UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HARTMANN US INC. and THE HAPPY GROUP INC.
Petitioners

v.

MAURICE J.P. TABONE
Patent Owner

_____

IPR2024-01216
U.S. Patent No. 11,225,365

_____

PETITION FOR *INTER PARTES* REVIEW UNDER 35 U.S.C. §312 AND 37 C.F.R. §42.104

TABLE OF CONTENTS

Petitioner's Exhibit List 5

I. Introduction 8

II. Grounds for Standing Pursuant to 37 C.F.R. §42.104(a) 8

III. Note 8

IV. Technology Background 8

V. Summary of the '365 Patent 9

VI. Prosecution History 10

VII. Effective Priority Date of the '365 Patent 10

VIII. Level of Ordinary Skill in the Art 11

IX. Claim Construction 11

X. Relief Requested and Reasons for the Relief 11

XI. Identification of How the Claims are Unpatentable 12

A. Challenged Claims 12

B. Statutory Grounds for Challenges 12

C. Ground 1: Claims 11-21 and 23-27 are obvious over Post, Beese, and Mangla 14

1. Post 14

2. Beese 15

3. Mangla 15

4. Reasons to Combine Post with Beese and Mangla 16

5. Claim 11 23

6. Claim 12 62

7. Claim 13 64

8. Claim 14 67

9. Claim 15 81

10. Claim 16 84

11. Claim 17 85

12. Claim 18 86

13. Claim 19 87

14. Claim 20 92

15. Claim 21 95

16. Claim 23 96

17. Claim 24 98

18. Claim 25 99

19. Claim 26 100

20. Claim 27 101

D. Ground 2: Claim 22 is obvious over Post, Beese, Mangla, and Buckley 102

1. Buckley 102

2. Reasons to Combine Post-Beese-Mangla with Buckley 103

3. Claim 22 105

XII. Discretionary Denial Is Not Appropriate 107

A. No Basis for 35 U.S.C. §325(d) Denial 107

B. No Basis for 35 U.S.C. §314/*Fintiv* Denial 107

C. Discretionary Denial under *General Plastic* is Not Appropriate..... 108

XIII. Conclusion 108

XIV. Mandatory Notices Under 37 C.F.R. §42.8.....110

A. Real Party-in-Interest 110

B. Related Matters..... 110

C. Lead and Back-up Counsel and Service Information 110

Claim Appendix 111

Certificate of Word Count 127

Certificate of Service 128

PETITIONER'S EXHIBIT LIST

Ex.1001	U.S. 11,225,365
Ex.1002	Prosecution History of U.S. Appl. 11,225,365
Ex.1003	Declaration of Thomas Dunn under 37 C.F.R. §1.68
Ex.1004	*Curriculum Vitae* of Thomas Dunn
Ex.1005	Prosecution History of U.S. Appl. 12/449,556
Ex.1006	WO 2008/098288
Ex.1007	AU 2007900654
Ex.1008	AU 2007902246
Ex.1009	U.S. 2005/0238764
Ex.1010	WO 2006/001696
Ex.1011	U.S. 1,254,276
Ex.1012	U.S. 3,854,581
Ex.1013	U.S. 3,951,292
Ex.1014	EP 1 558 504
Ex.1015	U.S. 4,625,906
Ex.1016	WO 2003/086905
Ex.1017	Complaint in *Maurice J.P. Tabone v. Hartmann US Inc., et al.*, 4:23-cv-0986 (E.D. Mo.) (Aug. 8, 2023)
Ex.1018	U.S. 10,287,070
Ex.1019	Prosecution History of U.S. 10,287,070
Ex.1020	FR 2 441 549

Ex.1021	U.S. 4,280,648
Ex.1022	Reserved
Ex.1023	Reserved
Ex.1024	Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation (June 21, 2022)
Ex.1025	Patent Owner's Infringement Contentions for U.S. 11,225,365, served in *Maurice J.P. Tabone v. Hartmann US Inc., et al.*, 4:23-cv-0986 (E.D. Mo.)
Ex.1026	Reserved
Ex.1027	Reserved
Ex.1028	Reserved
Ex.1029	U.S. 3,285,491
Ex.1030	U.S. 3,298,594
Ex.1031	Definition of "unitary," American Heritage Dictionary (1985)
Ex.1032	Definition of "unitary," Merriam Webster Collegiate Dictionary (1995)
Ex.1033	U.S. 4,986,414
Ex.1034	U.S. 4,582,248
Ex.1035	U.S. 5,860,528
Ex.1036	"What Are the Dimensions of an Egg?," Dimensions of Stuff, *available at*: https://dimensionofstuff.com/what-are-the-dimensions-of-an-egg/ (last accessed June 25, 2024)
Ex.1037	Comparison of claims 1-10 and 28-30 of the '365 patent
Ex.1038	Comparison of claims 11-27 of the '365 patent

Ex.1039	U.S. 3,648,916

I. INTRODUCTION

Pursuant to 35 U.S.C. §§311, 314(a), and 37 C.F.R. §42.100, Hartmann US, Inc. and The Happy Group Inc. ("Petitioners") respectfully request that the Board review and cancel as unpatentable under (pre-AIA) §103 claims 11-27 ("Challenged Claims") of U.S. 11,225,365 ("'365 patent," Ex.1001). Petitioners are concurrently filing a second Petition challenging the remaining claims 1-10 and 28-30 of the '365 patent (IPR2024-01216).

II. GROUNDS FOR STANDING PURSUANT TO 37 C.F.R. §42.104(A)

Petitioner certifies that the '365 patent is eligible for IPR and that Petitioners are not barred or estopped from requesting IPR of the Challenged Claims.

III. NOTE

Petitioners cite to exhibits' original page numbers. **Emphasis** in quoted material has been added. Claim terms are presented in *italics*.

IV. TECHNOLOGY BACKGROUND

The '365 patent relates to a food container that "permits flat application of labels" that "provid[e] tamper evidence." Ex.1001, 1:48-50, 7:62-65. The labels are attached to a "substantially flat area." Ex.1001, 2:11-19. But by 2007, when the Australian priority applications of the '365 patent were filed (see Section VII, *infra*), containers with tamper-evident labels and those that provide a flat area to attach such labels were not new. Ex.1011 (adhesive label); Ex.1012 (pressure sensitive adhesive

labels); Ex.1013 (hot-shrunk labels); Ex.1010, Fig. 1 (first planar surface); Ex.1009, Fig. 1 (second planar surface). Petitioners' expert Mr. Dunn describes relevant background predating the '365 patent. *See* Ex.1003, ¶¶26-29.

V. SUMMARY OF THE '365 PATENT

The '365 patent relates to containers "to hold fresh food or produce" that can "facilitate application of…tamper evident labels." Ex.1001, 1:21-26. Traditional containers used "wrap around" labels to "secure the lid to the base." Ex.1001, 1:36-39. But, according to the '365 patent, automated equipment used to attach labels were "generally designed for flat label application." Ex.1001, 1:39-42. The '365 patent thus proposes a container for "flat application of labels." Ex.1001, 1:48-50.

But even the inventor of the '365 patent found nothing novel about the design of the container itself. *See* Ex.1001, 7:35-38 ("[i]t will be appreciated…that the container of the invention can be produced in a wide number of forms"), 7:60-61 ("container [of the invention] can be adapted to any currently known container design"). Instead, it appears that the '365 patent considers its contribution to be an arrangement that provides a "substantially flat area" to which labels are attached. Ex.1001, 2:11-19. This, according to the '365 patent, allows "flat, self-adhesive label application" and "tamper evidence." Ex.1001, 7:62-65. As explained below, these concepts were well known before the earliest priority date. Ex.1003, ¶¶30-36.

VI. PROSECUTION HISTORY

The applicant submitted six preliminary amendments before the Examiner had issued a first Office Action. Ex.1003, ¶¶37-41. In the fourth preliminary amendment of October 30, 2020, the applicant cancelled pending claims 1-20 and added new claims 21-47. Ex.1002, 272-287. The applicant added prosecution claims 48-50 in the fifth and sixth preliminary amendments. Ex.1002, 139-158, 114-133. The first and only Office Action indicated that prosecution claims 21-47 were allowable. Ex.1002, 87. The Examiner did not provide reasons for allowance. Issued claims 1-27 of the '365 patent correspond to prosecution claims 21-36, 39, 40, 37, 38, and 41-47, respectively. Ex.1002, 16. The Examiner rejected prosecution claims 48-50 as anticipated. Ex.1002, 84-87. The applicant amended prosecution claim 48 (issued claim 28), Ex.1002, 76-79, which led to allowance without any stated reasons.

VII. EFFECTIVE PRIORITY DATE OF THE '365 PATENT

The '365 patent claims priority to U.S. Appl. 16/360,964, filed March 21, 2019, which is a continuation of U.S. Appl. 15/656,623, filed July 21, 2017, which is now U.S. 10,287,070. U.S. 10,287,070 is a continuation of U.S. Patent Appl. 12/449,556, filed August 12, 2009, now abandoned. The '365 patent also claims priority to PCT Appl. PCT/AU2008/000173, filed February 12, 2008, which claims priority to (i) Australian Appl. 2007902246, filed April 30, 2007, and (ii) Australian Appl. 2007900654, filed February 12, 2007. The cited and relied-upon prior art

predates February 12, 2007. Accordingly, Petitioners have not undertaken a priority date analysis in this Petition. Petitioners do not waive any right or opportunity to dispute the priority date in this or another forum where relevant.

VIII. LEVEL OF ORDINARY SKILL IN THE ART

A person of ordinary skill in the art ("POSITA") in February 2007 would have had a working knowledge of food packaging as is pertinent to the '365 patent. A POSITA would have had a bachelor's degree in packaging products, materials, process and platforms, or equivalent, and two years of work experience relating to packaging products, materials, and process and platforms. Lack of professional experience can be remedied by additional education, and vice versa. Ex.1003, ¶44.

IX. CLAIM CONSTRUCTION

Claim terms in IPR are construed according to their "ordinary and customary meaning" to those of skill in the art. 37 C.F.R. §42.100(b). Petitioners submit that, for the purposes of this proceeding and the grounds presented herein, no term requires express construction. *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017); Ex.1003, ¶47.

X. RELIEF REQUESTED AND REASONS FOR THE RELIEF

Petitioners ask that the Board institute a trial for IPR and cancel the Challenged Claims in view of the analysis below.

XI. IDENTIFICATION OF HOW THE CLAIMS ARE UNPATENTABLE

A. Challenged Claims

Patent Owner has asserted claims 1-23 and 28-30 of the '365 patent in a co-pending litigation. Finding the Challenged Claims unpatentable in this proceeding will resolve the parties' dispute and obviate the need for a trial regarding the '365 patent, substantially reducing the time and expense of that litigation for all parties.

B. Statutory Grounds for Challenges

Grounds	Claim(s)	Basis (Pre-AIA)
#1	11-21, 23-27	§103 over Post, Beese, and Mangla
#2	22	§103 over Post, Beese, Mangla, and Buckley

WO 2006/001696 (Ex.1010, "**Post**"); published on Jan. 5, 2006.

U.S. 2005/0238764 (Ex.1009, "**Beese**"); published on Oct. 27, 2005.

U.S. 4,625,906 (Ex.1015, "**Mangla**"); issued on Dec. 2, 1986.

WO 2003/086905 (Ex.1016, "**Buckley**"); published on Oct. 23, 2003.

These references are pre-AIA §102(b) prior art that published or issued more than one year prior to the earliest non-provisional filing date (Feb. 12, 2008) and more than one year before the earliest foreign priority date (Feb. 12, 2007). If Patent Owner argues that the '365 patent is an AIA patent, these references are AIA §102(a) prior art. None were before the Examiner during prosecution.

During prosecution, the inventor cited EP 1558504—disclosing egg cartons—in an IDS. Ex.1002, 328; Ex.1014, [0009] (package "for receiving one or more frangible products, such as eggs"); Ex.1003, ¶61. The inventor thus acknowledged that egg container art, like Post, Beese, Mangla, and Buckley, are within the field of endeavor of the '365 patent and therefore analogous. *See Apple Inc. v. Samsung Elecs. Co., Ltd.*, 816 F.3d 788, 803 n.8 (Fed. Cir. 2016), *vacated*, 839 F.3d 1034, 1050-58 (Fed. Cir. 2016) (*en banc*) ("[T]he nature of the prior art listed in an information disclosure statement can be informative as to the field of endeavor.").

Petitioners also cite to additional prior art (Exs.1011-1014, 1020-1021, 1029-1030, 1033-1036) as evidence of a POSITA's background knowledge and to provide contemporaneous context to support Petitioner's assertions regarding what a POSITA would have understood from the prior art in the grounds. This approach has been approved by the Federal Circuit. *Yeda Research v. Mylan Pharm. Inc.*, 906 F.3d 1031, 1041-1042 (Fed. Cir. 2018); 37 C.F.R. §42.104(b).

Petitioners' prior art analysis, below, is based at least in part on Petitioners' understanding of claim interpretations contained in Patent Owner's Infringement Contentions (Ex.1025) served in the co-pending district court litigation involving the same parties. Claim construction in the district court litigation has not yet occurred; however, Patent Owner's interpretation of terms can be derived from its application of the patent. Petitioners do not adopt Patent Owner's interpretations but

apply them here for judicial efficiency. *10X Genomics, Inc. v. Bio-Rad Labs., Inc.*, IPR2020-00087, Paper 9, 16-17 (Apr. 27, 2020) ("[J]udicial efficiency will be enhanced by allowing Petitioner to rely upon a claim construction that Patent Owner is relying upon in the related district court litigation to assert infringement of the challenged patent"); *Western Digital v. Spex Techs.*, IPR2018-00084, Paper 14, 11 (April 25, 2018) (Rule 42.104(b)(3) "does not require Petitioner to express its subjective agreement regarding correctness of its proffered claim constructions or to take ownership of those constructions.").

C. Ground 1: Claims 11-21 and 23-27 are obvious over Post, Beese, and Mangla

1. Post

Post relates to a food container "comprising a bottom part and a hinged lid part joined thereto." Ex.1010, 1. The bottom part includes "cavities" for holding "eggs." Ex.1010, 3. Post's label "provide[s] a larger surface of the egg tray with printing[.]" Ex.1010, 2; Ex.1003, ¶¶54-59. Post is analogous art at least because Post and the '365 patent are directed to the same field of endeavor. The '365 patent "relates to containers intended to hold fresh food or produce." Ex.1001, 1:20-22. Post is also directed to "a container for packaging foods," such as "an egg tray." Ex.1010, 1. Post is also reasonably pertinent to a problem with which the inventor of the '365 patent was involved. *Compare* Ex.1001, 1:48-50 ("provide a container

configuration which permits flat application of labels.") *with* Ex.1010, Fig. 3 (flat front flap 13 of label 11 applied to front wall 6 of lid part 3); Ex.1003, ¶60.

2. Beese

Beese discloses a foodstuffs package that has "a bottom part…and a lid part which is arranged for swing action on the bottom part." Ex. 1009, Abstract. Like Post, Beese teaches applying sticker 7 to the lid of the container. Ex.1009, [0025]; Ex.1003, ¶¶63-68. Beese is analogous art at least because Beese and the '365 patent are directed to the same field of endeavor. The '365 patent "relates to containers intended to hold fresh food or produce." Ex.1001, 1:20-22. Beese also relates to containers for holding eggs. Ex.1009, [0001] ("The invention relates to foodstuffs packaging, in particular an egg box[.]"). Beese is also reasonably pertinent to a problem with which the inventor of the '365 patent was involved. *Compare* Ex.1001, 1:48-50 ("container configuration which permits flat application of labels.") *with* Ex.1009, [0030] (sticker 7 may be "extended as far as the bottom edge of the front part 33 of the lid part 3."); Ex.1003, ¶69.

3. Mangla

Mangla explains that egg cartons may be made from molded pulp or thermoformed plastic. Ex.1015, 1:33-56. The carton "includes protrusions 32-35" that "have hooks which mate with holes in the cover to latch the carton [closed]." Ex.1015, 4:3-6. The front, outward-facing surface of the protrusions 32-35 is flat.

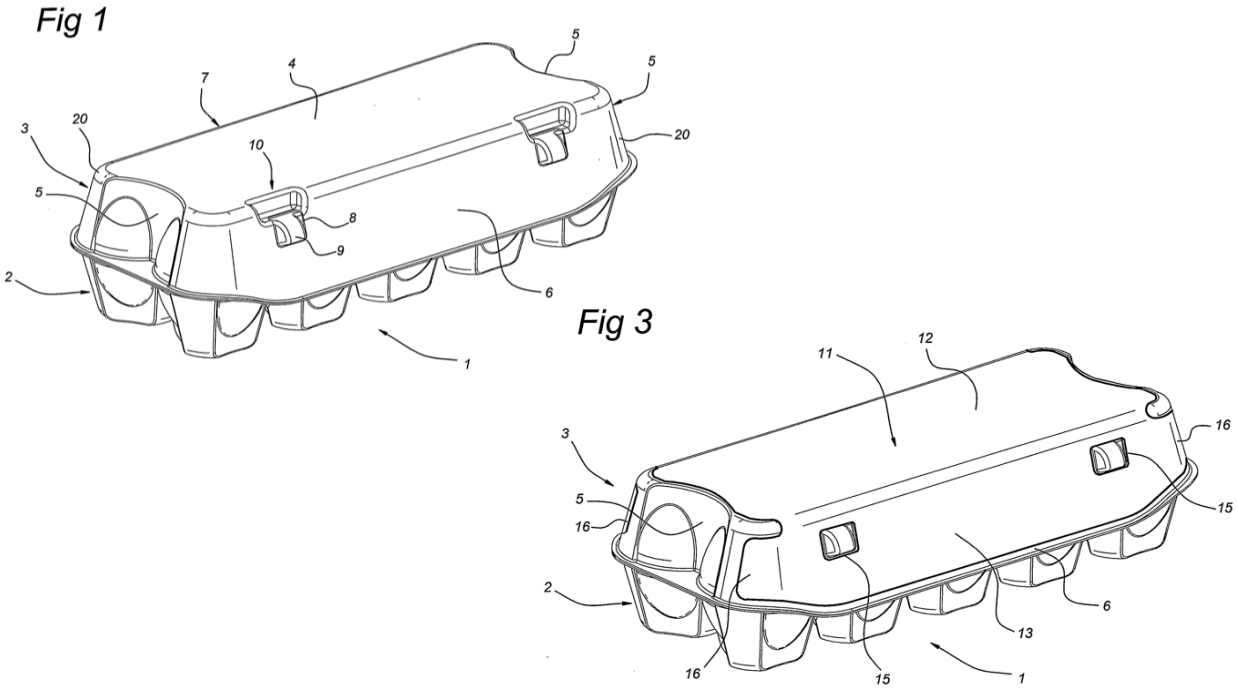
Ex.1003, ¶72. Mangla is analogous art at least because Mangla and the '365 patent are directed to the same field of endeavor. The '365 patent "relates to containers intended to hold fresh food or produce." Ex.1001, 1:20-22. Mangla also relates to containers for holding food. Ex.1015, 1:9-10 ("improved egg carton, and to methods of making it."); Ex.1003, ¶73.

4. Reasons to Combine Post with Beese and Mangla

Post and Beese: A POSITA would have been motivated to modify Post's container to use Beese's retaining noses 24 with corresponding openings in Post's lid part 3 as the locking mechanism. Using Beese's retaining noses 24 instead of Post's closing projections 9 would advantageously permit Post's label 11 to cover the entirety of front wall 6 of lid part 3 of Post's container, per Beese. Ex.1009, [0030] ("front side [of sticker 7] may [] be extended as far as the bottom edge of the front part 33 of the lid part 3."). Extending Post's label 11, per Beese, would further Post's objective of "provid[ing] a larger surface" for printing ads on the lid. Ex.1010, 2; Ex.1003, ¶74.

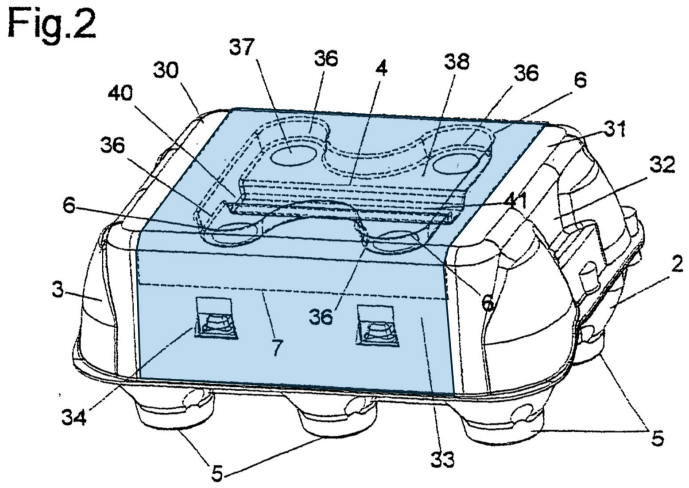
Post's container includes lid part 3 which has flat top part 4 and flat front wall 6 between openings 8. Ex.1010, 3. Closing projections 9 of bottom part 2 extend through openings 8. Ex.1010, 3. Openings 15 are formed in front flap 13 and are the "same size as openings 8" in lid part 3. Ex.1010, 3. Openings 15 create breaks (e.g., holes) in label 11 that cannot accommodate printing. As an example, content of ads

printed on front flap 13 may extend **between** openings 15 but would not extend **over** openings 15 because they are holes. Ex.1003, ¶¶75-77. See Figs. 1, 3:



Ex.1010, Figs. 1, 3

Beese, on the other hand, discloses sticker 7 (**blue**) extending continuously (e.g., without breaks or holes) over top part 31 of lid part 3 to the bottom edge of front part 33 of lid part 3. Ex.1009, [0030] ("sticker 7…may be of any desired size" and may "be extended as far as the bottom edge of the front part 33[.]"). Like Post, Beese's sticker 7 has the "advantage that it also provides a printing surface" for ads. Ex.1009, [0030]. Sticker 7 covers retaining noses 24 and corresponding openings 34 in lid part 3. Ex.1009, [0030]; Ex.1003, ¶¶78-79. See Fig. 2:

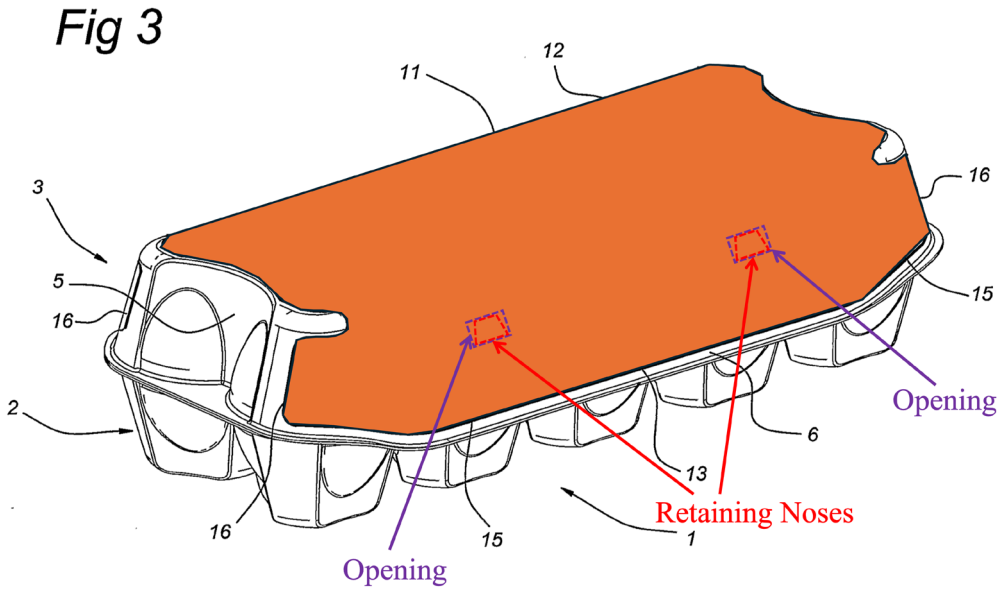


Ex.1009, Fig. 2 (annotated)

As a result, a POSITA would have been motivated to modify Post's label 11 so that it extends all the way to the bottom edge of front part 6 of Post's lid part 3, without interruption, per Beese. Ex.1009, [0030]. This would result in a larger area for printing ads and further Post's objective of "provid[ing] a larger" printing area. Ex.1010, 2. Having sticker 7 cover retaining noses 24 and corresponding openings 34, per Beese, would result in an **even greater**, continuous printing area without breaks or holes. Ex.1003, ¶80.

Moreover, modifying Post's container to use Beese's retaining noses 24 and corresponding openings in lid part 3 would avoid Post's closing projections 9 from extending beyond (e.g., sticking out) the outer surface of front wall 6 of Post's lid part 3. This would facilitate and permit Post's label 11 to extend all the way to the bottom edge of front part 6 of Post's lid part 3 without interruptions (e.g., without breaks of holes), per Beese. Ex.1009, [0030]; Ex.1003, ¶¶81-82.

Post's Fig. 3 shows label 11 (**orange**) extending to bottom edge of front part 6 of lid part 3, per Beese. It also shows how Post's container would be modified to accommodate Beese's retaining noses 24 (**red** lines) in bottom part 2 and corresponding openings (**purple** lines) in lid part 3 that would, together, allow label 11 to extend continuously, per Beese. Ex.1009, [0030]; Ex.1003, ¶83.



Ex.1010, Fig. 3 (annotated)

It should be noted that the front, outward facing surface of Beese's retaining noses 24 is shown with horizontal lines. Ex.1009, Fig. 1. A POSITA would have understood these lines to convey perspective dimensioning that the top of retaining noses 24 has a smaller width than the bottom. Ex.1003, ¶86.

To the extent these horizontal lines suggest ridges that could provide a non-continuous or non-flat surface, a POSITA would have been motivated to modify the front, outward facing surface of retaining noses 24 to provide a flat surface. This

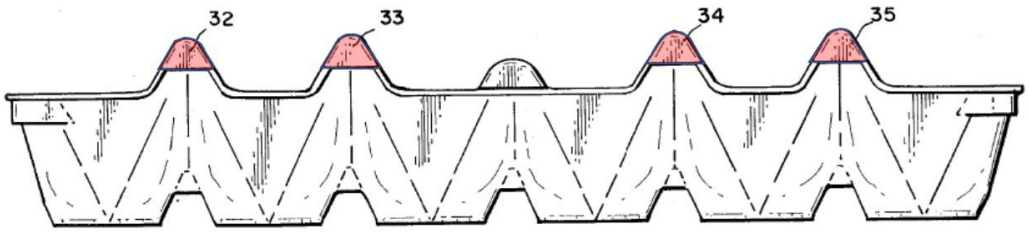
would allow Post's label 11 to extend over retaining noses 24 in a smooth, continuous manner without bumps or projections caused by a non-continuous or non-flat surface on the external facing portion of retaining noses 24. Ex.1003, ¶86.

The modification of Post, per Beese, would have been nothing more than a combination of prior art elements (Beese's retaining noses 24 extending from Post's bottom part 2 and corresponding openings in Post's lid part 3 to accommodate the retaining noses 24) according known methods (extending Post's label 11 to the bottom edge of front part 6 of Post's lid part 3 without interruptions, per Beese) to yield the predictable result of providing a locking mechanism (locking the container using Beese's retaining noses 24 and corresponding openings in Post's lid part 3) and allowing Post's label to extend over the locking mechanism without interruption, per Beese. Ex.1009, [0030], Fig. 2; Ex.1003, ¶84.

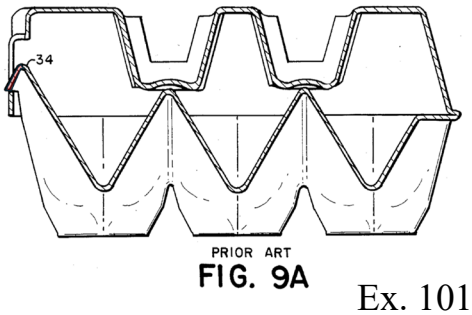
A POSITA would have had a reasonable expectation of success in the combination. **First**, Beese shows that it was well-known to provide a locking mechanism that does not extend beyond the outer surface of the lid. This would allow, per Beese, a label to cover the locking mechanism for continuous printing or ads. Ex.1009, [0030], Fig. 2. **Second**, Beese teaches that it was desirable for retaining noses 24 to interact with corresponding openings in the lid to lock the container. Ex.1009, [0026] ("two retaining noses 24 are arranged on a front side of

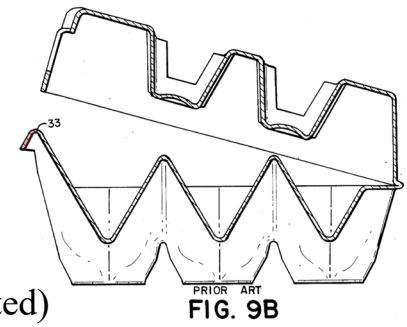
the base part 2" to lock the container), [0027] (substantively same); Ex.1003, ¶85. Such a modification would have been within a POSITA's skill-set.

Post, Beese, and Mangla: Mangla teaches that it was well-known for projections extending from bottom part of a container (locking mechanism) to have flat outward surfaces. Mangla's cartons have hinged cover having multiple protrusions 32-35, like those of Beese. These protrusions (**red**) extend from the inside sidewall of the base and mate with corresponding holes in the cover to lock the carton. Ex.1015, 4:3-6 ("protrusions 32-35…have hooks which mate with holes in the cover to latch the carton."). Mangla's protrusions (**red**) have a flat outward surface. Ex.1003, ¶87-88. See Figs. 9A-9C:



Ex. 1015, Fig. 9C (annotated)





Ex. 1015, Figs. 9A-9B (annotated)

A POSITA would have been motivated to configure Beese's retaining noses 24, as used in Post's container, to have a flat outward surface, as suggested by Beese

and taught by Mangla. In this way, Post's label 11 would extend continuously over retaining noses 24 without bumps that might be caused if retaining noses 24 were found to have a non-flat configuration on their outer surface. This modification would have been desirable and more appealing to customers. It would allow the printing of adds on the label without impact or bumps possibly caused by portions of retaining noses 24. Ex.1003, ¶89.

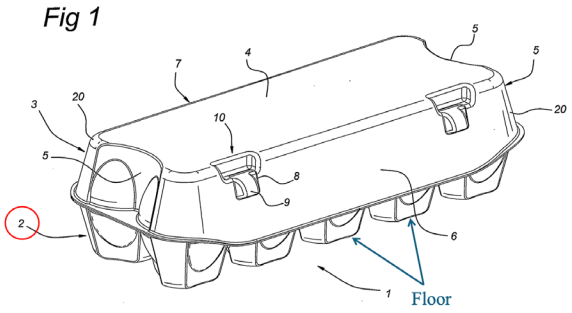
A POSITA would have had a reasonable expectation of success in configuring the outer surface of retaining noses 24 in Post's container to have a flat configuration. Mangla teaches that it was known and desirable to have a flat, outward surface on retaining nose / projection extending from the bottom part of the container. Ex.1015, 4:3-6, Figs. 9A-9C. Having a flat, outward surface on retaining nose / projection advantageously would also provide for a smoother surface for the customer to interact with opening the container. Ex.1003, ¶90. Such a modification would have been within a POSITA's skill-set. The combination relies on the combined teachings of the references as understood by a POSITA and not on a physical incorporation of elements from one into another. *In re Mouttet*, 686 F.3d 1322, 1332 (Fed. Cir. 2012).

Due to the considerable length of the challenged claims, the analysis below addresses the claim limitations by number. The Board is respectfully requested to refer to the included Claim Appendix for the complete claim language.

5. Claim 11

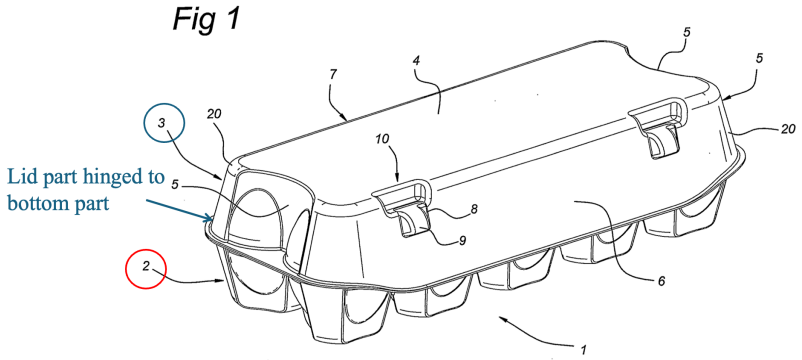
[11.0] To the extent the preamble is limiting, Post discloses it. Post is directed to "a container for packaging foods." Ex.1010, 1; *see also* Ex.1010, 3 ("egg tray") (*container for packaging a product*). Ex.1003, ¶¶207-209.

[11.1] Post's container has a "bottom part 2" (*base*) having a bottom surface (*floor*) on which eggs would rest. Ex.1010, 3 (container "consists of a bottom part 2" with "cavities for accommodating eggs[.]"); Ex.1003, ¶¶210-211. See Fig. 1:



Ex.1010, Fig. 1 (annotated)

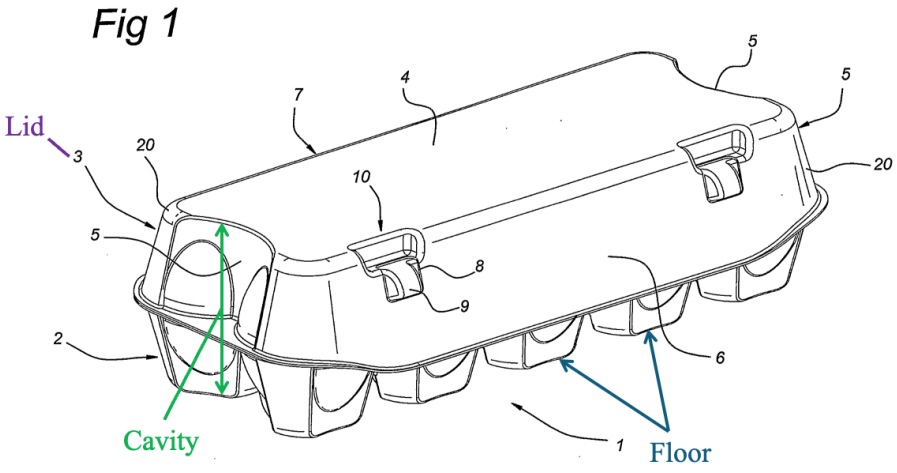
[11.2.1] Post's container includes a lid part 3 (*lid*) that is hinged to the bottom part 2 (*base*). Ex.1010, 3 (container "consists of a bottom part 2…A hinged lid part 3 is joined thereto."); Ex.1003, ¶¶212-213. See Fig. 1:



Ex.1010, Fig. 1 (annotated)

Fig. 1 shows the container in a *closed position*. A POSITA would have understood that the container could also be opened because (1) lid part 3 is hinged to bottom part 2 to allow lid part 3 to be opened relative to bottom part 3. Ex.1010, 3 ("hinged lid part 3 is joined" to the bottom part 2); and (2) the container includes a locking mechanism that allows it to open by disengaging closing projections 9 from openings 8. Ex.1010, 3 ("lid part 3 can be unlocked…by depressing closing projections 9 and moving front wall 6 forwards."). Post discloses or at least renders obvious lid part 3 (*lid*) *movable about* a hinge (*hinge*) *with respect to* bottom part 2 (*base*) *from: an open to a closed position*. Ex.1003, ¶214.

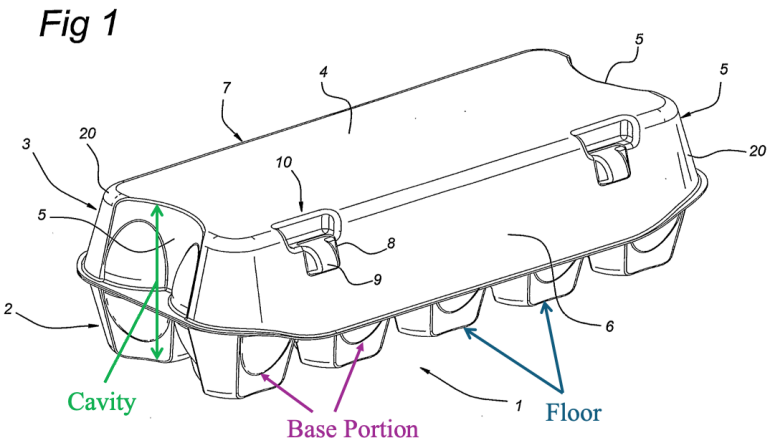
[11.2.2] When *closed*, Post's container *defines cavity* (**green**) *disposed substantially inside the container between* the bottom of bottom part 2 (*floor*) (**blue**) and lid part 3 (*lid*). Ex.1003, ¶¶215-217. The *cavity between the floor* (**blue**) *and the lid* (**purple**) holds eggs. Ex.1010, 3 (container for eggs); Ex.1003, ¶216. See Fig. 1:



Ex.1010, Fig. 1 (annotated)

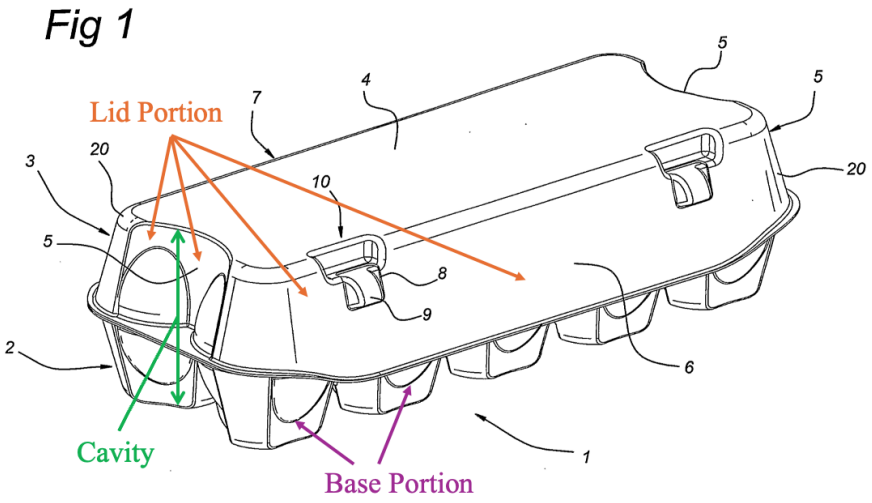
[11.2.3] Post's container, including lid part 3 (*lid*) and bottom part 2 (*base*), may be "made of moulded fibre material" or "plastic material, paper or cardboard" (*formed from a container material*). Ex.1010, 1; Ex.1003, ¶218.

[11.3.1] Post's container includes a *cavity* between lid part 3 and floor of bottom part 2 and bottom part 2 has cavities to hold eggs. Ex.1010, 3. The *cavity* (**green**) has cavities in bottom part 2 (*base portion*) (**purple**) of *cavity* (**green**) *dimensioned to contain* the bottom half of eggs (*first portion of the product*) *disposed inside* bottom part 2 (*base*). Ex.1003, ¶219. See Fig. 1:



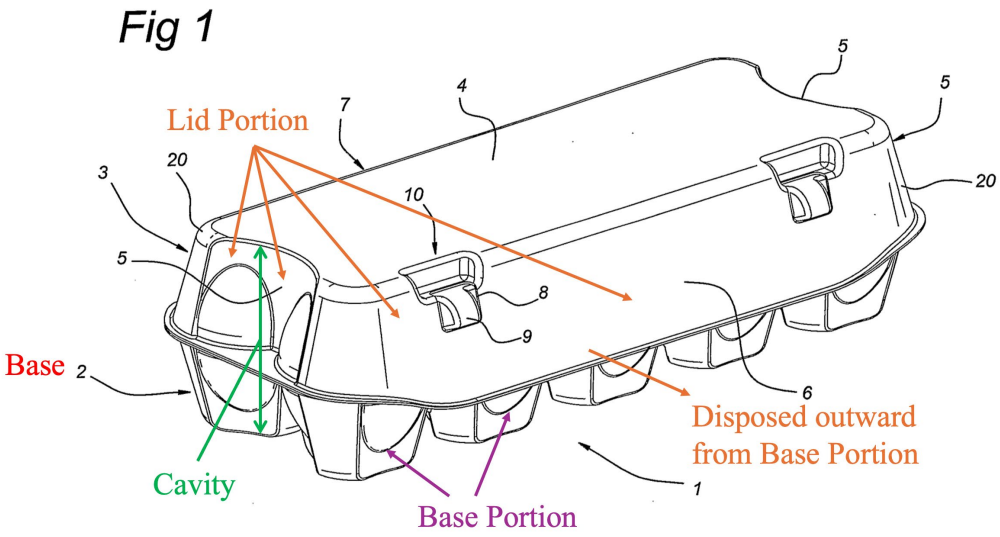
Ex.1010, Fig. 1 (annotated)

[11.3.2] Post's *cavity* (**green**) has a portion of lid part 3 (*lid portion*) (**orange**) *having a shape suitable to contain* the upper half of eggs housed in cavities *(at least a second portion of the product*) *outside the base portion of the cavity when* lid part 3 (*lid*) *is closed*. Side walls 5 and front wall 6 (*lid portions*) are dimensioned to accommodate a portion of the eggs above the base portion (*outside the base portion*). Ex.1010, 3. Ex.1003, ¶¶220-221. See Fig. 1:



Ex.1010, Fig. 1 (annotated)

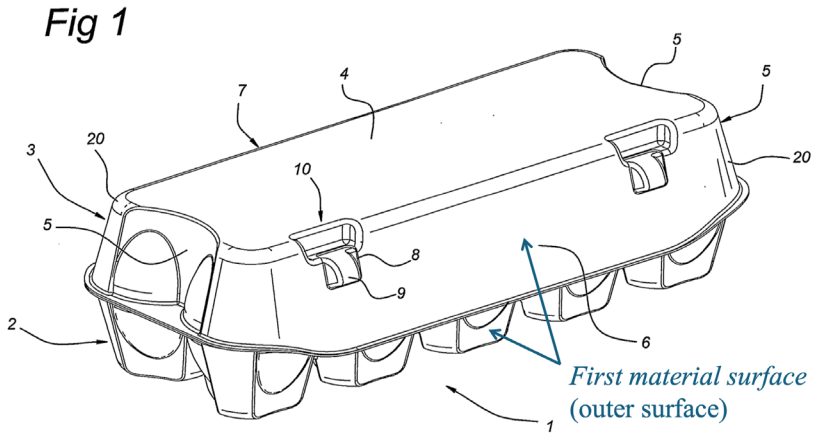
[11.3.3] The *lid portion* (**orange**) of the cavity is *disposed at least generally beyond* bottom part 2 (*base*) (**red**) *and generally outward from the base portion of the cavity*. This is because lid part 3 is above bottom part 2 (**red**) and extends outwardly away from the base portion (**purple**) of bottom part 2. Ex.1003, ¶¶222-223. See Fig. 1:



Ex.1010, Fig. 1 (annotated)

[11.4.1] Post's container is made of moulded fibre material, plastic material, etc. (*container material*). *See* [11.2.3]. The *container material* has *a material thickness*

generally defined by an outer surface (*first material surface*) *disposed on an immediately opposite side of the container material to* an inner surface (*second material surface*). The *first material surface* is on the outside and *second material surface* is on the inside. Ex.1003, ¶¶224-225. See Fig. 1:

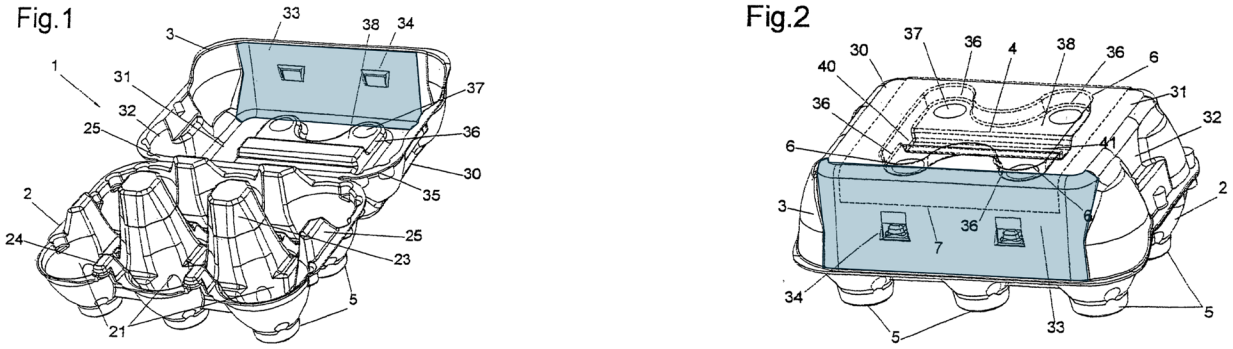


Ex.1010, Fig. 1 (annotated)

A POSITA would have understood that outer surface (*first material surface*) and inner surface (*second material surface*) of container are *disposed on immediately opposite sides of the container material* because outer and inner surfaces are on opposite surfaces. Ex.1003, ¶226. A POSITA would have also understood that the material of container would have *material thickness* between outer surface (*first material surface*) and inner surface (*second material surface*). Ex.1003, ¶¶226-227.

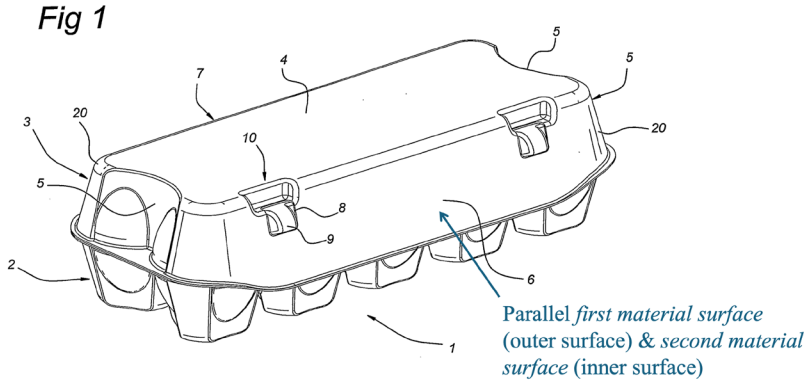
To the extent that Post does not expressly disclose that its container has both an outside and inside surface on opposite sides of the container material, this well-known configuration is shown in Beese. Ex.1003, ¶228. Beese discloses a container where the front part 33 of the lid has an outside surface (*first material surface*) and

an inside surface (*second material surface*). Ex.1003, ¶¶229-231. See Figs. 1, 2:



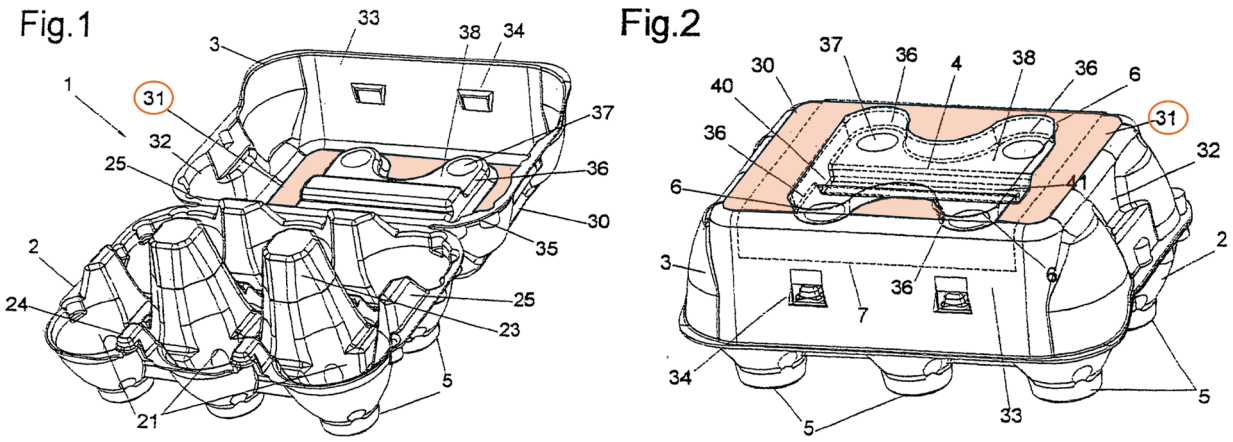
Ex.1009, Figs. 1 & 2 (annotated)

[11.4.2] Post's container has an outside (*first material surface*) and inner surface (*second material surface*). *See* [11.4.1]. Post renders obvious *a portion of the first material surface is substantially parallel to immediately opposite portion of the second material surface*. Ex.1003, ¶232. This is because the container may be formed from a mold. Ex.1010, 1 ("moulded fibre material[.]"). A POSITA would have been motivated to make outer and inner portions of the container—front wall 6 of lid part 3 **and** top part 4 of lid part 3—parallel to each other in molding process to fit the shape of the mold pattern. Ex.1003, ¶232. See Fig. 1:



Ex.1010, Fig. 1 (annotated)

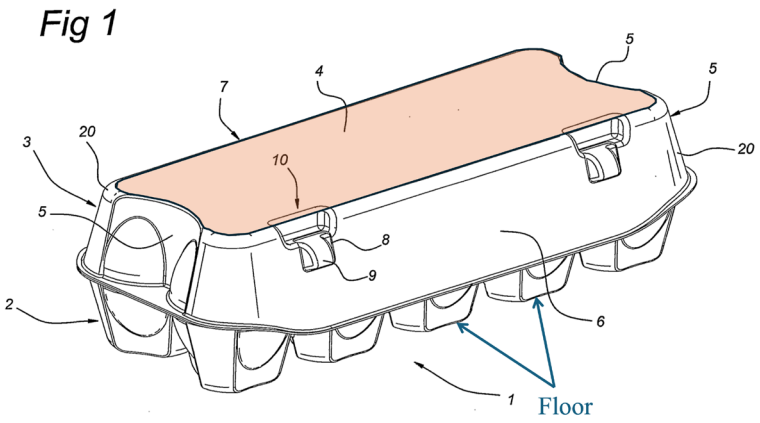
To the extent that Post does not expressly disclose that opposing portions of its container are *substantially parallel* to each other, this well-known configuration is shown in Beese. Beese's top part 31 (**orange**) of lid part 3 has outside surface (*first material surface*) and inner surface (*second material surface*). Ex.1003, ¶233. These two surfaces are parallel to each other because they extend in the horizontal direction when laid flat. Ex.1003, ¶233. See Figs. 1, 2:



Ex.1009, Figs. 1 & 2 (annotated)

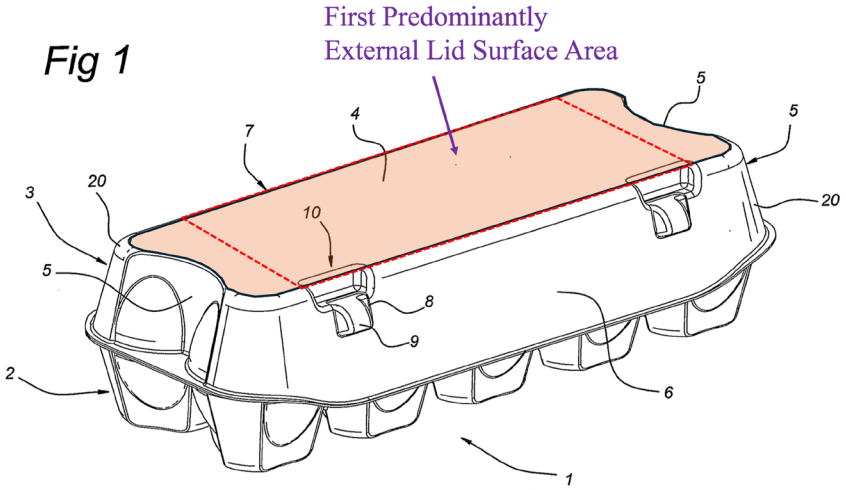
A POSITA would have been motivated to make opposing outer and inner portions (*first and second material surfaces*) of at *least a portion* of Post's container substantially parallel to each other in the molding process to fit the shape of the mold pattern, per Beese. Ex.1003, ¶¶234-235.

[11.5.1] Post's lid part 3 (*lid*) has a top part 4 (*substantially flat lid top area*) (**orange**) *disposed at least* generally parallel to the bottom external surface of bottom part 2 (*floor*) *when* lid part 3 (*lid*) *is closed*. Ex.1010, 3; Ex.1003, ¶236. See Fig. 1:



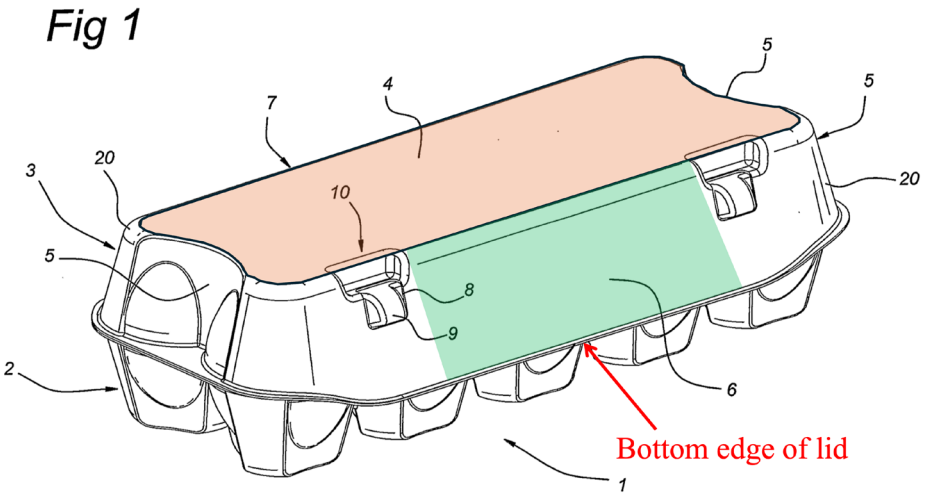
Ex.1010, Fig. 1 (annotated)

The *substantially flat lid top area* (**orange**) *include[es] a lid top portion* (**red** rectangle) of the outer surface (*first material surface*) disposed on a first predominantly external lid surface area (**purple**). Ex.1003, ¶237. See Fig. 1:



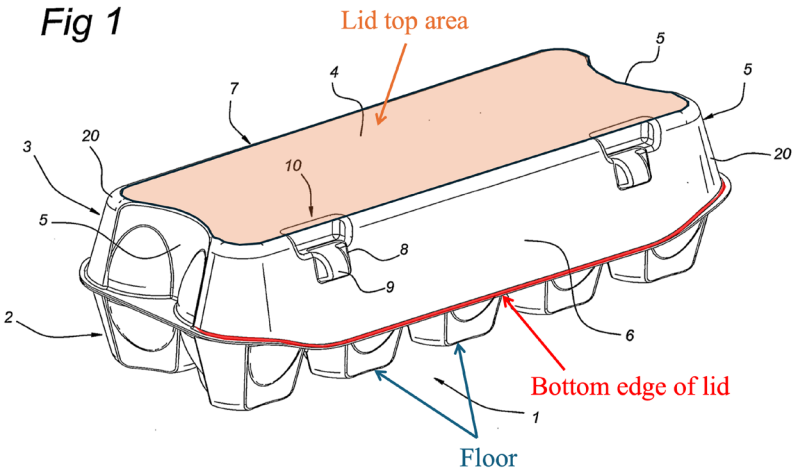
Ex.1010, Fig. 1 (annotated)

[11.5.2] Post's lid part 3 (*lid*) has a portion of front wall 6 between openings 8 (*substantially planar frontal extension*) (**green**) *extending from* top part 4 (*substantially flat lid top area*) (**orange**) *to a bottom edge* of lid part 3 (*lid*) (**red**). Ex.1003, ¶¶238-239. See Fig. 1:



Ex.1010, Fig. 1 (annotated)

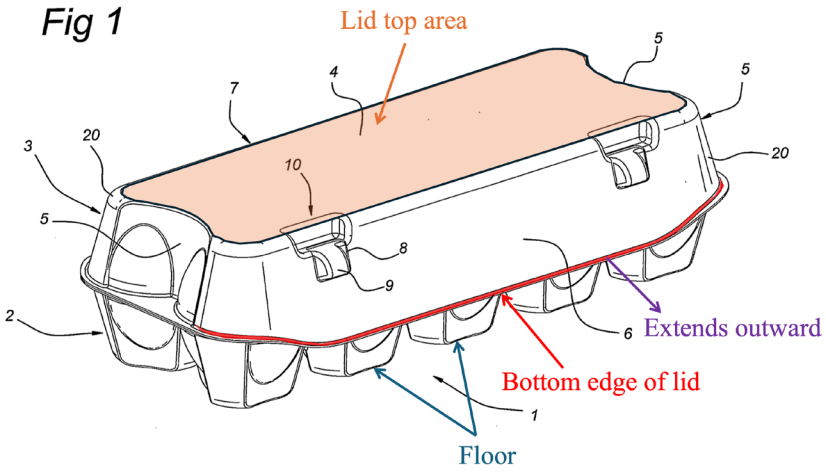
[11.5.3] The *bottom edge* (**red**) of lid part 3 is *between* top part 4 (*substantially flat lid top area*) (**orange**) and the bottom surface of bottom part 2 (*floor*) *when the lid is closed*. Ex.1003, ¶240. See Fig. 1:



Ex.1010, Fig. 1 (annotated)

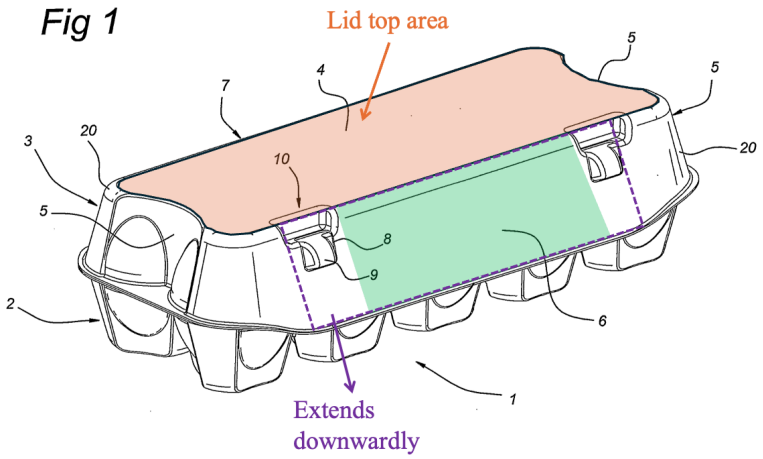
[11.5.4] The *bottom edge of the lid* (**red**) extends outward from (*beyond*) (**purple** arrow) *an area directly between the substantially flat lid top area* (**orange**) *and floor* (**blue**) *when the lid is closed*. Ex.1003, ¶241. The *bottom edge of lid* (**red**) is between *substantially flat lid top area and floor* and thus is *beyond an area directly between*

substantially flat lid top area and floor. Ex.1003, ¶241. See Fig. 1:



Ex.1010, Fig. 1 (annotated)

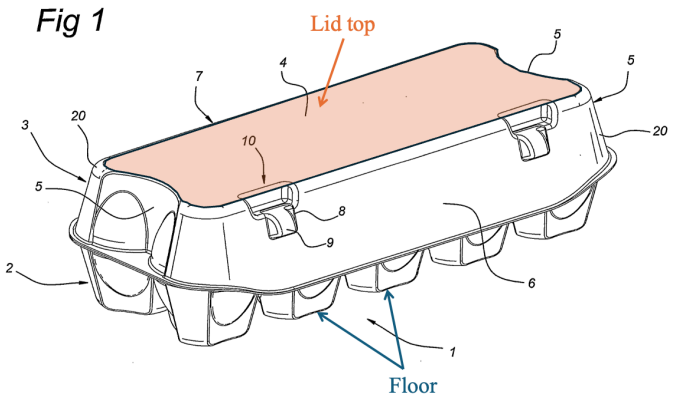
[11.5.5] Post's lid part 3 (*lid*) has a portion on front part 6 (*lid front portion*) (**green**) of the outer surface (*first material surface*) *disposed on* an area on front part 6 of lid part 3 (*second predominantly external lid surface area*) (**purple** rectangle) that extends toward floor (*extending generally downwardly*) *from substantially flat lid top area* (**orange**) *when the lid is closed*. Ex.1003, ¶¶242-243. See Fig. 1:



Ex.1010, Fig. 1 (annotated)

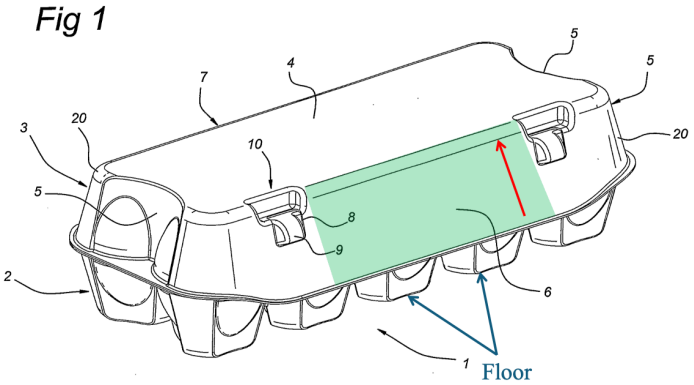
[11.5.6] The bottom surface of bottom part 2 (*floor*) (**blue**) is horizontally disposed

to rest on a surface *(positioned substantially horizontal) with the substantially flat lid top area* (**orange**) *located above the floor*. Ex.1003, ¶244. See Fig. 1:



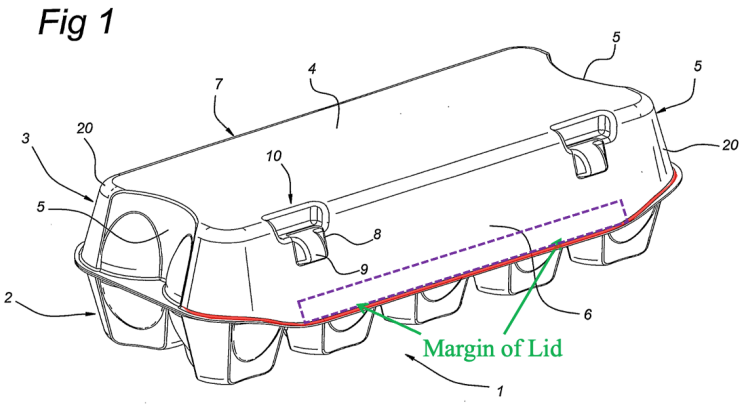
Ex.1010, Fig. 1 (annotated)

[11.5.7] Post's lid part 3 (*lid*) has a portion of front wall 6 between openings 8 (*substantially planar frontal extension*) (**green**). *See* [11.5.2]. The *substantially planar frontal extension is disposed facing substantially upwardly* (**red** arrow) *with respect to the floor* (**blue**). Ex.1003, ¶245. See Fig. 1:



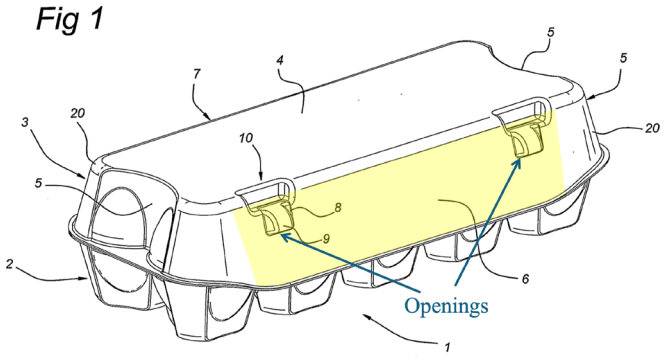
Ex.1010, Fig. 1 (annotated)

[11.5.8] Post's lid part 3 (*lid*) has *a lid end portion* (**purple** rectangle) *defined* near the bottom edge of the lid (**red**) (*generally at a margin of the lid*) (**green**). Ex.1003, ¶246. See Fig. 1:



Ex.1010, Fig. 1 (annotated)

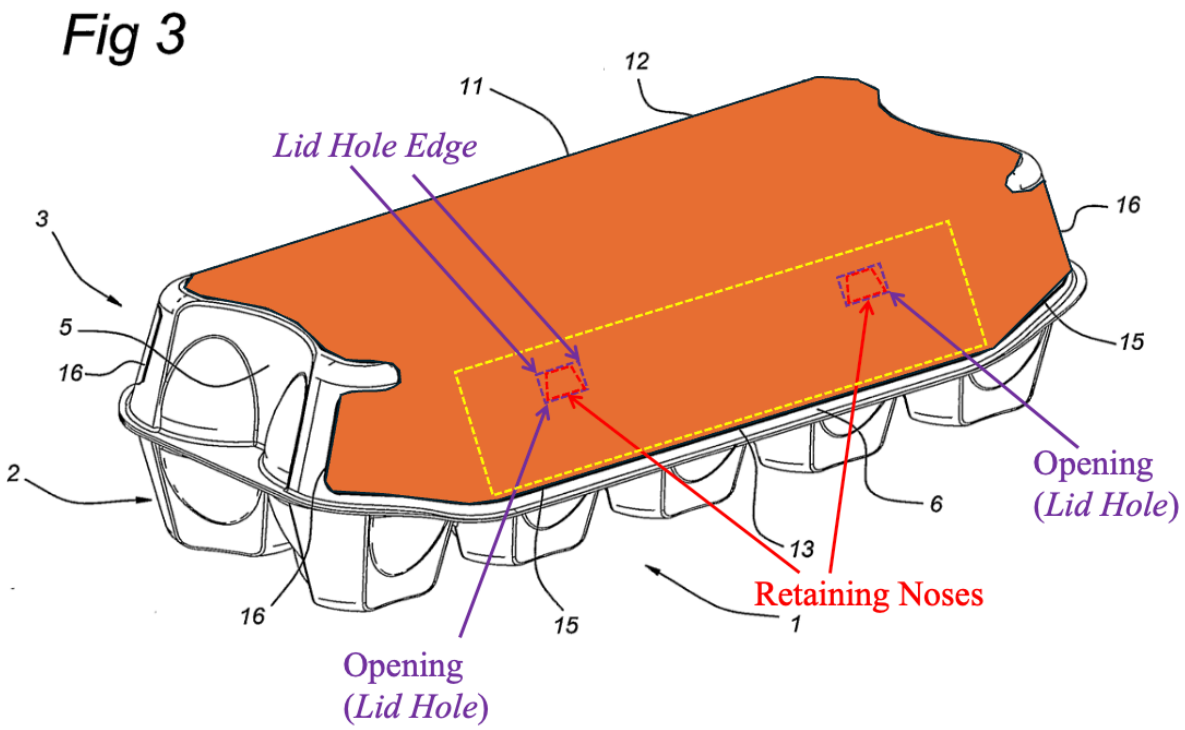
[11.5.9] Post's container has openings 8 and lid part 3 (*lid*) includes *substantially planar lid area* (yellow). Openings 8 are each formed in front wall 6 of lid part 3 and are thus formed in the material of front wall 6 (*defined in container material*). Ex.1010, 3 ("openings 8 in the front wall 6."). The closing projections 9 protrude through openings 8 when the container is closed. Ex.1010, 3. Openings 8 are *defined in container material and fully encompassed within a substantially planar lid area* (yellow). This is because openings 8 are formed in front wall 6 below indents 10 extending between top part 4 and front wall 6. Ex.1010, 3 ("indent 10 above the openings 8."). Ex.1003, ¶247. See Fig. 1:



Ex.1010, Fig. 1 (annotated)

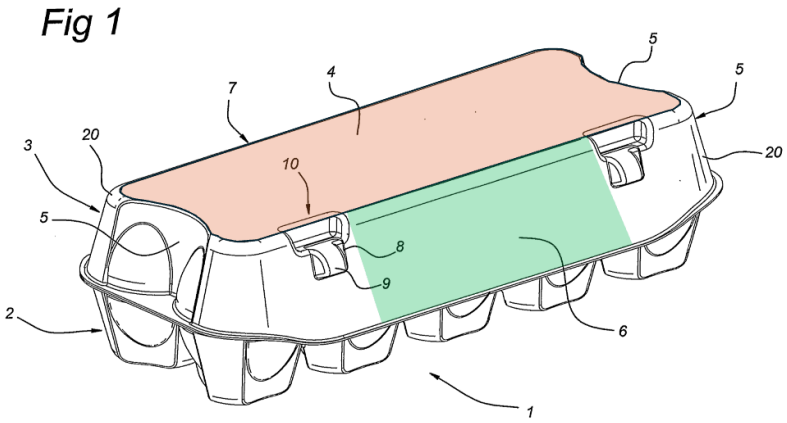
A POSITA would have been motivated to modify Post's container to use Beese's retaining noses 24 with corresponding openings in Post's lid part 3 as the locking mechanism. Ex.1003, ¶248. A POSITA would have been motivated to modify Post in view of Beese. *See* Section XI.C.4; Ex.1003, ¶248.

Post's *label* (**orange**) in the Post-Beese combination covers front wall 6 of lid part 3 and extends to the bottom edge of lid part 3, per Beese. Ex.1009, [0030]. In Beese, retaining noses 24 interact with openings 34 (*lid hole*) and another lid hole) on front part 33 of lid part 3. Ex.1009, [0027] ("front part 33 contains two openings 34, which are intended for interacting with the [retaining] noses 24[.]"). In the combination, the openings (**purple**) that interact with Beese's retaining noses (**red**) are each *a lid hole* formed in material of front wall 6 (*substantially defined in the container material*) and defined by the edge of each lid hold (*lid hole edge*) (**purple** arrows) *fully encompassed within* the yellow rectangle (*substantially planar lid area*). Ex.1003, ¶248. See Fig. 3:



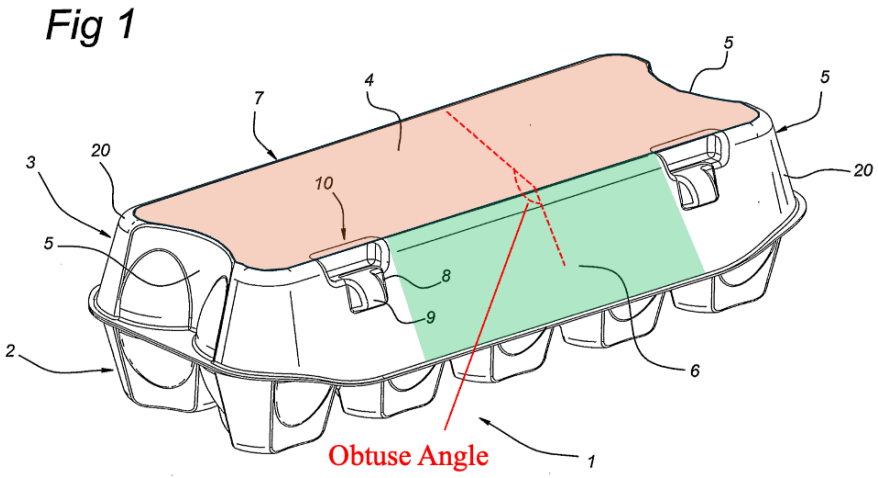
Ex.1010, Fig. 3 (annotated)

[11.5.10] First, the inner surface of Post's container is a *second material surface*. *See* [11.4.1]. A POSITA would have understood that the outer surface (*first material surface*) and *second material surface* are disposed on immediately opposite surfaces of the material of the container. This is because the outer and inner surfaces are on opposite sides of the container. Ex.1003, ¶249. Post's container also includes top part 4 (*substantially flat lid top area*) (**orange**) and a portion of front wall 6 between openings 8 (*substantially planar frontal extension*) (**green**). *See* [11.5.1], [11.5.2]; Ex.1003, ¶250. See Fig. 1:



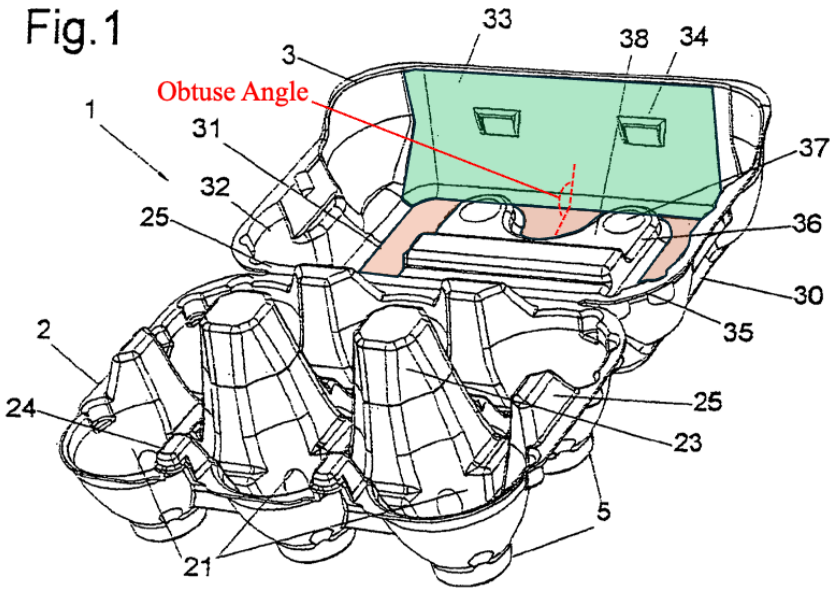
Ex.1010, Fig. 1 (annotated)

Second, a POSITA would have understood Post to render obvious that the outer surface (*first material surface*) *is substantially parallel to an immediately opposite portion of the* inner surface (*second material surface)*, because Post's container may be formed from a mold. *See* [11.4.2]. A POSITA would have been motivated to make the outer and inner portions of the container—front wall 6 of lid part 3 **and** top part 4 of lid part 3—parallel to each other in the molding process to fit the shape of the mold pattern. As a result, the *first material surface* of *the substantially flat lid top area* (**orange**) and the *first material surface* of *the substantially planar frontal extension* (**green**) *intersect* at an angle between 90° and 180° (*obtuse angle*). A POSITA would have understood that the *second material surface* of *the substantially flat lid top area* (**orange**) and the *second material surface* of *the substantially planar frontal extension* (**green**) **also** *intersect* at an angle between 90° and 180° (*obtuse angle*). Ex.1003, ¶¶251-252. See Fig. 1:



Ex.1010, Fig. 1 (annotated)

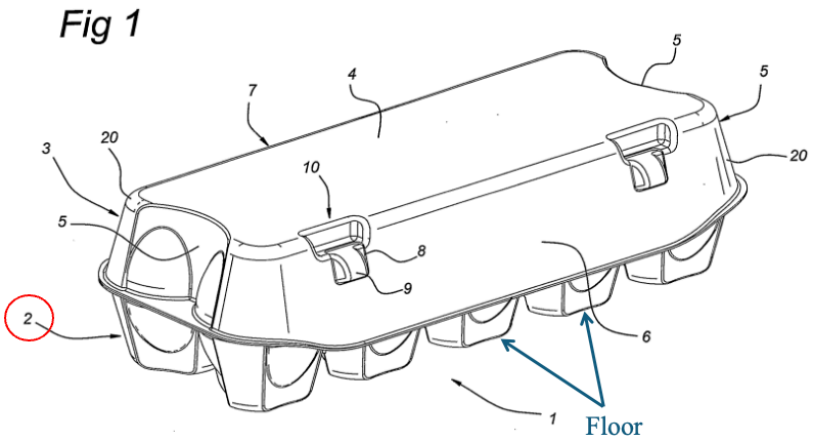
To the extent that Post does not expressly disclose that inner surfaces *intersect at an obtuse angle*, this well-known configuration is shown in Beese. Ex.1003, ¶253. Beese's inner surface (*second material surface*) of top part 31 of the lid (*lid top area*) (**orange**) intersects with the inner surface (*second material surface*) of front part 33 (*frontal extension*) (**green**) at an obtuse angle. Ex.1003, ¶¶254-255. See Fig. 1:



Ex.1009, Fig. 1 (annotated)

A POSITA would have been motivated to make the inner surfaces of Post's container *intersect at an obtuse angle* so that front wall 6 of lid part 3 would extend outward from bottom part 2, per Beese. Ex.1003, ¶256.

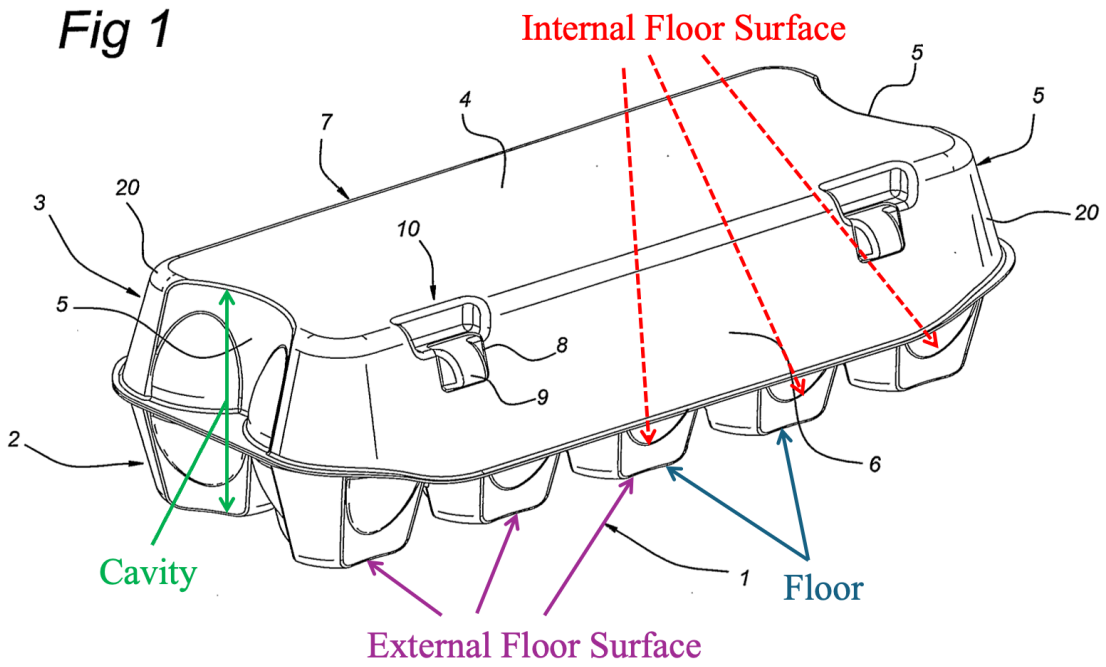
[11.6.1] Post's bottom part 2 (*base*) (**red**) has a *floor* (**blue**). Ex.1003, ¶257. See Fig. 1:



Ex.1010, Fig. 1 (annotated)

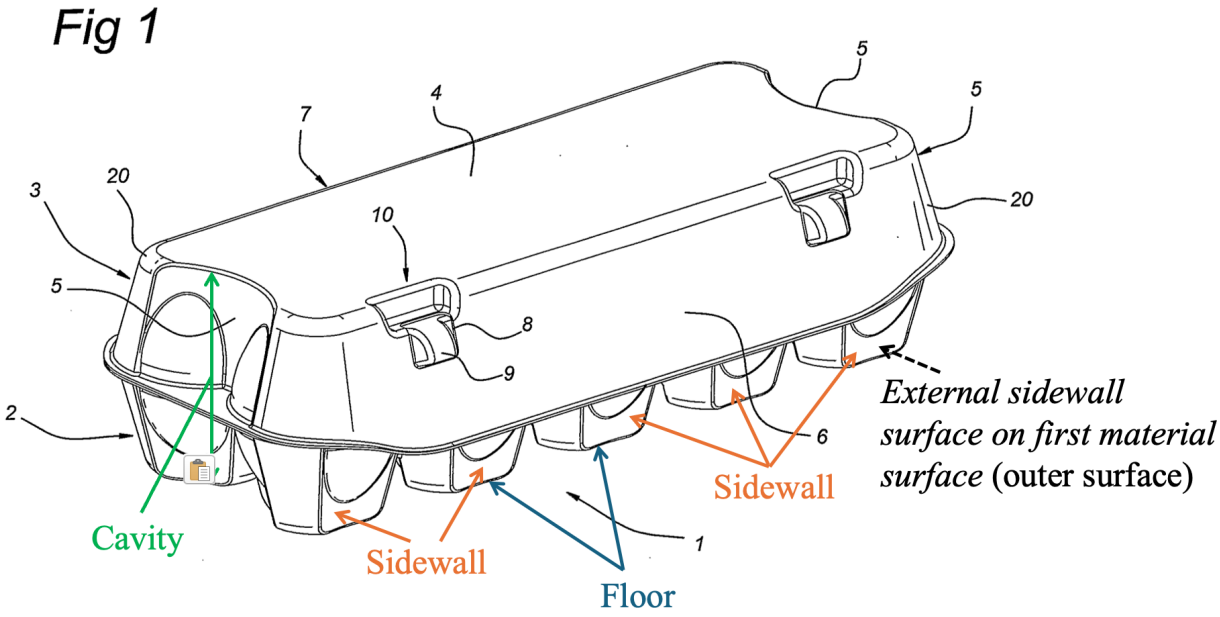
[11.6.2] Post's container includes a *cavity* (**green**) *inside the container between* the bottom of bottom part 2 (*floor*) (**blue**) and lid part 3 (*lid*). *See* [11.2.2]. Post discloses or renders obvious that its container has an outer surface (*first material surface*) *disposed on an immediately opposite side of the container material* to an inner surface (*second material surface*). *See* [11.4.1]. Post's container has *an external floor surface* (**purple**) *disposed on the first material surface* and an internal surface of individual cavities for holding eggs (*internal floor surface area*) (**red** arrows) *disposed on the second material surface*. The container also has *an internal floor surface area* on the inside surface of bottom part 2 because eggs are held in cavities

of bottom part 2 (*internal floor surface area*). Ex.1010, 3 (container "consists of a bottom part 2 in which cavities for accommodating eggs are shown diagrammatically."); Ex.1003, ¶258. See Fig. 1:



Ex.1010, Fig. 1 (annotated)

[11.6.3] First, bottom part 2 (*base*) of Post's container has *a sidewall* (**orange** arrows) *extending generally upwardly from the floor* (**blue**) *having, with respect to the cavity* (**green**), an external-facing outer surface of sidewall (*predominantly external sidewall surface area*) *disposed on* the outer surface (*first material surface*). Ex.1003, ¶259. See Fig. 1:

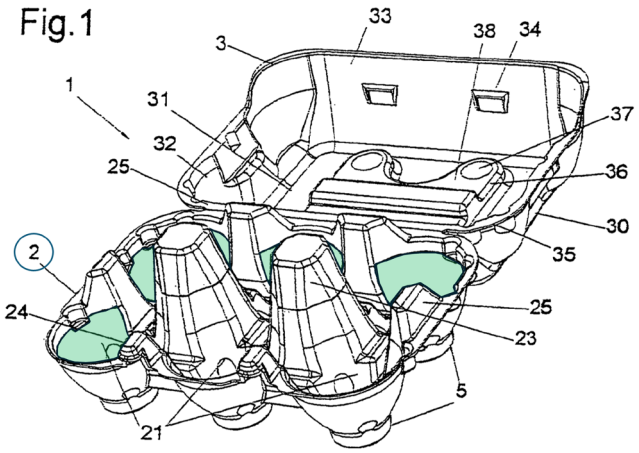


Ex.1010, Fig. 1 (annotated)

Second, Post suggests that its container has an internal surface of sidewalls (*predominantly internal sidewall surface area*) on its inner surface (*disposed on the second material surface*). This is because bottom part 2 includes cavities for holding eggs. Ex.1010, 3 (container "consists of a bottom part 2" with "cavities for accommodating eggs[.]"); Ex.1003, ¶260.

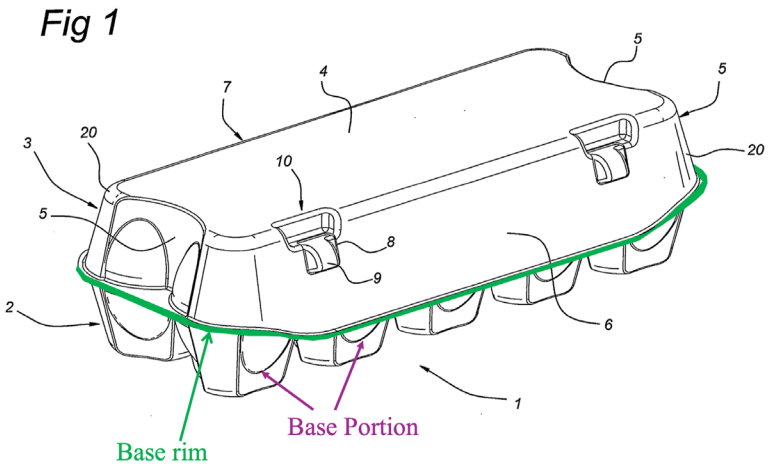
To the extent that Post does not expressly disclose that bottom part 2 has *a predominantly internal sidewall surface area disposed on the second material surface*, this well-known configuration is shown in Beese. In Beese, bottom part 2 includes internal sidewall surfaces of shaped depressions 21 (*predominantly internal sidewall surface area*) (**green**) *disposed on* the internal surface (*second material surface*). Ex.1009, [0026] ("base part 2 has a plurality of shaped depressions 21 for accommodating eggs."). As Post's bottom part 2 has cavities, a POSITA would have

been motivated to configure Post's container to have internal sidewalls (*predominantly internal sidewall surface area*) *disposed on* the inner surface (*second material surface*), per Beese. Ex.1003, ¶¶261-262; See Fig. 1:



Ex.1009, Fig. 1 (annotated)

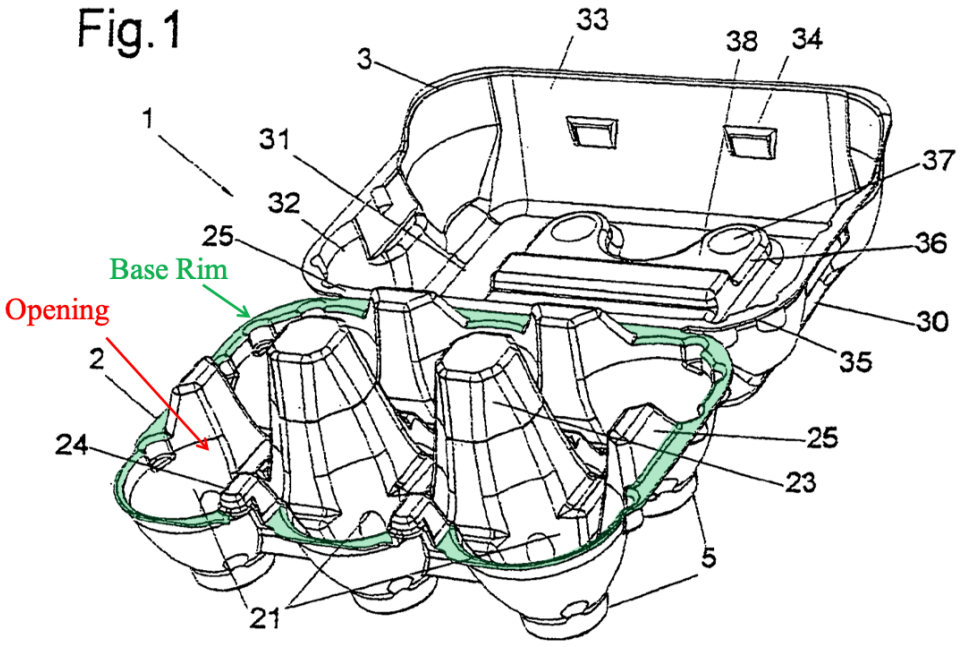
[11.6.4] First, Post's bottom part 2 (*base*) has a *rim* (**green**) that is the outer edge of bottom part 2 on which lid part 3 rests when closed. Post's container also has cavities formed in bottom part 2 (*base portion*) (**purple**, *see* [11.3.1]); Ex.1003, ¶263. See Fig. 1:



Ex.1010, Fig. 1 (annotated)

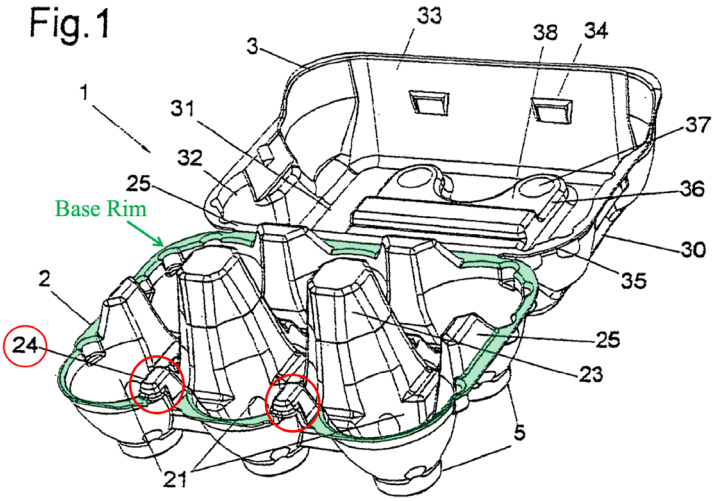
Second, Post teaches that the base *rim* (**green**) has *a portion [that] partially defines* an opening in bottom part 2 (*base opening*) *suitable for* receiving eggs (*partial receipt of the product*) *into the base portion* (**purple**) of the cavity. *See* [11.2.2]. This is because bottom part 2 is for holding eggs, and the container is opened to access the food. Ex.1010, 3 (container's "bottom part 2" has "**cavities for accommodating eggs**…The lid part 3 can be unlocked [i.e., opened][.]"); Ex.1003, ¶264. The *sidewall* accommodates eggs and the base *rim* (**green**) is the outer edge of bottom part 2 and the beginning of the opening to access eggs. *See* [11.6.3].

To the extent that Post does not expressly disclose this limitation, this well-known configuration is shown in Beese. In Beese, bottom part 2 has a base rim on its outer edge such that lid part 3 rests on the base rim and the base rim defines an opening (e.g., depressions 21) in the container in which food can be placed. Ex.1009, [0025] ("In the closed state, the lid part 3 rests on the bottom part 2 and covers over the latter completely."), [0026] ("base part 2 has a plurality of shaped depressions 21 for accommodating eggs."). A POSITA would have understood that Post's base *rim* (**green**) functions like that of Beese. Ex.1003, ¶¶265-266. See Fig. 1:



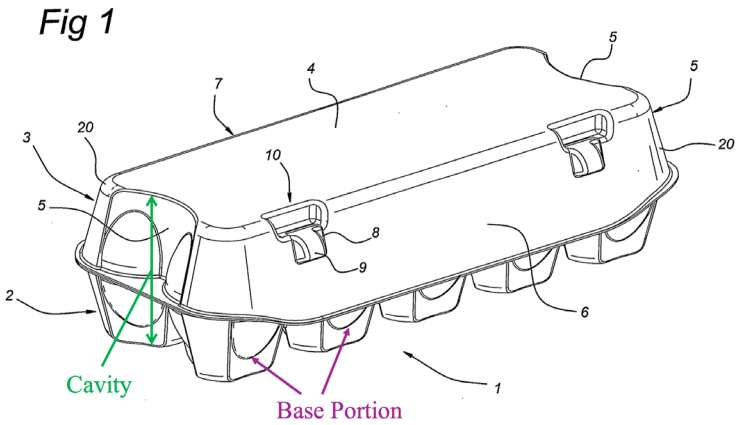
Ex.1009, Fig. 1 (annotated)

[11.6.5] Post's container includes a base *rim*. *See* [11.6.4]. A POSITA would have been motivated to modify Post's container to use Beese's retaining noses 24 with corresponding openings in Post's lid part 3 as the locking mechanism. Ex.1003, ¶267. A POSITA would have been motivated to modify Post in view of Beese. *See* Section XI.C.4; Ex.1003, ¶268. In the Post-Beese combination, Beese's retaining noses 24 in Post's container render obvious *[the base* (Post's bottom part 2) *having] a base extension* (Beese's retaining noses 24) *generally extending from the rim*. This is because Beese's retaining noses 24 extend from the rim (**green**) of bottom part 2 and would do the same in Post's container. Ex.1009, [0026] ("two retaining noses 24 are arranged on a front side of the base part 2."). Ex.1003, ¶¶268-269. See Fig. 1:



Ex.1009, Fig. 1 (annotated)

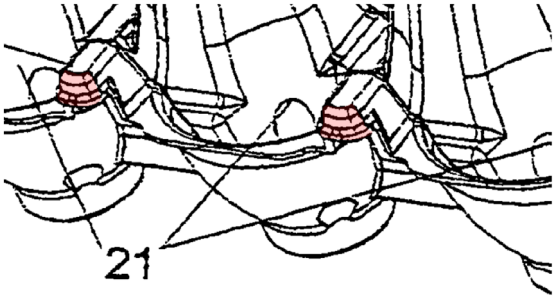
[11.6.6] The *cavity* (**green**) in Post's container has cavities formed in bottom part 2 (*base portion*) (**purple**). *See* [11.3.1.]; Ex.1003, ¶270. See Fig. 1:



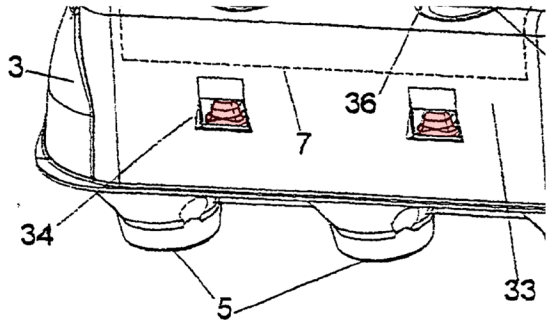
Ex.1010, Fig. 1 (annotated)

In the Post-Beese combination, Beese's retaining noses 24 in the rim of Post's bottom part 2 render obvious the *base* extension. *See* [11.6.2]. Beese's retaining noses 24 (*base extension*) have a front, external-facing surface (*primary surface area*) (**red**) *disposed facing substantially externally with respect to* cavities with opening in which eggs are stored (*base portion of the cavity*). Beese's retaining noses

24 in Post's bottom part 2 would similarly have a *primary surface area disposed facing substantially externally with respect to the base portion of the cavity*. Ex.1003, ¶¶271-273. See Figs. 1, 2:

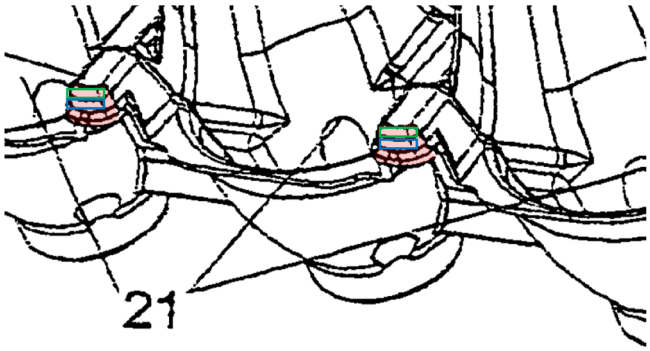


Ex.1009, Fig. 1
(annotated partial view)



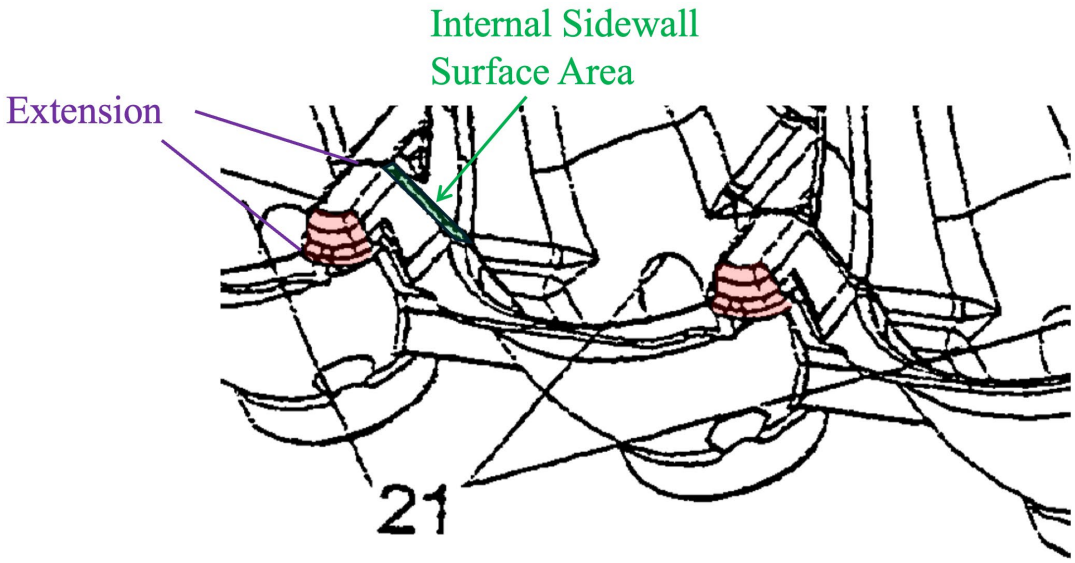
Ex.1009, Fig. 2
(annotated partial view)

[11.6.7] First, in the Post-Beese combination, Beese's retaining noses 24 in Post's bottom part 2 render obvious *base extension* having a front, external-facing surface (*primary surface area*) (**red**). *See* [11.6.6]. Any portion of *primary surface area* is *a flat portion*. Indeed, *primary surface area* (**red**) on the front, external-facing surface of retaining noses 24 has at least a first *flat portion* (**green**) and at least a second *flat portion* (**blue**). Ex.1003, ¶274. See Fig. 1:



Ex.1009, Fig. 1 (annotated partial view)

Beese's externally facing portion of primary surface area (*flat portion*) (**red**) *is disposed on* an outward facing portion of retaining nose 24 (*extension*) (**purple**) *of the predominantly internal sidewall surface area* (**green**) of the inner surface (*second material surface*). This is because retaining noses 24 extend outward from the internal surface of bottom part 2. Ex.1003, ¶¶275-276. See Fig. 1:



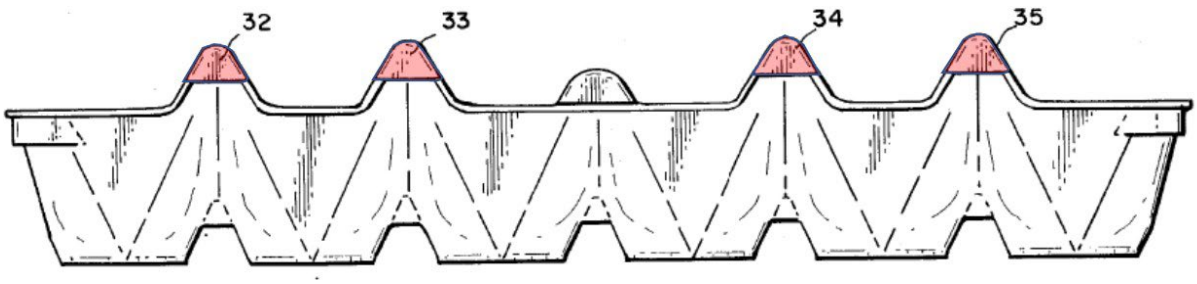
Ex.1009, Fig. 1 (annotated partial view)

It should be noted that the front, outward facing surface of Beese's retaining noses 24 is shown with horizontal lines. Ex.1009, Fig. 1; Ex.1003, ¶277. A POSITA would have understood these lines to convey perspective dimensioning that the top of retaining noses 24 has a smaller width than the bottom. Ex.1003, ¶277.

To the extent these horizontal lines suggest ridges that could provide a non-continuous or non-flat surface, a POSITA would have been motivated to modify the front, outward facing surface of retaining noses 24 to provide a flat surface. This

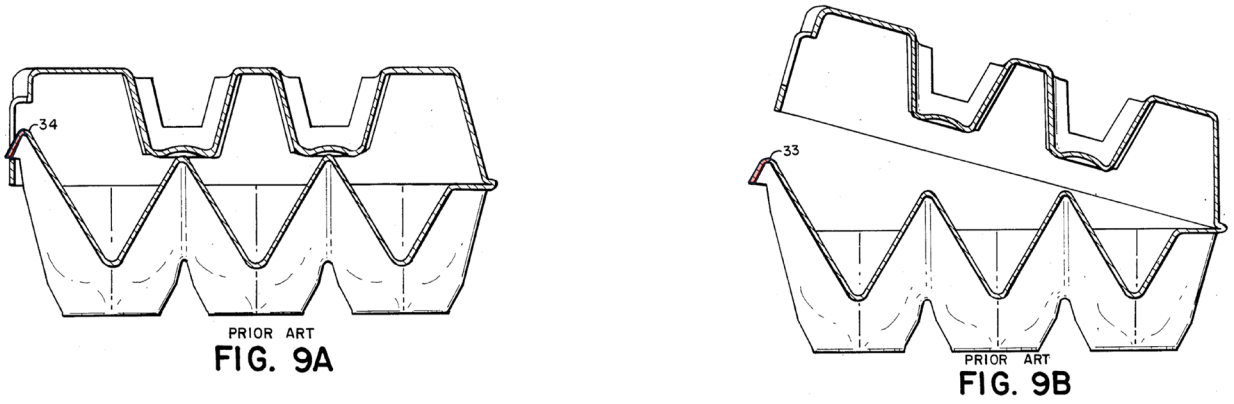
would allow Post's label 11 to extend over retaining noses 24 in a smooth, continuous manner without bumps or projections caused by a non-continuous or non-flat surface on the external facing portion of retaining noses 24. Ex.1003, ¶277.

Second, Mangla teaches that it was well-known for projections extending from the bottom part of a container (locking mechanism) to have a flat outward surface. Mangla's cartons were designed with a hinged cover having multiple protrusions 32-35, like those of Beese. Ex.1003, ¶278. These protrusions (**red**) extend from the inside sidewall of the base and operate to mate with corresponding holes in the cover to latch the carton. Ex.1015, 4:3-6 (carton "includes protrusions 32-35…[that] have hooks which mate with holes in the cover to latch the carton."). See Fig. 9C:



Ex. 1015, Fig. 9C (annotated)

Mangla's protrusions (**red**) have a flat outward surface, Ex.1003, ¶279, which is shown in Figs. 9B and 9C:

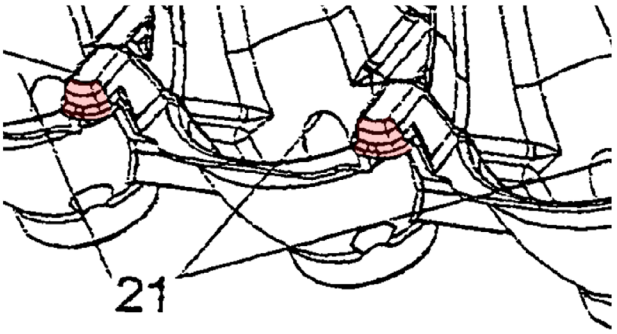


Ex. 1015, Figs. 9A-9B (annotated)

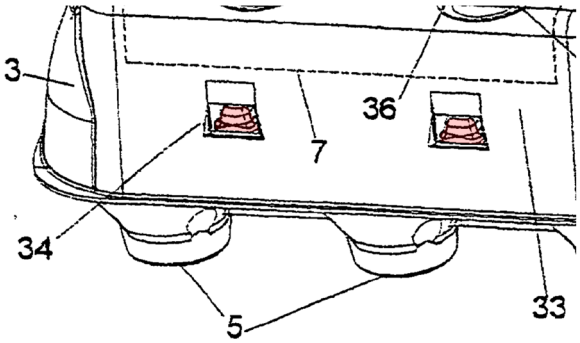
The Post-Beese-Mangla combination thus also render obvious Beese's retaining noses 24 in Post's bottom part 2 (*base extension*) where Beese's retaining noses 24 have an external surface with flat portions, per Mangla (*comprising a flat portion*) *disposed on* internal sidewall surface extending from Beese's bottom part 2 (*extension of the predominantly internal sidewall surface area*) of the inner surface (*second material surface*). Ex.1003, ¶281.

A POSITA would have been motivated to configure Beese's retaining noses 24, in Post's container, to have a flat outward surface, as suggested by Beese and taught by Mangla. Ex.1003, ¶280. A POSITA would have been motivated to modify the Post-Beese container in view of Mangla. *See* Section XI.C.4; Ex.1003, ¶280.

[11.6.8] First, in the Post-Beese combination, Beese's retaining noses 24 in Post's bottom part 2 render obvious *base extension* having a flat front, external-facing surface (*flat portion of primary surface area*) (**red**). Ex.1003, ¶282. See Figs. 1, 2:

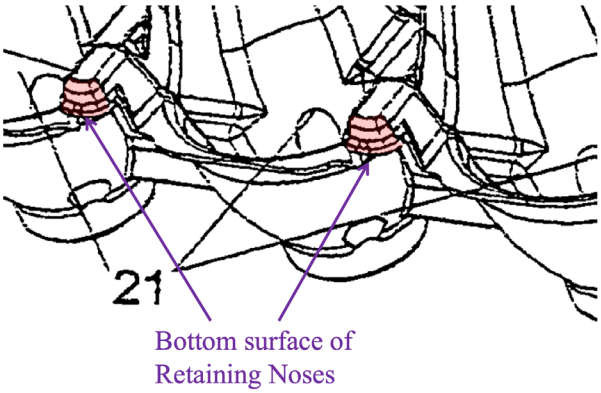


Ex.1009, Fig. 1
(annotated partial view)

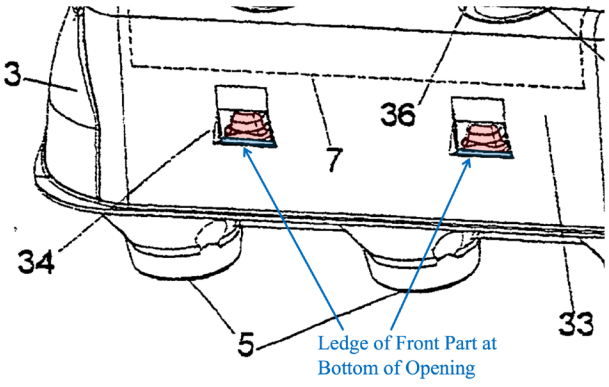


Ex.1009, Fig. 2
(annotated partial view)

When Beese's container is closed, retaining noses 24 interact with opening 34 by extending through opening 34 in font part 33. The bottom surface (**purple** arrows) of retaining noses 24 rests on top of a ledge (**blue**) at the base of opening 34 in front part 33. Ex.1009, [0027] ("front part 33 contains two openings 34, which are intended for interacting with the [retaining] noses 24 for the base part 2[.]"); Ex.1003, ¶¶283-284. See Figs. 1, 2:

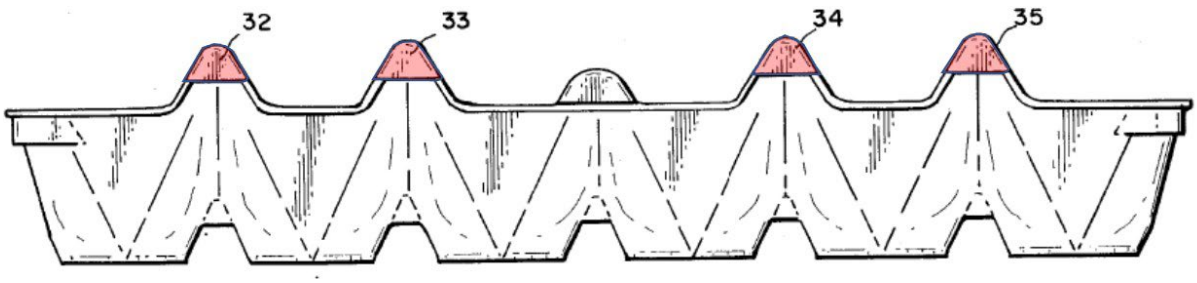


Ex.1009, Fig. 1
(annotated partial view)



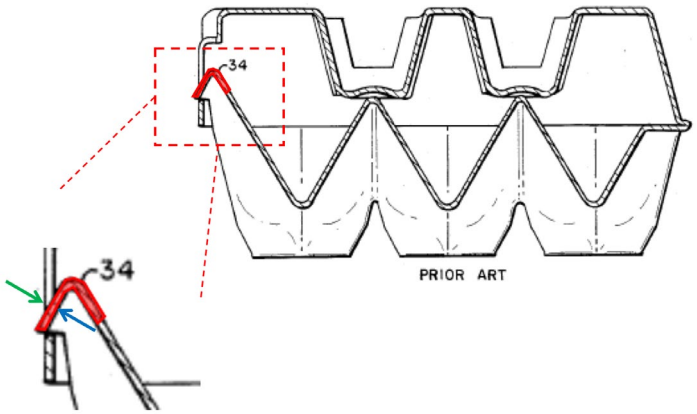
Ex.1009, Fig. 2
(annotated partial view)

Second, it was a known design choice to configure projections, like Beese's retaining noses 24, to have a hook-like structure on the bottom surface. Ex.1003, ¶285. This would allow the projections to engage a ledge at the bottom side of a corresponding opening in the lid, as described in Mangla. Mangla teaches that it was well-known to creates cartons with a hinged cover having multiple protrusions 32-35. Ex.1003, ¶286. These protrusions (**red**) extend from the inside sidewall of the base and operate to mate with corresponding holes in the cover to latch the carton. Ex.1015, 4:3-6 (carton "includes protrusions 32-35…[that] have hooks which mate with holes in the cover to latch the carton."). See Fig. 9C:



Ex. 1015, Fig. 9C (annotated)

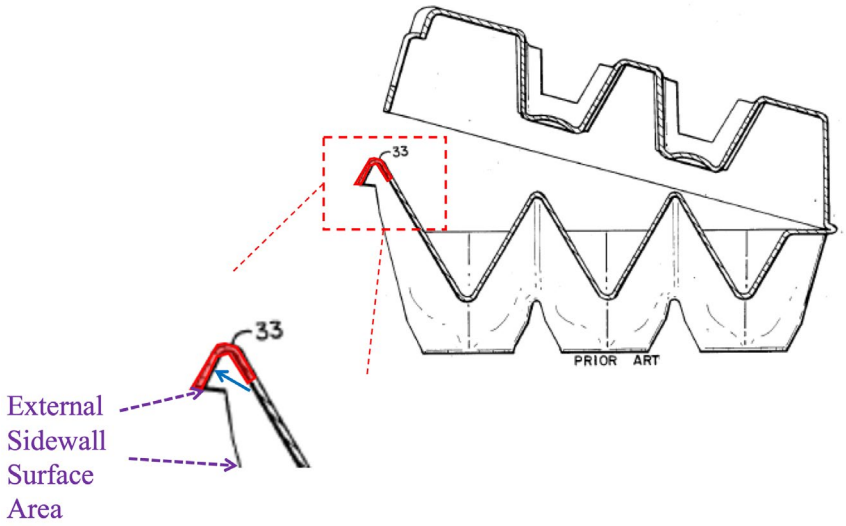
Mangla's protrusions 33 and 34 "have hooks which mate with holes in the cover to latch the carton." Ex.1016, 4:4-6. The hooks (**red**) have an inner surface (**blue** arrow) which is directly opposite of the flat, front-facing surface (**green** arrow). Ex.1003, ¶287. It was thus known to configure a *base extension*, like Beese's retaining noses 24 or Mangla's protrusions 33 and 34, to have *a secondary surface area* (**blue** arrow) *on an immediately opposite site of the container material to the flat portion of primary surface area* (**green** arrow). Ex.1003, ¶288. See Fig. 9A:



Ex. 1015, Fig. 9A (annotated with expanded view)

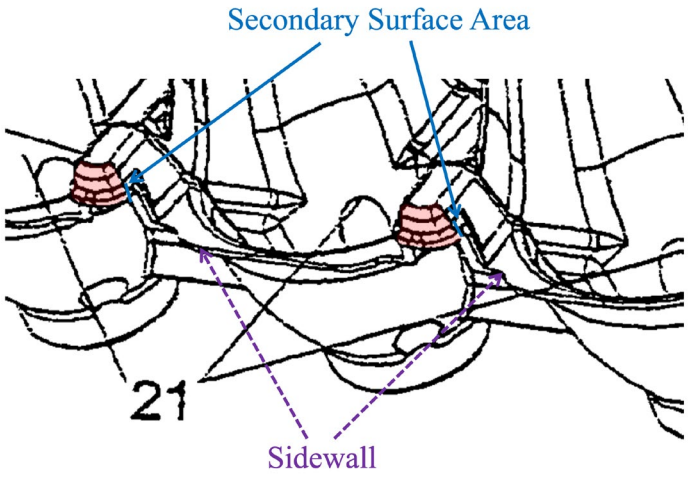
A POSITA would have found it obvious to construct Beese's retaining nose 24 in Post's bottom part 2 to have at least a partially hollow structure at the front-facing *primary surface area* such that *secondary surface area* (**blue** arrow) is *on an immediately opposite side of the container material to the flat portion of primary surface area*, per Mangla. Doing so, per Mangla, would improve container latching. When closed, the *secondary surface area* would engage the ledge at the bottom side of an opening in the lid. A POSITA would have configured openings in Post's side part 6 to permit *secondary surface area* on the immediately opposite side of the flat portion of primary surface area of Beese's retaining noses 24 to latch onto a ledge at the bottom side of the openings in Post's lid part 3, per Beese and Mangla. Ex.1003, ¶¶289-290.

Third, the *secondary surface area* (**blue** arrow) is *disposed on an extension* of the outer surface (*predominantly external sidewall surface area of the first material surface*) (**purple** arrows). Ex.1003, ¶291. See Fig. 9B:



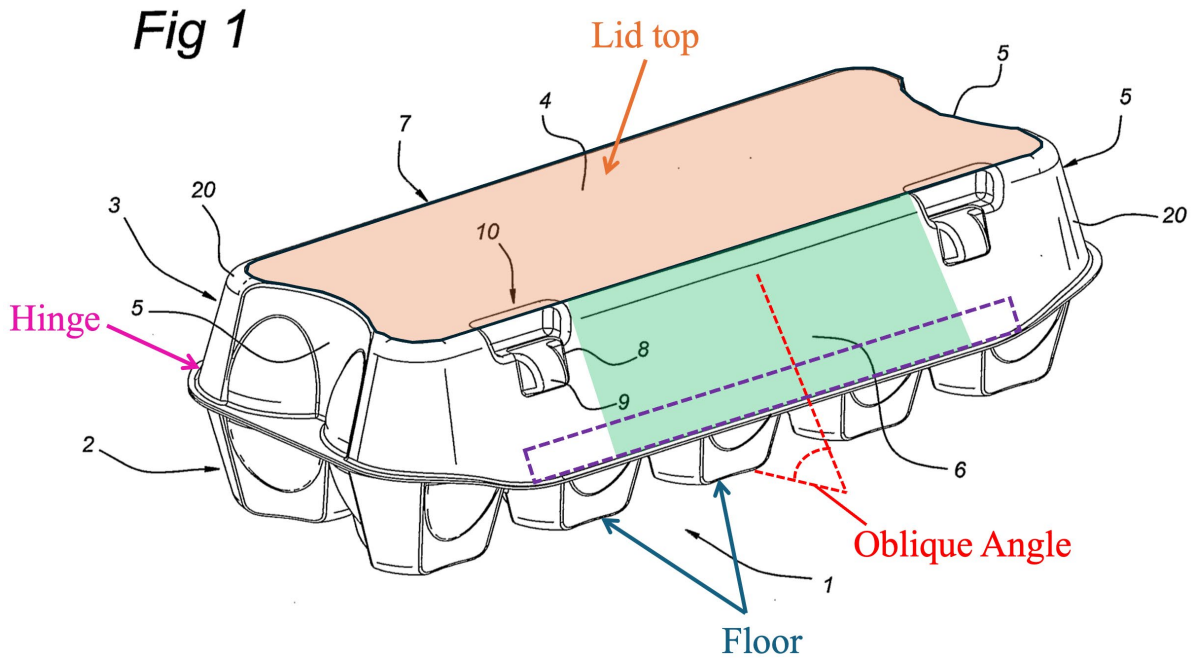
Ex. 1015, Fig. 9B (annotated with expanded view)

A POSITA would have thus been motivated by Mangla's teachings of the advantages of a "hooked" projection to configure Beese's retaining noses 24 in Post's container so that the *secondary surface area* (**blue** arrow) is *disposed on an extension* of the outer surface (*predominantly external sidewall surface area of the first material surface* (**purple** arrows). Ex.1003, ¶¶292-293. See Fig. 1:



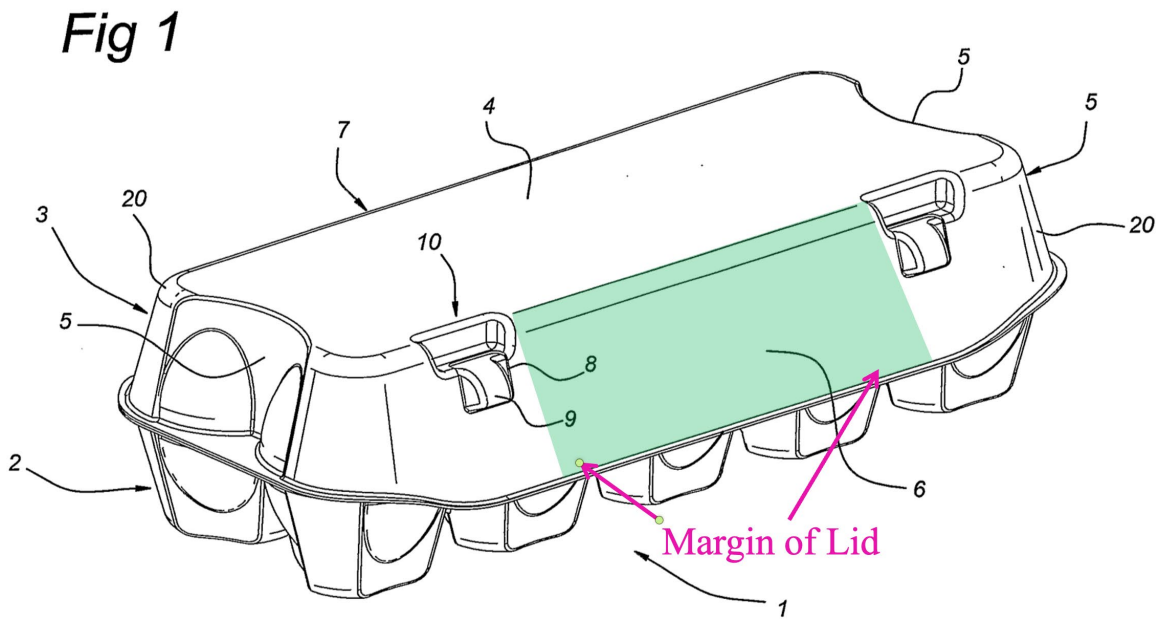
Ex.1009, Fig. 1 (annotated partial view)

[11.6.9] When Post's *lid is closed, the substantially planar frontal extension* (**green**, *see* [11.5.2]) *is disposed obliquely* (**red** oblique angle) *to the floor* (**blue**, *see* [11.1]) and projects toward the front of the container (*projects generally away from the hinge*, *see* [11.2.1]) *from the substantially flat lid top area* (**orange**, *see* [11.5.1]) *to the lid end portion* (**purple** rectangle, *see* [11.5.8]). Ex.1003, ¶294. See Fig. 1:



Ex.1010, Fig. 1 (annotated)

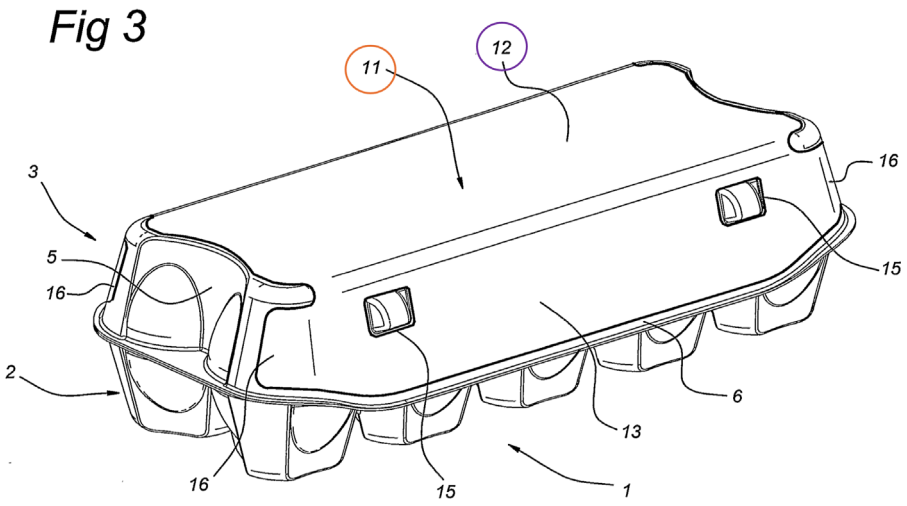
[11.6.10] Post's *substantially planar frontal extension* (**green**, *see* [11.5.2]) *terminates substantially at the margin* of the lid (**pink**, *see* [11.5.8]). Ex.1003, ¶295. See Fig. 3:



Ex.1010, Fig. 1 (annotated)

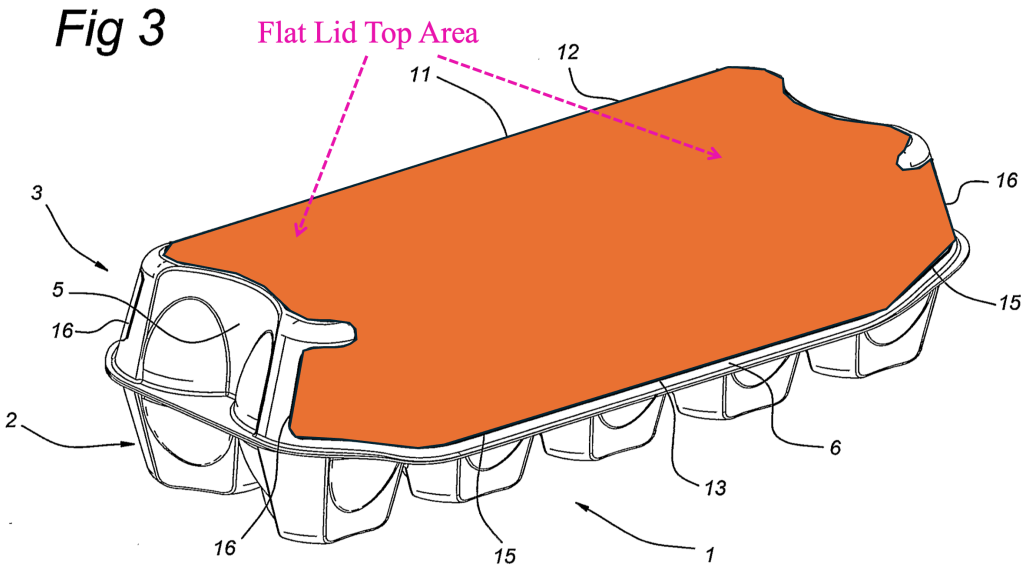
[11.7.1] A POSITA would have been motivated to modify Post's container to use Beese's retaining noses 24 with corresponding openings in Post's lid part 3 as the locking mechanism. This would allow Post's label 11 (*label*) to extend all the way to the bottom edge of front part 6 of Post's lid part 3, without interruption, per Beese. Ex.1009, [0030]. A POSITA would have been motivated to modify Post in view of Beese. *See* Section XI.C.4; Ex.1003, ¶296.

Post's *label* 11 (**orange**) covers top part 4 of lid part 3 (*substantially flat lid top area, see* [11.5.1]). This is because central part 12 (**purple**) covers top part 4 of lid part 3. Ex.1010, 3 (label "comprises a central part 12, a front flap 13 and a rear flap 14."), 4 (label "placed with the central part 12 thereof on the top part 4."). Ex.1003, ¶297. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

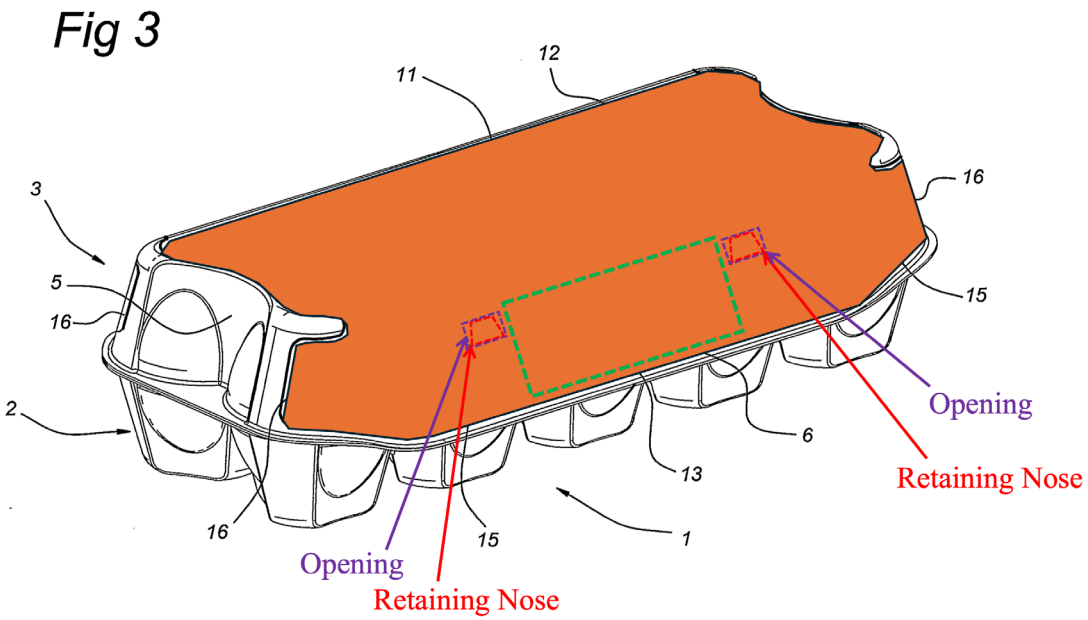
In the Post-Beese combination, the *label* (**orange**) covers top part 4 of lid part 3 (*substantially flat lid top area*) (**pink** arrows). Ex.1003, ¶298. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

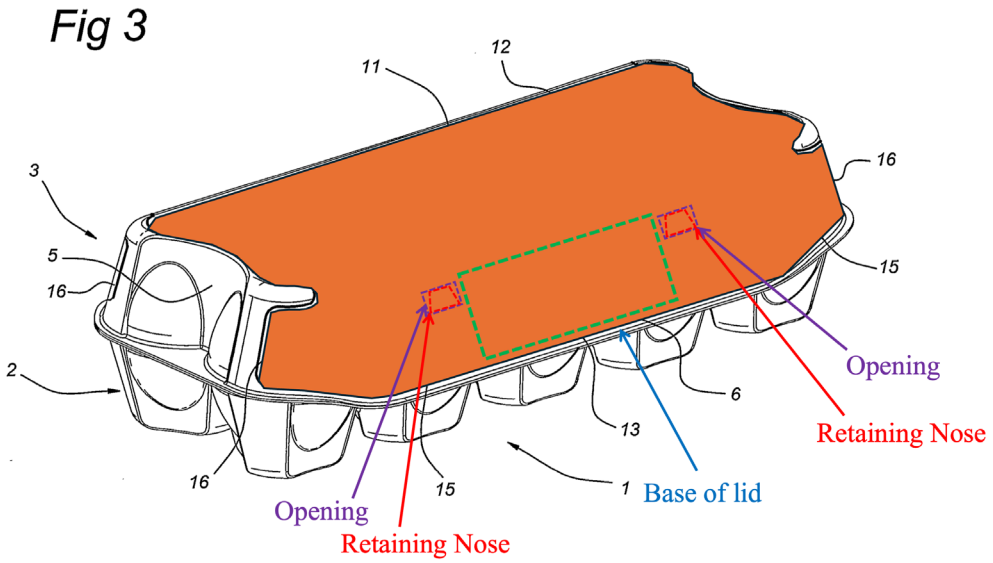
[11.7.2] Front part 6 of Post's lid part 3 comprises a portion of front wall 6 between openings 8 (*substantially planar frontal extension*) (**green** rectangle). *See* [11.5.2]. In the Post-Beese combination, Post's container includes Beese's retaining noses 24

(**red** dotted lines) and corresponding openings (**purple** dotted lines). This modification allows Post's label 11 (**orange**) to extend continuously over front part 6 of lid part 3 to its bottom edge without interruptions for openings, per Beese. Ex.1009, [0030]. The label has a front flap 13 (*substantially flat portion*) *covering the substantially planar frontal extension*. Ex.1010, 4 ("front flap 13…positioned on the front wall 6" of lid part 3). Ex.1003, ¶299. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

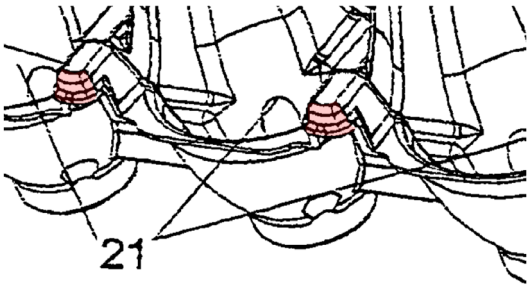
[11.7.3] In the Post-Beese combination, Post's label 11 (*label*) extends to cover front part 6 of lid part 3 downward until the base (edge) of the lid (**blue**), per Beese. Ex.1009, [0030] ("front side [of label] may [] be extended as far as the bottom edge of the front part 33 of the lid part 3."). In this way, the *label* (**orange**) *extends beyond* the rectangle between the openings (**purple**) (*substantially planar frontal extension*) (**green** rectangle) to the base of the lid. Ex.1003, ¶300. See Fig. 3:



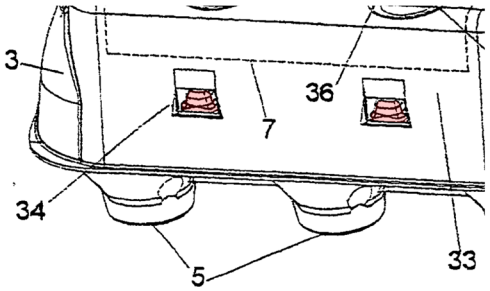
Ex.1010, Fig. 3 (annotated)

Alternatively, the *label* (**orange**) extends *beyond the substantially planar frontal extension* (**green** rectangle) because the *label* extends over the entirety of *the substantially planar frontal extension* beyond *the substantially planar frontal extension* in the left-right and above-below direction. Ex.1003, ¶301.

[11.7.4] Beese's retaining noses 24 (*base extension*) have *the primary surface area* that comprises *a flat portion* (**red**) on the external surface of the retaining noses 24. *See* [11.6.7]; Ex.1003, ¶302. See Figs. 1, 2:

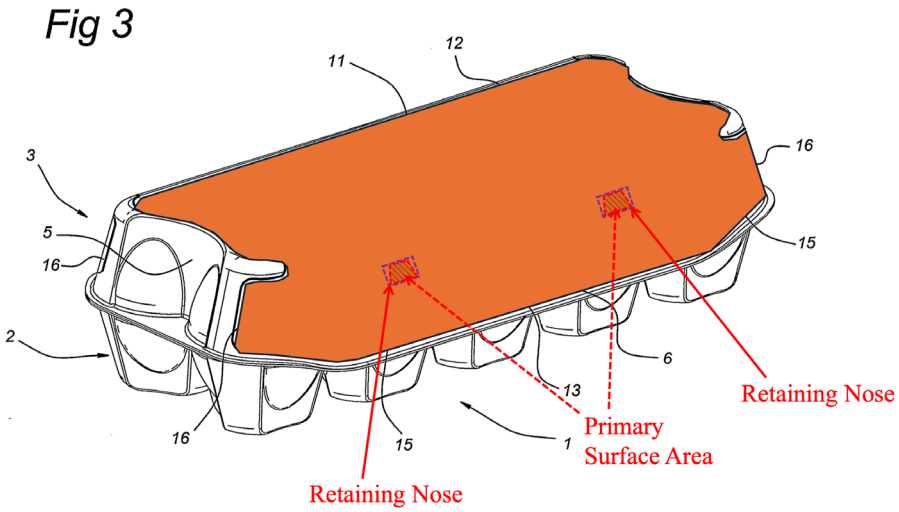


Ex.1009, Fig. 1
(annotated partial view)



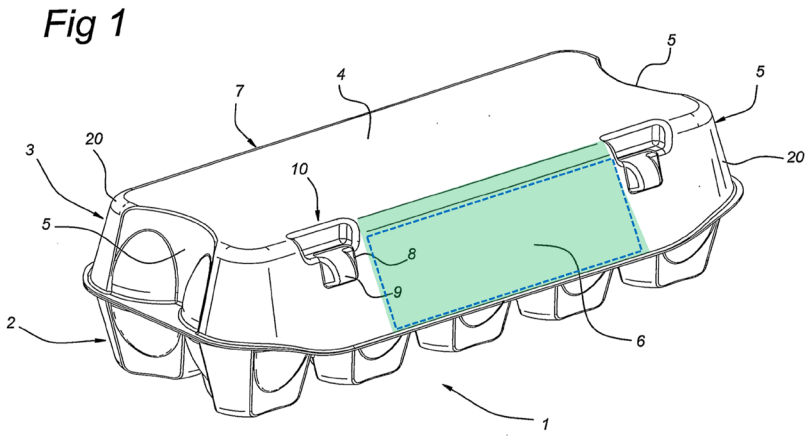
Ex.1009, Fig. 2
(annotated partial view)

In the Post-Beese combination, when Post's label 11 (*label*) (**orange**) *is closed*, *the label* (**orange**) *covers* the surface beneath label 11 (*flat portion*) (**orange** dashed) on the front of the primary surface area (**red** dotted arrows) of Beese's retaining noses 24 (*base extension*) (**red**). Ex.1003, ¶¶303-304. See Fig. 3:



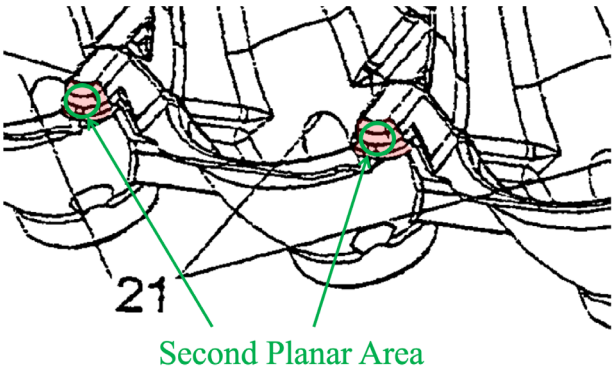
Ex.1010, Fig. 3 (annotated)

[11.7.5] Post's list part 3 (*lid*) has a *first planar area* (**blue**) on the portion of front wall 6 between openings 8 (*substantially planar frontal extension portion*, *see* [11.5.2]) (**green**). Ex.1003, ¶305. See Fig. 1:

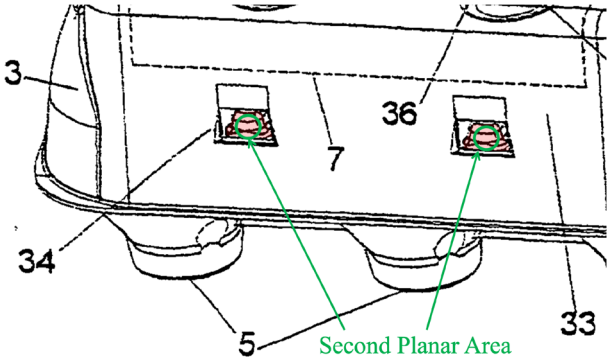


Ex.1010, Fig. 1 (annotated)

[11.7.6] In the Post-Beese combination, Beese's retaining noses 24 (*base extension*) are included in Post's bottom part 2 (*base*). *See* [11.6.5]. The external surface of retaining noses 24 (*base extension*) has *the primary surface* with *the flat portion* (**red**). *See* [11.6.7]. The retaining noses 24 (*base extension*) have *a second planar area* (**green** circle) *disposed on the flat portion of the primary surface area* (**red**). Ex.1003, ¶306. See Figs. 1, 2:

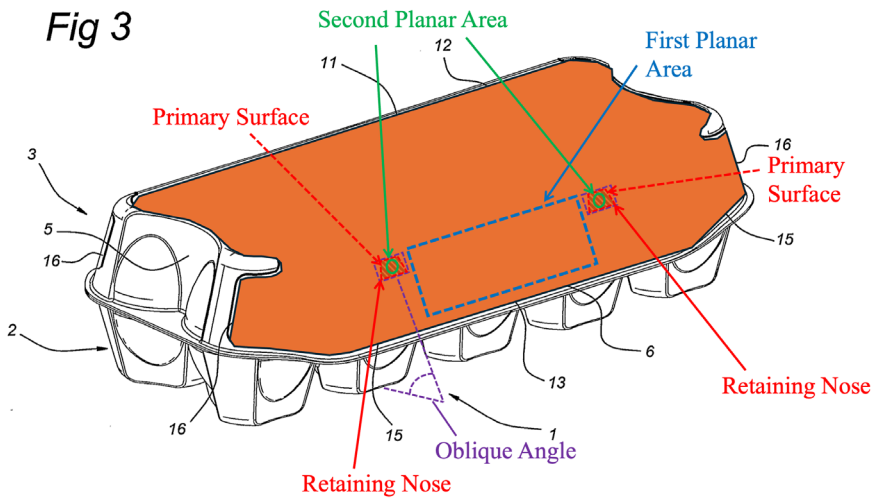


Ex.1009, Fig. 1
(annotated partial view)



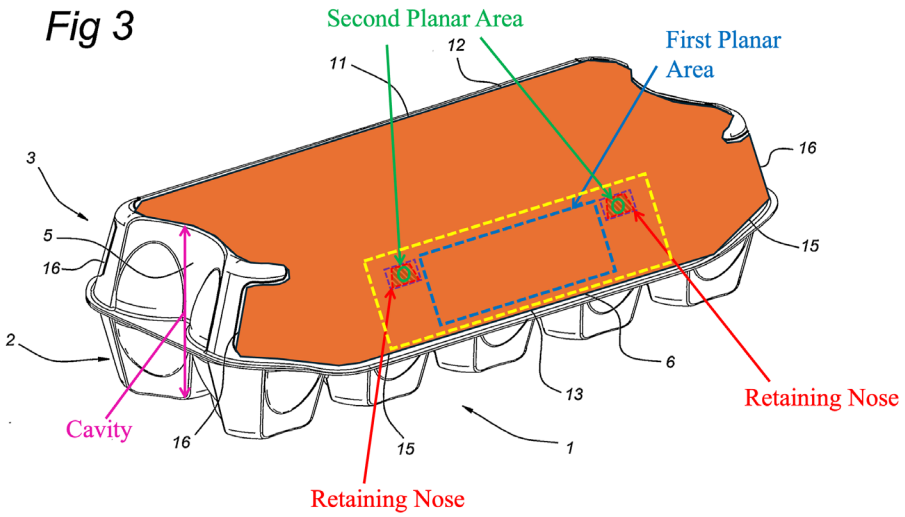
Ex.1009, Fig. 2
(annotated partial view)

The *second planar area* (**green** circle) is *disposed* at an oblique angle relative to the floor (*obliquely to the floor*) (**purple**). Ex.1003, ¶¶307-308. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

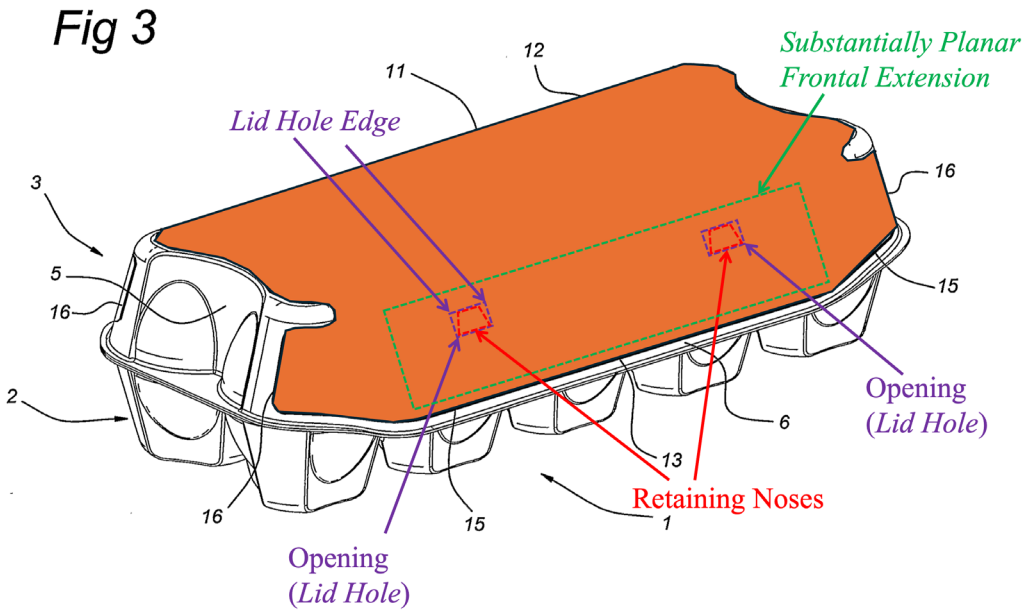
[11.7.7] In the Post-Beese combination, *first planar area* (**blue** rectangle) *and second planar area* (**green** circle) (**red**) are coplanar as shown by the yellow rectangle (*coplanar*). These *areas* are facing externally toward the front of container and away from the cavity between top part 4 of lid part 3 and the bottom surface of bottom part 2 (*disposed facing externally with respect to the cavity*) when lid part 3 (*lid*) *is closed*. Ex.1003, ¶¶309-310. See Fig. 1:



Ex.1010, Fig. 3 (annotated)

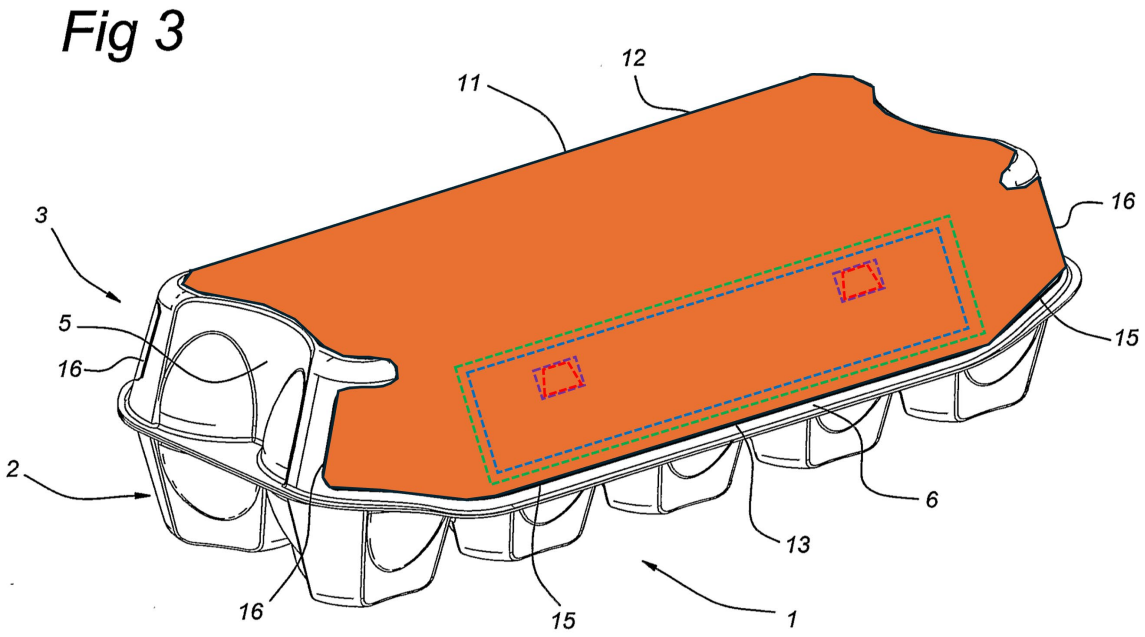
6. Claim 12

[12.0] Post's lid part 3 includes *substantially planar frontal extension*, *see* [11.5.2], which may be any area of front part 6 of lid part 3 that extends from top part 4 (*substantially flat lid top area*) to the bottom edge of the lid, *see* [11.5.9]. In the Post-Beese combination, Post's label 11 extends to the base of lid part 3 and Post is modified to use Beese's retaining noses 24 and corresponding openings in Post's lid part 3. *See* Section XI.C.4; Ex.1003, ¶312. When the container is *closed*, *both[] the lid hole* (**purple**) *and the lid hole edge* (**purple**) (*see* [11.5.9]) *are entirely encompassed within the substantially planar frontal extension* (**green** rectangle). Ex.1003, ¶312. See Fig. 1:



Ex.1010, Fig. 3 (annotated)

[12.1] Post discloses that lid part 3 (*lid*) has *first planar area* (**blue**) on *substantially planar frontal extension* (**green**). *See* [11.7.5]; Ex.1003, ¶313. See Fig. 1:

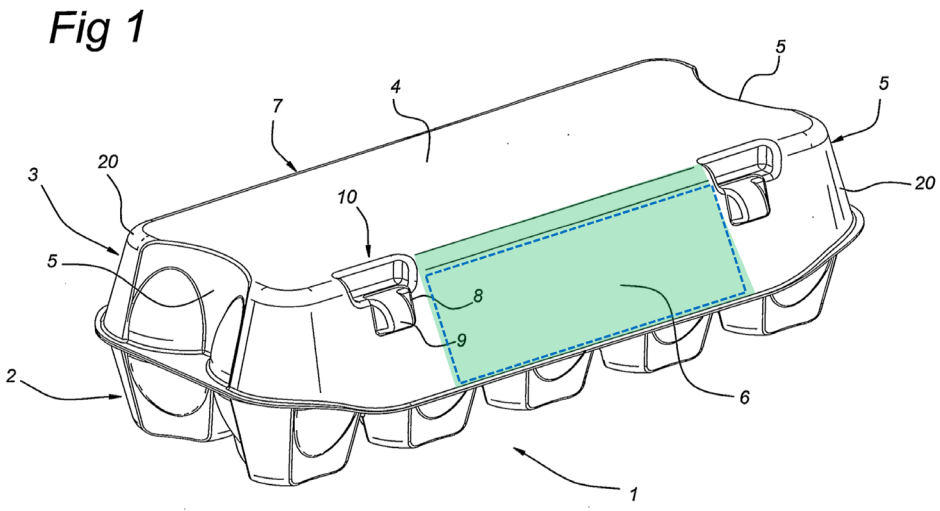


Ex.1010, Fig. 3 (annotated)

Configuring *the first planar area* (**blue** rectangle) to have a *surface area greater than 5 cm*^{2} is an obvious design choice. Ex.1003, ¶314. Post's container has five front cavities for holding eggs and a POSITA would have understood the container to also have five read cavities. A POSITA would have known that on average a large chicken egg has a length of 55cm (5.5cm) and a diameter of 39mm (3.9cm):

Peewee	Length: 40mm (1.6 in)Diameter: 27mm (1 in)
Small	Length: 42mm (1.6 in)Diameter: 29mm (1 in)
Medium	Length: 52mm (2 in)Diameter: 38mm (1.4 in)
Large	Length: 55mm (2.1 in)Diameter: 39mm (1.5 in)
Extra-large	Length: 62mm (2.4 in)Diameter: 43mm (1.6 in)
Jumbo	Length: 63mm (2.5 in)Diameter: 43mm (1.6 in)

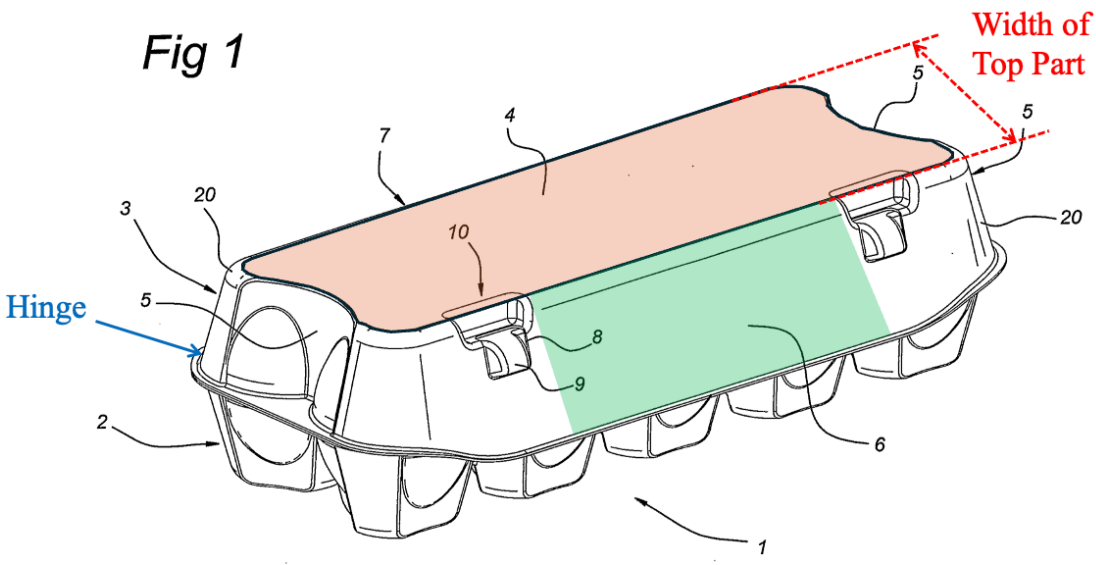
Ex.1036, 7 (annotated). Two large eggs, side-by-side with no separation, have a combined width of 7.8cm (3.9cm x 2 = 7.8cm). Ex.1003, ¶314. For the resulting rectangle to have an area of less than $5cm^2$, its height must be less than 0.641cm (0.641cm/5.5cm x 100). This is equivalent to 1/8 % of the height. Ex.1003, ¶314. Post's lid part 3 (*lid*) has a *first planar area* (**blue** rectangle) *on the substantially planar frontal extension portion* (**green**). *See* [11.7.5], [11.5.2]. The cavities for holding eggs in Post's bottom part 2, here are clearly resigned to accommodate egg heights greater than 0.641cm. Ex.1003, ¶¶314-315. See Fig. 1:



Ex.1010, Fig. 1 (annotated)

7. Claim 13

[13.0] Post's top part 4 of lid part 3 (*substantially flat lid top area*) (**orange**, *see* [11.5.1]) has a width (**red**) disposed generally between *the hinge* (**blue**, *see* [11.2.1]) and the portion of front wall 6 between openings 8 (*substantially planar frontal extension*) (**green**, *see* [11.5.2]). Ex.1003, ¶316. See Fig. 1:

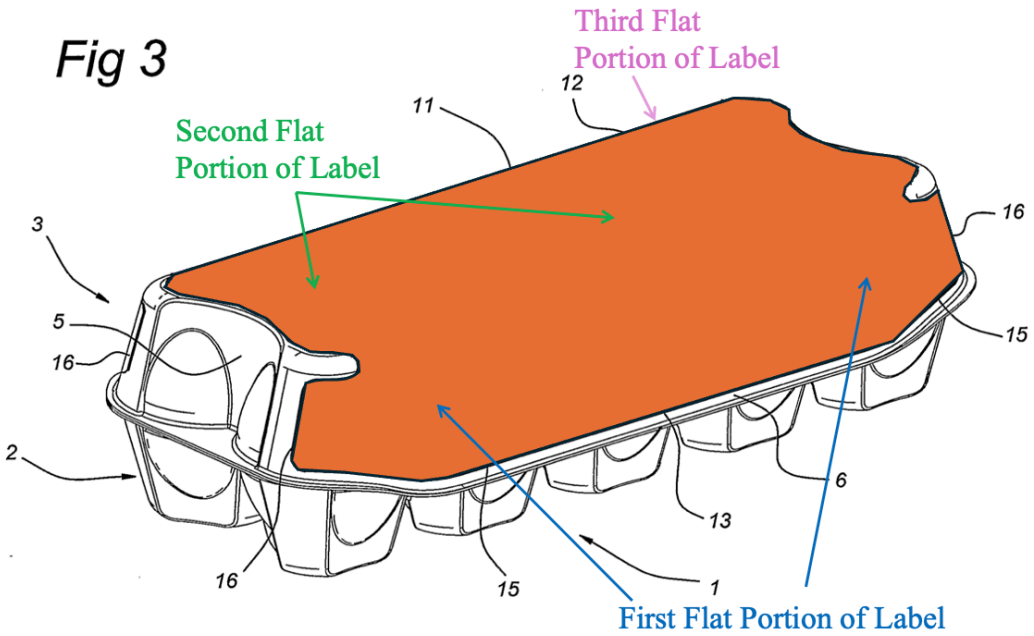


Ex.1010, Fig. 1 (annotated)

[13.1] Post's label 11 (*lid*) (**orange**) in the Post-Beese combination has:

- *first flat portion* (**blue**) *encompassing the substantially flat portion* (*see* [11.7.2]) that covers front wall 6 of lid part 3 (*substantially planar frontal extension*),
- *second flat portion* (**green**) that covers top part 4 of lid part 3 (*substantially flat lid top area*) (*see* [11.5.1]), and
- *a third flat portion* (**pink**).

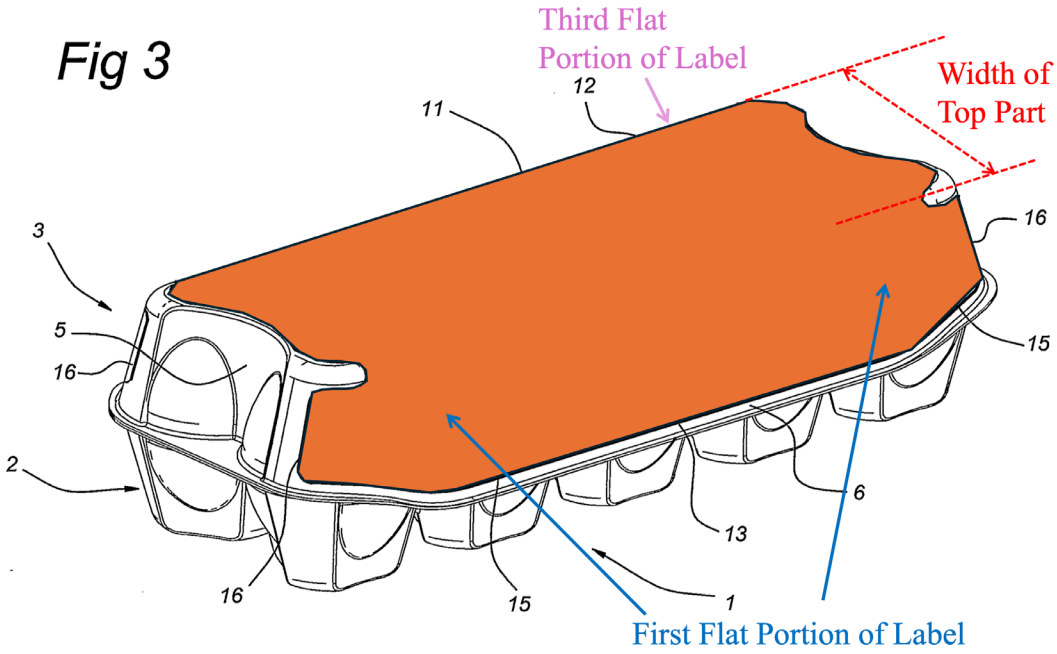
Ex.1003, ¶317. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

Post's label 11 includes front flap 13 (*first flat portion*) that covers front part 6 of lid part 3, central part 12 (*second flat portion*) that covers flat top part 4 of lid part 3, and rear flap 14 (*third flat portion*) that covers rear wall 7 of lid part 3. Ex.1010, 3 (label applied to "lid part 3…comprises a central part 12, a front flap 13 and a rear flap 14."), 4 (label is "placed with the central part 12 thereof on the top part 4….[B]oth the front flap 13 and the rear flap 14 are then positioned on the front wall 6 and the rear wall 7, respectively[.]"); Ex.1003, ¶318.

[13.2] The *first flat portion* (**blue**) of the label *is separated from the third flat portion* (**pink**) *by the width* of flat top part 4 (*substantially flat lid top area*) from the front side to the rear side of top part 4 of lid part 3. Ex.1003, ¶319. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

8. Claim 14

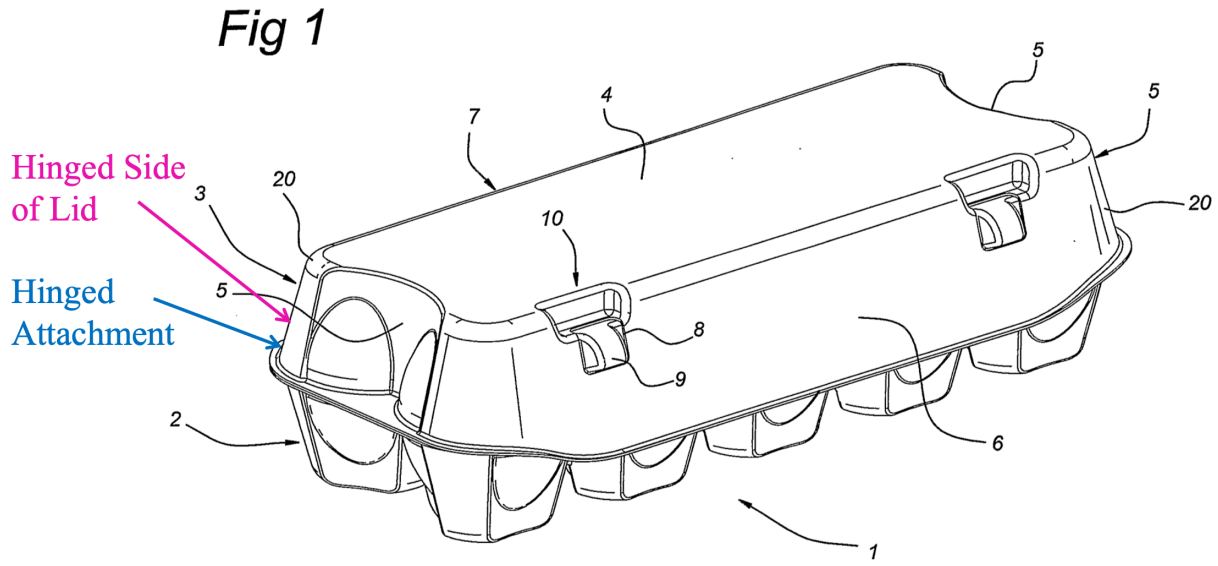
The following limitations of claim 14 are substantively identical to limitations of claim 11. Ex.1038, 1-8 (comparing claims 11 and 14); Ex.1003, ¶320. The analysis of claim 11 above applies equally here. Ex.1003, ¶¶321-340, 344-349, 351-371, 373-375.

Substantively Identical Limitations	
[14.0]	[11.0]
[14.1.1]	[11.1]
[14.1.2]	[11.2.1]
[14.1.3]	[11.2.2]
[14.1.4]	[11.3.1]
[14.2.1]	[11.3.2]
[14.2.2]	[11.4.1]
[14.2.3]	[11.4.2]
[14.3.1]	[11.3.2]

[14.3.2]	[11.3.3]
[14.3.5]	[11.5.1]
[14.3.6]	[11.5.1], [11.5.2], [11.5.5]
[14.3.7]	[11.5.2], [11.5.5]
[14.3.8]	[11.5.7]
[14.3.9]	[11.5.8]
[14.3.11]	[11.5.9]
[14.4.1]	[11.6.1]
[14.4.2]	[11.6.2]
[14.4.3]	[11.6.3]
[14.4.4]	[11.6.4]
[14.4.5]	[11.6.5]
[14.4.6]	[11.6.6]
[14.4.7]	[11.6.7]
[14.4.8]	[11.6.8]
[14.4.10]	[11.6.10]
[14.5.1]	[11.7.5]
[14.5.2]	[11.7.6]

The analysis below addresses limitations or elements that are different.

[14.3.3] Post's container includes *a hinged attachment* (blue) to bottom part 2 (*base*) *disposed generally adjacent to a hinged side* of lid part 3 (*lid*) (**pink**). Ex.1010, 3 ("hinged lid part 3 is joined [to bottom part 2]."); Ex.1003, ¶341. See Fig. 1:

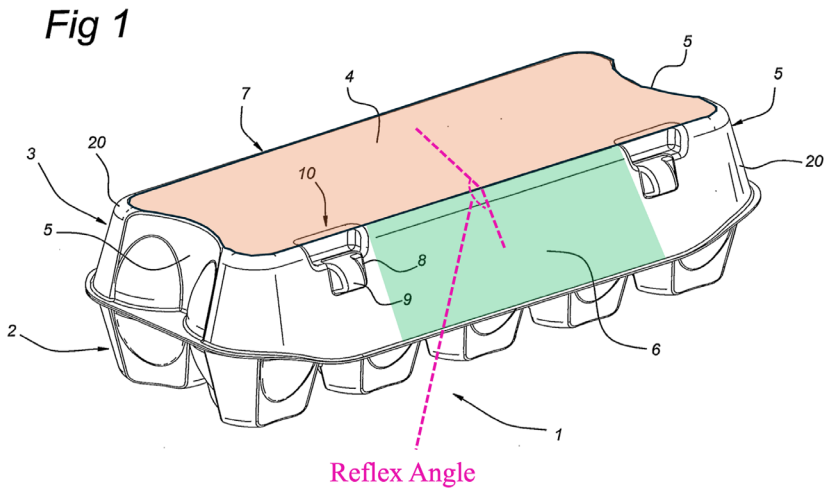


Ex.1010, Fig. 1 (annotated)

[14.3.4] Post's container includes a lid part 3 (*lid*) that is hinged to the bottom part 2 (*base*). Ex.1010, 3 (container "consists of a bottom part 2…A hinged lid part 3 is joined thereto."); Ex.1003, ¶342. Post discloses or at least renders obvious that *the lid is movable about the hinged attachment*. *See* [14.3.3]. Fig. 1 shows the container in a *closed position*. A POSITA would have understood that the container could also be opened because (1) lid part 3 is hinged to bottom part 2 to allow lid part 3 to be opened relative to bottom part 2. Ex.1010, 3 ("hinged lid part 3 is joined" to bottom part 2); and (2) the container includes a locking mechanism that allows it to open by disengaging closing projections 9 from openings 8. Ex.1010, 3 ("lid part 3 can be unlocked…by depressing closing projections 9 and moving front wall 6 forwards."). Post discloses or at least renders obvious lid part 3 (*lid*) *movable about* a hinge

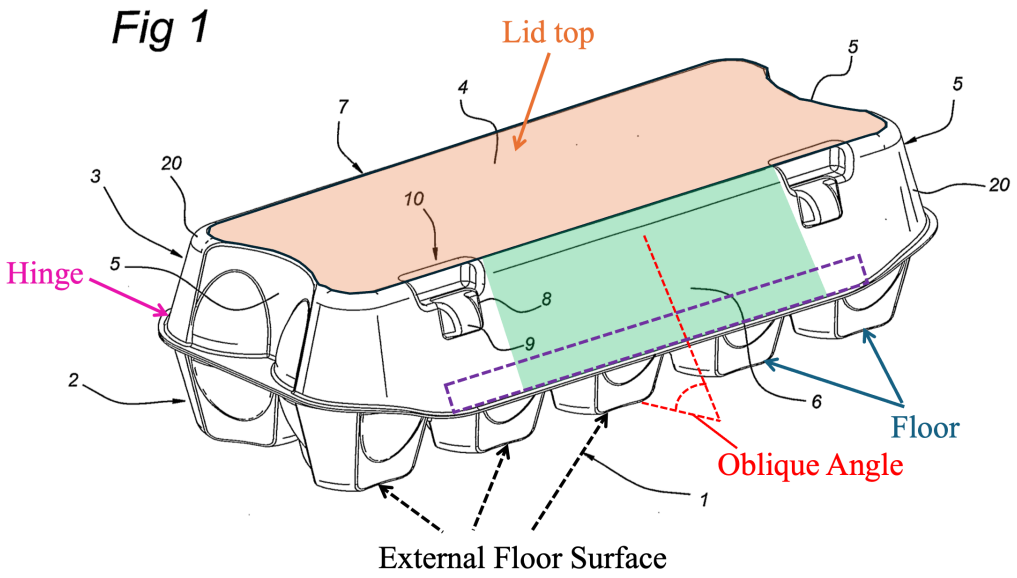
(*hinged*) with respect to bottom part 2 (*base*) *from an open position to a closed position*. Ex.1003, ¶343.

[14.3.10] The *substantially planar frontal extension* (**green**) *is inclined at a reflex angle* (**pink**) that is less than 180 degrees (*less than 270 degrees with respect to the substantially flat lid top area*) (**orange**). Ex.1003, ¶350. See Fig. 1:



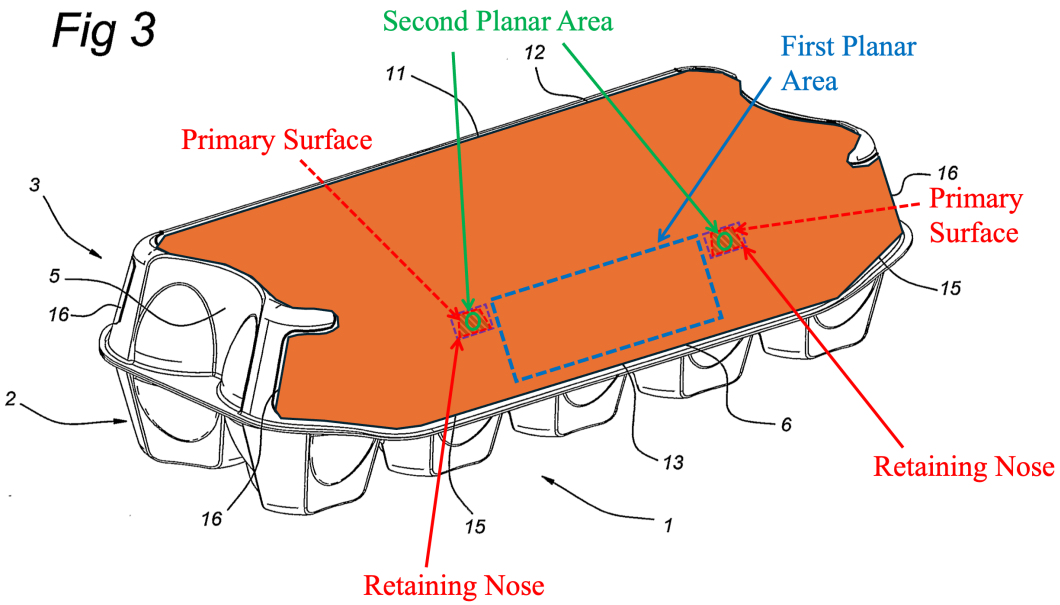
Ex.1010, Fig. 1 (annotated)

[14.4.9] In Post, *when the lid is closed and the container is orientated wherein the floor* (**blue**) is horizontal (*substantially horizontal*) *and the at least one external floor surface area* (**black** arrows, *see* [14.4.2]) faces downward (*faces substantially downwardly*), *the substantially planar frontal extension* (**green**, *see* [14.3.7]) *is disposed obliquely* (**red** oblique angle) *to the floor* (**blue**, *see* [14.1.1]) *and projects* toward the front of the container (*generally away from hinged side of the lid*) (**pink**, *see* [14.3.3]) *from, the substantially flat lid top area* (**orange**, *see* [14.3.5]) *to, the lid end portion* (**purple** rectangle, *see* [14.3.9]). Ex.1003, ¶372. See Fig. 1:



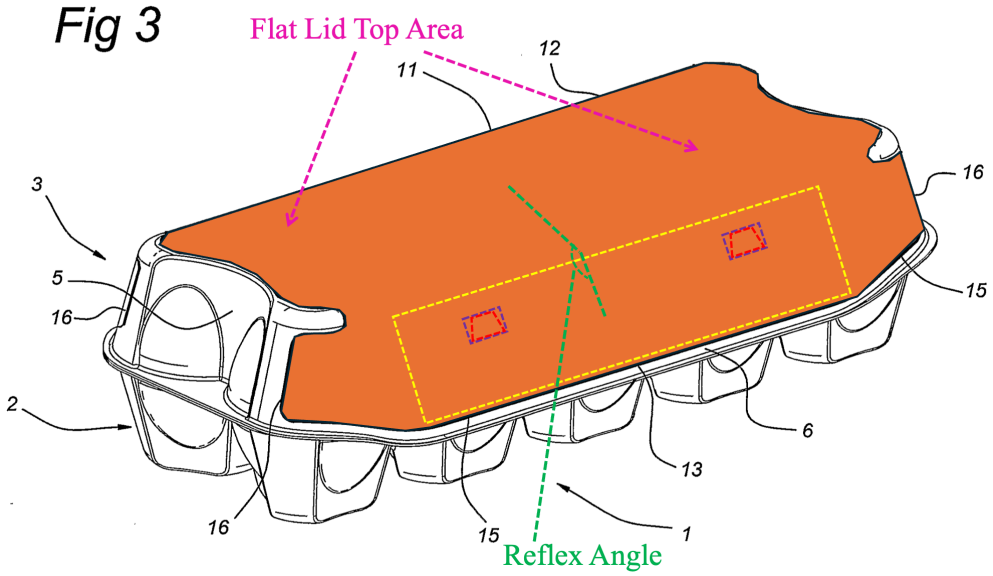
Ex.1010, Fig. 1 (annotated)

[14.5.3] When Post's *lid is closed*, *first planar area* (**blue** rectangle) and *second planar area* (**green** oval), which is on the flat portion of the primary surface area (**red**) of Beese's retaining noses 24, both face externally away from the cavity inside the container (*face substantially in the same direction*). Ex.1003, ¶376. See Fig. 3:



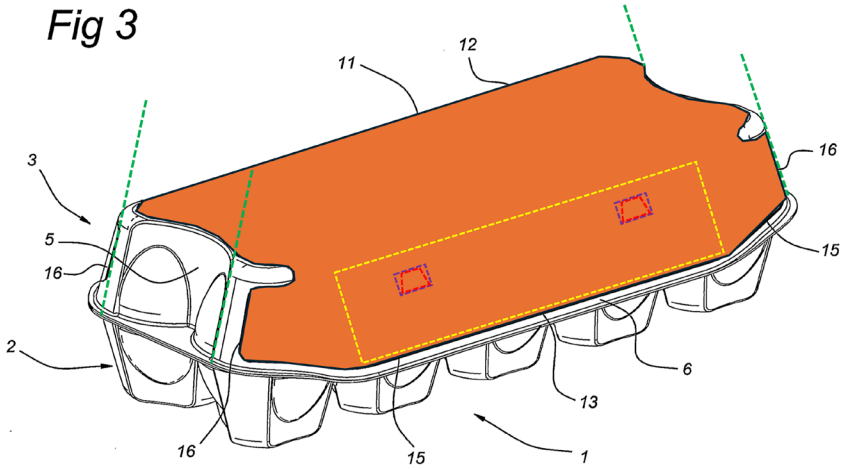
Ex.1010, Fig. 3 (annotated)

[14.6.1] The *container compris[es] a substantially flat area* (yellow rectangle) which is *inclined at a reflex angle* (**green**) that is less than 180 degrees (*less than 270 degrees with respect to the substantially flat lid top area*) (**pink**). Ex.1003, ¶377. See Fig. 3:



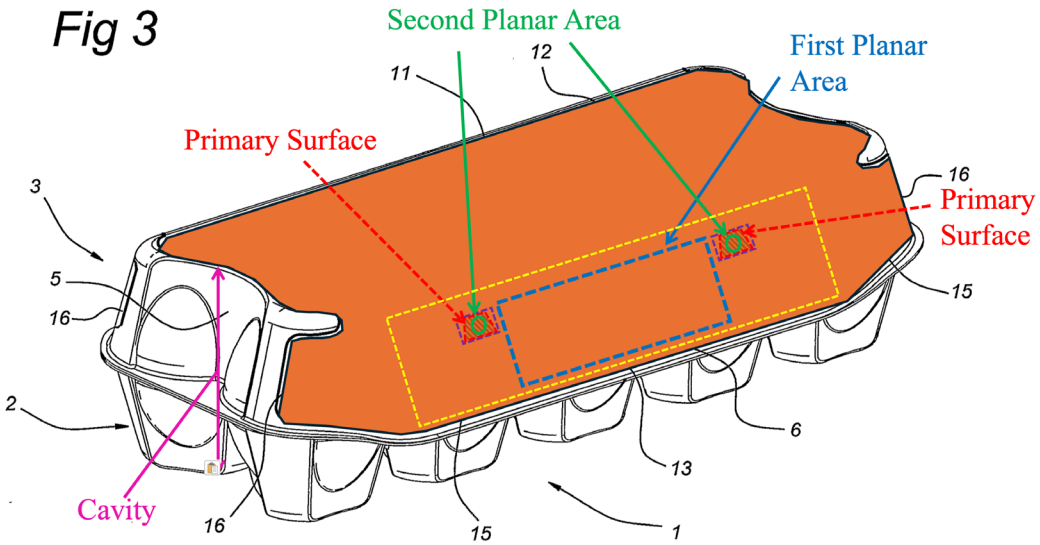
Ex.1010, Fig. 3 (annotated)

[14.6.2] The *substantially flat area* (yellow rectangle) comprises: a circumferential dimension of yellow rectangle (*circumferential dimension*) that is *substantially less than each of, a largest internal perimeter of the base opening* (internal perimeter between **green** lines) *and an outermost perimeter of the lid* (outermost perimeter around lid part 3 when measured at the edge of lid part 3 that rests on the bottom part). Ex.1003, ¶378. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

[14.6.3] The *substantially flat area* (yellow rectangle) comprises *an edge of the first planar area* (edge of **blue** rectangle) *and at least part of the second planar area* (**green** circle) *disposed on the flat portion* of the retaining noses 24 (*primary surface area*) (**red**), disposed external to the cavity between top part 4 and bottom surface of bottom part 2 (*facing at least substantially externally with respect to the cavity*) (**pink**). Ex.1003, ¶379. See Fig. 3:

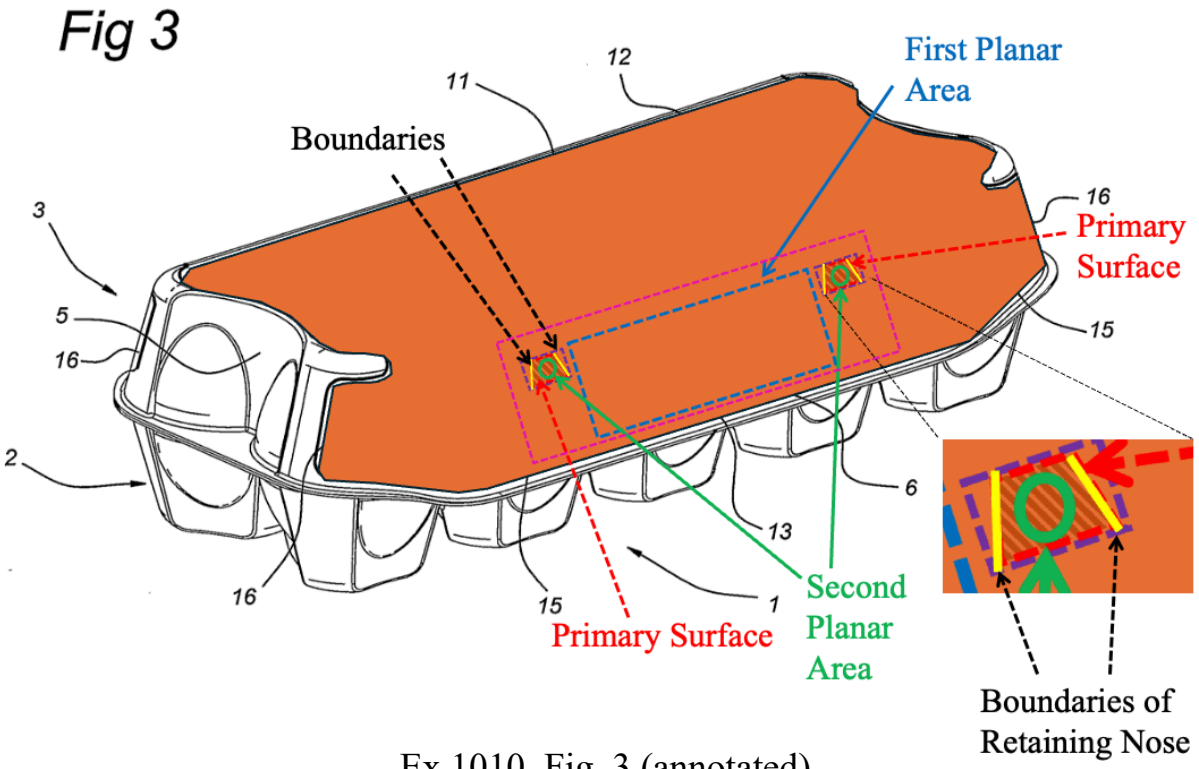


Ex.1010, Fig. 3 (annotated)

[14.7.1] The container has a surface that is between the lid and the base (*at least one surface configuration*) (**pink** rectangle) *between the lid and the base*. Ex.1003, ¶380. The *at least one surface configuration* comprises *at least* the following:

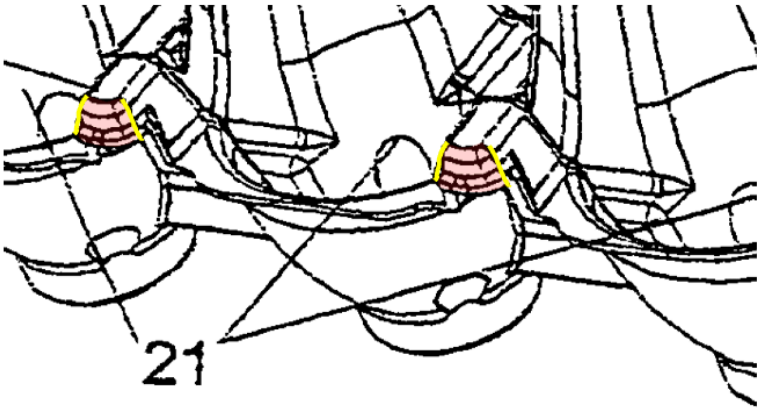
- *the first planar area of the lid* (**blue** rectangle);
- *at least two distinct boundary portions* (yellow lines on sides of Beese's retaining noses 24) *of the flat portion of the primary surface area* (**brown** dashed surface on front of retaining nose 24 (**red**)); and
- *the flat portion of the primary surface area of the at least one base extension* (**brown** dashed surface on front of retaining nose 24 (**red**)).

Ex.1003, ¶380. See Fig. 3:



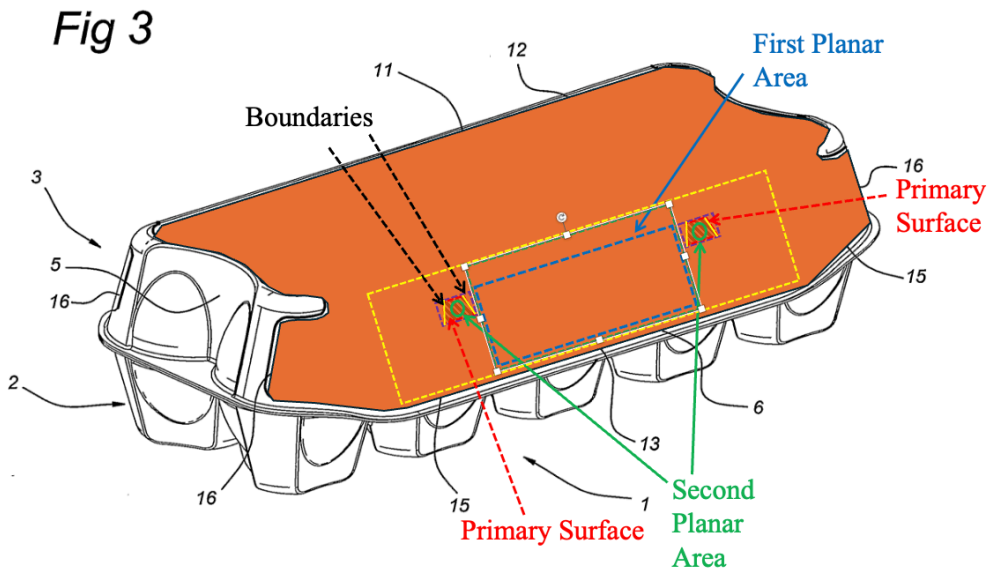
Ex.1010, Fig. 3 (annotated)

For clarity, the *flat portion* of Beese's retaining noses 24 (*base extension*) has a first *boundary* (yellow boundary on left) and a second *boundary* (yellow boundary on right). Beese's retaining noses 24 would likewise have boundaries (yellow) on lateral sides in Post's container. Ex.1003, ¶¶381-382. See Fig. 1:



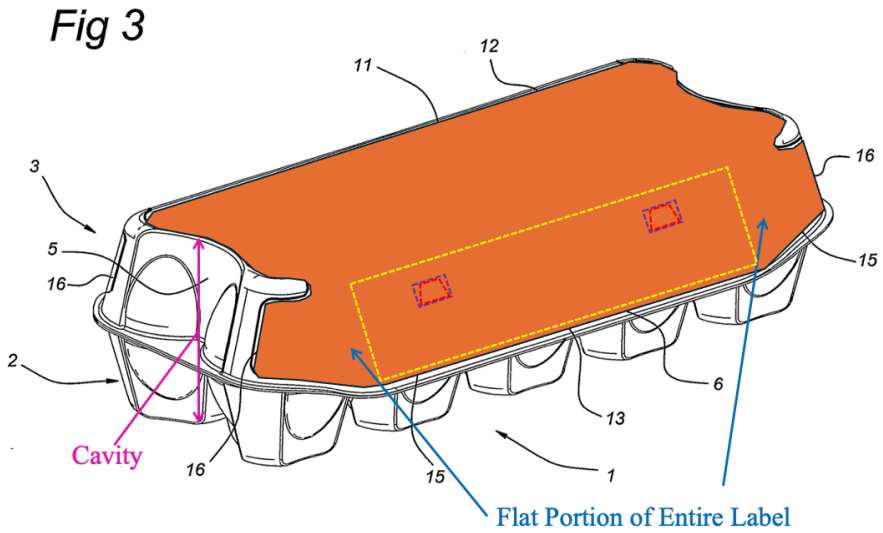
Ex.1009, Fig. 1 (annotated partial view)

[14.7.2] The hashed surface on the primary surface area (**red**) on the front of retaining noses 24 (*flat portion*) comprises *second planar area* (**green** oval) *disposed* in the same plane on front of the container (*substantially co-planar*) *with respect to, both, the lid front portion* (**green** rectangle, *see* [14.3.7]) of the outer surface (*first of the two material surfaces*), and yellow boundaries on lateral sides of retaining noses 24 (*at least two distinct boundary portions*, *see* [14.7.1]), *to comprise the substantially flat area* (yellow rectangle, *see* [14.6.1]). Ex.1003, ¶383. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

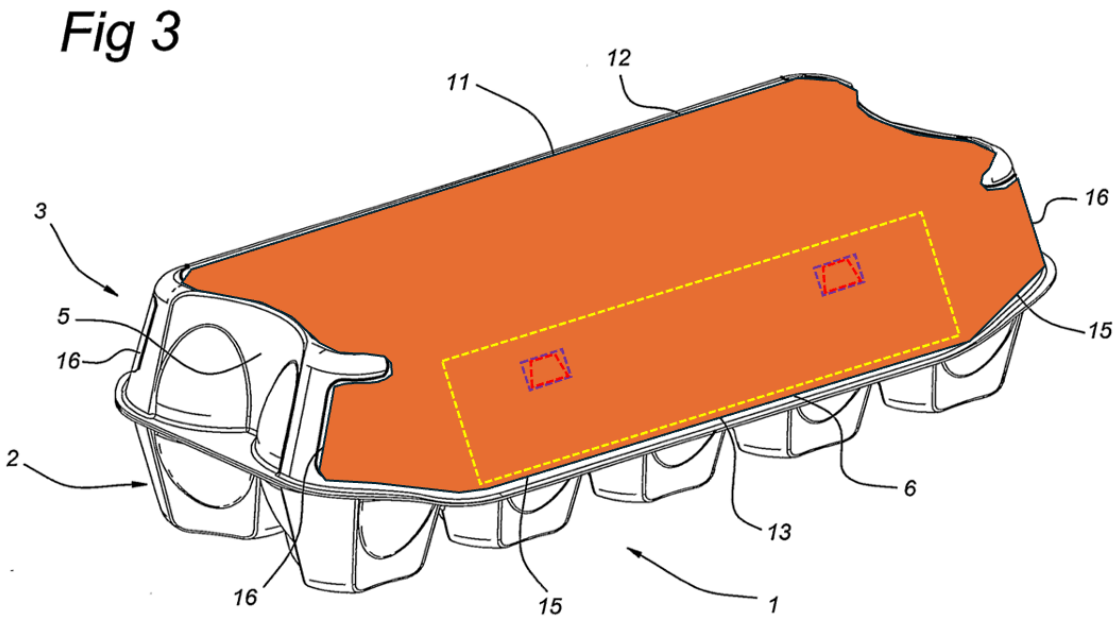
[14.8.1] The *substantially flat area* (yellow rectangle) *is disposed substantially outside* of the cavity between top part 4 and bottom surface of bottom part 2 (*cavity*) (**pink**) *of the container and is suitable to be covered* by the flat portion of label 11 (*generally flat fashion by a substantially flat portion of an entire label*) (between **blue** arrows). Ex.1003, ¶384. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

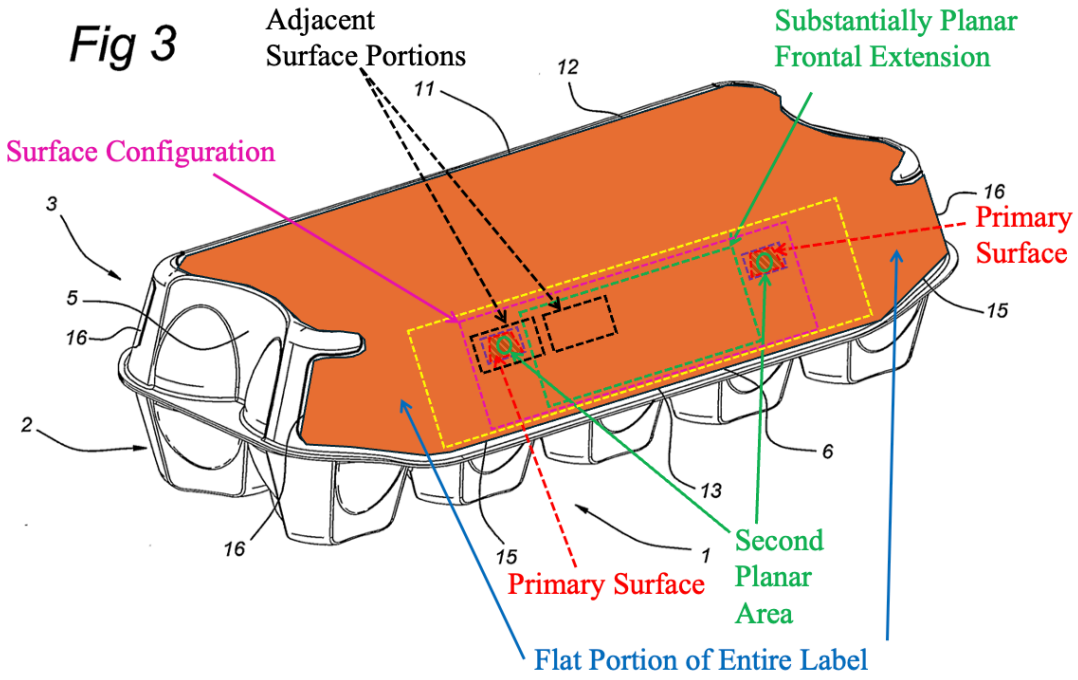
The portion of label 11 that covers front part 6 of lid part 3 is a flat portion. Front flap 13 of label 11 is placed over front part 6 of lid part 3. Ex.1010, 3 (label applied "to the lid part 3…comprises a central part 12, a front flap 13 and a rear flap 14."), 4 (label "placed with the central part 12 thereof on the top part 4….[B]oth the front flap 13 and the rear flap 14 are then positioned on the front wall 6 and the rear wall 7, respectively[.]"). Ex.1003, ¶385.

[14.8.2] Label 11 (*entire label*) (**orange**) *is proposed to be received by the container wherein the entire label* (**orange**) *is larger than the substantially flat area* (yellow rectangle). Ex.1003, ¶386. This is because central part 12 of label 11 (**orange**) covers top part 3 of lid part 3 and lips 16 of label 11 cover lateral transition parts 20 on the sides of the container. Ex.1010, 4 (label "placed with the central part 12 thereof on the top part 4….[B]oth the front flap 13 and the rear flap 14 are then positioned on the front wall 6 and the rear wall 7, respectively, followed by applying the lips to the relevant transition parts 20."). Ex.1003, ¶386. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

[14.8.3] The flat portion of label 11 (*substantially flat portion of the entire label* (between **blue** arrows, *see* [14.8.1]) *is proposed to contour substantially to the substantially flat area, in the generally flat fashion, to cover at least two immediately adjacent surface portions* (**black** rectangles, *see* [14.8.4]) *of the container with respect to the at least one surface configuration* (**pink** rectangle, *see* [14.7.1]). Ex.1003, ¶387. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

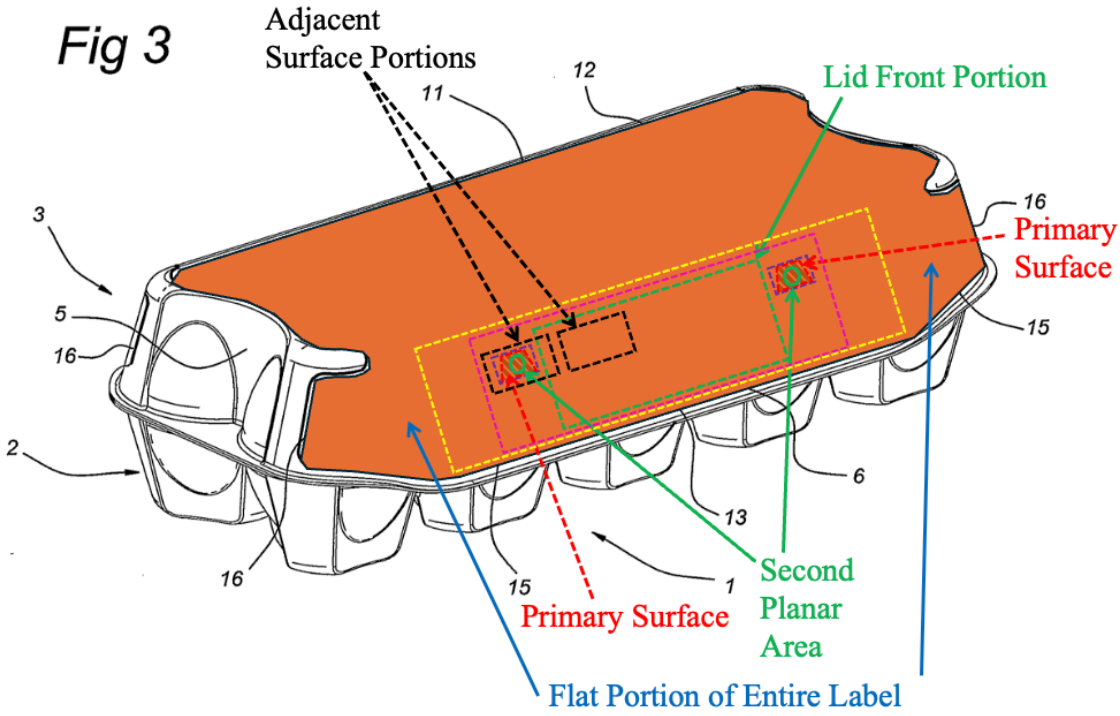
[14.8.4] A *first of the at least two immediately adjacent surface portions* (**black** rectangle on left) *is the entire flat portion of the primary surface area* (**brown** dashed surface area on front of retaining noses 24 (**red**)) of retaining noses 24 (*at least one base extension*) *and, a second of the at least two immediately adjacent surface portions* (**black** rectangle on right) *is disposed on the substantially planar frontal extension* (**green** rectangle, *see* [14.3.7]). Ex.1003, ¶388.

[14.9.1] The Post-Beese combination renders obvious that the flat portion of label 11 (*substantially flat portion of the entire label* (between **blue** arrows, *see* [14.8.1])) *contour[s] to the substantially flat area* (yellow rectangle) *and covering the at least two immediately adjacent surface portions* (**black** rectangles) *in the generally flat fashion*. *See* [14.8.3], [14.8.4]; Ex.1003, ¶389.

The *substantially flat portion of the entire label is proposed to at least generally contour* to the shape on the outer surface of the container (*outermost shape of the container*) *including, at least each of*:

- *the lid front portion* (**green** rectangle, *see* [14.3.7]);
- *the second planar area* (**green** oval) *disposed on the flat portion* of retaining noses 24 (*primary surface area*) (**red**), *see* [14.5.2], [14.5.3]; and
- *at least two distinct boundary portions* (yellow lines, *see* [14.7.1])) of the hashed surface area on the front of retaining noses 24 (*flat portion of the primary surface area* (**red**)) of the retaining noses 24 (*at least one base extension*).

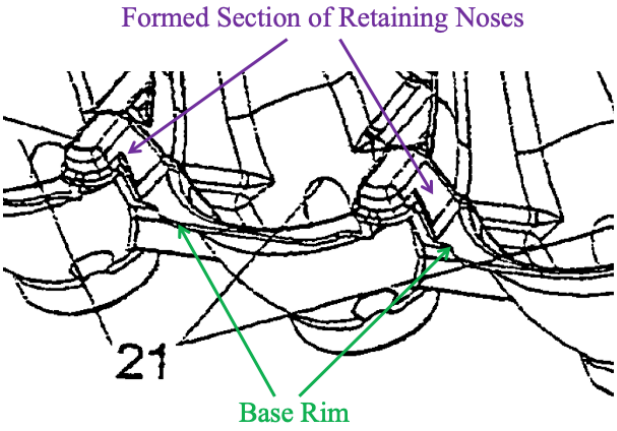
Ex.1003, ¶¶390-393. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

9. Claim 15

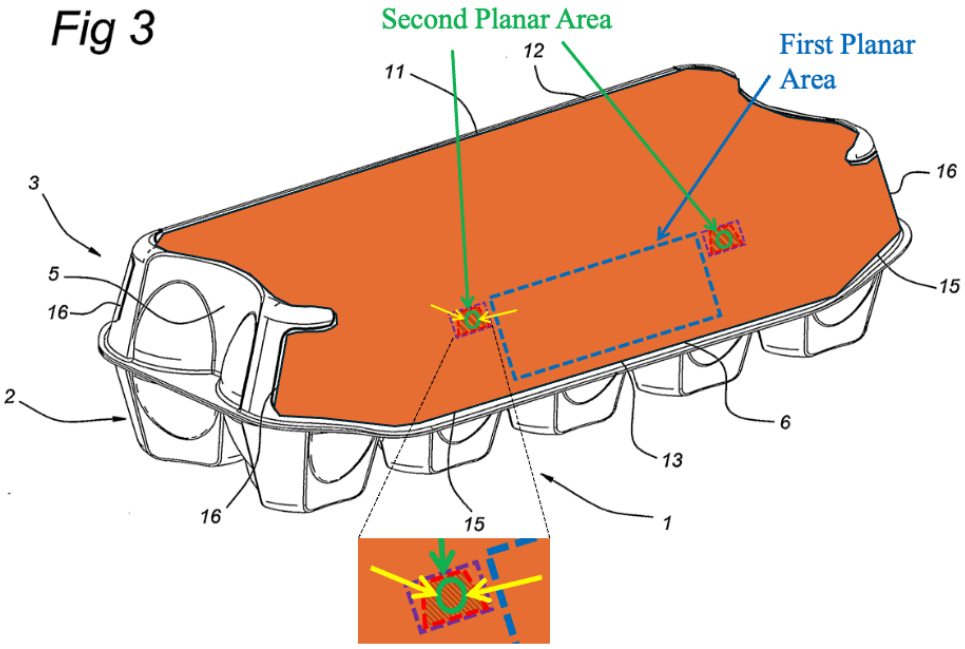
[15.0] Beese's retaining noses 24 in Post's container render obvious *the at least one base extension generally extending from the at least one portion of the rim*. See [14.4.4], [14.4.5]; Ex.1003, ¶394. Beese's retaining noses 24 (*at least one base extension*) *compris[e]* structural extensions protruding from the rim (*formed section*) (**purple** arrows) [that] *stands proud of the at least one portion of the rim* (**green**). The *formed section…stands proud of the at least one portion of the rim* (**green**) because the *formed section* extends upward and away from the base rim (**green**). Ex.1003, ¶395. See Fig. 1:



Ex.1009, Fig. 1 (annotated partial view)

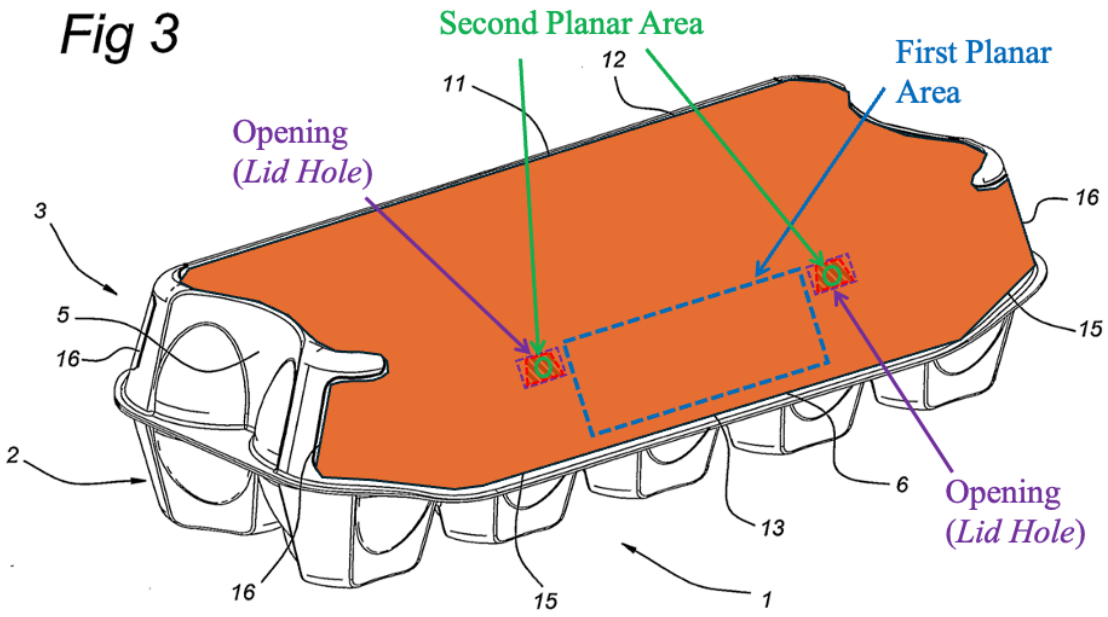
Beese's retaining noses 24 would extend from the rim of Post's bottom part 2. *See* [14.4.5]. The combination thus renders obvious an extension of Beese's retaining noses 24 (*at least one base extension comprising a formed section*) (**purple**) *wherein, the formed section* extends upward and way from (*stands proud*) *of the at least one portion of the* rim (*rim*). *See* [14.4.4]; Ex.1003, ¶396.

[15.1] In the Post-Beese combination, a front surface of retaining noses 24 (*second planar area*) (**green** oval) *compris[es] a* perimeter (*planar perimeter*) *wherein, a portion of the planar perimeter defines at least two distinct sides* (yellow arrows) *of the second planar area*. Ex.1003, ¶397. See Fig. 3:



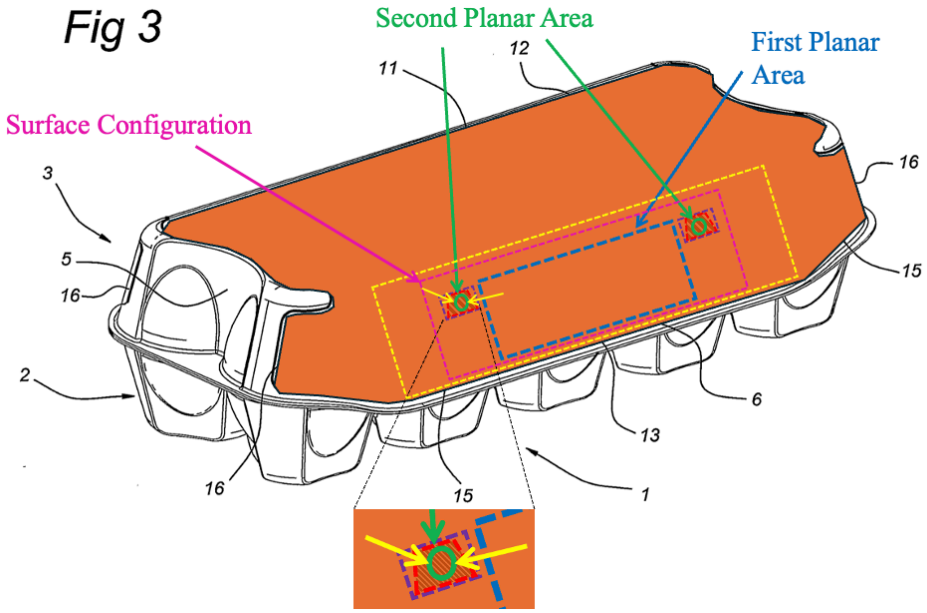
Ex.1010, Fig. 3 (annotated)

[15.2] The opening in lid part 3 (*at least one lid hole*) (**purple** rectangle, *see* [14.3.11]) *is disposed at least generally adjacent to first planar area* (**blue** rectangle, *see* [14.5.1]). Ex.1003, ¶398. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

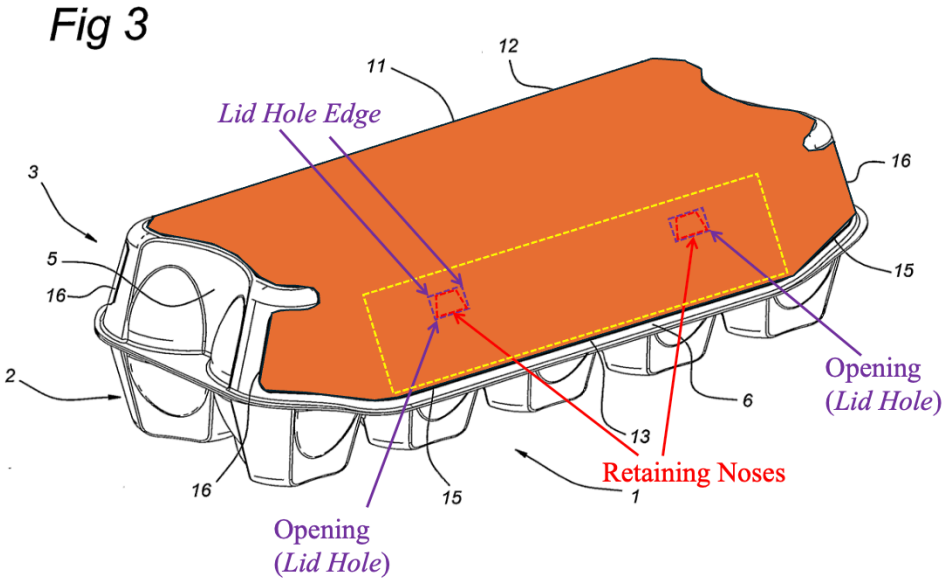
[15.3] When lid part 3 (*lid*) *is closed*, the opening in lid part 3 (*at least one lid hole*) (**purple** rectangle) *corresponds to and mates with the at least two distinct sides* (yellow arrows) of a front surface of retaining noses 24 (*second planar area*) (**green** oval). In doing so, it *expose[s] the second planar area wherein, facilitating the at least one surface configuration* (**pink** rectangle)*, to provide* the yellow rectangle *(substantially flat area*). The *at least one lid hole corresponds to and mates with the at least two distinct sides of the second planar area*, because the front surface of the retaining noses (*second planar area*) extend through and mate with the openings (the at least one lid hole) in lid part 3 of Post's container. Ex.1003, ¶399. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

10. Claim 16

[16.0] Post and Beese render obvious *the lid hole edge*. *See* [14.3.11]. In the Post-Beese combination, *the lid hole edge* is in a plane on the front surface of lid part 3 (*substantially planar*). Ex.1003, ¶400. See Fig. 1:

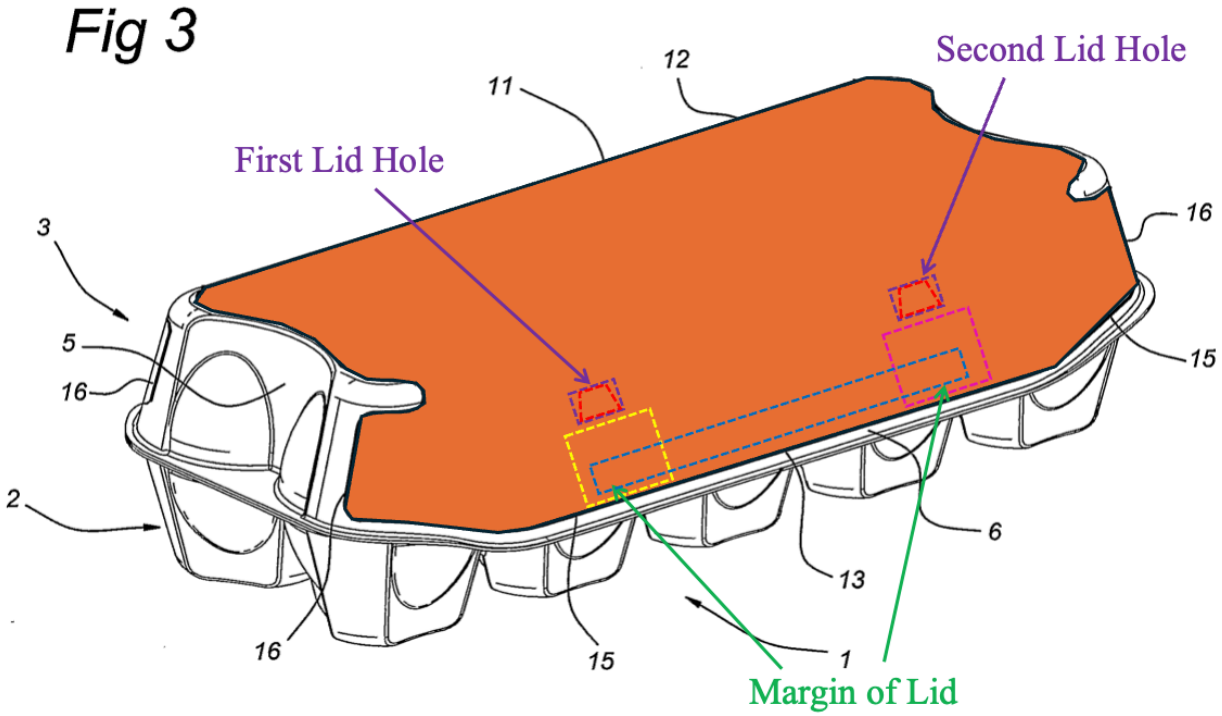


Ex.1010, Fig. 3 (annotated)

[16.1] When the *lid is closed*, the edge of the openings (*lid hole edge*) (**purple**) and the openings (*at least one lid hole*) (**purple**) *are entirely encompassed within a perimeter* of the yellow rectangle (*substantially flat area*). Ex.1003, ¶401.

11. Claim 17

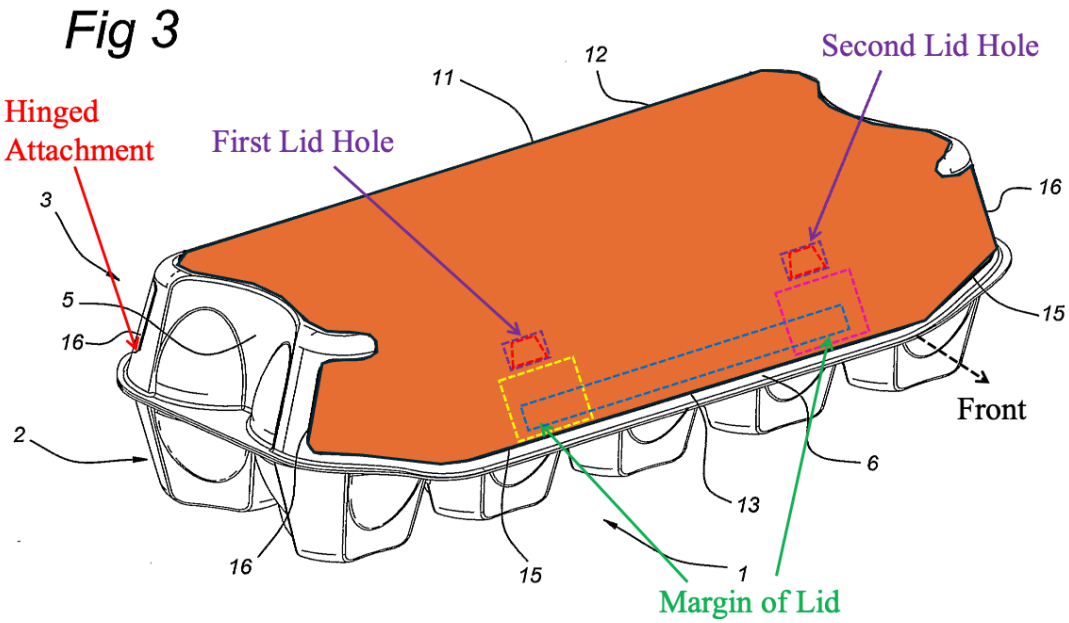
[17.0] Post discloses a near bottom edge of the lid (*margin of the lid*) (**green**). See [14.3.9]. A portion of the bottom edge (*portion of the margin*) (**blue** rectangle) of lid part 3 (*lid*) e*xtends from* a yellow rectangle (*first opening area*) *adjacent to a first of the at least one lid hole* (**lid hole** on left) *to[] a second opening area* (**pink** dotted rectangle) *adjacent to a second of the at least one lid hole* (**lid hole** on right). Ex.1003, ¶402. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

[17.1] A portion at the bottom edge (*portion of the margin*) (**blue** dotted rectangle, *see* [17.0]) *includes* a portion that is at the bottom of lid part 3 and is therefore in the most forwardly extended point of the lid when the container *is closed* (*most forwardly extended point of the lid*). Ex.1003, ¶403.

[17.2] The most forwardly extended point in the portion at the bottom of lid part 3 (*most forwardly extended point of lid*) (**blue** rectangle) *is generally disposed at the front* (**black** arrow) *of the container* which is *on a directly opposite side of the hinged attachment* (**red**) at the rear side of the container. Ex.1003, ¶404. See Fig. 3:

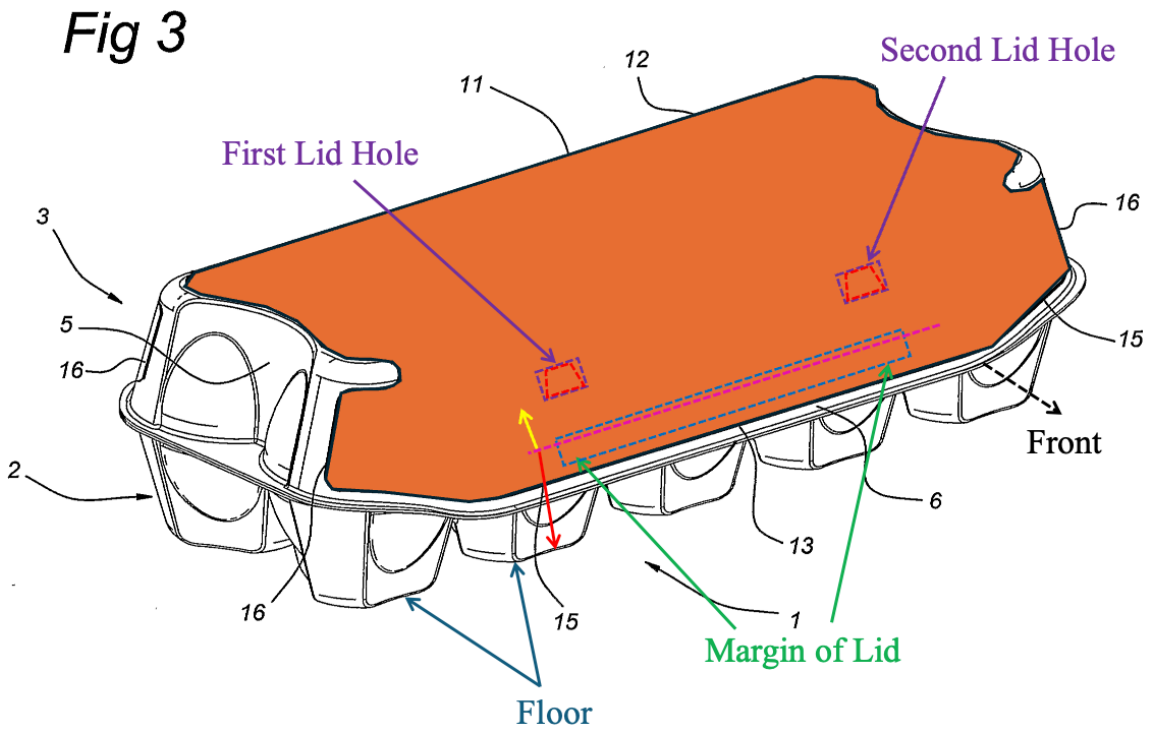


Ex.1010, Fig. 3 (annotated)

12. Claim 18

[18.0] When the lid part 3 (*lid*) *is closed*, the portion at the bottom of the lid (*margin*) (**blue** rectangle) *includes* points (*at least one point*) (points along dotted **pink** line) *which is closer, to either of, first lid hole* (**purple**) *and second lid hole* (**purple**), *than*

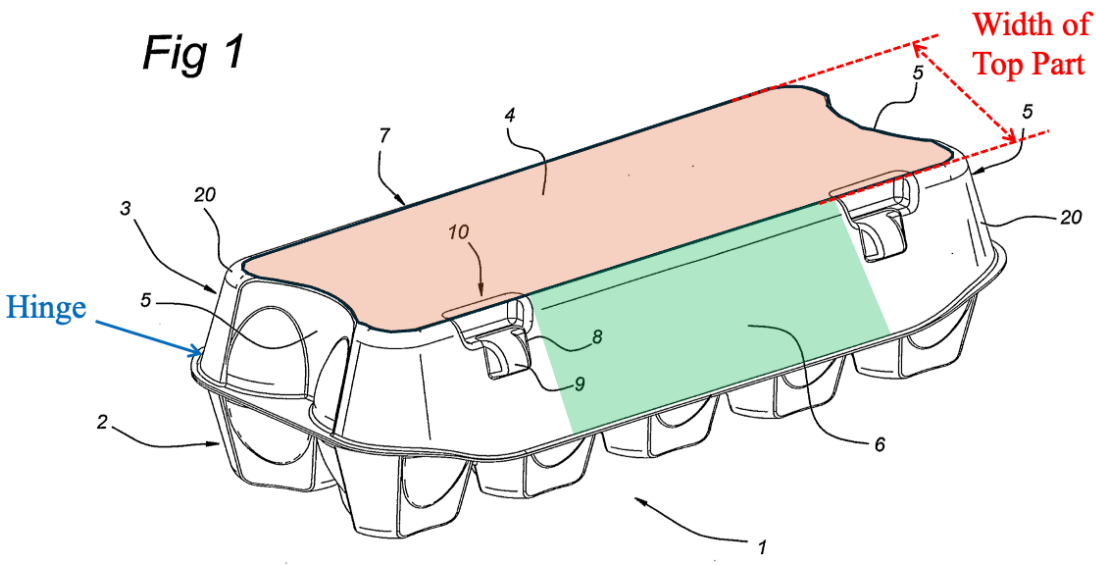
to the floor (**blue**) bottom part 2 (*base*). The points along the dotted **pink** line are dimensionally closer (yellow arrow) to either of the lid holes (**purple**) than to the floor (**red** arrow). Ex.1003, ¶405. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

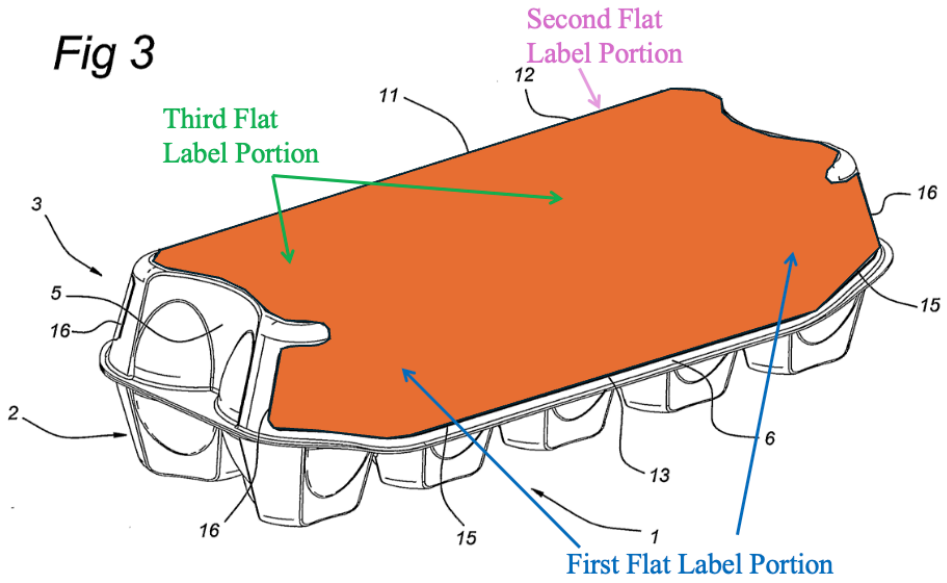
13. Claim 19

[19.0] Post's top part 4 of lid part 3 (*substantially flat lid top area*) (**orange**, *see* [11.5.1]) has a width (**red**) disposed generally between *the hinged side* (**blue**, *see* [11.2.1]) *of the lid* and a portion of front wall 6 between openings 8 (*substantially planar frontal extension*) (**green**, *see* [11.5.2]). Ex.1003, ¶406. See Fig. 1:



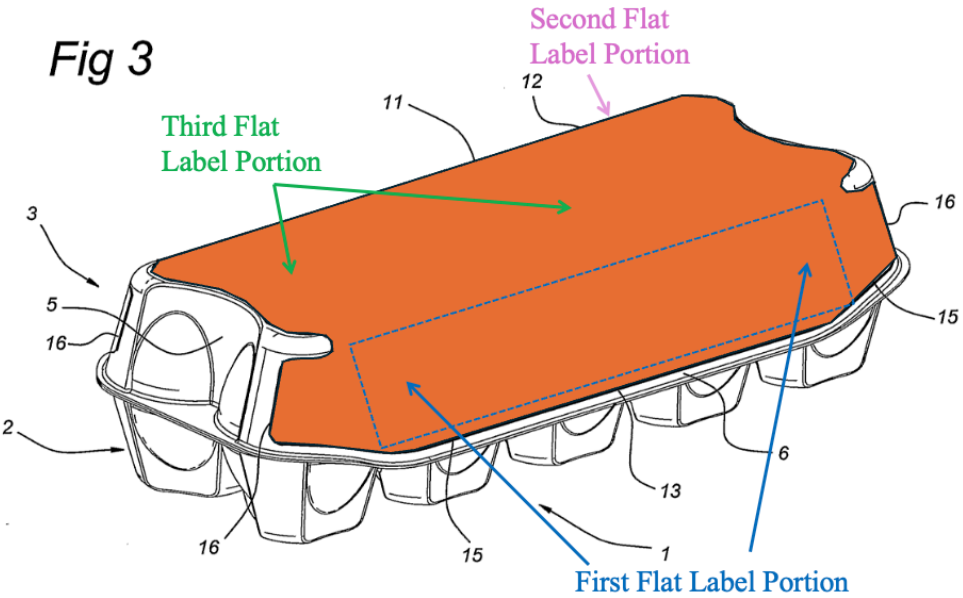
Ex.1010, Fig. 1 (annotated)

[19.1] In the Post-Beese combination, label 11 (**orange**) is *the entire label*. Ex.1003, ¶407. Label 11 includes a front flap 13 (*first flat label portion*) (**blue**) that covers front part 6 of lid part 3, a central part 12 (*third flat label portion*) (**green**) that covers flat top part 4 of lid part 3, and a rear flap 14 (*second flat label portion*) (**pink**) that covers rear wall 7 of lid part 3. The *third flat label portion* is *located between the first and second flat label portions*. Ex.1010, 3 (label applied to "lid part 3…comprises a central part 12, a front flap 13 and a rear flap 14."), 4 (label "is then placed with the central part 12 thereof on the top part 4…[B]oth the front flap 13 and the rear flap 14 are then positioned on the front wall 6 and the rear wall 7, respectively[.]"); Ex.1003, ¶¶407-408. See Fig. 3:



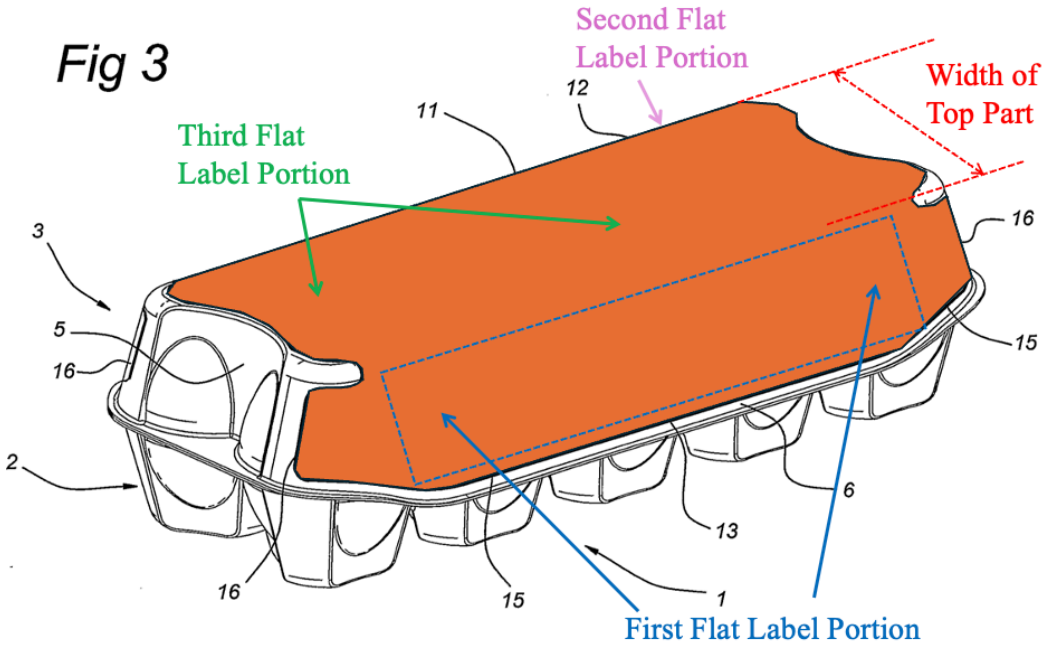
Ex.1010, Fig. 3 (annotated)

[19.2] The Post-Beese combination teaches that *the substantially flat portion of the entire label* extends on front part 6 of lid part 3. *See* [14.8.1]. The *first flat label portion* (**blue** arrows) *compris[es] the substantially flat portion of the entire label* (**blue** rectangle). Ex.1003, ¶409. See Fig. 3:



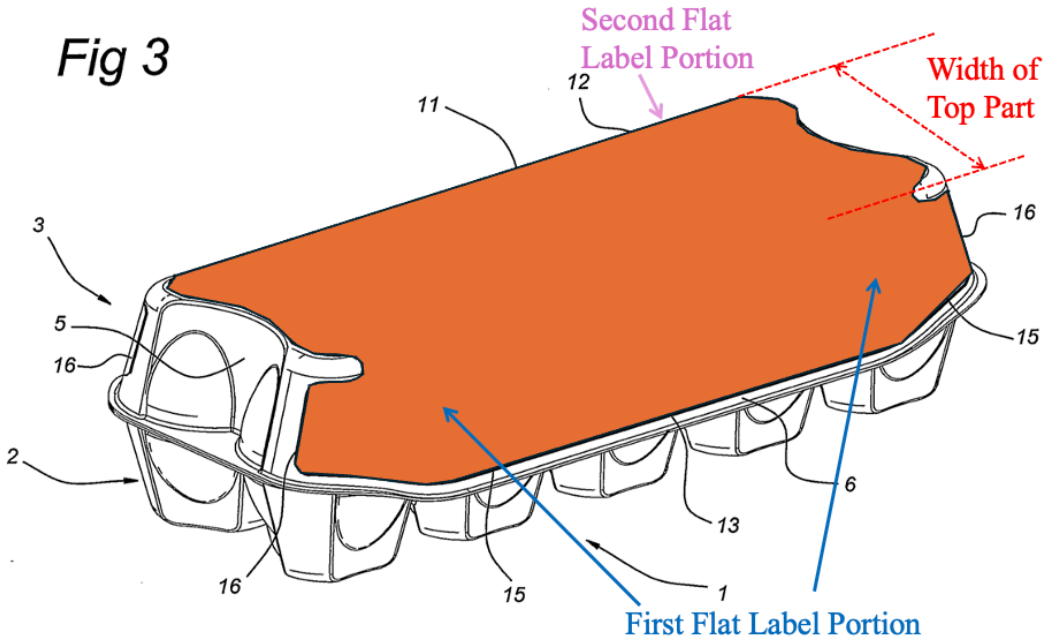
Ex.1010, Fig. 3 (annotated)

[19.3] When lid part 3 (*lid*) *is closed and the entire label is* applied on container (*received by the container*), *third flat label portion* (**green**) *substantially spans* (**green** arrow) *the width of the substantially flat lid top area* (shown in **red**) *and is located directly above the floor* (**purple**). Ex.1003, ¶410. See Fig. 3:



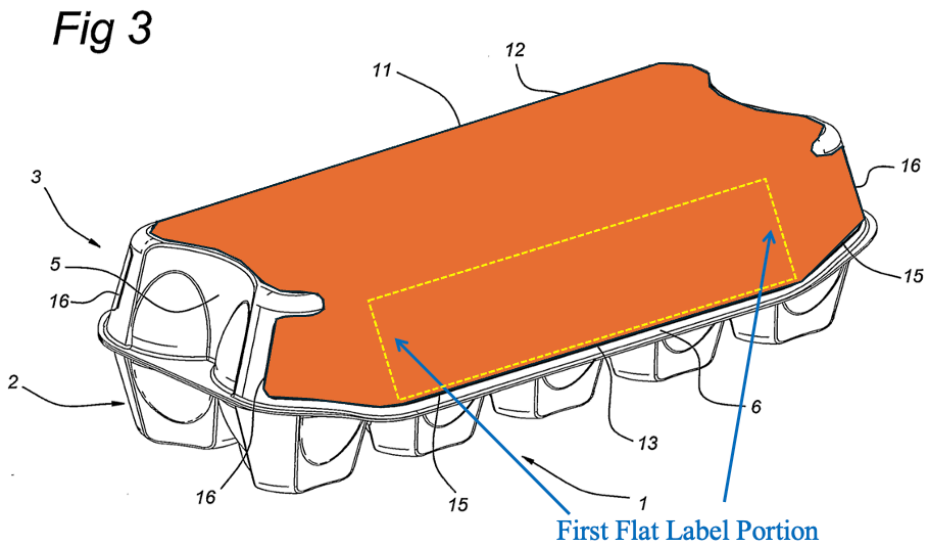
Ex.1010, Fig. 3 (annotated)

[19.4] The *first flat label portion* (**blue**) *is separated from the second flat label portion* (**pink**) *by the width of the substantially flat lid top area* (shown in **red**). Ex.1003, ¶411. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

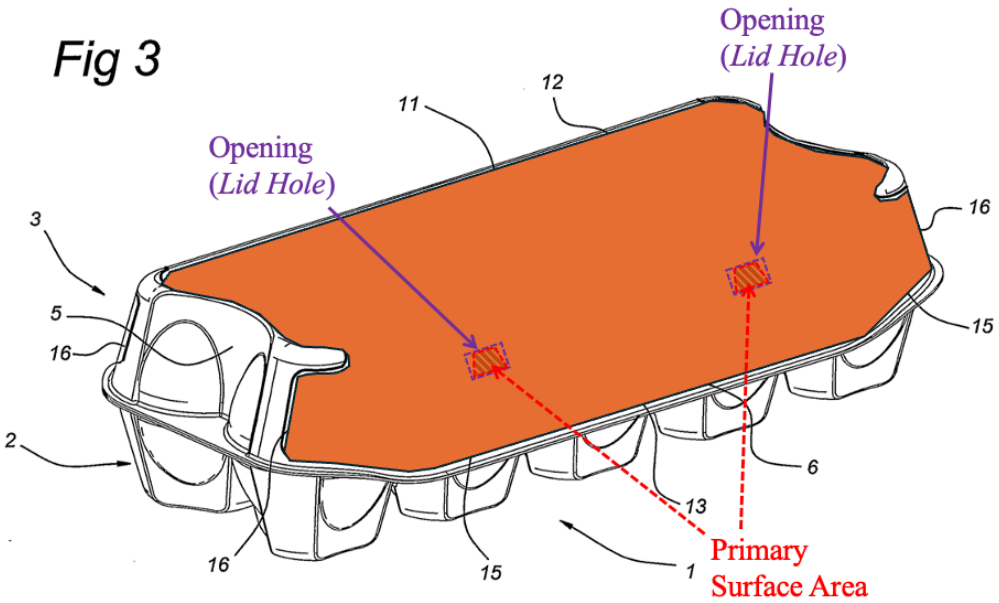
[19.5] The yellow rectangle (*substantially flat area*) *is both[] substantially parallel and immediately adjacent with respect to the first flat label portion* (**blue** arrows) because the yellow rectangle (*substantially flat area*) and *the first flat label portion* (**blue** arrows) are both on front part 6 of lid part 3. Ex.1003, ¶412. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

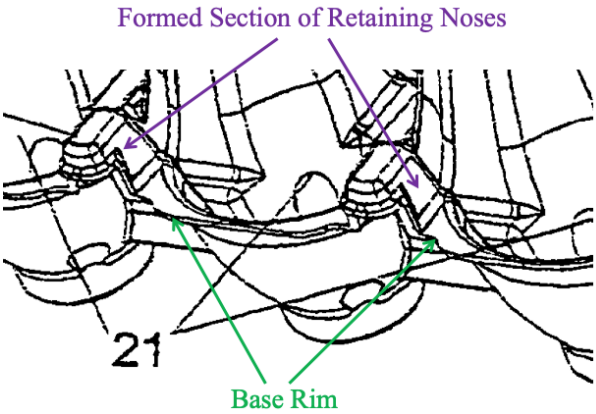
14. Claim 20

[20.0] When lid part 3 (*lid*) *is closed*, the opening *(at least one lid hole*) (**purple**) mates with (*corresponds with*) the hashed surface area on front of retaining nose 24 (*flat portion*) *of the primary surface area* (**red**). Ex.1003, ¶413. See Fig. 3:



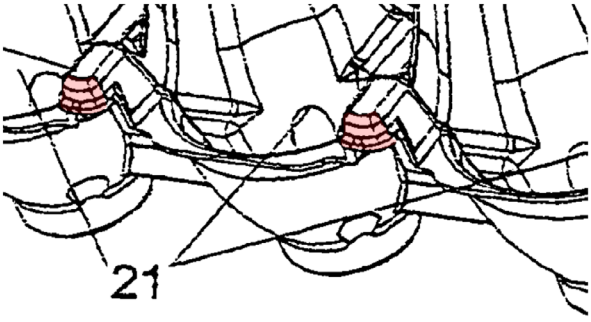
Ex.1010, Fig. 3 (annotated)

[20.1] Beese discloses that *the formed section of the at least one base extension protrudes from the base*. Ex.1003, ¶414. See Fig. 3:

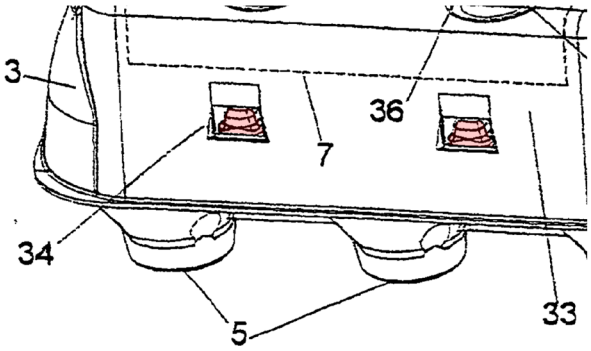


Ex.1009, Fig. 1 (annotated partial view)

The *formed section* of Beese's retaining noses 24 protrude[s] from the base into at least one opening (lid hole) to provide the substantially flat area (**red**) on the front, external-facing surface of retaining nose 24. Ex.1009, [0027] ("front part 33 contains two openings 34, which are intended for interacting with the [retaining] noses 24[.]"); Ex.1003, ¶415. See Figs. 1, 2:

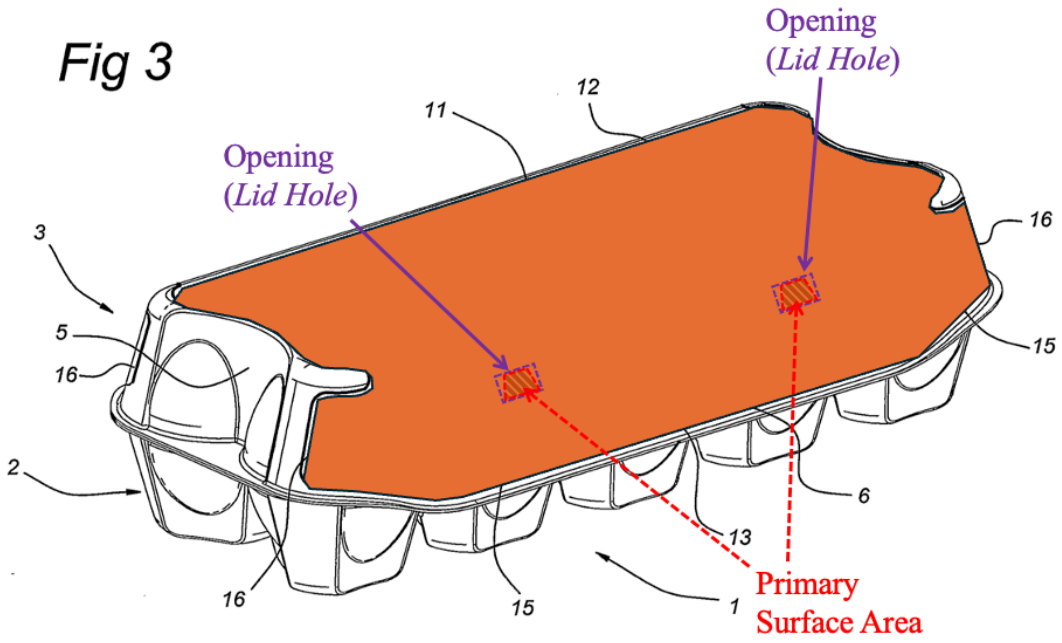


Ex.1009, Fig. 1
(annotated partial view)



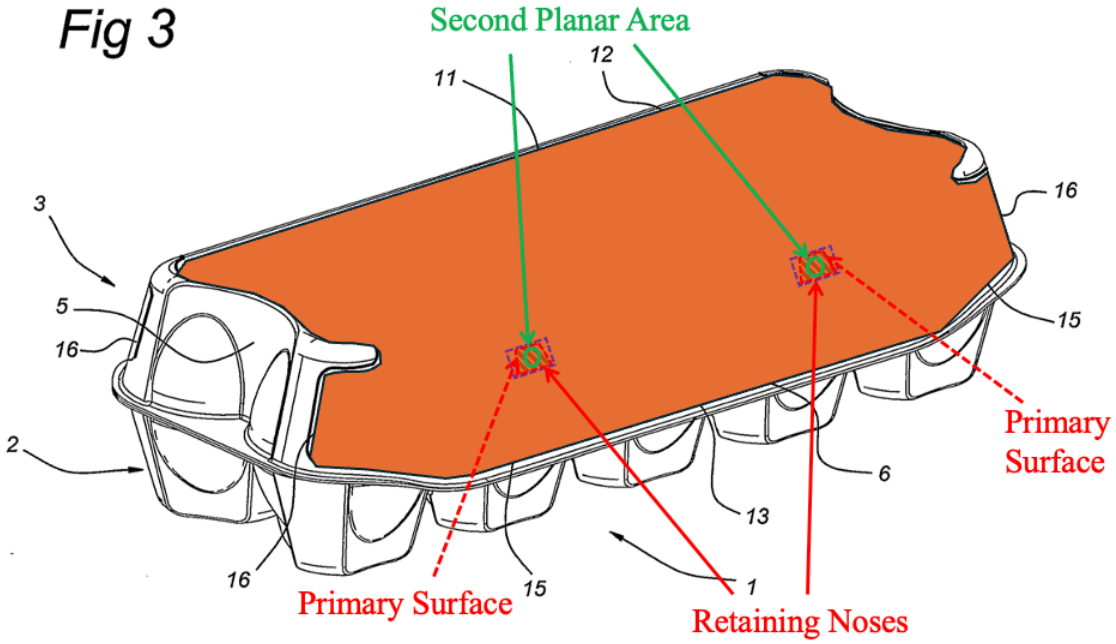
Ex.1009, Fig. 2
(annotated partial view)

In the Post-Beese combination, Beese's retaining noses 24 *protrude[s] from the base, generally into the at least one lid hole* (**purple**)*, to provide* the hashed surface area on front of retaining nose 24 (*flat portion*) *of the primary surface area* (**red**). Ex.1003, ¶416. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

[20.2] Post and Beese render obvious that a front surface of retaining noses 24 (*second planar area*) (**green** oval) *compris[es]* a perimeter (*planar perimeter*). Ex.1003, ¶417. The hashed surface area on front of retaining nose 24 (*substantially flat area*) is in the same plane (*substantially coplanar*) *with the* perimeter (*planar perimeter*) *of the flat portion* because *the substantially flat area* and *the planar perimeter of the flat portion* are on the front, external-facing surface of the retaining noses 24. Ex.1003, ¶417. See Fig. 3:

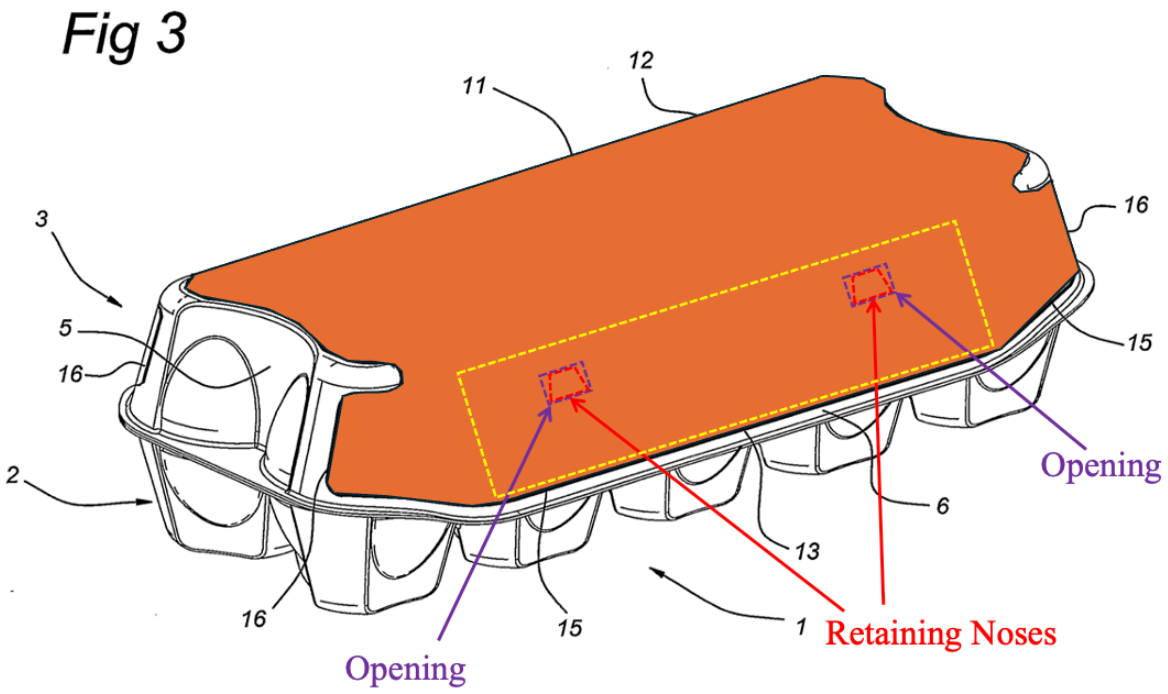


Ex.1010, Fig. 3 (annotated)

15. Claim 21

[21.0] Beese's retaining noses 24 in Post's bottom part 2 that interface with corresponding openings in Post's lid part 3 are the *at least one mechanical locking mechanism*. This is because retaining noses 24 interact with openings *to lock* lid part 3 (lid) to bottom part 2 (*base*) *when the lid is closed*. Ex.1009, [0027] ("front part 33 contains two openings 34, which are intended for interacting with the noses 24…in order to lock the lid part 3[.]"). In fact, the Post-Beese-Mangla combination includes two *mechanical locking mechanism*(s): (1) retaining nose 24 (**red**) and corresponding opening (**purple**) on the **left**, and (2) retaining nose 24 (**red**) and corresponding opening (**purple**) on the **right**. These *mechanisms* are *disposed within*

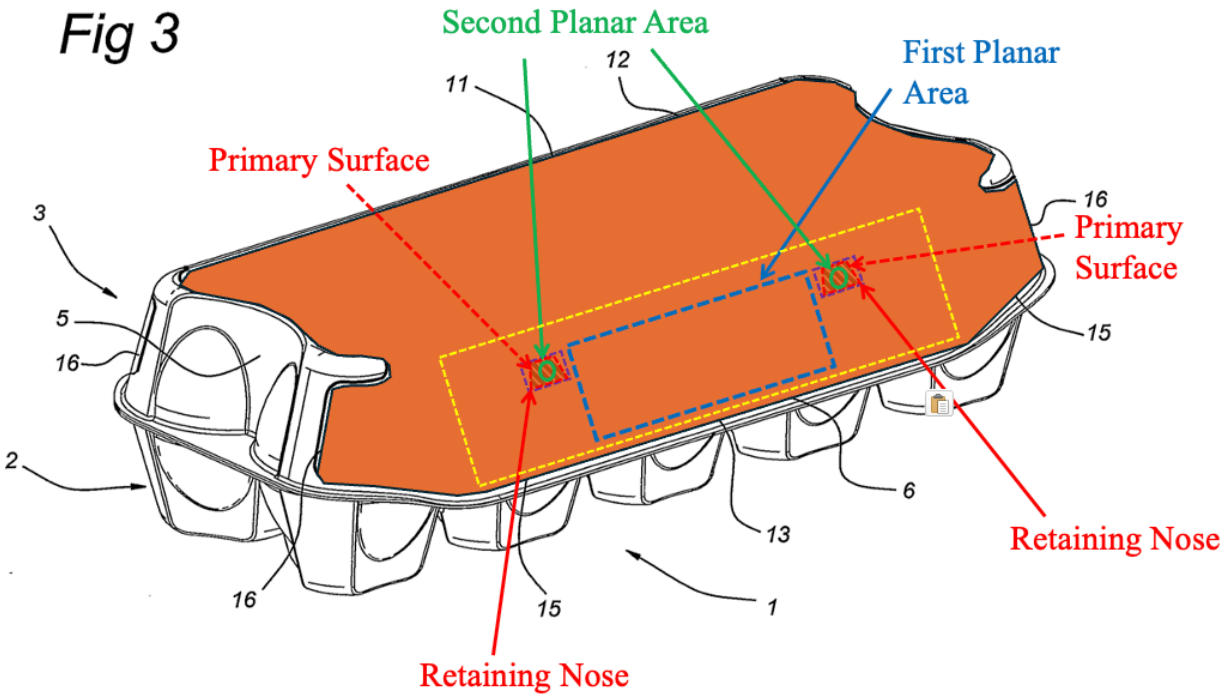
the perimeter of the yellow rectangle (*substantially flat area*) (*see* [14.6.1]). Ex.1003, ¶¶418-419. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

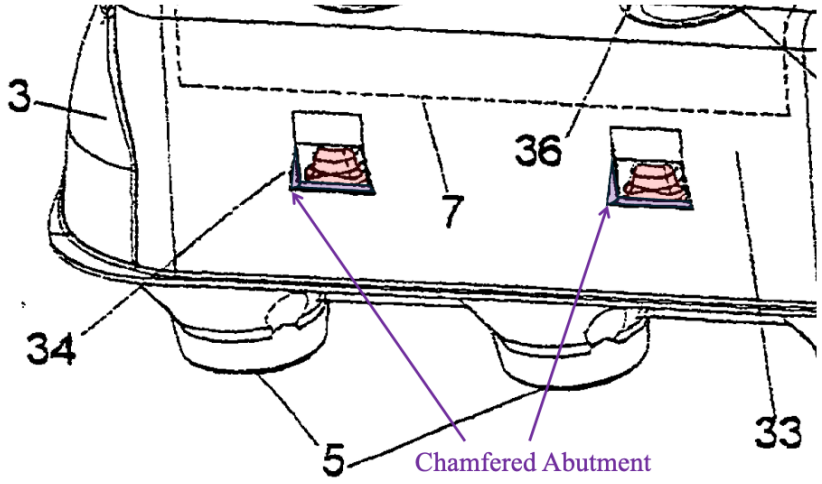
16. Claim 23

[23.0] The container's *first planar area* (**blue** rectangle) and a front surface of retaining noses 24 (*second planar area* (**green** oval)) are *disposed within perimeter of* the yellow rectangle (*substantially flat area*). The *first planar area and second planar area* abut each other. Ex.1003, ¶420. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

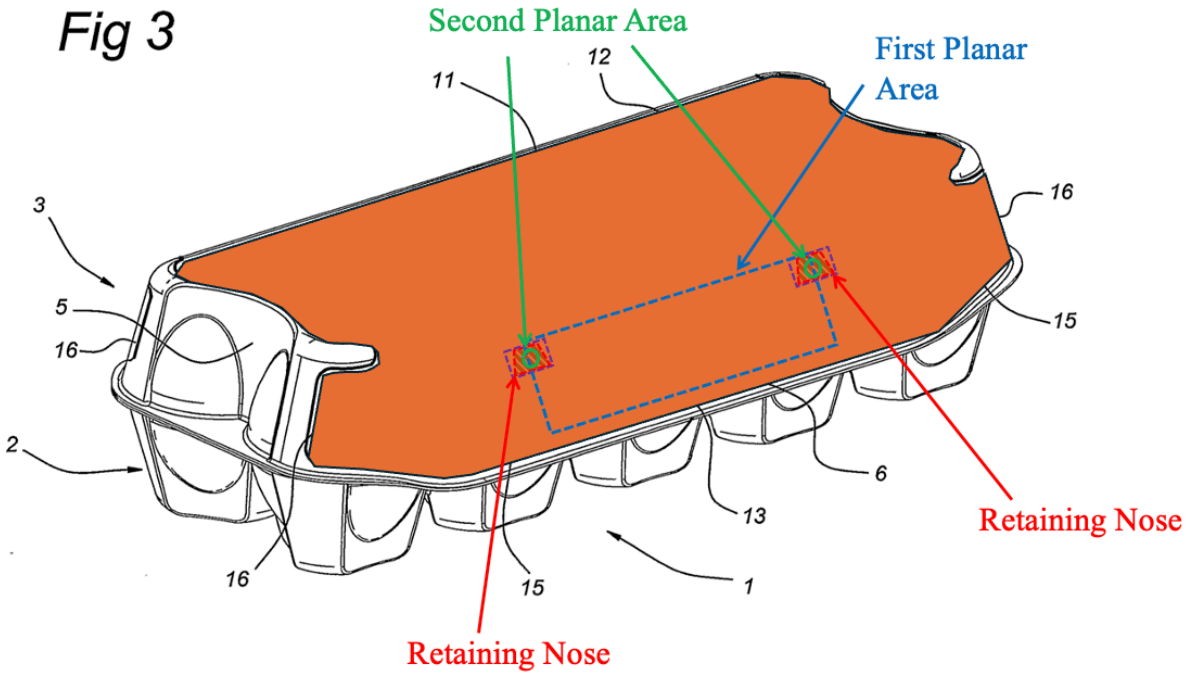
Beese shows that it was known to provide a *chamfered abutment* (**purple**) at the junction between the front part of the lid and the opening through which retaining nose 24 extends (**red**). Ex.1003, ¶421. A POSITA would have been motivated to modify Post's container to *compris[e] a chamfered abutment* (**purple**) *of an edge of first planar area* and at least a part of *second planar area* disposed within the yellow rectangle (perimeter of the substantially flat area). Ex.1003, ¶422. This would have been desirable to provide Beese's retaining noses 24 an amount of movement tolerance as the retaining noses interact with the openings in lid. Ex.1009, [0027] ("front part 33 contains two openings 34, which are intended for interacting with the [retaining] noses 24."). See Fig. 2:



Ex.1009, Fig. 2 (annotated partial view)

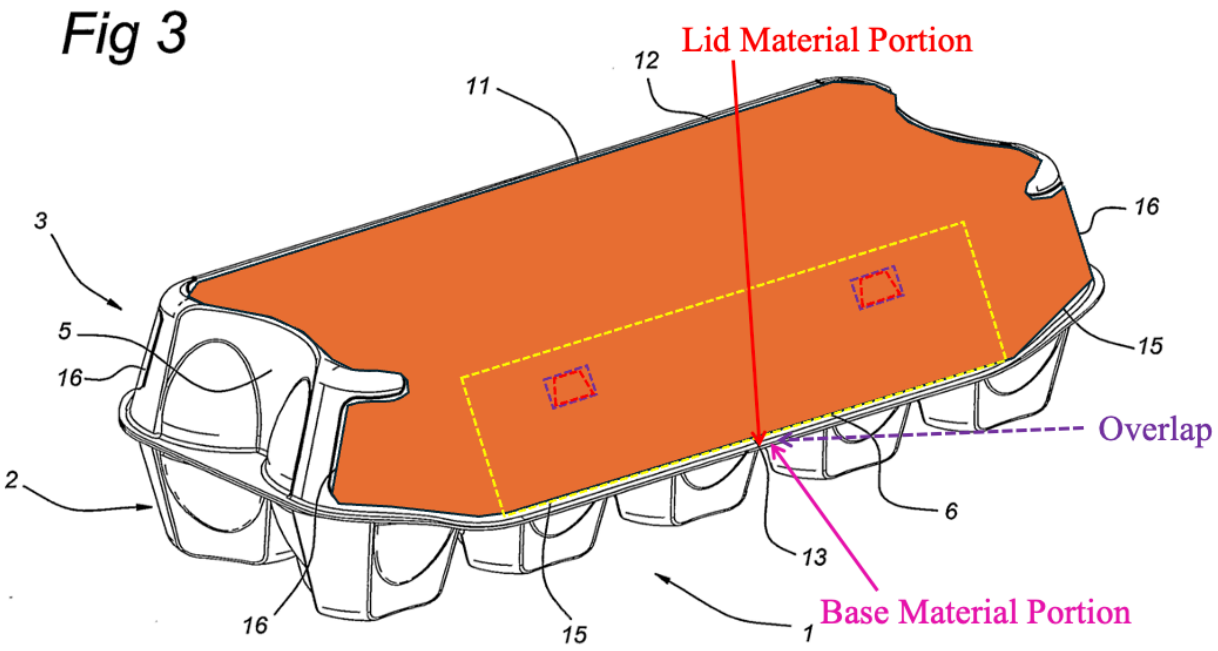
17. Claim 24

[24.0] A POSITA would have understood that the *first planar area* (**blue** rectangle) and a front surface of retaining noses 24 (*second planar area* (**green** oval) *partially overlap when the lid is closed*. Ex.1003, ¶¶423-424. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

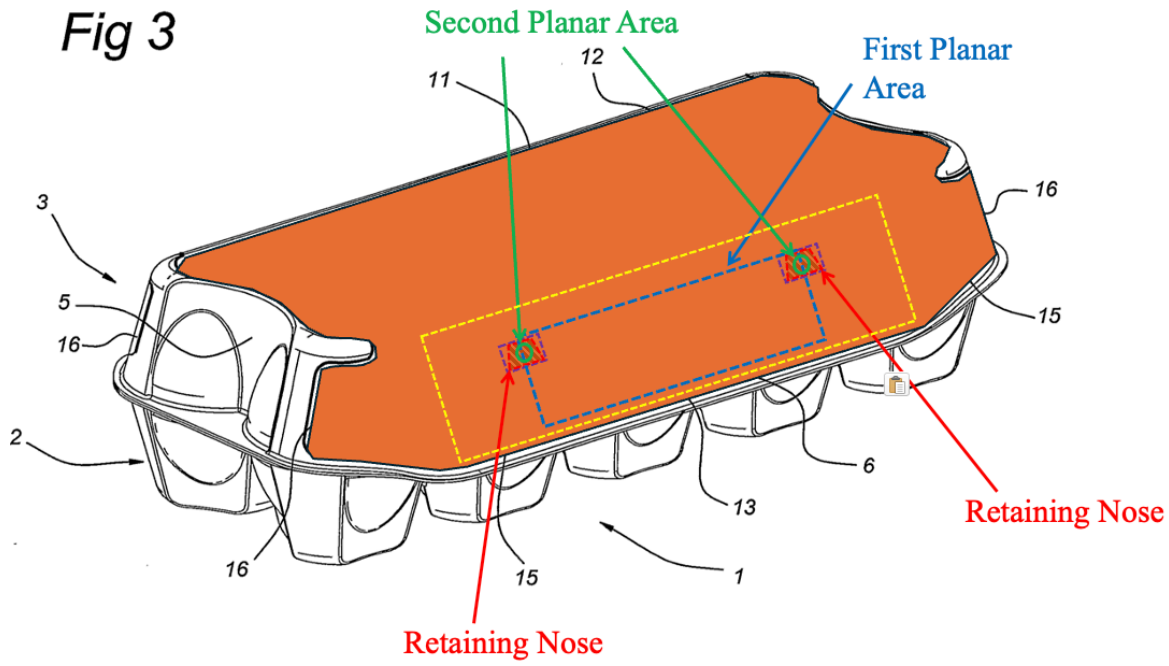
[24.1] The container has *an overlap* (**purple**) *of lid material portion* (**red**) *and base material portion* (**pink**), *disposed within the perimeter* of the yellow rectangle (*substantially flat area*) *when the lid is closed*. The *overlap* (**purple**) occurs *when the lid is closed* because the *lid material portion* (**red**) at the edge of lid part 3 rests on the *base material portion* (**pink**) of bottom part 2 when lid part 3 rests on bottom part 2. Ex.1003, ¶425. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

18. Claim 25

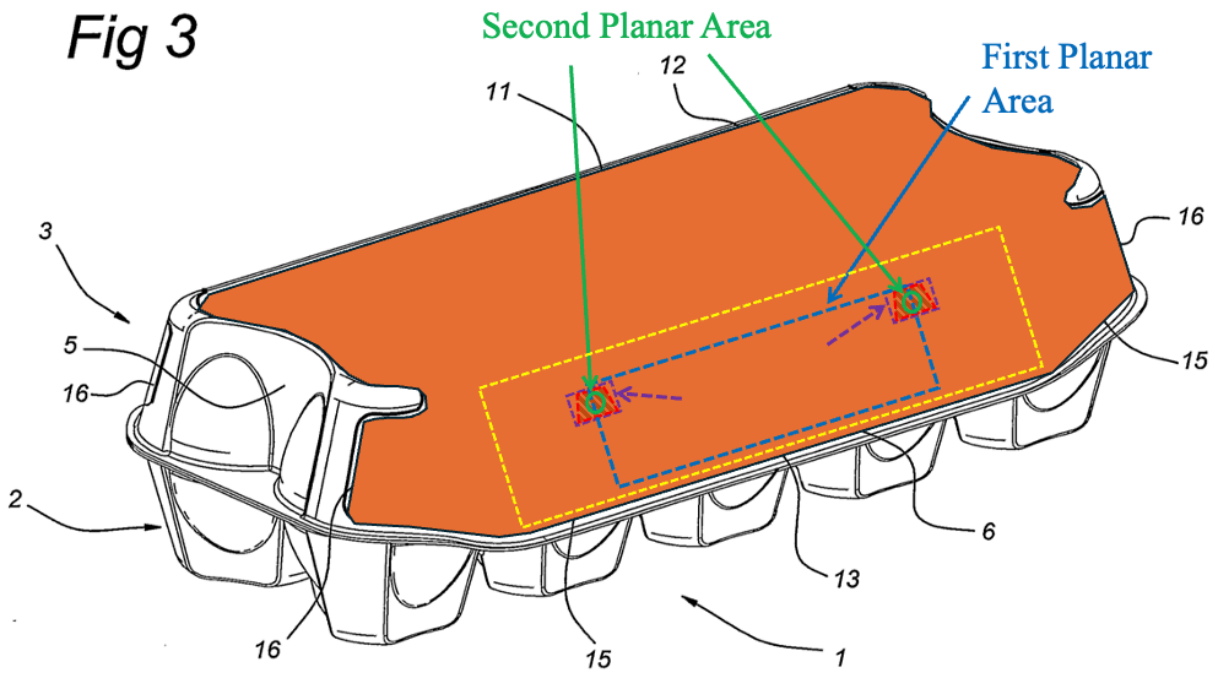
[25.0] The *overlap—see* [24.1]*—includes first planar area* (**blue** rectangle) *located adjacent to* a front surface of retaining noses 24 (*second planar area* (**green** oval, *see* [24.0])). It is also *disposed within the perimeter* of the yellow rectangle (*substantially flat area*). Ex.1003, ¶¶426-427. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

19. Claim 26

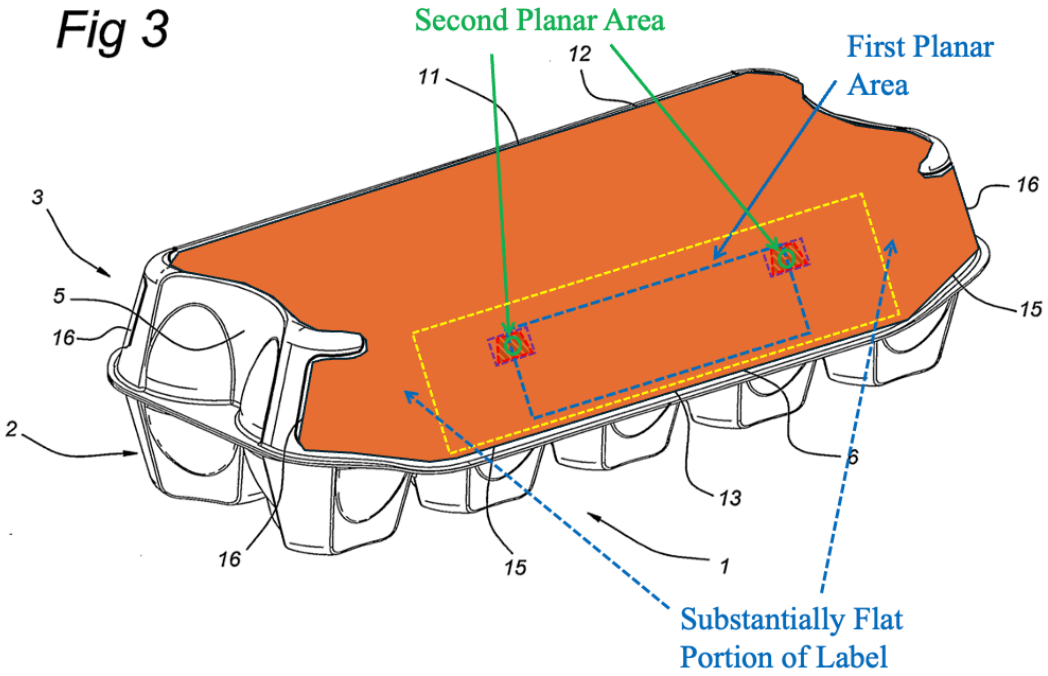
[26.0] The container's *first planar area of overlap—between first planar area* (**blue** rectangle) and a front surface of retaining noses 24 (*second planar area* (**green** oval, *see* [24.0])) *is separated from the second planar area of the overlap* by the thickness of the material of the container (*dimension of material thickness*). Ex.1003, ¶¶428-429. The area between retaining nose 24 (**red**) and lid edge area (**purple** dotted arrows) is the thickness of the container. This area is also within the overlap *between the first planar area* (**blue** rectangle) and a front surface of retaining noses 24 (*second planar area*) (**green** oval, *see* [24.0]). Ex.1003, ¶429. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

20. Claim 27

[27.0] The yellow rectangle (substantially flat area) *is covered with the substantially flat portion of the entire label* (between **blue** arrows) *in the generally flat fashion, to span the overlap between the first planar area* (**blue** dotted rectangle) and a front surface of retaining noses 24 (*second planar area*) (**green** oval). *See* [24.1]; Ex.1003, ¶¶430-431. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

D. Ground 2: Claim 22 is obvious over Post, Beese, Mangla, and Buckley

1. Buckley

Buckley discloses a "packaging unit for…eggs." Ex.1016, Abstract. In one embodiment, the unit includes two openings 9 on opposite ends of front face 14 and a "downwardly curved shape" 17. Ex.1016, 9, 11; Ex.1003, ¶¶433-439. Buckley is analogous art at least because Buckley and the '365 patent are directed to the same field of endeavor. Ex.1003, ¶440. The '365 patent "relates to containers intended to hold fresh food or produce." Ex.1001, 1:20-22. Buckley is also directed to unit "formed to accommodate six eggs." Ex.1016, 8. Buckley is also reasonably pertinent to a problem with which the inventor of the '365 patent was involved. *Compare*

Ex.1001, 1:48-50 ("container configuration which permits flat application of labels.") *with* Ex.1016, 11 ("extending the front face 14" increases printable surface area and "makes the unit easier to open."); Ex.1003, ¶440.

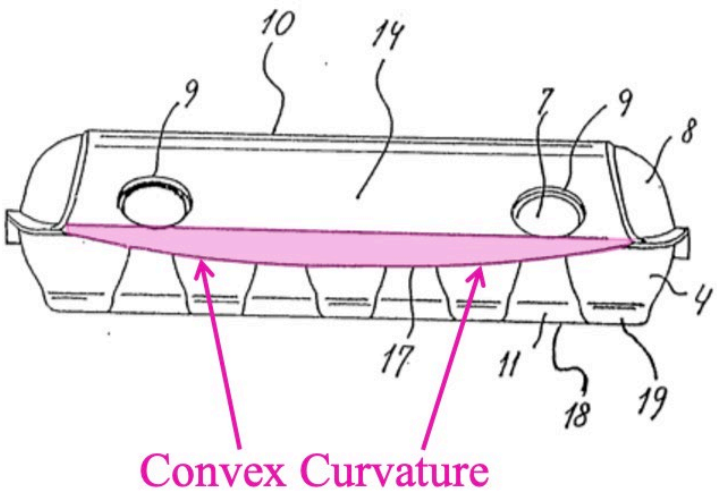
2. Reasons to Combine Post-Beese-Mangla with Buckley

A POSITA would have been motivated to modify Post's container to use Beese's retaining noses 24 with corresponding openings in Post's lid part 3 as the locking mechanism. Ex.1003, ¶441. A POSITA would have been motivated to modify Post in view of Beese. *See* Section XI.C.4; Ex.1003, ¶441.

A POSITA would have further been motivated to modify front wall 6 of lid part 3 in the Post-Beese-Mangla combination container so that the bottom edge of the lid includes a convex curvature—Buckley's downwardly curved shape 17—between the lid openings, per Buckley. Ex.1016, Fig. 3c (showing front face 14 of cover part 3 having a "downwardly curved shape" 17 between two openings 9 on opposite ends of front face 14); Ex.1003, ¶442.

Buckley explains that its "downwardly curved shape [17] of the front face 14" together with the protrusions through openings 9 on cover part 3 "make it easy for the user to open the unit." Ex.1016, 9. A POSITA would thus have been motivated to modify front wall 6, per Buckley, to make it easier for the consumer to open lid part 3 and access the eggs. Ex.1003, ¶443. Buckley also explains that extending flap 14 to have a "downwardly curved edge portion 17" increases "the frontal area which

can be used for graphical and/or pictorial information[.]" Ex.1016, 11. A POSITA would have therefore been motivated to modify front wall 6, per Buckley, so that the bottom edge of the lid has a convex curvature to provide a larger area for "graphical and/or pictorial information" on the portion of the label that would cover the extended lid part 3. Ex.1003, ¶443. See Fig. 3c:



Ex.1016, Fig. 3c (partial and annotated)

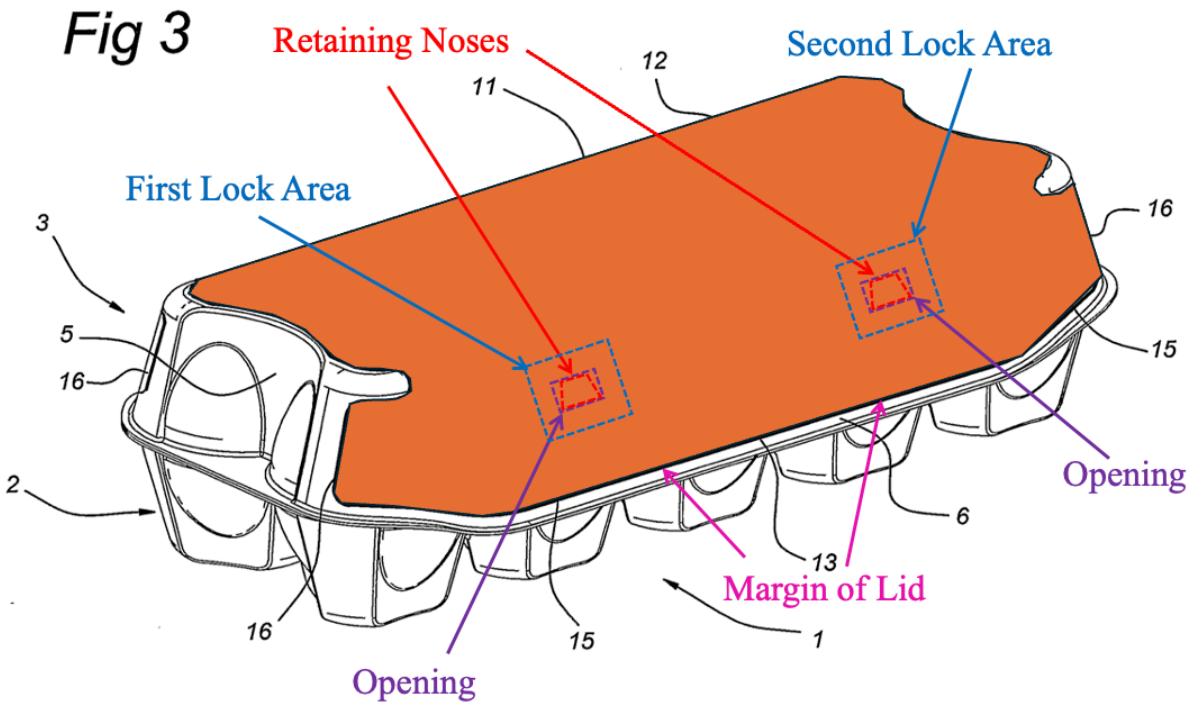
The Post-Beese-Mangla-Buckley combination is nothing more than the combination of prior art elements (Beese's retaining noses 24 extending from Post's bottom part 2 with corresponding openings in Post's lid part 3 to accommodate Beese's retaining noses 24, and the bottom edge of Post's lid part 3 extending downward with a convex curvature between the openings) according known methods (extending Post's label 11 to the bottom edge of front part 6 of Post's lid part 3 without interruptions for openings, per Beese, and extending the bottom edge of Post's lid part to have a convex curvature, per Buckley), to yield the predictable

result (extending front wall 6 of Post's lid part 3 in the Post-Beese-Mangla combination container so that the bottom edge of the lid has a convex curvature to make it easier for the user to open the lid part). Ex.1016, 9, 11; Ex.1003, ¶444.

A POSITA would have had a reasonable expectation of success in the combination. This is because, as shown in Buckley, it was known and desirable to have a convex curvature at the base of the lid between the openings in the front wall of the lid to make it easier for the consumer to open the container, and increase the area for printing and/or labeling. Ex.1016, 9, 11; Ex.1003, ¶445. This combination relies on the combined teachings of Post, Beese, Mangla, and Buckley as understood by a POSITA and not on a physical incorporation of elements from one into another. *In re Mouttet*, 686 F.3d 1322, 1332 (Fed. Cir. 2012).

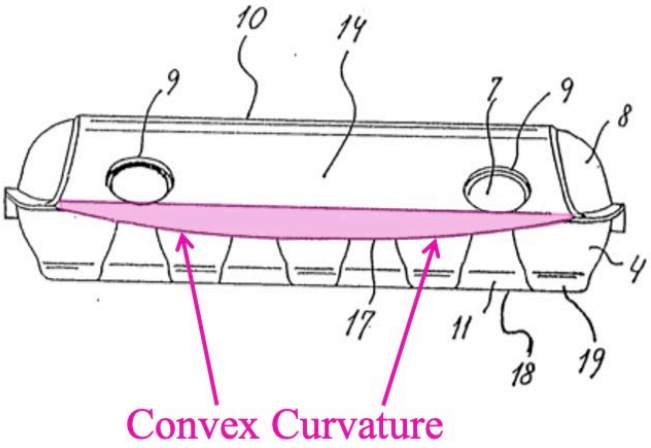
3. Claim 22

[22.0] When *the lid is closed*, the *margin of the lid* (**pink**) *extends* (left to right) *from* the rectangle on left (*first lock area*) (**blue**) *adjacent to* left retaining nose 24 (*first of the at least one mechanical locking mechanism*) (**retaining nose** / **opening**) to the rectangle on right (*second lock area*) (**blue**) *adjacent to* right retaining nose 24 (*second of the at least one mechanical locking mechanism*) (**retaining nose** / **opening**). Ex.1003, ¶455. See Fig. 3:



Ex.1010, Fig. 3 (annotated)

[22.1] The Post-Beese-Mangla combination teaches the claimed *first lock area*, *second lock area*, and *margin* of the lid. *See* [22.0]. Buckley discloses that the base of front face 14 of cover part 3 (*bottom edge of lid*) has a downwardly curved portion 17 (*convex curvature*) (**pink**) between openings 9 in front face 14. Ex.1016, 11; Ex.1003, ¶¶456-458. The combination thus renders obvious *between* the dotted rectangle on left (*first lock area*) (**blue**) and the dotted rectangle on right (*second lock area*) (**blue**), *the margin* (denoted with **pink** arrows, *see* [22.0]) has a bottom edge having a convex curvature (*at least one convex curvature portion*) (**pink**). Ex.1003, ¶¶458-459. See Fig. 3c:



Ex.1016, Fig. 3c (partial and annotated)

A POSITA would have been motivated to modify the Post-Beese-Mangla combination with Buckley. *See* Section XI.D.2.

XII. DISCRETIONARY DENIAL IS NOT APPROPRIATE

A. No Basis for 35 U.S.C. §325(d) Denial

Post, Beese, Mangla, and Buckley were not cited or considered during prosecution of the '365 patent. Discretionary denial under §325(d) is inappropriate at least because the first part of the *Advanced Bionics* framework is not met. *Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH*, IPR2019-01469, Paper 6 (Feb. 13, 2020) (precedential).

B. No Basis for 35 U.S.C. §314/*Fintiv* Denial

The Board should not discretionarily deny institution based on the co-pending district court litigation involving Patent Owner and Petitioners (*Maurice J.P. Tabone v. Hartmann US Inc., et al.*, 4:23-cv-0986 (E.D. Mo.)). To reduce overlap between

the two proceedings, if the Board institutes an IPR trial on this Petition, Petitioners hereby stipulate that Petitioners will not pursue in the co-pending litigation the specific grounds asserted in this petition, or any other ground that could have been reasonably raised in an IPR (i.e., grounds that could have been raised under §§102 or 103 on the basis of prior art patent or printed publications). *See Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-00109, Paper 12, 18-19 (Dec. 1, 2020). Pursuant to the Director's "Interim Procedure for Discretionary Denials," the Board should not discretionarily deny institution in view of Petitioner's *Sotera* stipulation. EX1024, 3 ("Consistent with *Sotera Wireless, Inc*., the PTAB will not discretionarily deny institution in view of parallel district court litigation where a petitioner presents a stipulation not to pursue in a parallel proceeding the same grounds or any grounds that could have reasonably been raised before the PTAB."), 7 (similar).

C. Discretionary Denial under *General Plastic* is Not Appropriate

The '365 patent has not been challenged in any prior IPR petition, so none of the *General Plastic* discretionary institution factors apply. *See General Plastic Indus. Co., Ltd. v. Canon Kabushiki Kaisha*, IPR2016-01357, Paper 19, 16 (Sept. 6, 2016) (Section II.B.4.i. precedential).

XIII. CONCLUSION

Petitioners have established a reasonable likelihood that the Challenged Claims are unpatentable.

Respectfully submitted,

Dated: August 1, 2024
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XIV. MANDATORY NOTICES UNDER 37 C.F.R. §42.8

A. Real Party-in-Interest

Brødrene Hartmann A/S, Hartmann US, Inc., and The Happy Group Inc. are the real parties-in-interest.

B. Related Matters

The '365 patent is involved in: *Maurice J.P. Tabone v. Hartmann US Inc., et al.*, 4:23-cv-0986 (E.D. Mo.) (filed Aug. 8, 2023) (Ex.1017).

Petitioners challenged claims 1-10 and 28-30 of the '365 patent in IPR2024-01215 (filed concurrently).

C. Lead and Back-up Counsel and Service Information

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Please address all correspondence to lead and back-up counsel. Petitioner consents to email service as noted above and asks Patent Owner to do the same.

CLAIM APPENDIX

[11.0] A container for packaging a product,

[11.1] the container comprising: a base having a floor;

[11.2.1] [the container comprising:] a lid moveable about a hinge with respect to the base from: a substantially open position to a substantially closed position,

[11.2.2] wherein the substantially closed position substantially defines a cavity disposed substantially inside the container between the floor and the lid,

[11.2.3] the base and lid both formed from a container material;

[11.3.1] the cavity having a base portion of the cavity dimensioned to contain at least a first portion of the product disposed substantially inside the base, and

[11.3.2] [the cavity having] a lid portion of the cavity having a shape suitable to contain at least a second portion of the product disposed outside the base portion of the cavity when the lid is in the substantially closed position,

[11.3.3] wherein the lid portion of the cavity is disposed at least generally beyond the base and generally outward from the base portion of the cavity;

[11.4.1] the container material having a material thickness generally defined by a first material surface disposed on an immediately opposite side of the container material to a second material surface, and

[11.4.2] wherein a portion of the first material surface is substantially parallel with respect to an immediately opposite portion of the second material surface;

[11.5.1] the lid having a substantially flat lid top area disposed at least generally parallel to the floor when the lid is in the substantially closed position and including a lid top portion of the first material surface disposed on a first predominantly external lid surface area,

[11.5.2] [the lid having] a substantially planar frontal extension extending from the substantially flat lid top area to a bottom edge of the lid,

[11.5.3] wherein the bottom edge of the lid is between the substantially flat lid top area and the floor when the lid is in the substantially closed position and

[11.5.4] [wherein the bottom edge of the lid is] beyond an area directly between the substantially flat lid top area and floor when the lid is in the substantially closed position, and

[11.5.5] [the lid] having a lid front portion of the first material surface disposed on a second predominantly external lid surface area extending generally downwardly from the substantially flat lid top area when the lid is in the substantially closed position and

[11.5.6] the floor is positioned substantially horizontal with the substantially flat lid top area located above the floor,

[11.5.7] wherein the substantially planar frontal extension is disposed facing substantially upwardly with respect to the floor, and

[11.5.8] [the lid having] a lid end portion defined generally at a margin of the lid, and

[11.5.9] a lid hole substantially defined in the container material by a lid hole edge and fully encompassed within a substantially planar lid area,

[11.5.10] wherein the second material surface of the substantially flat lid top area and the second material surface of the substantially planar frontal extension intersect at an obtuse angle;

[11.6.1] the base having the floor

[11.6.2] wherein, with respect to the cavity, the floor comprises an external floor surface area disposed on the first material surface and an internal floor surface area disposed on the second material surface,

[11.6.3] [the base having] a sidewall extending generally upwardly from the floor having, with respect to the cavity, a predominantly external sidewall surface area disposed on the first material surface and a predominantly internal sidewall surface area disposed on the second material surface,

[11.6.4] [the base having] a rim wherein, a portion of the rim partially defines a base opening suitable for at least partial receipt of the product into the base portion of the cavity, and

[11.6.5] [the base having] a base extension generally extending from the rim,

[11.6.6] the base extension comprising a primary surface area disposed facing substantially externally with respect to the base portion of the cavity,

[11.6.7] wherein the primary surface area comprising a flat portion disposed on an extension of the predominantly internal sidewall surface area of the second material surface, and

[11.6.8] wherein the base extension having a secondary surface area on an immediately opposite side of the container material to the flat portion of primary surface area, the secondary surface area disposed on an extension of the predominantly external sidewall surface area of the first material surface

[11.6.9] wherein when the lid is in the substantially closed position, the substantially planar frontal extension is disposed obliquely to the floor and projects generally away from the hinge from, the substantially flat lid top area to, the lid end portion,

[11.6.10] wherein the substantially planar frontal extension terminates substantially at the margin;

[11.7.1] [the container comprising:] a label covering the substantially flat lid top area of the lid,

[11.7.2] [the label] having a substantially flat portion covering the substantially planar frontal extension,

[11.7.3] wherein the label extends beyond the substantially planar frontal extension,

[11.7.4] when the lid is in the substantially closed position, the label covers the flat portion of the base extension; and

[11.7.5] the lid having a first planar area disposed on the substantially planar frontal extension,

[11.7.6] the base having a second planar area disposed on the flat portion of the primary surface disposed obliquely to the floor,

[11.7.7] wherein the first planar area and the second planar area are generally coplanar and disposed facing externally with respect to the cavity when the lid is in the substantially closed position.

[12.0] The container of claim 11 wherein, in the substantially closed position, both, the lid hole and the lid hole edge are entirely encompassed within the substantially planar frontal extension, and

[12.1] the first planar area has a surface area greater than 5 cm2.

[13.0] The container of claim 11 wherein the substantially flat lid top area has a width disposed generally between the hinge and the substantially planar frontal extension;

[13.1] the label has a first flat portion encompassing the substantially flat portion,

[13.2] wherein the first flat portion is separated from the third flat portion by the width of the substantially flat lid top area.

[14.0] A container for packaging contents intended for sale wherein, the contents comprising a product, the container comprising:

[14.1.1] a container material substantially comprising a base, a floor and,

[14.1.2] [the container material substantially comprising:] a lid moveable with respect to the base from, at least one substantially open position to, at least one substantially closed position

[14.1.3] wherein, the at least one substantially closed position substantially defining a cavity disposed substantially inside the container between the floor and the lid;

[14.1.4] the cavity comprising: a base portion of the cavity to contain at least a first portion of the product disposed substantially inside the base; and

[14.2.1] [the cavity comprising:] a lid portion of the cavity modified to contain at least a second portion of the product disposed substantially outside the base portion of the cavity

[14.2.2] wherein, the container material further comprising: a material thickness having a dimension generally defined by two material surfaces wherein, a first of the two material surfaces is disposed on an immediately opposite side of the container material with respect to a second of the two material surfaces and

[14.2.3] wherein, at least one portion of the first of the two material surfaces is disposed substantially parallel with respect to an immediately opposite portion of the second of the two material surfaces;

[14.3.1] the lid comprising: the lid portion of the cavity comprising a shape suitable to contain at least the second portion of the product disposed outside the base when the lid is in the at least one substantially closed position

[14.3.2] wherein, the lid portion of the cavity is disposed at least generally beyond the base and generally outwardly with respect to the base portion of the cavity;

[14.3.3] [the lid comprising:] a hinged attachment to the base disposed generally adjacent to a hinged side of the lid

[14.3.4] wherein, the lid is movable about the hinged attachment between, the at least one substantially open position and, the at least one substantially closed position;

[14.3.5] [the lid comprising:] a substantially flat lid top area disposed at least generally parallel to the floor when the lid is in the at least one substantially closed position

[14.3.6] wherein, the substantially flat lid top area comprising a lid top portion of the first of the two material surfaces disposed on a first predominantly external lid surface area;

[14.3.7] [the lid comprising:] a substantially planar frontal extension comprising a lid front portion of the first of the two material surfaces disposed on a second predominantly external lid surface area extending generally downwardly from the substantially flat lid top area

[14.3.8] wherein, when the lid is in the at least one substantially closed position and the floor is positioned substantially horizontally, the substantially planar frontal extension is disposed facing substantially upwardly with respect to the floor and,

[14.3.9] wherein [the lid] comprising a lid end portion defined generally at a margin of the lid

[14.3.10] wherein, the substantially planar frontal extension is inclined at a reflex angle of less than 270 degrees with respect to the substantially flat lid top area; and

[14.3.11] [the lid comprising:] at least one lid hole comprising an opening substantially defined in the container material by a lid hole edge wherein, the at least one lid hole is fully encompassed within a substantially planar lid area having the lid hole edge;

[14.4.1] the base comprising: the floor

[14.4.2] wherein, with respect to the cavity, the floor comprising, at least one external floor surface area disposed on the first of the two material surfaces and at

least one internal floor surface area disposed on the second of the two material surfaces;

[14.4.3] [the base comprising:] at least one sidewall extending generally upwardly from the floor and comprising, with respect to the cavity, a predominantly external sidewall surface area disposed on the first of the two material surfaces and a predominantly internal sidewall surface area disposed on the second of the two material surfaces;

[14.4.4] [the base comprising:] a rim wherein, at least one portion of the rim partially defines a base opening suitable for at least partial receipt of the product into the base portion of the cavity; and

[14.4.5] [the base comprising:] at least one base extension generally extending from the at least one portion of the rim,

[14.4.6] the at least one base extension comprising a primary surface area disposed facing substantially externally with respect to the base portion of the cavity

[14.4.7] wherein, the primary surface area comprising a flat portion disposed on an extension of the predominantly internal sidewall surface area of the second of the two material surfaces and,

[14.4.8] wherein, the at least one base extension comprising a secondary surface area on an immediately opposite side of the container material to the flat portion of primary surface area, the secondary surface area disposed on an extension of the

predominantly external sidewall surface area of the first of the two material surfaces

[14.4.9] wherein, when the lid is in the at least one substantially closed position and the container is orientated wherein the floor is substantially horizontal and the at least one external floor surface area faces substantially downwardly, the substantially planar frontal extension is disposed obliquely to the floor and projects generally downwardly in a direction generally away from the hinged side of the lid from, the substantially flat lid top area to, the lid end portion

[14.4.10] wherein the substantially planar frontal extension terminates substantially at the margin;

[14.5.1] the container further comprising: a first planar area disposed on the lid, within the bounds of the substantially planar frontal extension; and

[14.5.2] [the container further comprising:] a second planar area disposed on the flat portion of the primary surface, disposed obliquely with respect to the floor

[14.5.3] wherein, when the lid is in the at least one substantially closed position, the first planar area and the second planar area face substantially in the same direction

[14.6.1] wherein, the container comprising; a substantially flat area, inclined at a reflex angle of less than 270 degrees with respect to the substantially flat lid top area

[14.6.2] wherein, the substantially flat area comprising: a circumferential dimension which is substantially less than each of, a largest internal perimeter of the base opening and an outermost perimeter of the lid;

[14.6.3] [wherein, the substantially flat area comprising:] an edge of the first planar area and at least part of the second planar area, disposed facing at least substantially externally with respect to the cavity; and

[14.7.1] [the container comprising:] at least one surface configuration between the lid and the base comprising, at least, the first planar area of the lid, at least two distinct boundary portions of the flat portion of the primary surface area and, the flat portion of the primary surface area of the at least one base extension

[14.7.2] wherein, the flat portion comprising the second planar area disposed substantially co-planar with respect to, both, the lid front portion of the first of the two material surfaces, and the at least two distinct boundary portions, to comprise the substantially flat area,

[14.8.1] wherein, the substantially flat area is disposed substantially outside of the cavity of the container and is suitable to be covered in a generally flat fashion by a substantially flat portion of an entire label

[14.8.2] wherein, the entire label is proposed to be received by the container wherein the entire label is larger than the substantially flat area and

[14.8.3] wherein, the substantially flat portion of the entire label is proposed to contour substantially to the substantially flat area, in the generally flat fashion, to cover at least two immediately adjacent surface portions of the container with respect to the at least one surface configuration

[14.8.4] wherein, a first of the at least two immediately adjacent surface portions is the entire flat portion of the primary surface area of the at least one base extension and, a second of the at least two immediately adjacent surface portions is disposed on the substantially planar frontal extension

[14.9.1] wherein, when contouring to the substantially flat area and covering the at least two immediately adjacent surface portions in the generally flat fashion, the substantially flat portion of the entire label is proposed to at least generally contour to an outermost shape of the container including, at least each of, the lid front portion of the first of the two material surfaces of the substantially planar frontal extension, the second planar area and, the at least two distinct boundary portions of the flat portion of the primary surface area of the at least one base extension.

[15.0] The container of claim 14 wherein, the at least one base extension comprising a formed section wherein, the formed section stands proud of the at least one portion of the rim

[15.1] wherein, the second planar area comprising a planar perimeter wherein, a portion of the planar perimeter defines at least two distinct sides of the second planar area and

[15.2] wherein, the at least one lid hole is disposed at least generally adjacent to the first planar area

[15.3] wherein, when the lid is in the at least one substantially closed position, the at least one lid hole corresponds to and mates with the at least two distinct sides of the second planar area, to expose the second planar area wherein, facilitating the at least one surface configuration, to provide the substantially flat area.

[16.0] The container of claim 15 wherein, the lid hole edge is substantially planar and

[16.1] wherein, when the lid is in the at least one substantially closed position, the lid hole edge and the at least one lid hole are entirely encompassed within a perimeter of the substantially flat area.

[17.0] The container of claim 16 wherein, a portion of the margin of the lid extends from, a first opening area adjacent to a first of the at least one lid hole to, a second opening area adjacent to a second of the at least one lid hole

[17.1] wherein, the portion of the margin includes a most forwardly extended point of the lid when the lid is in the at least one substantially closed position

[17.2] wherein, the most forwardly extended point of the lid is generally disposed at the front of the container, on a directly opposite side of the container to the hinged attachment.

[18.0] The container of claim 17 wherein, when the lid is in the at least one substantially closed position, the portion of the margin includes at least one point which is closer, to either of, the first lid hole and the second lid hole, than to the floor of the base.

[19.0] The container of claim 15 wherein, the substantially flat lid top area has a width disposed generally between the hinged side of the lid and the substantially planar frontal extension;

[19.1] the entire label having a first flat label portion, a second flat label portion, and a third flat label portion located between the first and second flat label portions,

[19.2] wherein the first flat label portion comprising the substantially flat portion of the entire label;

[19.3] wherein, when the lid is in the at least one substantially closed position and the entire label is received by the container, the third flat label portion substantially spans the width of the substantially flat lid top area and is located directly above the floor,

[19.4] the first flat label portion is separated from the second flat label portion by the width of the substantially flat lid top area, and

[19.5] the substantially flat area is both, substantially parallel and immediately adjacent with respect to the first flat label portion.

[20.0] The container of claim 15 wherein, when the lid is in the at least one substantially closed position, the at least one lid hole corresponds with the flat portion of the primary surface area

[20.1] wherein, the formed section of the at least one base extension protrudes from the base, generally into the at least one lid hole, to provide the substantially flat area

[20.2] wherein, the substantially flat area is substantially coplanar with the planar perimeter of the flat portion.

[21.0] The container of claim 14 wherein, the container comprising at least one mechanical locking mechanism disposed within the perimeter of the substantially flat area, to lock the lid to the base when the lid is in the at least one substantially closed position.

[22.0] The container of claim 21 wherein, when the lid is in the at least one substantially closed position, the margin of the lid extends from a first lock area adjacent to a first of the at least one mechanical locking mechanism to a second lock area adjacent to a second of the at least one mechanical locking mechanism;

[22.1] wherein between the first lock area and the second lock area, the margin has at least one convex curvature portion.

[23.0] The container of claim 21 further comprising a chamfered abutment of an edge of the first planar area and at least a part of the second planar area disposed within the perimeter of the substantially flat area.

[24.0] The container of claim 21 wherein, the first planar area and the second planar area partially overlap when the lid is in the at least one substantially closed position;

[24.1] further comprising an overlap of a lid material portion and a base material portion, disposed within the perimeter of the substantially flat area when the lid is in the at least one substantially closed position.

[25.0] The container of claim 24 wherein, the overlap includes the first planar area located adjacent to the second planar area and disposed within the perimeter of the substantially flat area.

[26.0] The container of claim 25 wherein, first planar area of the overlap is separated from the second planar area of the overlap by the dimension of the material thickness.

[27.0] The container of claim 25 wherein, the substantially flat area is covered with the substantially flat portion of the entire label in the generally flat fashion, to span the overlap.

CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. §42.24(d), Petitioner hereby certifies, in accordance with and reliance on the word count provided by the word-processing system used to prepare this Petition, that the number of words in this paper is 13,888. Pursuant to 37 C.F.R. §42.24(d), this word count excludes the table of contents, table of authorities, mandatory notices under §42.8, certificate of service, certificate of word count, appendix of exhibits, and any claim listing.

Dated: August 1, 2024

/Eugene Goryunov/
Eugene Goryunov
Lead Counsel for Petitioner
Registration No. 61,579

CERTIFICATE OF SERVICE

The undersigned certifies that, in accordance with 37 C.F.R. §42.6(e) and 37 C.F.R. §42.105, service was made on Patent Owner as detailed below.

Date of service	August 1, 2024
Manner of service	FEDERAL EXPRESS
Documents served	Petition for *Inter Partes* Review Under 35 U.S.C. §312 and 37 C.F.R. §42.104 of U.S. 11,225,365; Petitioner's Exhibit List; Exhibits Ex.1001-Ex.1021; Ex.1024-Ex.1025; and Ex.1029-Ex.1039; Powers of Attorney; and Petitioners' Ranking of Petitions and Explanation of Material Differences Between Petitions.
Persons served	Niro McAndrews, LLP 12 Beach Lane Ogden Dunes, IN 46368 Niro McAndrews, LLP 21660 West Field Parkway, Suite 118 Deer Park, IL 60010

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