

Petitioner Trove Brands' Demonstratives For Oral Argument

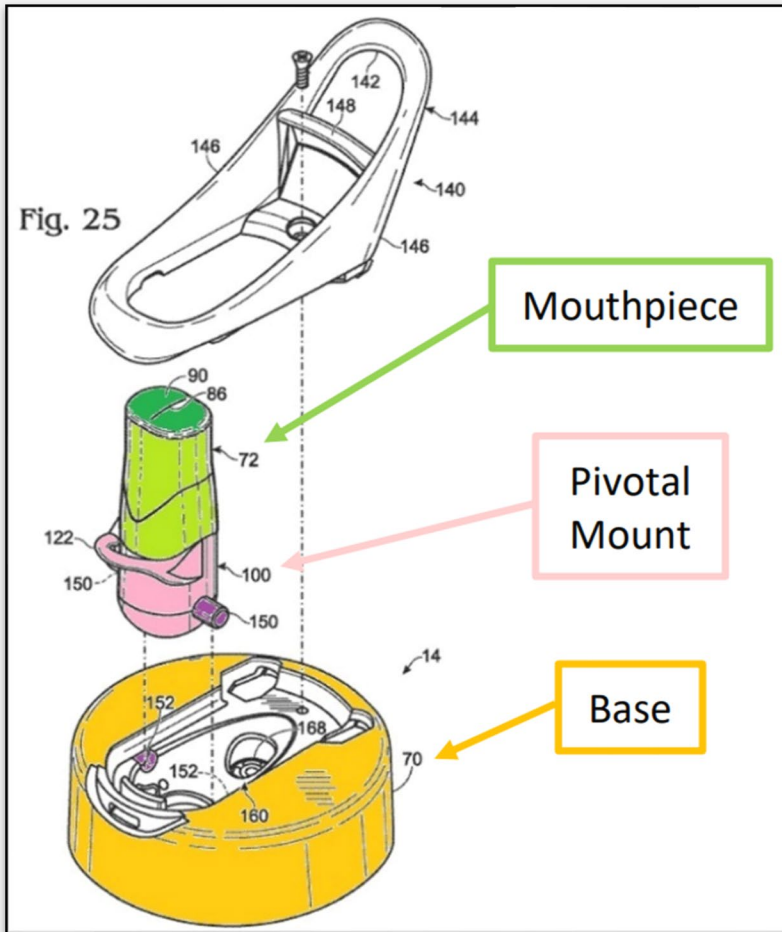
November 14, 2025

Trove Brands, LLC v. CamelBak Products, LLC

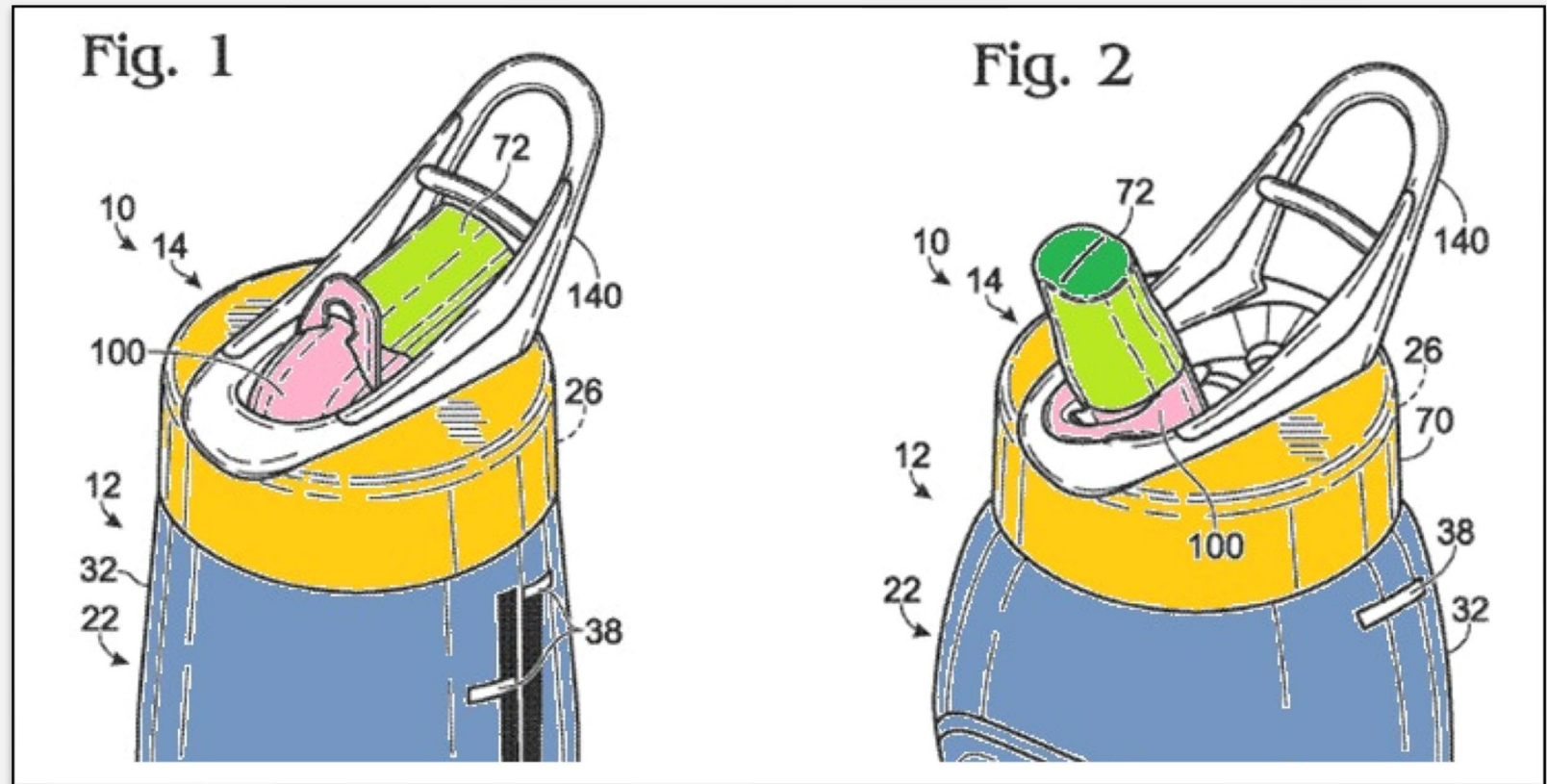
IPR2024-01137 (Patent 10,676,255)

**Trove Brands Ex. 1019
Trove Brands v. CamelBak
IPR2024-01137**

The '255 Patent's Drink Container And Lid



Ex. 1001, Fig. 25 (annotated)



Ex. 1001, Figs. 1-2 (annotated)

Independent Claim 1 Of The '255 Patent

1. A drink container, comprising:
a fluid container having a neck with an opening and having an internal compartment sized to hold a volume of potable drink fluid;
a cap assembly removably coupled to the fluid container to cover the opening, wherein the cap assembly defines a fluid conduit for drink fluid to flow from the fluid container and through the cap assembly to a user, wherein the fluid conduit includes an inlet through which drink fluid from the fluid container may enter the fluid conduit, and a dispensing outlet through which drink fluid in the fluid conduit may be dispensed from the cap assembly to a user, and further wherein the cap assembly comprises:
a cap assembly base removably coupled to the neck of the fluid container, wherein the cap assembly base is configured to be selectively and repeatedly decoupled from and re-coupled to the neck of the fluid container;
a pivotal mount coupled to the cap assembly base for pivotal movement relative to the cap assembly base, the pivotal mount comprising a mount outlet, 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;
a resilient mouthpiece engaged with the mount outlet and removably coupled to the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base, wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets;

wherein the resilient mouthpiece defines a portion of the fluid conduit, including the dispensing outlet;
wherein the resilient mouthpiece and the pivotal mount are configured to be selectively pivoted between a stowed position and a dispensing position, and further in the dispensing position, the dispensing outlet is positioned further away from the cap assembly base than when the resilient mouthpiece and the pivotal mount are in the stowed position;
wherein the resilient mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth; and
a manual on/off valve having a closed configuration, in which the manual on/off valve obstructs the fluid conduit to restrict drink fluid from flowing between the inlet and the dispensing outlet, and an open configuration, in which the manual on/off valve permits drink fluid to flow through the fluid conduit from the inlet to the dispensing outlet; wherein the manual on/off valve includes a flexible tube that defines a portion of the fluid conduit;
wherein when the manual on/off valve is in the closed configuration, the tube is crimped to obstruct the flow of drink fluid through the fluid conduit; and
wherein when the manual on/off valve is in the open configuration, the tube is not crimped and does not obstruct the flow of drink fluid through the fluid conduit.

Ex. 1002, claim 1 (highlight added)

Claim 20 Recites Most Of The Same Limitations As Claim 1

20. A drink container, comprising:

a fluid container having a neck with an opening and having an internal compartment sized to hold a volume of potable drink fluid;

a cap assembly removably coupled to the fluid container to cover the opening, wherein the cap assembly defines a fluid conduit for drink fluid to flow from the fluid container and through the cap assembly to a user, wherein the fluid conduit includes an inlet through which drink fluid from the fluid container may enter the fluid conduit, and a dispensing outlet through which drink fluid in the fluid conduit may be dispensed from the cap assembly to a user, and further wherein the cap assembly comprises:

a cap assembly base removably coupled to the neck of the fluid container, wherein the cap assembly base is configured to be selectively and repeatedly decoupled from and re-coupled to the neck of the fluid container;

a pivotal mount coupled to the cap assembly base for pivotal movement relative to the cap assembly base, the pivotal mount comprising a mount outlet, 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;

a resilient mouthpiece engaged with the mount outlet and removably coupled to the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base, wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets;

wherein the resilient mouthpiece defines a portion of the fluid conduit, including the dispensing outlet; wherein the resilient mouthpiece and the pivotal mount are configured to be selectively pivoted between a stowed position and a dispensing position, and further in the dispensing position, the dispensing outlet is positioned further away from the cap assembly base than when the resilient mouthpiece and the pivotal mount are in the stowed position; wherein the resilient mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth;

a dust cover configured to at least partially cover the dispensing outlet when the mouthpiece and pivotal mount are in the stowed position, wherein the dust cover remains stationary when the mouthpiece and the pivotal mount are selectively pivoted between the stowed position and the dispensing position; and

a manual on/off valve having a closed configuration, in which the manual on/off valve obstructs the fluid conduit to restrict drink fluid from flowing between the inlet and the dispensing outlet, and an open configuration, in which the manual on/off valve permits drink fluid to flow through the fluid conduit from the inlet to the dispensing outlet; wherein the manual on/off valve includes a flexible tube that defines a portion of the fluid conduit;

wherein when the manual on/off valve is in the closed configuration, the tube is crimped to obstruct the flow of drink fluid through the fluid conduit; and

wherein when the manual on/off valve is in the open configuration, the tube is not crimped and does not obstruct the flow of drink fluid through the fluid conduit.

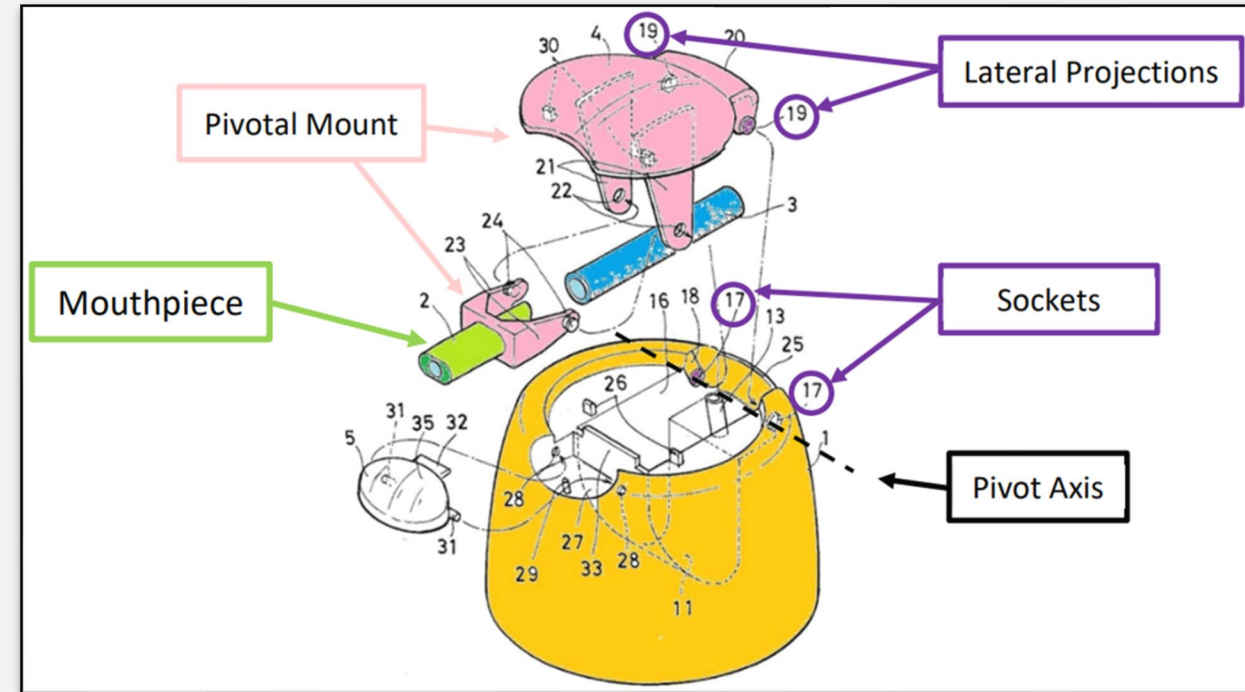
Ex. 1002, claim 20 (highlight added)

Grounds 1–2

Grounds 1-2: Nakajima-Based Grounds

a resilient mouthpiece *engaged with the mount outlet and removably coupled to the pivotal mount for pivotal movement with the pivotal mount* relative to the cap assembly base, wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets;

Ex. 1002, claim 1 (underline added)

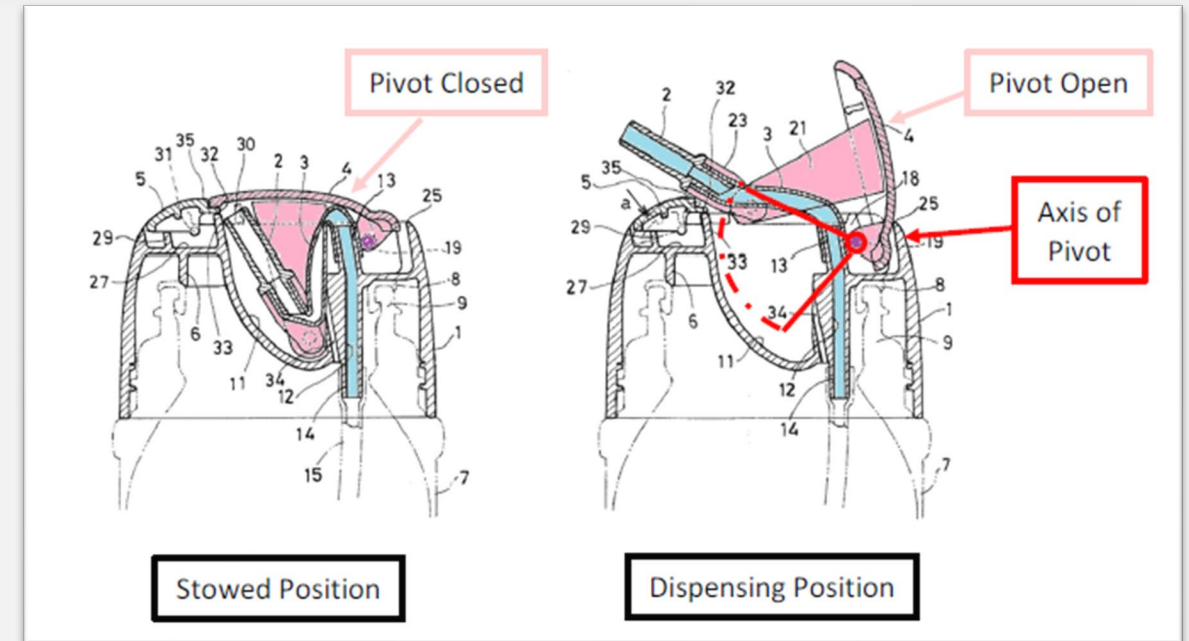


Ex. 1004, Fig. 1 (annotated)

The Petition Shows Nakajima Discloses The Mouthpiece Limitations

a resilient mouthpiece *engaged with the mount outlet and removably* coupled to the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base, wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets;

Ex. 1002, claim 1 (underline added)



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

- ⊙ Nakajima's mouthpiece "moves up and down in conjunction with the opening and closing of the lid." (Ex. 1004, [0003]).

The Board Agreed Nakajima's Mouthpiece Pivots With The Pivotal Mount

phase. 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. Pet. 35. Patent Owner appears correct that at some point in the opening (or closing) process, Nakajima's mouthpiece additionally moves based on rotation about protrusions 25. Prelim. Resp. 44–45. At this stage, we preliminarily determine that such additional rotation is not foreclosed by the plain language of the claims.

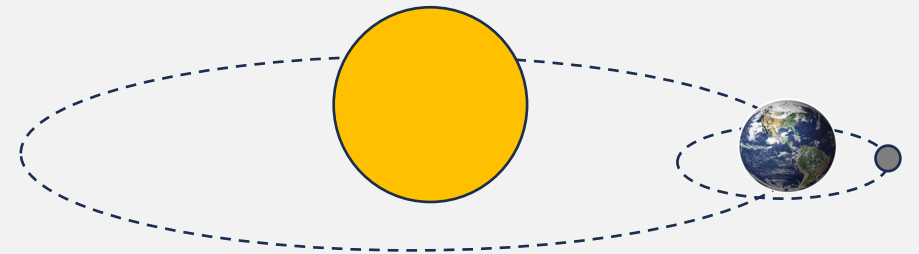
Institution Decision ("ID"), 15

Board Describes “Pivotal Movement” Using Analogy In Related Matter

For similar reasons as for IPR2024-01137, we determine that Petitioner has made an adequate showing at this stage of the proceeding that Nakajima’s mouthpiece has “pivotal movement with the pivotal mount relative to the cap assembly base,” as recited in claim 1. *See Trove Brands, LLC v. CamelBak Prods., LLC*, IPR2024-01137, Paper 9 at 15 (PTAB Jan. 28, 2025) (Decision on Institution). On the preliminary record, it appears that Nakajima’s mouthpiece 2 moves clockwise with lid 4 relative to stopper body 1, and additionally moves counterclockwise relative to lid 4.¹¹

¹¹ The movement that Patent Owner illustrates might be analogous to the movement of sun, the earth, and the moon, where the earth revolves around the sun, and the moon additionally revolves around the earth. In this analogy, the question would be whether the moon pivots “with” the earth “relative” to the sun.

Ex. 2028, 27 (Institution Decision in IPR2025-00140)



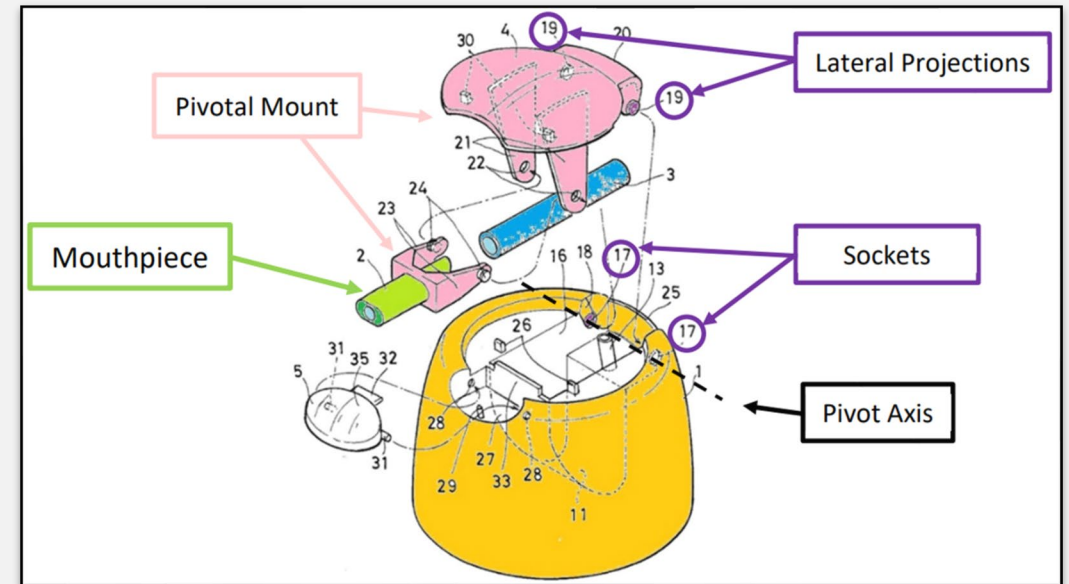
CamelBak Offers No Rebuttal Under Petitioner's Construction

Ex.1004 at Fig. 1 (annotated), Fig. 4 (annotated). As can be seen in Figures 2 and 3 below, this hinge formed from the hinge shafts 19, 19 rotating within the shaft receiving recesses 17, 17 allows the lid 4 to close (Fig. 2, left, below) and open (Fig. 3, right, below) by pivoting about the axis defined by the hinge shafts 19, 19 (purple below) rotating within the shaft receiving recesses 17, 17. Ex.1004 ¶¶[0016]–[0018], [0020], [0022]–[0024], Figs. 1–3. This pivotal movement by the lid about the hinge

POR, 6 (underlines added)

by Petitioner. Ex.2016 ¶¶87-88. Instead, Nakajima discloses that the alleged *resilient mouthpiece* moves up, and then forward (i.e., translational motion), when the lid 4 rotates 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.”); Ex.2016 ¶88. To the

POR, 47 (underlines added)



Ex. 1004, Fig. 1 (annotated)

CamelBak's Patentability Arguments Rely On Its Narrow Constructions

The alleged *resilient mouthpiece* in Nakajima is not *pivotal about an axis defined by the pair of lateral projections*. As discussed above, the proper construction of this term requires 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, where rotational motion requires a constant distance/radius to the axis. *See supra* Sec. V.A. Petitioner maps

POR, 46-47 (underlines added)

Petitioner cannot prevail on Grounds 1 or 2 as to any claim of the '255 patent because Nakajima—the primary reference for these grounds—does not satisfy the *resilient mouthpiece's* required *pivotal movement with the pivotal mount relative to the cap assembly base* required by the challenged claims. As discussed, 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

POR, 65 (underlines added)

Claim Construction Must Reflect The Patentee's Chosen Language



"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 Equip., Inc. v. Geoquip, Inc., 637 F.3d 1324, 1331 (Fed. Cir. 2011)



"Courts 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 (Fed. Cir. 1999)

The Plain And Ordinary Meaning Controls Unless An Exception Applies



"The patentee is free to choose a broad term and expect to obtain the full scope of its plain and ordinary meaning unless the patentee explicitly redefines the term or disavows its full scope."

Thorner v. Sony Comput. Ent. Am. LLC, 669 F.3d 1362, 1367 (Fed. Cir. 2012)



"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."

Aug. Tech. Corp. v. Camtek, Ltd., 655 F.3d 1278, 1286 (Fed. Cir. 2011)

CamelBak's Two-Step Construction Of "Pivotal"

Patent Owner requests that this limitation be construed 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" and that, as a matter of physics, rotational motion about the axis of rotation defined by the lateral projections requires maintaining a constant distance/radius between the mouthpiece and the axis of rotation defined by the lateral projections. Ex.2016, ¶56.

POR, 15

[1][b][3][i] - 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

CamelBak First Limits “Pivotal” To “Rotational”

Patent Owner requests that this limitation be construed 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” and that, as a matter of physics, rotational motion about the axis of rotation defined by the lateral projections requires maintaining a constant distance/radius between the mouthpiece and the axis of rotation defined by the lateral projections. Ex.2016, ¶56.

POR, 15

[1][b][3][i] - wherein 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

Trove Does Not Dispute “Pivotal” Encompasses “Rotational”

Patent Owner requests that this limitation be construed 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” and that, as a matter of physics, rotational motion about the axis of

POR, 15

As an initial matter, Trove does not dispute that the plain and ordinary meaning of “pivotal” can include¹ “movement with rotational motion.” But there is

Reply, 3 (underlines added)

CamelBak's Expert Explains "Pivotal" Includes Rotational Motion

6 Q. Could we please turn to paragraph 56? In
7 the header above paragraph 56 you discussed the term,
8 "pivotal". Does the '255 patent define the term
9 "pivotal"?

10 A. The '255 patent uses the term pivotal in
11 the context of different embodiments and different
12 functions of this device so that one of ordinary
13 skill in the art would understand what pivotal means.
14 Pivotal as a word also has meaning to a person of
15 ordinary skill. One of ordinary skill in the art
16 would understand that term to mean rotation about an
17 axis. Dr. Vallee doesn't disagree with that. He
18 agrees with that definition as far as I understood it
19 based on his testimony.

Ex. 1018 (Jobin Tr.), 44:6-25 (underlines added)

CamelBak Next Attempts To Limit “Pivotal” To Constant-Radius Motion

Patent Owner requests that this limitation be construed 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” and that, as a matter of physics, rotational motion about the axis of rotation defined by the lateral projections requires maintaining a constant distance/radius between the mouthpiece and the axis of rotation defined by the lateral projections. Ex.2016, ¶56.

POR, 15

[1][b][3][i] - wherein the resilient mouthpiece **[[maintains a constant distance/radius between the mouthpiece and an] axis of rotation]** defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets

CamelBak's Construction Of "With"

rotation. *See supra* Sec. V.A. The plain claim language, therefore, indicates 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. Further, because the claim language requires pivotal movement "with," rather than "away from" the pivotal mount, the plain claim language also requires that the mouthpiece and pivotal mount must engage in rotational motion in the same direction about this same axis of rotation.

POR, 36

[1][b][3] - A resilient mouthpiece engaged with the mount outlet and removably coupled to the pivotal mount for pivotal movement **with** the pivotal mount relative to the cap assembly base

CamelBak Seeks To Limit “With”

rotation. *See supra* Sec. V.A. The plain claim language, therefore, indicates 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. Further, because the claim language requires pivotal movement “with,” rather than “away from” the pivotal mount, the plain claim language also requires that the mouthpiece and pivotal mount must engage in rotational motion in the same direction about this same axis of rotation.

POR, 36

[1][b][3] - A resilient mouthpiece engaged with the mount outlet and removably coupled to the pivotal mount for **[rotational motion in the same direction about the same axis of rotation as]** the pivotal mount relative to the cap assembly base

Trove Does Not Dispute “With” Encompasses Same Direction And Axis

same axis as the mouthpiece. Further, because the claim language requires pivotal movement “with,” rather than “away from” the pivotal mount, the plain claim language also requires that the mouthpiece and pivotal mount must engage in rotational motion in the same direction about this same axis of rotation.

POR, 36

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.”

Reply, 12 (underlines added)

The '255 Patent's Claim Limitations

[1][b][3] - a resilient mouthpiece engaged with the mount outlet and removably coupled to the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base

[1][b][3][i] - wherein the resilient mouthpiece pivots about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets

CamelBak's Unduly Narrow Construction

[1][b][3] - A resilient mouthpiece engaged with the mount outlet and removably coupled to the pivotal mount for [rotational motion in the same direction about the same axis of rotation as] the pivotal mount relative to the cap assembly base,

[1][b][3][i] - wherein the resilient mouthpiece [maintains a constant distance/radius between the mouthpiece and an axis of rotation] defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets

CamelBak Proposes More Narrowing On Sur-Reply

² If the Board wishes to slightly modify the construction to account for user deformation, Patent Owner would not be opposed to requiring that a constant distance/radius to the axis of rotation is maintained “in the absence of deformation of the mouthpiece by the user during rotation.” Nakajima still fails to meet such a

Sur-Reply, 8 n.2 (underlines added)

projections.” POR, 35 (emphasis added). The claim language requires that the mouthpiece undergo “pivotal movement *with* the pivotal mount,” not *away from* the pivotal mount. POR, 36. All of the written description and figures confirm this

Sur-Reply, 10 (underlines added)

³ If the Board wishes to slightly modify the construction to account for user deformation, Patent Owner would not be opposed to requiring rotational motion in the same direction about the same axis of rotation “in the absence of deformation of the mouthpiece in the opposite direction by the user during rotation.” Nakajima still

Sur-Reply, 11 n.3 (underlines added)

CamelBak's Attempts To Further Limit The Claims On Sur-Reply

[1][b][3] - A resilient mouthpiece engaged with the mount outlet and removably coupled to the pivotal mount for [rotational motion in the same direction about the same axis of rotation, in the absence of deformation of the mouthpiece in the opposite direction by the user during rotation, as] the pivotal mount [**and not away from the pivotal mount**] relative to the cap assembly base

[1][b][3][i] - wherein the resilient mouthpiece [maintains, in the absence of deformation of the mouthpiece by the user during rotation, **a constant distance/radius** between the mouthpiece and the axis of rotation] defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets

CamelBak Argues No Reliance On Lexicography Or Disavowal

about an axis of rotation. *See* POR, 16-17; *see also id.* at 20, 24, 31. Patent Owner does not rely on any deviation from this full plain meaning through any alleged lexicography or disavowal. Instead, under *Phillips*, Patent Owner's construction correctly captures the plain meaning of this term in light of all of the intrinsic and extrinsic evidence. POR, at 15-35; Ex.2016, ¶56-75.

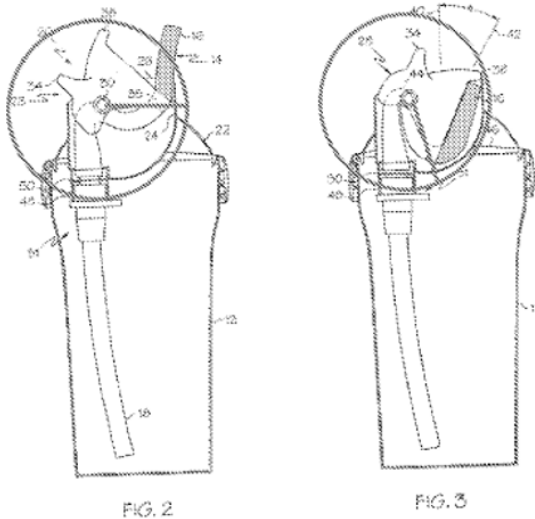
Sur-Reply, 3

Instead, Patent Owner is merely arguing that the reexamination statements confirm the plain meaning of “pivotal about an axis” as reflected in the claim language and specification. POR, at 29-30 (citing cases). Importantly, the

Sur-Reply, 5

Intrinsic And Extrinsic Record Do Not Narrow The Plain Meaning

However, 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. This is shown, for example, in Figs. 2-3 of McDonough:



As shown in the figures above, when the straw positioning member 20 is pivoted about a pivotal axis, the end portion 16 of straw 14 is pulled downwards. The end portion 16 of the straw (mapped to the resilient mouthpiece) is not “*pivotal about an axis defined by the pair of lateral projections*” as required by the claims.

Intrinsic record:

- ⌚ The specification and re-examination history do not include or define the constant-radius or “not away from” terminology

Extrinsic record:

- ⌚ No support in the extrinsic record for interpreting the claims as requiring constant-radius motion or to preclude motion away from the axis

Ex. 2001, 638-39

L'Oreal's Ambiguity Framework

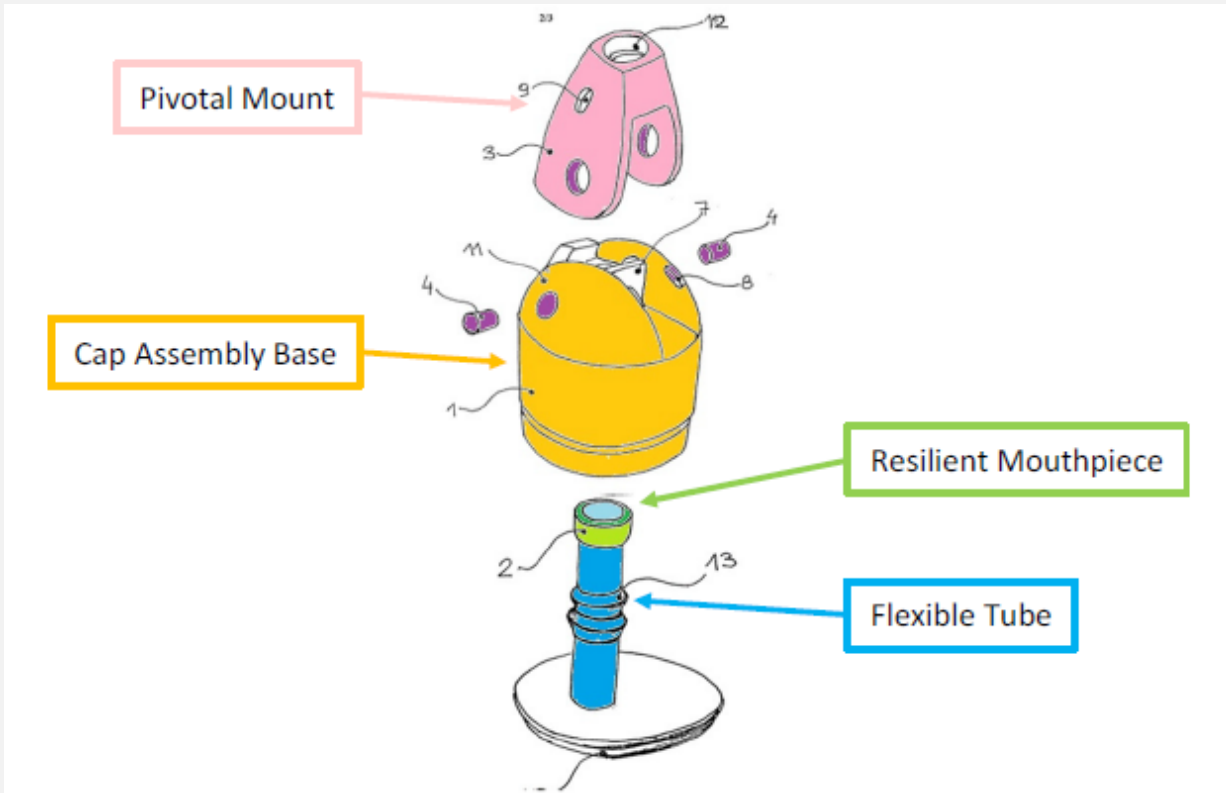


"Because the meaning of the relevant claim language is **not plain**, but rather **ambiguous** for the reasons described in Section II.A, we can look to the prosecution history to inform[] the meaning of the disputed claim phrase and address[] an ambiguity otherwise left unresolved."

Univ. of Massachusetts v. L'Oreal S.A., 36 F.4th 1374, 1383 (Fed. Cir. 2022) (internal citations omitted) (emphasis added)

Grounds 3–4

Grounds 3-4: Ribarits-Based Grounds



Ex. 1006, Fig. 2 (annotated)

mount.” Second, Ribarits’s alleged mouthpiece: i) is not “adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user’s teeth,” as the Board has preliminarily found, and ii) is not “coupled” to the pivotal mount, as the Petition failed to even allege. The patentability of the POR, 1

CamelBak Asserts The Claim Language Requires Teeth Contact

Limitation 1[b][3][iv] – wherein the resilient mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth

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*, and it is insufficient for a mouthpiece to 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.

POR, 42

Teeth Contact Reflects A Use, Not A Structural Requirement



"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)



"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))

Courts Recognize A Broader Meaning Of “Adapted To”



“[T]he phrase ‘adapted to’ is frequently used to mean ‘made to,’ ‘designed to,’ or ‘configured to,’ but **it can also be used in a broader sense to mean ‘capable of’ or ‘suitable for.’**”

Aspex Eyewear, Inc. v. Marchon Eyewear, Inc., 672 F.3d 1335, 1349 (Fed. Cir. 2012) (emphasis added)

The Intrinsic Record Confirms A Broad, Capability Reading

- ③ The abstract and specification support a capability-based design, not required teeth contact

is pivotally coupled to a base of the cap assembly. In some embodiments, the drink spouts include mouthpieces, including self-sealing and/or bite-actuated mouthpieces. In some

Ex. 1001, Abstract (underline added)

mouthpiece. When the user desires to drink from the positioned drink bottle, the user may bite upon the mouthpiece (and/or optionally 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.

Ex. 1001, 10:15-19 (underline added)

dispensed from the drink bottle. 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. Therefore, unless forces are

Ex. 1001, 8:64-9:3 (underline added)

The Claims Should Be Construed To Encompass Described Embodiments



"We normally do not interpret claim terms in a way that excludes disclosed examples in the specification"

Wasica Fin. GmbH v. Cont'l Auto. Sys., Inc., 853 F.3d 1272, 1280 (Fed. Cir. 2017)



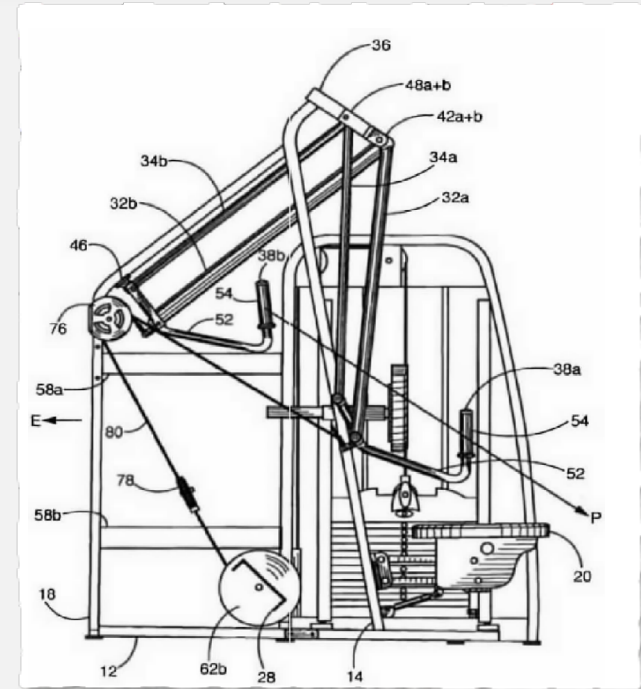
"At leas[t] where claims can reasonably [be] interpreted to include a specific embodiment, it is incorrect to construe the claims to exclude that embodiment, absent evidence [to] the contrary."

Oatley Co. v. IPS Corp., 514 F.3d 1271, 1276-77 (Fed. Cir. 2008)

In re Gianelli Is Distinguishable

- ⌚ *Gianelli* claims required a “handle adapted to be grasped by a user while performing a rowing motion”
- ⌚ The specification and prosecution history tied that phrase to a specific structural orientation of the handle absent from the prior art

In re Gianelli, 739 F.3d 1375, 1378-80



In re Gianelli, 739 F.3d 1375, 1376

Limitation 1[b][3][iv] requires a degree of compressibility

- ⌚ “wherein the resilient mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth”

The Intrinsic Record Confirms A Broad, Capability Reading

15. The drink container of claim 1, wherein the resilient mouthpiece includes a dispensing face that defines the dispensing outlet, wherein 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 (underline added)

CamelBak Concedes Ribarits' Mouthpiece Is Compressible By Teeth

(drinking spout 3), as found by the Board. Ex.2016, ¶120. Ribarits's alleged mouthpiece would only be 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. Ex.2016, ¶120. Ribarits, therefore, fails to satisfy

POR, 75

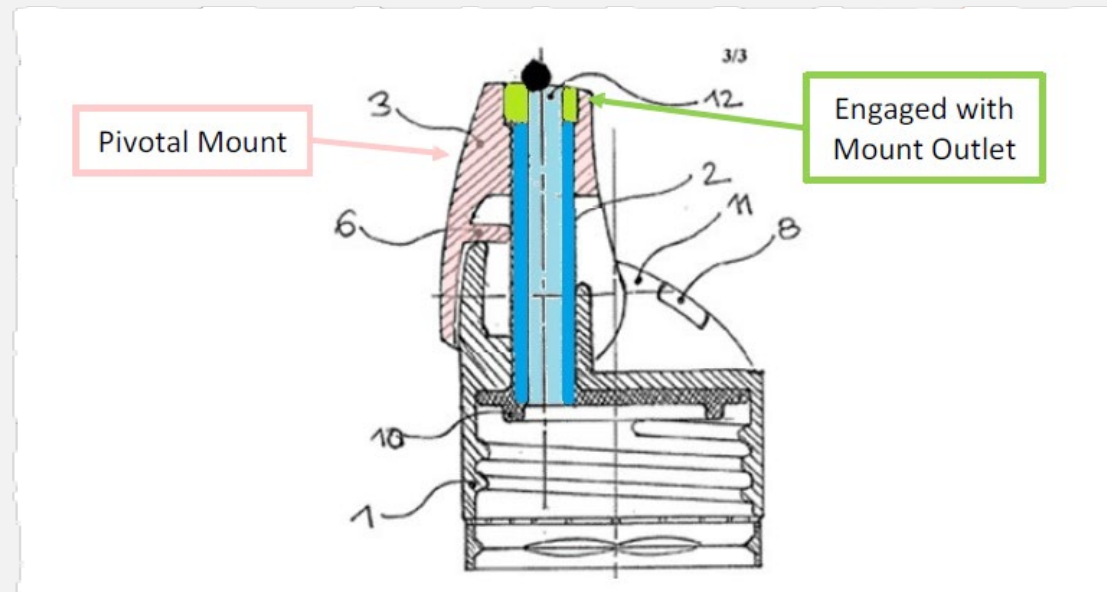
CamelBak And Its Expert Claim: Ribarits' Mouthpiece Is "Entirely Surrounded"

As shown by Petitioner's annotations below, the alleged *resilient mouthpiece* (the green-highlighted portion of tubular element 2) is entirely surrounded by Ribarits' "drinking spout" (the alleged *pivotal mount*, highlight in pink). That is, the drinking

POR, 70-71 (underlines added)

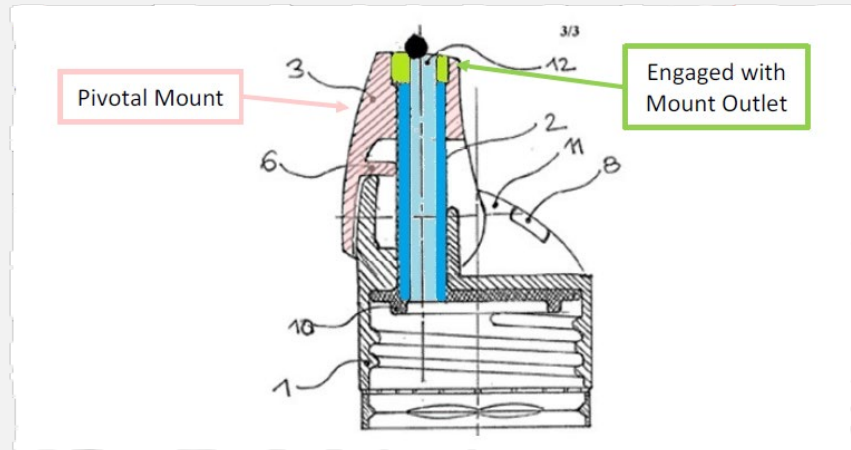
mouthpiece and deform its shape. Instead, the alleged mouthpiece is entirely surrounded by the drinking spout 3. Figures 1 and 3 of Ribarits below show that the

Ex. 2016, ¶116 (underlines added)

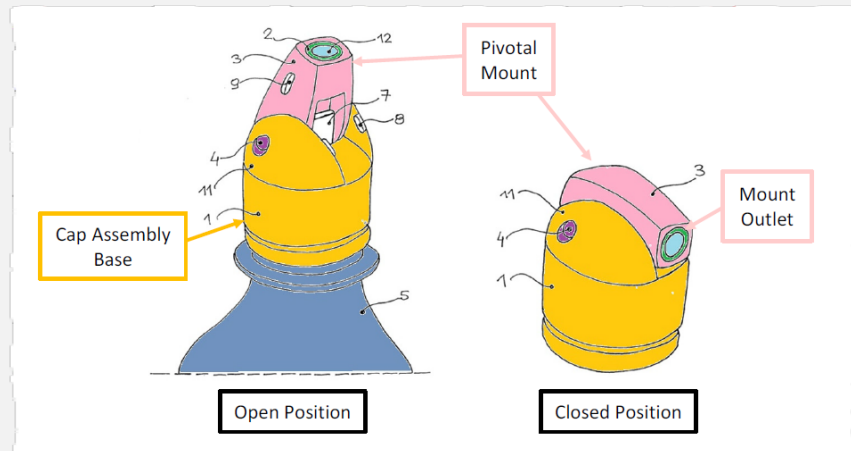


Petition, 72-73 (annotating Ex. 1006, Fig. 3)

CamelBak's Expert Confirms Teeth Engage Drinking Spout Area



Ex. 1006, Fig. 3 (annotated)



Ex. 1006, Fig. 1 (annotated)

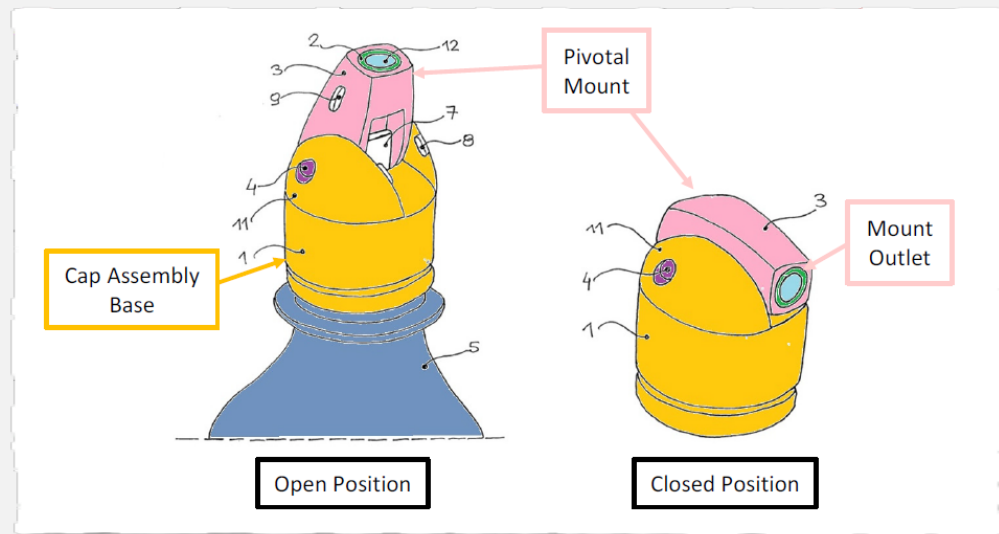
CamelBak's expert's testimony:

Is it your understanding that a user would need to bite drinking spout 3 to drink from it?

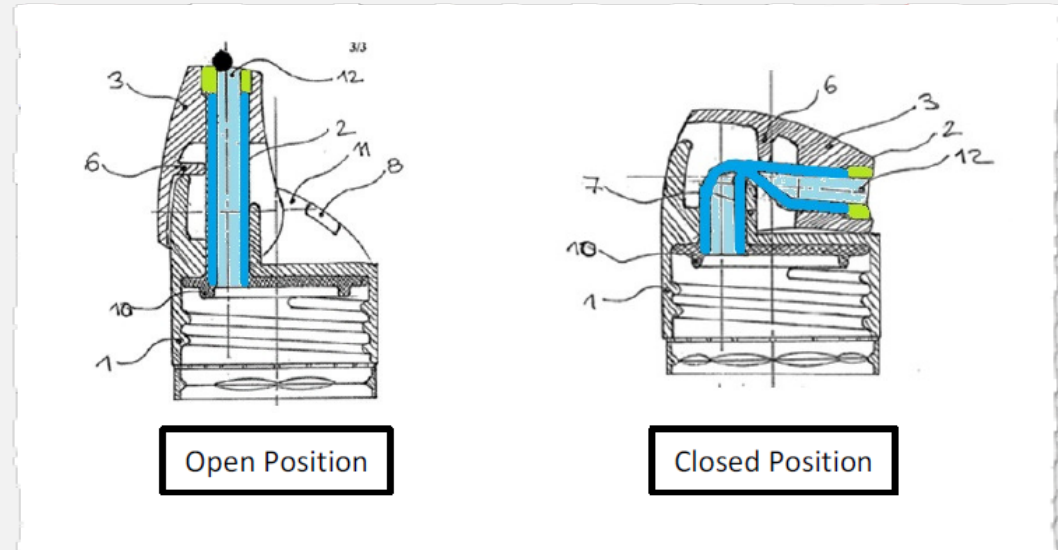
A. No, but the drinking spout is engaged by both the teeth and the lips. I mean, they come together as a package. So when you are using this drinking spout, it's certainly conceivable that one would bite it, but nothing would happen. That's the

Ex. 1018, 34:23-35:8 (underlines added)

Ribarits Meets The Limitation Under CamelBak's Construction



Ex. 1006, Fig. 1 (annotated)



Ex. 1006, Fig. 3 (annotated)

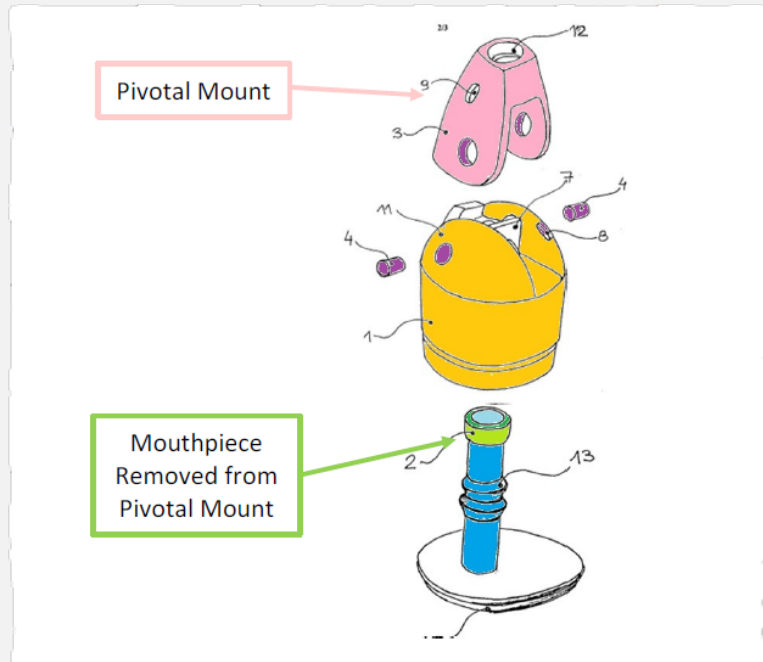
Limitation 1[b][3][iv] – wherein the resilient mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth

CamelBak Asserts Ribarits' Mouthpiece Is Not "Removably Coupled"

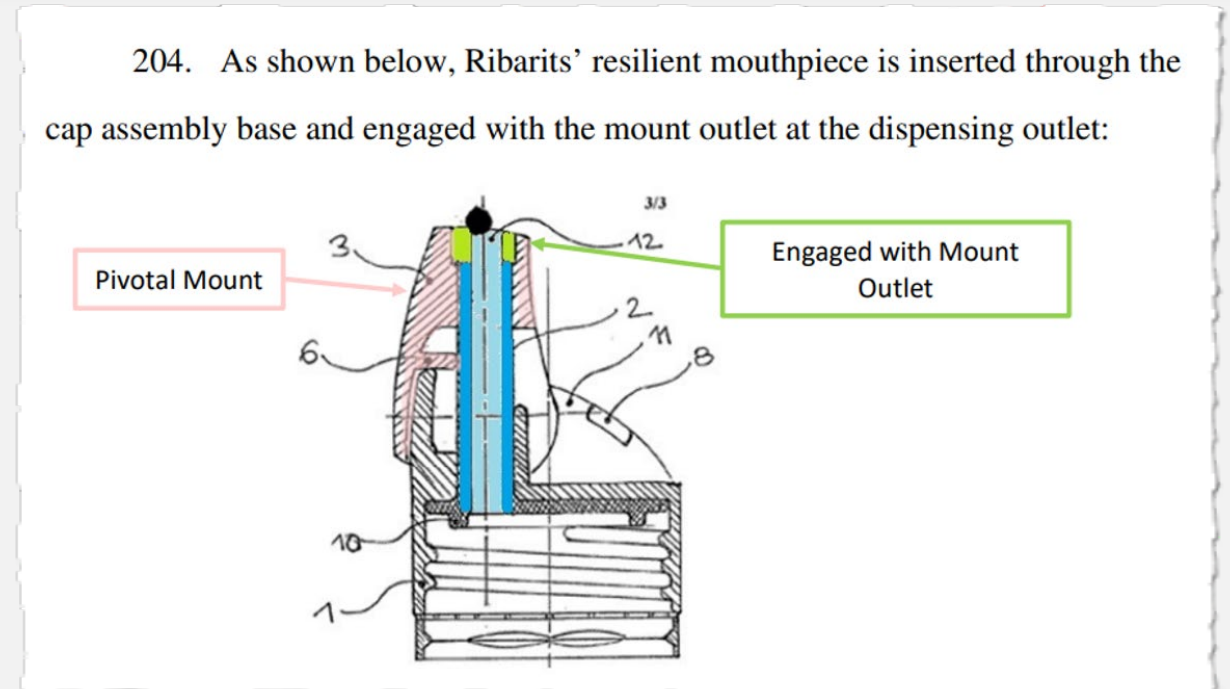
Grounds 3 and 4 also fail because Petitioner fails to show that Ribarits discloses a *resilient mouthpiece* that is *removably coupled* (or *coupled* at all) to the *pivotal mount*, as required by the claims. *See*, claim 1 (“a resilient mouthpiece . . . removably coupled to the pivotal mount”), claim 20 (same).

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The Petition Shows Ribarits' Mouthpiece Is Removably Coupled



Ex. 1003, ¶1227 (annotating Ex. 1006, Fig. 2)



Ex. 1003, ¶1204 (annotating Ex. 1006, Fig. 3)

227. As shown in the annotated figure below, the sealed tubular element (i.e. resilient mouthpiece) of Ribarits is configured to be removed and reinserted into the drinking spout (i.e. pivotal mount):

Ex. 1003, ¶1227

Ribarits' Claims Confirm Coupling

Ribarits claim:

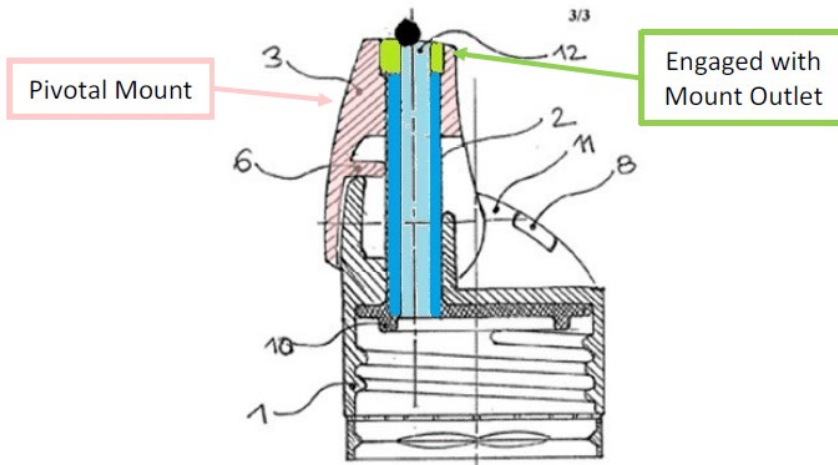
7. Drinking device according to claims 1 to 6, characterized in that in the drinking spout (3), a broadening of the outlet opening (12) enables a snapping of the sealed tubular element (2).

Ex. 1006, claim 7 (underlines added)

Trove's expert's testimony:

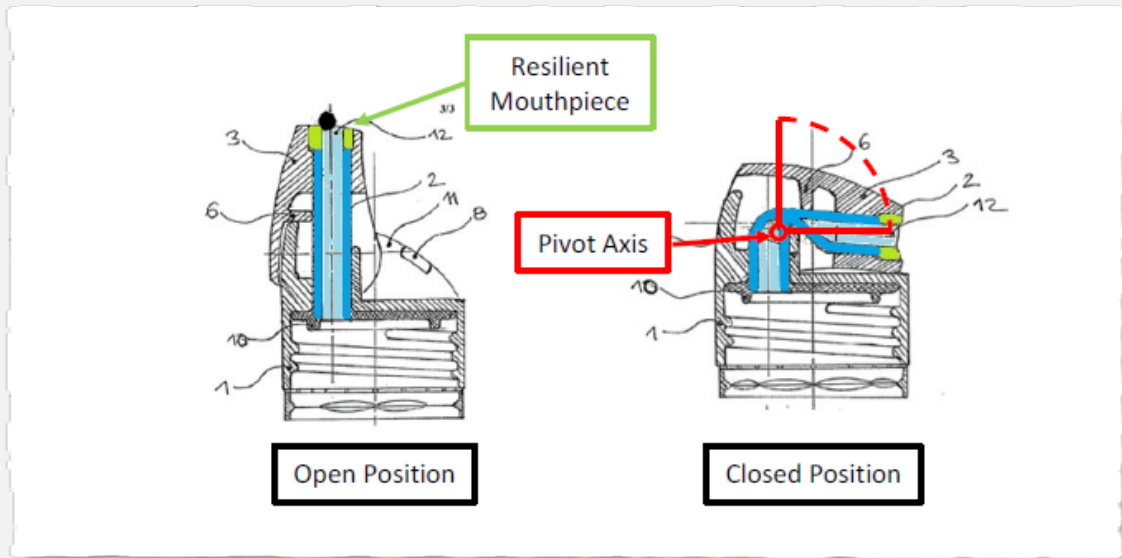
91. In addition, a person of ordinary skill in the art would have recognized that there were various conventional means to removably couple the mouthpiece to the pivotal mount, including design features well-known to a person of ordinary skill at the time. Such design features would have included, for example, a 'snap fit' design comprising a shoulder or collar of the mouthpiece abutted against or otherwise engaged with the inner diameter of the mount outlet. An alternative well-

Ex. 1003, ¶91 (underlines added)

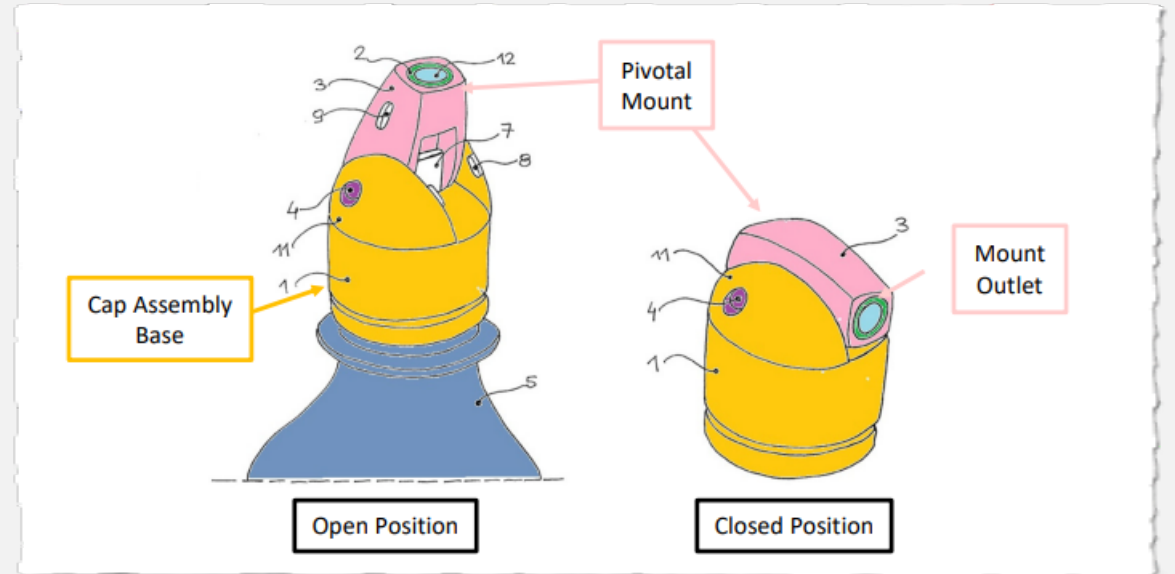


Ex. 1003, ¶204 (annotating Ex. 1006, Fig. 3)

Ribarits' Mouthpiece Remains Coupled During Pivoting



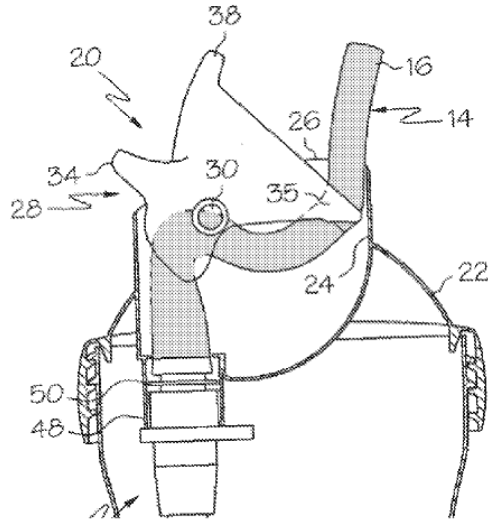
Ex. 1003, ¶206 (annotating Ex. 1006, Fig. 3)



Ex. 1003, ¶195 (annotating Ex. 1006, Fig. 1)

Ribarits' Structure Differs Fundamentally From McDonough's

Patentee's prosecution statements:

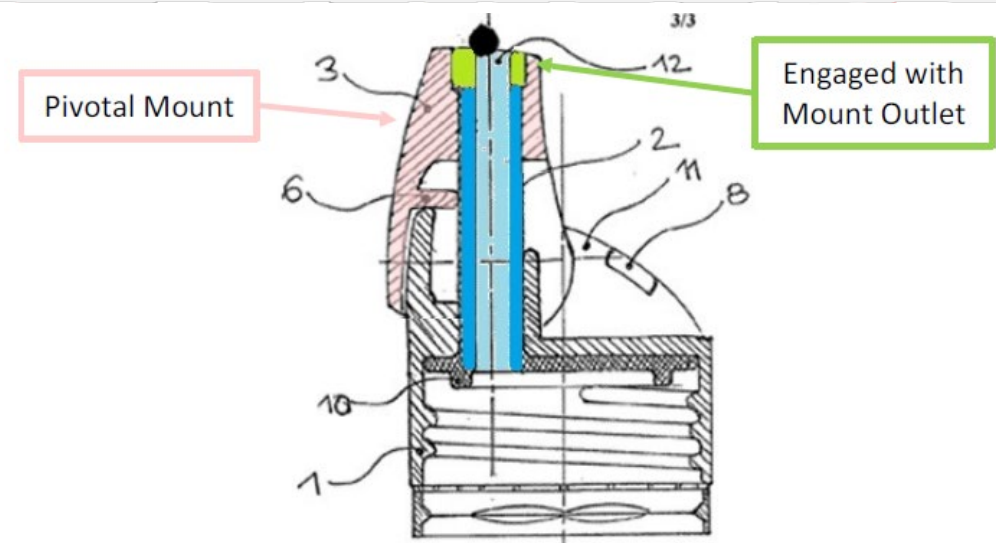


Additionally, as shown above, the straw 14 in McDonough passes through the straw positioning mechanism 20, but it is not coupled or removably coupled to the straw positioning mechanism 20. Furthermore, the end of the straw 16 (mapped to the resilient mouthpiece) is also not coupled or removably coupled to the straw positioning mechanism 20.

McDonough's specification similarly fails to disclose, teach, or suggest the first end 16 of straw 14 being engaged with any outlet of the straw positioning mechanism 20. In contrast, amended claim 1 and new claim 20 require that the resilient mouthpiece is engaged with a mount outlet of the pivotal mount and that the resilient mouthpiece is removably coupled to the pivotal mount.

Ex. 2001, 636 (underline added)

Ribarits' structure:



Ex. 1003, 1204 (annotating Ex. 1006, Fig. 3)