamelBak’s arguments on this basis alone.

Even if CamelBak’s proposed construction were accepted, CamelBak’s arguments still fail. CamelBak’s position rests on a flawed premise—that Ribarits’ mouthpiece “(the green-highlighted portion of tubular element 2) is *entirely*

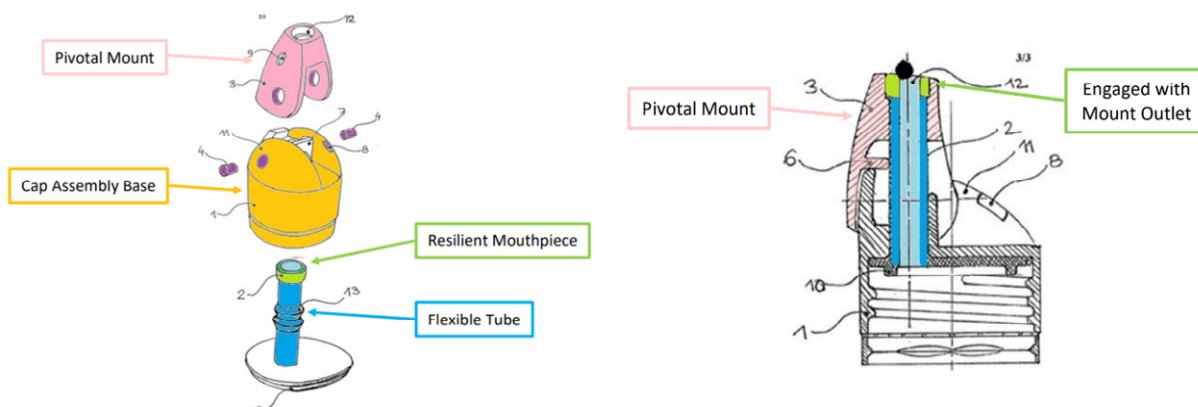
surrounded by Ribarits’s ‘drinking spout’” POR, 70–71 (emphasis added); *see also* Ex.2016, ¶119 (“completely surrounds”).



POR, 71–72 (citing Pet., 65–66). However, as shown, the green-highlighted portion of tubular element 2 is not “surrounded” on the side from which the user drinks. This matters because, during use, a user would position teeth against that exposed portion of tubular element 2 (e.g., the area marked by the black circle in the above left figure), which is not enclosed by drinking spout 3. *See also* Ex.2016, ¶119 (CamelBak’s expert explaining a user would “bit[e]” Ribarits’ drinking spout); Ex.1018, 34:23–35:8 (CamelBak’s expert explaining Ribarits’ “drinking spout is engaged by both the teeth and the lips”). This exposed configuration results in the user’s teeth applying compressive forces directly to the unshielded portion of Ribarits’ mouthpiece. These compressive forces, combined with the inherent compressibility of Ribarits’ mouthpiece, satisfy the limitation under CamelBak’s proposed construction.

2. Ribarits' Discloses A Mouthpiece Coupled To A Pivotal Mount

CamelBak argues that the Petition “fail[ed] to show that Ribarits discloses a resilient mouthpiece that is removably coupled (or coupled at all) to the pivotal mount.” POR, 76 (emphasis removed). But the Petition explained and illustrated that “Ribarits’ resilient mouthpiece is inserted through the cap assembly base and engaged with the mount outlet at the dispensing outlet.” Pet., 71–73.

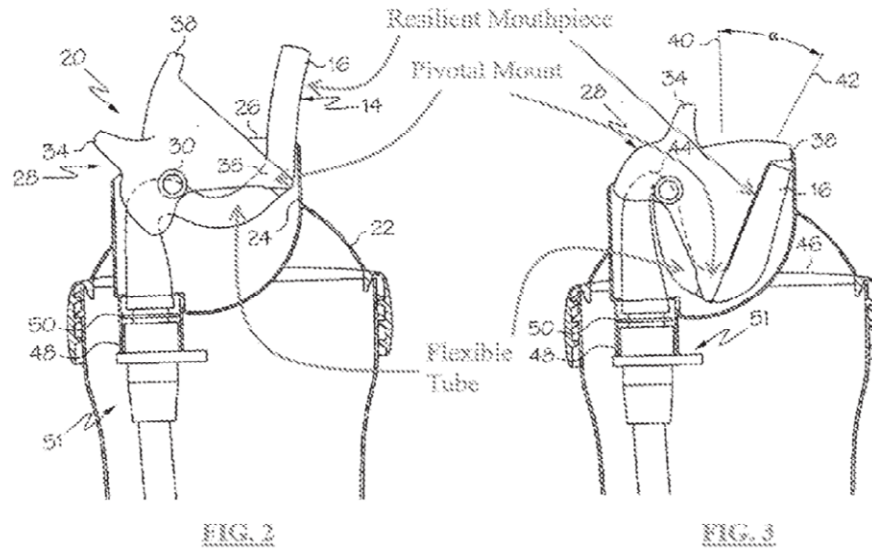


Id., 72–73. This demonstrates Ribarits discloses coupling between the mouthpiece and pivotal mount that is removable and insertable. *See also id.*, 79; Ex.1003, ¶227.

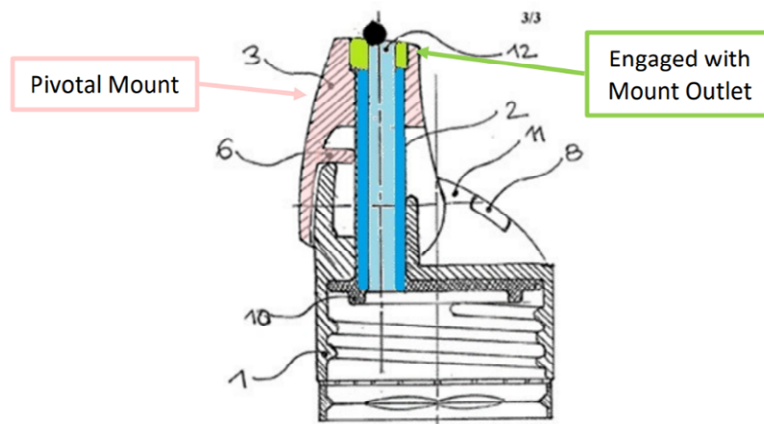
Indeed, Ribarits confirms that “the sealed tubular element (2) is inserted into the drinking spout (3)” and that, “in the drinking spout (3), a broadening of the outlet opening (12) enables a snapping of the sealed tubular element (2).” Ex.1006, claims 1, 7. This snapping indicates that Ribarits’ mouthpiece is pushed until it “snaps” into place in the pivotal mount.

CamelBak also argues that its prosecution arguments regarding McDonough support its position. POR, 77–81. However, McDonough’s mouthpiece—as

identified in the annotated figures below from the reexamination request—
demonstrates a very different relationship to the pivotal mount:



Ex.1012, 107. Specifically, as shown in the following figure, Ribarits describes coupling between its mouthpiece (green) and pivotal mount (pink), indicating the mouthpiece does not simply “pass[] through” as in McDonough:



Pet., 72–73. Accordingly, CamelBak’s prosecution arguments concerning McDonough fail to undercut the Petition’s showing that claim 1 is unpatentable under Ground 3.

B. Claims 9, 11, 13, And 17–19 Are Unpatentable Over Ribarits In View Of A POSA’s Knowledge

CamelBak provides no additional arguments regarding these claims, instead relying on its independent claim arguments. POR, ii–iii. These arguments fail for the reasons described above. *See supra* §V.A. CamelBak has waived all other challenges. *See Parus Holdings*, 70 F.4th at 1373.

VI. GROUND 4: RIBARITS IN VIEW OF HUGHES AND/OR PANICCI RENDERS CLAIMS 2–7 AND 20–23 OBVIOUS

CamelBak provides no additional arguments regarding these claims, instead relying on its arguments for Ground 3. POR, ii–iii. These arguments fail for the reasons described above. *See supra* §V.A. CamelBak has waived all other challenges. *See Parus Holdings*, 70 F.4th at 1373.

Dated: July 22, 2025

By: / Ali S. Razai /
Ali S. Razai (Reg. No. 60,771)
Counsel for Petitioner
Trove Brands, LLC

CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24(d), the undersigned certifies that this **PETITIONER’S REPLY IN SUPPORT OF PETITION FOR INTER PARTES REVIEW OF U.S. PATENT NO. 10,676,255** contains 5,592 words according to the word-processing program used to prepare this paper. The foregoing word count complies with the 5,600-word type-volume limit specified by 37 C.F.R. § 42.24(c)(1).

Dated: July 22, 2025

By: / Ali S. Razai /
Ali S. Razai (Reg. No. 60,771)
Counsel for Petitioner
Trove Brands, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the date below, a true and correct copy of **PETITIONER'S REPLY IN SUPPORT OF PETITION FOR INTER PARTES REVIEW OF U.S. PATENT NO. 10,676,255 AND EXHIBIT 1018** are being served via email pursuant to 37 C.F.R. § 42.6(e), to counsel for Patent Owner as addressed below:

Ryan Schletzbaum
Shook Hardy & Bacon LLP
2555 Grand Blvd
Kansas City, MO 64108
Tel: 816.474.6550
Fax: 816.421.5547
rschletzbaum@shb.com
CamelBak-IPR@shb.com

Jason Mudd
Shook Hardy & Bacon LLP
2555 Grand Blvd
Kansas City, MO 64108
Tel: 816.474.6550
Fax: 816.421.5547
jmudd@shb.com

Dated: July 22, 2025

By: / Ali S. Razai /
Ali S. Razai (Reg. No. 60,771)
Counsel for Petitioner
Trove Brands, LLC