Atty. Docket No. – KRN 356

**POWER OF ATTORNEY,**
**STATEMENT UNDER 37 C.F.R. § 3.73(b), and**
**ASSERTION OF RIGHT UNDER 37 C.F.R. § 3.71 AND MPEP § 106**

Applicant: Jeff Davies and Derek Gavin Sullivan
Serial No.:
Filed:
Title: DRINK CONTAINERS

CamelBak Products, LLC, a Delaware limited liability company, hereby appoints the practitioners at DASCENZO INTELLECTUAL PROPERTY LAW, P.C., USPTO Customer No. 78569, as its attorneys and agents to prosecute the above-identified patent application and to transact all business in the United States Patent and Trademark Office connected therewith. These practitioners currently include:

David S. D'Ascenzo, Reg. No. 39,952; and Ian D. Gates, Reg. No. 51,722.

CamelBak Products, LLC states, under 37 C.F.R. § 3.73(b), that it is the assignee of the entire right, title, and interest in the above-identified patent application by virtue of an assignment from each of the inventor(s) named in the above-identified patent application. Copies of assignments or other documents in the chain of title are attached.

CamelBak Products, LLC hereby asserts its right, under 37 C.F.R. § 3.71 and MPEP § 106, to conduct the prosecution of the above-identified patent application to the exclusion of the named inventor(s) and any previous assignee(s).

DIRECT COMMUNICATIONS TO:
David S. D'Ascenzo
DASCENZO INTELLECTUAL
PROPERTY LAW, P.C.
522 S.W. 5th Avenue, Suite 925
Portland, Oregon 97204

Telephone: (503) 224-7529
Facsimile: (503) 224-7329
Email: david@dascenzoiplaw.com

The undersigned (whose title is supplied below) is authorized to act on behalf of the above-identified assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

CAMELBAK PRODUCTS, LLC

Date: 1/20/09

Name: JEREMY GATTEN

Title: VP OF R&D

## ASSIGNMENT

WHEREAS, WE, JEFF DAVIES, of Healdsburg, County of Sonoma, State of California, and DEREK GAVIN SULLIVAN, of Oakland, County of Alameda, State of California, have invented certain improvements in DRINK CONTAINERS, for which we have executed an application for Letters Patent of the United States on the date we executed this Assignment as hereinafter set forth; and

WHEREAS, CAMELBAK PRODUCTS, LLC, a Delaware limited liability company, having its principal place of business in Petaluma, County of Sonoma, State of California, is desirous of acquiring an interest therein;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, we, JEFF DAVIES and DEREK GAVIN SULLIVAN, have sold, assigned and transferred, and by these presents do sell, assign and transfer unto CAMELBAK PRODUCTS, LLC the full and exclusive right to the said invention in the United States and its territorial possessions and in any and all foreign countries and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries and in and to any and all related U.S. and foreign patent applications, including PCT patent applications, divisionals, reissues, continuations and extensions thereof.

We hereby authorize and request the Patent Office officials in the United States and any and all foreign countries to issue any and all of said Letters Patent, when granted, to CAMELBAK PRODUCTS, LLC, as the assignee of our entire right, title and interest in and to the same, for the sole use of CAMELBAK PRODUCTS, LLC, its successors and assigns.



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Further, we agree that we will communicate to the said CAMELBAK PRODUCTS, LLC or its representatives any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all related, divisional, continuation, substitution, renewal, reissue, PCT, and foreign applications, execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to CAMELBAK PRODUCTS, LLC, make all rightful oaths and generally do everything possible to aid CAMELBAK PRODUCTS, LLC, its successors and assigns, to obtain and enforce proper protection for said invention in the United States and in any and all foreign countries.

IN TESTIMONY WHEREOF, I have hereunto set my hand.

JEFF DAVIES

Date: 1/20/09

Witness:

JEREMY GALTEN
(Printed Name)

(Signature)

1623 SACRAMENTO CT
(Address)

PETALUMA CA 94954
(City, State)



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IN TESTIMONY WHEREOF, I have hereunto set my hand.

DEREK GAVIN SULLIVAN

Date: 1/21/09

Witness:

(Printed Name)

(Signature)

(Address)

(City, State)



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# DRINK CONTAINERS

## Related Application

The present application is a continuation patent application that claims priority under 35 U.S.C. § 120 to U.S. Patent Application Serial No. 12/357,114, which is entitled "Drink Containers," was filed on January 21, 2009, and the complete disclosure of which is hereby incorporated by reference.

## Field of the Disclosure

The present disclosure relates generally to drink containers, and more particularly to drink containers with mouthpiece assemblies that have a dispensing configuration and a stowed configuration.

## Background of the Disclosure

For some time, people have recognized the need to stay hydrated. Conventionally, many individuals carry drink bottles that contain water or other potable beverages. These bottles are typically formed from plastic or metal and include a cap. Some conventional drink bottles include a threaded or other neck from which a user drinks liquid contained in the drink bottle after removal of the cap. Some conventional drink bottles include a spout, or nozzle, from which the drink liquid may be drawn from the drink bottle without removing the cap of the drink bottle. Conventional spouts typically include a flexible straw or a rigid spout having an outlet through which drink liquid may flow.



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## Summary of the Disclosure

Drink containers according to the present disclosure include a liquid container and a cap assembly with a mouthpiece assembly that is adapted to be selectively configured between a dispensing configuration, in which drink liquid may be selectively dispensed from the liquid container, and a stowed configuration, in which drink liquid is restricted from being dispensed from the liquid container. In some examples, the mouthpiece assembly includes a tube portion, at least a portion of which defines a crimping region that is constructed of a resiliently deformable material and that is adapted to restrict the flow of drink liquid therethrough when the mouthpiece assembly is in the stowed configuration. Some examples of drink containers according to the present disclosure further include a user-release mechanism that is adapted to automatically, upon user actuation, release the mouthpiece assembly from the stowed configuration to the dispensing configuration. In some examples, the mouthpiece assembly is biased toward the dispensing configuration and thus moves automatically under its bias upon release by the user-release mechanism. In some examples, the mouthpiece assembly includes a user-actuated mouthpiece, such as a bite-actuated mouthpiece, having an open position and a closed position. Such a mouthpiece may enable a user to selectively receive drink liquid from the liquid container via the mouthpiece assembly when the mouthpiece assembly is in the dispensing configuration and the user-actuated mouthpiece is in the open position.



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## Brief Description of the Drawings

Fig. 1 is a schematic illustration of a drink container according to the present disclosure with the drink container's mouthpiece assembly illustrated in a dispensing configuration.

Fig. 2 is a schematic illustration of the drink container of Fig. 1 with the mouthpiece assembly illustrated in a stowed configuration.

Fig. 3 is another schematic illustration of a drink container according to the present disclosure with the drink container's mouthpiece assembly illustrated in a dispensing configuration.

Fig. 4 is a schematic illustration of the drink container of Fig. 3 with the mouthpiece assembly illustrated in a stowed configuration.

Fig. 5 is a schematic illustration of at least a portion of a mouthpiece assembly according to the present disclosure.

Fig. 6 is a side view of an illustrative, non-exclusive example of at least a portion of a mouthpiece assembly according to the present disclosure.

Fig. 7 is an isometric view of an illustrative, non-exclusive example of a drink container according to the present disclosure including the mouthpiece assembly of Fig. 6, with the drink container illustrated with the mouthpiece assembly in its dispensing configuration.

Fig. 8 is an isometric view of the drink container of Fig. 7 with its mouthpiece assembly in its stowed configuration.

Fig. 9 is a top view of the cap assembly of the drink container of Fig. 7 with the cap assembly's mouthpiece assembly in its dispensing configuration.



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Fig. 10 is a top view of the cap assembly of Fig. 9 with the mouthpiece assembly in its stowed configuration.

Fig. 11 is an isometric exploded view of the cap assembly of Fig. 9.

Fig. 12 is a cross-sectional side elevation view of the cap assembly of Fig. 9 with the mouthpiece assembly in its dispensing configuration.

Fig. 13 is a cross-sectional side elevation view of the cap assembly of Fig. 9 with the mouthpiece assembly in its stowed configuration.



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## Detailed Description and Best Mode of the Disclosure

Drink containers according to the present disclosure are schematically illustrated in Figs. 1–4 and are indicated generally at 10. Drink containers 10 according to the present disclosure are designed to receive and selectively dispense to a user a volume of potable drink liquid. Illustrative, non-exclusive examples of drink liquids that may be used in drink containers 10 according to the present disclosure include such potable liquids as water, juice, sports drinks, milk, soft drinks, and the like. Drink containers 10 include a liquid container 12 and a cap assembly 14 having a unique mouthpiece assembly.

Liquid containers 12 according to the present disclosure are adapted to receive and hold or otherwise contain up to a predetermined volume of drink liquid 22 for selective consumption by a user. Liquid containers 12 may include an open neck 20, through which drink liquid 22 may be selectively poured, or otherwise dispensed, into an internal compartment 24 of the liquid container, and from which the drink liquid may be selectively dispensed from the internal compartment to a user. It is within the scope of the present disclosure that neck 20 may (but is not required in all embodiments to) define the only opening through which drink liquid may be added to or removed from the liquid container. As discussed in more detail herein, when cap assembly 14 is operatively coupled to the liquid container, this selective dispensing of the drink liquid may be responsive to whether or not a mouthpiece assembly of the cap assembly has been configured to a dispensing configuration, and in some embodiments, whether a mouthpiece portion of the mouthpiece assembly has been configured to an open configuration. As used herein, “selective” and “selectively,” when modifying an action,



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movement, configuration, or other activity of one or more components or characteristics of a drink container according to the present disclosure, means that the specified action, movement, configuration, or other activity is a direct or indirect result of user manipulation of an aspect of, or one or more components of, the drink container.

Liquid containers 12 may have any suitable shape and be formed from any suitable material or combination of materials to hold up to a predetermined volume of drink liquid. Illustrative, non-exclusive examples of suitable sizes, or capacities, of liquid containers 12 (i.e., volume of drink liquid 22 able to be received into a liquid container at one time) include 4 oz., 6 oz., 8 oz., 10 oz., 12 oz., 16 oz., 20 oz., 24 oz., 32 oz., 36 oz., 4–11 oz., 12–19 oz., 19–25 oz., 12–36 oz., 25–36 oz., and 10–70 oz. (with these illustrative examples referring to liquid (fluid) ounces of drink liquid that may be received at one time into an empty liquid container). It is within the scope of the present disclosure that liquid containers having different sizes, including sizes that are smaller than, larger than, or within the illustrative sizes and/or ranges presented above, may be used without departing from the scope of the present disclosure.

An illustrative, non-exclusive example of a material that may be used to construct liquid containers 12 according to the present disclosure includes the TRITAN™ copolyester polymer developed by Eastman Chemical Company. Other illustrative, non-exclusive examples of materials that may be suitable for construction of liquid containers according to the present disclosure include polycarbonate and metal, such as aluminum. Further illustrative, non-exclusive examples are disclosed in U.S. Patent Application Publication No. 2006/0226110, the entire contents of which are hereby incorporated by reference.



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Liquid containers 12 may be (but are not required to be) rigid or at least semi-rigid and may include a bottom surface 26 such that a liquid container may be generally self-supporting, or free-standing. In such embodiments, drink containers 10 may be referred to as drink bottles. In some illustrative, non-exclusive embodiments, a liquid container 12 according to the present disclosure may be constructed of polyethylene or other material that permits the liquid container to be reversibly collapsed during use. Such an illustrative, non-exclusive example may permit opposing portions of the liquid container to be urged toward or even into contact with each other to reduce the volume of the liquid container and thereby aid in the dispensing of drink liquid 22 therefrom. In such an embodiment, the liquid container may be configured to return automatically to its prior configuration upon reduction of the pressure that was applied to urge the sides of the liquid container toward each other.

Cap assemblies 14 according to the present disclosure may be adapted to be removably coupled to a liquid container 12 to cover, or otherwise enclose, the neck 20 thereof. When so coupled to a liquid container, a cap assembly 14 restricts drink liquid within the liquid container's internal compartment 24 from being dispensed from the drink container other than through a liquid passage 36 defined by the cap assembly. When this liquid passage is obstructed or otherwise closed or sealed, the cap assembly prevents drink liquid from being dispensed from the liquid container. Accordingly, any drink liquid in the internal compartment of the liquid container is prevented from being dispensed to a user or otherwise removed from the liquid container until either the cap assembly is uncoupled from the liquid container or until the liquid passage is configured by a user to a configuration in which drink liquid may flow therethrough.



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Cap assemblies 14 according to the present disclosure include a base 16 and a mouthpiece assembly 18. Furthermore, cap assemblies 14 define a liquid passage 36, through which drink liquid 22 may be selectively drawn, or otherwise dispensed, by a user from the internal compartment of an attached liquid container 12.

Although not required in all embodiments, cap assembly 14 is typically removably coupled to liquid container 12, such as to neck 20 thereof, to permit selective and non-destructive removal and replacement (i.e., uncoupling and recoupling) of the cap assembly relative to the liquid container. For example, cap assembly 14 may be uncoupled from the liquid container to permit the liquid container to receive a volume of drink liquid, after which the cap assembly may be recoupled to the liquid container. Accordingly, drink containers 10 according to the present disclosure may include a coupling assembly 32, with the liquid container 12 including coupling structure 30 and the cap assembly 14 including coupling structure 28, which is adapted to selectively mate with coupling structure 30. In such an embodiment, neck 20 of the liquid container may include coupling structure 30, and base 16 of cap assembly 14 may include coupling structure 28. Coupling assembly 32 may provide a liquid-tight connection between the cap assembly and the liquid container. When such a connection is established between the cap assembly and the liquid container, the cap assembly may restrict liquid from being dispensed from the drink container other than through a through-passage 34 and/or a liquid passage 36 defined by the cap assembly. Illustrative, non-exclusive examples of coupling assembly 32 that may be incorporated into drink containers according to the present disclosure include (but are not limited to) threads, snap-fit arrangements, friction-fit arrangements, clasp arrangements, etc.



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Base 16 further includes a through-passage 34 through which the mouthpiece assembly 18 at least partially, if not completely, extends to enable the mouthpiece assembly to receive drink liquid from the internal compartment 24 of liquid container 12 and selectively permit the drink liquid to flow through the liquid passage defined by the mouthpiece assembly for dispensing to a user.

Mouthpiece assemblies 18 according to the present disclosure define the liquid passage 36, through which drink liquid from the liquid container may be selectively drawn by a user. Mouthpiece assemblies 18 define an inlet 46, which is in fluid communication with the internal compartment of the liquid container when the cap assembly is coupled thereto, and an outlet 42, through which drink liquid from the liquid container may be selectively dispensed through the liquid passage to a user. Mouthpiece assemblies 18 may be selectively configured between a dispensing configuration 38, in which the mouthpiece assembly permits drink liquid to flow from the internal compartment of the liquid container (such as illustrated in Figs. 1 and 3) at least into the liquid passage of the mouthpiece assembly, and a stowed configuration 40, in which the mouthpiece assembly restricts the flow of drink liquid through the liquid passage to outlet 42 (such as illustrated in Figs. 2 and 4).

When operatively positioned to extend through the through-passage of the base, the mouthpiece assembly may be restricted from being removed therefrom, at least without first uncoupling the cap assembly from the drink container to permit access to the underside of the cap assembly. Mouthpiece assembly 18 may therefore be described as being anchored, or at least selectively anchored, to base 16 and/or to through-passage 34 of base 16. Additionally or alternatively, mouthpiece assembly 18



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may in some embodiments be described as being configured to be non-destructively removed from through-passage 34 from the underside of the cap assembly but not from the top side of the cap assembly. As an illustrative, non-exclusive example, the mouthpiece assembly and the through-passage may have a friction-fit arrangement. As another illustrative, non-exclusive example, the mouthpiece assembly may include an anchor, or anchor portion, 86 that is sized so as not to fit through the through-passage of the base, such as by being too large to fit therethrough. Other configurations are also within the scope of the present disclosure.

As illustrated in Figs. 1 and 3, at least a portion of the mouthpiece assembly 18 (such as a mouthpiece portion 76 thereof) may project generally away from the base of the cap assembly when the mouthpiece assembly is in the dispensing configuration 38, and as illustrated in Figs. 2 and 4, at least a portion of the mouthpiece assembly (such as a mouthpiece portion 76 thereof) may extend generally against, adjacent to, or otherwise along the base of the cap assembly when the mouthpiece assembly is in the stowed configuration 40. In the schematically illustrated examples of Figs. 1–4, the mouthpiece assembly, or at least a portion thereof, is adapted to be pivoted by a user between the dispensing and stowed configurations. Other configurations are also within the scope of the present disclosure. For example, in some embodiments, a mouthpiece assembly may be configured to be selectively positioned within a range of dispensing positions.

Mouthpiece assemblies 18 include at least a crimping region 44, which permits drink liquid to flow through liquid passage 36 when the mouthpiece assembly is in the dispensing configuration, and which prevents, or at least restricts, drink liquid from



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flowing through liquid passage 36 when the mouthpiece assembly is in the stowed configuration. For example, in some mouthpiece assemblies 18 according to the present disclosure, the crimping region may be constructed of a resiliently deformable material such that when the mouthpiece assembly, or at least a portion thereof, is pivoted, or otherwise folded, the crimping region of the mouthpiece assembly becomes crimped, or folded on itself, such that opposing walls of the crimping region come into contact with each other and effectively, or at least partially, seal the liquid passage within the crimping region of the mouthpiece assembly. When in such a crimped configuration, drink fluid is restricted or even prevented from flowing through the liquid passage from its inlet to its outlet due to the obstruction formed by the crimping region.

Mouthpiece assemblies 18 according to the present disclosure are biased toward the dispensing configuration and therefore may be described as having a biasing mechanism 50. The bias of a mouthpiece assembly according to the present disclosure may be provided by the internal bias created by the material from which at least a portion of the mouthpiece assembly is constructed. For example, at least a portion of a mouthpiece assembly, such as crimping region 44, may be constructed of a resiliently deformable material. An illustrative, non-exclusive example of a suitable resiliently deformable material includes (but is not limited to) silicone. Additionally or alternatively, a biasing mechanism 50 may include at least one spring. Other configurations are also within the scope of the present disclosure.

Cap assemblies 14 according to the present disclosure further include a mouthpiece securing mechanism 52 that is adapted to selectively retain the mouthpiece assembly in stowed configuration 40. Accordingly, a user of a drink container 10 may



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selectively configure, or move, the mouthpiece assembly from the dispensing configuration into the stowed configuration to prevent, or at least restrict, drink liquid from being dispensed from the drink container, for example, when not using the drink container, when transporting the drink container, or in other situations in which a user may wish to prevent drink liquid from being dispensed. When a user wishes to drink from the drink container and thus dispense drink liquid therefrom, the user may reconfigure the mouthpiece assembly from stowed configuration 40 to dispensing configuration 38. In some embodiments, the mouthpiece assembly may be biased to its dispensing configuration, such as by including a suitable biasing mechanism or structure. In such an embodiment, the mouthpiece assembly may be configured to move automatically via, or under, its bias to the dispensing configuration upon release from its stowed configuration.

Mouthpiece securing mechanism 52 includes a first catch structure 54 and a second catch structure 56. First catch structure 54 may be coupled to, integral to, formed as part of, or otherwise disposed on or within the base or other portion of the cap assembly, and second catch structure 56 may be coupled to, integral to, formed as part of, or otherwise disposed on or within the mouthpiece assembly. Accordingly, first and second catch structures 54, 56 may be adapted to be selectively engaged, or mated, with each other to retain the mouthpiece assembly in the stowed configuration, as schematically illustrated in Figs. 2 and 4.

To permit the reconfiguring of the mouthpiece assembly from the stowed configuration to the dispensing configuration, cap assemblies 14 according to the present disclosure may (but are not required to) include a user release mechanism 60



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that is adapted to automatically disengage the first and second catch structures from each other upon actuation of the user release mechanism and thereby release the mouthpiece assembly to move via its bias from the stowed configuration to the dispensing configuration. As schematically illustrated in Figs. 1–4, the optional user release mechanism may therefore be tied to, or otherwise have a mechanical relationship with, the second catch structure of the base of the cap assembly. Additionally or alternatively, a user release mechanism according to the present disclosure may be tied to, or otherwise have a mechanical relationship with, the first catch structure of the mouthpiece assembly. Although schematically illustrated as part of the base of the cap assembly, a user release mechanism according to the present disclosure may also be part of, integral to, or otherwise disposed on, the mouthpiece assembly or the liquid container. Other configurations are also within the scope of the present disclosure.

Cap assemblies 14 according to the present disclosure may further include (but are not required to include) a vent, or air return assembly, 64 that is adapted to permit air from external the drink container to enter the internal compartment 24 of the liquid container 12 without having to pass through the liquid passage 36 of the mouthpiece assembly 18. Vent 64 is illustrated as being implemented on the base 16 of the cap assembly 14, with the particular position and/or orientation of the vent on the base not being critical to a particular embodiment. Vent 64, when present, may include no valve or may include a valve, such as a one-way and/or a pressure-actuated valve. It is within the scope of the present disclosure that the vent, when present, may be implemented as part of the mouthpiece assembly or as part of or on the liquid container. Other



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configurations are also within the scope of the present disclosure. Illustrative, non-exclusive examples of vents that may be utilized with or incorporated into drink containers according to the present disclosure are disclosed in U.S. Patent Application Publication No. 2006/0226110, incorporated herein.

Cap assemblies 14 according to the present disclosure may include (but are not required to include) a crimping portion 66 that is adapted to engage and crimp the crimping region 44 of the mouthpiece assembly. Additionally or alternatively, crimping portion 66 may be adjacent crimping region 44 of the mouthpiece assembly and adapted to engage and crimp the crimping region to prevent, or at least restrict, the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration. That is, the crimping portion of the cap assembly may engage and facilitate the crimping region's folding upon and/or over itself when the mouthpiece assembly is reconfigured from the dispensing configuration to the stowed configuration. Crimping portion 66 may include any suitable structure, such as a lip, a flange, an edge, or any other structure that engages, either directly or indirectly, the crimping region of the mouthpiece assembly and facilitates crimping thereof when the mouthpiece assembly is reconfigured to the stowed configuration. For example, the crimping portion of the cap assembly may be defined by a portion, such as a lip or opening, of the through-passage 34. Other configurations are also within the scope of the present disclosure.

Drink containers 10 according to the present disclosure may include an optional straw 68 that is integral to or selectively coupled to, either directly or indirectly, the mouthpiece assembly and that extends into the liquid container, such as to (or at least



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proximate) a lower (internal) region of the liquid container. When present, straw 68 may enable a user to draw drink liquid from the drink container via outlet 42 without having to tip the drink container so that drink liquid may flow into the liquid passage 36. For example, some users may prefer to draw drink liquid from the drink bottle without having to lift and tilt the drink container to the generally horizontal or even inverted configuration that would be used if straw 68 were not present. Additionally or alternatively, some users may prefer or find it easier to draw drink liquid from the drink container using straw 68 rather than having to lift and tip the drink container.

Cap assemblies 14 according to the present disclosure optionally may include a collar member 70, as schematically represented in the example illustrated in Figs. 3–4. In some embodiments, the collar member may be rigid or at least semi-rigid. In some examples of cap assemblies 14, the collar member 70, when present, may (but is not required to) be described as a component, or sub-part, of mouthpiece assembly 18. When present, the collar member may be pivotally coupled to the base or another portion of the cap assembly. In such examples, the cap assemblies may be described as including a hinge arrangement between the collar member and the base of the cap assembly such that the collar member together with at least a portion of the mouthpiece assembly may be pivoted from the stowed configuration to the dispensing configuration, as indicated by an arrow in Fig. 4, and vice versa. In such examples, the optional crimping portion 66 of the cap assembly may be defined by at least a portion of the collar member. In some examples, the collar member may be described as being external to the liquid passage defined by the mouthpiece assembly. Additionally or alternatively, collar members according to the present disclosure may surround, at least



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partially surround, encircle, or at least partially encircle a portion of the mouthpiece assembly, such as the crimping region of the mouthpiece assembly. Additionally or alternatively, collar members according to the present disclosure may include more than one discrete component, with at least one or more such discrete components being generally adjacent a portion of the mouthpiece assembly, including the crimping region of the mouthpiece assembly. Collar members according to the present disclosure also may be described as pivoting members or crimping members.

In examples of drink containers 10 that include a collar member 70, second catch structure 56 of mouthpiece securing mechanism 52 may be (but is not required to be) integral to, part of, or otherwise disposed on the collar member. Additionally or alternatively, examples of drink containers according to the present disclosure that include collar member 70 may include a second catch structure 56 that is integral to, part of, or otherwise disposed on a portion of, or another portion of, the mouthpiece assembly.

Fig. 5 schematically depicts an illustrative, non-exclusive example of a mouthpiece assembly 18, or at least a portion thereof, according to the present disclosure, which may be used with any drink container 10 and/or cap assembly 14 according to the present disclosure. As discussed, a mouthpiece assembly according to the present disclosure may optionally include a collar member. As illustrated and discussed, mouthpiece assembly 18 defines liquid passage 36 through which drink liquid may selectively flow, and further defines inlet 46 and outlet 42 of the liquid passage.



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Fig. 5 graphically illustrates that mouthpiece assemblies 18 according to the present disclosure (including those depicted in Figs. 1-4) include at least a mouthpiece portion 76 and a tube, or tube portion, 78. Mouthpiece portion 76 includes outlet 42 and is adapted to permit a user to selectively receive and consume drink liquid from the drink container. Mouthpiece portion 76 may take a variety of configurations including (but not limited to) mouthpiece portions that include a user-actuated valve adapted to permit selective dispensing of drink liquid from the drink container, mouthpiece portions that permit a user to draw, or suck, drink liquid from the drink container, mouthpiece portions that permit a user to squeeze drink liquid from the drink container, and/or other configurations of mouthpiece portions. Illustrative, non-exclusive examples of mouthpiece portions, including bite-actuated mouthpieces, that may be utilized with or incorporated into mouthpiece assemblies according to the present disclosure are disclosed in U.S. Patent Application Publication No. 2006/0226110, incorporated herein.

In examples of mouthpiece portions that include a user-actuated valve, such as a bite-actuated valve, the user-actuated valve may restrict dispensing of liquid from the liquid container even though the mouthpiece assembly may be in the dispensing configuration. When the mouthpiece portion includes a bite-actuated valve, which refers to a valve that is urged from a closed configuration to an open configuration by a user biting upon the valve (such as opposed sidewalls thereof) the mouthpiece portion may be referred to as a bite-actuated mouthpiece. Bite-actuated valves (and/or bite-actuated mouthpieces) are typically biased to a closed configuration, and thus automatically return from an open configuration to a closed configuration upon release of the



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compressive forces being applied thereto by a user, such as by a user's teeth and/or mouth.

In examples of drink containers that include a collar member, as discussed, mouthpiece portions according to the present disclosure may (but are not required to) include structure 80 for securing the mouthpiece portion to the collar member. In some such examples, structure 80 may include one or more of a lip, flange, or other protrusion 82 adapted to engage and mate with a corresponding one or more of a channel or depression of the collar member, when present. Additionally or alternatively, structure 80 may include one or more of a channel or depression 84 that defines a seat for, and that is adapted to engage and mate with, a corresponding one or more of a lip, flange, or other protrusion of the collar member, when present. Accordingly, when assembled, structure 80 may restrict relative movement between the mouthpiece portion and the collar member and/or may restrict lateral translation of the collar member relative to the mouthpiece portion. Additionally or alternatively, other portions of mouthpiece assemblies, including the tube portion, may incorporate structure 80. Structure 80 may additionally or alternatively be referred to as mouthpiece-securing structure 80.

Tube 78 defines at least a portion of liquid passage 36 for drink liquid to flow from the internal compartment of the liquid container to mouthpiece portion 76. Tube 78 may include crimping region 44, which, as discussed, may be constructed of a resiliently deformable material and be adapted to prevent, or at least restrict, the flow of drink liquid through the liquid passage when the mouthpiece is in the stowed configuration. In some embodiments, tube 78 may include or define inlet 46 of the liquid passage. In



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embodiments where the tube does not include or define the inlet of the liquid passage, the tube is in fluid communication with the inlet of the passage.

As discussed, mouthpiece assemblies 18 according to the present disclosure may be adapted for selective anchoring, or coupling, to the base of the cap assembly and/or through the through-passage of the cap assembly. In some such examples, mouthpiece assemblies 18 may include structure for securing the mouthpiece assembly to the base of the cap assembly. For example, the mouthpiece assembly may include an anchor, or anchor portion, 86 that is adapted to prevent, or at least restrict, passing of the anchor portion through the through-passage of the base of the cap assembly. Anchor portion 86 may extend from tube 78 and/or may include a flange 88, at least a portion of which may be sized to prevent, or at least restrict, passing of the anchor portion through the through-passage of the base of the cap assembly. Additionally or alternatively, anchor portion 86 may extend into tube 78 and/or may define a channel, depression, or other recess 90 that is sized and shaped to engage and mate with corresponding structure of the base of the cap assembly. Anchor portion 86 may, but is not required to, define the inlet to the liquid passage through the mouthpiece assembly. Anchor portions 86 and/or tubes 78 according to the present disclosure may further include (but are not required to include) an, or an additional, tab, or flange, 92 shaped, sized, or otherwise adapted for a user to grasp and thereby remove the mouthpiece assembly from the base of the cap assembly. Mouthpiece assemblies that include such an anchor portion may be described as being configured to be selectively coupled to and decoupled from the base of the cap assembly via an underside of the base, and thus not from a top side of the cap assembly.



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Turning now to Figs. 6–13, an illustrative, non-exclusive example of a drink container 10 according to the present disclosure and various component parts thereof are illustrated. Where appropriate, the reference numerals from the schematic illustrations of Figs. 1–5 are used to designate corresponding parts of drink containers 10 according to the present disclosure; however, the examples of Figs. 6–13 are non-exclusive and do not limit the present disclosure to the illustrated embodiment. That is, neither drink containers nor various component parts thereof are limited to the specific embodiment disclosed and illustrated in Figs. 6–13, and drink containers according to the present disclosure may incorporate any number of the various aspects, configurations, characteristics, properties, etc. illustrated in the embodiment of Figs. 6–13, of Figs. 1-4, as well as variations thereof and without requiring the inclusion of all such aspects, configurations, characteristics, properties, etc. For the purpose of brevity, each previously discussed component part, or variant thereof, may not be discussed again with respect to Figs. 6-13; however, it is within the scope of the present disclosure that the previously discussed features, materials, variants, etc. may be utilized with the illustrated embodiment of Figs. 6-13. Similarly, it is also within the scope of the present disclosure that all of the component parts, and portions thereof, that are illustrated in Figs. 6-13 are not required to all embodiments according to the present disclosure.

An illustrative, non-exclusive example of a mouthpiece assembly 18, or at least a portion thereof, that may be used with drink containers 10 according to the present disclosure is illustrated in Fig. 6 and generally indicated at 118. Mouthpiece assembly 118 is illustrated without an optional corresponding collar member; however, it



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is within the scope of the present disclosure that mouthpiece assembly 118 may further include a collar member, such as any of the collar members disclosed elsewhere herein. Mouthpiece assembly 118 includes a mouthpiece portion 76 in the form of a bite-actuated mouthpiece 176, a tube 78, and an anchor portion 86. The bite-actuated mouthpiece, the tube, and the anchor portion collectively define a liquid passage 36, with liquid passage 36 including an inlet 46 and an outlet 42. Tube 78 includes a crimping region 44.

As illustrated, bite-actuated mouthpiece 176 includes outlet 42, through which drink liquid may be selectively dispensed. Fig. 9 illustrates the bite-actuated mouthpiece in an open, or dispensing, configuration with the outlet open to permit drink liquid to be dispensed therethrough, for example, as configured when a user applies opposing forces thereto with his/her teeth and/or lips. Bite-actuated mouthpiece 176 also includes a pair of channels 84 (as perhaps best seen in Fig. 11) that are adapted to engage and mate with corresponding structure of a collar member.

Anchor portion 86 includes a flange 88 sized and shaped to prevent, or at least restrict, mouthpiece assembly 118 from passing through a corresponding through-passage of a base of a cap assembly. Anchor portion 86 further includes three additional flanges, or ribs, 94 that are sized and shaped to provide a friction-fit arrangement with a through-passage of a corresponding base of a cap assembly. Anchor portion 86 also includes a tab 92 sized and shaped for a user to grasp and thereby remove the mouthpiece portion, the tube, and the anchor portion from a base of a corresponding cap assembly by urging the mouthpiece assembly downward and away from the underside of the cap assembly.



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The illustrative, non-exclusive bite-actuated mouthpiece 176, tube 78, and anchor portion 86 of mouthpiece assembly 118 illustrated in Fig. 6 are constructed as a unitary assembly of a resiliently deformable material. As illustrated, the mouthpiece portion has a greater exterior perimeter than the tube, and the anchor portion has a greater exterior perimeter than the tube and the mouthpiece portion. This unitary construction and the illustrative, non-exclusive relative sizes are not required in all embodiments, and other configurations are within the scope of the present disclosure.

An illustrative, non-exclusive example of a drink container 10 including mouthpiece assembly 118 of Fig. 6 is illustrated in Figs. 7–8, is generally indicated at 100, and may be referred to as a drink bottle 100. Drink bottle 100 includes a liquid container 12 in the form of a rigid bottle 112, and a cap assembly 14 indicated generally at 114. Cap assembly 114 is further illustrated in Figs. 9–13 with Figs. 7, 9, and 12 illustrating mouthpiece assembly 118 in a dispensing configuration, and with Figs. 8, 10, and 13 illustrating mouthpiece assembly 118 in a stowed configuration. In the illustrative non-exclusive example of drink bottle 100, a portion of the mouthpiece assembly is adapted to be selectively pivoted between the dispensing configuration and the stowed configuration, and as discussed, may be biased to pivot automatically to the dispensing configuration when not restrained from moving under this bias.

Cap assembly 114 of drink bottle 100 includes a base 116 that includes a vent 64 in the form of an air return assembly with a pressure-actuated valve, a mouthpiece assembly 118 that includes a collar member 70, and a user release mechanism 60. Cap assembly 114 of drink bottle 100 further includes a handle 202 that projects away from base 116 and that includes a pair of lateral guards 204 that at least partially define a



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stowing region 206. Stowing region 206 is sized and otherwise adapted to receive at least a portion of the mouthpiece assembly between the pair of lateral guards when the mouthpiece assembly is in the stowed configuration. In the non-exclusive example of drink bottle 100, stowing region 206 receives bite-actuated mouthpiece 176 and at least a portion of tube 78. When present, handle 202 may (but is not required to) define a closed perimeter, or boundary, 208 through which a lanyard, karabiner, belt, strap, user's finger, or other structure may extend to hold and/or retain the drink bottle in a selected position. Other configurations of cap assemblies and handles, including cap assemblies without handles, are also within the scope of the present disclosure. It is also within the scope of the present disclosure that other cap assemblies 14 and drink containers 10 may include a handle, including but not limited to the illustrative, non-exclusive example of a handle depicted in Figs. 7-13.

The illustrative, non-exclusive example of mouthpiece assembly 118 of drink bottle 100 includes an optional rigid collar member 70, which is generally indicated at 170. Rigid collar member 170 defines a through-passage 210 through which tube 78 and a portion of bite-actuated mouthpiece 176 extends. As perhaps best seen in Figs. 12–13, through-passage 210 is defined by an opening 212 that is distal to the anchor portion of the mouthpiece assembly and an opening 214 that is proximal to the anchor portion of the mouthpiece assembly. Opening 212 is defined by a rim 216 that engages the bite-actuated mouthpiece assembly 176. That is, rim 216 engages and mates with channels 84 of the mouthpiece portion to effectively couple the rigid collar member to the mouthpiece portion and generally restrict lateral translation of the rigid collar member relative to the mouthpiece portion. Accordingly, when the rigid collar



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member is pivoted, at least the mouthpiece portion of the mouthpiece assembly pivots with it.

Opening 214 of the rigid collar member is defined by a rim 218, which further defines a crimping portion 66. As discussed, crimping portion 66 is adjacent crimping region 44 of tube 78 of the mouthpiece assembly. Accordingly, when the rigid collar member is pivoted from the dispensing configuration to the stowed configuration, the crimping portion 66 engages and crimps the crimping region of the tube to thereby restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration, as perhaps best seen in Fig. 13.

In the illustrated example, the crimping portion of the rigid collar member does not engage the crimping region of the tube when the mouthpiece assembly is in the dispensing configuration, as perhaps best seen in Fig. 12; however, it is within the scope of the present disclosure that the crimping portion of the rigid collar member does engage and even partially crimps the crimping region of the tube when the mouthpiece assembly is in the dispensing configuration, as long as the tube is not crimped to such a degree that drink liquid is prevented from flowing through the liquid passage when the mouthpiece assembly is in the dispensing configuration.

The rigid collar member of drink bottle 100 is pivotally, or hingedly, coupled to the handle of cap assembly 114. Accordingly, handle 202 and rigid collar member 170 collectively define a hinge 230, which is indicated in Fig. 9. Lateral guards 204 each include a cylindrical depression 232 that is sized and shaped to mate with a corresponding cylindrical protrusion 234 extending from opposing sides of the rigid collar member, as perhaps best seen in Fig. 11.



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As discussed, cap assemblies 14 according to the present disclosure include a mouthpiece securing mechanism 52 that is adapted to selectively retain the mouthpiece assembly in the stowed configuration. As illustrated, the base of cap assembly 114 includes a first catch structure 54, and the rigid collar member 170 includes a second catch structure 56 that is adapted to engage and mate with the first catch structure when the mouthpiece assembly is in the stowed configuration. The first catch structure of cap assembly 114 includes a pair of cylindrical depressions 154 extending into the lateral guards 204 of the optional handle 202, and the second catch structure of the rigid collar member includes a pair of hemispherical protrusions 156 positioned and sized to mate with the depressions 154 and thereby retain the mouthpiece assembly in its stowed configuration upon a user configuring the mouthpiece assembly to its stowed configuration.

The lateral guards of drink cap assembly 114 further include (but are not required to include) a pair of channels, or depressions, 236 that provide clearance for the hemispherical protrusions 156 to pass when the mouthpiece assembly is reconfigured from the dispensing configuration to the stowed configuration and the first and second catch structures are engaged. Channels 236 may also be described as ramps. When the channels 236 are present, the hemispherical protrusions of the mouthpiece securing mechanism will not be overly worn-down due to engagement and friction with the lateral guards through repeated reconfigurations of the mouthpiece assembly by a user.

Cap assembly 114 of drink bottle 100 includes an optional user release mechanism 60, indicated generally at 160, and which is adapted to permit the reconfiguring of the mouthpiece assembly from the stowed configuration to the



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dispensing configuration. As perhaps best seen in Fig. 11, user release mechanism 160 of drink bottle 100 includes a sliding member 238. Sliding member 238 includes a user engagement pad 240 and an actuator, such as may be implemented and/or described as a generally planar portion 242, that includes a pair of tabs 244 that slide within a pair of corresponding channels 246 that extend into lateral guards 204 of handle 202. Sliding member 238 is configured to slide relative to the base of the cap assembly upon user actuation of the user release mechanism 160 (i.e., upon user engagement and translation of the user engagement pad 240). Planar portion 242 of sliding member 238 partially defines stowing region 206 together with lateral guards 204 of handle 202.

Sliding member 238 also includes a pair of biasing members 250 that slide within channels 246, and which may be integral with the sliding member. Biasing members 250 may be described as springs or leaf springs and may include arcuate projections, or tabs, that are biased to the positions illustrated in Fig. 11. A pair of wedge-shaped tabs 252 is positioned within the channels 246, and when the sliding member 238 is caused to translate toward tube 78 of the mouthpiece assembly in response to user engagement and translation of the user engagement pad, biasing members 250 are compressed against the wedge-shaped tabs. When the user engagement pad is released by a user, the sliding member is biased, or springs, away from tube 78 of the mouthpiece assembly.

Sliding member 238 includes a collar engagement portion 254 that is adapted to engage the rigid collar member and force disengagement of the first and second catch structures upon actuation of the user release mechanism (i.e., upon engagement and translation of the user engagement pad). The collar engagement portion 254 of drink



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bottle 100 is in the form of a tab that extends away from the planar portion. Accordingly, upon actuation of user release mechanism 160, the collar engagement portion engages rim 216 of the rigid collar member and forces disengagement of the first and second catch structures. Additionally or alternatively, a collar engagement portion according to the present disclosure may be adapted to translate relative to and wedge the rigid collar member so that the rigid collar member is forced to pivot. Pivoting of the rigid collar member thereby forces disengagement of the first and second catch structures and thus forces the mouthpiece assembly to reconfigure from the stowed configuration to the dispensing configuration due to the bias of the mouthpiece assembly.

Sliding member 238 includes an optional depression 256 that extends into planar portion 242 and adjacent tab 254 (as perhaps best seen in Fig. 11). Depression 256 is sized and shaped to receive at least a portion of the rigid collar member when the mouthpiece assembly is in the stowed configuration.

In addition, or in the alternative, to user release mechanism 160 providing a mechanism for releasing the mouthpiece assembly from the stowed configuration to the dispensing configuration, mouthpiece assemblies according to the present disclosure also may include (but are not required to include) another form of user release mechanism 60. For example, the rigid collar member of drink bottle 100 may include a user engagement portion 260 that, when the mouthpiece assembly is in the stowed configuration, is adapted to receive a user-imparted force that pivots the mouthpiece assembly and thereby forces disengagement of the first and second catch structures of the mouthpiece securing mechanism. User engagement portion 260 may be described



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as a user release mechanism 60, or at least a portion thereof, according to the present disclosure.

Rigid collar member 170 of drink bottle 100 further includes an optional stop surface 262 that does not engage the base of the cap assembly when the mouthpiece assembly is in the stowed configuration but that does engage the base of the cap assembly when the mouthpiece assembly is in the dispensing configuration. Accordingly, the stop surface may thereby define a dispensing position of the mouthpiece portion. In other words, when the mouthpiece assembly is released from the stowed configuration, the stop surface may prevent the mouthpiece portion from pivoting beyond its intended position for dispensing drink liquid therefrom. Accordingly, the stop surface further prevents the tube of the mouthpiece assembly from folding over on itself, or crimping, in a direction opposite from the intended stowed configuration in which crimping of the tube is desired. Therefore, when a user is consuming drink liquid from the mouthpiece, the user may be prevented from accidentally restricting the liquid passage simply by imparting a pivoting force on the mouthpiece assembly away from the stowed configuration.

As seen in Figs. 12–13, straw 68, when present, may be sized to be received within at least a portion of the liquid passage 36 of the mouthpiece assembly in a friction fit arrangement. Other configurations are also within the scope of the present disclosure.



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The following lettered paragraphs represent non-exclusive ways of describing inventions according to the present disclosure.

A. A drink container, comprising:

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

a cap assembly removably coupled to the liquid container, the cap assembly comprising:

a base removably coupled to the neck of the liquid container and including a through-passage;

a first catch structure;

a mouthpiece assembly extending through the through-passage of the base and defining a liquid passage through which drink liquid from the liquid container may selectively flow, and further defining an inlet through which drink fluid in the internal compartment may enter the liquid passage and an outlet through which drink liquid from the internal compartment of the liquid container is selectively dispensed, wherein the mouthpiece assembly is configured to be selectively configured between a dispensing configuration, in which the liquid passage permits drink liquid to flow from the internal compartment at least into the liquid passage, and a stowed configuration, in which the liquid passage restricts the flow of drink liquid through the liquid passage, wherein the mouthpiece assembly is biased to the dispensing configuration, and wherein the mouthpiece assembly comprises:

a mouthpiece portion that includes the outlet;



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a tube that defines at least a portion of the liquid passage for drink liquid to flow from the internal compartment to the mouthpiece portion, wherein the tube includes a crimping region constructed of a resiliently deformable material and is adapted to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration; and

a second catch structure adapted to be selectively engaged with the first catch structure to retain the mouthpiece assembly in the stowed configuration; and

a user release mechanism adapted to automatically disengage the first and second catch structures upon actuation of the user release mechanism and thereby release the mouthpiece assembly to move via its bias from the stowed configuration to the dispensing configuration.

A1 The drink container of paragraph A, wherein the user release mechanism includes a mouthpiece assembly engagement portion adapted to engage the mouthpiece assembly and force disengagement of the first and second catch structures upon actuation of the user release mechanism.

A2 The drink container of any preceding paragraph, wherein the mouthpiece assembly further includes a rigid collar member that is pivotally coupled to the base and which includes a crimping portion; wherein the crimping portion is adjacent the crimping region of the tube and external of the liquid passage, wherein the rigid collar member engages and crimps the crimping region to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration.



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A2.1 The drink container of paragraph A2, wherein the rigid collar member includes the second catch structure, and further wherein the user release mechanism includes a collar engagement portion that is adapted to engage the rigid collar member and force disengagement of the first and second catch structures upon actuation of the user release mechanism.

A2.1.1 The drink container of paragraph A2.1, wherein when the mouthpiece assembly is in the stowed configuration and upon actuation of the user release mechanism, the collar engagement portion is adapted to translate relative to and wedge the rigid collar member to force the rigid collar member to pivot.

A2.2 The drink container of paragraph A2, wherein the rigid collar member is engaged with the mouthpiece portion.

A2.2.1 The drink container of paragraph A2.2, wherein the rigid collar member does not engage the tube when the mouthpiece assembly is in the dispensing configuration.

A2.2.2 The drink container of paragraph A2.2, wherein the mouthpiece portion includes a seat for the rigid collar member in which the rigid collar member engages the mouthpiece portion, wherein the seat restricts relative movement between the mouthpiece portion and the rigid collar member.

A2.3 The drink container of paragraph A2, wherein the rigid collar member includes a user engagement portion, wherein when the mouthpiece assembly is in the stowed configuration and upon a user imparted force on the user engagement portion that pivots the rigid collar member, the first and second catch structures disengage and



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thereby release the mouthpiece assembly to move via its bias from the stowed configuration to the dispensing configuration.

A2.4 The drink container of paragraph A2, wherein the rigid collar member includes a stop surface that does not engage the base of the cap assembly when the mouthpiece assembly is in the stowed configuration and that engages the base of the cap assembly when the mouthpiece assembly is in the dispensing configuration to define a dispensing position of the mouthpiece portion.

A3 The drink container of any preceding paragraph, wherein the crimping region at least partially biases the mouthpiece assembly to the dispensing configuration.

A4 The drink container of any preceding paragraph, wherein the mouthpiece portion and the tube are constructed as a unitary assembly of the resiliently deformable material.

A4.1 The drink container of any preceding paragraph, wherein the mouthpiece assembly further includes an anchor portion extending from the tube, wherein the anchor portion is sized to restrict passage of the anchor portion through the through-passage of the base of the cap assembly.

A6 The drink container of any preceding paragraph, wherein the cap assembly further includes a handle that projects away from the base of the cap assembly, wherein the handle includes a pair of lateral guards that at least partially define a stowing region that receives at least a portion of the mouthpiece assembly between the pair of lateral guards when the mouthpiece assembly is in the stowed configuration.



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A6.1 The drink container of paragraph A6, wherein the stowing region is at least partially defined by a portion of the user release mechanism.

A6.1.1 The drink container of paragraph A6.1, wherein the user release mechanism includes an actuator that is configured to slide relative to the base of the cap assembly upon user actuation of the user release mechanism, wherein the stowing region is defined by at least the pair of lateral guards and the actuator of the user release mechanism.

A7 The drink container of any preceding paragraph, wherein the mouthpiece assembly is configured to be selectively coupled to and decoupled from an operative position on the base of the cap assembly via an underside of the base but not via a top side of the base.

A7.1 The drink container of paragraph A7, wherein the mouthpiece assembly further includes an anchor portion extending from the tube, wherein the anchor portion is sized to restrict passage of the anchor portion through the through-passage of the base of the cap assembly.

A7.1.1 The drink container of paragraph A7.1, wherein the mouthpiece portion, the tube, and the anchor portion are constructed as a unitary assembly of the resiliently deformable material.

A8 The drink container of any preceding paragraph, wherein the mouthpiece portion includes a bite-actuated mouthpiece.

A8.1 The drink container of paragraph A8, wherein the mouthpiece portion and the tube are constructed as a unitary assembly of the resiliently deformable material.



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B. A drink container, comprising:

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

a cap assembly removably coupled to the liquid container, the cap assembly comprising:

a base removably coupled to the neck of the liquid container and including a through-passage;

a mouthpiece assembly extending through the through-passage of the base and defining a liquid passage through which drink liquid from the liquid container may selectively flow, and further defining an outlet through which drink liquid is selectively dispensed, wherein the mouthpiece assembly is configured to be selectively configured between a dispensing configuration, in which the liquid passage permits drink liquid to flow from the internal compartment, and a stowed configuration, in which the liquid passage restricts the flow of drink liquid through the liquid passage, wherein the mouthpiece assembly is biased to the dispensing configuration, and wherein the mouthpiece assembly comprises:

a mouthpiece portion including the outlet;

a tube that defines at least a portion of the liquid passage for drink liquid to flow from the internal compartment to the mouthpiece portion, wherein the tube includes a crimping region constructed of a resiliently deformable material and is adapted to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration, wherein the mouthpiece portion



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and the tube are constructed as a unitary assembly of the resiliently deformable material; and

a rigid collar member pivotally coupled to the base and including a crimping portion adjacent the crimping region of the tube and adapted to engage and crimp the crimping region to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration;

a mouthpiece securing mechanism adapted to selectively retain the mouthpiece assembly in the stowed configuration; and

a user release mechanism adapted to automatically release the mouthpiece assembly to move via its bias from the stowed configuration to the dispensing configuration.

B1 The drink container of paragraph B, wherein the mouthpiece portion includes a bite-actuated mouthpiece.

B2 The drink container of any of paragraphs B-B1, wherein the mouthpiece assembly further includes an anchor portion extending from the tube, wherein the anchor portion is sized to restrict passage of the anchor portion through the through-passage of the base of the cap assembly.

B2.1 The drink container of paragraph B2, wherein the mouthpiece portion, the tube, and the anchor portion are constructed as a unitary assembly of the resiliently deformable material.

B3 The drink container of any of paragraphs B-B2.1, wherein the rigid collar member is engaged with the mouthpiece portion.



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B3.1 The drink container of paragraph B3, wherein the rigid collar member does not engage the tube when the mouthpiece assembly is in the dispensing configuration.

B3.1.1 The drink container of paragraph B3.1, wherein the mouthpiece portion includes a seat for the rigid collar member, with the rigid collar member engaging the mouthpiece portion therein, wherein the seat restricts relative movement between the mouthpiece portion and the rigid collar member.

B4 The drink container of any of paragraphs B-B3.1.1, wherein the rigid collar member includes a user engagement portion, wherein when the mouthpiece assembly is in the stowed configuration and upon a user imparted force on the user engagement portion that pivots the rigid collar member, the mouthpiece assembly is released from the stowed configuration.

B5 The drink container of any of paragraphs B-B4, wherein the rigid collar member includes a stop surface that does not engage the base of the cap assembly when the mouthpiece assembly is in the dispensing configuration and that engages the base of the cap assembly when the mouthpiece assembly is in the dispensing configuration to define a dispensing position of the mouthpiece portion.

C. A drink container, comprising

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

a cap assembly removably coupled to the liquid container, the cap assembly comprising:

a base removably coupled to the neck of the liquid container and including a through-passage;



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a mouthpiece assembly extending through the through-passage of the base and defining a liquid passage, wherein the mouthpiece assembly is configured to be selectively configured between a dispensing configuration in which the liquid passage permits drink liquid to flow from the internal compartment for consumption by a user and a stowed configuration in which the liquid passage restricts the flow of drink liquid through the liquid passage, wherein the mouthpiece assembly is biased to the dispensing configuration, and wherein the mouthpiece assembly comprises:

a mouthpiece portion including an outlet through which drink liquid from the internal compartment may be dispensed when the mouthpiece assembly is in the dispensing configuration; and

means for selectively restricting the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration;

means for selectively securing the mouthpiece assembly in the stowed configuration; and

means for automatically releasing the mouthpiece assembly from the stowed configuration to the dispensing configuration in response to a user input.

C1 The drink container of paragraph C, wherein the mouthpiece assembly is a bite-actuated mouthpiece that is biased to a closed configuration through which drink liquid may not flow.

C2 The drink container of any of paragraphs C-C1, wherein the mouthpiece portion and the means for selectively restricting are a unitary assembly of a resiliently deformable material.



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C3 The drink container of paragraph C2, wherein the mouthpiece assembly further includes an anchor portion, wherein the anchor portion is sized to restrict passage of the anchor portion through the through-passage of the base of the cap assembly, and wherein the unitary assembly includes the anchor portion.

D. A mouthpiece assembly that defines a liquid passage through which drink liquid from a liquid container may selectively flow, comprising:

a mouthpiece portion that defines an outlet to the mouthpiece assembly through which drink fluid may be selectively dispensed;

a tube that defines at least a portion of the liquid passage for drink liquid to flow from the liquid container to the mouthpiece portion, wherein the tube is at least partially constructed of a resiliently deformable material; and

an anchor portion extending from the tube, wherein the anchor portion is adapted to secure the mouthpiece assembly to a cap assembly of a liquid container;

wherein one of the tube and the anchor portion defines an inlet to the mouthpiece assembly through which drink fluid may selectively enter the liquid passage.

D1 The mouthpiece assembly of paragraph D, wherein the mouthpiece portion and the tube are constructed as a unitary assembly of the resiliently deformable material.

D2 The mouthpiece assembly of paragraph D, wherein the mouthpiece assembly, the tube, and the anchor portion are constructed as a unitary assembly of the resiliently deformable material.



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D3 The mouthpiece assembly of any of paragraphs D–D2, wherein the mouthpiece portion has a greater exterior perimeter than the tube and the anchor portion has a greater exterior perimeter than the tube.

D4 The mouthpiece assembly of any of paragraphs D–D3, wherein the tube includes a crimping region constructed of the resiliently deformable material and is adapted to restrict the flow of drink fluid through the liquid passage when the tube is crimped.

D5 The mouthpiece assembly of any of paragraphs D–D4, wherein the mouthpiece assembly is configured to be selectively configured between a dispensing configuration, in which the liquid passage permits drink liquid to flow from the liquid container at least into the liquid passage, and a stowed configuration, in which the liquid passage restricts the flow of drink liquid through the liquid passage, wherein the mouthpiece assembly is biased to the dispensing configuration.

D5.1 The mouthpiece assembly of paragraph D5, wherein the tube at least partially biases the mouthpiece assembly to the dispensing configuration.

D6 The mouthpiece assembly of any of paragraphs D–D5.1, wherein the mouthpiece portion includes a user-actuated valve.

D7 The mouthpiece assembly of any of paragraphs D–D6, wherein the mouthpiece portion includes a bite-actuated mouthpiece.

E A cap assembly, comprising:

a base adapted to be removably coupled to a liquid container and including a through-passage; and



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a mouthpiece assembly according to any of paragraphs D–D7 and extending though the through-passage of the base.

E1 The cap assembly of paragraph E,

wherein the mouthpiece assembly is configured to be selectively configured between a dispensing configuration, in which the liquid passage permits drink liquid to flow from the internal compartment at least into the liquid passage, and a stowed configuration, in which the liquid passage restricts the flow of drink liquid through the liquid passage, wherein the mouthpiece assembly is biased to the dispensing configuration;

wherein the cap assembly includes a first catch structure; and

wherein the mouthpiece assembly includes a second catch structure adapted to be selectively engaged with the first catch structure to retain the mouthpiece assembly in the stowed configuration.

E2 The cap assembly of paragraph E1, wherein the cap assembly further includes a user release mechanism to automatically disengage the first and second catch structures upon actuation of the user release mechanism and thereby release the mouthpiece assembly to move via its bias from the stowed configuration to the dispensing configuration.

E2.1 The cap assembly of paragraph E2, wherein the user release mechanism includes a mouthpiece assembly engagement portion adapted to engage the mouthpiece assembly and force disengagement of the first and second catch structures upon actuation of the user release mechanism.



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E2.2 The cap assembly of any of paragraphs E-E2.1,

wherein the tube include a crimping region;

wherein the mouthpiece assembly further includes a rigid collar member that is pivotally coupled to the base and which includes a crimping portion, wherein the crimping portion is adjacent the crimping region of the tube and external of the liquid passage, wherein the rigid collar member engages and crimps the crimping region to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration.

E2.2.1 The cap assembly of paragraph E2.2, wherein the rigid collar member includes the second catch structure, and further wherein the user release mechanism includes a collar engagement portion that is adapted to engage the rigid collar member and force disengagement of the first and second catch structures upon actuation of the user release mechanism.

E2.2.1.1 The cap assembly of paragraph E2.2 or E2.2.1, wherein when the mouthpiece assembly is in the stowed configuration and upon actuation of the user release mechanism, the collar engagement portion is adapted to translate relative to and wedge the rigid collar member to force the rigid collar member to pivot.

E2.2.2 The cap assembly of any of paragraphs E2.2-E2.2.1.1, wherein the rigid collar member is engaged with the mouthpiece portion.

E2.2.2.1 The cap assembly of any of paragraphs E2.2-E2.2.2, wherein the rigid collar member does not engage the tube when the mouthpiece assembly is in the dispensing configuration.



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E2.2.2.2 The cap assembly of any of paragraphs E2.2-E2.2.2.1, wherein the mouthpiece portion includes a seat for the rigid collar member in which the rigid collar member engages the mouthpiece portion, wherein the seat restricts relative movement between the mouthpiece portion and the rigid collar member.

E2.2.3 The cap assembly of any of paragraphs E2.2-E2.2.2.2, wherein the rigid collar member includes a user engagement portion, wherein when the mouthpiece assembly is in the stowed configuration and upon a user imparted force on the user engagement portion that pivots the rigid collar member, the first and second catch structures disengage and thereby release the mouthpiece assembly to move via its bias from the stowed configuration to the dispensing configuration.

E2.2.4 The cap assembly of any of paragraphs E2.2-E2.2.3, wherein the rigid collar member includes a stop surface that does not engage the base of the cap assembly when the mouthpiece assembly is in the stowed configuration and that engages the base of the cap assembly when the mouthpiece assembly is in the dispensing configuration to define a dispensing position of the mouthpiece portion.

E3 The cap assembly of any of paragraphs E–E2.2.4,

wherein the mouthpiece assembly is configured to be selectively configured between a dispensing configuration, in which the liquid passage permits drink liquid to flow from the internal compartment at least into the liquid passage, and a stowed configuration, in which the liquid passage restricts the flow of drink liquid through the liquid passage, wherein the mouthpiece assembly is biased to the dispensing configuration; and

wherein the cap assembly further comprises:



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a handle that projects away from the base of the cap assembly, wherein the handle includes a pair of lateral guards that at least partially define a stowing region that receives at least a portion of the mouthpiece assembly between the pair of lateral guards when the mouthpiece assembly is in the stowed configuration.

E4 The cap assembly of any of paragraphs E–E3, wherein the mouthpiece assembly is configured to be selectively coupled to and decoupled from an operative position on the base of the cap assembly via an underside of the base but not via a top side of the base.

In the event that any of the references that are incorporated by reference herein define a term in a manner or are otherwise inconsistent with either the non-incorporated disclosure of the present application or with any of the other incorporated references, the non-incorporated disclosure of the present application shall control and the term or terms as used therein only control with respect to the patent document in which the term or terms are defined.

The disclosure set forth above encompasses multiple distinct inventions with independent utility. While each of these inventions has been disclosed in a preferred form or method, the specific alternatives, embodiments, and/or methods thereof as disclosed and illustrated herein are not to be considered in a limiting sense, as numerous variations are possible. The present disclosure includes all novel and non-obvious combinations and subcombinations of the various elements, features, functions, properties, methods and/or steps disclosed herein. Similarly, where any disclosure above or claim below recites "a" or "a first" element, step of a method, or the equivalent



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thereof, such disclosure or claim should be understood to include one or more such elements or steps, neither requiring nor excluding two or more such elements or steps.

Inventions embodied in various combinations and subcombinations of features, functions, elements, properties, steps and/or methods may be claimed through presentation of new claims in a related application. Such new claims, whether they are directed to a different invention or directed to the same invention, whether different, broader, narrower, or equal in scope to the original claims, are also regarded as included within the subject matter of the present disclosure.

## Industrial Applicability

The drink containers of the present disclosure are applicable to the hydration fields, and are specifically applicable to portable drink containers from which users may selectively drink potable drink liquid.



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CLAIMS:

1. A drink container, comprising:

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

a cap assembly removably coupled to the liquid container, the cap assembly comprising:

a base removably coupled to the neck of the liquid container and including a through-passage;

a first catch structure;

a mouthpiece assembly extending through the through-passage of the base and defining a liquid passage through which drink liquid from the liquid container may selectively flow, and further defining an inlet through which drink liquid in the internal compartment may enter the liquid passage and an outlet through which drink liquid from the internal compartment of the liquid container is selectively dispensed, wherein the mouthpiece assembly is configured to be selectively configured between a dispensing configuration, in which the liquid passage permits drink liquid to flow from the internal compartment at least into the liquid passage, and a stowed configuration, in which the liquid passage restricts the flow of drink liquid through the liquid passage, wherein the mouthpiece assembly is biased to the dispensing configuration, and wherein the mouthpiece assembly comprises:

a mouthpiece portion that includes the outlet;



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a tube that defines at least a portion of the liquid passage for drink liquid to flow from the internal compartment to the mouthpiece portion, wherein the tube includes a crimping region constructed of a resiliently deformable material and is adapted to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration, and wherein the mouthpiece portion and the tube are constructed as a unitary assembly of the resiliently deformable material;

an anchor portion extending from the tube distal the mouthpiece portion, wherein the anchor portion is sized to restrict passage of the anchor portion through the through-passage of the base of the cap assembly; and

a second catch structure adapted to be selectively engaged with the first catch structure to retain the mouthpiece assembly in the stowed configuration; and

a user release mechanism adapted to automatically disengage the first and second catch structures upon actuation of the user release mechanism and thereby release the mouthpiece assembly to move via its bias from the stowed configuration to the dispensing configuration.

2. The drink container of claim 1, wherein the user release mechanism is mechanically coupled to the first catch structure.



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3. The drink container of claim 1, wherein the base of the cap assembly includes a sidewall and defines a recess with a pair of opposed channels; wherein the user release mechanism includes a sliding member that is configured to reversibly translate along the recess to selectively disengage the first and the second catch structures; wherein the sliding member includes a pair of opposed tabs that slide within the pair of opposed channels as the sliding member translates along the recess; wherein the user release mechanism further includes a user engagement pad that is coupled to the sliding member and which extends through the sidewall of the base of the cap assembly for selective engagement by a user; and further wherein the user release mechanism includes at least one biasing member that urges the sliding member and user engagement pad away from a position where the sliding member disengages the first and the second catch structures.

4. The drink container of claim 3, wherein the sliding member further includes a collar engagement portion that projects from the sliding member and which is configured to force disengagement of the first and the second catch structures upon actuation of the user release mechanism.

5. The drink container of claim 1, wherein the crimping region at least partially biases the mouthpiece assembly to the dispensing configuration.

6. The drink container of claim 1, wherein the cap assembly further includes a handle that projects away from the base of the cap assembly and a pair of lateral guards that at least partially define a stowing region that receives at least a portion of the mouthpiece assembly between the pair of lateral guards when the mouthpiece assembly is in the stowed configuration.

7. The drink container of claim 1, wherein the mouthpiece portion includes a bite-actuated mouthpiece and the outlet is a sealable outlet, wherein the bite-actuated mouthpiece is selectively configured between an open configuration, in which the sealable outlet is open and permits drink liquid to flow therethrough, and a closed configuration, in which the sealable outlet restricts drink liquid from flowing therethrough, wherein the bite-actuated mouthpiece is biased to the closed configuration, and further wherein the bite-actuated mouthpiece is selectively configured from the closed configuration to the open configuration responsive to a user biting upon opposed sidewalls of the bite-actuated mouthpiece.

8. The drink container of claim 1, wherein the mouthpiece portion permits a user to draw drink liquid from the drink container when the mouthpiece assembly is in the dispensing configuration.

9. The drink container of claim 1, wherein the mouthpiece portion, the tube, and the anchor portion are constructed as a unitary assembly of the resiliently deformable material.



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10. The drink container of claim 1, wherein the mouthpiece assembly further includes a rigid collar member that is pivotally coupled to the base and which includes a crimping portion; wherein the tube of the mouthpiece assembly extends at least partially through the rigid collar member; wherein the crimping portion is adjacent the crimping region of the tube and external of the liquid passage, wherein the rigid collar member engages and crimps the crimping region to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration.

11. The drink container of claim 10, wherein the rigid collar member includes the second catch structure, and further wherein the user release mechanism includes a collar engagement portion that is adapted to engage the rigid collar member.

12. The drink container of claim 11, wherein when the mouthpiece assembly is in the stowed configuration and upon actuation of the user release mechanism, the collar engagement portion is adapted to translate relative to the rigid collar member and cause the first catch structure to disengage the second catch structure and thus permit the rigid collar member to pivot due to the bias of the mouthpiece assembly.

13. The drink container of claim 10, wherein the mouthpiece portion includes a seat for the rigid collar member in which the rigid collar member engages the mouthpiece portion, wherein the seat restricts relative movement between the mouthpiece portion and the rigid collar member.

14. The drink container of claim 10, wherein the rigid collar member includes a stop surface that does not engage the base of the cap assembly when the mouthpiece assembly is in the stowed configuration and that engages the base of the cap assembly when the mouthpiece assembly is in the dispensing configuration to define a dispensing position of the mouthpiece portion.

15. The drink container of claim 1, wherein the anchor portion includes a plurality of flanges that are sized and shaped to provide a friction-fit arrangement with the through-passage.

16. The drink container of claim 1, wherein the drink container includes a straw with a first end that extends into the liquid container and a second end that extends into the liquid passage and is retained therein by the friction-fit arrangement.

17. The drink container of claim 1, wherein the cap assembly further includes:

an air return assembly adapted to permit air from external the drink container to enter the internal compartment of the liquid container without having to pass through the liquid passage of the mouthpiece assembly, wherein the mouthpiece portion is positioned directly above the air return assembly when the mouthpiece assembly is in the stowed configuration and is not positioned directly above the air return assembly when the mouthpiece assembly is in the dispensing configuration.



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18. A drink container, comprising:

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

a cap assembly removably coupled to the liquid container, the cap assembly comprising:

a base removably coupled to the neck of the liquid container and including a through-passage;

a first catch structure;

a mouthpiece assembly extending through the through-passage of the base and defining a liquid passage through which drink liquid from the liquid container may selectively flow, and further defining an inlet through which drink liquid in the internal compartment may enter the liquid passage and an outlet through which drink liquid from the internal compartment of the liquid container is selectively dispensed, wherein the mouthpiece assembly is configured to be selectively configured between a dispensing configuration, in which the liquid passage permits drink liquid to flow from the internal compartment at least into the liquid passage, and a stowed configuration, in which the liquid passage restricts the flow of drink liquid through the liquid passage, wherein the mouthpiece assembly is biased to the dispensing configuration, and wherein the mouthpiece assembly comprises:

a mouthpiece portion that includes the outlet and permits a user to draw drink liquid from the drink container when the mouthpiece assembly is in the dispensing configuration, wherein the mouthpiece portion includes a seat;



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a tube that defines at least a portion of the liquid passage for drink liquid to flow from the internal compartment to the mouthpiece portion, wherein the tube includes a crimping region constructed of a resiliently deformable material and is adapted to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration, and wherein the crimping region at least partially biases the mouthpiece assembly to the dispensing configuration;

an anchor portion extending from the tube distal the mouthpiece portion and including a plurality of flanges that are sized and shaped to provide a friction-fit arrangement with the through-passage and to restrict passage of the anchor portion through the through-passage of the base of the cap assembly, wherein the anchor portion, the mouthpiece portion, and the tube are constructed as a unitary assembly of the resiliently deformable material; and

a rigid collar member that is pivotally coupled to the base and which includes a crimping portion, wherein the crimping portion is adjacent the crimping region of the tube and external of the liquid passage, wherein the rigid collar member engages and crimps the crimping region to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration, wherein the rigid collar member includes a second catch structure adapted to be selectively engaged with the first catch structure to retain the mouthpiece assembly in the stowed configuration, wherein the rigid collar member engages the seat of the mouthpiece portion and restricts relative movement between the mouthpiece portion and the rigid collar member, and wherein the rigid collar member includes a stop surface that does not engage the base of the cap assembly when the mouthpiece assembly is in the



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stowed configuration and that engages the base of the cap assembly when the mouthpiece assembly is in the dispensing configuration to define a dispensing position of the mouthpiece portion;

a handle that projects away from the base of the cap assembly;

a pair of lateral guards that at least partially define a stowing region that receives at least a portion of the mouthpiece assembly between the pair of lateral guards when the mouthpiece assembly is in the stowed configuration;

a user release mechanism configured to automatically disengage the first and second catch structures upon actuation of the user release mechanism and thereby release the mouthpiece assembly to move via its bias from the stowed configuration to the dispensing configuration; wherein the user release mechanism includes a collar engagement portion that is adapted to engage the rigid collar member; and further wherein when the mouthpiece assembly is in the stowed configuration and upon actuation of the user release mechanism, the collar engagement portion is adapted to translate relative to the rigid collar member and cause the first catch structure to disengage the second catch structure and thus permit the rigid collar member to pivot due to the bias of the mouthpiece assembly; and

an air return assembly adapted to permit air from external the drink container to enter the internal compartment of the liquid container without having to pass through the liquid passage of the mouthpiece assembly, wherein the mouthpiece portion is positioned directly above the air return assembly when the mouthpiece assembly is in the stowed configuration and is not positioned directly above the air return assembly when the mouthpiece assembly is in the dispensing configuration.



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19. The drink container of claim 18, wherein the base of the cap assembly includes a sidewall and defines a recess with a pair of opposed channels; wherein the user release mechanism includes a sliding member from which the collar engagement portion extends and which is configured to reversibly translate along the recess to selectively disengage the first and the second catch structures; wherein the sliding member includes a pair of opposed tabs that slide within the pair of opposed channels as the sliding member translates along the recess; wherein the user release mechanism further includes a user engagement pad that is coupled to the sliding member and which extends through the sidewall of the base of the cap assembly for selective engagement by a user; and further wherein the user release mechanism includes at least one biasing member that urges the sliding member and user engagement pad away from a position where the sliding member disengages the first and the second catch structures.

20. The drink container of claim 18, wherein the mouthpiece portion includes a bite-actuated mouthpiece and the outlet is a sealable outlet, wherein the bite-actuated mouthpiece is selectively configured between an open configuration, in which the sealable outlet is open and permits drink liquid to flow therethrough, and a closed configuration, in which the sealable outlet restricts drink liquid from flowing therethrough, wherein the bite-actuated mouthpiece is biased to the closed configuration, and further wherein the bite-actuated mouthpiece is selectively configured from the closed configuration to the open configuration responsive to a user biting upon opposed sidewalls of the bite-actuated mouthpiece.

21. A drink container, comprising:

a liquid container; and

a cap assembly removably coupled to the liquid container, the cap assembly comprising:

a base that defines a through-passage;

a mouthpiece assembly that extends through the through-passage of the base and defines a liquid passage, wherein the mouthpiece assembly has a dispensing configuration and a stowed configuration, wherein the mouthpiece assembly is biased to the dispensing configuration, and wherein the mouthpiece assembly includes:

a resilient mouthpiece portion that permits a user to draw drink liquid from the drink container when the mouthpiece assembly is in the dispensing configuration;

a resilient tube connected to the mouthpiece portion and including a crimping region that is adapted to restrict flow of drink liquid through the mouthpiece assembly when the mouthpiece assembly is in the stowed configuration; and

a resilient anchor portion extending from the resilient tube opposite the resilient mouthpiece portion, wherein the anchor portion is sized to restrict passage of the resilient anchor portion through the through-passage and thus restrict removal of the mouthpiece assembly via a top side of the cap assembly, and wherein the resilient mouthpiece portion, the resilient tube, and the resilient anchor portion are constructed as a unitary assembly; and



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a user release mechanism adapted to automatically release the mouthpiece assembly from the stowed configuration to the dispending configuration via the bias of the mouthpiece assembly.



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## Abstract of the Disclosure

Drink containers with mouthpiece assemblies having a dispensing configuration and a stowed configuration. A mouthpiece assembly defines a liquid passage through which drink liquid may be dispensed when the mouthpiece assembly is in the dispensing configuration and includes means for selectively restricting the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration. In some examples, the means for selectively restricting the flow of drink liquid include a tube that at least partially defines the liquid passage and which includes a crimping region. The crimping region may be constructed of a resiliently and reversibly deformable material that is adapted to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration. In some embodiments, the mouthpiece assembly includes a means for automatically releasing the mouthpiece assembly from its stowed configuration to a dispensing configuration.




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Fig. 1

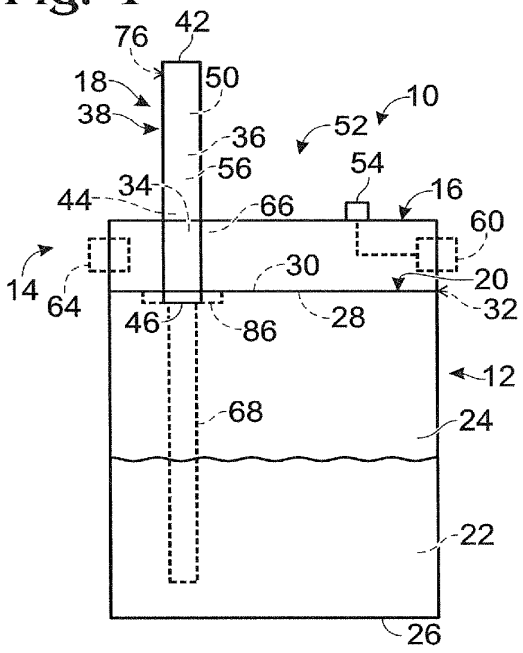



Fig. 2

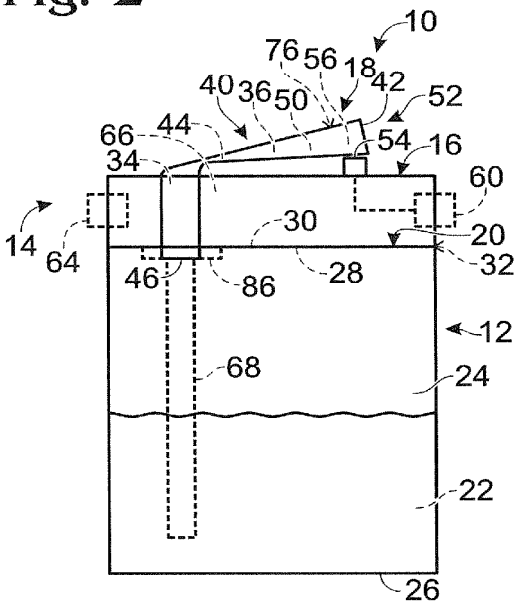



Fig. 3

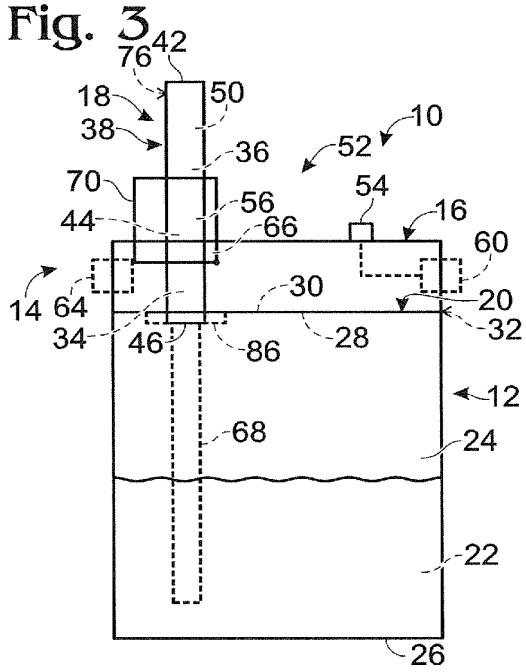



Fig. 4

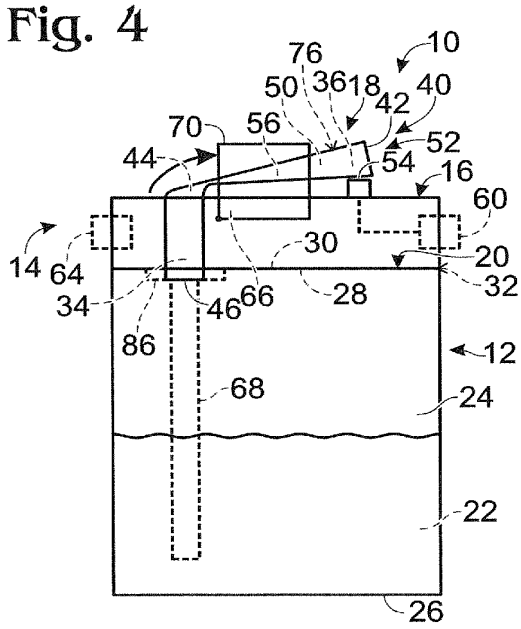


Fig. 5

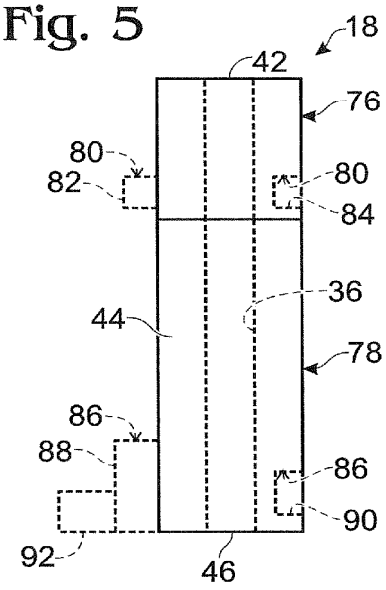



Fig. 7

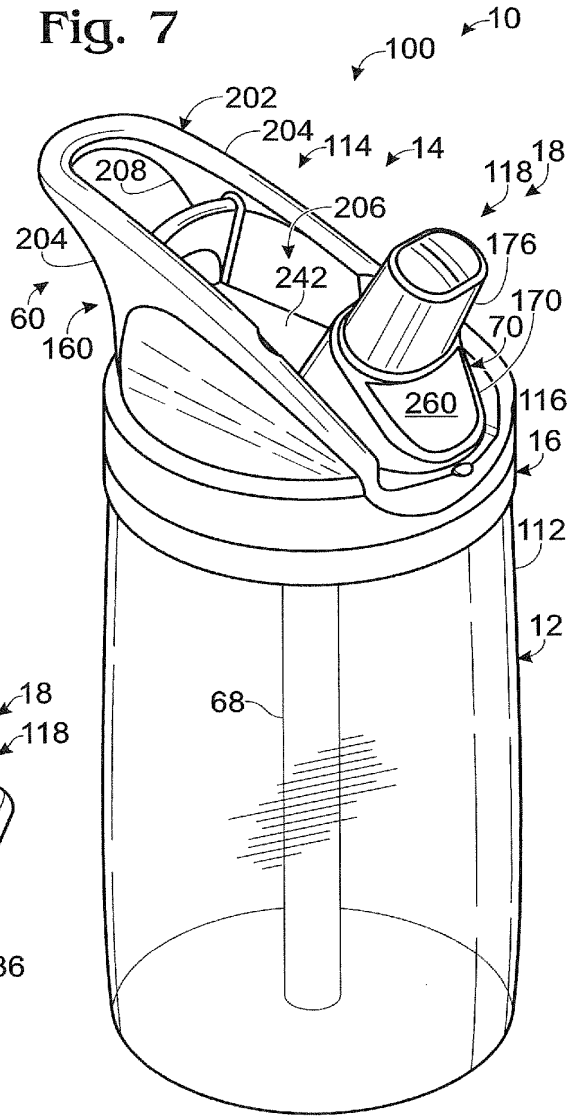



Fig. 6

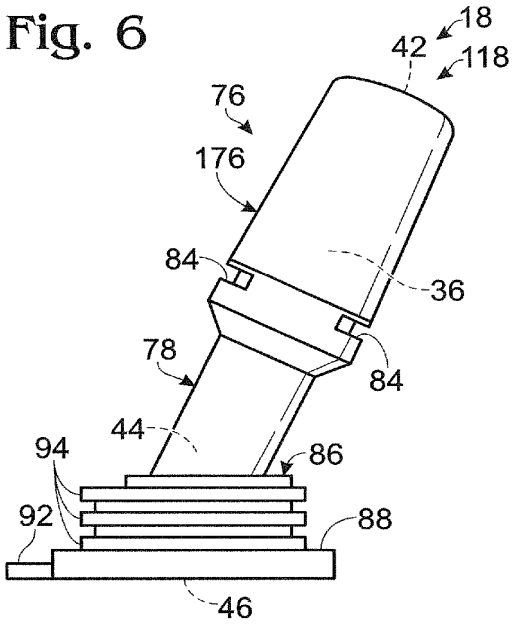


Fig. 8

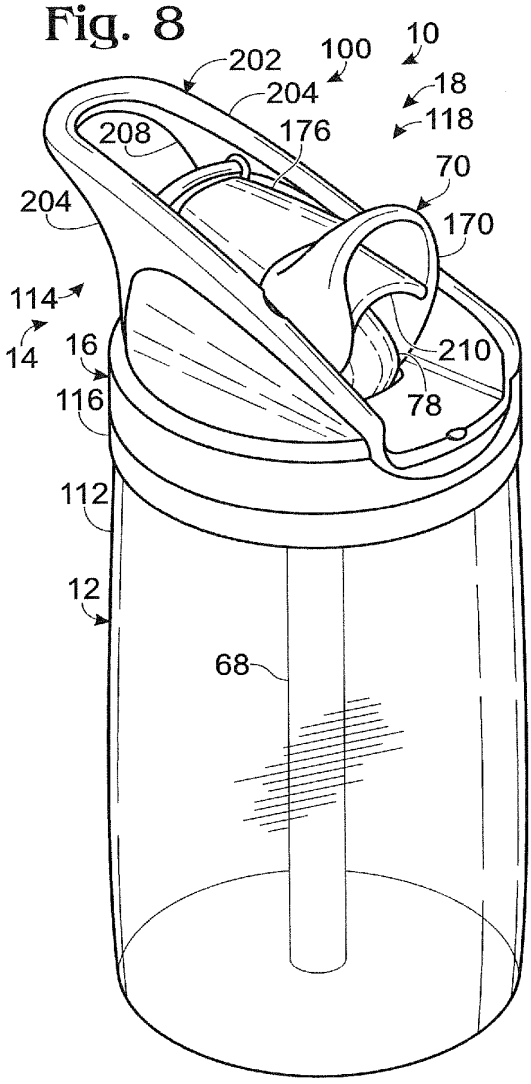



Fig. 9

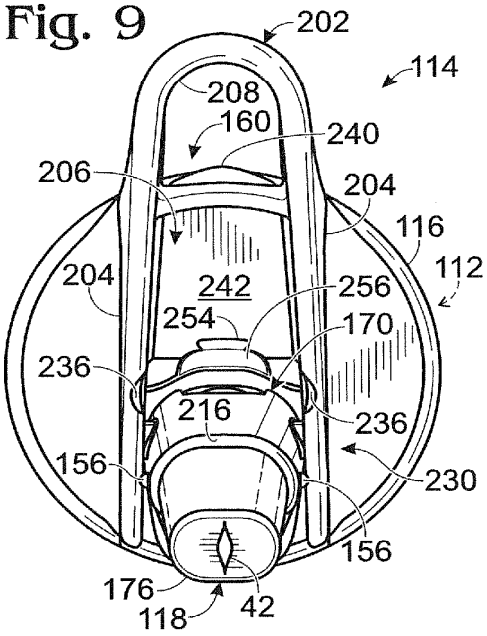
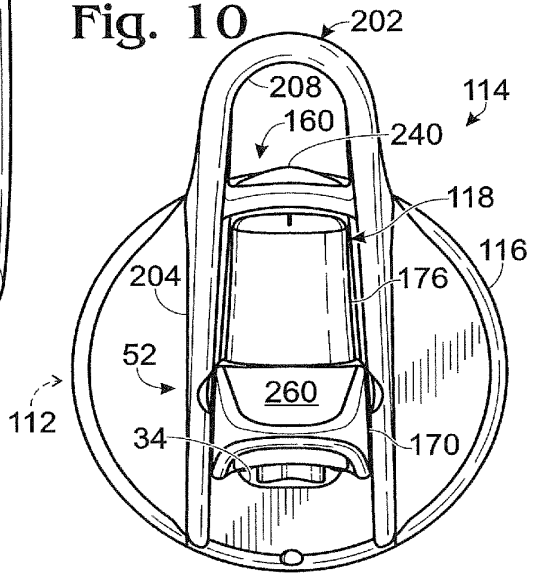



Fig. 10



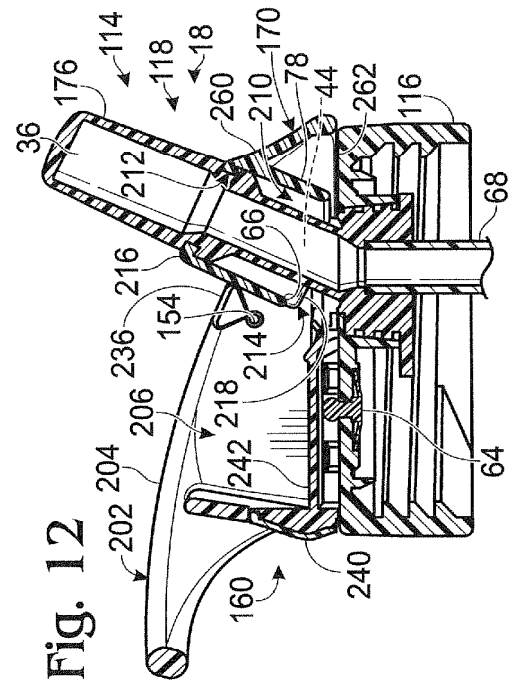



Fig. 12

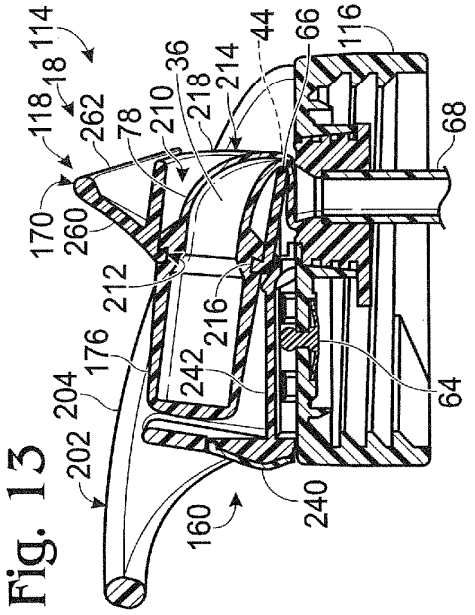



Fig. 13

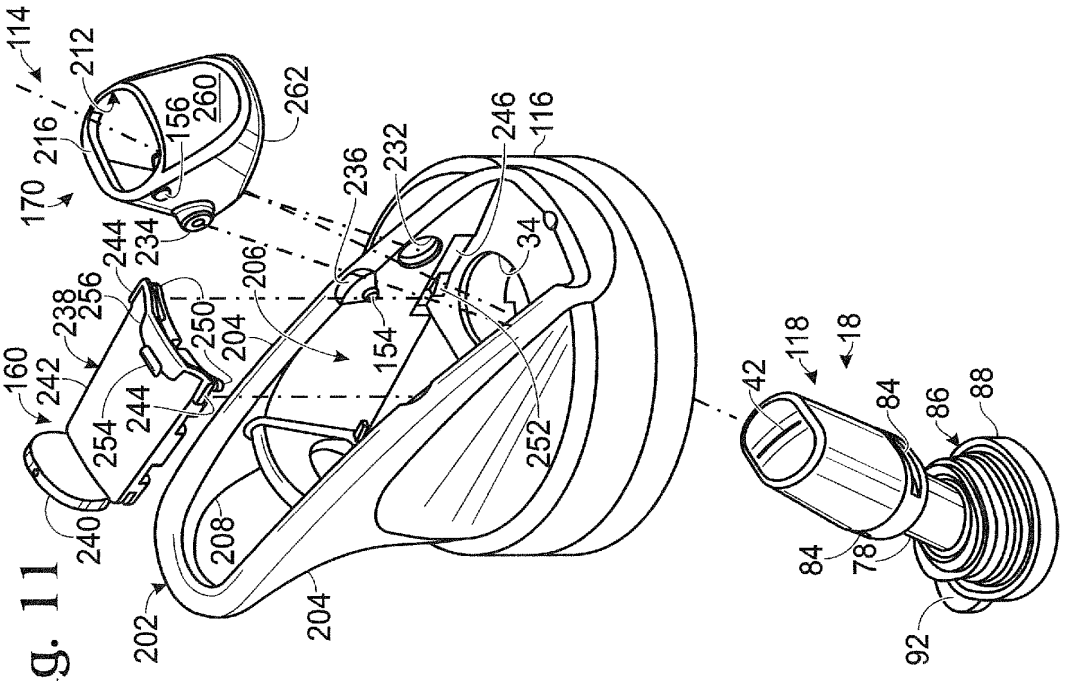



Fig. 11

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Date: May 24, 2012

In re Application of:

JEFF DAVIES and DEREK GAVIN SULLIVAN

Serial No. : Not yet assigned

Filed : May 24, 2012

For : DRINK CONTAINERS

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT**
**UNDER 37 C.F.R. §§ 1.56, 1.97, and 1.98**

Applicants are submitting this Information Disclosure Statement pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98 to disclose to the U.S. Patent and Trademark Office the patents, publications, applications, and/or other references listed on the enclosed, completed PTO-1449 forms. The filing of this Information Disclosure Statement should not be construed as a representation that a search has been made or as an admission that the listed references are prior art for this application. Applicants respectfully request that the listed references be expressly considered during prosecution of the application, and that the references be made of record therein and appear among the "references cited" on any patents issuing therefrom.

**CONTENT OF DISCLOSURE**

This Information Disclosure Statement includes four pages of PTO-1449 forms; however, it does not include copies of the references listed on the forms, as permitted under 37 C.F.R. § 1.98(d), because copies already were provided in an earlier U.S. application (Serial



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No. 12/357,114 ), or a priority application thereto, that is relied upon here for an earlier effective filing date under 35 U.S.C. § 120.

**TIMING OF DISCLOSURE / FEE INFORMATION**

This Information Disclosure Statement is being filed with the application, or with a Request for Continued Examination of the application under 37 C.F.R. § 1.114. Therefore, in accordance with 37 C.F.R. § 1.97(b), no fee or statement under 37 C.F.R. § 1.97(e) is required.

Please contact the undersigned with any questions or comments regarding this Information Disclosure Statement.

Respectfully submitted,

DASCENZO INTELLECTUAL PROPERTY LAW, P.C.



David S. D'Ascenzo
Registration No. 39,952
Customer No. 78569
DASCENZO INTELLECTUAL PROPERTY LAW, P.C.
522 S.W. 5th Ave, Suite 925
Portland, Oregon 97204
Telephone: (503) 224-7529
Facsimile: (503) 224-7329

CERTIFICATE OF E-FILING

I hereby certify that this correspondence and the accompanying PTO-1449 forms are being transmitted electronically via the United States Patent and Trademark Office's EFS-Web System on May 24, 2012.



David S. D'Ascenzo



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| FORM PTO-1449<br><br>INFORMATION DISCLOSURE CITATION IN AN APPLICATION | DOCKET NUMBER<br><br>KRN 356A | APPLICATION NUMBER |
|---|---|---|
| | APPLICANTS<br>JEFF DAVIES and DEREK GAVIN SULLIVAN | |
| | FILING DATE<br>May 24, 2012 | GROUP ART UNIT |

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| | | |

| EXAMINER | DATE CONSIDERED |
|---|---|
| | |

| FORM PTO-1449<br><br>INFORMATION DISCLOSURE<br>CITATION IN AN APPLICATION | DOCKET NUMBER<br><br>KRN 356A | APPLICATION NUMBER |
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| | APPLICANTS<br>JEFF DAVIES and DEREK GAVIN SULLIVAN | |
| | FILING DATE<br>May 24, 2012 | GROUP ART UNIT |

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| FORM PTO-1449<br><br>INFORMATION DISCLOSURE<br>CITATION IN AN APPLICATION | DOCKET NUMBER<br><br>KRN 356A | APPLICATION NUMBER |
|---|---|---|
| | APPLICANTS<br>JEFF DAVIES and DEREK GAVIN SULLIVAN | |
| | FILING DATE<br>May 24, 2012 | GROUP ART UNIT |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FIL. DATE IF APPROP. |
|---|---|---|---|---|---|---|
| | 6,607,092 | 8/19/2003 | Manganiello et al. | | | |
| | 6,422,415 | 7/23/2002 | Manganiello | | | |
| | 6,390,341 | 5/21/2002 | Ohmi et al. | | | |
| | 6,279,773 | 8/28/2001 | Kiyota | | | |
| | 6,276,560 | 8/21/2001 | Belcastro | | | |
| | 6,116,458 | 9/12/2000 | Dark | | | |
| | 6,070,767 | 6/6/2000 | Gardner et al. | | | |
| | 6,059,154 | 5/9/2000 | Bigotte et al. | | | |
| | 6,050,445 | 4/18/2000 | Manganiello | | | |
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| | 5,873,478 | 2/23/1999 | Sullivan et al. | | | |

FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB CLASS | TRANSLATION YES | NO |
|---|---|---|---|---|---|---|---|
| | | | | | | | |
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OTHER DOCUMENTS

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| EXAMINER | DATE CONSIDERED |
|---|---|
| | |

| FORM PTO-1449<br><br>INFORMATION DISCLOSURE<br>CITATION IN AN APPLICATION | DOCKET NUMBER<br><br>KRN 356A | APPLICATION NUMBER |
|---|---|---|
| | APPLICANTS<br>JEFF DAVIES and DEREK GAVIN SULLIVAN | |
| | FILING DATE<br>May 24, 2012 | GROUP ART UNIT |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FIL. DATE IF APPROP. |
|---|---|---|---|---|---|---|
| | 5,520,304 | 5/28/1996 | Lin | | | |
| | 5,518,142 | 5/21/1996 | Lin | | | |
| | 5,465,866 | 11/14/1995 | Belcastro | | | |
| | 5,392,968 | 2/28/1995 | Dark | | | |
| | 5,337,918 | 8/16/1994 | Wang | | | |
| | 5,332,131 | 7/26/1994 | Pehr | | | |
| | 5,273,172 | 12/28/1993 | Rossbach et al. | | | |
| | 5,242,079 | 9/7/1993 | Stephens et al. | | | |
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| | 4,860,934 | 8/29/1989 | Komischke | | | |
| | 4,485,963 | 12/4/1984 | Panicci | | | |
| | 3,907,179 | 9/23/1975 | Pehr et al. | | | |
| | 3,294,293 | 12/27/1966 | Johns | | | |
| | 3,181,743 | 5/4/1965 | Libit et al. | | | |

FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB CLASS | TRANSLATION YES | TRANSLATION NO |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

OTHER DOCUMENTS

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| EXAMINER | DATE CONSIDERED |
|---|---|
| | |

# Electronic Patent Application Fee Transmittal

| | |
|---|---|
| **Application Number:** | |
| **Filing Date:** | |
| **Title of Invention:** | DRINK CONTAINERS |
| **First Named Inventor/Applicant Name:** | Jeff Davies |
| **Filer:** | David S. D'Ascenzo/Robin Davin |
| **Attorney Docket Number:** | KRN 356A |

Filed as Large Entity

## Utility under 35 USC 111(a) Filing Fees

| Description | Fee Code | Quantity | Amount | Sub-Total in USD($) |
|---|---|---|---|---|
| **Basic Filing:** | | | | |
| Utility application filing | 1011 | 1 | 380 | 380 |
| Utility Search Fee | 1111 | 1 | 620 | 620 |
| Utility Examination Fee | 1311 | 1 | 250 | 250 |
| **Pages:** | | | | |
| **Claims:** | | | | |
| Claims in excess of 20 | 1202 | 1 | 60 | 60 |
| **Miscellaneous-Filing:** | | | | |
| **Petition:** | | | | |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD($) |
|---|---|---|---|---|
| **Patent-Appeals-and-Interference:** | | | | |
| **Post-Allowance-and-Post-Issuance:** | | | | |
| **Extension-of-Time:** | | | | |
| **Miscellaneous:** | | | | |
| | | **Total in USD ($)** | | **1310** |

| Electronic Acknowledgement Receipt | |
|---|---|
| **EFS ID:** | 12859538 |
| **Application Number:** | 13479962 |
| **International Application Number:** | |
| **Confirmation Number:** | 8853 |
| **Title of Invention:** | DRINK CONTAINERS |
| **First Named Inventor/Applicant Name:** | Jeff Davies |
| **Customer Number:** | 78569 |
| **Filer:** | David S. D'Ascenzo/Robin Davin |
| **Filer Authorized By:** | David S. D'Ascenzo |
| **Attorney Docket Number:** | KRN 356A |
| **Receipt Date:** | 24-MAY-2012 |
| **Filing Date:** | |
| **Time Stamp:** | 16:00:50 |
| **Application Type:** | Utility under 35 USC 111(a) |

## Payment information:

| | |
|---|---|
| Submitted with Payment | yes |
| Payment Type | Deposit Account |
| Payment was successfully received in RAM | $1310 |
| RAM confirmation Number | 2653 |
| Deposit Account | 504551 |
| Authorized User | |
| The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:<br>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)<br>Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges) | |

## File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|---|---|---|---|---|---|
| 1 | Application Data Sheet | Application_Data_Sheet_KRN356A_5-24-12.pdf | 142153<br>11181cc3f5dd9312caf4c5ee94e2b8c9b25d11d4 | no | 3 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| This is not an USPTO supplied ADS fillable form | | | | | |
| 2 | Oath or Declaration filed | Declaration_for_Patent_Application_KRN356A_5-24-12.pdf | 285241<br>3bd0821de47ef7cae6144d797424b477a7ee4a8b | no | 2 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 3 | | Power_of_Attorney_KRN356A_5-24-12.pdf | 476851<br>55eee5cca2677cfe9d5f63151f84d7543aa53447 | yes | 4 |

**Multipart Description/PDF files in .zip description**

| Document Description | Start | End |
|---|---|---|
| Power of Attorney | 1 | 1 |
| Assignee showing of ownership per 37 CFR 3.73(b). | 2 | 4 |

| | | | | | |
|---|---|---|---|---|---|
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 4 | | continuation_patent_application_KRN356A_5-24-12.pdf | 483170<br>76f4e4503d4fc75e538d83791c4c1a1e06b3deb4 | yes | 57 |

**Multipart Description/PDF files in .zip description**

| Document Description | Start | End |
|---|---|---|
| Specification | 1 | 44 |
| Claims | 45 | 56 |
| Abstract | 57 | 57 |

| | | | | | |
|---|---|---|---|---|---|
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 5 | Drawings-only black and white line drawings | drawings_KRN356A_5-24-12.pdf | 218367<br>7305bd2d28f89b5a25920b58bfce336441702b2f | no | 4 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |

| | | | | | |
|---|---|---|---|---|---|
| 6 | | Information_Disclosure_Statement_KRN356A_5-24-12.pdf | 171855<br>2914da51194338f33ac43ac63a9d1df962c7d52e | yes | 6 |

| | Multipart Description/PDF files in .zip description | | |
|---|---|---|---|
| | **Document Description** | **Start** | **End** |
| | Transmittal Letter | 1 | 2 |
| | Information Disclosure Statement (IDS) Form (SB08) | 3 | 6 |

**Warnings:**

**Information:**

| | | | | | |
|---|---|---|---|---|---|
| 7 | Fee Worksheet (SB06) | fee-info.pdf | 36066<br>88b8269d3e6b587068ea37f29953527c5b1533d0 | no | 2 |

**Warnings:**

**Information:**

| | |
|---|---|
| **Total Files Size (in bytes):** | 1813703 |

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**New Applications Under 35 U.S.C. 111**
**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

**National Stage of an International Application under 35 U.S.C. 371**
**If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.**

**New International Application Filed with the USPTO as a Receiving Office**
**If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.**

PTO/SB/14 (11-08)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| Application Data Sheet 37 CFR 1.76 | Attorney Docket Number | KRN 356A |
|---|---|---|
| | Application Number | |
| Title of Invention | DRINK CONTAINERS | |

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.
This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.

## Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

## Applicant Information:

**Applicant 1**

**Applicant Authority** ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

| Prefix | Given Name | Middle Name | Family Name | Suffix |
|---|---|---|---|---|
| | Jeff | | Davies | |

**Residence Information (Select One)** ◉ US Residency ○ Non US Residency ○ Active US Military Service

| City | Windsor | State/Province | CA | Country of Residence | US |
|---|---|---|---|---|---|

**Citizenship under 37 CFR 1.41(b)** US

**Mailing Address of Applicant:**

| Address 1 | 126 Summer Wheat Drive |
|---|---|
| Address 2 | |

| City | Windsor | State/Province | CA |
|---|---|---|---|
| Postal Code | 95492 | Country | US |

**Applicant 2**

**Applicant Authority** ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

| Prefix | Given Name | Middle Name | Family Name | Suffix |
|---|---|---|---|---|
| | Derek | Gavin | Sullivan | |

**Residence Information (Select One)** ◉ US Residency ○ Non US Residency ○ Active US Military Service

| City | Oakland | State/Province | CA | Country of Residence | US |
|---|---|---|---|---|---|

**Citizenship under 37 CFR 1.41(b)** US

**Mailing Address of Applicant:**

| Address 1 | 1511 Leimert Boulevard |
|---|---|
| Address 2 | |

| City | Oakland | State/Province | CA |
|---|---|---|---|
| Postal Code | 94602 | Country | US |

All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the **Add** button. Add

## Correspondence Information:

**Enter either Customer Number or complete the Correspondence Information section below.**
**For further information see 37 CFR 1.33(a).**

☐ **An Address is being provided for the correspondence Information of this application.**

PTO/SB/14 (11-08)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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| Application Data Sheet 37 CFR 1.76 | Attorney Docket Number | KRN 356A |
|---|---|---|
| | Application Number | |
| Title of Invention | DRINK CONTAINERS | |

| Customer Number | 78569 | | |
|---|---|---|---|
| Email Address | | Add Email | Remove Email |

## Application Information:

| Title of the Invention | DRINK CONTAINERS | | |
|---|---|---|---|
| Attorney Docket Number | KRN 356A | Small Entity Status Claimed | ☐ |
| Application Type | Nonprovisional | | |
| Subject Matter | Utility | | |
| Suggested Class (if any) | | Sub Class (if any) | |
| Suggested Technology Center (if any) | | | |
| Total Number of Drawing Sheets (if any) | 4 | Suggested Figure for Publication (if any) | 8 |

## Publication Information:

| ☐ | Request Early Publication (Fee required at time of Request 37 CFR 1.219) |
|---|---|
| ☐ | **Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S. C. 122(b) and certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing. |

## Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32).
Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.

| Please Select One: | ◉ Customer Number | ○ US Patent Practitioner | ○ Limited Recognition (37 CFR 11.9) |
|---|---|---|---|
| Customer Number | 78569 | | |

## Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.

| Prior Application Status | | | Remove |
|---|---|---|---|
| Application Number | Continuity Type | Prior Application Number | Filing Date (YYYY-MM-DD) |
| | Continuation of | 12357114 | 2009-01-21 |

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.

## Foreign Priority Information:

PTO/SB/14 (11-08)
Approved for use through 01/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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| Application Data Sheet 37 CFR 1.76 | Attorney Docket Number | KRN 356A |
|---|---|---|
| | Application Number | |
| Title of Invention | DRINK CONTAINERS | |

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

Remove

| Application Number | Country[i] | Parent Filing Date (YYYY-MM-DD) | Priority Claimed |
|---|---|---|---|
| | | | ○ Yes ◉ No |

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

## Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

**Assignee 1**

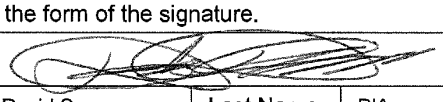
If the Assignee is an Organization check here. ☒

| Organization Name | CamelBak Products, LLC | | |
|---|---|---|---|
| **Mailing Address Information:** | | | |
| **Address 1** | 2000 S. McDowell, Suite 200 | | |
| Address 2 | | | |
| **City** | Petaluma | **State/Province** | CA |
| **Country**[i] | US | Postal Code | 94954 |
| Phone Number | | Fax Number | |
| Email Address | | | |

Additional Assignee Data may be generated within this form by selecting the **Add** button.

## Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.

| **Signature** |  | | | Date (YYYY-MM-DD) | 2012-05-24 |
|---|---|---|---|---|---|
| First Name | David S. | Last Name | D'Ascenzo | Registration Number | 39952 |

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

# DECLARATION FOR PATENT APPLICATION

English Language Declaration

As a below-named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe that I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

**DRINK CONTAINERS**

the specification of which
__X__ is attached hereto, or
_____ was filed on _____ as U.S. Patent Application Serial No. _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including, for continuation-in-part applications, material information that became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f) or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application that designated at least one country other than the United States of America, listed below, and also have identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Claimed? | Certified Copy Attached? |
|---|---|---|---|---|
| | | | | |

DIRECT COMMUNICATIONS TO:
David S. D'Ascenzo
DASCENZO INTELLECTUAL
PROPERTY LAW, P.C.
522 S.W. 5th Avenue, Suite 925
Portland, Oregon 97204

Telephone: (503) 224-7529
Facsimile: (503) 224-7329
Email: david@dascenzoiplaw.com

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or first joint inventor: JEFF DAVIES

Inventor's signature: _____ Date: 1/20/09

Residence: 8294 Chalk Hill Road, Healdsburg, California 95448
Citizenship: United States of America
Post Office Address: 8294 Chalk Hill Road, Healdsburg, California 95448

Full name of second joint inventor: DEREK GAVIN SULLIVAN

Inventor's signature: _____ Date: 1/21/09

Residence: 3033 Blossom Street, Oakland, California 94601
Citizenship: United States of America
Post Office Address: 3033 Blossom Street, Oakland, California 94601



IPR 2024-01501
CamelBak - Ex 2003
Page 81 of 347

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NUMBER | FILING or 371(c) DATE | GRP ART UNIT | FIL FEE REC'D | ATTY.DOCKET.NO | TOT CLAIMS | IND CLAIMS |
|---|---|---|---|---|---|---|
| 13/479,962 | 05/24/2012 | 3781 | 1310 | KRN 356A | 21 | 3 |

**CONFIRMATION NO. 8853**

78569
Dascenzo Intellectual Property Law, P.C.
522 SW 5th Ave
Suite 925
Portland, OR 97204-2126

**FILING RECEIPT**

*OC000000054667054*

Date Mailed: 06/07/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

**Applicant(s)**

JEFF DAVIES, Windsor, CA;
DEREK GAVIN SULLIVAN, Oakland, CA;

**Assignment For Published Patent Application**

CamelBak Products, LLC, Petaluma, CA

**Power of Attorney:** The patent practitioners associated with Customer Number 78569

**Domestic Priority data as claimed by applicant**

This application is a CON of 12/357,114 01/21/2009 PAT 8191727

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

**If Required, Foreign Filing License Granted:** 06/05/2012

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 13/479,962**

**Projected Publication Date:** 09/13/2012

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

DRINK CONTAINERS

**Preliminary Class**

220

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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## PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 13/479,962

### APPLICATION AS FILED - PART I

| FOR | (Column 1) NUMBER FILED | (Column 2) NUMBER EXTRA | SMALL ENTITY RATE($) | SMALL ENTITY FEE($) | OR | OTHER THAN SMALL ENTITY RATE($) | OTHER THAN SMALL ENTITY FEE($) |
|---|---|---|---|---|---|---|---|
| BASIC FEE (37 CFR 1.16(a), (b), or (c)) | N/A | N/A | N/A | | | N/A | 380 |
| SEARCH FEE (37 CFR 1.16(k), (i), or (m)) | N/A | N/A | N/A | | | N/A | 620 |
| EXAMINATION FEE (37 CFR 1.16(o), (p), or (q)) | N/A | N/A | N/A | | | N/A | 250 |
| TOTAL CLAIMS (37 CFR 1.16(i)) | 21 minus 20 = | * 1 | | | OR | x 60 = | 60 |
| INDEPENDENT CLAIMS (37 CFR 1.16(h)) | 3 minus 3 = | * | | | | x 250 = | 0.00 |
| APPLICATION SIZE FEE (37 CFR 1.16(s)) | If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | | | | | | 0.00 |
| MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j)) | | | | | | | 0.00 |
| * If the difference in column 1 is less than zero, enter "0" in column 2. | | | TOTAL | | | TOTAL | 1310 |

### APPLICATION AS AMENDED - PART II

| | | (Column 1) CLAIMS REMAINING AFTER AMENDMENT | | (Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR | (Column 3) PRESENT EXTRA | SMALL ENTITY RATE($) | SMALL ENTITY ADDITIONAL FEE($) | OR | OTHER THAN SMALL ENTITY RATE($) | OTHER THAN SMALL ENTITY ADDITIONAL FEE($) |
|---|---|---|---|---|---|---|---|---|---|---|
| AMENDMENT A | Total (37 CFR 1.16(i)) | * | Minus | ** | = | x = | | OR | x = | |
| | Independent (37 CFR 1.16(h)) | * | Minus | *** | = | x = | | OR | x = | |
| | Application Size Fee (37 CFR 1.16(s)) | | | | | | | | | |
| | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | | OR | | |
| | | | | | | TOTAL ADD'L FEE | | OR | TOTAL ADD'L FEE | |

| | | (Column 1) CLAIMS REMAINING AFTER AMENDMENT | | (Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR | (Column 3) PRESENT EXTRA | RATE($) | ADDITIONAL FEE($) | OR | RATE($) | ADDITIONAL FEE($) |
|---|---|---|---|---|---|---|---|---|---|---|
| AMENDMENT B | Total (37 CFR 1.16(i)) | * | Minus | ** | = | x = | | OR | x = | |
| | Independent (37 CFR 1.16(h)) | * | Minus | *** | = | x = | | OR | x = | |
| | Application Size Fee (37 CFR 1.16(s)) | | | | | | | | | |
| | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | | OR | | |
| | | | | | | TOTAL ADD'L FEE | | OR | TOTAL ADD'L FEE | |

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.

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| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|---|---|---|---|
| 13/479,962 | 05/24/2012 | JEFF DAVIES | KRN 356A |

**CONFIRMATION NO. 8853**

78569
Dascenzo Intellectual Property Law, P.C.
522 SW 5th Ave
Suite 925
Portland, OR 97204-2126

**POA ACCEPTANCE LETTER**

*OC000000054667109*

Date Mailed: 06/07/2012

## NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/24/2012.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/atesfai/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|---|---|---|---|
| 13/479,962 | 05/24/2012 | JEFF DAVIES | KRN 356A |

**CONFIRMATION NO. 8853**

78569
Dascenzo Intellectual Property Law, P.C.
522 SW 5th Ave
Suite 925
Portland, OR 97204-2126

**PUBLICATION NOTICE**

*OC000000056505937*

**Title:**DRINK CONTAINERS

**Publication No.**US-2012-0228315-A1
**Publication Date:**09/13/2012

## NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently http://www.uspto.gov/patft/.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently http://pair.uspto.gov/. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

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Office of Data Managment, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 13/479,962 | 05/24/2012 | JEFF DAVIES | KRN 356A | 8853 |

78569 7590 10/04/2012

Dascenzo Intellectual Property Law, P.C.
522 SW 5th Ave
Suite 925
Portland, OR 97204-2126

| EXAMINER | |
|---|---|
| POON, ROBERT | |
| ART UNIT | PAPER NUMBER |
| 3788 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 10/04/2012 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 13/479,962 | DAVIES ET AL. | |
| | Examiner | Art Unit | |
| | ROBERT POON | 3788 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *24 May 2012*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

5)☒ Claim(s) *1,2,5-18,20 and 21* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-2, 5-18, 20-21* is/are rejected.

8)☒ Claim(s) *3,4 and 19* is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/24/2012*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2, 5-9, 16-17, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2007/0039959 to Choi et al. (Choi) in view of either of US Patent No. 6,745,949 to Lee or US Patent No. 5,273,172 to Rossbach et al.

Regarding claim 1, 21, Choi discloses a drink container (10), comprising:

a liquid container (12) having a neck (26) with an opening (40) and having an internal compartment (20) sized to hold a volume of potable drink liquid; a cap assembly (14) removably coupled to the liquid container, the cap assembly comprising: a base (70) removably coupled to the neck of the liquid container and including a through-passage; a mouthpiece assembly (72) extending through the through-passage of the base and defining a liquid passage (74) through which drink liquid from the liquid container may selectively flow, and further defining an inlet (80) through which drink fluid in the internal compartment may enter the liquid passage and an outlet (86) through which drink liquid from the internal compartment of the liquid container is selectively dispensed, wherein the mouthpiece assembly is configured to be selectively configured between a dispensing configuration (Fig. 24), in which the liquid passage permits drink liquid

to flow from the internal compartment at least into the liquid passage, and a stowed configuration (Fig. 23), in which the liquid passage restricts the flow of drink liquid through the liquid passage (¶0034, ll. 12-15), and wherein the mouthpiece assembly comprises: a mouthpiece portion (72) that includes the outlet (86); a tube (190) that defines at least a portion of the liquid passage for drink liquid to flow from the internal compartment to the mouthpiece portion, wherein the tube includes a crimping region (¶0064, ll. 10-15) constructed of a resiliently deformable material and is adapted to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration. Choi further teaches anchor portion (182) on the mouthpiece assembly which extends from tube (Fig. 9). Choi does not teach the mouthpiece and tube to be unitary however it would have been obvious to one of ordinary skill in the art to make the two pieces integral since it has been held that the use of one piece construction would be merely a matter of obvious engineering choice. *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965). Choi further does not disclose the mouthpiece assembly being biased to the dispensing configuration with first and second catch structures to retain the mouthpiece assembly in stowed configuration.

However, Lee discloses a drink container (10) having mouthpiece assembly (Fig. 5) being biased in a dispensing configuration (col. 4, ll. 50-60), with catch structures (36, upper portion of 20) adapted to selectively engage the assembly to stowed configuration (col. 4, ll. 40-50). It would have been obvious

to one of ordinary skill in the art to reverse the biasing of the Choi container such that the mouthpiece assembly was biased towards the dispensing configuration and implement catch structures to hold it in this biasing position as suggested by Lee in order to allow easy manipulation of the mouthpiece as well as improved performance for closing a passage defined in the straw (Lee, col. 2, ll. 40-45). In addition to Lee, Rossbach also discloses known drink containers all biased to dispensing configuration. In light of several prior art drink containers teaching mouthpieces biasing towards dispensing configuration, one of ordinary skill in the art would have found it obvious to modify the Choi container such that it biased towards dispensing rather than towards stowed configuration. It has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167. Choi further discloses a user release mechanism (122) adapted to automatically disengage the first and second catch structures upon actuation of the user release mechanism and thereby release the mouthpiece assembly to move via its bias from the stowed configuration to the dispensing configuration. In particular, the mechanism is grasped by a user and with sufficient force, would free the mouthpiece from the catches in the modified Choi.

Regarding claim 2, the modified Choi further discloses the user release mechanism (122) mechanically coupled to the first catch structure. In particular, the mechanism (122) would be mechanically coupled though the mouthpiece assembly.

Regarding claim 5, the modified Choi further teaches the crimping region partially biasing the mouthpiece assembly to dispensing configuration (Lee, 24).

Regarding claim 6, Choi further teaches handle (140) with lateral guards (146) defining a stowing region.

Regarding claim 7, Choi further discloses the mouthpiece to be bite-actuated (Choi, abstract) and biased to close configuration.

Regarding claim 8, Choi further discloses the mouthpiece portion capable of allowing a user to draw drink liquid from the drink container while in dispensing configuration (Fig. 2).

Regarding claim 9, Choi does not teach the mouthpiece, tube, and anchor portion to be unitary however it would have been obvious to one of ordinary skill in the art to make the two pieces integral since it has been held that the use of one piece construction would be merely a matter of obvious engineering choice. *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965).

Regarding claim 16, Choi further teaches a straw (180).

Regarding claim 17, Choi does not teach an air return assembly. Rossbach further discloses an air return assembly (9) with mouthpiece portion (12) above the directly above the assembly in stowed configuration (Fig. 2) and not directly above in dispensing configuration (Fig. 1) for providing a vent means. One of ordinary skill in the art would have found it obvious to incorporate an air return assembly as taught by Rossbach in order to provide a vent.

3. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi in view of Lee and further in view of US Patent No. 5,337,918 to Wang.

Regarding claim 10, Choi further discloses a rigid collar member (100), the tube of the mouth piece assembly extending through the collar (Fig. 9) but does not disclose a crimping portion adjacent the crimping portion of the tube. Wang discloses a beverage container (10) and in particular discloses a collar member (34) with a crimping portion (35) adjacent to straw (36). It would have been obvious to one of ordinary skill in the art to implement a crimping portion on the collar member of the modified Choi as suggested by Wang in order to communicate with the straw (col. 1, ll. 50-55). In particular, implementing the collar member in the modified Choi container would have resulted in the crimping portion of the collar (30) adjacent to crimping portion (24) of straw (20, Lee) which would restrict flow when the mouthpiece is bent or in the stowed configuration.

Regarding claim 11, the modified Choi further discloses user release mechanism including engagement portion (150) but does not disclose the collar member having the second catch structure. However, since the second catch structure is located on the top portion of the straw, it would have been obvious to one of ordinary skill in the art to rearrange the parts such that the collar member engages the first catch structure (36, Lee) since it would not affect stowed position of the mouthpiece assembly and it has been held that mere

rearrangement of parts would have been an obvious matter of design choice. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

Regarding claim 12, the collar engagement portion of the release mechanism (122) is capable of tranlating.

Regarding claim 13, the modified Choi further teaches a seat (108, Choi) that can engage the collar member (100).

Regarding claim 14, Choi further discloses a stop surface (bottom of 122) that does not engage the cap assembly when the mouthpiece is in stowed configuration and engages when in dispensing configuration (Figs. 23-24).

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choi in view of Lee and US Patent No. 5,582,320 to Lin.

Regarding claim 15, the modified Choi does not teach a plurality of flanges on the anchor portion. Lin discloses a beverage dispenser (Fig. 3) and in particular discloses an anchor portion (51) with flanges (512). One of ordinary skill in the art would have found it obvious to incorporate flanges to the modified Choi anchor portion as suggested by Lin in order to prevent leakage (Lin, abstract).

5. Claims 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi in view of Lee, Rossbach, Wang and Lin.

Regarding claims 18, 20, Choi discloses a drink container (10), comprising:

a liquid container (12) having a neck (26) with an opening (40) and having an internal compartment (20) sized to hold a volume of potable drink liquid; a cap assembly (14) removably coupled to the liquid container, the cap assembly comprising: a base (70) removably coupled to the neck of the liquid container and including a through-passage; a mouthpiece assembly (72) extending through the through-passage of the base and defining a liquid passage (74) through which drink liquid from the liquid container may selectively flow, and further defining an inlet (80) through which drink fluid in the internal compartment may enter the liquid passage and an outlet (86) through which drink liquid from the internal compartment of the liquid container is selectively dispensed, wherein the mouthpiece assembly is configured to be selectively configured between a dispensing configuration (Fig. 24), in which the liquid passage permits drink liquid to flow from the internal compartment at least into the liquid passage, and a stowed configuration (Fig. 23), in which the liquid passage restricts the flow of drink liquid through the liquid passage (¶0034, ll. 12-15), and wherein the mouthpiece assembly comprises: a mouthpiece portion (72) that includes the outlet (86); a tube (190) that defines at least a portion of the liquid passage for drink liquid to flow from the internal compartment to the mouthpiece portion, wherein the tube includes a crimping region (¶0064, ll. 10-15) constructed of a resiliently deformable material and is adapted to restrict the flow of drink liquid

through the liquid passage when the mouthpiece assembly is in the stowed configuration. Choi further teaches anchor portion (182) on the mouthpiece assembly which extends from tube (Fig. 9). Choi does not teach the mouthpiece and tube to be unitary however it would have been obvious to one of ordinary skill in the art to make the two pieces integral since it has been held that the use of one piece construction would be merely a matter of obvious engineering choice. *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965). Choi further does not disclose the mouthpiece assembly being biased to the dispensing configuration with first and second catch structures to retain the mouthpiece assembly in stowed configuration.

However, Lee discloses a drink container (10) having mouthpiece assembly (Fig. 5) being biased in a dispensing configuration (col. 4, ll. 50-60), with catch structures (36, upper portion of 20) adapted to selectively engage the assembly to stowed configuration (col. 4, ll. 40-50). It would have been obvious to one of ordinary skill in the art to reverse the biasing of the Choi container such that the mouthpiece assembly was biased towards the dispensing configuration and implement catch structures to hold it in this biasing position as suggested by Lee in order to allow easy manipulation of the mouthpiece as well as improved performance for closing a passage defined in the straw (Lee, col. 2, ll. 40-45). In addition to Lee, Rossbach also discloses known drink containers all biased to dispensing configuration. In light of several prior art drink containers teaching mouthpieces biasing towards dispensing configuration, one of ordinary skill in the

art would have found it obvious to modify the Choi container such that it biased towards dispensing rather than towards stowed configuration. It has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167. Choi further discloses a user release mechanism (122) adapted to automatically disengage the first and second catch structures upon actuation of the user release mechanism and thereby release the mouthpiece assembly to move via its bias from the stowed configuration to the dispensing configuration. In particular, the mechanism is grasped by a user and with sufficient force, would free the mouthpiece from the catches in the modified Choi.

The modified Choi further discloses the user release mechanism (122) mechanically coupled to the first catch structure. In particular, the mechanism (122) would be mechanically coupled though the mouthpiece assembly.

The modified Choi further teaches the crimping region partially biasing the mouthpiece assembly to dispensing configuration (Lee, 24).

Choi further teaches handle (140) with lateral guards (146) defining a stowing region.

Choi further discloses the mouthpiece to be bite-actuated (Choi, abstract) and biased to close configuration.

Choi further discloses the mouthpiece portion capable of allowing a user to draw drink liquid from the drink container while in dispensing configuration (Fig. 2).

Choi does not teach the mouthpiece, tube, and anchor portion to be unitary however it would have been obvious to one of ordinary skill in the art to make the two pieces integral since it has been held that the use of one piece construction would be merely a matter of obvious engineering choice. *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965).

Choi further teaches a straw (180).

The modified Choi does not teach an air return assembly. Rossbach further discloses an air return assembly (9) with mouthpiece portion (12) above the directly above the assembly in stowed configuration (Fig. 2) and not directly above in dispensing configuration (Fig. 1) for providing a vent means. One of ordinary skill in the art would have found it obvious to incorporate an air return assembly as taught by Rossbach in order to provide a vent.

Choi further discloses a rigid collar member (100), the tube of the mouth piece assembly extending through the collar (Fig. 9) but does not disclose a crimping portion adjacent the crimping portion of the tube. Wang discloses a beverage container (10) and in particular discloses a collar member (34) with a crimping portion (35) adjacent to straw (36). It would have been obvious to one of ordinary skill in the art to implement a crimping portion on the collar member of the modified Choi as suggested by Wang in order to communicate with the straw (col. 1, ll. 50-55). In particular, implementing the collar member in the modified Choi container would have resulted in the crimping portion of the collar (30)

adjacent to crimping portion (24) of straw (20, Lee) which would restrict flow when the mouthpiece is bent or in the stowed configuration.

The modified Choi further discloses user release mechanism including engagement portion (150) but does not disclose the collar member having the second catch structure. However, since the second catch structure is located on the top portion of the straw, it would have been obvious to one of ordinary skill in the art to rearrange the parts such that the collar member engages the first catch structure (36, Lee) since it would not affect stowed position of the mouthpiece assembly and it has been held that mere rearrangement of parts would have been an obvious matter of design choice. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

Choi discloses the collar engagement portion of the release mechanism (122) is capable of tranlating.

The modified Choi further teaches a seat (108, Choi) that can engage the collar member (100).

Choi further discloses a stop surface (bottom of 122) that does not engage the cap assembly when the mouthpiece is in stowed configuration and engages when in dispensing configuration (Figs. 23-24).

The modified Choi does not teach a plurality of flanges on the anchor portion. Lin discloses a beverage dispenser (Fig. 3) and in particular discloses an anchor portion (51) with flanges (512). One of ordinary skill in the art would

have found it obvious to incorporate flanges to the modified Choi anchor portion as suggested by Lin in order to prevent leakage (Lin, abstract).

### *Allowable Subject Matter*

6. Claims 3-4, 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT POON whose telephone number is (571)270-7425. The examiner can normally be reached on Monday thru Friday, 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Pickett can be reached on (571)272-4560. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Gregory Pickett/
Supervisory Patent Examiner, Art Unit 3788

/R. P./
Examiner, Art Unit 3788

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| | K | US- | | | |
| | L | US- | | | |
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Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

**EAST Search History**

**EAST Search History (Prior Art)**

| Ref # | Hits | Search Query | DBs | Default Operator | Plurals | Time Stamp |
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| S1 | 1 | "12357114" | US-PGPUB; USPAT; EPO; JPO; DERWENT | OR | OFF | 2011/04/14 18:26 |
| S2 | 7 | ((JEFF) near2 (DAVIES)).INV. | US-PGPUB; USPAT | OR | OFF | 2011/04/14 18:28 |
| S3 | 7 | ((DEREK) near2 (SULLIVAN)).INV. | US-PGPUB; USPAT | OR | OFF | 2011/04/14 18:36 |
| S4 | 4 | (("20080237233") or ("20070039959") or ("7533783") or ("3907179")).PN. | US-PGPUB; USPAT; USOCR | OR | OFF | 2011/04/14 18:39 |
| S5 | 2 | (("6070767") or ("6032831")).PN. | USPAT; USOCR | OR | OFF | 2011/04/14 20:06 |
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| S9 | 69 | 220/708.ccls. | US-PGPUB; USPAT; EPO; JPO; DERWENT | OR | OFF | 2011/04/19 13:19 |
| S10 | 245 | 220/709.ccls. | US-PGPUB; USPAT; EPO; JPO; DERWENT | OR | OFF | 2011/04/19 13:28 |
| S12 | 198 | 215/387.ccls. | US-PGPUB; USPAT; EPO; JPO; DERWENT | OR | OFF | 2011/04/19 17:58 |
| S13 | 345 | 215/388.ccls. | US-PGPUB; | OR | OFF | 2011/04/19 18:08 |



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| S22 | 251 | 220/709.ccls. | US-PGPUB; USPAT; EPO; JPO; DERWENT | OR | OFF | 2012/03/23 15:23 |
| S24 | 1 | "20070039959" | US-PGPUB; USPAT; EPO; JPO | OR | OFF | 2012/09/27 13:40 |
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**EAST Search History (Interference)**

| Ref # | Hits | Search Query | DBs | Default Operator | Plurals | Time Stamp |
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| FORM PTO-1449<br>INFORMATION DISCLOSURE CITATION IN AN APPLICATION | DOCKET NUMBER<br>KRN 356A | APPLICATION NUMBER |
|---|---|---|
| | APPLICANTS<br>JEFF DAVIES and DEREK GAVIN SULLIVAN | |
| | FILING DATE<br>May 24, 2012 | GROUP ART UNIT |

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| FORM PTO-1449<br>INFORMATION DISCLOSURE CITATION IN AN APPLICATION | DOCKET NUMBER<br>KRN 356A | APPLICATION NUMBER |
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| | APPLICANTS<br>JEFF DAVIES and DEREK GAVIN SULLIVAN | |
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| | APPLICANTS<br>JEFF DAVIES and DEREK GAVIN SULLIVAN | |
| | FILING DATE<br>May 24, 2012 | GROUP ART UNIT |

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|---|---|---|
| | APPLICANTS<br>JEFF DAVIES and DEREK GAVIN SULLIVAN | |
| | FILING DATE<br>May 24, 2012 | GROUP ART UNIT |

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| Search Notes | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 13479962 | DAVIES ET AL. |
| | **Examiner** | **Art Unit** |
| | ROBERT POON | 3788 |

| SEARCHED | | | |
|---|---|---|---|
| **Class** | **Subclass** | **Date** | **Examiner** |
| 220 | 252, 705, 707-709 | 9/27/2012 | rp |
| 215 | 387-389, | 9/27/2012 | rp |

| SEARCH NOTES | | |
|---|---|---|
| **Search Notes** | **Date** | **Examiner** |
| see EAST search history | 9/27/2012 | rp |
| inventor search | 9/27/2012 | rp |

| INTERFERENCE SEARCH | | | |
|---|---|---|---|
| **Class** | **Subclass** | **Date** | **Examiner** |
| | | | |

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| /ROBERT POON/<br>Examiner.Art Unit 3788 | |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
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| | 13479962 | DAVIES ET AL. |
| | **Examiner** | **Art Unit** |
| | ROBERT POON | 3788 |

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| ✓ | Rejected | - | Cancelled | N | Non-Elected | A | Appeal |
| = | Allowed | ÷ | Restricted | I | Interference | O | Objected |

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

| CLAIM | | DATE | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Final | Original | 09/27/2012 | | | | | | | | |
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| | 7 | ✓ | | | | | | | | |
| | 8 | ✓ | | | | | | | | |
| | 9 | ✓ | | | | | | | | |
| | 10 | ✓ | | | | | | | | |
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| | 12 | ✓ | | | | | | | | |
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| | 21 | ✓ | | | | | | | | |



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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

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| SERIAL NUMBER | FILING or 371(c) DATE | CLASS | GROUP ART UNIT | ATTORNEY DOCKET NO. |
|---|---|---|---|---|
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**APPLICANTS**

JEFF DAVIES, Windsor, CA;
DEREK GAVIN SULLIVAN, Oakland, CA;

**** CONTINUING DATA ***************************

This application is a CON of 12/357,114 01/21/2009 PAT 8,191,727

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

06/05/2012

| Foreign Priority claimed ☐ Yes ☑ No<br>35 USC 119(a-d) conditions met ☐ Yes ☐ No<br>Verified and Acknowledged /ROBERT POON/ Examiner's Signature | ☐ Met after Allowance<br>Initials | STATE OR COUNTRY | SHEETS DRAWINGS | TOTAL CLAIMS | INDEPENDENT CLAIMS |
|---|---|---|---|---|---|
| | | CA | 4 | 21 | 3 |

**ADDRESS**

Dascenzo Intellectual Property Law, P.C.
522 SW 5th Ave
Suite 925
Portland, OR 97204-2126
UNITED STATES

**TITLE**

DRINK CONTAINERS

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

March 1, 2013

Atty. Docket No.: KRN 356A

In re Application of:
CamelBak Products, LLC

Inventors : JEFF DAVIES and DEREK GAVIN SULLIVAN

Serial No. : 13/479,962 Group Art Unit: 3788

Filed : May 24, 2012 Examiner: Robert Poon

For : DRINK CONTAINERS

**Mail Stop AMENDMENT**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

## AMENDMENT AND RESPONSE TO OFFICE ACTION

Responsive to the Office action mailed on October 4, 2012, please consider the following amendment and remarks.

| | |
|---|---|
| Amendment to the Specification | None. |
| Amendments to the Drawings | None. |
| Amendments to the Claims | Begin on page 2. |
| Remarks | Begin on page 13. |



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## CLAIM AMENDMENTS

This listing of claims reflects all claim amendments and replaces all prior versions, and listings, of claims in the application. Material to be inserted in claims is in **bold and underline**, and material to be deleted is in ~~strikeout~~ or (if the deletion is of five or fewer consecutive characters or would be difficult to see) in bold double brackets **[[ ]]**.

1. (Original) A drink container, comprising:

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

a cap assembly removably coupled to the liquid container, the cap assembly comprising:

a base removably coupled to the neck of the liquid container and including a through-passage;

a first catch structure;

a mouthpiece assembly extending through the through-passage of the base and defining a liquid passage through which drink liquid from the liquid container may selectively flow, and further defining an inlet through which drink liquid in the internal compartment may enter the liquid passage and an outlet through which drink liquid from the internal compartment of the liquid container is selectively dispensed, wherein the mouthpiece assembly is configured to be selectively configured between a dispensing configuration, in which the liquid passage permits drink liquid to flow from the internal compartment at least into the liquid passage, and a stowed configuration, in which the liquid passage restricts the flow of drink liquid through the liquid passage, wherein the mouthpiece assembly is biased to the dispensing configuration, and wherein the mouthpiece assembly comprises:



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a mouthpiece portion that includes the outlet;

a tube that defines at least a portion of the liquid passage for drink liquid to flow from the internal compartment to the mouthpiece portion, wherein the tube includes a crimping region constructed of a resiliently deformable material and is adapted to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration, and wherein the mouthpiece portion and the tube are constructed as a unitary assembly of the resiliently deformable material;

an anchor portion extending from the tube distal the mouthpiece portion, wherein the anchor portion is sized to restrict passage of the anchor portion through the through-passage of the base of the cap assembly; and

a second catch structure adapted to be selectively engaged with the first catch structure to retain the mouthpiece assembly in the stowed configuration; and

a user release mechanism adapted to automatically disengage the first and second catch structures upon actuation of the user release mechanism and thereby release the mouthpiece assembly to move via its bias from the stowed configuration to the dispensing configuration.

2. (Original) The drink container of claim 1, wherein the user release mechanism is mechanically coupled to the first catch structure.

3. (Original) The drink container of claim 1, wherein the base of the cap assembly includes a sidewall and defines a recess with a pair of opposed channels; wherein the user release mechanism includes a sliding member that is configured to reversibly translate along



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the recess to selectively disengage the first and the second catch structures; wherein the sliding member includes a pair of opposed tabs that slide within the pair of opposed channels as the sliding member translates along the recess; wherein the user release mechanism further includes a user engagement pad that is coupled to the sliding member and which extends through the sidewall of the base of the cap assembly for selective engagement by a user; and further wherein the user release mechanism includes at least one biasing member that urges the sliding member and user engagement pad away from a position where the sliding member disengages the first and the second catch structures.

4. (Original) The drink container of claim 3, wherein the sliding member further includes a collar engagement portion that projects from the sliding member and which is configured to force disengagement of the first and the second catch structures upon actuation of the user release mechanism.

5. (Original) The drink container of claim 1, wherein the crimping region at least partially biases the mouthpiece assembly to the dispensing configuration.

6. (Original) The drink container of claim 1, wherein the cap assembly further includes a handle that projects away from the base of the cap assembly and a pair of lateral guards that at least partially define a stowing region that receives at least a portion of the mouthpiece assembly between the pair of lateral guards when the mouthpiece assembly is in the stowed configuration.



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7. (Original) The drink container of claim 1, wherein the mouthpiece portion includes a bite-actuated mouthpiece and the outlet is a sealable outlet, wherein the bite-actuated mouthpiece is selectively configured between an open configuration, in which the sealable outlet is open and permits drink liquid to flow therethrough, and a closed configuration, in which the sealable outlet restricts drink liquid from flowing therethrough, wherein the bite-actuated mouthpiece is biased to the closed configuration, and further wherein the bite-actuated mouthpiece is selectively configured from the closed configuration to the open configuration responsive to a user biting upon opposed sidewalls of the bite-actuated mouthpiece.

8. (Original) The drink container of claim 1, wherein the mouthpiece portion permits a user to draw drink liquid from the drink container when the mouthpiece assembly is in the dispensing configuration.

9. (Original) The drink container of claim 1, wherein the mouthpiece portion, the tube, and the anchor portion are constructed as a unitary assembly of the resiliently deformable material.

10. (Original) The drink container of claim 1, wherein the mouthpiece assembly further includes a rigid collar member that is pivotally coupled to the base and which includes a crimping portion; wherein the tube of the mouthpiece assembly extends at least partially through the rigid collar member; wherein the crimping portion is adjacent the crimping region of the tube and external of the liquid passage, wherein the rigid collar member engages and crimps the



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crimping region to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration.

11. (Original) The drink container of claim 10, wherein the rigid collar member includes the second catch structure, and further wherein the user release mechanism includes a collar engagement portion that is adapted to engage the rigid collar member.

12. (Original) The drink container of claim 11, wherein when the mouthpiece assembly is in the stowed configuration and upon actuation of the user release mechanism, the collar engagement portion is adapted to translate relative to the rigid collar member and cause the first catch structure to disengage the second catch structure and thus permit the rigid collar member to pivot due to the bias of the mouthpiece assembly.

13. (Original) The drink container of claim 10, wherein the mouthpiece portion includes a seat for the rigid collar member in which the rigid collar member engages the mouthpiece portion, wherein the seat restricts relative movement between the mouthpiece portion and the rigid collar member.

14. (Original) The drink container of claim 10, wherein the rigid collar member includes a stop surface that does not engage the base of the cap assembly when the mouthpiece assembly is in the stowed configuration and that engages the base of the cap assembly when the mouthpiece assembly is in the dispensing configuration to define a dispensing position of the mouthpiece portion.



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15. (Original) The drink container of claim 1, wherein the anchor portion includes a plurality of flanges that are sized and shaped to provide a friction-fit arrangement with the through-passage.

16. (Original) The drink container of claim 1, wherein the drink container includes a straw with a first end that extends into the liquid container and a second end that extends into the liquid passage and is retained therein by the friction-fit arrangement.

17. (Original) The drink container of claim 1, wherein the cap assembly further includes:

an air return assembly adapted to permit air from external the drink container to enter the internal compartment of the liquid container without having to pass through the liquid passage of the mouthpiece assembly, wherein the mouthpiece portion is positioned directly above the air return assembly when the mouthpiece assembly is in the stowed configuration and is not positioned directly above the air return assembly when the mouthpiece assembly is in the dispensing configuration.

18. (Original) A drink container, comprising:

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

a cap assembly removably coupled to the liquid container, the cap assembly comprising:

a base removably coupled to the neck of the liquid container and including a through-passage;



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a first catch structure;

a mouthpiece assembly extending through the through-passage of the base and defining a liquid passage through which drink liquid from the liquid container may selectively flow, and further defining an inlet through which drink liquid in the internal compartment may enter the liquid passage and an outlet through which drink liquid from the internal compartment of the liquid container is selectively dispensed, wherein the mouthpiece assembly is configured to be selectively configured between a dispensing configuration, in which the liquid passage permits drink liquid to flow from the internal compartment at least into the liquid passage, and a stowed configuration, in which the liquid passage restricts the flow of drink liquid through the liquid passage, wherein the mouthpiece assembly is biased to the dispensing configuration, and wherein the mouthpiece assembly comprises:

a mouthpiece portion that includes the outlet and permits a user to draw drink liquid from the drink container when the mouthpiece assembly is in the dispensing configuration, wherein the mouthpiece portion includes a seat;

a tube that defines at least a portion of the liquid passage for drink liquid to flow from the internal compartment to the mouthpiece portion, wherein the tube includes a crimping region constructed of a resiliently deformable material and is adapted to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration, and wherein the crimping region at least partially biases the mouthpiece assembly to the dispensing configuration;

an anchor portion extending from the tube distal the mouthpiece portion and including a plurality of flanges that are sized and shaped to provide a friction-fit arrangement with the through-passage and to restrict passage of the anchor portion through the through-



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passage of the base of the cap assembly, wherein the anchor portion, the mouthpiece portion, and the tube are constructed as a unitary assembly of the resiliently deformable material; and

a rigid collar member that is pivotally coupled to the base and which includes a crimping portion, wherein the crimping portion is adjacent the crimping region of the tube and external of the liquid passage, wherein the rigid collar member engages and crimps the crimping region to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration, wherein the rigid collar member includes a second catch structure adapted to be selectively engaged with the first catch structure to retain the mouthpiece assembly in the stowed configuration, wherein the rigid collar member engages the seat of the mouthpiece portion and restricts relative movement between the mouthpiece portion and the rigid collar member, and wherein the rigid collar member includes a stop surface that does not engage the base of the cap assembly when the mouthpiece assembly is in the stowed configuration and that engages the base of the cap assembly when the mouthpiece assembly is in the dispensing configuration to define a dispensing position of the mouthpiece portion;

a handle that projects away from the base of the cap assembly;

a pair of lateral guards that at least partially define a stowing region that receives at least a portion of the mouthpiece assembly between the pair of lateral guards when the mouthpiece assembly is in the stowed configuration;

a user release mechanism configured to automatically disengage the first and second catch structures upon actuation of the user release mechanism and thereby release the mouthpiece assembly to move via its bias from the stowed configuration to the dispensing configuration; wherein the user release mechanism includes a collar engagement portion that is



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adapted to engage the rigid collar member; and further wherein when the mouthpiece assembly is in the stowed configuration and upon actuation of the user release mechanism, the collar engagement portion is adapted to translate relative to the rigid collar member and cause the first catch structure to disengage the second catch structure and thus permit the rigid collar member to pivot due to the bias of the mouthpiece assembly; and

an air return assembly adapted to permit air from external the drink container to enter the internal compartment of the liquid container without having to pass through the liquid passage of the mouthpiece assembly, wherein the mouthpiece portion is positioned directly above the air return assembly when the mouthpiece assembly is in the stowed configuration and is not positioned directly above the air return assembly when the mouthpiece assembly is in the dispensing configuration.

19. (Original) The drink container of claim 18, wherein the base of the cap assembly includes a sidewall and defines a recess with a pair of opposed channels; wherein the user release mechanism includes a sliding member from which the collar engagement portion extends and which is configured to reversibly translate along the recess to selectively disengage the first and the second catch structures; wherein the sliding member includes a pair of opposed tabs that slide within the pair of opposed channels as the sliding member translates along the recess; wherein the user release mechanism further includes a user engagement pad that is coupled to the sliding member and which extends through the sidewall of the base of the cap assembly for selective engagement by a user; and further wherein the user release mechanism includes at least one biasing member that urges the sliding member and user engagement pad



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away from a position where the sliding member disengages the first and the second catch structures.

20. (Original) The drink container of claim 18, wherein the mouthpiece portion includes a bite-actuated mouthpiece and the outlet is a sealable outlet, wherein the bite-actuated mouthpiece is selectively configured between an open configuration, in which the sealable outlet is open and permits drink liquid to flow therethrough, and a closed configuration, in which the sealable outlet restricts drink liquid from flowing therethrough, wherein the bite-actuated mouthpiece is biased to the closed configuration, and further wherein the bite-actuated mouthpiece is selectively configured from the closed configuration to the open configuration responsive to a user biting upon opposed sidewalls of the bite-actuated mouthpiece.

21. (Currently amended) A drink container, comprising:

a liquid container; and

a cap assembly removably coupled to the liquid container, the cap assembly comprising:

a base that defines a through-passage;

a mouthpiece assembly that extends through the through-passage of the base and defines a liquid passage, wherein the mouthpiece assembly has a dispensing configuration and a stowed configuration, wherein the mouthpiece assembly is biased to the dispensing configuration, and wherein the mouthpiece assembly includes:

a resilient mouthpiece portion that permits a user to draw drink liquid from the drink container when the mouthpiece assembly is in the dispensing configuration;



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a resilient tube connected to the mouthpiece portion and including a crimping region that is adapted to restrict flow of drink liquid through the mouthpiece assembly when the mouthpiece assembly is in the stowed configuration; and

a resilient anchor portion extending from the resilient tube opposite the resilient mouthpiece portion, wherein the anchor portion is sized to restrict passage of the resilient anchor portion through the through-passage and thus restrict removal of the mouthpiece assembly via a top side of the cap assembly, and wherein the resilient mouthpiece portion, the resilient tube, and the resilient anchor portion are constructed as a unitary assembly; and

a user release mechanism adapted to automatically release the mouthpiece assembly from the stowed configuration to the ~~dispending~~ **dispensing** configuration via the bias of the mouthpiece assembly.



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## REMARKS

The above amendment and these remarks are responsive to the Office action mailed on October 4, 2012. In the Office action, claims 3–4 and 19 were indicated to be allowable if rewritten into independent form, and the remaining claims were rejected. Specifically, claims 1–2, 5–9, 16–17, and 21 were rejected as being obvious over a proposed combination of U.S. Patent Application Publication No. 2007/0039959 to Choi et al. ("Choi") and either U.S. Patent No. 6,745,949 to Lee ("Lee") or U.S. Patent No. 5,273,172 to Rossbach et al. ("Rossbach"). Claims 10–14 were rejected as being obvious over a proposed combination of Choi, Lee, and U.S. Patent No. 5,337,918 to Wang ("Wang"). Claim 15 was rejected as being obvious over a proposed combination of Choi, Lee, and U.S. Patent No. 5,582,320 to Lin ("Lin"). Claims 18 and 20 were rejected as being obvious over a proposed combination of Choi, Lee, Rossbach, Wang, and Lin. Applicant has studied the reasons expressed in the Office action for rejecting the claims and respectfully disagrees with and traverses all of the rejections.

Applicant thanks the Examiner for the indication of allowable subject matter with respect to dependent claims 3–4 and 19; however, at this time, Applicant has not amended those claims into independent form. No substantive amendments are made to the claims, with the only amendment being a formal amendment to claim 21 to correct a typographical error that was not discovered until after the application was filed. Applicant respectfully requests reconsideration of the present application, including withdrawal of the rejections made in the first Office action, for the reasons discussed below.

All three of independent claims 1, 18, and 21 were rejected as obvious over one or more modifications of Choi. Independent claims 1 and 21 stand rejected based on a proposed combination of Choi and Lee or on a proposed combination of Choi and Rossbach, and



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independent claim 18 stands rejected based on a proposed combination of Choi, Lee, Rossbach, Wang, and Lin. Applicant requests reconsideration and withdrawal of the rejections at least because the cited prior art simply does not disclose each and every element of the independent claims, and a person of ordinary skill in the art would not have been motivated to modify the cited prior art to arrive at the subject matter of the independent claims.

Specifically, the rejections of the independent claims are improper at least because none of the cited prior art references disclose, teach, or even suggest—and a person of ordinary skill in the art would not have been motivated to modify the cited prior art references to arrive at—at least the following subject matter of the independent claims (with emphasis):

- (claim 1) "*wherein the mouthpiece portion and the tube are constructed as* ***a unitary assembly*** *of the resiliently deformable material*; [and] ***an anchor portion*** extending from the tube distal the mouthpiece portion, *wherein the anchor portion is sized to restrict passage of the anchor portion through the through-passage of the base of the cap assembly*;"

- (claim 18) "***an anchor*** portion extending from the tube distal the mouthpiece portion and including a plurality of flanges that are sized and shaped to provide a friction-fit arrangement with the through-passage and to restrict passage of the anchor portion through the through-passage of the base of the cap assembly, *wherein the anchor portion, the mouthpiece portion, and the tube are constructed as* ***a unitary assembly*** *of the resiliently deformable material*;" and

- (claim 21) "***a resilient anchor portion*** extending from the resilient tube opposite the resilient mouthpiece portion, *wherein the anchor portion is sized to restrict passage of the resilient anchor portion through the through-passage and thus restrict removal of the mouthpiece assembly via a top side of the cap assembly*, and *wherein the resilient mouthpiece portion, the resilient tube, and the resilient anchor portion are constructed as* ***a unitary assembly***."

As emphasized above, all three of independent claims 1, 18, and 21 recite an "anchor portion" that restricts passage of the anchor portion through the through-passage, and thus that restricts removal of the mouthpiece assembly via a top side of the cap assembly. Moreover, all three of independent claims 1, 18, and 21 recite a "unitary assembly" constructed from at least



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the mouthpiece portion and the tube. Independent claims 18 and 21 also recite that the unitary assembly is further constructed from the anchor portion.

Because the rejections of the independent claims all are based on the proposed combinations of the cited references disclosing the above subject matter, it follows that the failure of the cited references to do so is a reason for withdrawal of the rejections of not only these independent claims, but also the rejections of all of the rejected pending claims. As discussed in more detail below, although the rejections are all based on 35 U.S.C. § 103, each rejection relies upon Choi to provide certain subject matter that is not disclosed or suggested in the remaining cited references. Accordingly, Applicant submits that the following discussion explains why Choi does not actually disclose, or even suggest, this subject matter, and as a result, why the proposed obviousness rejections of the independent claims therefore should be reconsidered and withdrawn.

For the sake of brevity, and in view of this clear failure of Choi to disclose or suggest subject matter that is relied upon in the Office action to support the rejections, Applicant is not providing a detailed discussion of all of the cited references because the rejections all must be withdrawn if Choi (or Choi and Lin for claim 18) do not actually disclose or suggest the subject matter for which it/they are relied upon in the Office action. Similarly, additional reasons why the dependent claims recite additional subject matter that is not disclosed or suggested in the proposed combinations, as well as reasons why the proposed combinations conflict with and/or teach away from the disclosure of one or more of the cited references, are not provided in this response.



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**A. Anchor Portion.**

With reference to the illustrative, non-exclusive example of a cap assembly 114, including a mouthpiece assembly 118, according to the present application illustrated in Figs. 11–12 (reproduced below for the Examiner's convenience, and with Fig. 12 annotated to include reference numerals 34 and 86), it is seen that the example mouthpiece assembly 118 includes an anchor portion 86 that is sized to restrict passage of the anchor portion through the through-passage 34 of the base 116. The size of the anchor portion 86 relative to the through-passage 34 is perhaps best seen in Fig. 12 and plainly restricts removal of the whole of the mouthpiece assembly 118 from the top side of the cap assembly, for example, by a user grasping the mouthpiece portion 176 and pulling upward and away from the base. That is, the anchor portion restricts the entirety of the mouthpiece assembly 118 from being separated from the base 116 of the cap assembly, at least via the top side of the cap assembly. The example of Figs. 11–12 is provided solely for illustrative purposes, and other configurations of mouthpiece assemblies and anchor portions thereof are within the scope of the present application.

Fig. 11

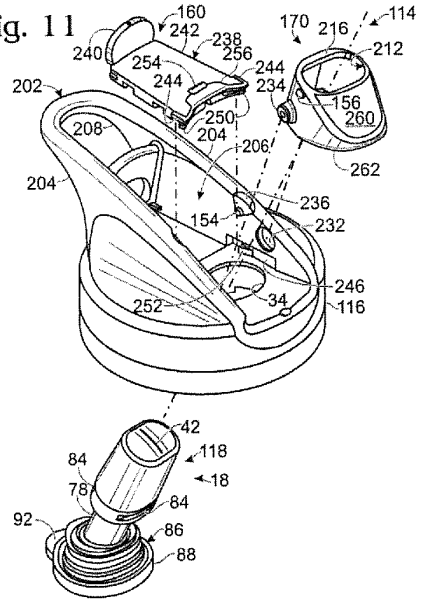
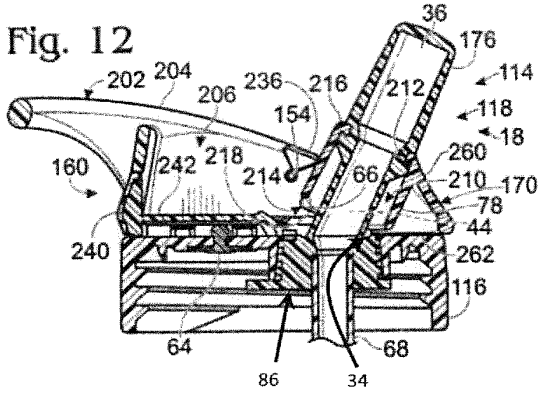



Fig. 12






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To reject all three independent claims, the Office action cites to Choi for disclosing an anchor portion that restricts passage of the anchor portion through the through-passage of the base. More specifically, the Office action, without a detailed explanation, cites to the structure indicated at 182 in Fig. 9 for the anchor portion of all three of independent claims 1, 18, and 21. Fig. 9 of Choi is reproduced below for the Examiner's convenience.

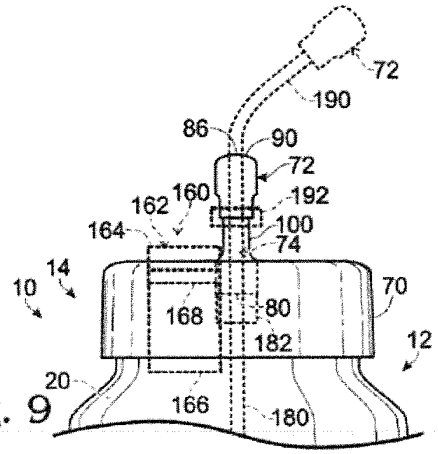


Fig. 9

Applicant respectfully disagrees with the Examiner's interpretation of Choi and submits that this interpretation is contrary to the express disclosure of Choi. The present application and Choi are co-owned by Applicant, and Applicant's counsel is intimately familiar with the subject matter of Choi. As expressly recited in Choi in paragraph [0072], the structure identified at 182 is described as a "mount" for removably or permanently coupling a straw 180, which is separate from the mouthpiece 72 of Choi and extends only into the drink container. Choi simply does not disclose that mount 182 may be integral to a mouthpiece assembly, let alone that mount 182 functionally restricts removal of a mouthpiece assembly through a through-passage defined in the base of the cap assembly.

Examples of mounts 182 are illustrated in Figs. 26–29 of Choi, and as seen with reference to Fig. 26 (reproduced below), the mount 182 is integral to the base of the cap



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assembly and not to the mouthpiece of Choi. The same is true of the example of Figs. 28–29. As is clearly evident, mount 182 is not even directly attached to the mouthpiece 72 or drink spout 100 of the mouthpiece assembly of Choi. It follows then that there simply is no support for the proposed construction of mount 182 that is relied upon to support the rejections of all pending independent claims.

Accordingly, a person of ordinary skill in the art, when presented with Choi, would not conclude that the mount 182 of Choi in anyway is an anchor of a mouthpiece assembly. Moreover, such a person would be even less likely (or reasonable) to conclude that the mount not only is such a mouthpiece anchor but also is sized to restrict passage of the anchor through a through-passage defined by the base of the associated cap assembly, as recited in independent claims 1, 18, and 21.

For at least these reasons, the rejections of independent claims 1, 18, and 21 are improper and should be withdrawn. Specifically, because the rejections all are predicated upon Choi disclosing structure that is not disclosed or suggested by Choi, it follows that none of the proposed combinations, proper or improper, cure this defect in the rejections.

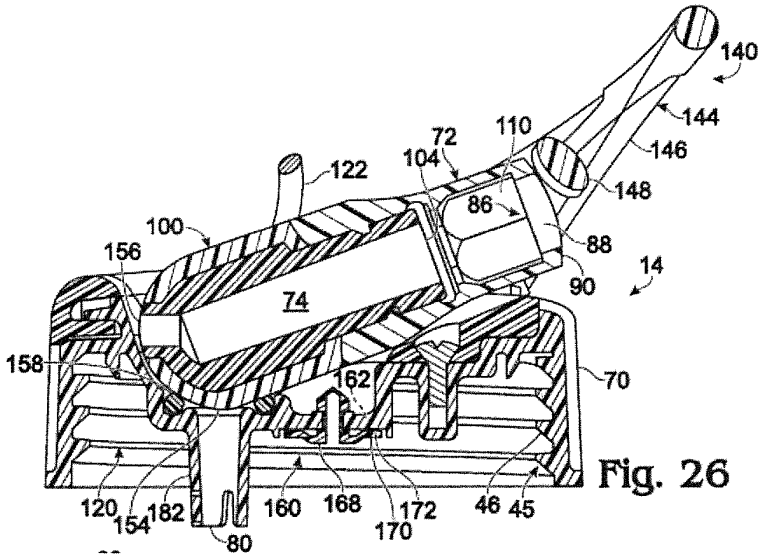
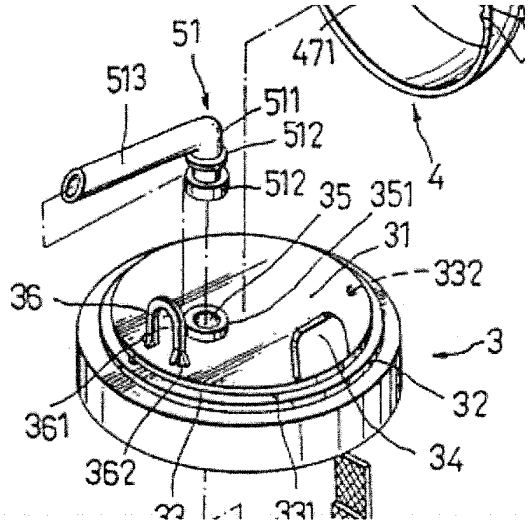



Fig. 26



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To reject the more detailed recitation of an anchor portion in independent claim 18, including the recited flanges, the Office action further cites to Lin. More specifically, with reference to Fig. 3 of Lin (a relative portion of which is reproduced below for the Examiner's convenience), the Office action cites to the flanges 512 as a portion of an anchor portion.




Applicant does not disagree that the structures indicated at 512 are characterized in Lin as flanges; however, Lin expressly discloses at column 2, line 65, through column 3, line 4, that the soft construction of the straw 51 permits fitting of the straw on the through hole 35, so that the two flanges 512 sandwich the through hole 35. In other words, the lower of the two flanges is disclosed as being configured to permit passage of the lower flange through the through hole 35 so that the two flanges fit on either side of the through hole. Accordingly, the flanges 512 of Lin cannot fairly be interpreted as comprising an anchor as recited in independent claims 1, 18, and 21, as their construction does ***not*** restrict their passage through the through hole, and thus also does not restrict removal of the straw 51 from the top side of the corresponding cap 3.

Accordingly, it would not have been obvious to a person of ordinary skill in the art to modify the mount 182 of Choi to include the flanges 152 of Lin to arrive at the subject matter of



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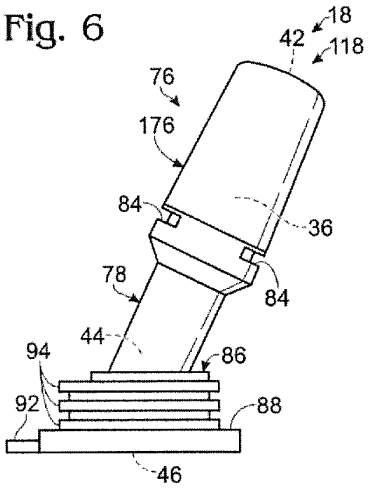
independent claim 18. As discussed above, the mount 182 of Choi simply is not integral to a mouthpiece assembly and is provided solely for the purpose of mounting a separate straw within the liquid container. Moreover, even if the proposed modification is made, the subject matter of the anchor and flange still is not disclosed or rendered obvious due to the mount of Choi not even engaging, much less restricting removal of, the mouthpiece assembly of Choi.

For these additional reasons, Applicant respectfully requests withdrawal of the rejections of independent claims 1, 18, and 21.

**B. Unitary Structure.**

As mentioned above, independent claim 1 recites that the mouthpiece portion and the tube of the mouthpiece assembly are constructed as a unitary structure. Independent claims 18 and 21 recite that all three of the mouthpiece assembly, the tube, and the anchor portion of the mouthpiece assembly are constructed as a unitary structure. An illustrative, non-exclusive example of this subject matter is illustrated in the example of Fig. 6 (reproduced below for the Examiner's convenience), with the illustrated mouthpiece assembly 118 including a mouthpiece portion 76, a tube 78, and an anchor portion 86 constructed as a unitary assembly.

Fig. 6






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To reject all three independent claims, the Office action acknowledges that this subject matter is not disclosed in the cited prior art but summarily argues that "it would have been obvious to one of ordinary skill in the art to make the two pieces [(mouthpiece portion and tube of Choi)] integral since it has been held that the use of one piece construction would be merely a matter of obvious engineering choice." [Office action, page 3 (citing to *In re Larson*, 340 F.2d 965, 968 (CCPA 1965).] The Office action is not clear, but presumably, with reference to the example embodiment of Figs. 28 and 29 of Choi (reproduced below), it is the Examiner's position that it would have been obvious to construct the mouthpiece 72 and the tube 124 as a unitary structure. In connection with independent claims 18 and 21, presumably it is the Examiner's position that it also would have been obvious to construct the mouthpiece 72, the tube 124, *and* the mount 182 as a unitary structure. Applicant strongly disagrees with these conclusions.

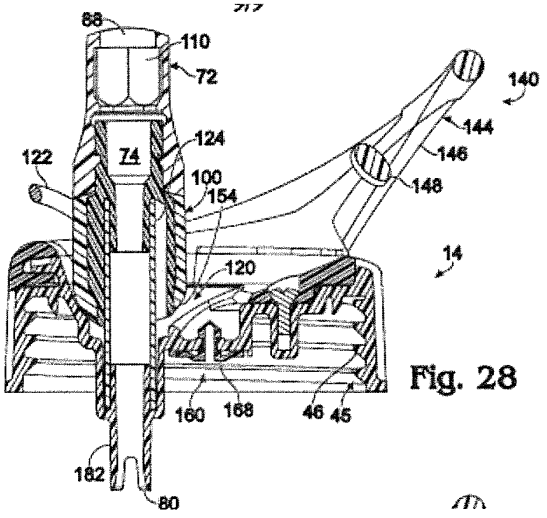



Fig. 28

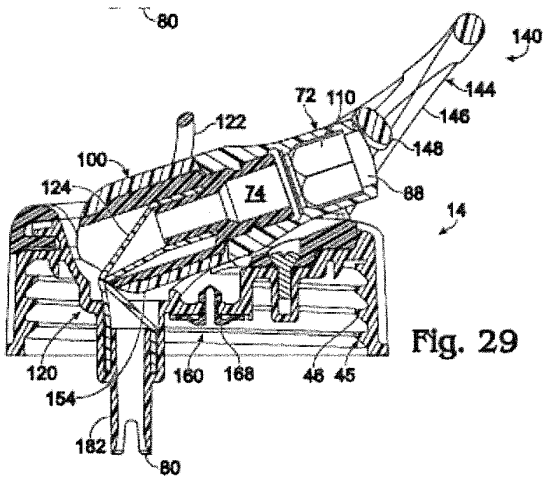



Fig. 29

As seen above, the resilient mouthpiece 72 of Choi is mounted directly to a rigid drink spout 100 that is distinct from the mouthpiece. Therefore, with reference to the Figures above, to arrive at the proposed modification, the rigid drink spout 100 would have to be removed so that



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the mouthpiece 72 is directly in engagement with the tube 124, or all three of the mouthpiece 72, the drink spout 100, and the tube 124 would have to be constructed as a unitary structure from a resilient material. In short, the proposed modification, summarily identified as an obvious engineering choice, would require a wholesale redesign of the structures of the cap assemblies disclosed in Choi and can only be based on a hindsight reconstruction utilizing Applicant's disclosure as a guide.

A person of ordinary skill in the art would not have been motivated to make such a modification, because such a modification would destroy the purpose of the drink spout. The drink spout of Choi provides a rigid structure for pivotal movement of the drink spout and the mouthpiece relative to the base of the cap assembly. Moreover, in the example of Figs. 28 and 29, the rigid drink spout provides structure for crimping the tube 124 when the drink spout is in the stowed configuration of Fig. 29. By constructing the drink spout of a resilient material, together with the tube and the mouthpiece, the drink spout would not function as intended, and thus the functionality of this embodiment of Choi would be destroyed. Stated differently, Choi expressly teaches away from making the proposed modification to the embodiment of Figs. 28 and 29, because Choi expressly teaches that the drink spout is needed to crimp the flexible tube. Furthermore, the mouthpiece of Choi is a resilient mouthpiece that is removably coupled to the drink spout, such as for cleaning and/or replacement. For at least these additional reasons, the rejections of independent claims 1, 18, and 21 are improper and should be withdrawn.

Moreover, when considering the subject matter of independent claims 18 and 21, a person of ordinary skill in the art would have had to have been motivated to also include the mount 182 of Choi as part of the resilient unitary structure together with the mouthpiece portion and the tube. Again, such a proposed modification would require a wholesale redesign of the cap



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assemblies of Choi and cannot be characterized as an obvious design choice. With reference again to Figs. 28 and 29 of Choi, below, the mount 182 is integral with the rigid base of the cap assembly.

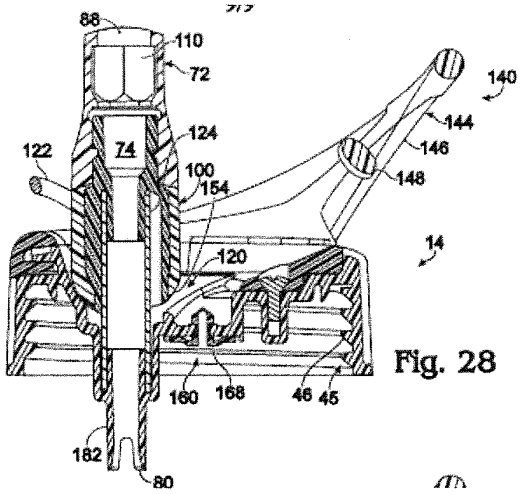


Fig. 28

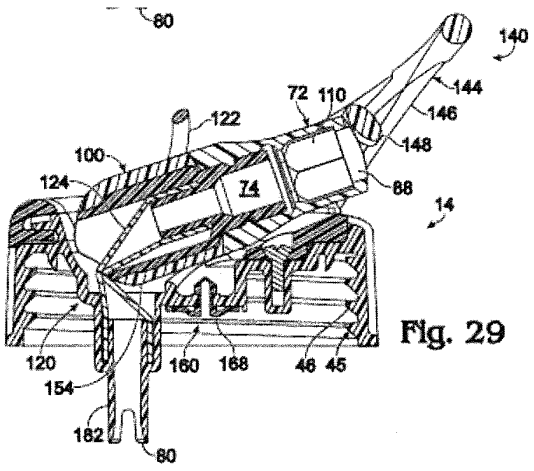


Fig. 29

As discussed above, the mount 182 is solely provided for the purpose of mounting a straw thereto within the associated liquid container. A person of ordinary skill in the art would not have been motivated to completely redesign the cap assembly so that the mount 182 is separate and apart from the rest of the base of the cap assembly, and then to construct it of a resilient material as a unitary structure together with the tube 124 and the mouthpiece 72. Such a wholesale redesign cannot fairly be considered an obvious engineering design choice. For these additional reasons, the rejections of independent claims 18 and 21 are improper, and Applicant respectfully requests withdrawal of the same.

**Conclusion.**

In view of the above remarks, Applicant respectfully requests withdrawal of the rejections and the issuance of a Notice of Allowance. If the Examiner has any questions or if there are any remaining issues, the Examiner is encouraged to telephone the undersigned.



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Applicant thanks the Examiner in advance for working with Applicant's counsel to efficiently advance prosecution toward allowance.

Respectfully submitted,

DASCENZO INTELLECTUAL PROPERTY LAW, P.C.



David S. D'Ascenzo
Registration No. 39,952
Customer No. 78569
DASCENZO INTELLECTUAL PROPERTY LAW, P.C.
522 S.W. 5th Avenue, Suite 925
Portland, Oregon 97204
Telephone: (503) 224-7529
Facsimile: (503) 224-7329

CERTIFICATE OF E-FILING

I hereby certify that this correspondence is being e-filed with the U.S. Patent and Trademark Office via the EFS-Web on March 1, 2013.



David S. D'Ascenzo



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Page 138 of 347

# Electronic Patent Application Fee Transmittal

| | |
|---|---|
| **Application Number:** | 13479962 |
| **Filing Date:** | 24-May-2012 |
| **Title of Invention:** | DRINK CONTAINERS |
| **First Named Inventor/Applicant Name:** | JEFF DAVIES |
| **Filer:** | David S. D'Ascenzo/Robin Davin |
| **Attorney Docket Number:** | KRN 356A |

Filed as Large Entity

## Utility under 35 USC 111(a) Filing Fees

| Description | Fee Code | Quantity | Amount | Sub-Total in USD($) |
|---|---|---|---|---|
| **Basic Filing:** | | | | |
| **Pages:** | | | | |
| **Claims:** | | | | |
| **Miscellaneous-Filing:** | | | | |
| **Petition:** | | | | |
| **Patent-Appeals-and-Interference:** | | | | |
| **Post-Allowance-and-Post-Issuance:** | | | | |
| **Extension-of-Time:** | | | | |
| Extension - 2 months with $0 paid | 1252 | 1 | 570 | 570 |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD($) |
|---|---|---|---|---|
| **Miscellaneous:** | | | | |
| | | | **Total in USD ($)** | **570** |

# Electronic Acknowledgement Receipt

| | |
|---|---|
| **EFS ID:** | 15098096 |
| **Application Number:** | 13479962 |
| **International Application Number:** | |
| **Confirmation Number:** | 8853 |
| **Title of Invention:** | DRINK CONTAINERS |
| **First Named Inventor/Applicant Name:** | JEFF DAVIES |
| **Customer Number:** | 78569 |
| **Filer:** | David S. D'Ascenzo/Robin Davin |
| **Filer Authorized By:** | David S. D'Ascenzo |
| **Attorney Docket Number:** | KRN 356A |
| **Receipt Date:** | 01-MAR-2013 |
| **Filing Date:** | 24-MAY-2012 |
| **Time Stamp:** | 17:49:18 |
| **Application Type:** | Utility under 35 USC 111(a) |

## Payment information:

| | |
|---|---|
| Submitted with Payment | yes |
| Payment Type | Deposit Account |
| Payment was successfully received in RAM | $570 |
| RAM confirmation Number | 5235 |
| Deposit Account | 504551 |
| Authorized User | |
| The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges) | |

## File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|---|---|---|---|---|---|
| 1 | Extension of Time | Extension_of_Time_KRN356A_3-1-13.pdf | 55684<br>e58bf3ddecb3fb35e9f489e3f090e5af44f09d8d | no | 1 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 2 | | Amendment_and_Response_to_Office_Action_KRN356A_3-1-13.pdf | 629802<br>6d9844bdffcf9b206b5ea051a674f5759f2eef60 | yes | 24 |

**Multipart Description/PDF files in .zip description**

| Document Description | Start | End |
|---|---|---|
| Amendment/Req. Reconsideration-After Non-Final Reject | 1 | 1 |
| Claims | 2 | 12 |
| Applicant Arguments/Remarks Made in an Amendment | 13 | 24 |

| | | | | | |
|---|---|---|---|---|---|
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 3 | Fee Worksheet (SB06) | fee-info.pdf | 30308<br>e6346b4e0dce84a55442f92e2a320ca6529a0765 | no | 2 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| | | **Total Files Size (in bytes):** | 715794 | | |

**This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.**

**New Applications Under 35 U.S.C. 111**
**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

**National Stage of an International Application under 35 U.S.C. 371**
**If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.**

**New International Application Filed with the USPTO as a Receiving Office**
**If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.**

PTO/SB/22 (10-12)
Approved for use through 1/31/2013. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional): KRN 356A

Application Number: 13/479,962

Filed: May 24, 2012

For: DRINK CONTAINERS

Art Unit: 3788

Examiner: Robert Poon

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

| | Fee | Small Entity Fee | |
|---|---|---|---|
| ☐ One month (37 CFR 1.17(a)(1)) | $150 | $75 | $ |
| ■ Two months (37 CFR 1.17(a)(2)) | $570 | $285 | $ 570 |
| ☐ Three months (37 CFR 1.17(a)(3)) | $1,290 | $645 | $ |
| ☐ Four months (37 CFR 1.17(a)(4)) | $2,010 | $1,005 | $ |
| ☐ Five months (37 CFR 1.17(a)(5)) | $2,730 | $1,365 | $ |

☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

■ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-4551.

■ Payment made via EFS-Web.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71. 37 CFR 3.73(b) statement is enclosed (Form PTO/SB/96).

■ attorney or agent of record. Registration number 39,952.

☐ attorney or agent acting under 37 CFR 1.34. Registration number _____.



Signature

March 1, 2013
Date

David S. D'Ascenzo
Typed or printed name

(503) 224-7529
Telephone Number

**NOTE:** This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

■ * Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

| Application or Docket Number | Filing Date | ☐ To be Mailed |
|---|---|---|
| 13/479,962 | 05/24/2012 | |

## APPLICATION AS FILED – PART I

| FOR | (Column 1) NUMBER FILED | (Column 2) NUMBER EXTRA | SMALL ENTITY ☐ RATE ($) | SMALL ENTITY ☐ FEE ($) | OR | OTHER THAN SMALL ENTITY RATE ($) | OTHER THAN SMALL ENTITY FEE ($) |
|---|---|---|---|---|---|---|---|
| ☐ BASIC FEE (37 CFR 1.16(a), (b), or (c)) | N/A | N/A | N/A | | | N/A | |
| ☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m)) | N/A | N/A | N/A | | | N/A | |
| ☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q)) | N/A | N/A | N/A | | | N/A | |
| TOTAL CLAIMS (37 CFR 1.16(i)) | minus 20 = | * | X $ = | | OR | X $ = | |
| INDEPENDENT CLAIMS (37 CFR 1.16(h)) | minus 3 = | * | X $ = | | | X $ = | |
| ☐ APPLICATION SIZE FEE (37 CFR 1.16(s)) | If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | | | | | | |
| ☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j)) | | | | | | | |
| * If the difference in column 1 is less than zero, enter "0" in column 2. | | | TOTAL | | | TOTAL | |

## APPLICATION AS AMENDED – PART II

| AMENDMENT | 03/01/2013 | (Column 1) CLAIMS REMAINING AFTER AMENDMENT | | (Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR | (Column 3) PRESENT EXTRA | SMALL ENTITY RATE ($) | SMALL ENTITY ADDITIONAL FEE ($) | OR | OTHER THAN SMALL ENTITY RATE ($) | OTHER THAN SMALL ENTITY ADDITIONAL FEE ($) |
|---|---|---|---|---|---|---|---|---|---|---|
| | Total (37 CFR 1.16(i)) | * 21 | Minus | ** 21 | = 0 | X $ = | | OR | X $62= | 0 |
| | Independent (37 CFR 1.16(h)) | * 3 | Minus | ***3 | = 0 | X $ = | | OR | X $250= | 0 |
| | ☐ Application Size Fee (37 CFR 1.16(s)) | | | | | | | | | |
| | ☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | | OR | | |
| | | | | | | TOTAL ADD'L FEE | | OR | TOTAL ADD'L FEE | 0 |

| AMENDMENT | | (Column 1) CLAIMS REMAINING AFTER AMENDMENT | | (Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR | (Column 3) PRESENT EXTRA | RATE ($) | ADDITIONAL FEE ($) | OR | RATE ($) | ADDITIONAL FEE ($) |
|---|---|---|---|---|---|---|---|---|---|---|
| | Total (37 CFR 1.16(i)) | * | Minus | ** | = | X $ = | | OR | X $ = | |
| | Independent (37 CFR 1.16(h)) | * | Minus | *** | = | X $ = | | OR | X $ = | |
| | ☐ Application Size Fee (37 CFR 1.16(s)) | | | | | | | | | |
| | ☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | | OR | | |
| | | | | | | TOTAL ADD'L FEE | | OR | TOTAL ADD'L FEE | |

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/LYNNELL JOHNSON/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 13/479,962 | 05/24/2012 | JEFF DAVIES | KRN 356A | 8853 |

78569 7590 08/30/2013

DASCENZO Intellectual Property Law, P.C.
1000 SW Broadway, Suite 1555
Portland, OR 97205

| EXAMINER | |
|---|---|
| POON, ROBERT | |
| ART UNIT | PAPER NUMBER |
| 3788 | |
| MAIL DATE | DELIVERY MODE |
| 08/30/2013 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. 13/479,962 | Applicant(s) DAVIES ET AL. | |
|---|---|---|---|
| | Examiner ROBERT POON | Art Unit 3788 | AIA (First Inventor to File) Status No |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *3/1/2013*.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

5)☒ Claim(s) *1,2,5-18,20 and 21* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1,2,5-18,20 and 21* is/are rejected.

8)☒ Claim(s) *3-4, 19* is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

**Application Papers**

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

**Certified copies:**

a)☐ All b)☐ Some * c)☐ None of the:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

## DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2, 5-9, 16-17, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2007/0039959 to Choi et al. (Choi) in view of either of US Patent No. 6,745,949 to Lee or US Patent No. 5,273,172 to Rossbach et al.

Regarding claim 1, 21, Choi discloses a drink container (10), comprising:

a liquid container (12) having a neck (26) with an opening (40) and having an internal compartment (20) sized to hold a volume of potable drink liquid; a cap assembly (14) removably coupled to the liquid container, the cap assembly comprising: a base (70) removably coupled to the neck of the liquid container and including a through-passage; a mouthpiece assembly (72) extending through the through-passage of the base and defining a liquid passage (74) through which drink liquid from the liquid container may selectively flow, and further defining an inlet (80) through which drink fluid in the internal compartment may enter the liquid passage and an outlet (86) through which drink liquid from

the internal compartment of the liquid container is selectively dispensed, wherein the mouthpiece assembly is configured to be selectively configured between a dispensing configuration (Fig. 24), in which the liquid passage permits drink liquid to flow from the internal compartment at least into the liquid passage, and a stowed configuration (Fig. 23), in which the liquid passage restricts the flow of drink liquid through the liquid passage (¶0034, ll. 12-15), and wherein the mouthpiece assembly comprises: a mouthpiece portion (72) that includes the outlet (86); a tube (190) that defines at least a portion of the liquid passage for drink liquid to flow from the internal compartment to the mouthpiece portion, wherein the tube includes a crimping region (¶0064, ll. 10-15) constructed of a resiliently deformable material and is adapted to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration. Choi further teaches anchor portion (182) on the mouthpiece assembly which extends from tube (Fig. 9). Choi does not teach the mouthpiece and tube to be unitary however it would have been obvious to one of ordinary skill in the art to make the two pieces integral since it has been held that the use of one piece construction would be merely a matter of obvious engineering choice. *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965). Choi further does not disclose the mouthpiece assembly being biased to the dispensing configuration with first and second catch structures to retain the mouthpiece assembly in stowed configuration.

However, Lee discloses a drink container (10) having mouthpiece assembly (Fig. 5) being biased in a dispensing configuration (col. 4, ll. 50-60), with catch structures (36, upper portion of 20) adapted to selectively engage the assembly to stowed configuration (col. 4, ll. 40-50). It would have been obvious to one of ordinary skill in the art to reverse the biasing of the Choi container such that the mouthpiece assembly was biased towards the dispensing configuration and implement catch structures to hold it in this biasing position as suggested by Lee in order to allow easy manipulation of the mouthpiece as well as improved performance for closing a passage defined in the straw (Lee, col. 2, ll. 40-45). In addition to Lee, Rossbach also discloses known drink containers all biased to dispensing configuration. In light of several prior art drink containers teaching mouthpieces biasing towards dispensing configuration, one of ordinary skill in the art would have found it obvious to modify the Choi container such that it biased towards dispensing rather than towards stowed configuration. It has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167. Choi further discloses a user release mechanism (122) adapted to automatically disengage the first and second catch structures upon actuation of the user release mechanism and thereby release the mouthpiece assembly to move via its bias from the stowed configuration to the dispensing configuration. In particular, the mechanism is grasped by a user and with sufficient force, would free the mouthpiece from the catches in the modified Choi.

Regarding claim 2, the modified Choi further discloses the user release mechanism (122) mechanically coupled to the first catch structure. In particular, the mechanism (122) would be mechanically coupled though the mouthpiece assembly.

Regarding claim 5, the modified Choi further teaches the crimping region partially biasing the mouthpiece assembly to dispensing configuration (Lee, 24).

Regarding claim 6, Choi further teaches handle (140) with lateral guards (146) defining a stowing region.

Regarding claim 7, Choi further discloses the mouthpiece to be bite-actuated (Choi, abstract) and biased to close configuration.

Regarding claim 8, Choi further discloses the mouthpiece portion capable of allowing a user to draw drink liquid from the drink container while in dispensing configuration (Fig. 2).

Regarding claim 9, Choi does not teach the mouthpiece, tube, and anchor portion to be unitary however it would have been obvious to one of ordinary skill in the art to make the two pieces integral since it has been held that the use of one piece construction would be merely a matter of obvious engineering choice. *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965).

Regarding claim 16, Choi further teaches a straw (180).

Regarding claim 17, Choi does not teach an air return assembly. Rossbach further discloses an air return assembly (9) with mouthpiece portion (12) above the directly above the assembly in stowed configuration (Fig. 2) and

not directly above in dispensing configuration (Fig. 1) for providing a vent means. One of ordinary skill in the art would have found it obvious to incorporate an air return assembly as taught by Rossbach in order to provide a vent.

4. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi in view of Lee and further in view of US Patent No. 5,337,918 to Wang.

Regarding claim 10, Choi further discloses a rigid collar member (100), the tube of the mouth piece assembly extending through the collar (Fig. 9) but does not disclose a crimping portion adjacent the crimping portion of the tube. Wang discloses a beverage container (10) and in particular discloses a collar member (34) with a crimping portion (35) adjacent to straw (36). It would have been obvious to one of ordinary skill in the art to implement a crimping portion on the collar member of the modified Choi as suggested by Wang in order to communicate with the straw (col. 1, ll. 50-55). In particular, implementing the collar member in the modified Choi container would have resulted in the crimping portion of the collar (30) adjacent to crimping portion (24) of straw (20, Lee) which would restrict flow when the mouthpiece is bent or in the stowed configuration.

Regarding claim 11, the modified Choi further discloses user release mechanism including engagement portion (150) but does not disclose the collar member having the second catch structure. However, since the second catch structure is located on the top portion of the straw, it would have been obvious to

one of ordinary skill in the art to rearrange the parts such that the collar member engages the first catch structure (36, Lee) since it would not affect stowed position of the mouthpiece assembly and it has been held that mere rearrangement of parts would have been an obvious matter of design choice. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

Regarding claim 12, the collar engagement portion of the release mechanism (122) is capable of tranlating.

Regarding claim 13, the modified Choi further teaches a seat (108, Choi) that can engage the collar member (100).

Regarding claim 14, Choi further discloses a stop surface (bottom of 122) that does not engage the cap assembly when the mouthpiece is in stowed configuration and engages when in dispensing configuration (Figs. 23-24).

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choi in view of Lee and US Patent No. 5,582,320 to Lin.

Regarding claim 15, the modified Choi does not teach a plurality of flanges on the anchor portion. Lin discloses a beverage dispenser (Fig. 3) and in particular discloses an anchor portion (51) with flanges (512). One of ordinary skill in the art would have found it obvious to incorporate flanges to the modified Choi anchor portion as suggested by Lin in order to prevent leakage (Lin, abstract).

6. Claims 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi in view of Lee, Rossbach, Wang and Lin.

Regarding claims 18, 20, Choi discloses a drink container (10), comprising:

a liquid container (12) having a neck (26) with an opening (40) and having an internal compartment (20) sized to hold a volume of potable drink liquid; a cap assembly (14) removably coupled to the liquid container, the cap assembly comprising: a base (70) removably coupled to the neck of the liquid container and including a through-passage; a mouthpiece assembly (72) extending through the through-passage of the base and defining a liquid passage (74) through which drink liquid from the liquid container may selectively flow, and further defining an inlet (80) through which drink fluid in the internal compartment may enter the liquid passage and an outlet (86) through which drink liquid from the internal compartment of the liquid container is selectively dispensed, wherein the mouthpiece assembly is configured to be selectively configured between a dispensing configuration (Fig. 24), in which the liquid passage permits drink liquid to flow from the internal compartment at least into the liquid passage, and a stowed configuration (Fig. 23), in which the liquid passage restricts the flow of drink liquid through the liquid passage (¶0034, ll. 12-15), and wherein the mouthpiece assembly comprises: a mouthpiece portion (72) that includes the outlet (86); a tube (190) that defines at least a portion of the liquid passage for drink liquid to flow from the internal compartment to the mouthpiece portion,

wherein the tube includes a crimping region (¶0064, ll. 10-15) constructed of a resiliently deformable material and is adapted to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration. Choi further teaches anchor portion (182) on the mouthpiece assembly which extends from tube (Fig. 9). Choi does not teach the mouthpiece and tube to be unitary however it would have been obvious to one of ordinary skill in the art to make the two pieces integral since it has been held that the use of one piece construction would be merely a matter of obvious engineering choice. *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965). Choi further does not disclose the mouthpiece assembly being biased to the dispensing configuration with first and second catch structures to retain the mouthpiece assembly in stowed configuration.

However, Lee discloses a drink container (10) having mouthpiece assembly (Fig. 5) being biased in a dispensing configuration (col. 4, ll. 50-60), with catch structures (36, upper portion of 20) adapted to selectively engage the assembly to stowed configuration (col. 4, ll. 40-50). It would have been obvious to one of ordinary skill in the art to reverse the biasing of the Choi container such that the mouthpiece assembly was biased towards the dispensing configuration and implement catch structures to hold it in this biasing position as suggested by Lee in order to allow easy manipulation of the mouthpiece as well as improved performance for closing a passage defined in the straw (Lee, col. 2, ll. 40-45). In addition to Lee, Rossbach also discloses known drink containers all biased to

dispensing configuration. In light of several prior art drink containers teaching mouthpieces biasing towards dispensing configuration, one of ordinary skill in the art would have found it obvious to modify the Choi container such that it biased towards dispensing rather than towards stowed configuration. It has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167. Choi further discloses a user release mechanism (122) adapted to automatically disengage the first and second catch structures upon actuation of the user release mechanism and thereby release the mouthpiece assembly to move via its bias from the stowed configuration to the dispensing configuration. In particular, the mechanism is grasped by a user and with sufficient force, would free the mouthpiece from the catches in the modified Choi.

The modified Choi further discloses the user release mechanism (122) mechanically coupled to the first catch structure. In particular, the mechanism (122) would be mechanically coupled though the mouthpiece assembly.

The modified Choi further teaches the crimping region partially biasing the mouthpiece assembly to dispensing configuration (Lee, 24).

Choi further teaches handle (140) with lateral guards (146) defining a stowing region.

Choi further discloses the mouthpiece to be bite-actuated (Choi, abstract) and biased to close configuration.

Choi further discloses the mouthpiece portion capable of allowing a user to draw drink liquid from the drink container while in dispensing configuration (Fig. 2).

Choi does not teach the mouthpiece, tube, and anchor portion to be unitary however it would have been obvious to one of ordinary skill in the art to make the two pieces integral since it has been held that the use of one piece construction would be merely a matter of obvious engineering choice. *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965).

Choi further teaches a straw (180).

The modified Choi does not teach an air return assembly. Rossbach further discloses an air return assembly (9) with mouthpiece portion (12) above the directly above the assembly in stowed configuration (Fig. 2) and not directly above in dispensing configuration (Fig. 1) for providing a vent means. One of ordinary skill in the art would have found it obvious to incorporate an air return assembly as taught by Rossbach in order to provide a vent.

Choi further discloses a rigid collar member (100), the tube of the mouth piece assembly extending through the collar (Fig. 9) but does not disclose a crimping portion adjacent the crimping portion of the tube. Wang discloses a beverage container (10) and in particular discloses a collar member (34) with a crimping portion (35) adjacent to straw (36). It would have been obvious to one of ordinary skill in the art to implement a crimping portion on the collar member of the modified Choi as suggested by Wang in order to communicate with the straw

(col. 1, ll. 50-55). In particular, implementing the collar member in the modified Choi container would have resulted in the crimping portion of the collar (30) adjacent to crimping portion (24) of straw (20, Lee) which would restrict flow when the mouthpiece is bent or in the stowed configuration.

The modified Choi further discloses user release mechanism including engagement portion (150) but does not disclose the collar member having the second catch structure. However, since the second catch structure is located on the top portion of the straw, it would have been obvious to one of ordinary skill in the art to rearrange the parts such that the collar member engages the first catch structure (36, Lee) since it would not affect stowed position of the mouthpiece assembly and it has been held that mere rearrangement of parts would have been an obvious matter of design choice. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

Choi discloses the collar engagement portion of the release mechanism (122) is capable of tranlating.

The modified Choi further teaches a seat (108, Choi) that can engage the collar member (100).

Choi further discloses a stop surface (bottom of 122) that does not engage the cap assembly when the mouthpiece is in stowed configuration and engages when in dispensing configuration (Figs. 23-24).

The modified Choi does not teach a plurality of flanges on the anchor portion. Lin discloses a beverage dispenser (Fig. 3) and in particular discloses

an anchor portion (51) with flanges (512). One of ordinary skill in the art would have found it obvious to incorporate flanges to the modified Choi anchor portion as suggested by Lin in order to prevent leakage (Lin, abstract).

***Allowable Subject Matter***

7. Claims 3-4, 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

2. Applicant's arguments filed 3/1/2013 have been fully considered but they are not persuasive. First, applicant argues that it would not be obvious to make the mouthpiece portion (72) of Choi integral or a unitary assembly with the tube (180, 190) of Choi. This is not persuasive since Choi discloses that it is within the scope of the disclosure that the tube may be integrated with the bite-actuated mouthpiece (¶0073, ll. 1-15).

3. Applicant argues that it would not be obvious to make integral the tube (180, 190) with the mount (182) and mouthpiece (72). However, Choi discloses that the tube (180) may be permanently coupled to the corresponding mount (182) (¶0072, ll. 1-15). (190) and (180) are part of the same structure which is the straw or tube. If Choi discloses that (190) and mouthpiece (72) can be integral and further discloses that mount (182) can be integral with (180), then one of ordinary skill would find it obvious that the entire assembly can be a unitary assembly.

4. Applicant further argues that anchor portion (182) does not restrict passage. However, note that claims are given their broadest reasonable interpretation and in the instant case, since the prior art has the structure as claimed, the anchor portion has the size capable of performing the reciting function.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT POON whose telephone number is (571)270-7425. The examiner can normally be reached on Monday thru Friday, 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Pickett can be reached on (571)272-4560. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Gregory Pickett/
Supervisory Patent Examiner, Art Unit 3788

/R. P./
Examiner, Art Unit 3788

| Search Notes | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 13479962 | DAVIES ET AL. |
| | Examiner | Art Unit |
| | ROBERT POON | 3788 |

| CPC- SEARCHED | | |
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| Symbol | Date | Examiner |
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| CPC COMBINATION SETS - SEARCHED | | |
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| Symbol | Date | Examiner |
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| US CLASSIFICATION SEARCHED | | | |
|---|---|---|---|
| Class | Subclass | Date | Examiner |
| 220 | 252, 705, 707-709 | 9/27/2012 | rp |
| 215 | 387-389, | 9/27/2012 | rp |

| SEARCH NOTES | | |
|---|---|---|
| Search Notes | Date | Examiner |
| see EAST search history | 9/27/2012 | rp |
| inventor search | 9/27/2012 | rp |
| updated search | 8/23/2013 | rp |

| INTERFERENCE SEARCH | | | |
|---|---|---|---|
| US Class/ CPC Symbol | US Subclass / CPC Group | Date | Examiner |
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| /ROBERT POON/<br>Examiner.Art Unit 3788 | |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 13479962 | DAVIES ET AL. |
| | Examiner | Art Unit |
| | ROBERT POON | 3788 |

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| ✓ | Rejected | - | Cancelled | N | Non-Elected | A | Appeal |
| = | Allowed | ÷ | Restricted | I | Interference | O | Objected |

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

| CLAIM | | DATE | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Final | Original | 09/27/2012 | 08/23/2013 | | | | | | | |
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| | 2 | ✓ | ✓ | | | | | | | |
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| FORM PTO-1449<br>INFORMATION DISCLOSURE CITATION IN AN APPLICATION | DOCKET NUMBER<br>KRN 356A | APPLICATION NUMBER<br>13/479,962 |
|---|---|---|
| | APPLICANTS<br>JEFF DAVIES and DEREK GAVIN SULLIVAN | |
| | FILING DATE<br>May 24, 2012 | GROUP ART UNIT<br>3788 |

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| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FIL. DATE IF APPROP. |
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| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB CLASS | TRANSLATION YES | TRANSLATION NO |
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| | | |

| EXAMINER | DATE CONSIDERED |
|---|---|
| | |

(19) Europäisches Patentamt
European Patent Office
Office européen des brevets

(11) Publication number: **0 266 067**
**A1**

(12) **EUROPEAN PATENT APPLICATION**

(21) Application number: **87308693.8**

(51) Int. Cl.⁴: **A47G 21/18** , A47G 19/22

(22) Date of filing: **01.10.87**

(30) Priority: **02.10.86 GB 8623699**
**25.06.87 GB 8714924**

(43) Date of publication of application:
**04.05.88 Bulletin 88/18**

(84) Designated Contracting States:
**AT BE CH DE ES FR GB GR IT LI LU NL SE**

(71) Applicant: **KOSA DESIGNS LIMITED**
**67 Jermyn Street**
**St. James's London SW1Y 6NY(GB)**

(72) Inventor: **Koska, Marc**
**Flat 2 Kentish Mansions London Road**
**Tunbridge Wells London TN1 1DD(GB)**

(74) Representative: **Keltie, David Arthur et al**
**Baron & Warren 18 South End Kensington**
**London W8 5BU(GB)**

(54) **Mouthpiece for a drinking vessel.**

(57) A tubular mouthpiece 1 for a drinking vessel, comprises a normally closed valve 9 which is operated by the mouth of the drinker and which is adapted to be connected to the drinking vessel whereby when the mouthpiece 1 is connected to a drinking vessel containing a drinking liquid only when the valve 9 is operated by the mouth of the drinker does the valve 9 open and the liquid flow from the drinking vessel, through the mouthpiece and into the drinker's mouth and when mouth operated is stopped, the flow of the liquid from the drinking vessel ceases.

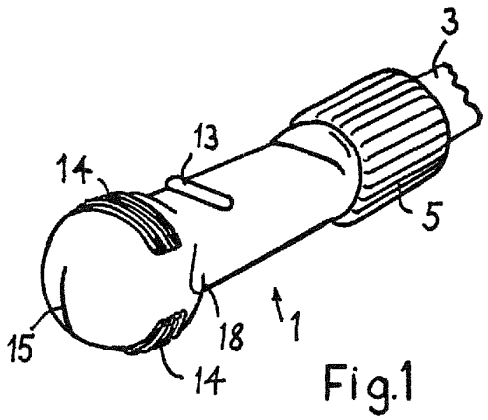



Fig.1

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# "MOUTHPIECE FOR A DRINKING VESSEL"

This invention relates to mouthpieces for drinking vessels and to drinking tubes, drinking straws and drinking vessels incorporating such mouthpieces.

Drinking vessels having a drinking tube through which liquid may be sucked from a liquid reservoir in the vessel are known and have conventionally been used in activities such as athletics and cycling where it is desired that the drink be protected against spillage and be constantly available, preferably without the drinker needing to employ either hand. Such drinking vessels are also known for use by invalids, e.g. as disclosed in U.S. Patent Specification No. 4,196,747 where there is a valve disposed in a drinking tube within the drinking vessel and in which liquid can syphon from the vessel if the outlet from the tube is left at a lower level than the level of liquid within the vessel after drinking has been stopped. Also, another known drinking vessel is disclosed in U.S. Patent Specification No.4,016,998 having an integral drinking tube with a valve in an overflow channel.

None of the previously known drinking vessels are suitable for use in circumstances in which the vessel is likely to be laid on its side or inverted and can come into contact with unpleasant contaminants such as sea water such as those encountered by the armed forces where the drinking liquid may be contaminated by dust, dirt and sand. In particular, in the popular sport of wind surfing, it would be highly advantageous to have a suitable drinking vessel available from which a drink could be taken whilst enjoying the sport. Since wind surfers frequently fall into the water, the contents of conventional drinking vessels of this general type would become contaminated with sea water. Also, the drinking vessel would be likely to spend considerable periods of time in a position other than an upright position and accordingly there would be a substantial danger of the contents being lost, e.g. through siphoning through the outlet tube.

Similar problems are likely to be experienced in other activities.

Furthermore, with such known drinking vessels, difficulties in operation by a drinker can be experienced because the operating valve is remote from the mouthpiece.

Accordingly, the main object of the present invention is to provide a mouthpiece for a drinking tube or drinking vessel or drinking tube or drinking vessel having a mouthpiece in which the aforesaid disadvantages are minimized or eliminated.

To this end the present invention consists in a tubular mouthpiece for a drinking vessel, said mouthpiece comprising a normally closed valve which is operated by the mouth of the drinker and which is adapted to be connected to a reservoir for containing a liquid for drinking whereby when the mouthpiece is connected to a drinking vessel containing the drinking liquid only when the valve is operated by the mouth of the drinker does the valve open and the liquid flow from the reservoir, through the mouthpiece and into the drinker's mouth and when mouth operation is stopped, the flow of the liquid from the reservoir ceases.

By having the valve in the mouthpiece, not only is the drinking liquid in the reservoir prevented from being spilt but any contamination of the drinking liquid in the reservoir with foreign matter such as sea water from the external environment is substantially prevented by the closure of the valve.

The mouthpiece may be adapted to be connected to the drinking vessel in any convenient manner, e.g. by means of a drinking tube. Thus, the mouthpiece may have a stem which is connected to a drinking tube, having a length sufficient to extend from outside the reservoir to adjacent the bottom of the reservoir, by fitting the stem with a friction fit onto or into the exposed free end portion of the tube.

The valve may be disposed within a valve chamber defined by the inner wall of the mouthpiece and having an inlet for drinking liquid from the reservoir and an oppositely facing outlet for the drinking liquid from the mouthpiece.

In one embodiment of the invention the valve has a seat surrounding the liquid inlet, a valve member, a means such as a compression spring urging the valve member against the valve seat to close the valve yet being suitable to be overcome by a mouth operation involving suction applied by the mouth to the mouthpiece.

Whilst in this embodiment the mouthpiece is useful in many situations, the valve chamber is still open to the external environment through the drinking liquid outlet. Therefore in wind surfing and sailing and in conditions encountered in the field by the armed forces, e.g. by the army, in the desert, there is a need to provide a mouthpiece which is completely closed against the external environment. In such harsher conditions, contaminants such as dust and sea water can enter through the drinking liquid outlet in the valve chamber and remain there to pollute the drinking liquid en route through the valve chamber to the mouth and in the reservoir by passing back during closure of the



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valve. Moreover, if the valve chamber does get contaminated, it can be very difficult to completely clean the valve chamber and remove the taste of the contaminants therefrom.

Furthermore, the spring pressure can weaken with use and with it being subjected to contaminants in harsh environments so that there is a need in certain situations for the valve to have a more positive action.

Accordingly, in a preferred embodiment, in which the mouthpiece has an inlet for a drinking liquid from the reservoir and an outlet for drinking liquid from the mouthpiece both the inlet and the outlet are normally closed and are opened by a mouth operation which involves a biting action of the mouth of a drinker. Thus, when such a mouthpiece is connected to the drinking liquid reservoir, the mouthpiece and the reservoir form a completely closed circuit, which prevents the entry of any foreign contaminants into the interior of the mouthpiece and into the reservoir. The biting action may be performed with the lips, teeth or gums.

Moreover, such a mouthpiece has the advantages of, one completely handed operation, no undoing or doing up of tops, immediate reseal when the biting action is stopped, without needing to use either hand, so not only is contamination avoided but use with carbonated drinks is possible since gas escape is prevented once sealed, there is no spillage e.g. when knocked over or by any dripping or leakage even when sealed from the valve chamber, because of the immediate sealing action, there is no syphoning action which can occur with prior art drinking vessels in which the normally closed valve is in a drinking tube within the reservoir, can be adapted to suit any kind of drinking reservoir, whatever the kind of closure or opening, e.g. keyhole opening type cans and can be developed as a modular system, e.g. a particular mouthpiece can be adapted to suit a wide variety of different vessels and can not only be arranged to suit any environment but also geared towards the particular activity involved.

It should be appreciated that the mouthpiece may be adapted to be directly connected to the drinking liquid reservoir, e.g. by an internal or external thread engaging with a corresponding external or internal thread on the reservoir or the keyhole type slot in the top of an open drink container e.g. by a turning and clamping action, or connected indirectly to the reservoir by means of a drinking tube such as previously described.

The mouthpiece is conveniently made of a resilient or flexible material and the outlet in its closed position in the form of a slit in the mouth engaging end, the sides of which are pressed firmly against each other to prevent the flow of liquid therethrough. When the mouthpiece is bitten with the slit in a position extending transversely of the drinker's mouth, the slit opens to form an open outlet of generally circular configuration and at the same time the bite causes the valve in the valve chamber to open to free the inlet so that when the mouthpiece is sucked liquid will flow from a drinking vessel to which the mouthpiece is connected through the mouthpiece and into the drinker's mouth. So long as the bite is maintained and suction applied the liquid will flow from the mouthpiece. However, immediately the bite is released both the inlet and outlet will close.

The inlet valve is advantageously in the form of two flaps which pivot intermediate their ends such that the distal ends of the flaps abut each other in the closed position and the proximal ends of the flaps are spaced apart whereby pressure on the mouthpiece by a biting action will cause the proximal ends to abut each other and the distal ends to move apart, about the pivot to open the inlet. Immediately, the biting pressure is released the proximal ends move apart and the distal ends move into abutment to close the inlet.

The invention also consists in a drinking tube or straw having any of the mouthpieces defined hereinabove connected thereto.

A non-return valve may be positioned in the tube, preferably at or near the end thereof adjacent the bottom end of the reservoir, adapted to prevent back flow of liquid out of the tube into the reservoir.

Advantageously, the drinking vessel itself is of plastics material and preferably of an insulating construction. For instance, the vessel may comprise a layer of foam to provide insulation. Suitably, the vessel is of self skinning plastics foam.

Preferably, the vessel is formed with a narrowed waist portion for firm location of attachment means for mounting the vessel in position in use as will be described hereafter.

Preferably, the tube is a flexible tube such as a flexible plastics tube. This suitably passes through a detachable end cap for the drinking vessel.

Means is preferably provided by way of an air bleed through the cap for allowing air into the drinking vessel to replace liquid as it is drunk.

The drinking vessel may be provided with a strap member for attaching to a support such as the mast of a wind surfer or to a wearers arm, for example comprising a first strap portion for passing around the container, means for connecting opposed parts of the first strap portion to trap the container, a second strap portion for passing around a support and means such as VELCRO (Trade Mark) for connecting opposed parts of the second strap portion to attach the strap member to the support, said first and second strap portions being joined to one another in a region intermediate their respective opposed parts.



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In order to assist in preventing slippage of the strap member on the support in use, a strip or patch of gripping material such as a soft natural or synthetic rubber may be provided on that face of a part of the second strap portion which will engage a support in use.

In a preferred embodiment, a ring or loop member is provided on one end of the second strap portion through which the first strap portion may be passed with, optionally, co-operating connecting means provided on an outer face of the second strap portion adajcent its other end from said loop or ring and an outer face of the first strap portion whereby said other end of the second strap portion may be passed through the loop or ring and returned over itself to overlay the connecting means provided on the outer surface of the first strap portion and to connect thereto.

The present invention further consists in a drinking vessel provided with any of the mouthpieces defined hereinbefore connected thereto.

In order that the invention may be more fully understood some embodiments in accordance therewith will now be described, by way of example, with reference to the accompanying drawings, in which:-

Figs. 1, 2 and 3 are perspective, longitudinal sectional and end views respectively of a mouthpiece made in accordance with the present invention, with the liquid inlet and outlet in their closed positions.

Figs. 4, 5 and 6 are similar views to those of Figs. 1 to 3, with the liquid inlet and outlets in their open positions;

Figs. 7, 8 and 9 are a front elevation, top plan view and perspective view respectively of one embodiment of drinking flask including the mouthpiece of Figs. 1 to 6;

Fig. 10 is a perspective view of another embodiment of drinking flask,

Figs.11 and 12 are perspective views of the drinking flask of Figs. 7 to 9 fitted with alternative carrying means,

Fig. 13 is a perspective view of another embodiment of a drinking vessel,

Fig. 14 is a cut-away side elevation of a drinking bottle having an alternative mouthpiece with a different form of valve,

Figs. 15A and 15B are enlarged sectional views of the mouthpiece illustrated in Fig. 14 with the valve in the closed and open positions respectively, and

Fig. 16 is an edge view of a strap member used in conjunction with the drinking vessel of Fig. 14.

Referring to Figs. 1 to 6 of the drawings, there is shown a mouthpiece which is generally indicated at 1 and which is made of a flexible, resilient material such as natural or synthetic rubber or a suitable plastics. The mouthpiece 1 has a stem 2 which, in the illustrated embodiment, is fitted into one end portion of a drinking tube 3, with the stem 2 and end portion 3 being of complimentary shape to provide a positive fit and with the stem 2 being provided with a shoulder 4 which acts as a stop and abuts against the end of the tube 3. To ensure a liquid tight fit with the tube 3 the joint between the tube and the stem 4 is covered by a sleeve 5.

The mouthpiece 1 has a free end portion 6 which is of generally circular cross-section, the more easily to facilitate holding of the mouthpiece in a drinker's mouth during use. A valve chamber 7 is defined by the inner wall 8 of the mouthpiece 1 with a valve 9 comprises two flaps 10 which are pivoted by means of an interengaging ridge and recess at a location 11 intermediate their ends, with the valve 9 being located in the drinking liquid inlet 12 by means of ridges on the flaps 10 engaging in complimentary recesses in the inner wall 8 of the mouthpiece 1. The construction of the mouthpiece is such that the recesses in the inner wall 8 provide external ridges 13 for a purpose to be described.

The external wall of the mouthpiece end portion 6 is provided with oppositely facing bands of serrations 14 to facilitate holding in the mouth and with a slit 15 which forms the outlet for drinking liquid from the mouthpiece when open as illustrated in Fig. 4. Thus, it will be seen, that the mouthpiece terminates in a blind end so that when the mouthpiece is connected to a drinking vessel such as the drinking flask 16 shown in Figs. 7 to 8, with the drinking flask having been previously charged with liquid, the drinking liquid is contained all within one boundary. Also, as the mouthpiece terminates in a blind end, because of the slit 15, the mouthpiece is easy to clean.

As can be seen from Figs. 7 to 9, the mouthpiece 1 with tube 3 (not visible) extending therefrom is mounted within an aperture in the screw threaded top 17 of the drinking flask 16 in such manner as to be sealed with respect to the top 17, for example using the sleeve 5 with a friction fit. When it is desired to recharge the flask with drinking liquid, it is a simple matter of unscrewing the top 17.

In order to have a drink from the flask 16, incoprorating the mouthpiece 1, the end portion 6 of the mouthpiece is placed in the mouth and the teeth located between the ridge 13 and the neck 18 of the end portion 6 with the slit 15 extending transversely of the mouth. The mouthpiece is then bitten by the teeth and/or pressure by lips causing the proximal ends of the flaps 10 of the valve 9 to



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move towards each other and the distal ends of the flaps 10 to move away from each other and into the position shown in Fig. 5 and to cause the slit to open into the aperture shown in Figs. 4 and 6 so that both the inlet and the outlet of the mouthpiece are open to the drinking liquid in the reservoir constituted by the flask 16. When suction is applied by the mouth liquid flows into the tube 3 through the inlet into the chamber 7 and out through the open outlet 15 and into the mouth. As soon as the biting action is stopped, both the valve 9 and the slit valve 15 close so that the drinking liquid is, again, enclosed all within one boundary to protect the interior of the mouthpiece and the flask 16 from any contamination from the external environment. If desired, the liquid can remain within the tube 3 by applying suction until the valves 9 and 15 are closed so as to obtain a ready drink without needing to charge the tube 3 first with liquid, for example in hazardous conditions such as sailing in rough seas, or, alternatively, by stopping suction and maintaining the biting action, the liquid 3 may be allowed to drain out of the tube and back into the reservoir in the flask 16.

If it is desired, for certain conditions, that the tube 3 and the mouthpiece 1 shall remain charged with liquid without any further thought, then a non-returning valve can be incorporated in the end of the drinking tube 3 adjacent the bottom of the reservoir in the flask 16, as described in the specification in the aforementioned patent application.

In the embodiment of Fig. 10, the drinking tube 3 is extended out through the cover 17 of the flask 16 (which is of smaller size) and the mouthpiece is fitted to the end of the tube 3 outside the flask to provide a flask with a drinking straw.

Figs. 11 and 12 show different ways of carrying the flask. In Fig. 11 a carrying handle 19 is fitted to the screw-threaded spigot projecting from the flask 16 and is held in position by screwing the cover 17 onto the screw-threaded spigot.

On the other hand, the flask 16 in Fig. 12 is provided with a strap 20 which is connected to the flask 16 through a slot 21 formed into the flask during moulding.

In the embodiment of Fig. 13, the mouthpiece 1, either with or without a drinking tube 3 attached thereto is fitted into the keyhole slot (not shown) of a drinking vessel constituted by a carbonated drinks container 16a by means of a fitting and clamping member 22. Of course, the drinking liquid within the can may not necessarily be carbonated.

Whilst the embodiment of mouthpiece illustrated in Figs. 1 to 6 when used with any of the illustrated drinking vessels provides a completely closed circuit which prevents the entry of any foreign contaminants under most hazardous conditions the embodiment illustrated in Fig. 14 is still suitable for less hazardous conditions.

Referring to Figure 14, the drinking bottle 31 is provided, midway along its length, with a reduced diameter waist 32. The bottle 31 has a screw cap 33 including a larger central bore through which passes a flexible drinking tube 34 and a smaller bore 35 which acts as a bleed channel for air entering the bottle. Bore 35 is sufficiently small that liquid cannot spill through it.

At its lower end drinking tube 34 carries, optionally, a non-return valve 36 of simple design comprising a tubular casing having an opening at each end and a perforated partition wall 37 adjacent one end. Trapped between the partition wall 37 and an inwardly projecting lip at the end of the valve 36 is a flap member 38 which can seal against the lip 38a to prevent passage of liquid out of the tube into the bottle but upon suction being applied to the tube is carried back to lie against the partition 37 against which it will not seal.

At the exterior end of the tube 34 there is fitted a spherical mouthpiece 39 which is illustrated in detail in Figures 15A and 15B. As shown in Figure 15A, the mouthpiece 39 has a valve having a valve casing in two parts of plastics material. Together, the two parts of the casing form the spherical mouthpiece 39 which has a tubular tail 40 leading into the hollow interior of the valve casing. The tail 40 is provided with forwardly tapering annular ribs 41 for tight location of the mouthpiece in the tube 34.

The two parts of the casing are assembled together as a press fit and are locked together by an annular snap fitting formation 42.

Within the hollow interior, which constitutes a valve chamber, of the valve there is provided an annular valve seat 43 surrounding the inlet of the mouthpiece and an elastomeric valve element 44 in the form of a disk having on its downstream face a boss 45 of reduced diameter over which is received one end of a frusto-conical coil compression spring 46, the larger end of which seats against a shoulder provided on the interior of the casing.

Four end stop fingers 47 are provided at the outlet of the mouthpiece projecting inwardly as seen in Figure 15B. When a mouth operation involving suction is applied to the mouthpiece, the valve 45 is carried away from the valve seat 43 to abut against the end stop fingers 47. Upon cessation of the suction, the coil spring 46 returns the valve element to close the valve seat 43 and thus the inlet.



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For attachment to a support such as the mast of a wind surfer, the drinking bottle of Figure 14 may be provided in conjunction with a strap member as shown in Figure 16. The strap member of Figure 16 comprises a first strap portion 48 on a second strap portion 49, for instance of webbing material. The first and second portions are attached over a central region 50, e.g. by stitching. A first Velcro (Trade Mark) connector patch 51 is sewn to the outer surface of an end area of the first portion 48. A co-operating patch 52 of Velcro (Trade Mark) of the opposite type is provided on the interior face of an area at the opposite end of the first portion 48 which can overlay and attach to the patch 51. The waist 2 of the bottle is receivable in the loop of webbing so formed by the first portion.

The second portion 49 is intended to pass around a support such as a wearer's arm or the mast of a wind surfer and comprises a first arm 53 having on an interior face thereof patch 54 of elastomeric, non-slip material intended to prevent slippage of the strap member on the support. This is suitably formed of a nautral or synthetic rubber material such as neoprene. At its end, the first arm 53 bears a D-ring 55. A second arm 56 of the second portion 49 is passed through the D-ring 55 and is returned over itself toward the first portion 48 of the strap member. In an end area of the second arm 56 there is provided a Velcro (Trade Mark) patch 57. A Velcro (Trade Mark) patch 58 of an opposite type to patch 57 is provided on the first portion of the strap member on the other side of the webbing from patch 52.

The second portion of the strap member may therefore be tensioned around a support and anchored by engagement of the Velcro patches 57 and 58. The bottle may be removed from the strap member by opening the connection between Velcro patches 51 and 52 without disturbing the attachment of the strap member to the support.

Because of the provision of the valved mouthpiece and because of the shapes selected for the mouthpiece, the drinking vessels described may be immersed in sea water in any attitude and upon being righted and removed from the water will enable the user to drink from the vessel without the contents of the bottle or the first portion of drink dispensed from the tube being contaminated to any significant extent by sea water. Furthermore, because of the provision of the mouthpiece valve, the tube remains full of liquid in use. This means that the tubes can be of considerable length without the user having to suck liquid all the way through the tube at each occasion the drink is wanted. The vessels may therefore be placed some way from the users normal position and the tubes may be conveyed to a location nearer to the users mouths. For instance, the vessel may be strapped to the mast of a wind surfer and the tube may be carried along a boom associated with the wind surfers sail.

Alternatively, the vessel may be fixed in other locations such as on a user's arm or on a pack carried on a user's back and the tube may be conducted to a location adjacent the user's mouth. The tube may be clipped in position in use, and for this purpose suitable means for clipping the tube in position may be provided.

One or more clips or pockets may be associated with the strap member for holding the tube in a storage position and/or for receiving items of use such as keys and small tools.

The drinking vessels described in Figs. 7 to 12 and Fig. 14 may be made of any suitable material but are preferably formed of self-skinning plastics foam which provides the vessels with heat insulation properties.

Although the invention has been described with reference to particular embodiments thereof, it should be appreciated that various modifications may be made without departing from the scope of the invention. For example, in the embodiments of Figs. 7 to 11 the drinking tube 3 may be provided with a non-return valve but this is not essential in these embodiments or the embodiment of Fig. 14.

## Claims

1. A tubular mouthpiece for a drinking vessel, said mouthpiece comprising a normally closed valve which is operated by the mouth of the drinker and which is adapted to be connected to a drinking vessel for containing a liquid for drinking, whereby when the mouthpiece is connected to the drinking vessel, only when the valve is operated by the mouth of the drinker does the valve open and the liquid flow from the vessel, through the mouthpiece and into the drinker's mouth and when mouth operation is stopped, the flow of the liquid from the drinking vessel ceases.

2. A mouthpiece as claimed in claim 1, characterized by being connectible to the drinking vessel by means of a member which engages in a hole in the drinking vessel or by means of a cap or top therefor.

3. A mouthpiece as claimed in claim 1 or 2, characterised by having a drinking tube for communicating the mouthpiece with a drinking liquid reservoir in the drinking vessel and such that the free end of the tube is disposed adjacent the bottom of the reservoir.

4. A mouthpiece as claimed in claim 3, characterized in that the mouthpiece has a stem which is integral with the drinking tube or to which the



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other end of the tube is connected by fitting the stem with a friction fit onto or into the exposed free end portion of the tube.

5. A mouthpiece as claimed in any one of claims 1 to 4, characterized in that the valve is disposed within a valve chamber defined by the inner wall of the mouthpiece and having an inlet for drinking liquid from the drinking vessel and an oppositely facing outlet for the drinking liquid from the mouthpiece with the valve normally closing the inlet.

6. A mouthpiece as claimed in claim 5, characterized in that the valve comprises a valve seat surrounding the liquid inlet, a valve member, a means such as a compression spring urging the valve member against the valve seat to close the valve yet being suitable to be overcome by a mouth operation involving suction applied by the mouth to the mouthpiece.

7. A mouthpiece as claimed in claim 5, characterized in that both the inlet and the outlet are normally closed and are opened by a mouth operation which involves a biting action of the mouth of a drinker.

8. A mouthpiece as claimed in claim 5 or 7, characterized by being made of a resilient or flexible material with the outlet in its closed position being in the form of a slit in the mouth engaging end, and with the sides of the slit being pressed firmly against each other to prevent the flow of liquid therethrough, whereby when the mouthpiece is bitten with the slit in a position extending transversely of the drinker's mouth, the slit opens to form an open outlet, the valve in the valve chamber is opened to free the inlet so that when the mouthpiece is sucked liquid will flow from a drinking vessel to which the mouthpiece is connected through the mouthpiece and into the drinker's mouth so long as the bite is maintained and suction applied and will stop immediately the bite is released whereupon both the inlet and outlet will close.

9. A mouthpiece as claimed in claim 8, characterized in that the inlet valve is in the form of two flaps which pivot intermediate their ends such that the distal ends of the flaps abut each other in the closed position and the proximal ends of the flaps are spaced apart whereby pressure on the mouthpiece by the biting action will cause the proximal ends to abut each other and the distal ends to move apart, about the pivot to open the inlet and immediately, the biting pressure is released the proximal ends move apart and the distal ends move into abutment to close the inlet.

10. A drinking tube having a mouthpiece as claimed in any preceding claim.

11. A drinking vessel including a mouthpiece as claimed in any one of claims 1 to 9.



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Fig.2

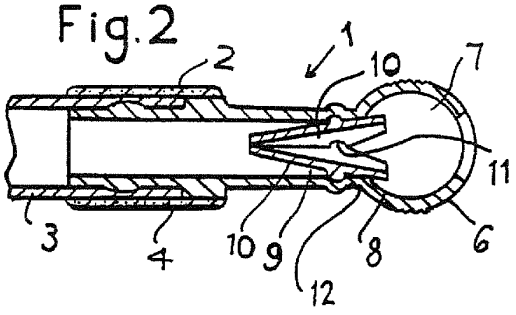



Fig.3

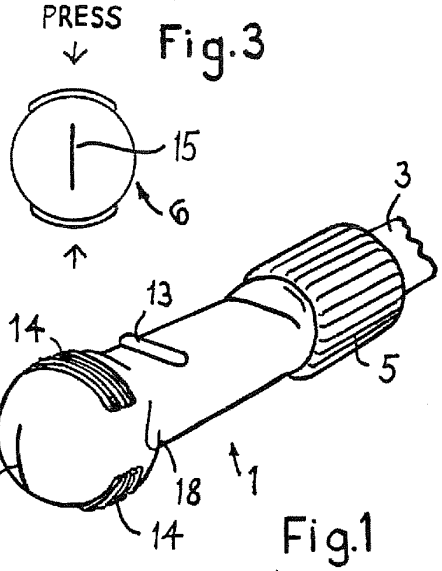



Fig.1

Fig.5

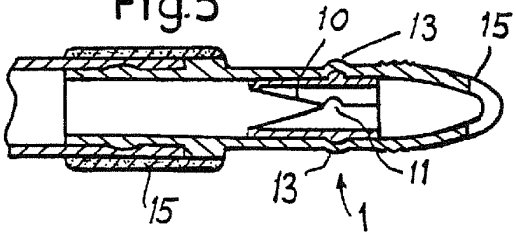



Fig.6

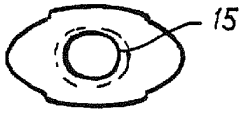
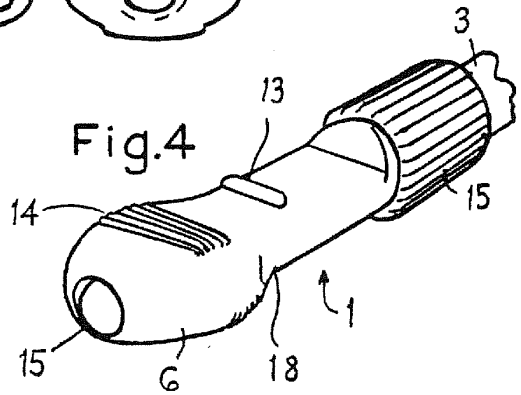



Fig.4



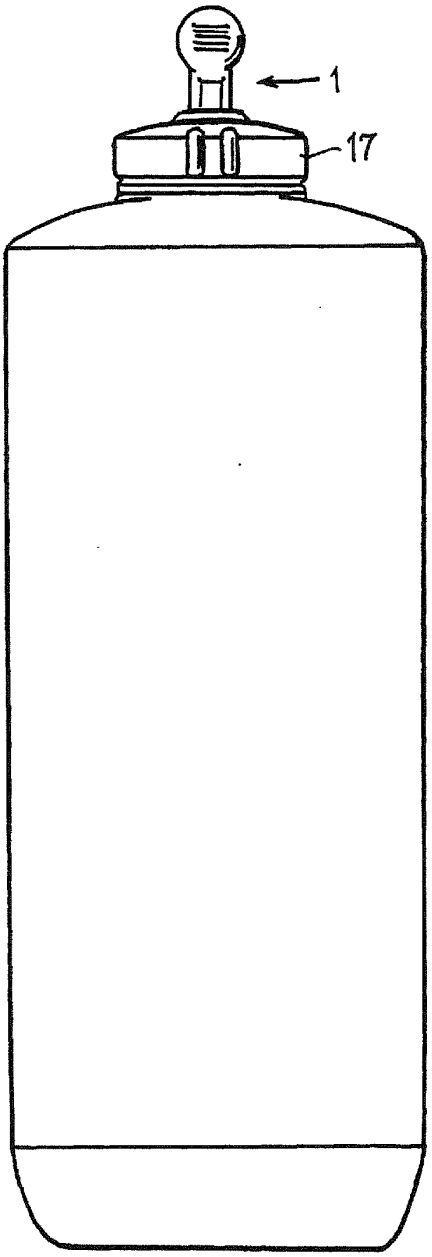



Fig.7

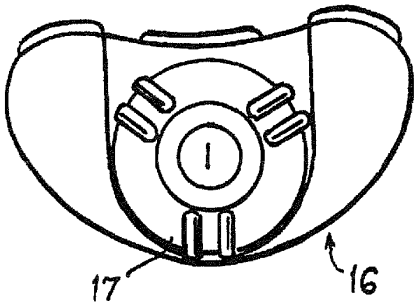



Fig.8

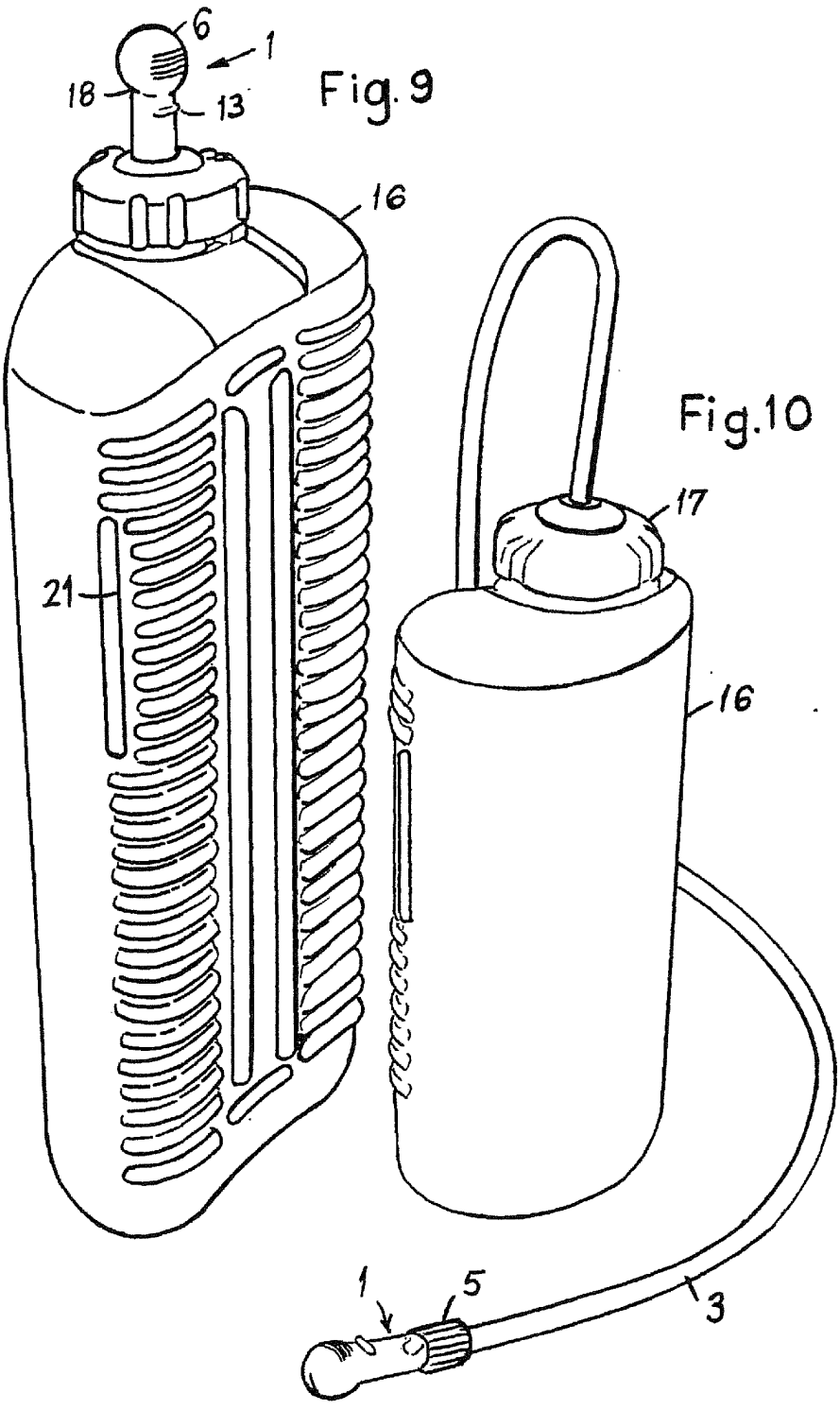



Fig.9

Fig.10

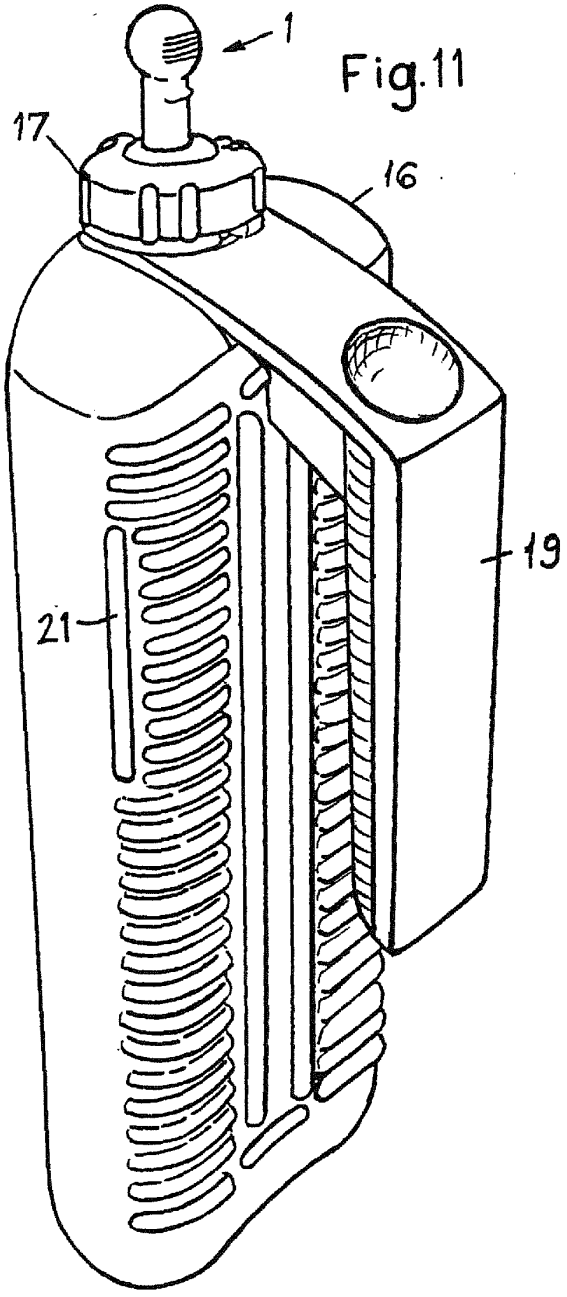
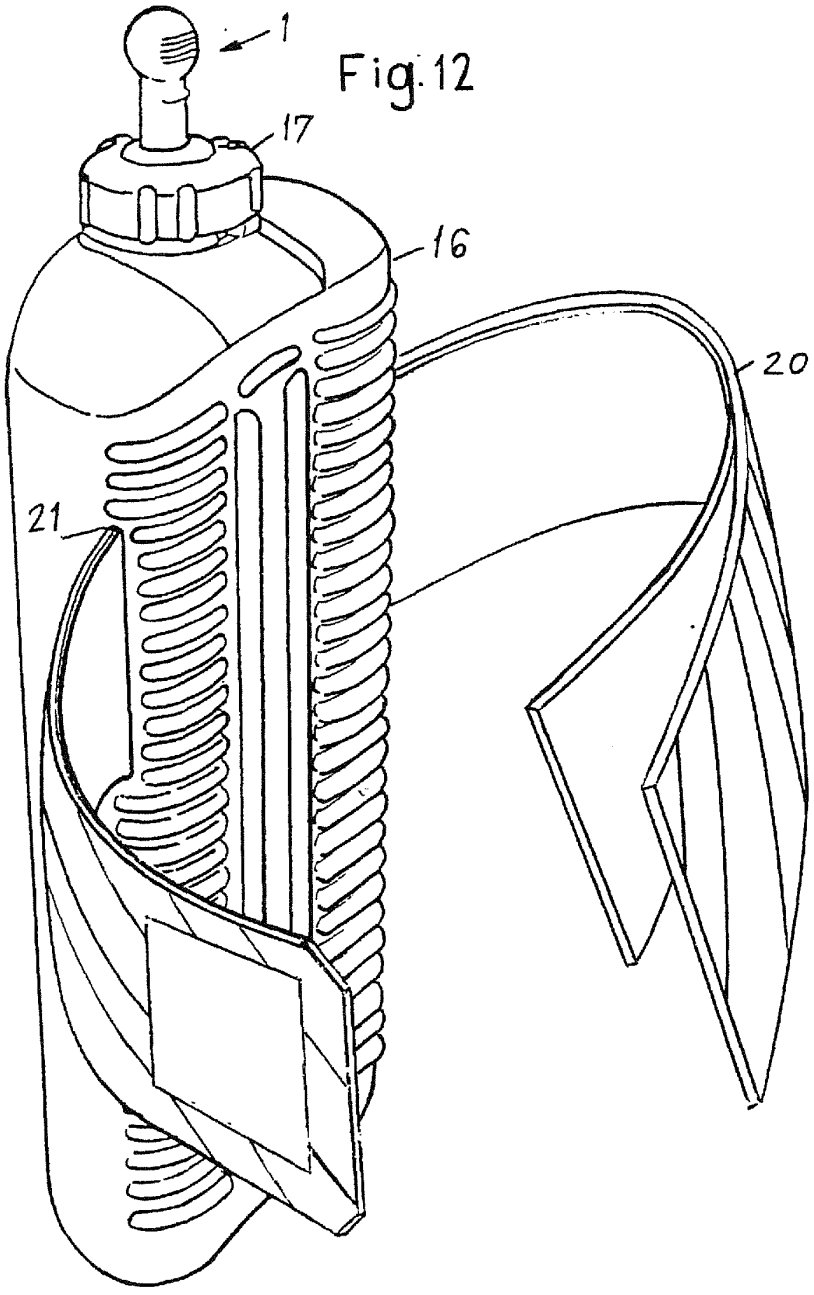



Fig.11

Fig.12



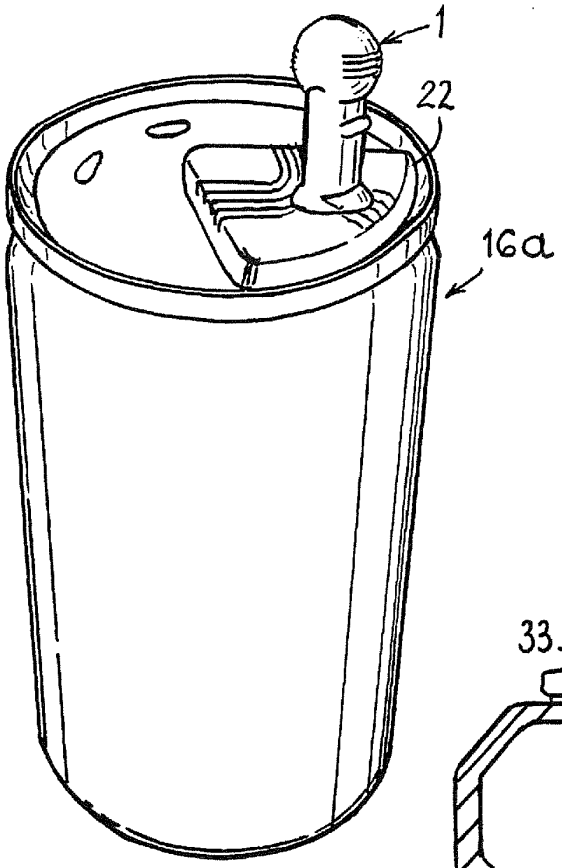



Fig.13

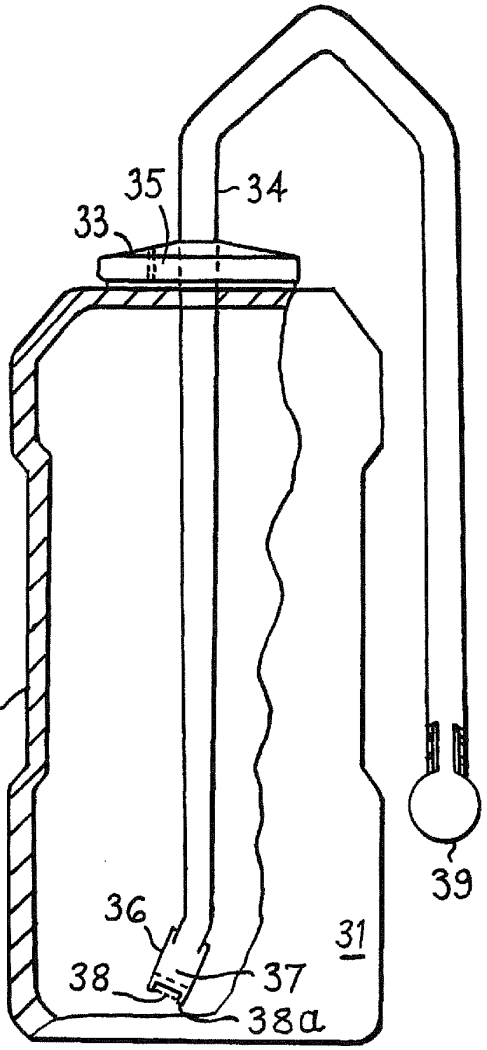



Fig.14

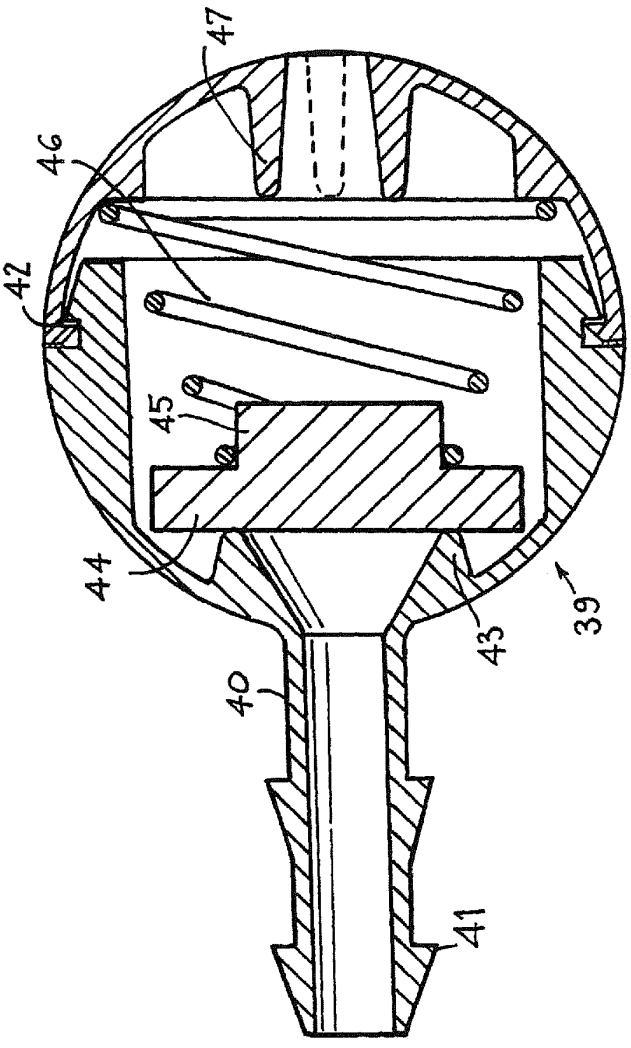



Fig.15A

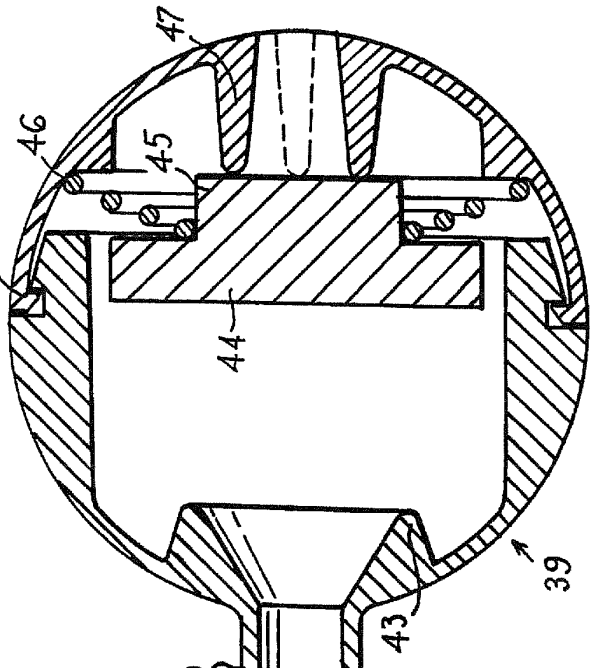



Fig.15B

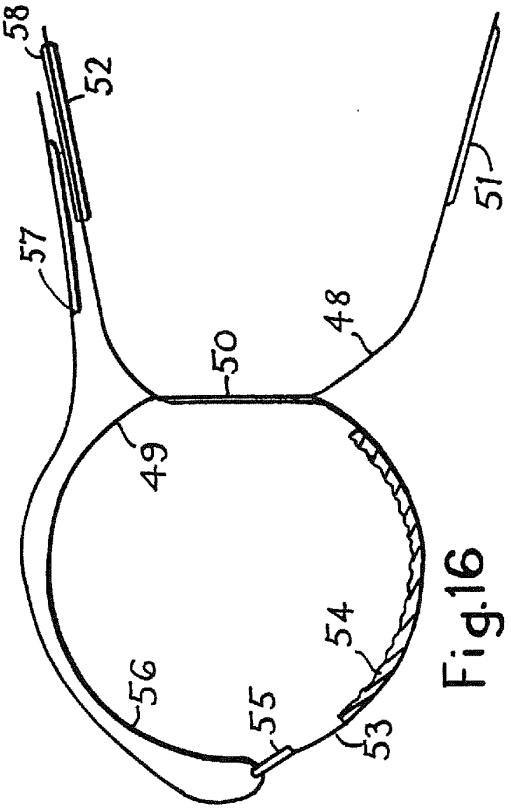



Fig.16

European Patent Office

# EUROPEAN SEARCH REPORT

Application Number

EP 87 30 8693

## DOCUMENTS CONSIDERED TO BE RELEVANT

| Category | Citation of document with indication, where appropriate, of relevant passages | Relevant to claim | CLASSIFICATION OF THE APPLICATION (Int. Cl. 4) |
|---|---|---|---|
| X | US-A-2 969 064 (METZ)<br>* Whole document * | 1,2 | A 47 G 21/18<br>A 47 G 19/22 |
| A | | 3,5,7-10 | |
| X | US-A-3 165 241 (CURRY)<br>* Figures 2-8; column 2, line 68 - column 3, line 71 * | 1,2,10 | |
| A | | 3,4,7,8 | |
| X | CA-A- 37 027 (TICHY)(1971)<br>* Whole document * | 1-3,5,11 | |
| A | | 4,6,8 | |
| A | US-A-3 346 009 (LINDEBOOM)<br>* Figures 3-5 * | 6 | |
| A | DE-U-7 832 981 (HAUGK)<br>* Abstract * | 1-4,10,11 | |
| A,D | US-A-4 196 747 (QUIGLEY et al.) | | |

TECHNICAL FIELDS SEARCHED (Int. Cl.4)

A 47 G
F 16 K
A 61 J

The present search report has been drawn up for all claims

| Place of search | Date of completion of the search | Examiner |
|---|---|---|
| THE HAGUE | 22-01-1988 | BEUGELING G.L.H. |

EPO FORM 1503 03.82 (P0401)

CATEGORY OF CITED DOCUMENTS

X : particularly relevant if taken alone
Y : particularly relevant if combined with another document of the same category
A : technological background
O : non-written disclosure
P : intermediate document

T : theory or principle underlying the invention
E : earlier patent document, but published on, or after the filing date
D : document cited in the application
L : document cited for other reasons

& : member of the same patent family, corresponding document

(12) UK Patent Application (19) GB (11) 2 279 130 (13) A

(43) Date of A Publication 21.12.1994

(21) Application No 9311445.2

(22) Date of Filing 03.06.1993

(51) INT CL[5]
F16K 7/04

(52) UK CL (Edition M )
F2V VP101

(56) Documents Cited
GB 2094443 A GB 1490349 A EP 0257880 A1

(58) Field of Search
UK CL (Edition M ) F2V VP101 VP102
INT CL[5] F16K 7/00 7/04 15/14 15/18

(71) Applicant(s)
Geoffrey Charles Duckhouse
27 Duxford Close, REDDITCH, Worcestershire, B97 5BY, United Kingdom

(72) Inventor(s)
Joe A Griffiths

(74) Agent and/or Address for Service
Derek Jackson Associates
The Haven, Plough Road, Tibberton, DROITWICH, Worcs, WR9 7NQ, United Kingdom

# (54) Valve for delivering fluids

(57) A valve is made of a resilient material and comprises a housing (1) and at least two closure elements (11) defining an openable slit 13. The housing 1 is closed around its periphery to define a fluid flow path from an inlet 3 and through slit 13 when open. The elements (11) are secured to housing 1 in the region of its inner surface and abut each other in a closed position of the valve, the elements (11) extending in the closed position over at least a portion of each element 11 in a direction counter to the intended direction of flow A of fluid through the valve. On urging spaced peripheral portions of housing (1) towards each other, the housing 1 is caused to deform resiliently and to move elements (11) over at least a portion of each element 11 in a direction counter to direction A thereby causing elements (11) to become spaced from each other and to allow fluid to pass through the open slit 13. Protrusions 7 allow orientation of slit 13 to extend between upper and lower teeth of user.

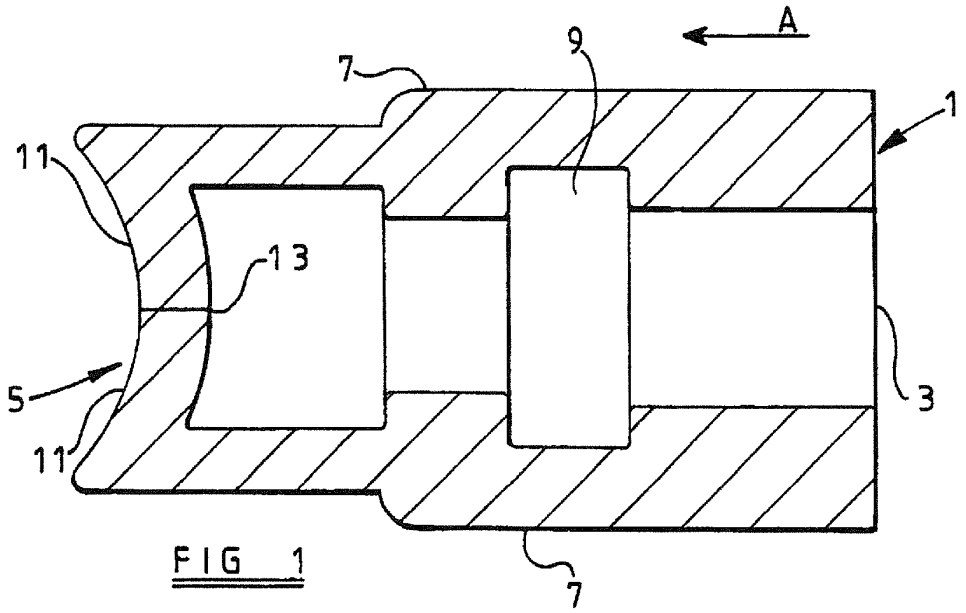



FIG 1

GB 2 279 130 A

At least one drawing originally filed was informal and the print reproduced here is taken from a later filed formal copy.

The claims were filed later than the filing date within the period prescribed by Rule 25(1) of the Patents Rules 1990.

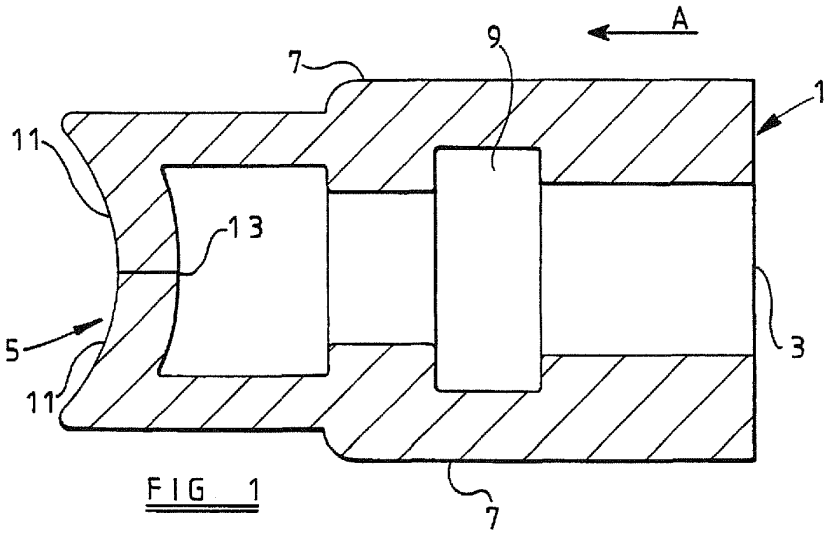



FIG 1

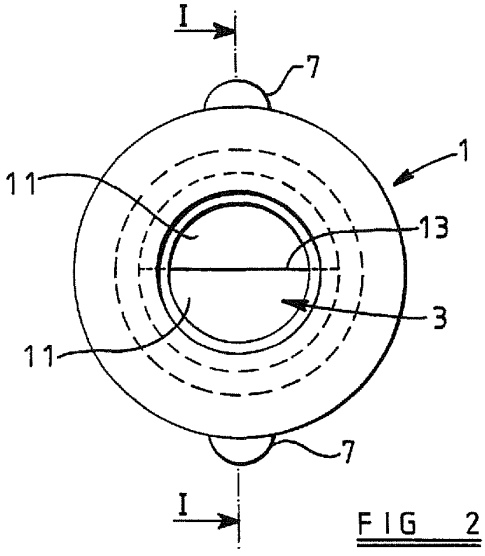



FIG 2

2279130

# VALVE FOR FLUID DELIVERY SYSTEM

The present invention relates to a valve for a fluid delivery system. The valve may be used, for example, in liquid delivery systems for use by athletes such as that described in my co-pending United Kingdom Patent Application No. 9300135.2, or in liquid delivery systems for use in medical applications or for use by disabled persons.

Valves for fluid delivery systems suffer problems in a number of ways. Valves which employ discrete internal components such as that described in United States Patent No. 5,060,833 are difficult to maintain in a sufficiently clean and hygienic condition, while valves which are moulded as a single integral component tend to leak progressively as the fluid pressure rises.

It is therefore an object of the present invention to provide a valve for a fluid delivery system that can be moulded as a single integral component and which is resistant to leakage.

According to the present invention there is provided a valve made of a resilient material, the valve comprising a valve housing and at least two valve closure elements, wherein:

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the valve housing is closed around the periphery thereof so as to define a flow path through which fluid passes through the valve;

the valve closure elements are secured to the valve housing in the region of the inner surface thereof and abut against each other in a closed position of the valve, the valve closure elements extending in the closed position of the valve over at least a portion of each valve closure element in a direction counter to the intended direction of flow of fluid through the valve,

the arrangement being such that on urging spaced peripheral portions of the valve housing towards each other, the valve housing is caused to deform resiliently and to move the valve closure elements over at least a portion of each valve closure element in a direction counter to the intended direction of flow of fluid through the valve, thereby causing the valve closure elements to become spaced from each other and to allow fluid to pass through the valve.

The valve housing may be cylindrical. In such an embodiment, the valve closure elements may be positioned at or towards that end of the cylindrical housing remote from the intended fluid inlet thereof. The housing may be provided internally thereof with an annular recess for receiving an external collar of a fluid delivery tube. The

valve housing may have a relatively thin wall thickness in the region of that end of the housing remote from the intended fluid inlet thereof compared with the wall thickness of the housing in the region of that end thereof adjacent to the intended fluid inlet thereof.

The valve housing may be provided with protrusions to assist alignment of the valve. Two diametrically opposed protrusions may be provided. Where the valve housing extends significantly in the intended direction of fluid flow, the protrusions may be spaced from that end of the housing remote from the intended fluid inlet thereof.

Two valve closure elements may be provided. Each valve closure element may be substantially semi-circular in section and may be secure to the inner surface of the housing around the curved periphery of each valve closure element. Where protrusions are provided, the protrusions may be arranged such that they lie along a line substantially perpendicular to the straight line between the two valve closure elements.

The valve closure elements together may form part of a conic surface, for example, the valve closure elements may together form part of a sphere.

For a better understanding of the present invention and to show more clearly how it may be carried into effect

reference will now be made, by way of example, to the accompanying drawings in which:

Figure 1 is a cross-sectional view of one embodiment of a valve according to the present invention taken along the line I-I in Figure 2; and

Figure 2 is an elevational view of the valve shown in Figure 1, looking in the direction of the arrow A shown in Figure 1.

The valve shown in Figures 1 and 2 comprises a housing in the form of a generally annular mouthpiece 1 which is open at one end 3 and closed at the other end 5 thereof. Extending along diametrically opposed outer surfaces of the mouthpiece 1 from a point spaced from the closed end 5 thereof substantially to the open end 3 are two protrusions 7. The protrusions 7 are generally part-circular in cross-section and serve to facilitate orientation of the mouthpiece in the mouth of the user or to otherwise indicate to the user the desired orientation of the valve for use as will be described in more detail hereinafter.

The wall thickness of the mouthpiece 1 in the region of the open end 3, that is in the region of the intended fluid inlet, is greater than the wall thickness thereof in the region of the closed end 5. The portion of the mouthpiece having the lesser wall thickness is therefore relatively

more flexible than the portion having the greater wall thickness.

Provided internally of the mouthpiece 1 in that portion of the mouthpiece having the greater wall thickness is an annular recess 9. In use of the mouthpiece 1, a fluid delivery tube (not shown) having an external collar at the free end thereof extends into the open end 3 of the mouthpiece with the external collar engaging in the annular recess 9 of the mouthpiece.

The closed end of the mouthpiece 1 is in the form of a plurality of inwardly directed valve closure elements 11. In the illustrated embodiment, the inward direction is counter to the direction of the arrow A in Figure 1. In the illustrated embodiment, the inward direction of the valve closure elements is achieved by forming the valve closure elements 11 in the form of a part-spherical surface, but alternative conic or other inwardly directed forms are also possible. Two valve closure elements 11 are provided in the illustrated embodiment, although a greater number may be provided if desired, the two valve closure elements being configured such that they abut against each other to form a slit 13 extending along a straight line which is substantially perpendicular to a diametral line joining the two protrusions 7. Additionally, the abutting surfaces of the two valve closure elements are configured such that they abut against each other substantially

throughout the thickness of the elements in the axial direction of the mouthpiece.

The mouthpiece 1 is made as a single integral moulding from a resilient material such as a silicone rubber material.

In operation, the mouthpiece 1 is mounted on the end of a fluid delivery tube which incorporates an external collar, the external collar engaging in the annular recess 9 of the mouthpiece as described hereinabove. The fluid delivery tube in turn communicates with a reservoir of fluid, such as water, for example as described in my co-pending United Kingdom Patent Application No. 9300135.2.

Fluid is supplied to the user by the user taking the mouthpiece 1 into his mouth and orienting the mouthpiece, with the aid of the two protrusions 7, such that the slit extends substantially between the upper and lower teeth of the user. The user can then bite upon the mouthpiece in the region of the closed end 5. Biting upon the mouthpiece 1 in this manner causes the top and bottom walls of the mouthpiece in the region of the closed end to move towards each other (and towards the diametral line joining the two protrusions 7).

Moving the top and bottom walls of the mouthpiece together causes the abutting surfaces of the valve closure elements to separate and further causes the valve closure elements,

due to their inwardly directed nature, to fold inwardly into the mouthpiece towards the internal wall thereof. Movement of the valve closure elements 11 in this manner opens the mouthpiece for the flow of fluid. If the fluid is under pressure, fluid will then flow through the mouthpiece in the direction of the arrow A into the user's mouth, but otherwise the user can draw fluid from the reservoir into his mouth.

When the mouthpiece is released, the top and bottom walls of the mouthpiece move apart and return to their original configuration. In turn, the valve closure elements return to their original configuration and close the valve.

The inwardly directed nature of the valve closure elements ensures that, up to the maximum pressure differential the valve is able to withstand, as the pressure differential across the valve closure elements increases, the abutting surfaces of the valve closure elements are corresponding urged more firmly together, thereby securely closing the valve to the flow of fluid.

Clearly the valve described with reference to the drawings can have alternative uses and configurations. For example, the valve can be used in fluid delivery systems for use by disabled persons and in medical applications.

With regard to alternative configurations, some alternatives have already been described hereinabove, but additionally the mouthpiece need not be circular in cross-section, but may be elliptical or any other suitable shape. Further, the shape of the mouthpiece may render the protrusions unnecessary to facilitate orientation of the valve. Moreover, the manner in which the fluid delivery tube is retained relative to the valve can be varied in dependence upon the relative size of the valve and the tube and upon the pressure differential that is to be accommodated.

CLAIMS

1. A valve made of a resilient material, the valve comprising a valve housing and at least two valve closure elements, wherein:

the valve housing is closed around the periphery thereof so as to define a flow path through which fluid passes through the valve;

the valve closure elements are secured to the valve housing in the region of the inner surface thereof and abut against each other in a closed position of the valve, the valve closure elements extending in the closed position of the valve over at least a portion of each valve closure element in a direction counter to the intended direction of flow of fluid through the valve,

the arrangement being such that on urging spaced peripheral portions of the valve housing towards each other, the valve housing is caused to deform resiliently and to move the valve closure elements over at least a portion of each valve closure element in a direction counter to the intended direction of flow of fluid through the valve, thereby causing the valve closure elements to become spaced from each other and to allow fluid to pass through the valve.

2. A valve as claimed in claim 1, wherein the valve housing is cylindrical.

3. A valve as claimed in claim 2, wherein the valve closure elements are positioned at or towards that end of the cylindrical housing remote from the intended fluid inlet thereof.

4. A valve as claimed in claim 2 or 3, wherein the housing is provided internally thereof with an annular recess for receiving an external collar of a fluid delivery tube.

5. A valve as claimed in claim 2, 3 or 4, wherein the valve housing has a relatively thin wall thickness in the region of that end of the housing remote from the intended fluid inlet thereof compared with the wall thickness of the housing in the region of that end thereof adjacent to the intended fluid inlet thereof.

6. A valve as claimed in any preceding claim, wherein the valve housing is provided with protrusions to assist alignment of the valve.

7. A valve as claimed in claim 6, wherein two diametrically opposed protrusions are provided.

8. A valve as claimed in claim 6 or 7, wherein the valve housing extends significantly in the intended direction of fluid flow and the protrusions are spaced from that end of the housing remote from the intended fluid inlet thereof.

9. A valve as claimed in any preceding claim, wherein two valve closure elements are provided.

10. A valve as claimed in claim 9, wherein each valve closure element is substantially semi-circular in section and is secured to the inner surface of the housing around the curved periphery of each valve closure element.

11. A valve as claimed in claim 9 or 10, when dependent upon any one of claims 6 to 8, wherein the protrusions are arranged such that they lie along a line substantially perpendicular to the straight line between the two valve closure elements.

12. A valve as claimed in any preceding claim, wherein the valve closure elements together form part of a conic surface.

13. A valve as claimed in claim 12, wherein the valve closure elements together form part of a sphere.

14. A valve substantially as hereinbefore described with reference to, and as shown in, the accopmanying drawings.

| **Patents Act 1977**<br>**Examiner's report to the Comptroller under Section 17**<br>**(The Search report)** -12- | Application number<br>GB 9311445.2 |
|---|---|
| **Relevant Technical Fields**<br><br>(i) UK Cl (Ed.M) F2V (VP101, VP102)<br><br>(ii) Int Cl (Ed.5) F16K 7/00, 7/04, 15/14, 15/18 | Search Examiner<br>MR M SIDDIQUE<br><br>Date of completion of Search<br>12 SEPTEMBER 1994 |
| **Databases** (see below)<br>(i) UK Patent Office collections of GB, EP, WO and US patent specifications.<br><br>(ii) | Documents considered relevant following a search in respect of Claims :-<br>1-14 |

**Categories of documents**

**X:** Document indicating lack of novelty or of inventive step.

**Y:** Document indicating lack of inventive step if combined with one or more other documents of the same category.

**A:** Document indicating technological background and/or state of the art.

**P:** Document published on or after the declared priority date but before the filing date of the present application.

**E:** Patent document published on or after, but with priority date earlier than, the filing date of the present application.

**&:** Member of the same patent family; corresponding document.

| Category | Identity of document and relevant passages | | Relevant to claim(s) |
|---|---|---|---|
| X | GB 2094443 A | (BLACK & DECKER) - Figure 2; page 1 lines 68-71, 96-105, protrusions 29 etc | 1-3, 6-10, 12 |
| X | GB 1490349 | (GOOCH) - Figure 5, at least one set of tapering sides opposing direction of fluid flow etc | 1, 2 at least |
| A | EP 0257880 A1 | (VERNAY) - slit 20, portions of diaphragm 18 extending opposed to direction of fluid flow | 1-3, 5, 13 |

**Databases:** The UK Patent Office database comprises classified collections of GB, EP, WO and US patent specifications as outlined periodically in the Official Journal (Patents). The on-line databases considered for search are also listed periodically in the Official Journal (Patents).



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(19) Europäisches Patentamt
European Patent Office
Office européen des brevets

(11) EP 1 095 599 A2

# (12) EUROPEAN PATENT APPLICATION

(43) Date of publication:
**02.05.2001 Bulletin 2001/18**

(51) Int. Cl.[7]: **A47G 19/22**, B65D 47/20

(21) Application number: **00120378.5**

(22) Date of filing: **18.09.2000**

(84) Designated Contracting States:
**AT BE CH CY DE DK ES FI FR GB GR IE IT LI LU MC NL PT SE**
Designated Extension States:
**AL LT LV MK RO SI**

(30) Priority: **26.10.1999 IT PN990043 U**

(71) Applicant: **New Interplast S.p.A.**
**33085 Maniago (Pordenone) (IT)**

(72) Inventors:
- **Dall'Agnese, Benedetto**
  **33170 Pordenone (IT)**
- **Puricelli, Raul Adrian**
  **33080 Fiume Vento, Pordenone (IT)**

(74) Representative:
**Giugni, Valter et al**
**PROPRIA S.r.l.,**
**Via Mazzini 13**
**33170 Pordenone (IT)**

## (54) Beverage container provided with improved cap

(57) Beverage container of plastic material, comprised of a body (11) and a cap (12), which enables the beverage to be sucked without any need for the container to be opened.

The cap (12) comprises a conduit (15) that enables a first tubing (18), which extends into the container, to communicate with a second flexible tubing (19) that is connected to a beverage sucking spout (20). The spout (20) is brought into its beverage sucking position by means of a snap-acting device (13) comprising an elastic tab (14) that is integral with the cap (12).

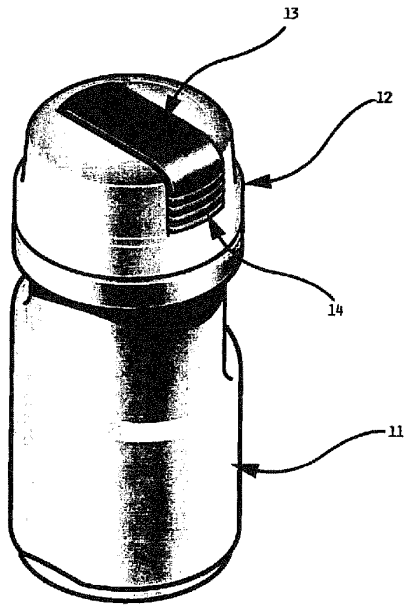



FIG. 1

EP 1 095 599 A2

Printed by Xerox (UK) Business Services
2.16.7 (HRS)/3.6

## Description

**[0001]** The present invention refers to a beverage container made of plastic material and provided with an improved cap enabling the beverage to be sucked from the container through the same cap.

**[0002]** Beverage containers made of plastics are largely known in the art since a quite long time now. They generally consist of a cylindrical body that is provided with a mouth for both filling in and delivering or dispensing the beverage, in which said mouth is plugged by a cap that is screwed on thereto.

**[0003]** More recently, use has started to be made of containers whose cap is provided with a closing or plugging device that is actuatable in a snap-like manner so as to offer the user a spout for sucking the beverage contained inside the container. To this purpose, the cap is crossed through by a rigid conduit that establishes a communication between a first tubing, which extends into the container down to the bottom thereof, and a second flexible tubing, which connects to the beverage sucking spout. Such a beverage sucking spout is hinged on in said snap-acting device, which in turn is hinged on in the cap. The opening of said plugging device is operated by means of a spring-loaded push-button that slides in an appropriate accommodating recess provided in the cap of the container.

**[0004]** The above-described prior-art solution, however, has a number of drawbacks. First of all, the cap itself is formed by a considerable number of single elements that must be manufactured separately and then be assembled in a quite complex operation. The opening and closing push-button and the related spring can quite easily slip out of their accommodating seat. In particular, such a drawback becomes dangerous in the case that the container is used by children, ie. the typical users of articles of such a kind, who may in fact run the risk of swallowing the piece that has so come off. In any case, the possible loss of the push-button or the spring causes the container to become fully useless, since it cannot be closed any longer.

**[0005]** It therefore is a main purpose of the present invention to provide a beverage container that is provided with an improved cap, ie. a cap that is made up by a minimum number of pieces, in which these pieces are in turn attached in a safe and reliable manner to the cap itself.

**[0006]** This aim is reached in a container according to the present invention, whose innovatory feature is as defined in the appended claim and is described below by way of non-limiting example with reference to the accompanying drawings, in which:

- Figure 1 is a side view of a beverage container according to the present invention;
- Figure 2 is a cross-sectional view of the cap of the container illustrated in Figure 1, in the closed position thereof; and
- Figure 3 is a cross-sectional view of the cap of the container illustrated in Figure 2, in the opened position thereof.

**[0007]** The beverage container according to the present invention is constituted by a substantially cylindrical body 11 (Fig. 1) and a cap 12, which is normally screwed on to the mouth opening of the body 11. The cap 12 is provided with a snap-acting closing device 13, which is adapted to be actuated by means of an elastic tab 14, as this will be described in greater detail further on.

**[0008]** The cap 12 is provided with a profiled inner section that defines (Figs. 2 and 3) a rigid vertical conduit 15, a receptacle with a sunken bottom 16, arid an abutment projection 17.

**[0009]** The conduit 15 enables the interior of the container 11 to communicate with the interior of the cap 12. To the lower end portion of the conduit 15 there is connected a first tubing 18, that extends into the container down to the bottom thereof, whereas to the upper end portion of the conduit 15 there is connected a second tubing 19, which is flexible and carries at its free end, duly attached thereto, a spout 20 for sucking the beverage contained in the container.

**[0010]** The receptacle 16, which is provided inside the cap 12, is closed by a cover 21, whose upper portion is hinged on to the same cap and which is provided with an appendix 22 directed towards the interior of the receptacle 16. To the lower end portion of the appendix 22 there is hinged on the beverage sucking spout 20, in such a manner as to cause the flexible tubing 19 to be bent into the receptacle 16 and the spout 20 to come to rest against the abutment projection 17 when the cover 21 is in its closed position (Figure 2). Liquid is in this way effectively prevented from leaking when handling the container.

**[0011]** According to the present invention, the closing device 13 of the cap 12 comprises a snap-fitting arrangement, which is implemented between a tooth 25 provided on the free edge of the cover 21 and a tooth 26 provided at an end portion of the profiled tab 14. The tab 14 is elastic and firmly joined to, ie, integral with the cap 12, so that a pressure exerted on the tab will cause the same to flex, thereby automatically releasing the teeth 25 and 26. The elasticity of the tubing 19 causes the cover 21 to open, in such a manner as to enable the spout 20 to be presented to the user in a convenient position for the beverage to be sucked (Figure 3).

**[0012]** Similarly, by pressing the cover 21 against the tab 14 the teeth 25 and 26 are caused to get engaged, by making use of the elasticity of the tab 14, in such a manner as to cause the device to snap back into its closed position.

**[0013]** Conclusively, the arrangement according to the present invention enables the closure of the con-



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tainer to be implemented and performed in a safe and reliable manner, while eliminating two separate parts (push-button and spring) that are replaced by a single part (tab 14) integrated in the cap 12. With this solution the risk for the container to become useless and the potential danger for the user are done away with, said situations of risk and danger arising from parts of the closing device coming possibly off accidentally.

## Claims

1. Beverage container, made of plastic material and provided with an improved cap that enables the beverage to be sucked, in which said cap (12) comprises a conduit (15) that enables a first tubing (18), which extends into the container, to communicate with a second flexible tubing (19), which connects to a beverage sucking spout (20), in which said beverage sucking spout is hinged on in a snap-acting closing device (13) that is in turn hinged on in the cap, wherein said container is **characterized in that** the snap-acting closing device (13) comprises an elastic tab (14) which is integral with said cap (12) and adapted to flex so as to actuate said closing device and release said beverage sucking spout.



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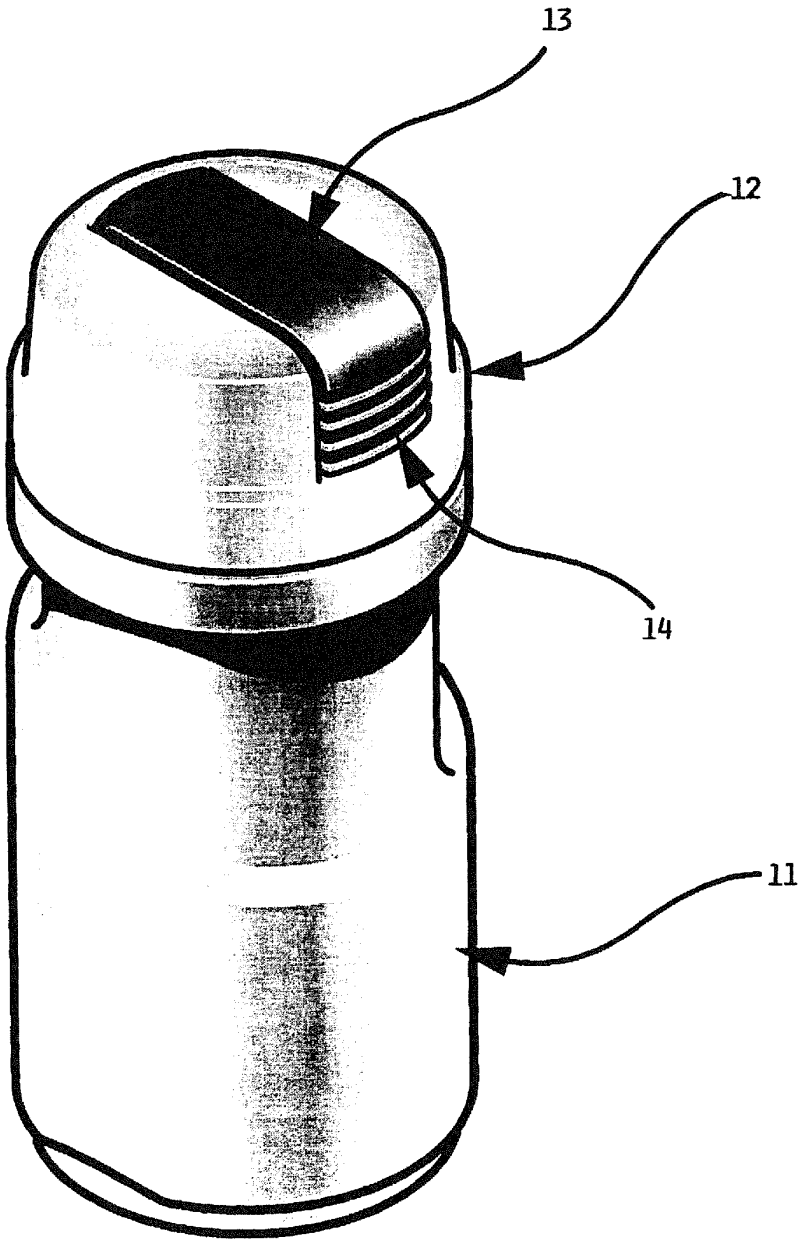



FIG. 1



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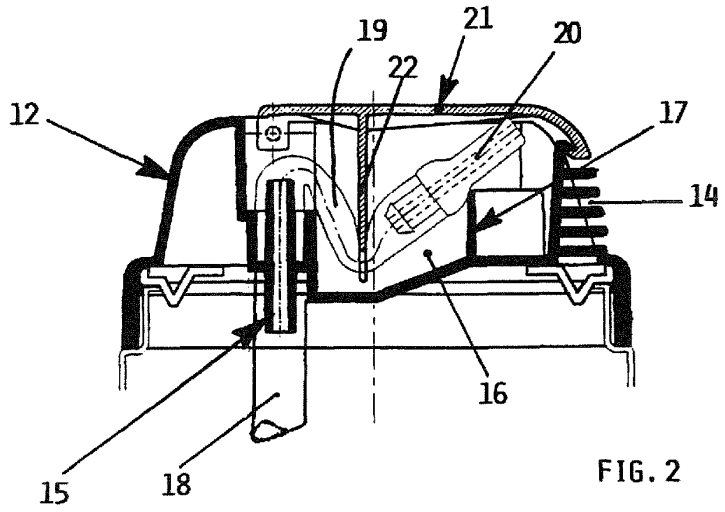



FIG. 2

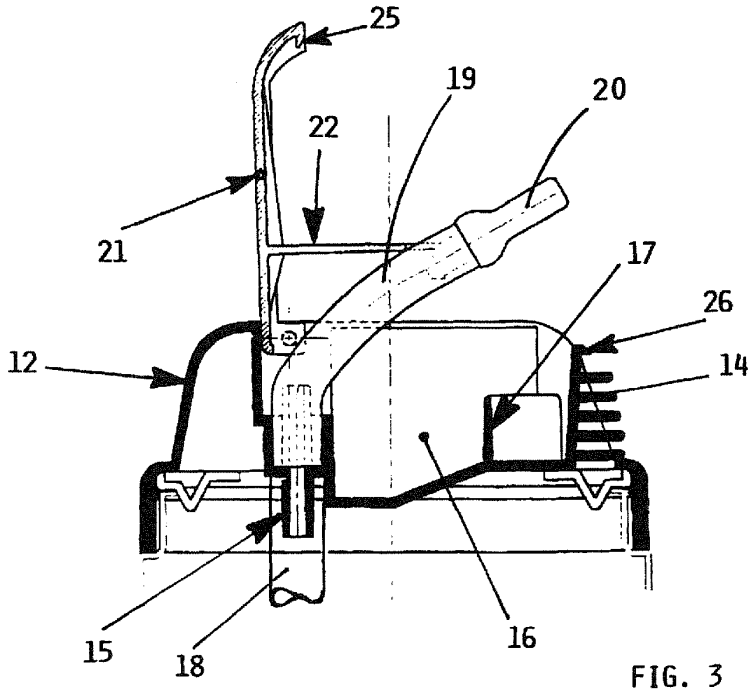



FIG. 3



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(19)日本国特許庁（ＪＰ）　(12) **公開特許公報（Ａ）**　(11)特許出願公開番号
特開2002－326655
（P2002－326655A）
(43)公開日　平成14年11月12日(2002.11.12)

| (51)Int.Cl.⁷ | 識別記号 | ＦＩ | | テーマコード（参考） |
|---|---|---|---|---|
| Ｂ６５Ｄ　51/24 | | Ｂ６５Ｄ　51/24 | Ｃ | ３Ｅ０８４ |
| 47/06 | | 47/06 | Ｋ | |
| 47/08 | | 47/08 | Ｆ | |

審査請求　未請求　請求項の数３　ＯＬ　（全　６　頁）

(21)出願番号　特願2001－130187(P2001－130187)

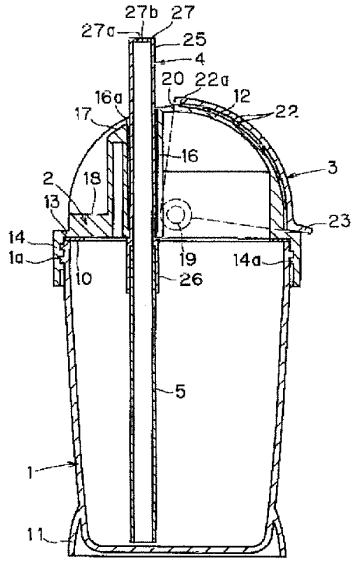
(22)出願日　平成13年４月26日(2001.4.26)

(71)出願人　000112299
ピップフジモト株式会社
大阪府大阪市中央区農人橋２丁目１番36号
(71)出願人　000158781
紀伊産業株式会社
大阪府大阪市中央区本町１丁目３番20号
(72)発明者　藤谷　博美
大阪府大阪市中央区農人橋２丁目１番36号
ピップフジモト株式会社内
(74)代理人　100079382
弁理士　西藤　征彦

最終頁に続く

(54)【発明の名称】　カップ

(57)【要約】
【課題】容器本体を倒しても、内容物がストローを通って外部にこぼれ出すことがないカップを提供する。
【解決手段】有底筒状に形成されたボトル１と、このボトル１の上端開口部を蓋するキャップ２とを備え、柔軟な材料で作製されたストロー４をキャップ２の上面から突出させ、ストロー４の先端開口を閉塞壁２７で閉塞するとともに、この閉塞壁２７に切り目２７ａ，２７ｂを形成し、キャップ２の上面に沿って摺動しうるオーバーキャップ３をキャップ２に取り付け、オーバーキャップ３を一側に移動させた状態ではストロー４がキャップ２の上面から突出して吸引可能状態になり、オーバーキャップ３を他側に移動させた状態ではストロー４がオーバーキャップ３で倒されてオーバーキャップ３の下側に隠れるように構成している。




1：ボトル　4：ストロー
2：キャップ　27：閉塞壁
3：オーバーキャップ　27a,27b：切り目

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【特許請求の範囲】
【請求項１】　有底筒状に形成された容器本体と、この容器本体の上端開口部を蓋する蓋体とを備え、柔軟な材料で作製されたストローを上記蓋体の上面から突出させ、上記ストローの先端開口を閉塞壁で閉塞するとともに、この閉塞壁に切り目を形成し、上記蓋体の上面に沿って摺動しうる摺動蓋を上記蓋体に取り付け、上記摺動蓋を一側に移動させた状態では上記ストローが蓋体の上面から突出して吸引可能状態になり、上記摺動蓋を他側に移動させた状態では上記ストローが摺動蓋で倒されて摺動蓋の下側に隠れるように構成したことを特徴とするカップ。
【請求項２】　上記容器本体および蓋体の少なくとも一方に把手が設けられている請求項１記載のカップ。
【請求項３】　上記摺動蓋を他側に移動させた状態では上記ストローの一部が摺動蓋で押圧されてこの押圧された部分で内容物の通過が阻止されている請求項１または２記載のカップ。
【発明の詳細な説明】
【０００１】
【発明の属する技術分野】本発明は、乳児用品もしくは介護用品等として、赤ちゃんもしくはお年寄り等が吸引するのに適したストロー付きのカップに関するものである。
【０００２】従来から、赤ちゃん用等として、ミルク等の内容物を収容したカップ，瓶等の各種容器が提案されている。このような容器として、例えば、実開平２－４３２６０号公報には、コップを傾けた際にコップ内のミルク等がストローから多量に流出するのを防ぐようにした幼児用コップが提案されている。この幼児用コップは、図１１に示すように、容器本体４１と、この容器本体４１を蓋する蓋体４２と、この蓋体４２の内筒部４２ａを蓋するキャップ４３と、このキャップ４３の注ぎ口４３ａ（図１２参照）から突出するストロー４４と、上記注ぎ口４３ａに取り付けたフード固定具４５とを備えている。また、このフード固定具４５を、図１２に示すように、上記注ぎ口４３ａに取り付けた円環状のベースリング４６と、このベースリング４６に着脱自在に固定したフード本体４７と、ベースリング４６とフード本体４７を連結するベルト４８とで構成している。そして、未使用時には、ベースリング４６にフード本体４７を固定し、これにより、フード本体４７でストロー４４の先端を保護するとともに、ミルク等が多量に流出するのを防いでいる。一方、使用時には、フード本体４７をベースリング４６から取り外し、これにより、ストロー４４の先端を外部に露呈させ、赤ちゃん等が口唇でストロー４４の先端からミルク等を吸引できるようにしている。
【０００３】
【発明が解決しようとする課題】しかしながら、上記の幼児用コップでは、ミルク等を吸引するために、フード本体４７をベースリング４６から取り外しているときに、赤ちゃん等が容器本体４１を倒すと、ミルク等がストロー４４を通り、外部に多量にこぼれ出す。また、ベースリング４６にフード本体４７を固定しているときにも、赤ちゃん等が容器本体４１を倒すと、ミルク等がストロー４４を通り、フード本体４７内に充満する。
【０００４】本発明は、このような事情に鑑みなされたもので、容器本体を倒しても、内容物がストローを通って外部にこぼれ出すことがないカップの提供をその目的とする。
【０００５】
【課題を解決するための手段】上記の目的を達成するため、本発明のカップは、有底筒状に形成された容器本体と、この容器本体の上端開口部を蓋する蓋体とを備え、柔軟な材料で作製されたストローを上記蓋体の上面から突出させ、上記ストローの先端開口を閉塞壁で閉塞するとともに、この閉塞壁に切り目を形成し、上記蓋体の上面に沿って摺動しうる摺動蓋を上記蓋体に取り付け、上記摺動蓋を一側に移動させた状態では上記ストローが蓋体の上面から突出して吸引可能状態になり、上記摺動蓋を他側に移動させた状態では上記ストローが摺動蓋で倒されて摺動蓋の下側に隠れるように構成したという構成をとる。
【０００６】すなわち、本発明のカップは、有底筒状に形成された容器本体と、この容器本体の上端開口部を蓋する蓋体とを備えており、柔軟な材料で作製されたストローを上記蓋体の上面から突出させ、上記ストローの先端開口を閉塞壁で閉塞するとともに、この閉塞壁に切り目を形成している。また、上記蓋体の上面に沿って摺動しうる摺動蓋を上記蓋体に取り付け、上記摺動蓋を一側に移動させた状態では上記ストローが蓋体の上面から突出して吸引可能状態になり、上記摺動蓋を他側に移動させた状態では上記ストローが摺動蓋で倒されて摺動蓋の下側に隠れるように構成している。したがって、本願発明のカップは、使用時には、上記蓋体の上面に沿って摺動蓋を一側に移動させ、上記ストローを蓋体の上面から突出させて吸引可能状態にする。これにより、赤ちゃん等が口唇でストローの先端開口を閉塞する閉塞壁を押圧等して変形させると、閉塞壁に形成した切り目が拡がり、ここに生じる隙間から内容物を吸引することができる。また、赤ちゃん等の口唇の吸引力を強めるための訓練にも利用できる。また、上記一側に移動させているときに、容器本体を倒しても、通常の状態（閉塞壁が変形していない状態）では上記切り目は閉じているため、内容物がストローを通って外部にもれ出ることがない。一方、未使用時には、上記蓋体の上面に沿って摺動蓋を他側に移動させ、ストローを摺動蓋の下側に隠すようにする。これにより、ストローの先端に埃がつくことがなく、また、ストローの先端が摺動蓋で保護される。このように、本発明のカップでは、赤ちゃん等が吸引の途中

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等で容器本体を倒しても、内容物がストローを通って外部にもれ出ることがない。なお、本発明において、「蓋体の上面に沿って摺動しうる摺動蓋」とは、蓋体がドーム状に形成されている場合には、摺動蓋が蓋体の上面に沿って回動しうることを意味し、蓋体が平板状に形成されている場合には、摺動蓋が蓋体の上面に沿って直線的に移動しうることを意味するものである。

【0007】本発明において、上記摺動蓋を他側に移動させた状態では上記ストローの一部が摺動蓋で押圧されこの押圧された部分で内容物の通過が阻止されている場合には、上記状態で容器本体を倒しても、上記押圧された部分を内容物が通過しないため、内容物がストローを通って外部にこぼれ出ることがない。

【0008】つぎに、本発明を詳しく説明する。

【0009】本発明のカップは、容器本体と蓋体と摺動蓋とストローを有している。

【0010】本発明のカップにおいて、容器本体および蓋体の少なくとも一方に把手が設けられていると、マグカップとして使用することができる。この場合に、2つの把手が設けられていると、赤ちゃん等がマグカップを両手で持つこともできるし、片手で持つ訓練を行うこともできる。また、上記容器本体に収容される内容物としては、ミルク，ジュース等の液体（主に、乳児用のもの）が用いられるが、これに限定するものではなく、液体以外のものを用いてもよい。

【0011】上記ストローは、柔軟な材料で作製されている。このような柔軟な材料としては、シリコン，エラストマー等の各種材料が挙げられる。また、上記ストローには、その先端開口を閉塞する閉塞壁に切り目が形成されている。この切り目の隙間は、非常に小さい値（例えば、0μmに近い値）に設定されており、容器本体が倒れても、内容物が切り目からすぐにこぼれ出ることはない。

【0012】

【発明の実施の形態】つぎに、本発明の実施の形態を図面にもとづいて詳しく説明する。

【0013】図1および図2は本発明のカップの一実施の形態を示している。この実施の形態では、カップとしてマグカップを用いている。図1および図2において、1はミルク等の内容物を収容するボトル（容器本体）であり、2はこのボトル1を蓋するキャップ（蓋体）であり、3は上記キャップ2に回動自在に取り付けたオーバーキャップ（摺動蓋）であり、4はストローである。

【0014】上記ボトル1は、透明な有底筒状に形成されており、その外周面下端部から環状袴部11が突設されている。また、上記ボトル1の外周面上端部に、図3および図4に示すように、後述するキャップ2のねじ部14aにら合するねじ部1aが形成されている。

【0015】上記キャップ2は、図4に示すように、ドーム状に形成される蓋部12と、この蓋部12の外周面下端部から突設される円環状の鍔部13と、この鍔部13の外周縁部下面から垂下する円筒状の係合壁部14と、この係合壁部14の外周面から突設される一対の把手15（図3参照）とからなり、上記係合壁部14の内周面に、上記ボトル1の外周面上端部のねじ部1aにら合するねじ部14aが形成されている。図3および図4において、10は上記鍔部13の下面に設けられたパッキンである。

【0016】上記蓋部12には、ドーム状の頂上部から一側（図面では、左側）に少し偏心した位置に、上記ストロー4を挿通しうる円筒壁部16が垂下しており、この円筒壁部16の上端開口部16a（円筒壁部16が蓋部12に開口している部分）から左側下方に向かって（蓋部12の外周面よりやや低く形成された）段落ち部17が少し延びている。また、この段落ち部17の下端面に続くようにして、上記蓋部12の左側部分に凹部18が形成されている（図4参照）。

【0017】また、上記蓋部12には、その外周面下端部に、前後に相対峙する状態で、後述するオーバーキャップ3の係合凹部21に回動自在に係合する前後一対の軸部19（図3参照）が突設されている。また、上記蓋部12の外周面には、左右方向中央部より少し右側に寄った位置（オーバーキャップ3を最も右側に回動させた状態で、オーバーキャップ3の左端縁部に対応する位置）に、略半円弧状の突条20（図4参照）が前後方向に沿って突設されている。

【0018】上記オーバーキャップ3は、上記蓋部12の外周面の右側部分もしくは左側部分を略覆う半ドーム状に形成されており、その角部の内面に、前後に相対峙する状態で、上記キャップ2の各軸部19に回動自在に係合する前後一対の係合凹部21が形成されている。また、上記オーバーキャップ3には、その内周面の前後方向中央部に、左右方向に並列状に並ぶ複数列の小突起22（図4にのみ図示する）が突設されている。これら小突起22は、オーバーキャップ3を左側に回動させるときにストロー4の外周面に点接触状に当接するため、オーバーキャップ3の内周面がストロー4の外周面に面接触状に当接する場合よりも摩擦を小さくすることができる。また、上記小突起22のうち、最も左側に位置する小突起22a（上記オーバーキャップ3の左端縁部に位置するもの）は、その先端が鋭角に形成されており、かつ、上記キャップ2の突条20に着脱自在に係合するようにしている。これにより、上記オーバーキャップ3を最も右側に回動させたときに、上記キャップ2の突条20と上記最も左側に位置する小突起22aとが係合し、かつ、この係合時に音が鳴るようにしている。図4において、23は摘まみ部である。

【0019】上記ストロー4は、円筒状に形成されており、上記キャップ2の円筒壁部16に挿通される小径部25（この小径部25は円筒壁部16より長く形成され

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ており、円筒壁部１６から突出している）と、上記キャップ２の円筒壁部１６の下端開口部から突出する大径部２６とが一連に成形されている。また、上記大径部２６に、ボトル１内に配設されるパイプ５の上端部が着脱自在に固定されており、上記小径部２５の先端開口に、十文字状に交差する切り目２７ａ，２７ｂを設けた閉塞壁２７が一体成形されている（図５および図６参照）。上記両切り目２７ａ，２７ｂは、通常の状態（変形させない状態）では密着しているが、赤ちゃん等が口唇等で押圧して閉塞壁２７を変形させると拡がり（図７参照）、これにより生じる隙間から内容物を吸引できるようにしている。なお、この実施の形態では、マグカップに空気孔を設けていない。これは、赤ちゃん等が内容物を吸い出している途中でボトル１内が負圧になり吸い出しにくくなっても、ストロー４の先端から口唇を離すと、このときに、切り目２７ａ，２７ｂから空気がボトル１内に流入し、吸い出しやすくなるためである。

【００２０】上記構成において、未使用時には、図８および図９に示すように、オーバーキャップ３を最も左側に回動させ、オーバーキャップ３でストロー４を覆うようにする。この状態では、オーバーキャップ３が鍔部１３で支受されている。また、ストロー４は、キャップ２から突出している部分が、オーバーキャップ３で折り曲げられて凹部１８に収容されているとともに、段落ち部１７において、オーバーキャップ３の小突起２２で押圧されており、この押圧された部分でストロー４内の通路が塞がれているため、内容物がストロー４を通ってオーバーキャップ３の内側（すなわち、上記蓋部１２の凹部１８）にこぼれ出ることがない（図１０参照）。一方、使用時には、図１および図２に示すように、オーバーキャップ３を最も右側に回動させ、ストロー４をキャップ２から突出させるようにする。この状態でも、オーバーキャップ３が鍔部１３で支受されている。また、赤ちゃん等がストロー４の先端開口を口唇等で押圧すると、閉塞壁２７が変形して閉塞壁２７の両切り目２７ａ，２７ｂが拡がり、これにより生じる隙間から内容物を吸い出すことができる。また、ストロー４をキャップ２から突出させた状態で赤ちゃん等がボトル１を倒しても、上記両切り目２７ａ，２７ｂが密着しており、内容物がストロー４を通って外部にこぼれ出ることがない。

【００２１】上記のように、この実施の形態では、使用時には、離乳期前後（生後８ヶ月～１２ヶ月）の赤ちゃん等が口唇で、キャップ２から突出するストロー４を押圧等して変形させて、閉塞壁２７の両切り目２７ａ，２７ｂを拡げることにより、内容物を吸引できるようになる。また、赤ちゃん等の口唇の吸引力を強めるための訓練にもなる。また、ストロー４がキャップ２から突出する状態でボトル１を倒しても、両切り目２７ａ，２７ｂは密着しており、内容物が外部にもれ出ることがない。一方、未使用時には、ストロー４がオーバーキャップ３で隠れるため、ストロー４に埃がつくことがなく、また、ストロー４の保護にもなる。また、ストロー４がオーバーキャップ３の小突起２２で押圧されてストロー４内の通路が塞がれているため、ボトル１を倒しても、内容物がストロー４を通って外部にもれ出ることがない。また、ストロー４の大径部２６にパイプ５の上端部が着脱自在に固定されているため、ストロー４だけを交換することもできる。また、キャップ２に一対の把手１５を突設しているため、赤ちゃん等が両方の把手１５を両手で持つこともできるし、片方の把手１５だけを片手で持つ訓練を行うこともできる。

【００２２】

【発明の効果】以上のように、本発明のカップによれば、使用時には、蓋体の上面に沿って摺動蓋を一側に移動させ、ストローを蓋体の上面から突出させて吸引可能状態にするため、赤ちゃん等が口唇でストローの先端開口を閉塞する閉塞壁を押圧等して変形させると、閉塞壁に形成した切り目が拡がり、ここに生じる隙間から内容物を吸引することができる。また、赤ちゃん等の口唇の吸引力を強めるための訓練にも利用できる。また、上記一側に移動させているときに、容器本体を倒しても、通常の状態（閉塞壁が変形していない状態）では上記切り目は閉じているため、内容物がストローを通って外部にもれ出ることがない。一方、未使用時には、上記蓋体の上面に沿って摺動蓋を他側に移動させ、ストローを摺動蓋の下側に隠すようにする。これにより、ストローの先端に埃がつくことがなく、また、ストローの先端が摺動蓋で保護される。このように、本発明のカップでは、赤ちゃん等が吸引の途中等で容器本体を倒しても、内容物がストローを通って外部にもれ出ることがない。

【００２３】本発明において、容器本体および蓋体の少なくとも一方に把手が設けられている場合には、マグカップとして使用することができる。この場合に、２つの把手が設けられていると、赤ちゃん等がマグカップを両手で持つこともできるし、片手で持つ訓練を行うこともできる。

【００２４】本発明において、上記摺動蓋を他側に移動させた状態では上記ストローの一部が摺動蓋で押圧されこの押圧された部分で内容物の通過が阻止されている場合には、上記状態で容器本体を倒しても、上記押圧された部分を内容物が通過しないため、内容物がストローを通って外部にこぼれ出ることがない。

【図面の簡単な説明】

【図１】本発明のカップの一実施の形態を示す正面図である。

【図２】上記カップの側面図である。

【図３】上記カップの断面図である。

【図４】上記カップの要部の断面図である。

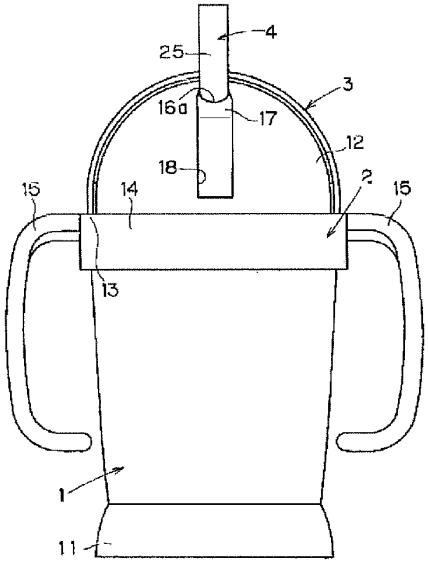
【図５】ストローの要部の説明図である。

【図６】上記ストローの要部の断面図である。

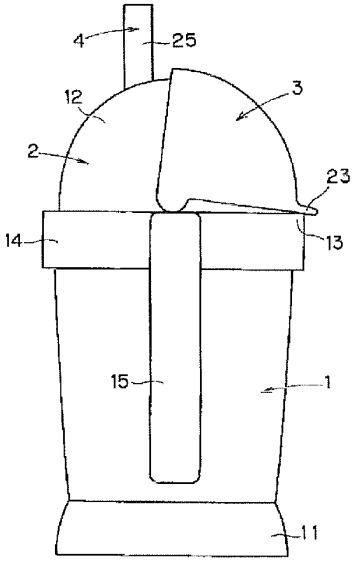
【図７】上記ストローの作用を示す説明図である。
【図８】未使用状態のカップの側面図である。
【図９】未使用状態のカップの正面図である。
【図１０】未使用状態のカップの要部の断面図である。
【図１１】従来例を示す断面図である。
【図１２】上記従来例の要部を示す断面図である。
【符号の説明】

１　ボトル
２　キャップ
３　オーバーキャップ
４　ストロー
２７　閉塞壁
２７ａ，２７ｂ　切り目

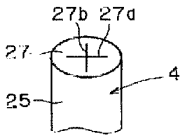
【図１】



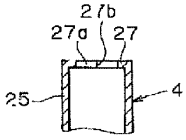

【図２】



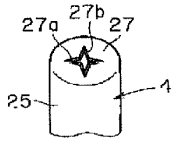

【図５】



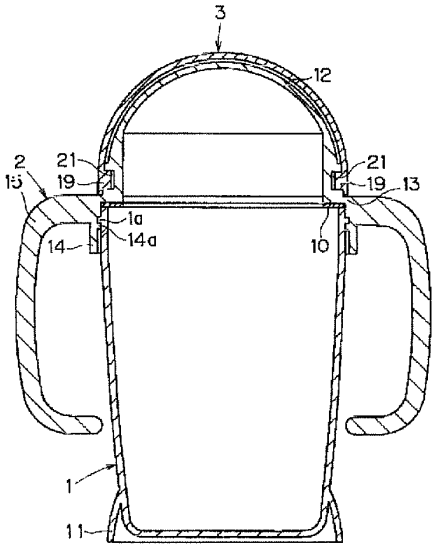

【図６】



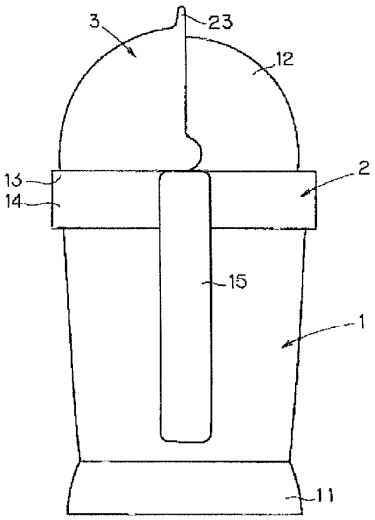

【図７】



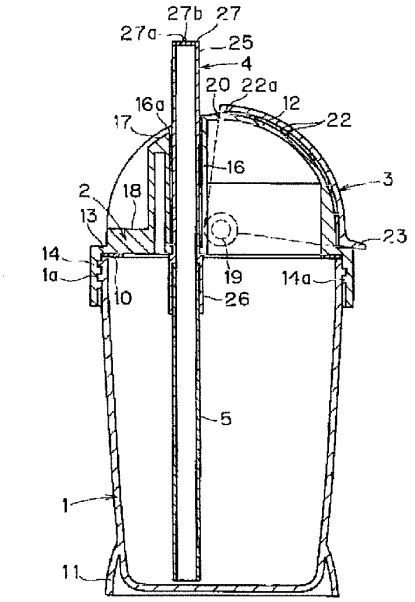

【図３】




【図８】

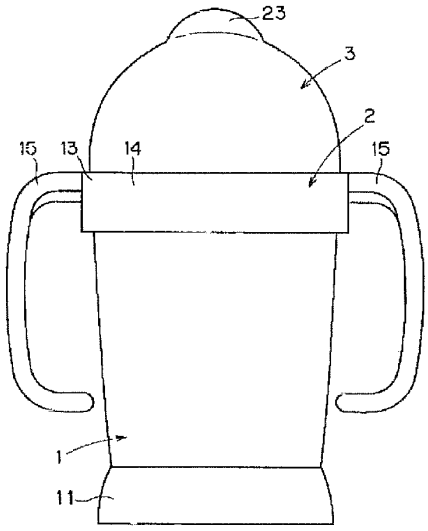


【図４】

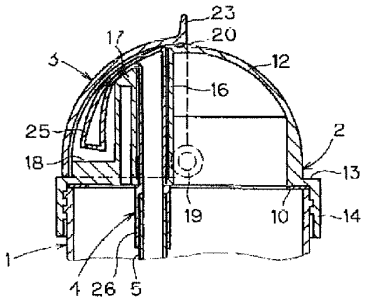



１：ボトル　　４：ストロー
２：キャップ　　２７：閉塞壁
３：オーバーキャップ　　２７ａ，２７ｂ：切り目

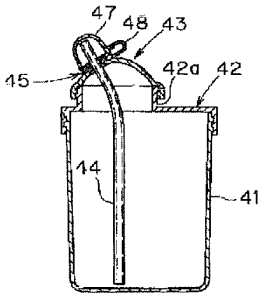
【図９】



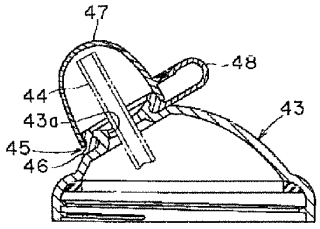

【図１０】




【図１１】




【図１２】




フロントページの続き

(72)発明者　百合　宏哲
大阪府大阪市中央区本町１－３－20　紀伊
産業株式会社内

Ｆターム(参考)　3E084 AA02 AA12 AB01 BA03 CA01
CB02 CB04 DA01 DB12 FA06
FB01 GA01 GA07 GB01 GB07
HA03 HB03 HD01 JA20 KB01
LA02 LA18 LB02 LC02 LC04

# Electronic Patent Application Fee Transmittal

| | |
|---|---|
| **Application Number:** | 13479962 |
| **Filing Date:** | 24-May-2012 |
| **Title of Invention:** | DRINK CONTAINERS |
| **First Named Inventor/Applicant Name:** | JEFF DAVIES |
| **Filer:** | David S. D'Ascenzo/Robin Davin |
| **Attorney Docket Number:** | KRN 356A |

Filed as Large Entity

## Utility under 35 USC 111(a) Filing Fees

| Description | Fee Code | Quantity | Amount | Sub-Total in USD($) |
|---|---|---|---|---|
| **Basic Filing:** | | | | |
| **Pages:** | | | | |
| **Claims:** | | | | |
| **Miscellaneous-Filing:** | | | | |
| **Petition:** | | | | |
| **Patent-Appeals-and-Interference:** | | | | |
| **Post-Allowance-and-Post-Issuance:** | | | | |
| **Extension-of-Time:** | | | | |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD($) |
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| **Miscellaneous:** | | | | |
| Submission- Information Disclosure Stmt | 1806 | 1 | 180 | 180 |
| | | **Total in USD ($)** | | **180** |

# Electronic Acknowledgement Receipt

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| **EFS ID:** | 17190210 |
| **Application Number:** | 13479962 |
| **International Application Number:** | |
| **Confirmation Number:** | 8853 |
| **Title of Invention:** | DRINK CONTAINERS |
| **First Named Inventor/Applicant Name:** | JEFF DAVIES |
| **Customer Number:** | 78569 |
| **Filer:** | David S. D'Ascenzo/Robin Davin |
| **Filer Authorized By:** | David S. D'Ascenzo |
| **Attorney Docket Number:** | KRN 356A |
| **Receipt Date:** | 22-OCT-2013 |
| **Filing Date:** | 24-MAY-2012 |
| **Time Stamp:** | 11:14:20 |
| **Application Type:** | Utility under 35 USC 111(a) |

## Payment information:

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| Submitted with Payment | yes |
| Payment Type | Deposit Account |
| Payment was successfully received in RAM | $180 |
| RAM confirmation Number | 10869 |
| Deposit Account | 504551 |
| Authorized User | |
| The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges) | |

## File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
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| | **Multipart Description/PDF files in .zip description** | | | | |
| | **Document Description** | | **Start** | **End** | |
| | Transmittal Letter | | 1 | 2 | |
| | Information Disclosure Statement (IDS) Form (SB08) | | 3 | 3 | |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 2 | Foreign Reference | EP0266067A1_KRN356A.pdf | 691807<br>e59e60f974a68b877ca6671f3ba90f803bafdace | no | 16 |
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| 3 | Foreign Reference | GB2279130A_KRN356A.pdf | 519530<br>4fc78ba6e9c5d94a4613d9ee88363eb39f283783 | no | 14 |
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| **Information:** | | | | | |
| 5 | Foreign Reference | JP2002326655A_KRN356A.pdf | 495297<br>747aff0317470038801a1e9ec6a70caf7ca19c47 | no | 6 |
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| 6 | Non Patent Literature | English_Abstract_JP2002326655A_KRN356A.pdf | 9112<br>8cafd89f76493a6426ee9517fdafe91b8e46f9e9 | no | 1 |
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| 7 | Fee Worksheet (SB06) | fee-info.pdf | 30225<br>7318469ebf19d07562a9a5d717c595e608d6cb19 | no | 2 |
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| **Total Files Size (in bytes):** | 2072700 |

**This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.**

**New Applications Under 35 U.S.C. 111**
**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

**National Stage of an International Application under 35 U.S.C. 371**
**If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.**

**New International Application Filed with the USPTO as a Receiving Office**
**If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Date: October 22, 2013
Atty. Docket No.: KRN 356A

In re Application of:
JEFF DAVIES and DEREK GAVIN SULLIVAN

| | | | |
|---|---|---|---|
| Serial No. | : | 13/479,962 | Group Art Unit: 3788 |
| Filed | : | May 24, 2012 | Examiner: Robert Poon |
| For | : | DRINK CONTAINERS | |

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.56, 1.97, and 1.98**

Applicants are submitting this Information Disclosure Statement pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98 to disclose to the U.S. Patent and Trademark Office the patents, publications, applications, and/or other references listed on the enclosed, completed PTO-1449 form. The filing of this Information Disclosure Statement should not be construed as a representation that a search has been made or as an admission that the listed references are prior art for this application. Applicants respectfully request that the listed references be expressly considered during prosecution of the application, and that the references be made of record therein and appear among the "references cited" on any patents issuing therefrom.

**CONTENT OF DISCLOSURE**

This Information Disclosure Statement includes (1) one page of PTO-1449 forms, and (2) a legible copy of each foreign and non-patent reference, if any, listed on the forms. However, because this application was filed on or after July 1, 2003, no copies of U.S. patents or published U.S. patent applications are included.



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CamelBak - Ex 2003
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## FOREIGN LANGUAGE REFERENCES

For each foreign document for which there is no English translation, an English-language abstract is being filed herewith.

## TIMING OF DISCLOSURE / FEE INFORMATION

This Information Disclosure Statement is being filed after the mailing date of any of a final Office action under 37 C.F.R. § 1.113, a notice of allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in the application. In accordance with 37 C.F.R. § 1.97(e)(2), the undersigned states that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. In accordance with 37 C.F.R. § 1.97(d)(2), the fee set forth in 37 C.F.R. § 1.17(p) is being submitted herewith.

Respectfully submitted,

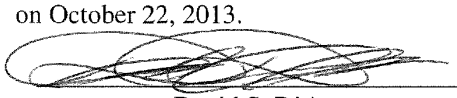
DASCENZO INTELLECTUAL PROPERTY LAW, P.C.



David S. D'Ascenzo
Registration No. 39,952
PTO Customer No. 78569
DASCENZO INTELLECTUAL PROPERTY LAW, P.C.
1000 S.W. Broadway, Suite 1555
Portland, Oregon 97205
Telephone: (503) 224-7529
Facsimile: (503) 224-7329

CERTIFICATE OF E-FILING

I hereby certify that this correspondence, the accompanying PTO-1449 form, 4 foreign patent references and 1 non-patent reference are being transmitted electronically via the United States Patent and Trademark Office's EFS-Web System on October 22, 2013.



David S. D'Ascenzo



IPR 2024-01501
CamelBak - Ex 2003
Page 211 of 347

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Dated: November 22, 2013
Atty. Docket No.: KRN 356A

In re Application of:
CamelBak Products, LLC

| | | | |
|---|---|---|---|
| Inventor | : | JEFF DAVIES and DEREK GAVIN SULLIVAN | |
| Serial No. | : | 13/479,962 | Group Art Unit: 3788 |
| Filed | : | May 24, 2012 | Examiner: Robert Poon |
| For | : | DRINK CONTAINERS | |

**Mail Stop AF**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**NOTICE OF APPEAL FROM THE EXAMINER**
**TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Pursuant to 35 U.S.C. § 134 (post AIA) and 37 C.F.R. § 1.191, CamelBak Products, LLC, owner of the above-identified patent application, hereby appeals to the Board of Patent Appeals and Interferences from the August 30, 2013 Office action rejecting claims 1-2, 5-18, and 20-21 of the pending application.

Our payment in the amount of $800 for payment of the Notice of Appeal fee is being submitted with this Notice via the EFS-Web.

Respectfully submitted,

DASCENZO INTELLECTUAL PROPERTY LAW, P.C.

David S. D'Ascenzo
Registration No. 39,952
PTO Customer No. 78569
DASCENZO INTELLECTUAL PROPERTY LAW, P.C.
1000 S.W. Broadway, Suite 1555
Portland, Oregon 97205
Telephone: (503) 224-7529
Facsimile: (503) 224-7329

CERTIFICATE OF E-FILING

I hereby certify that this correspondence is being transmitted electronically via the United States Patent and Trademark Office's EFS-Web System on November 22, 2013.

David S. D'Ascenzo

# Electronic Patent Application Fee Transmittal

| | |
|---|---|
| **Application Number:** | 13479962 |
| **Filing Date:** | 24-May-2012 |
| **Title of Invention:** | DRINK CONTAINERS |
| **First Named Inventor/Applicant Name:** | JEFF DAVIES |
| **Filer:** | David S. D'Ascenzo/Robin Davin |
| **Attorney Docket Number:** | KRN 356A |

Filed as Large Entity

## Utility under 35 USC 111(a) Filing Fees

| Description | Fee Code | Quantity | Amount | Sub-Total in USD($) |
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| **Basic Filing:** | | | | |
| **Pages:** | | | | |
| **Claims:** | | | | |
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| **Petition:** | | | | |
| **Patent-Appeals-and-Interference:** | | | | |
| Notice of Appeal | 1401 | 1 | 800 | 800 |
| **Post-Allowance-and-Post-Issuance:** | | | | |
| **Extension-of-Time:** | | | | |

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# Electronic Acknowledgement Receipt

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| **EFS ID:** | 17476286 |
| **Application Number:** | 13479962 |
| **International Application Number:** | |
| **Confirmation Number:** | 8853 |
| **Title of Invention:** | DRINK CONTAINERS |
| **First Named Inventor/Applicant Name:** | JEFF DAVIES |
| **Customer Number:** | 78569 |
| **Filer:** | David S. D'Ascenzo/Robin Davin |
| **Filer Authorized By:** | David S. D'Ascenzo |
| **Attorney Docket Number:** | KRN 356A |
| **Receipt Date:** | 22-NOV-2013 |
| **Filing Date:** | 24-MAY-2012 |
| **Time Stamp:** | 11:36:50 |
| **Application Type:** | Utility under 35 USC 111(a) |

## Payment information:

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| Submitted with Payment | yes |
| Payment Type | Deposit Account |
| Payment was successfully received in RAM | $800 |
| RAM confirmation Number | 10025 |
| Deposit Account | 504551 |
| Authorized User | |
| The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges) | |

## File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|---|---|---|---|---|---|
| 1 | Notice of Appeal Filed | Notice_of_Appeal_KRN356A_11-22-13.pdf | 46957<br>0ad16eb18c026c0aadb80972e3f443d04f69502f | no | 1 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 2 | Fee Worksheet (SB06) | fee-info.pdf | 30153<br>570a62af9eeae6579916baf0fc82ea408e3aba7d | no | 2 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| | | **Total Files Size (in bytes):** | 77110 | | |

**This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.**

**New Applications Under 35 U.S.C. 111**
**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

**National Stage of an International Application under 35 U.S.C. 371**
**If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.**

**New International Application Filed with the USPTO as a Receiving Office**
**If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Dated: January 7, 2014
Atty. Docket No.: KRN 356A

In re Application of:
CamelBak Products, LLC

| | | | |
|---|---|---|---|
| Inventors | : | JEFF DAVIES and DEREK GAVIN SULLIVAN | |
| Serial No. | : | 13/479,962 | Group Art Unit: 3788 |
| Filed | : | May 24, 2012 | Examiner: Robert Poon |
| For | : | DRINK CONTAINERS | |

**Mail Stop Appeal Brief - Patents**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

## APPEAL BRIEF

This is an appeal from the final Office action mailed on August 30, 2013.

## REAL PARTY IN INTEREST

CamelBak Products, LLC, a Delaware limited liability company having its principal place of business in Petaluma, California, is the Assignee of the present application and is the real party in interest.

## RELATED APPEALS AND INTERFERENCES

None.



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## STATUS OF THE CLAIMS

Appellant briefly notes that the Office Action Summary page of the final Office action indicates that only claims 1–2, 5–18, and 20–21 are pending. However, all of claims 1–21 remain pending in the application, with claims 3–4 and 19 being indicated to include allowable subject matter and objected to solely for depending from a rejected independent claim. Appellant is appealing the rejections of claims 1–2, 5–18, and 20–21.



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## SUMMARY OF THE CLAIMED SUBJECT MATTER

The claims on appeal are directed generally to drink containers with mouthpiece assemblies having dispensing and stowed configurations and that are biased to the dispensing configurations. By way of example only, CamelBak Products' commercial version of its EDDY™ Kids bottle, depicted below, is an example of a drink container according to the present application. In this example, the stowed configuration is depicted in the lower right image, and to release the mouthpiece assembly from the stowed configuration, a user simply pushes or pulls on the thumb engagement pad to release a pair of mated catches. Upon release of the catches, the internal bias of the resilient mouthpiece assembly straightens the mouthpiece assembly to its dispensing configuration, which is depicted in the left and upper right images. The present application also discloses similar drink containers that include a push-button beneath the handle for releasing the mouthpiece assembly from its stowed configuration to its dispensing configuration.






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***Independent Claim 1***

With reference to the schematic representations of drink containers and mouthpiece assemblies according to the present application in Figs. 1–2 and 5 (reproduced below for the Board's convenience), a drink container 10 according to independent claim 1 includes a liquid container 12 and a cap assembly 14. [Spec., p. 5, lines 7–9.]

Fig. 1

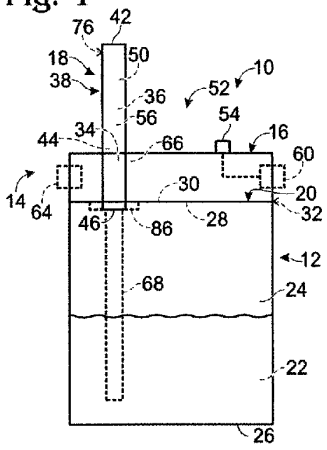



Fig. 2

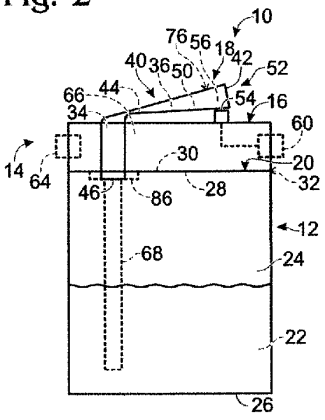
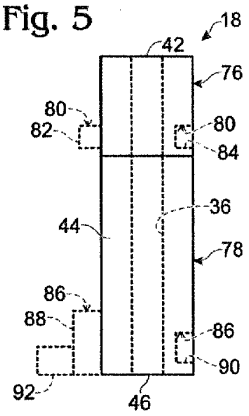



Fig. 5




The liquid container 12 has an open neck 20 and an internal compartment 24 sized to hold a volume of potable drink liquid 22. [*Id.* at p. 5, lines 10–15.] The cap assembly 14 is removably coupled to the liquid container 12 [*id.* at p. 7, lines 13–15] and includes a base 16 [*id.* at p. 8, line 1], a first catch structure 54 [*id.* at p. 12, line 13], a mouthpiece assembly 18 [*id.* at p. 8, lines 1–2], and a user release mechanism 60 [*id.* at p. 12, lines 21–23].

According to independent claim 1, the base is removably coupled to the neck of the liquid container [*id.* at p. 8, lines 5–8] and includes a through-passage 34 [*id.* at p. 9, line 1]. Moreover, the mouthpiece assembly extends through the through-passage of the base and defines a liquid passage 36 through which drink liquid from the liquid container may selectively flow. [*Id.* at p. 9, lines 1–8.]

The mouthpiece assembly 18, which is schematically represented in Fig. 5 above, also defines an inlet 46 through which drink liquid in the internal compartment may enter the liquid passage 36 and an outlet 42 through which drink liquid from the internal compartment of the liquid container is selectively dispensed. [*Id.* at p. 9, lines 8–11.] According to independent claim 1, the mouthpiece assembly is configured to be selectively configured between a dispensing configuration 38 (Fig. 1), in which the liquid passage permits liquid to flow from the internal compartment at least into the liquid passage, and a stowed configuration 40 (Fig. 2), in which the liquid passage restricts the flow of drink liquid through the liquid passage. [*Id.* at p. 9, lines 12–17.] Moreover, the mouthpiece assembly is biased to the dispensing configuration. [*Id.* at p. 11, lines 11–13.]

The mouthpiece assembly 18 includes a mouthpiece portion 76 that includes the outlet 42 [*id.* at p. 17, lines 1–5], a tube 78 [*id.*], an anchor portion 86 [*id.* at p. 19, lines 7–9], and a second catch structure 56 [*id.* at p. 12, lines 13–14].

According to independent claim 1, the tube 78 defines at least a portion of the liquid passage 36 for drink liquid to flow from the internal compartment 24 to the mouthpiece portion 76 and includes a crimping region 44 constructed of a resiliently deformable material. [*Id.* at p. 18, lines 18–22.] Moreover, the tube is adapted to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration. [*Id.*] According to independent claim 1, the mouthpiece portion 76 and the tube 78 of the mouthpiece assembly are constructed as a unitary assembly of the resiliently deformable material. [*Id.* at p. 32, lines 10–12.]



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The anchor portion 86 of independent claim 1 extends from the tube 78 distal the mouthpiece portion, and the anchor portion is sized to restrict passage of the anchor portion through the through-passage 34 of the base 16 of the cap assembly 14. [*Id.* at p. 19, lines 10–12.]

The second catch structure 56 of independent claim 1 is adapted to be selectively engaged with the first catch structure 54 to retain the mouthpiece assembly in the stowed configuration 40. [*Id.* at p. 12, lines 17–20.]

The user release mechanism 60 is adapted to automatically disengage the first and second catch structures 54, 56 upon actuation of the user release mechanism and thereby release the mouthpiece assembly to move via its bias from the stowed configuration 40 to the dispensing configuration 38. [*Id.* at p. 12, line 21 – p. 13, line 4]. While the user release mechanism is schematically illustrated in Figs. 1–2, above, as being coupled to the base of the cap assembly, the present disclosure expressly discloses that a user release mechanism may be part of, integral to, or otherwise disposed on, the mouthpiece assembly or the liquid container. [*Id.* at p. 13, lines 9–12.]

***Independent Claim 18***

Independent claim 18 recites subject matter similar to that of independent claim 1, as well as some additional subject matter. Appellant recognizes that the following description of independent claim 18 is therefore somewhat repetitious of the description above; however, with respect to independent claim 18, Appellant specifically notes that independent claim 18 also recites that the mouthpiece assembly includes a rigid collar portion that includes the second catch structure, that the mouthpiece portion includes a seat that engages the rigid collar portion and that restricts relative movement between the mouthpiece portion and the rigid collar portion, that



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the mouthpiece portion, the tube, and the anchor portion are constructed as a unitary assembly, and that the cap assembly includes a handle, a pair of lateral guards, and an air return assembly.

With reference to the illustrative, non-exclusive embodiment of Figs. 6–13 (Figs. 7–8 and 11–13 of which are reproduced below for the Board's convenience), a drink container 10 according to independent claim 1 includes a liquid container 12 and a cap assembly 14. [Spec., p. 5, lines 7–9.]

Fig. 7

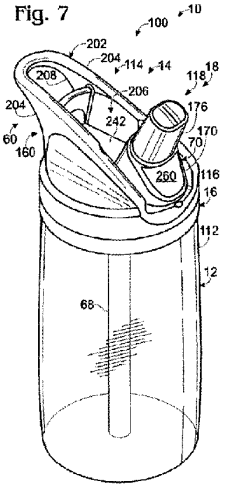


Fig. 8

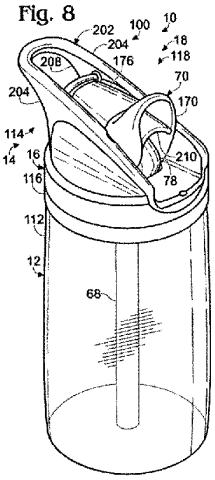


Fig. 11

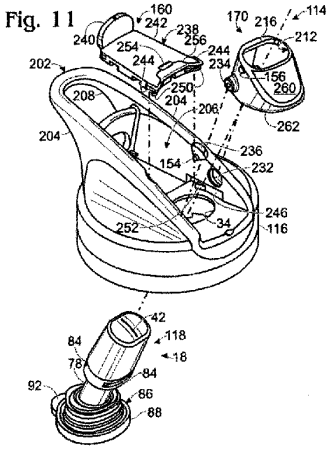


Fig. 12

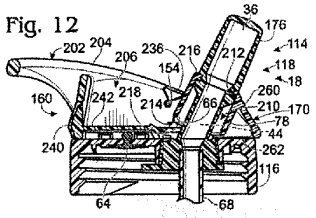
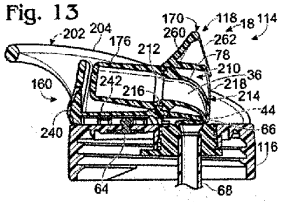


Fig. 13



The liquid container 12 has an open neck 20 and an internal compartment 24 sized to hold a volume of potable drink liquid 22. [*Id.* at p. 5, lines 10–15.] The cap assembly 14 is removably coupled to the liquid container 12 [*id.* at p. 7, lines 13–15] and includes a base 16 [*id.* at p. 8, line 1], a first catch structure 54 [*id.* at p. 12, line 13], a mouthpiece assembly 18 [*id.* at p. 8, lines 1–2], a handle 202 that projects away from the base [*id.* at p. 22, lines 21–23], a pair of lateral guards 204 [*id.*], a user release mechanism 60 [*id.* at p. 12, lines 21–23], and an air return assembly 64 [*id.* at p. 13, lines 14–15].



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According to independent claim 18, the base is removably coupled to the neck of the liquid container [*id.* at p. 8, lines 5–8] and includes a through-passage 34 [*id.* at p. 9, line 1]. Moreover, the mouthpiece assembly extends through the through-passage of the base and defines a liquid passage 36 through which drink liquid from the liquid container may selectively flow. [*Id.* at p. 9, lines 1–8.]

The mouthpiece assembly 18 also defines an inlet through which drink liquid in the internal compartment may enter the liquid passage 36 and an outlet 42 through which drink liquid from the internal compartment of the liquid container is selectively dispensed. [*Id.* at p. 9, lines 8–11.] According to independent claim 18, the mouthpiece assembly is configured to be selectively configured between a dispensing configuration 38 (Figs. 7 and 12), in which the liquid passage permits liquid to flow from the internal compartment at least into the liquid passage, and a stowed configuration 40 (Figs. 8 and 13), in which the liquid passage restricts the flow of drink liquid through the liquid passage. [*Id.* at p. 9, lines 12–17.] Moreover, the mouthpiece assembly is biased to the dispensing configuration. [*Id.* at p. 11, lines 11–13.]

The mouthpiece assembly 18 includes a mouthpiece portion 76 that includes the outlet 42 [*id.* at p. 17, lines 1–5], a tube 78 [*id.*], an anchor portion 86 [*id.* at p. 19, lines 7–9], and a rigid collar member 70 [*id.* at p. 15, lines 9–10].

According to independent claim 18, the mouthpiece portion 76 permits a user to draw liquid from the drink container when the mouthpiece assembly is in the dispensing configuration. [*Id.* at p. 17, lines 3–5.] Moreover, the mouthpiece portion includes a seat, such as defined by a channel or depression 84. [*Id.* at p. 18, lines 8–11.]

According to independent claim 18, the tube 78 defines at least a portion of the liquid passage 36 for drink liquid to flow from the internal compartment 24 to the mouthpiece portion



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76 and includes a crimping region 44 constructed of a resiliently deformable material. [*Id.* at p. 18, lines 18–22.] Moreover, the tube is adapted to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration. [*Id.*] Also, the crimping region at least partially biases the mouthpiece assembly to the dispensing configuration. [*Id.* at p. 32, lines 8–9.]

The anchor portion 86 of independent claim 18 extends from the tube 78 distal the mouthpiece portion and includes a plurality of flanges 88, 94 that are sized and shaped to provide a friction-fit arrangement with the through-passage 34 and to restrict passage of the anchor portion through the through-passage of the base 16 of the cap assembly 14. [*Id.* at p. 19, lines 10–12 and p. 21, lines 15–19.]

According to independent claim 18, the mouthpiece portion 76, the tube 78, and the anchor portion 86 of the mouthpiece assembly are constructed as a unitary assembly of the resiliently deformable material. [*Id.* at p. 22, lines 1–3.]

The rigid collar member 70 is pivotally coupled to the base 16. [*Id.* at p. 15, lines 14–15.] Moreover, the rigid collar member includes a crimping portion 66 that is adjacent to the crimping region 44 of the tube 78 and external of the liquid passage 36. [*Id.* at p. 14, lines 5–11 and p. 15, line 19 – p. 16, line 6.] The rigid collar member engages and crimps the crimping region to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration. [*Id.*] The rigid collar member also includes a second catch structure 56 [*id.* at p. 16, lines 8–10] that is adapted to be selectively engaged with the first catch structure 54 to retain the mouthpiece assembly in the stowed configuration [*id.* at p. 12, lines 17–20].

The rigid collar member 70 also engages the seat of the mouthpiece portion and restricts relative movement between the mouthpiece portion and the rigid collar member. [*Id.* at p. 18,



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lines 11–14.] The rigid collar member also includes a stop surface 262 that does not engage the base of the cap assembly when the mouthpiece assembly is in the stowed configuration and that engages the base of the cap assembly when the mouthpiece assembly is in the dispensing configuration to define a dispensing position of the mouthpiece portion. [*Id.* at p. 28, lines 3–8.]

According to independent claim 18, the pair of lateral guards 204 at least partially define a stowing region 206 that receives at least a portion of the mouthpiece assembly 18 between the pair of lateral guards when the mouthpiece assembly is in the stowed configuration. [*Id.* at p. 22, line 23 – p. 23, line 3.]

The user release mechanism 60 is adapted to automatically disengage the first and second catch structures 54, 56 upon actuation of the user release mechanism and thereby release the mouthpiece assembly to move via its bias from the stowed configuration 40 to the dispensing configuration 38. [*Id.* at p. 12, line 21 – p. 13, line 4]. According to independent claim 18, the user release mechanism includes a collar engagement portion 254 that is adapted to engage the rigid collar member 70. [*Id.* at p. 26, lines 20–23.] Moreover, when the mouthpiece assembly is in the stowed configuration and upon actuation of the user release mechanism, the collar engagement portion is adapted to translate relative to the rigid collar member and cause the first catch structure to disengage the second catch structure and thus permit the rigid collar member to pivot due to the bias of the mouthpiece assembly. [*Id.* at p. 27, lines 1–9.]

The air return assembly 64 is adapted to permit air from external the drink container to enter the internal compartment of the liquid container without having to pass through the liquid passage of the mouthpiece assembly. [*Id.* at p. 13, lines 14–18.] According to independent claim 18, the mouthpiece portion 76 is positioned directly above the air return assembly 64 when the mouthpiece assembly is in the stowed configuration and is not positioned directly above the



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air return assembly when the mouthpiece assembly is in the dispensing configuration. [Figs. 12–13.]

***Independent Claim 21***

Independent claim 21 also recites subject matter similar to that of independent claim 1, in addition to some subject matter that is not recited in claim 1. Appellant recognizes that the following description of independent claim 21 thus is somewhat repetitious of the description above. That said, with respect to independent claim 21, Appellant specifically notes that independent claim 21 also recites that the mouthpiece assembly includes a resilient mouthpiece portion, a resilient tube, and a resilient anchor portion that are constructed as a unitary assembly.

With reference to the schematic representations of drink containers and mouthpiece assemblies according to the present application in Figs. 1–2 and 5 (reproduced again below for the Board's convenience), a drink container 10 according to independent claim 21 includes a liquid container 12 and a cap assembly 14 that is removably coupled to the liquid container. [Spec., p. 5, lines 7–9 and p. 7, lines 13–15.]

Fig. 1

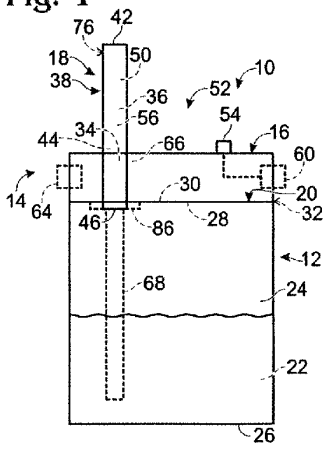



Fig. 2

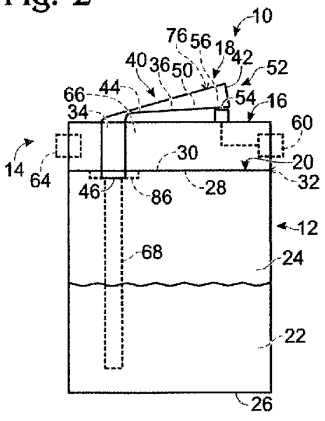
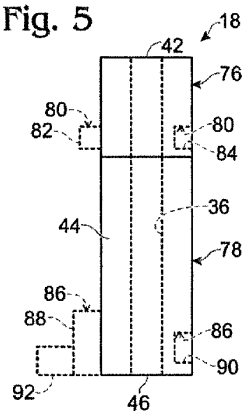



Fig. 5



According to independent claim 21, the cap assembly includes a base 16 that defines a through-passage 34 [*id.* at p. 8, line 1 and p. 9, line 1], a mouthpiece assembly 18 that extends through the through-passage of the base and that defines a liquid passage 36 [*id.* at p. 8, lines 1–2 and p. 9, lines 1–8], and a user release mechanism 60 [*id.* at p. 12, lines 21–23].

The mouthpiece assembly 18 has a dispensing configuration 38 (Fig. 1) and a stowed configuration 40 (Fig. 2). Moreover, the mouthpiece assembly is biased to the dispensing configuration.

According to independent claim 21, the mouthpiece assembly includes a resilient mouthpiece portion 76 [*id.* at p. 17, lines 1–5], resilient tube 78 [*id.*], and a resilient anchor portion 86 [*id.* at p. 19, lines 7–9] constructed as a unitary assembly [*id.* at p. 22, lines 1–3].

The resilient mouthpiece portion 76 permits a user to draw drink liquid from the drink container when the mouthpiece assembly is in the dispensing configuration. [*Id.* at p. 17, lines 3–10.]

The resilient tube 78 is connected to the mouthpiece portion 76 and includes a crimping region 44 that is adapted to restrict flow of drink liquid through the mouthpiece assembly when the mouthpiece assembly is in the stowed configuration. [*Id.* at p. 18, lines 18–22.]

The resilient anchor portion 86 extends from the resilient tube 78 opposite the resilient mouthpiece portion and is sized to restrict passage of the resilient anchor portion through the through-passage and thus restrict removal of the mouthpiece assembly via a top side of the cap assembly. [*Id.* at p. 19, lines 10–12 and 20–23.]

According to independent claim 21, the user release mechanism 60 is adapted to automatically release the mouthpiece assembly from the stowed configuration to the dispensing configuration via the bias of the mouthpiece assembly. [*Id.* at p. 12, line 21 – p. 13, line 4.]



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While the user release mechanism is schematically illustrated in Figs. 1–2, above, as being coupled to the base of the cap assembly, the present disclosure expressly discloses that a user release mechanism may be part of, integral to, or otherwise disposed on, the mouthpiece assembly or the liquid container. [*Id.* at p. 13, lines 9–12.]



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## ARGUMENT

In the final Office action, claims 1–2, 5–9, 16–17, and 21 were rejected as being obvious over a proposed combination of U.S. Patent Application Publication No. 2007/0039959 to Choi et al. ("Choi") and either U.S. Patent No. 6,745,949 to Lee ("Lee") or U.S. Patent No. 5,273,172 to Rossbach et al. ("Rossbach"). Claims 10–14 were rejected as being obvious over a proposed combination of Choi, Lee, and U.S. Patent No. 5,337,918 to Wang ("Wang"). Claim 15 was rejected as being obvious over a proposed combination of Choi, Lee, and U.S. Patent No. 5,582,320 to Lin ("Lin"). Claims 18 and 20 were rejected as being obvious over a proposed combination of Choi, Lee, Rossbach, Wang, and Lin. [*See generally* Final Office Action mailed on August 30, 2013 ("FOA"), pp. 2–13.]

As indicated, all three of independent claims 1, 18, and 21 stand rejected as being obvious over one or more modifications of Choi. Independent claims 1 and 21 stand rejected based on a proposed combination of Choi and Lee or on a proposed combination of Choi and Rossbach, and independent claim 18 stands rejected based on a proposed combination of Choi, Lee, Rossbach, Wang, and Lin.

### I. Independent Claims 1 and 21.

The rejections of independent claims 1 and 21 are improper at least because none of Choi, Lee, and Rossbach discloses, teaches, or even suggests—and a person of ordinary skill in the art would not have been motivated to modify a combination of Choi and Lee and/or Choi and Rossbach to arrive at—at least the following subject matter of independent claims 1 and 21 (with emphasis):



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(claim 1) ***wherein the mouthpiece portion and the tube are constructed as a unitary assembly of the resiliently deformable material***; [and] ***an anchor portion*** extending from the tube distal the mouthpiece portion, ***wherein the anchor portion is sized to restrict passage of the anchor portion through the through-passage of the base of the cap assembly***;

(claim 21) ***a resilient anchor portion*** extending from the resilient tube opposite the resilient mouthpiece portion, ***wherein the anchor portion is sized to restrict passage of the resilient anchor portion through the through-passage and thus restrict removal of the mouthpiece assembly via a top side of the cap assembly***, and ***wherein the resilient mouthpiece portion, the resilient tube, and the resilient anchor portion are constructed as a unitary assembly***.

As emphasized above, both of independent claims 1 and 21 recite an "anchor portion" that restricts passage of the anchor portion through the through-passage, and thus that restricts removal of the mouthpiece assembly via a top side of the cap assembly. Independent claim 21 expressly recites the limitation of "thus restrict removal of the mouthpiece assembly via a top side of the cap assembly," whereas, independent claim 1 inherently includes this limitation as a result of reciting that "the anchor portion is sized to restrict passage of the anchor portion through the through-passage of the base of the cap assembly." Moreover, both of independent claims 1 and 21 recite a "unitary assembly" constructed from at least the mouthpiece portion and the tube. Independent claim 21 also recites that the unitary assembly is further constructed from the anchor portion, whereas, independent claim 1 does not include this limitation.

In rejecting independent claims 1 and 21 over the proposed combination of Choi and Lee or the proposed combination of Choi and Rossbach, the Examiner relied exclusively on Choi for the subject matter of the recited "anchor portion." [FOA, p. 3.] Moreover, the Examiner relied on Choi for the subject matter of a unitary assembly of the mouthpiece portion and the tube, arguing that "it would have been obvious to one of ordinary skill in the art to make the two pieces integral since it has been held that the use of one piece construction would be merely a matter of obvious engineering choice." [*Id.*] The Examiner failed to address the subject matter of



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independent claim 21, which expressly recites that all three of "the resilient mouthpiece portion, the resilient tube, and the resilient anchor portion are constructed as a unitary assembly." For this reason alone, the Examiner failed to make a prima facie case of obviousness with respect to independent claim 21. Regardless, Appellant establishes below that neither a proposed combination of Choi and Lee nor a proposed combination of Choi and Rossbach result in this subject matter of independent claim 21.

**A. Anchor Portion.**

With reference to the illustrative, non-exclusive example of a cap assembly 114, including a mouthpiece assembly 118, according to the present application illustrated in Figs. 11–12 (reproduced below for the Board's convenience, and with Fig. 12 annotated to include reference numerals 34 and 86), it is seen that the example mouthpiece assembly 118 includes an anchor portion 86 that is sized to restrict passage of the anchor portion through the through-passage 34 of the base 116. The size of the anchor portion 86 relative to the through-passage 34 is perhaps best seen in Fig. 12 and plainly restricts removal of the whole of the mouthpiece assembly 118 from the top side of the cap assembly, for example, by a user grasping the mouthpiece portion 176 and pulling upward and away from the base. That is, the anchor portion restricts the entirety of the mouthpiece assembly 118 from being separated from the base 116 of the cap assembly, at least via the top side of the cap assembly. The example of Figs. 11–12 is provided solely for illustrative purposes, and other configurations of mouthpiece assemblies and anchor portions thereof are within the scope of the present application.



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Fig. 11

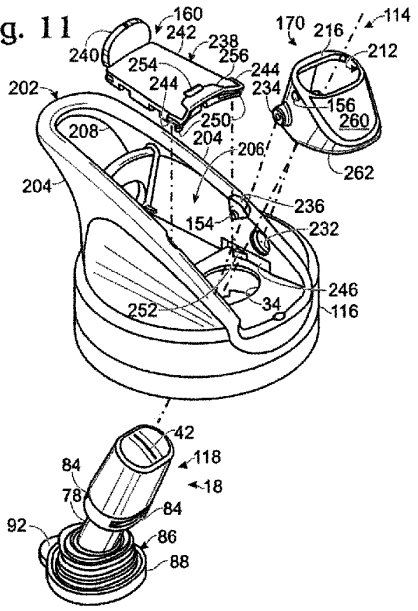
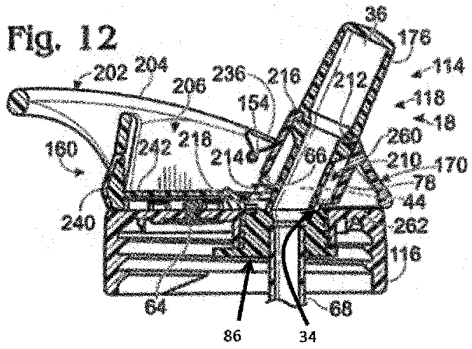



Fig. 12




The Examiner, without a detailed explanation, cited to the structure indicated at 182 in Fig. 9 of Choi for the anchor portion of both of independent claims 1 and 21. [FOA, p. 3.] Fig. 9 of Choi is reproduced below for the Board's convenience.

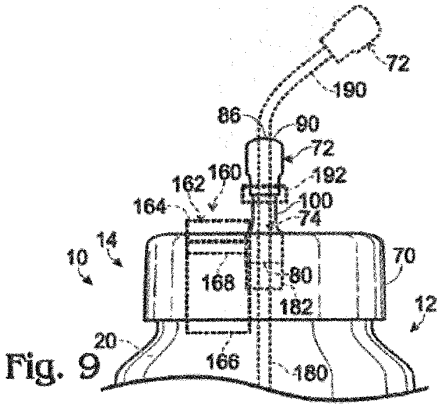



Fig. 9

Appellant disagrees with the Examiner's interpretation of Choi, and in fact, this interpretation is contrary to the express disclosure of Choi. The present application and Choi are co-owned by Appellant, and Appellant's counsel is intimately familiar with the subject matter of Choi. As expressly recited in Choi in paragraph [0072], the structure identified at 182 is



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described as a "mount" for removably or permanently coupling a straw 180, which is separate from the mouthpiece 72 of Choi and extends only from the underside of the cap into the drink container. Choi simply does not disclose that mount 182 may be integral to a mouthpiece assembly, let alone that mount 182 is integral to the mouthpiece assembly and functionally restricts removal of a mouthpiece assembly through a through-passage defined in the base of the cap assembly.

Examples of mounts 182 are illustrated in Figs. 26–29 of Choi (Figs. 26 and 29 of which are reproduced below), and as seen, the mount 182 is integral to the base of the cap assembly and not to the mouthpiece of Choi. As is clearly evident, mount 182 is not even directly attached to the mouthpiece 72 or drink spout 100 of the mouthpiece assembly of Choi. It follows then that there simply is no support for the proposed construction of mount 182 that is relied upon to support the rejections of independent claims 1 and 21.

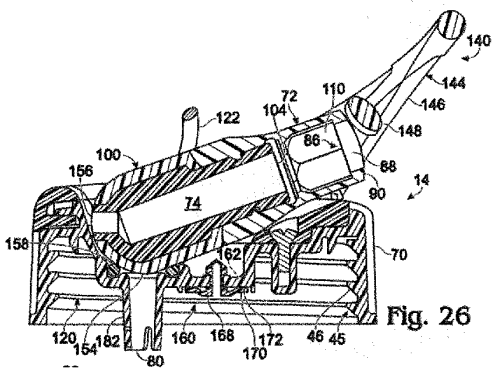


Fig. 26

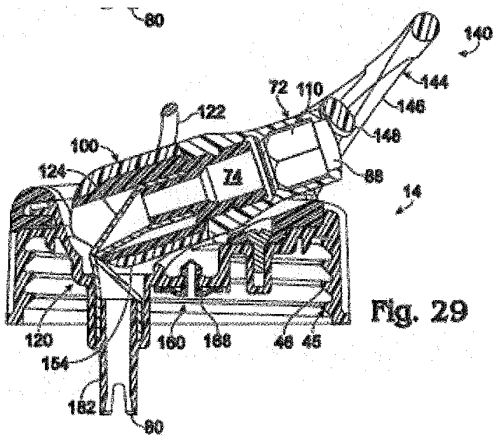


Fig. 29

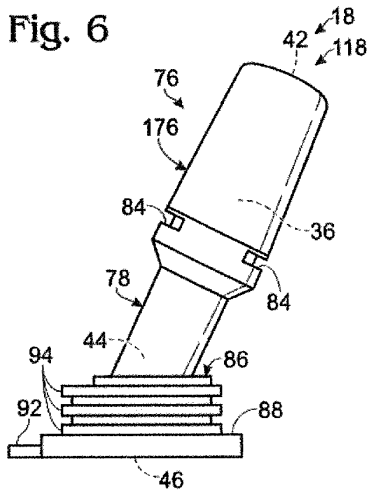
Accordingly, a person of ordinary skill in the art, when presented with Choi, would not conclude that the mount 182 of Choi in any way is an anchor portion of a mouthpiece assembly, as recited in independent claims 1 and 21. Moreover, such a person would be even less likely (or reasonable) to conclude that the mount not only is such an anchor portion of a mouthpiece

assembly but also is sized to restrict passage of the anchor portion through a through-passage defined by the base of the associated cap assembly, as recited in independent claims 1 and 21. For at least these reasons, the rejections of independent claims 1 and 21 are improper and should be reversed, together with the rejections of the claims that depend from independent claim 1, namely, claims 2–3 and 5–17.

**B. Unitary Structure.**

As mentioned above, independent claim 1 recites that the mouthpiece portion and the tube of the mouthpiece assembly are constructed as a unitary structure. Independent claim 21 recites that all three of the resilient mouthpiece portion, the resilient tube, and the resilient anchor portion of the mouthpiece assembly are constructed as a unitary structure. An illustrative, non-exclusive example of this subject matter is illustrated in the example of Fig. 6 (reproduced below for the Board's convenience), with the illustrated mouthpiece assembly 118 including a mouthpiece portion 76, a tube 78, and an anchor portion 86 constructed as a unitary assembly.

Fig. 6




To reject independent claims 1 and 21, the Examiner acknowledged that this subject matter is not disclosed in the cited prior art but summarily argued that "it would have been

obvious to one of ordinary skill in the art to make the two pieces [(mouthpiece portion and tube of Choi)] integral since it has been held that the use of one piece construction would be merely a matter of obvious engineering choice." [FOA, p. 3 (citing to *In re Larson*, 340 F.2d 965, 968 (CCPA 1965).] The Examiner is not clear, but presumably, with reference to the example embodiment of Figs. 28 and 29 of Choi (reproduced below), it is the Examiner's position that it would have been obvious to construct the mouthpiece 72 and the tube 124 as a unitary structure. In connection with independent claim 21, presumably it is the Examiner's position that it also would have been obvious to construct the mouthpiece 72, the tube 124, *and* the mount 182 as a unitary structure, since the Examiner equates the mount 182 to the resilient anchor portion of independent claim 21, as discussed above. These conclusions are flawed.

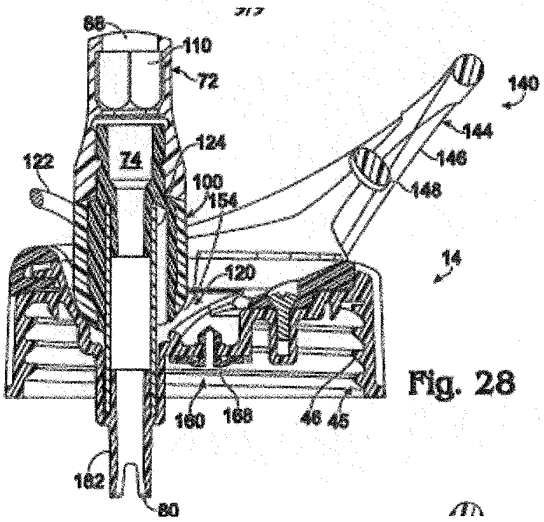



Fig. 28

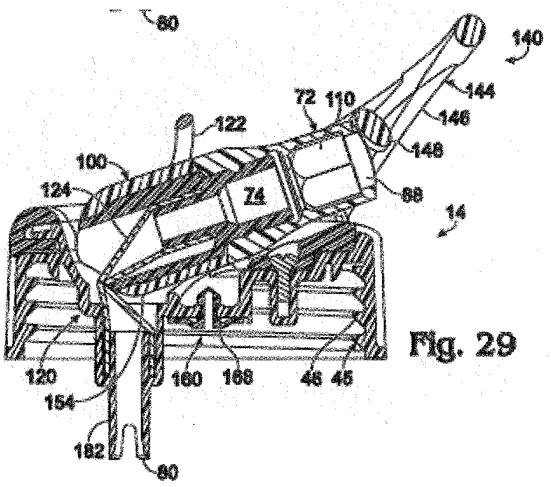



Fig. 29

As seen above, the resilient mouthpiece 72 of Choi is mounted directly to a rigid drink spout 100 that is distinct from the mouthpiece. Therefore, with reference to the Figures above, to arrive at the proposed modification, the rigid drink spout 100 would have to be removed so that the mouthpiece 72 is directly in engagement with the resilient tube 124, or all three of the mouthpiece 72, the drink spout 100, and the tube 124 would have to be constructed as a unitary



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structure from a resilient material. In short, the proposed modification, summarily identified as an obvious engineering choice, would require a wholesale redesign of the structures of the cap assemblies disclosed in Choi and can only be based on a hindsight reconstruction utilizing Appellant's disclosure as a guide.

A person of ordinary skill in the art would not have been motivated to make such a modification, because such a modification would destroy the purpose of the drink spout 100. The drink spout of Choi provides a rigid structure for pivotal movement of the drink spout and the mouthpiece relative to the base of the cap assembly. Moreover, in the example of Figs. 28 and 29, the rigid drink spout provides structure for crimping the tube 124 when the drink spout is in the stowed configuration of Fig. 29. By constructing the drink spout of a resilient material, together with the tube and the mouthpiece, the drink spout would not function as intended (i.e., would not crimp the tube when positioned in its stowed configuration of Fig. 29), and thus the functionality of this embodiment of Choi would be destroyed. Stated differently, Choi expressly teaches away from making the proposed modification to the embodiment of Figs. 28 and 29, because Choi expressly teaches that the drink spout is needed to crimp the flexible tube. Furthermore, the mouthpiece of Choi is a resilient mouthpiece that is removably coupled to the drink spout, such as for cleaning and/or replacement. Accordingly, making the mouthpiece integral with the spout and tube would destroy the functionality of permitting removal for cleaning and/or replacement of the mouthpiece. For at least these additional reasons, the rejections of independent claims 1 and 21 are improper and should be reversed, together with the rejections of dependent claims 2 and 5–17.

Moreover, when considering the subject matter of independent claim 21, a person of ordinary skill in the art would have had to have been motivated to also include the mount 182 of



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Choi as part of the resilient unitary structure together with the mouthpiece portion and the tube, again, because the Examiner equated the mount of Choi to the resilient anchor portion of independent claim 21. Such a proposed modification would require a wholesale redesign of the cap assemblies of Choi and cannot be characterized as an obvious design choice. With reference again to Figs. 28 and 29 of Choi, below, the mount 182 is integral with the rigid base of the cap assembly.

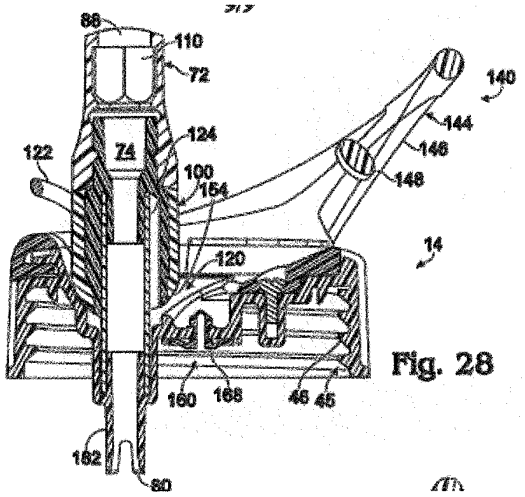



Fig. 28

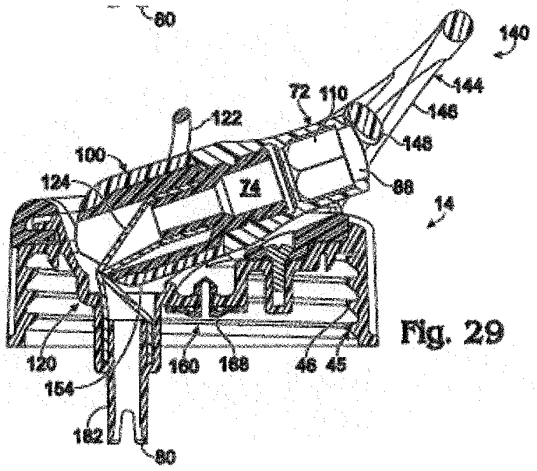



Fig. 29

As discussed above, the mount 182 is solely provided for the purpose of mounting a straw thereto within the associated liquid container. A person of ordinary skill in the art would not have been motivated to completely redesign the cap assembly so that the mount 182 is separate and apart from the rest of the base of the cap assembly, and then to construct it of a resilient material as a unitary structure together with the tube 124 and the mouthpiece 72. Constructing the mount of a flexible and resilient material would result in a mount that is not able to be inserted, or at least easily inserted, into the end of a corresponding straw, which is the sole purpose of the disclosed mount. Such a wholesale redesign cannot fairly be considered an obvious engineering design choice, and for these additional reasons, the rejection of independent claim 21 is improper and should be reversed.



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In the Response to Arguments section of the final Office action, the Examiner first argued that "Choi discloses that it is within the scope of the disclosure that the tube may be integrated with the bite-actuated mouthpiece (¶0073, ll. 1 – 15)." [FOA, p. 13.] However, with reference to Fig. 9 of Choi (reproduced again below, at left), the passage of Choi cited by the Examiner relates to the optional integration of the mouthpiece 72 with the external straw structure 190, which Choi also optionally describes as a tube. However, this optional external straw structure, or tube, 190 cannot be equated to the recited tube at issue in independent claims 1 and 18, since the tube is expressly recited as being between the mouthpiece portion and the anchor portion and as including a crimping region. With reference again to the embodiment of Fig. 29 (below, at right), the flexible tube 124, which admittedly does include a crimping region, is very clearly not integral with the mouthpiece 72, let alone an anchor portion, as recited in independent claim 21. For these reasons, the Examiner's counterarguments are flawed.

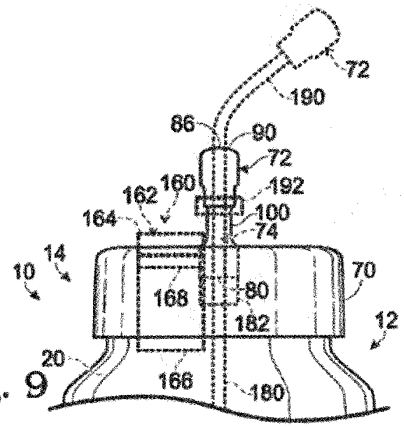


Fig. 9

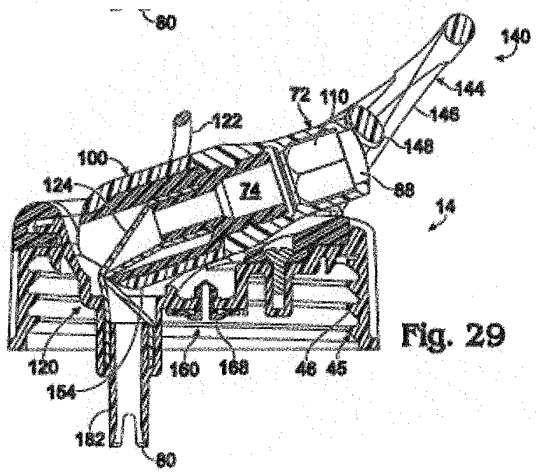


Fig. 29

Also in the Response to Arguments section, the Examiner argued that "Choi discloses that the tube (180) may be permanently coupled to the corresponding mount (182) (¶0072, ll. 1 – 15)." [FOA, p. 13.] This counterargument also is flawed, because the structure identified with reference numeral 180 in Choi is a straw that extends into the internal compartment of the

corresponding liquid container, as illustrated in Fig. 9 (above, at left). In contrast, the subject matter at issue here is a tube that is an integral part of a mouthpiece assembly, together with and positioned between a corresponding mouthpiece portion and anchor portion. In the embodiment of Choi presumably relied upon for the subject matter of a resilient tube, the structure at 124 is distinct from any corresponding straw 180 that may be inserted over the mount 182, as seen in Fig. 29, above, at right.

In other words, the Examiner's arguments in the Response to Arguments section seem to change which structure of Choi the Examiner relies upon for the recited tube and resilient tube of independent claims 1 and 21, respectively. Moreover, even if the rejections were intended to be based on the disclosed straw 180 for disclosure of the tube and resilient tube of independent claims 1 and 21, such a position would not result in the subject matter of independent claims 1 and 21. Specifically, both of these independent claims expressly recite that the mouthpiece assembly includes, in order, a mouthpiece portion, a tube, and an anchor, that is, with the tube being positioned between the mouthpiece portion and the anchor. Accordingly, for these additional reasons, the Examiner's counterarguments are flawed.

In the Response to Arguments section, with respect to Choi, the Examiner further stated that "(190) and (180) are part of the same structure which is the straw or tube. If Choi discloses that (190) and mouthpiece (72) can be integral and further discloses that mount (182) can be integral with (180), then one of ordinary skill would find it obvious that the entire assembly can be a unitary assembly." [FOA, p. 13.] Appellant disagrees with this conclusion as well. First, the structures identified with reference numerals 180 and 190 in Choi are *not* part of the same structure, despite the Examiner's assertion that they are. Instead, straw 180 "extends from the cap assembly into the fluid container" and is "coupled to a corresponding mount 182 on the cap



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assembly, such as at or proximate the inlet 80 of fluid conduit 74," whereas element 190 is an elongate external straw structure "that fluidly interconnect[s] the bite-actuated mouthpiece with mount [or drink spout] 100." [*See* Choi ¶0072, 0073.] Second, Choi provides no such disclosure or even suggestion that these structures are the same structure. Third, as established above, modifying the various identified structures of Choi to be unitary and resilient would require a wholesale redesign of the cap assemblies disclosed in Choi, and a person of ordinary skill in the art simply would not have been motivated to do so, let alone for the reasons set forth in the final Office action. Accordingly, these counterarguments of the Examiner also are flawed.

## II. Dependent Claim 9.

Dependent claim 9 depends directly from independent claim 1 and also was rejected based on a proposed combination of Choi and Lee or a proposed combination of Choi and Rossbach. Dependent claim 9 recites "wherein the mouthpiece portion, the tube, and the anchor portion are constructed as a unitary assembly of the resiliently deformable material." Similar to the rejections of independent claims 1 and 21, the Examiner acknowledged that this subject matter is not in the prior art but summarily concluded that "it would have been obvious to one of ordinary skill in the art to make the two pieces integral since it has been held that the use of one piece construction would be merely a matter of obvious engineering choice." [FOA, p. 5.] Appellant assumes that the indication of "two pieces" was an inadvertent error on the part of the Examiner, since dependent claim 9 recites three components that are constructed as a unitary assembly. Regardless, for at least analogous reasons to those discussed above with respect to independent claim 21, which also recites a unitary construction of the mouthpiece portion, the



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tube, and the anchor portion, the rejection of dependent claim 9 is improper and should be reversed.

## III. Independent Claim 18

Next, the rejection of independent claim 18 also is improper at least because none of Choi, Lee, Rossbach, Wang, and Lin discloses, teaches, or even suggests—and a person of ordinary skill in the art would not have been motivated to modify a combination of these references to arrive at—at least the following subject matter of independent claim 18:

> (claim 18) ***an anchor portion*** extending from the tube distal the mouthpiece portion and including ***a plurality of flanges*** ***that are sized and shaped to provide a friction-fit arrangement with the through-passage and to restrict passage of the anchor portion through the through-passage of the base of the cap assembly, wherein the anchor portion, the mouthpiece portion, and the tube are constructed as a unitary assembly of the resiliently deformable material.***

As emphasized above, similar to independent claims 1 and 21, independent claim 18 recites an "anchor portion" that restricts passage of the anchor portion through the through-passage of the base of the cap assembly. As also emphasized above, and similar to independent claim 21, independent claim 18 recites a "unitary assembly" constructed from all three of the mouthpiece portion, the tube, and the anchor portion. However, unlike independent claims 1 and 21, independent claim 18 further recites that the anchor portion includes "a plurality of flanges that are sized and shaped to provide a friction-fit arrangement with the through-passage and to restrict passage of the anchor portion through the through-passage of the base of the cap assembly."

In rejecting independent claim 18 over the proposed combination of Choi, Lee, Rossbach, Wang, and Lin, the Examiner first relied on Choi for the subject matter of the recited "anchor portion," similar to the rejection of independent claims 1 and 21 [FOA, p. 9] but then also relied



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on Lin for the subject matter of the recited "plurality of flanges." [*Id.* at pp. 12–13.] In further similarity to the rejections of independent claims 1 and 21, the Examiner relied on Choi for the subject matter of a unitary assembly of the mouthpiece portion and the tube, arguing that "it would have been obvious to one of ordinary skill in the art to make the two pieces integral since it has been held that the use of one piece construction would be merely a matter of obvious engineering choice." [*Id.* at p. 9] Also similar to the rejection of independent claim 21, the Examiner failed to address the expressly recited subject matter of all three of "the anchor portion, the mouthpiece portion, and the tube [being] constructed as a unitary assembly," that is, including the anchor portion as part of the unitary structure. For this reason alone, the Examiner failed to make a prima facie case of obviousness with respect to independent claim 18. Regardless, Appellant establishes below that the proposed combination of Choi, Lee, Rossbach, Wang, and Lin fails to result in this subject matter of independent claim 18.

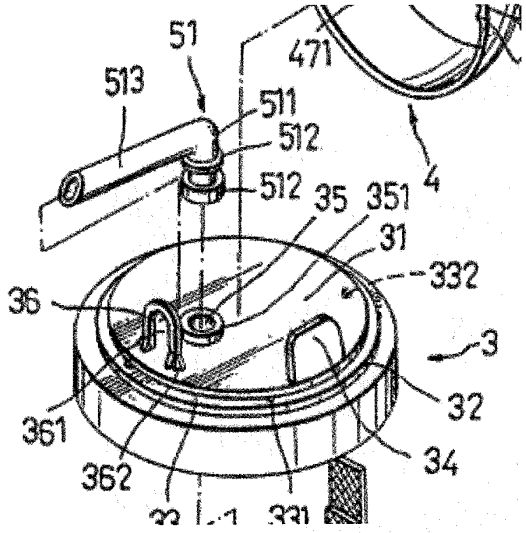
**A. Anchor Portion.**

As mentioned, the Examiner first relied on Choi for disclosure of the recited anchor portion of independent claim 18. [FOA, p. 9.] For at least analogous reasons to those discussed above with respect to independent claims 1 and 21, the rejection of independent claim 18 also is improper and should be reversed, together with the rejection of dependent claim 20.

However, the Examiner then relied on Lin for disclosure of the recited plurality of flanges and argued that "[o]ne of ordinary skill in the art would have found it obvious to incorporate flanges to the modified Choi anchor portion as suggest by Lin in order to prevent leakage (Lin, abstract)." [*Id.* at pp. 12–13.] More specifically, with reference to Fig. 3 of Lin (a relevant portion of which is reproduced below for the Board's convenience), the Examiner cited to the flanges 512 as a portion of an anchor portion.



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Appellant does not disagree that the structures indicated at 512 are characterized in Lin as flanges; however, Lin expressly discloses at column 2, line 65, through column 3, line 4, that the soft construction of the straw 51 permits fitting of the straw in the through hole 35, so that the two flanges 512 sandwich the through hole 35. In other words, the lower of the two flanges is disclosed as being configured to ***permit passage*** of the lower flange through the through hole 35 so that the two flanges fit on either side of the through hole. Accordingly, the flanges 512 of Lin cannot fairly be interpreted as comprising an anchor according to independent claim 18, which expressly recites that the plurality of flanges "are sized and shaped to provide a friction-fit arrangement with the through-passage ***and to restrict passage of the anchor portion through the through-passage*** of the base of the cap assembly."

Accordingly, it would not have been obvious to a person of ordinary skill in the art to modify the mount 182 of Choi to include the flanges 152 of Lin to arrive at the subject matter of independent claim 18. As discussed above with respect to independent claims 1 and 21, the mount 182 of Choi simply is not integral to a mouthpiece assembly and is provided solely for the

purpose of mounting a separate straw within the liquid container. Moreover, even if the proposed modification is made, the subject matter of the anchor and flanges still is not disclosed or rendered obvious due to the mount of Choi not even engaging (much less restricting removal of) the mouthpiece assembly of Choi. For these additional reasons, the rejection of independent claim 18 is improper and should be withdrawn, together with the rejection of dependent claim 20.

**B. Unitary Structure.**

Similar to independent claim 21, independent claim 18 recites that the mouthpiece portion, the tube, and the anchor portion of the mouthpiece assembly are constructed as a unitary structure. Similar to the rejections of independent claims 1 and 21, the Examiner acknowledged that this subject matter is not disclosed in the cited prior art but summarily concluded that "it would have been obvious to one of ordinary skill in the art to make the two pieces [(mouthpiece portion and tube of Choi)] integral since it has been held that the use of one piece construction would be merely a matter of obvious engineering choice." [FOA, p. 9 (citing to *In re Larson*, 340 F.2d 965, 968 (CCPA 1965).] For at least analogous reasons to those discussed in detail above with respect to independent claims 1 and 21, the rejection of independent claim 18 also is improper and should be reversed, together with the rejection of dependent claim 20.

The Examiner's counterarguments set forth in the Response to Arguments section presumably also relate to the rejection of independent claim 18, and as established above with respect to independent claims 1 and 21, are flawed.

## IV. Dependent Claim 15.

Dependent claim 15 depends directly from independent claim 1 and was rejected based on a proposed combination of Choi, Lee, and Lin. Dependent claim 15 recites "wherein the



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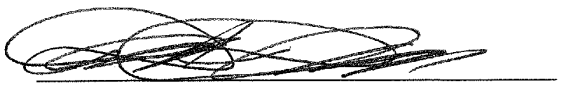
anchor portion includes a plurality of flanges that are sized and shaped to provide a friction-fit arrangement with the through-passage." Similar to the rejection of independent claim 18, the Examiner acknowledged that Choi does not disclose a plurality of flanges as part of an anchor portion and instead relied on Lin for this subject matter, concluding that "[o]ne of ordinary skill in the art would have found it obvious in incorporate flanges to the modified Choi anchor portion as suggested by Lin in order to prevent leakage (Lin, abstract)." [FOA, p. 7.] For at least analogous reasons to those discussed in detail above with respect to independent claim 18, which also recites a plurality of flanges, the rejection of dependent claim 15 is improper and should be withdrawn.

## V. Conclusion.

Appellant submits that the above discussion demonstrates that the rejections at issue are improper and that all of the pending claims patentably distinguish the cited prior art. Therefore, Appellant requests that the Examiner's rejections be reversed.

Respectfully submitted,

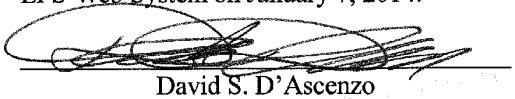
DASCENZO INTELLECTUAL PROPERTY LAW, P.C.



David S. D'Ascenzo
Registration No. 39,952
Customer No. 78569
DASCENZO INTELLECTUAL PROPERTY LAW, P.C.
1000 SW Broadway, Suite 1555
Portland, Oregon 97205
Telephone: (503) 224-7529
Facsimile: (503) 224-7329

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David S. D'Ascenzo



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Dated: January 7, 2014
Atty. Docket No.: KRN 356A

In re Application of:
CamelBak Products, LLC

| | | | |
|---|---|---|---|
| Inventors | : | JEFF DAVIES and DEREK GAVIN SULLIVAN | |
| Serial No. | : | 13/479,962 | Group Art Unit: 3788 |
| Filed | : | May 24, 2012 | Examiner: Robert Poon |
| For | : | DRINK CONTAINERS | |

## CLAIMS APPENDIX

1. A drink container, comprising:

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

a cap assembly removably coupled to the liquid container, the cap assembly comprising:

a base removably coupled to the neck of the liquid container and including a through-passage;

a first catch structure;

a mouthpiece assembly extending through the through-passage of the base and defining a liquid passage through which drink liquid from the liquid container may selectively flow, and further defining an inlet through which drink liquid in the internal compartment may enter the liquid passage and an outlet through which drink liquid from the internal compartment of the liquid container is selectively dispensed, wherein the mouthpiece assembly is configured to be selectively configured between a dispensing configuration, in which the liquid passage



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permits drink liquid to flow from the internal compartment at least into the liquid passage, and a stowed configuration, in which the liquid passage restricts the flow of drink liquid through the liquid passage, wherein the mouthpiece assembly is biased to the dispensing configuration, and wherein the mouthpiece assembly comprises:

a mouthpiece portion that includes the outlet;

a tube that defines at least a portion of the liquid passage for drink liquid to flow from the internal compartment to the mouthpiece portion, wherein the tube includes a crimping region constructed of a resiliently deformable material and is adapted to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration, and wherein the mouthpiece portion and the tube are constructed as a unitary assembly of the resiliently deformable material;

an anchor portion extending from the tube distal the mouthpiece portion, wherein the anchor portion is sized to restrict passage of the anchor portion through the through-passage of the base of the cap assembly; and

a second catch structure adapted to be selectively engaged with the first catch structure to retain the mouthpiece assembly in the stowed configuration; and

a user release mechanism adapted to automatically disengage the first and second catch structures upon actuation of the user release mechanism and thereby release the mouthpiece assembly to move via its bias from the stowed configuration to the dispensing configuration.

2. The drink container of claim 1, wherein the user release mechanism is mechanically coupled to the first catch structure.



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3. (Allowable; Not on Appeal) The drink container of claim 1, wherein the base of the cap assembly includes a sidewall and defines a recess with a pair of opposed channels; wherein the user release mechanism includes a sliding member that is configured to reversibly translate along the recess to selectively disengage the first and the second catch structures; wherein the sliding member includes a pair of opposed tabs that slide within the pair of opposed channels as the sliding member translates along the recess; wherein the user release mechanism further includes a user engagement pad that is coupled to the sliding member and which extends through the sidewall of the base of the cap assembly for selective engagement by a user; and further wherein the user release mechanism includes at least one biasing member that urges the sliding member and user engagement pad away from a position where the sliding member disengages the first and the second catch structures.

4. (Allowable; Not on Appeal) The drink container of claim 3, wherein the sliding member further includes a collar engagement portion that projects from the sliding member and which is configured to force disengagement of the first and the second catch structures upon actuation of the user release mechanism.

5. The drink container of claim 1, wherein the crimping region at least partially biases the mouthpiece assembly to the dispensing configuration.



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6. The drink container of claim 1, wherein the cap assembly further includes a handle that projects away from the base of the cap assembly and a pair of lateral guards that at least partially define a stowing region that receives at least a portion of the mouthpiece assembly between the pair of lateral guards when the mouthpiece assembly is in the stowed configuration.

7. The drink container of claim 1, wherein the mouthpiece portion includes a bite-actuated mouthpiece and the outlet is a sealable outlet, wherein the bite-actuated mouthpiece is selectively configured between an open configuration, in which the sealable outlet is open and permits drink liquid to flow therethrough, and a closed configuration, in which the sealable outlet restricts drink liquid from flowing therethrough, wherein the bite-actuated mouthpiece is biased to the closed configuration, and further wherein the bite-actuated mouthpiece is selectively configured from the closed configuration to the open configuration responsive to a user biting upon opposed sidewalls of the bite-actuated mouthpiece.

8. The drink container of claim 1, wherein the mouthpiece portion permits a user to draw drink liquid from the drink container when the mouthpiece assembly is in the dispensing configuration.

9. The drink container of claim 1, wherein the mouthpiece portion, the tube, and the anchor portion are constructed as a unitary assembly of the resiliently deformable material.



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10. The drink container of claim 1, wherein the mouthpiece assembly further includes a rigid collar member that is pivotally coupled to the base and which includes a crimping portion; wherein the tube of the mouthpiece assembly extends at least partially through the rigid collar member; wherein the crimping portion is adjacent the crimping region of the tube and external of the liquid passage, wherein the rigid collar member engages and crimps the crimping region to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration.

11. The drink container of claim 10, wherein the rigid collar member includes the second catch structure, and further wherein the user release mechanism includes a collar engagement portion that is adapted to engage the rigid collar member.

12. The drink container of claim 11, wherein when the mouthpiece assembly is in the stowed configuration and upon actuation of the user release mechanism, the collar engagement portion is adapted to translate relative to the rigid collar member and cause the first catch structure to disengage the second catch structure and thus permit the rigid collar member to pivot due to the bias of the mouthpiece assembly.

13. The drink container of claim 10, wherein the mouthpiece portion includes a seat for the rigid collar member in which the rigid collar member engages the mouthpiece portion, wherein the seat restricts relative movement between the mouthpiece portion and the rigid collar member.



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14. The drink container of claim 10, wherein the rigid collar member includes a stop surface that does not engage the base of the cap assembly when the mouthpiece assembly is in the stowed configuration and that engages the base of the cap assembly when the mouthpiece assembly is in the dispensing configuration to define a dispensing position of the mouthpiece portion.

15. The drink container of claim 1, wherein the anchor portion includes a plurality of flanges that are sized and shaped to provide a friction-fit arrangement with the through-passage.

16. The drink container of claim 1, wherein the drink container includes a straw with a first end that extends into the liquid container and a second end that extends into the liquid passage and is retained therein by the friction-fit arrangement.

17. The drink container of claim 1, wherein the cap assembly further includes:

an air return assembly adapted to permit air from external the drink container to enter the internal compartment of the liquid container without having to pass through the liquid passage of the mouthpiece assembly, wherein the mouthpiece portion is positioned directly above the air return assembly when the mouthpiece assembly is in the stowed configuration and is not positioned directly above the air return assembly when the mouthpiece assembly is in the dispensing configuration.



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18. A drink container, comprising:

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

a cap assembly removably coupled to the liquid container, the cap assembly comprising:

a base removably coupled to the neck of the liquid container and including a through-passage;

a first catch structure;

a mouthpiece assembly extending through the through-passage of the base and defining a liquid passage through which drink liquid from the liquid container may selectively flow, and further defining an inlet through which drink liquid in the internal compartment may enter the liquid passage and an outlet through which drink liquid from the internal compartment of the liquid container is selectively dispensed, wherein the mouthpiece assembly is configured to be selectively configured between a dispensing configuration, in which the liquid passage permits drink liquid to flow from the internal compartment at least into the liquid passage, and a stowed configuration, in which the liquid passage restricts the flow of drink liquid through the liquid passage, wherein the mouthpiece assembly is biased to the dispensing configuration, and wherein the mouthpiece assembly comprises:

a mouthpiece portion that includes the outlet and permits a user to draw drink liquid from the drink container when the mouthpiece assembly is in the dispensing configuration, wherein the mouthpiece portion includes a seat;

a tube that defines at least a portion of the liquid passage for drink liquid to flow from the internal compartment to the mouthpiece portion, wherein the tube includes a crimping region constructed of a resiliently deformable material and is adapted to restrict the



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flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration, and wherein the crimping region at least partially biases the mouthpiece assembly to the dispensing configuration;

an anchor portion extending from the tube distal the mouthpiece portion and including a plurality of flanges that are sized and shaped to provide a friction-fit arrangement with the through-passage and to restrict passage of the anchor portion through the through-passage of the base of the cap assembly, wherein the anchor portion, the mouthpiece portion, and the tube are constructed as a unitary assembly of the resiliently deformable material; and

a rigid collar member that is pivotally coupled to the base and which includes a crimping portion, wherein the crimping portion is adjacent the crimping region of the tube and external of the liquid passage, wherein the rigid collar member engages and crimps the crimping region to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration, wherein the rigid collar member includes a second catch structure adapted to be selectively engaged with the first catch structure to retain the mouthpiece assembly in the stowed configuration, wherein the rigid collar member engages the seat of the mouthpiece portion and restricts relative movement between the mouthpiece portion and the rigid collar member, and wherein the rigid collar member includes a stop surface that does not engage the base of the cap assembly when the mouthpiece assembly is in the stowed configuration and that engages the base of the cap assembly when the mouthpiece assembly is in the dispensing configuration to define a dispensing position of the mouthpiece portion;

a handle that projects away from the base of the cap assembly;



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a pair of lateral guards that at least partially define a stowing region that receives at least a portion of the mouthpiece assembly between the pair of lateral guards when the mouthpiece assembly is in the stowed configuration;

a user release mechanism configured to automatically disengage the first and second catch structures upon actuation of the user release mechanism and thereby release the mouthpiece assembly to move via its bias from the stowed configuration to the dispensing configuration; wherein the user release mechanism includes a collar engagement portion that is adapted to engage the rigid collar member; and further wherein when the mouthpiece assembly is in the stowed configuration and upon actuation of the user release mechanism, the collar engagement portion is adapted to translate relative to the rigid collar member and cause the first catch structure to disengage the second catch structure and thus permit the rigid collar member to pivot due to the bias of the mouthpiece assembly; and

an air return assembly adapted to permit air from external the drink container to enter the internal compartment of the liquid container without having to pass through the liquid passage of the mouthpiece assembly, wherein the mouthpiece portion is positioned directly above the air return assembly when the mouthpiece assembly is in the stowed configuration and is not positioned directly above the air return assembly when the mouthpiece assembly is in the dispensing configuration.

19. (Allowable; Not on Appeal) The drink container of claim 18, wherein the base of the cap assembly includes a sidewall and defines a recess with a pair of opposed channels; wherein the user release mechanism includes a sliding member from which the collar engagement portion extends and which is configured to reversibly translate along the recess to selectively disengage the first and the second catch structures; wherein the sliding member includes a pair of opposed tabs that slide within the pair of opposed channels as the sliding member translates along the recess; wherein the user release mechanism further includes a user engagement pad that is coupled to the sliding member and which extends through the sidewall of the base of the cap assembly for selective engagement by a user; and further wherein the user release mechanism includes at least one biasing member that urges the sliding member and user engagement pad away from a position where the sliding member disengages the first and the second catch structures.

20. The drink container of claim 18, wherein the mouthpiece portion includes a bite-actuated mouthpiece and the outlet is a sealable outlet, wherein the bite-actuated mouthpiece is selectively configured between an open configuration, in which the sealable outlet is open and permits drink liquid to flow therethrough, and a closed configuration, in which the sealable outlet restricts drink liquid from flowing therethrough, wherein the bite-actuated mouthpiece is biased to the closed configuration, and further wherein the bite-actuated mouthpiece is selectively configured from the closed configuration to the open configuration responsive to a user biting upon opposed sidewalls of the bite-actuated mouthpiece.



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21. A drink container, comprising:

a liquid container; and

a cap assembly removably coupled to the liquid container, the cap assembly comprising:

a base that defines a through-passage;

a mouthpiece assembly that extends through the through-passage of the base and defines a liquid passage, wherein the mouthpiece assembly has a dispensing configuration and a stowed configuration, wherein the mouthpiece assembly is biased to the dispensing configuration, and wherein the mouthpiece assembly includes:

a resilient mouthpiece portion that permits a user to draw drink liquid from the drink container when the mouthpiece assembly is in the dispensing configuration;

a resilient tube connected to the mouthpiece portion and including a crimping region that is adapted to restrict flow of drink liquid through the mouthpiece assembly when the mouthpiece assembly is in the stowed configuration; and

a resilient anchor portion extending from the resilient tube opposite the resilient mouthpiece portion, wherein the anchor portion is sized to restrict passage of the resilient anchor portion through the through-passage and thus restrict removal of the mouthpiece assembly via a top side of the cap assembly, and wherein the resilient mouthpiece portion, the resilient tube, and the resilient anchor portion are constructed as a unitary assembly; and

a user release mechanism adapted to automatically release the mouthpiece assembly from the stowed configuration to the dispensing configuration via the bias of the mouthpiece assembly.



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# Electronic Acknowledgement Receipt

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| **EFS ID:** | 17845883 |
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| **International Application Number:** | |
| **Confirmation Number:** | 8853 |
| **Title of Invention:** | DRINK CONTAINERS |
| **First Named Inventor/Applicant Name:** | JEFF DAVIES |
| **Customer Number:** | 78569 |
| **Filer:** | David S. D'Ascenzo/Robin Davin |
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| **Attorney Docket Number:** | KRN 356A |
| **Receipt Date:** | 07-JAN-2014 |
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|---|---|---|---|---|
| 13/479,962 | 05/24/2012 | JEFF DAVIES | KRN 356A | 8853 |

78569 7590 05/12/2014

DASCENZO Intellectual Property Law, P.C.
1000 SW Broadway, Suite 1555
Portland, OR 97205

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

Application Number: 13/479962
Filing Date: 5/24/2012
Appellant(s): Davies et al

David S. D'Ascenzo
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 1/7/2014.

**(1) Grounds of Rejection to be Reviewed on Appeal**

Every ground of rejection set forth in the Office action dated 8/30/2013 from which the appeal is taken is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

The following ground(s) of rejection are applicable to the appealed claims.

Claims 1-2, 5-9, 16-17, 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US 2007/0039959 to Choi et al. (Choi) in view of either of US Patent No. 6,745,949 to Lee or US Patent No. 5,273,172 to Rossbach et al.

Regarding claim 1, 21, Choi discloses a drink container (10), comprising:

a liquid container (12) having a neck (26) with an opening (40) and having an internal compartment (20) sized to hold a volume of potable drink liquid; a cap assembly (14) removably coupled to the liquid container, the cap assembly comprising: a base (70) removably coupled to the neck of the liquid container and including a through-passage; a mouthpiece assembly (72) extending through the through-passage of the base and defining a liquid passage (74) through which drink liquid from the liquid container may selectively flow, and further defining an inlet (80) through which drink fluid in the internal compartment may enter the liquid passage and an outlet (86) through which drink liquid from the internal compartment of the liquid container is selectively dispensed, wherein

the mouthpiece assembly is configured to be selectively configured between a dispensing configuration (Fig. 24), in which the liquid passage permits drink liquid to flow from the internal compartment at least into the liquid passage, and a stowed configuration (Fig. 23), in which the liquid passage restricts the flow of drink liquid through the liquid passage (¶0034, ll. 12-15), and wherein the mouthpiece assembly comprises: a mouthpiece portion (72) that includes the outlet (86); a tube (190) that defines at least a portion of the liquid passage for drink liquid to flow from the internal compartment to the mouthpiece portion, wherein the tube includes a crimping region (¶0064, ll. 10-15) constructed of a resiliently deformable material and is adapted to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration. Choi further teaches anchor portion (182) on the mouthpiece assembly which extends from tube (Fig. 9). Choi does not teach the mouthpiece and tube to be unitary however it would have been obvious to one of ordinary skill in the art to make the two pieces integral since it has been held that the use of one piece construction would be merely a matter of obvious engineering choice. *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965). Choi further does not disclose the mouthpiece assembly being biased to the dispensing configuration with first and second catch structures to retain the mouthpiece assembly in stowed configuration.

However, Lee discloses a drink container (10) having mouthpiece assembly (Fig. 5) being biased in a dispensing configuration (col. 4, ll. 50-60),

with catch structures (36, upper portion of 20) adapted to selectively engage the assembly to stowed configuration (col. 4, ll. 40-50). It would have been obvious to one of ordinary skill in the art to reverse the biasing of the Choi container such that the mouthpiece assembly was biased towards the dispensing configuration and implement catch structures to hold it in this biasing position as suggested by Lee in order to allow easy manipulation of the mouthpiece as well as improved performance for closing a passage defined in the straw (Lee, col. 2, ll. 40-45). In addition to Lee, Rossbach also discloses known drink containers all biased to dispensing configuration. In light of several prior art drink containers teaching mouthpieces biasing towards dispensing configuration, one of ordinary skill in the art would have found it obvious to modify the Choi container such that it biased towards dispensing rather than towards stowed configuration. It has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167. Choi further discloses a user release mechanism (122) adapted to automatically disengage the first and second catch structures upon actuation of the user release mechanism and thereby release the mouthpiece assembly to move via its bias from the stowed configuration to the dispensing configuration. In particular, the mechanism is grasped by a user and with sufficient force, would free the mouthpiece from the catches in the modified Choi.

Regarding claim 2, the modified Choi further discloses the user release mechanism (122) mechanically coupled to the first catch structure. In particular,

the mechanism (122) would be mechanically coupled though the mouthpiece assembly.

Regarding claim 5, the modified Choi further teaches the crimping region partially biasing the mouthpiece assembly to dispensing configuration (Lee, 24).

Regarding claim 6, Choi further teaches handle (140) with lateral guards (146) defining a stowing region.

Regarding claim 7, Choi further discloses the mouthpiece to be bite-actuated (Choi, abstract) and biased to close configuration.

Regarding claim 8, Choi further discloses the mouthpiece portion capable of allowing a user to draw drink liquid from the drink container while in dispensing configuration (Fig. 2).

Regarding claim 9, Choi does not teach the mouthpiece, tube, and anchor portion to be unitary however it would have been obvious to one of ordinary skill in the art to make the two pieces integral since it has been held that the use of one piece construction would be merely a matter of obvious engineering choice. *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965).

Regarding claim 16, Choi further teaches a straw (180).

Regarding claim 17, Choi does not teach an air return assembly. Rossbach further discloses an air return assembly (9) with mouthpiece portion (12) above the directly above the assembly in stowed configuration (Fig. 2) and not directly above in dispensing configuration (Fig. 1) for providing a vent

means. One of ordinary skill in the art would have found it obvious to incorporate an air return assembly as taught by Rossbach in order to provide a vent.

Claims 10-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Choi in view of Lee and further in view of US Patent No. 5,337,918 to Wang.

Regarding claim 10, Choi further discloses a rigid collar member (100), the tube of the mouth piece assembly extending through the collar (Fig. 9) but does not disclose a crimping portion adjacent the crimping portion of the tube. Wang discloses a beverage container (10) and in particular discloses a collar member (34) with a crimping portion (35) adjacent to straw (36). It would have been obvious to one of ordinary skill in the art to implement a crimping portion on the collar member of the modified Choi as suggested by Wang in order to communicate with the straw (col. 1, ll. 50-55). In particular, implementing the collar member in the modified Choi container would have resulted in the crimping portion of the collar (30) adjacent to crimping portion (24) of straw (20, Lee) which would restrict flow when the mouthpiece is bent or in the stowed configuration.

Regarding claim 11, the modified Choi further discloses user release mechanism including engagement portion (150) but does not disclose the collar member having the second catch structure. However, since the second catch structure is located on the top portion of the straw, it would have been obvious to one of ordinary skill in the art to rearrange the parts such that the collar member

engages the first catch structure (36, Lee) since it would not affect stowed position of the mouthpiece assembly and it has been held that mere rearrangement of parts would have been an obvious matter of design choice. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

Regarding claim 12, the collar engagement portion of the release mechanism (122) is capable of translating.

Regarding claim 13, the modified Choi further teaches a seat (108, Choi) that can engage the collar member (100).

Regarding claim 14, Choi further discloses a stop surface (bottom of 122) that does not engage the cap assembly when the mouthpiece is in stowed configuration and engages when in dispensing configuration (Figs. 23-24).

Claim 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Choi in view of Lee and US Patent No. 5,582,320 to Lin.

Regarding claim 15, the modified Choi does not teach a plurality of flanges on the anchor portion. Lin discloses a beverage dispenser (Fig. 3) and in particular discloses an anchor portion (51) with flanges (512). One of ordinary skill in the art would have found it obvious to incorporate flanges to the modified Choi anchor portion as suggested by Lin in order to prevent leakage (Lin, abstract).

Claims 18, 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Choi in view of Lee, Rossbach, Wang and Lin.

Regarding claims 18, 20, Choi discloses a drink container (10), comprising:

a liquid container (12) having a neck (26) with an opening (40) and having an internal compartment (20) sized to hold a volume of potable drink liquid; a cap assembly (14) removably coupled to the liquid container, the cap assembly comprising: a base (70) removably coupled to the neck of the liquid container and including a through-passage; a mouthpiece assembly (72) extending through the through-passage of the base and defining a liquid passage (74) through which drink liquid from the liquid container may selectively flow, and further defining an inlet (80) through which drink fluid in the internal compartment may enter the liquid passage and an outlet (86) through which drink liquid from the internal compartment of the liquid container is selectively dispensed, wherein the mouthpiece assembly is configured to be selectively configured between a dispensing configuration (Fig. 24), in which the liquid passage permits drink liquid to flow from the internal compartment at least into the liquid passage, and a stowed configuration (Fig. 23), in which the liquid passage restricts the flow of drink liquid through the liquid passage (¶0034, ll. 12-15), and wherein the mouthpiece assembly comprises: a mouthpiece portion (72) that includes the outlet (86); a tube (190) that defines at least a portion of the liquid passage for drink liquid to flow from the internal compartment to the mouthpiece portion,

wherein the tube includes a crimping region (¶0064, ll. 10-15) constructed of a resiliently deformable material and is adapted to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration. Choi further teaches anchor portion (182) on the mouthpiece assembly which extends from tube (Fig. 9). Choi does not teach the mouthpiece and tube to be unitary however it would have been obvious to one of ordinary skill in the art to make the two pieces integral since it has been held that the use of one piece construction would be merely a matter of obvious engineering choice. *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965). Choi further does not disclose the mouthpiece assembly being biased to the dispensing configuration with first and second catch structures to retain the mouthpiece assembly in stowed configuration.

However, Lee discloses a drink container (10) having mouthpiece assembly (Fig. 5) being biased in a dispensing configuration (col. 4, ll. 50-60), with catch structures (36, upper portion of 20) adapted to selectively engage the assembly to stowed configuration (col. 4, ll. 40-50). It would have been obvious to one of ordinary skill in the art to reverse the biasing of the Choi container such that the mouthpiece assembly was biased towards the dispensing configuration and implement catch structures to hold it in this biasing position as suggested by Lee in order to allow easy manipulation of the mouthpiece as well as improved performance for closing a passage defined in the straw (Lee, col. 2, ll. 40-45). In addition to Lee, Rossbach also discloses known drink containers all biased to

dispensing configuration. In light of several prior art drink containers teaching mouthpieces biasing towards dispensing configuration, one of ordinary skill in the art would have found it obvious to modify the Choi container such that it biased towards dispensing rather than towards stowed configuration. It has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167. Choi further discloses a user release mechanism (122) adapted to automatically disengage the first and second catch structures upon actuation of the user release mechanism and thereby release the mouthpiece assembly to move via its bias from the stowed configuration to the dispensing configuration. In particular, the mechanism is grasped by a user and with sufficient force, would free the mouthpiece from the catches in the modified Choi.

The modified Choi further discloses the user release mechanism (122) mechanically coupled to the first catch structure. In particular, the mechanism (122) would be mechanically coupled though the mouthpiece assembly.

The modified Choi further teaches the crimping region partially biasing the mouthpiece assembly to dispensing configuration (Lee, 24).

Choi further teaches handle (140) with lateral guards (146) defining a stowing region.

Choi further discloses the mouthpiece to be bite-actuated (Choi, abstract) and biased to close configuration.

Choi further discloses the mouthpiece portion capable of allowing a user to draw drink liquid from the drink container while in dispensing configuration (Fig. 2).

Choi does not teach the mouthpiece, tube, and anchor portion to be unitary however it would have been obvious to one of ordinary skill in the art to make the two pieces integral since it has been held that the use of one piece construction would be merely a matter of obvious engineering choice. *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965).

Choi further teaches a straw (180).

The modified Choi does not teach an air return assembly. Rossbach further discloses an air return assembly (9) with mouthpiece portion (12) above the directly above the assembly in stowed configuration (Fig. 2) and not directly above in dispensing configuration (Fig. 1) for providing a vent means. One of ordinary skill in the art would have found it obvious to incorporate an air return assembly as taught by Rossbach in order to provide a vent.

Choi further discloses a rigid collar member (100), the tube of the mouth piece assembly extending through the collar (Fig. 9) but does not disclose a crimping portion adjacent the crimping portion of the tube. Wang discloses a beverage container (10) and in particular discloses a collar member (34) with a crimping portion (35) adjacent to straw (36). It would have been obvious to one of ordinary skill in the art to implement a crimping portion on the collar member of the modified Choi as suggested by Wang in order to communicate with the straw

(col. 1, ll. 50-55). In particular, implementing the collar member in the modified Choi container would have resulted in the crimping portion of the collar (30) adjacent to crimping portion (24) of straw (20, Lee) which would restrict flow when the mouthpiece is bent or in the stowed configuration.

The modified Choi further discloses user release mechanism including engagement portion (150) but does not disclose the collar member having the second catch structure. However, since the second catch structure is located on the top portion of the straw, it would have been obvious to one of ordinary skill in the art to rearrange the parts such that the collar member engages the first catch structure (36, Lee) since it would not affect stowed position of the mouthpiece assembly and it has been held that mere rearrangement of parts would have been an obvious matter of design choice. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

Choi discloses the collar engagement portion of the release mechanism (122) is capable of translating.

The modified Choi further teaches a seat (108, Choi) that can engage the collar member (100).

Choi further discloses a stop surface (bottom of 122) that does not engage the cap assembly when the mouthpiece is in stowed configuration and engages when in dispensing configuration (Figs. 23-24).

The modified Choi does not teach a plurality of flanges on the anchor portion. Lin discloses a beverage dispenser (Fig. 3) and in particular discloses

an anchor portion (51) with flanges (512). One of ordinary skill in the art would have found it obvious to incorporate flanges to the modified Choi anchor portion as suggested by Lin in order to prevent leakage (Lin, abstract).

**(2) Response to Arguments**

The appellant first presents a set of arguments that none of the combined references teach an anchor portion sized to restrict passage of the anchor portion through the through-passage of the base of the cap assembly. Examiner respectfully disagrees because the primary reference of Choi discloses an anchor portion (mount 182, Fig 9) on a cap assembly having a base (70) and a through-passage (outlet 104 where straw 180 goes through, Choi, ¶0072). Note that claims are given their broadest reasonable interpretation and in the instant case, the claim recites in part "anchor portion **sized to restrict** passage". Intended use limitations such as "sized to restrict" are given little patentable weight and as long as the anchor portion has a size, it is capable of restricting passage since the term "restrict" by definition means to limit and therefore examiner believes that anchor portion (182) has a size which can limit the passage of the anchor portion (182) through the through-passage (outlet 104) of the base (70) of the cap assembly. In their arguments (appeal brief, pg 16, ll. 14-18, the appellant states that "the anchor portion restricts the entirety of the mouthpiece assembly from being separated from the base of the cap assembly, at least via the top side of the cap assembly". The appellant states that the size of the anchor portion of the instant invention plainly restricts removal of the whole of the mouthpiece assembly

from the top side of the cap assembly, for example, by a user grasping the mouthpiece portion and pulling upward and away from the base. However, none of these statements are recited in the present claims and appellant is arguing subject matter not being claimed. The appellant further asserts that Choi does not disclose the mount (182) integral to the mouthpiece assembly and therefore does not functionally restrict removal of the mouthpiece assembly through a through passage. However, the claims as currently presented do not require any parts to be integral. Furthermore, examiner respectfully disagrees with appellant's assertion that the mount does not functionally restrict removal of the anchor portion through the through-passage because if the anchor portion (mount 182) has a size, then it is capable of restricting or limiting passage. Appellant argues that mount (182) is integral to the base of the cap assembly and not to the mouthpiece of Choi. Appellant then makes the assertion that a person of ordinary skill in the art would not conclude that the mount (182) is an anchor portion of a mouthpiece assembly. It appears that appellant is arguing that because the anchor portion is not integral with the mouthpiece portion, then the anchor portion cannot be considered part of the mouthpiece assembly. Examiner disagrees because the claims recite a cap assembly comprising in part, a mouthpiece assembly which further comprises in part, an anchor portion. It should be noted that the term "assembly" does not imply that the different portions making up the assembly must be integral. It is believed that anchor portion (mount 182) can be part of the claimed mouthpiece assembly since the recited mouthpiece assembly does not limit which portions can or cannot be a part of the assembly. **As long as the anchor portion functions with the**

**mouthpiece assembly, then the anchor portion can be considered a part of the mouthpiece assembly**. Therefore, appellant's argument that the anchor portion (182) is not integral with the mouthpiece assembly is moot since the anchor portion can still be considered part of the mouthpiece **assembly** whether or not the anchor portion is integral to the rest of the assembly.

The appellant presents a second set of arguments that none of the combined references teach a unitary structure, specifically a unitary structure of a mouthpiece portion and a tube and a unitary structure of a mouthpiece portion, tube and anchor portion. Note, however, that the claims recite a unitary **assembly** rather than a unitary structure. It is believed that the case law, *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965), still applies because one of ordinary skill in the art would have found it obvious to make the recited parts an integral assembly without a wholesale redesign of the cap assembly structure as appellant asserts, because as long as the recited parts function together, they can be considered a unitary assembly. **Furthermore, Choi specifically points out that the straw or tube (190) may be permanently secured to one or both of the cap assembly or bite-actuated mouthpiece (¶0073, ll. 9-13)**. Since the anchor portion (mount 182) is part of the cap assembly (Choi, ¶0072, ll. 10-12), then it stands to reason that the tube, the mouthpiece and the anchor portion can be formed into a unitary assembly of resilient material without a wholesale redesign of the cap assembly, otherwise Choi would not disclose the fact that the parts may be permanently secured. Appellant appears to rely on the embodiments disclosed in Figs 28-29 of Choi for their arguments, however, the rejection

above is clearly based upon the embodiment shown in Fig 9 of Choi, hence the numerals. Furthermore, appellant argues that the claims recite a tube being between the mouthpiece portion and the anchor portion and include a crimping region, and thus concludes that the tube (190) does not apply to the recited claims (appeal brief, pg 23, ll. 6-9). However, as shown in Fig 9, one can clearly see that tube (straw 190 which has a crimping region or bent part) is between mouthpiece portion (72) and anchor portion (182) on the cap assembly (70).

Appellant further argues the rejection of dependent claim 9. As pointed out above, a unitary assembly is not necessarily a unitary structure and so long as the recited portions function together, one of ordinary skill in the art would have found it obvious to form a unitary assembly from them. Furthermore, Choi specifically points out that the straw or tube (190) may be permanently secured to one or both of the cap assembly or bite-actuated mouthpiece (¶0073, ll. 9-13).

Appellant further argues the rejection of independent claim 18. Appellant asserts that the flanges of Lin are configured to permit passage rather than restrict passage of the anchor portion through the through-passage. However, as stated above, "sized and shaped to provide a friction-fit arrangement and to restrict passage" is an intended use limitation given little patentable weight and so long as the flanges have a size, then they are capable of performing the recited function of providing a friction-fit and restricting passage since the term "restrict" by definition means to limit and therefore examiner believes that flanges of Lin have a size and shape which can limit the passage of the anchor portion (182) through the through-passage (outlet 104) of the base (70) of the

cap assembly. Appellant's argument for unitary structure of claim 18 is similar to that of the argument for unitary structure of claims 1, 21 and therefore the same counter arguments for unitary structure of claims 1, 21 apply to appellant's argument of claim 18.

Appellant further argues the rejection of dependent claim 15, the arguments analogous to that of claim 18. As stated above, "sized and shaped to provide a friction-fit arrangement and to restrict passage" is an intended use limitation given little patentable weight and so long as the flanges have a size, then they are capable of performing the recited function of providing a friction-fit and restricting passage since the term "restrict" by definition means to limit and therefore examiner believes that flanges of Lin have a size and shape which can limit the passage of the anchor portion (182) through the through-passage (outlet 104) of the base (70) of the cap assembly.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/ROBERT POON/
Examiner, Art Unit 3788

Conferees:

/Anthony Stashick/
Supervisory Patent Examiner, Art Unit 3788

/MICKEY YU/
Supervisory Patent Examiner, Art Unit 3728

**Requirement to pay appeal forwarding fee.** In order to avoid dismissal of the instant appeal in any application or ex parte reexamination proceeding, 37 CFR 41.45 requires payment of an appeal forwarding fee within the time permitted by 37 CFR 41.45(a), unless appellant had timely paid the fee for filing a brief required by 37 CFR 41.20(b) in effect on March 18, 2013.

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 13/479,962 | 05/24/2012 | JEFF DAVIES | KRN 356A | 8853 |

78569 7590 05/16/2014

DASCENZO Intellectual Property Law, P.C.
1000 SW Broadway, Suite 1555
Portland, OR 97205

| EXAMINER | |
|---|---|
| POON, ROBERT | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3788 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 05/16/2014 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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|---|---|---|---|
| 13/479,962 | 24 May, 2012 | DAVIES ET AL. | KRN 356A |

DASCENZO Intellectual Property Law, P.C.
1000 SW Broadway, Suite 1555
Portland, OR 97205

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|---|---|
| ROBERT POON | |
| ART UNIT | PAPER |
| 3788 | 20140513 |

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**Commissioner for Patents**

IDS filed 10/22/2013 has been considered.

| | |
|---|---|
| /Anthony Stashick/<br>Supervisory Patent Examiner, Art Unit 3788 | /ROBERT POON/<br>Examiner, Art Unit 3788 |

PTO-90C (Rev.04-03)

| FORM PTO-1449<br>INFORMATION DISCLOSURE CITATION IN AN APPLICATION | DOCKET NUMBER<br>KRN 356A | APPLICATION NUMBER<br>13/479,962 |
|---|---|---|
| | APPLICANTS<br>JEFF DAVIES and DEREK GAVIN SULLIVAN | |
| | FILING DATE<br>May 24, 2012 | GROUP ART UNIT<br>3788 |

## U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FIL. DATE IF APPROP. |
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| | 5,065,909 | 11/19/1991 | Pino et al. | | | |
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| | | English-language abstract of Japanese Patent No. 2002-326655A, European Patent Office, November 12, 2002. |
| | | |

| EXAMINER | DATE CONSIDERED |
|---|---|
| /robert poon/ | 5/15/2014 |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Dated: July 11, 2014
Atty. Docket No.: KRN 356A

In re Application of:
CamelBak Products, LLC

| | | | |
|---|---|---|---|
| Inventors | : | JEFF DAVIES and DEREK GAVIN SULLIVAN | |
| Serial No. | : | 13/479,962 | Group Art Unit: 3788 |
| Filed | : | May 24, 2012 | Examiner: Robert Poon |
| For | : | DRINK CONTAINERS | |

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## REPLY BRIEF

Pursuant to 37 C.F.R. 41.41, this brief is submitted in reply to the Examiner's Answer mailed on May 12, 2014, regarding the appeal of the above-identified patent application of CamelBak Products, LLC.

The Examiner's Answer repeats, nearly verbatim, the remarks presented in the August 30, 2013 final Office action, and the Examiner's Answer does not raise any new substantive rejections. Accordingly, Appellants believe that their main brief already fully addresses the Examiner's positions presented in his Answer and distinguishes the prior art. However, in the Response to Arguments section that begins on page 13 of the Examiner's Answer, the Examiner presented new counterarguments to Appellants' arguments. Appellants therefore believe that a brief discussion of some of the Examiner's specific remarks is warranted.



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## I. Anchor Portion Restricts Passage.

Independent claim 1 recites "wherein the anchor portion [of the mouthpiece assembly] is sized to restrict passage of the anchor portion through the through-passage of the base of the cap assembly." Independent claim 18 more specifically recites that the anchor portion has "a plurality of flanges that are sized and shaped to … restrict passage of the anchor portion through the through-passage of the base of the cap assembly." Independent claim 21, recites similar structure, namely, that "the anchor portion is sized to restrict passage of the resilient anchor portion through the through-passage . . . and thus restrict removal of the mouthpiece assembly via a top side of the cap assembly."

In page 13 of the Response to Arguments section of the Examiner's Answer, the Examiner characterizes these limitations as "intended use limitations" and indicates that these limitations should be given little patentable weight. Appellants strongly disagree. The positive limitation of the anchor portion being "sized and shaped" (both *structural* features of the anchor portion) simply cannot be interpreted as a recited intended use of the anchor portion. Instead, the limitation associates the physical interrelation between the anchor portion and the passage. Accordingly, the Examiner's counterargument is without merit and the rejections of independent claims 1, 18, and 21 remain improper and should be reversed for Appellants' previously presented reasons.

Next, the Examiner effectively repeats the position that the structure of Choi identified with reference numeral 182 is "capable of restricting passage" because it "has a size." Appellants have already distinguished the structure represented with reference numeral 182, as set forth beginning on page 17 of their Appeal Brief. Appellants thus will refrain from repeating verbatim their position in this Reply Brief, but Appellants would like to identify the flaw in this new



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argument. The Examiner's position appears to be that anything with a size may restrict a passage. Appellants disagree with this broad conclusion, because something that is sized and shaped smaller than a through-passage obviously will not restrict passage therethrough. Appellants also disagree that this broad conclusion is relevant since it does not apply to the corresponding structure of Choi. In independent claims 1, 18, and 21, the anchor portion is positively recited as being structurally sized and shaped to restrict passage through the through-passage. In Choi, no such structure is disclosed or suggested. For these additional reasons, the rejection of independent claims 1, 18, and 21 is improper and should be reversed.

Next, beginning with the last sentence on page 13 of the Examiner's Answer, the Examiner briefly addresses Appellants' explanation that the size and shape of the anchor portion restricts removal of the mouthpiece assembly via a top side of the cap assembly, for example, by a user grasping the mouthpiece portion of the mouthpiece assembly and pulling upward away from the base. According to the Examiner, "none of these statements are recited in the present claims and appellant is arguing subject matter not being claimed." Appellants respectfully direct the Examiner's attention to the express recitation in independent claim 21 of (with emphasis):

> a resilient anchor portion extending from the resilient tube opposite the resilient mouthpiece portion, wherein the anchor portion is sized to restrict passage of the resilient anchor portion through the through-passage and ***thus restrict removal of the mouthpiece assembly via a top side of the cap assembly***.

Moreover, Appellant believes that this same limitation is inherent in the subject matter of independent claims 1 and 18, in which the anchor portion is expressly and structurally recited as being sized and shaped to restrict passage through the through-passage. For these yet additional reasons, the Examiner's arguments are flawed, and Appellants respectfully request reversal of the rejections of independent claims 1, 18, and 21.



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## II. Anchor Portion as Part of Mouthpiece Assembly.

On page on page 14 of the Examiner's Answer, the Examiner addresses Appellants' position that the mount 182 of Choi would not be considered to be a component of a mouthpiece assembly by a person of ordinary skill in the art, such as set forth beginning at the bottom of page 17 of Appellants' main brief. According to the Examiner, "[i]t is believed that anchor portion (mount 182) can be part of the claimed mouthpiece assembly [of Choi] since the recited mouthpiece assembly does not limit which portions can or cannot be a part of the assembly. **As long as the anchor portion functions with the mouthpiece assembly, then the anchor portion can be considered a part of the mouthpiece assembly**" (emphasis in original). Appellants disagree. The Examiner's conclusion is without support in Choi and ignores the recited structure of the claims, as well as how this structure should be interpreted when read in light of the specification, as required by a hypothetical person of ordinary skill in the art when interpreting claims. The anchor portion of the mouthpiece assembly very clearly relates to structure that ***anchors*** the mouthpiece assembly. Moreover, the ***mouthpiece*** assembly is clearly an assembly that includes and/or relates directly to a ***mouthpiece***. The mount 182 of Choi relates exclusively to the mounting of a straw on the inside of the corresponding liquid container, and therefore a person of ordinary skill in the art simply would not have interpreted such structure to be an anchor portion of a mouthpiece assembly. For this additional reason, the Examiner's arguments are flawed, and the rejections should be reversed.

## III. Mouthpiece Assembly as a Unitary Assembly.

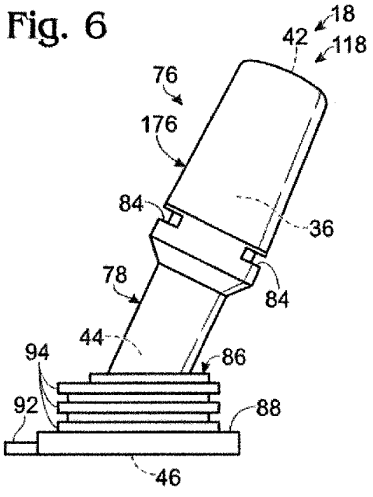
Next, beginning in the first full paragraph on page 15 of the Examiner's Answer, the Examiner for the very first time argues that Appellants' use of the limitation "unitary assembly" is distinguished from a limitation of a "unitary structure." The Examiner then argues that "as



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long as the recited parts [of Choi] function together, they can be considered a unitary assembly." Appellants strongly disagree that a person of ordinary skill in the art, in view of the whole of Appellants' specification as well as the embodiment of a mouthpiece assembly of Fig. 6 (reproduced below at left), would interpret a collection of distinct structures of Choi (Fig. 28 of which is reproduced below at right), including a rigid mount 182, a resilient tube 124, a rigid drink spout 100, and a resilient mouthpiece 72, to define a "unitary assembly," as recited in claims 9, 18, and 21. For this yet additional reason, the rejections of these claims are improper and should be reversed.

Fig. 6



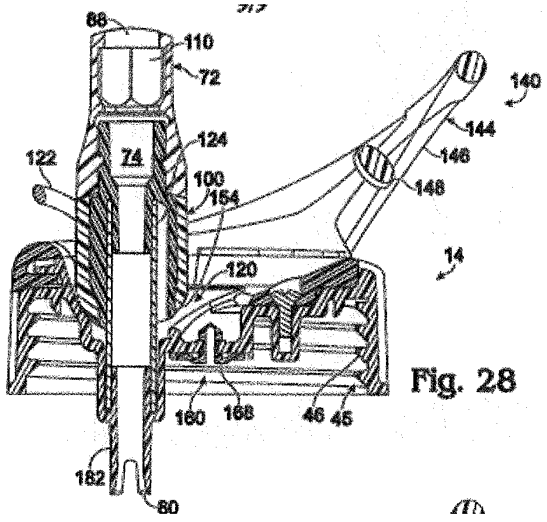




Fig. 28

According to the Examiner, the rejections are not based on Fig. 28 of Choi, and instead are based on Fig. 9 of Choi (reproduced below). Regardless, Fig. 9 is schematic in nature and fails to establish that a person of ordinary skill in the art would interpret the collection of the distinct structures of the mount 182, a tube 190, a drink spout 100, and a mouthpiece 72 as a "unitary assembly," as recited in claims 9, 18, and 21. Moreover, according to the Examiner's interpretation of Fig. 9, "one can clearly see that tube (straw 190 which has a crimping region or bent part) is between mouthpiece portion (72) and anchor portion (182) on the cap assembly

(70)." Appellants fail to understand how this interpretation of Choi results in the subject matter of a unitary mouthpiece assembly having a mouthpiece portion, a tube portion, and an anchor portion all constructed of a resilient material, as recited in claims 9, 18, and 21. For these additional reasons, the Examiner's arguments are flawed, and the rejections should be reversed.

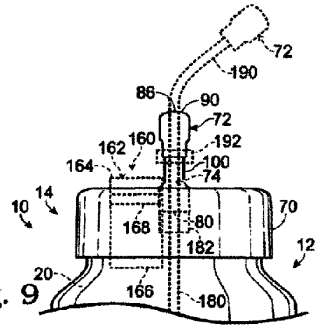


Fig. 9

## IV. Conclusion.

Appellants appreciate this opportunity to address the new (counter) arguments that were presented in the Examiner's Answer. For at least the reasons presented herein and in Appellants' main brief, Appellants submit that the rejections at issue were improper and that all claims on appeal patentably distinguish the cited prior art. Appellants respectfully request that the Examiner's rejections of the claims on appeal be reversed.

Respectfully submitted,
DASCENZO INTELLECTUAL PROPERTY LAW, P.C.



David S. D'Ascenzo
Registration No. 39,952
PTO Customer No. 78569
DASCENZO INTELLECTUAL PROPERTY LAW, P.C.
1000 S.W. Broadway, Suite 1555
Portland, Oregon 97205
Telephone: (503) 224-7529
Facsimile: (503) 224-7329

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David S. D'Ascenzo



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Page 287 of 347

# Electronic Patent Application Fee Transmittal

| | |
|---|---|
| **Application Number:** | 13479962 |
| **Filing Date:** | 24-May-2012 |
| **Title of Invention:** | DRINK CONTAINERS |
| **First Named Inventor/Applicant Name:** | JEFF DAVIES |
| **Filer:** | David S. D'Ascenzo/Robin Davin |
| **Attorney Docket Number:** | KRN 356A |

Filed as Large Entity

## Utility under 35 USC 111(a) Filing Fees

| Description | Fee Code | Quantity | Amount | Sub-Total in USD($) |
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| **Basic Filing:** | | | | |
| **Pages:** | | | | |
| **Claims:** | | | | |
| **Miscellaneous-Filing:** | | | | |
| **Petition:** | | | | |
| **Patent-Appeals-and-Interference:** | | | | |
| Appeal Forwarding Fee | 1413 | 1 | 2000 | 2000 |
| **Post-Allowance-and-Post-Issuance:** | | | | |
| **Extension-of-Time:** | | | | |

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| **EFS ID:** | 19558503 |
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| **International Application Number:** | |
| **Confirmation Number:** | 8853 |
| **Title of Invention:** | DRINK CONTAINERS |
| **First Named Inventor/Applicant Name:** | JEFF DAVIES |
| **Customer Number:** | 78569 |
| **Filer:** | David S. D'Ascenzo/Robin Davin |
| **Filer Authorized By:** | David S. D'Ascenzo |
| **Attorney Docket Number:** | KRN 356A |
| **Receipt Date:** | 11-JUL-2014 |
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| **Application Type:** | Utility under 35 USC 111(a) |

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| **Information:** | | | | | |
| 2 | Fee Worksheet (SB06) | fee-info.pdf | 29977<br>3218cdb477e39599f76fd08d9cc10043518cc835 | no | 2 |
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|---|---|---|---|---|
| 13/479,962 | 05/24/2012 | JEFF DAVIES | KRN 356A | 8853 |

78569 7590 07/23/2014

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| EXAMINER | |
|---|---|
| POON, ROBERT | |

| ART UNIT | PAPER NUMBER |
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1000 SW BROADWAY, SUITE 1555
PORTLAND, OR 97205

Appeal No: 2014-007854
Application: 13/479,962
Appellant: JEFF DAVIES et al.

# Patent Trial and Appeal Board Docketing Notice

Application 13/479,962 was received from the Technology Center at the Board on July 14, 2014 and has been assigned Appeal No: 2014-007854.

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| First Named Inventor | Jeff Davies |
| Art Unit | 3788 |
| Examiner Name | Robert Poon |
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| **International Application Number:** | |
| **Confirmation Number:** | 8853 |
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| **First Named Inventor/Applicant Name:** | JEFF DAVIES |
| **Customer Number:** | 78569 |
| **Filer:** | David S. D'Ascenzo/Robin Davin |
| **Filer Authorized By:** | David S. D'Ascenzo |
| **Attorney Docket Number:** | KRN 356A |
| **Receipt Date:** | 16-MAY-2016 |
| **Filing Date:** | 24-MAY-2012 |
| **Time Stamp:** | 12:44:34 |
| **Application Type:** | Utility under 35 USC 111(a) |

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| 1 | Change of Address | KRN356A_Change_of_Correspondence_Address_5-16-16.pdf | 212813<br>ab93a100efad8119dcaab8613f7d7f6ea4cdb50b | no | 2 |

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| 13/479,962 | 05/24/2012 | JEFF DAVIES | KRN 356A | 8853 |

139868 7590 03/15/2017

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* JEFF DAVIES and DEREK GAVIN SULLIVAN[1]

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Appeal 2014-007854
Application 13/479,962
Technology Center 3700

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Before JAMES P. CALVE, BRANDON J. WARNER, and AMANDA F. WIEKER, *Administrative Patent Judges*.

WIEKER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Jeff Davies and Derek Gavin Sullivan ("Appellants") appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1, 2, 5–18, 20, and 21.[2] We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We REVERSE.

---

[1] According to Appellants, the Real Party in Interest is CamelBak Products, LLC. Appeal Br. 1 (filed Jan. 7, 2014).
[2] The Examiner indicated that claims 3, 4, and 19 contain allowable subject matter. Final Act. 13 (mailed Aug. 30, 2013).

## CLAIMED SUBJECT MATTER

The invention concerns "drink containers with mouthpiece assemblies that have a dispensing configuration and a stowed configuration." Spec. 1:9–10. Claim 1 is illustrative of the subject matter on appeal, and recites:

> 1. A drink container, comprising:
>
> a liquid container having a neck with an opening and having an internal compartment sized to hold a volume of potable drink liquid; and
>
> a cap assembly removably coupled to the liquid container, the cap assembly comprising:
>
> a base removably coupled to the neck of the liquid container and including a through-passage;
>
> a first catch structure;
>
> a mouthpiece assembly extending through the through-passage of the base and defining a liquid passage through which drink liquid from the liquid container may selectively flow, and further defining an inlet through which drink liquid in the internal compartment may enter the liquid passage and an outlet through which drink liquid from the internal compartment of the liquid container is selectively dispensed, wherein the mouthpiece assembly is configured to be selectively configured between a dispensing configuration, in which the liquid passage permits drink liquid to flow from the internal compartment at least into the liquid passage, and a stowed configuration, in which the liquid passage restricts the flow of drink liquid through the liquid passage, wherein the mouthpiece assembly is biased to the dispensing configuration, and wherein the mouthpiece assembly comprises:
>
> a mouthpiece portion that includes the outlet;
>
> a tube that defines at least a portion of the liquid passage for drink liquid to flow from the internal compartment to the mouthpiece portion, wherein the tube includes a crimping region constructed of a resiliently



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deformable material and is adapted to restrict the flow of drink liquid through the liquid passage when the mouthpiece assembly is in the stowed configuration, and wherein the mouthpiece portion and the tube are constructed as a unitary assembly of the resiliently deformable material;

*an anchor portion extending from the tube distal the mouthpiece portion, wherein the anchor portion is sized to restrict passage of the anchor portion through the through-passage of the base of the cap assembly*; and

a second catch structure adapted to be selectively engaged with the first catch structure to retain the mouthpiece assembly in the stowed configuration; and

a user release mechanism adapted to automatically disengage the first and second catch structures upon actuation of the user release mechanism and thereby release the mouthpiece assembly to move via its bias from the stowed configuration to the dispensing configuration.

Appeal Br. (Claims App. 1–2) (emphasis added).

REJECTIONS

The claims stand rejected as follows:

I. Claims 1, 2, 5–9, 16, 17, and 21 under 35 U.S.C. § 103(a) as unpatentable over Choi[3] and either Lee[4] or Rossbach.[5]

II. Claims 10–14 under 35 U.S.C. § 103(a) as unpatentable over Choi, Lee, and Wang.[6]

---

[3] US 2007/0039959 A1, pub. Feb. 22, 2007.
[4] US 6,745,949 B2, iss. June 8, 2004.
[5] US 5,273,172, iss. Dec. 28, 1993.
[6] US 5,337,918, iss. Aug. 16, 1994.



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III. Claim 15 under 35 U.S.C. § 103(a) as unpatentable over Choi, Lee, and Lin.[7]

IV. Claims 18 and 20 under 35 U.S.C. § 103(a) as unpatentable over Choi, Lee, Rossbach, Wang, and Lin.

ANALYSIS

*Rejection I*

Independent claim 1 requires, *inter alia*, "an anchor portion extending from the tube distal the mouthpiece portion, wherein the anchor portion is sized to restrict passage of the anchor portion through the through-passage of the base of the cap assembly." Appeal Br. (Claims App. 1–2). Independent claim 21 includes a substantially identical limitation. *Id.* at (Claims App. 11).

The Examiner finds that Choi discloses drink container 10 comprising liquid container 12, which has mouthpiece portion 72 and anchor portion 182. Final Act. 2–3, 14; Ans. 3 (mailed May 12, 2014). With respect to the claim language requiring the anchor portion be "sized to restrict passage of the anchor portion through the through-passage of the base of the cap assembly," the Examiner finds that

> [i]ntended use limitations such as "sized to restrict" are given little patentable weight and *as long as the anchor portion has a size, it is capable of restricting passage* since the term "restrict" by definition means to limit and therefore examiner believes that anchor portion (182) has a size which can limit the passage of the anchor portion (182) through the through-passage (outlet 104) of the base (70) of the cap assembly.

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[7] US 5,582,320, iss. Dec. 10, 1996.



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Ans. 13 (emphasis added), 14 ("[I]f the anchor portion (mount 182) has a size, then it is capable of restricting or limiting passage.").

Among other arguments, Appellants contend that Choi describes structure 182 as "a 'mount' for removably or permanently coupling a straw 180, which is separate from the mouthpiece 72 of Choi and extends only from the underside of the cap into the drink container." Appeal Br. 17–18; *see also id* at 18–19 (discussing Choi, Figs. 26, 29). Appellants argue that "Choi simply does not disclose that mount 182 . . . functionally restricts removal of a mouthpiece assembly through a through-passage defined in the base of the cap assembly." *Id.* at 18; Reply Br. 2–3 (filed July 11, 2014). With respect to the Examiner's interpretation of the claim language "sized to restrict," Appellants argue that this language is not merely "intended use," as the Examiner alleges, but rather presents "structural features of the anchor portion" regarding its size and shape, and which "associates the physical interrelation between the anchor portion and the passage." Reply Br. 2 (emphasis omitted). Appellants also contend that the Examiner is incorrect in finding that "anything with a size may restrict a passage . . . because something that is sized and shaped smaller than a through-passage obviously will not restrict passage therethrough." *Id.* at 3.

We agree with Appellants. The "sized to restrict" language of claims 1 and 21 is not a statement of intended use. To the contrary, this language positively limits the structure of the claims to a structure in which an anchor portion has a size that functionally acts to restrict, or limit, passage of the anchor portion through the claimed through-passage. Accordingly, the Examiner's finding that an anchor portion with *any size* is capable of



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restricting passage is unreasonable. Every structure has *a size*, but not all structures are capable of performing the claimed functional requirement of restricting passage of the anchor portion through the through-passage of the base of the cap assembly. Ans. 13–14. As Appellants correctly note, for example, an anchor portion that is *smaller* than the through-passage will not function to restrict passage therethrough. Reply Br. 3.

In this case, the Examiner provides insufficient findings regarding the relative sizes of Choi's "anchor portion" 182 and through-passage 104 from which we could find that element 182 is sized to restrict passage through opening 104. Choi does not discuss the relative sizing or the claimed functional requirement. Choi describes element 182 as an optional "mount" for securing straw 180, but does not describe its size, shape, structure, or function, including whether it restricts passage through the through-passage, in any specific way. Choi ¶¶ 72, 83, Figs. 9, 26–29. Therefore, there is no reasonable basis upon which to find that Choi's element 182 is capable of functioning as claimed.

The Examiner's reliance on either Lee or Rossbach does not cure the deficiency noted above. *See* Final Act. 4. Therefore, for at least these reasons, we reverse the Examiner's rejection of claims 1 and 21 as unpatentable over Choi and either Lee or Rossbach. The Examiner's rejection of dependent claims 2, 5–9, 16, and 17 is also reversed, as it incorporates the deficiency discussed above.

*Rejection II*

The Examiner rejects claims 10–14, which depend ultimately from claim 1, as unpatentable over Choi, Lee, and Wang. The Examiner's

reliance on Wang does not cure the deficiency noted above, with respect to independent claim 1. *See* Final Act. 6–7. Therefore, for at least these reasons, we reverse the Examiner's rejection of claims 10–14 as unpatentable over Choi, Lee, and Wang.

*Rejections III and IV*

Claim 15 further limits the anchor portion of claim 1 to include "a plurality of flanges that are sized and shaped to provide a friction-fit arrangement with the through-passage." Appeal Br. (Claims App. 6). The Examiner rejects claim 15 as unpatentable over Choi, Lee, and Lin. Final Act. 7.

Claim 18 recites an anchor portion having "a plurality of flanges that are sized and shaped to provide a friction-fit arrangement with the through-passage and to restrict passage of the anchor portion through the through-passage." Appeal Br. (Claims App. 8). The Examiner rejects independent claim 18, and its dependent claim 20, as unpatentable over Choi, Lee, Rossbach, Wang, and Lin. Final Act. 8–13.

With respect to both rejections, the Examiner finds that Choi teaches an anchor portion 182. Final Act. 2–3 (claim 1), 7 (claim 15), 9 (claim 18). The Examiner finds that Choi does not disclose a plurality of flanges on the anchor portion, and relies on Lin for such a disclosure, wherein Lin discloses a beverage dispenser with "anchor portion (51)" and "flanges (512)." *Id.* at 7 (claim 15), 12–13 (claim 18). The Examiner concludes that it would have been obvious to incorporate Lin's flanges into Choi's anchor portion to prevent leakage. *Id.* at 7 (claim 15), 13 (claim 18).



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Appellants contend that Choi fails to disclose the claimed anchor portion, as discussed with respect to claim 1. Appeal Br. 27. Appellants further argue that Lin's flanges do not cure the defects in Choi because the lower of Lin's two flanges 512 "is disclosed as being configured to permit passage of the lower flange through the through hole 35 so that the two flanges fit on either side of the through hole." *Id.* at 28 (citing Lin, 2:65–3:4) (emphasis omitted). Therefore, Appellants contend that "the flanges 512 of Lin cannot fairly be interpreted as comprising an anchor . . . [whose] flanges 'are sized and shaped to provide a friction-fit arrangement with the through-passage and to restrict passage of the anchor portion through the through-passage of the base of the cap assembly,'" as claimed. *Id.* (emphasis omitted); *see also id.* at 29–30 (discussing claim 15).

We agree with Appellants. As discussed above, Choi does not disclose an anchor portion as claimed. Lin does not remedy this defect because, although Lin teaches a plurality of flanges, Lin does not teach flanges that restrict passage of an anchor portion through a through-passage. Indeed, Lin's lower flange is expressly configured to *permit* passage through the through-passage. Lin, 2:65–3:4. Further, the Examiner's purported reasoning for incorporating Lin's flanges into Choi's structure lacks rational underpinning, as Choi does not articulate a "leakage" problem, and Lin does not associate the prevention of leakage with the inclusion of flanges. Lin, Abstract, 4:14–35.

## DECISION

The Examiner's decision to reject claims 1, 2, 5–18, 20, and 21 is REVERSED.



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REVERSED



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| | |
|---|---|
| **Doc Code: DIST.E.FILE**<br>**Document Description: Electronic Terminal Disclaimer - Filed** | PTO/SB/26<br>U.S. Patent and Trademark Office<br>Department of Commerce |

| | |
|---|---|
| Electronic Petition Request | **TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT** |
| Application Number | 13479962 |
| Filing Date | 24-May-2012 |
| First Named Inventor | JEFF DAVIES |
| Attorney Docket Number | KRN 356A |
| Title of Invention | DRINK CONTAINERS |

☒ Filing of terminal disclaimer does not obviate requirement for response under 37 CFR 1.111 to outstanding Office Action

☒ This electronic Terminal Disclaimer is not being used for a Joint Research Agreement.

| Owner | Percent Interest |
|---|---|
| CamelBak Products, LLC | 100% |

The owner(s) with percent interest listed above in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent number(s)

8191727

as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

◉ Terminal disclaimer fee under 37 CFR 1.20(d) is included with Electronic Terminal Disclaimer request.

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| ○ | I certify, in accordance with 37 CFR 1.4(d)(4), that the terminal disclaimer fee under 37 CFR 1.20(d) required for this terminal disclaimer has already been paid in the above-identified application. |

Applicant claims the following fee status:

○ Small Entity

○ Micro Entity

◉ Regular Undiscounted

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

◉ An attorney or agent registered to practice before the Patent and Trademark Office who is of record in this application

Registration Number 39952

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors as evidenced by the power of attorney in the application

○ A joint inventor; all of whom are signing this request

| | |
|---|---|
| Signature | /David S. D'Ascenzo/ |
| Name | David S. D'Ascenzo |

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

# Electronic Patent Application Fee Transmittal

| | |
|---|---|
| **Application Number:** | 13479962 |
| **Filing Date:** | 24-May-2012 |
| **Title of Invention:** | DRINK CONTAINERS |
| **First Named Inventor/Applicant Name:** | JEFF DAVIES |
| **Filer:** | David S. D'Ascenzo/Shelly Monteith |
| **Attorney Docket Number:** | KRN 356A |

Filed as Large Entity

**Filing Fees for Utility under 35 USC 111(a)**

| Description | Fee Code | Quantity | Amount | Sub-Total in USD($) |
|---|---|---|---|---|
| **Basic Filing:** | | | | |
| STATUTORY OR TERMINAL DISCLAIMER | 1814 | 1 | 160 | 160 |
| **Pages:** | | | | |
| **Claims:** | | | | |
| **Miscellaneous-Filing:** | | | | |
| **Petition:** | | | | |
| **Patent-Appeals-and-Interference:** | | | | |
| **Post-Allowance-and-Post-Issuance:** | | | | |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD($) |
|---|---|---|---|---|
| **Extension-of-Time:** | | | | |
| **Miscellaneous:** | | | | |
| | | **Total in USD ($)** | | **160** |

Doc Code: DISQ.E.FILE
Document Description: Electronic Terminal Disclaimer – Approved

Application No.: 13479962

Filing Date: 24-May-2012

Applicant/Patent under Reexamination: DAVIES

Electronic Terminal Disclaimer filed on June 1, 2017

☒ APPROVED

**This patent is subject to a terminal disclaimer**

☐ DISAPPROVED

Approved/Disapproved by: Electronic Terminal Disclaimer automatically approved by EFS-Web

U.S. Patent and Trademark Office

# Electronic Acknowledgement Receipt

| | |
|---|---|
| **EFS ID:** | 29374336 |
| **Application Number:** | 13479962 |
| **International Application Number:** | |
| **Confirmation Number:** | 8853 |
| **Title of Invention:** | DRINK CONTAINERS |
| **First Named Inventor/Applicant Name:** | JEFF DAVIES |
| **Customer Number:** | 139868 |
| **Filer:** | David S. D'Ascenzo/Shelly Monteith |
| **Filer Authorized By:** | David S. D'Ascenzo |
| **Attorney Docket Number:** | KRN 356A |
| **Receipt Date:** | 01-JUN-2017 |
| **Filing Date:** | 24-MAY-2012 |
| **Time Stamp:** | 18:42:10 |
| **Application Type:** | Utility under 35 USC 111(a) |

## Payment information:

| | |
|---|---|
| Submitted with Payment | yes |
| Payment Type | DA |
| Payment was successfully received in RAM | $160 |
| RAM confirmation Number | 060217INTEFSW00005366504551 |
| Deposit Account | 504551 |
| Authorized User | Shelly Monteith |
| The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:<br>37 CFR 1.21 (Miscellaneous fees and charges) | |

## File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|---|---|---|---|---|---|
| 1 | Electronic Terminal Disclaimer-Filed | eTerminal-Disclaimer.pdf | 33469<br>41529c5ed66d41f0865083df7e5679bee5a2a391 | no | 2 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 2 | Fee Worksheet (SB06) | fee-info.pdf | 30279<br>d34333cbab3466cb182ac5c816c6755ac3f86ef4 | no | 2 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| | | **Total Files Size (in bytes):** | 63748 | | |

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**National Stage of an International Application under 35 U.S.C. 371**
**If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.**
**New International Application Filed with the USPTO as a Receiving Office**
**If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.**

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UNITED STATES DEPARTMENT OF COMMERCE
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# NOTICE OF ALLOWANCE AND FEE(S) DUE

139868 7590 06/08/2017

DASCENZO Intellectual Property Law, P.C.
1000 SW Broadway, Suite 1555
Portland, OR 97205

| EXAMINER |
|---|
| POON, ROBERT |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3788 | |

DATE MAILED: 06/08/2017

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 13/479,962 | 05/24/2012 | JEFF DAVIES | KRN 356A | 8853 |

TITLE OF INVENTION: DRINK CONTAINERS

| APPLN. TYPE | ENTITY STATUS | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|---|---|---|---|---|---|---|
| nonprovisional | UNDISCOUNTED | $960 | $0 | $0 | $960 | 09/08/2017 |

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

**HOW TO REPLY TO THIS NOTICE:**

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**





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## PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail** **Mail Stop ISSUE FEE**
**Commissioner for Patents**
**P.O. Box 1450**
**Alexandria, Virginia 22313-1450**
**or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

139868 7590 06/08/2017
DASCENZO Intellectual Property Law, P.C.
1000 SW Broadway, Suite 1555
Portland, OR 97205

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

| |
|---|
| (Depositor's name) |
| (Signature) |
| (Date) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 13/479,962 | 05/24/2012 | JEFF DAVIES | KRN 356A | 8853 |

TITLE OF INVENTION: DRINK CONTAINERS

| APPLN. TYPE | ENTITY STATUS | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|---|---|---|---|---|---|---|
| nonprovisional | UNDISCOUNTED | $960 | $0 | $0 | $960 | 09/08/2017 |

| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|---|---|---|
| POON, ROBERT | 3788 | 220-707000 |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government

4a. The following fee(s) are submitted:
- ❑ Issue Fee
- ❑ Publication Fee (No small entity discount permitted)
- ❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
- ❑ A check is enclosed.
- ❑ Payment by credit card. Form PTO-2038 is attached.
- ❑ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ❑ Applicant certifying micro entity status. See 37 CFR 1.29
  NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
- ❑ Applicant asserting small entity status. See 37 CFR 1.27
  NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
- ❑ Applicant changing to regular undiscounted fee status.
  NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____



PTOL-85 Part B (10-13) Approved for use through 10/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 13/479,962 | 05/24/2012 | JEFF DAVIES | KRN 356A | 8853 |

139868 7590 06/08/2017

DASCENZO Intellectual Property Law, P.C.
1000 SW Broadway, Suite 1555
Portland, OR 97205

| EXAMINER | |
|---|---|
| POON, ROBERT | |
| ART UNIT | PAPER NUMBER |
| 3788 | |

DATE MAILED: 06/08/2017

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**
(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.





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## OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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**The Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

| Notice of Allowability | Application No. 13/479,962 | Applicant(s) DAVIES ET AL. | |
|---|---|---|---|
| | Examiner ROBERT POON | Art Unit 3788 | AIA (First Inventor to File) Status No |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *6/1/2017*.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on_____.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are *1-21*. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   **Certified copies:**

   a) ☐ All b) ☐ Some *c) ☐ None of the:
   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
   3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**.

5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   **Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
5. ☐ Examiner's Amendment/Comment
6. ☐ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/ROBERT POON/
Examiner, Art Unit 3788

| Search Notes | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 13479962 | DAVIES ET AL. |
| | Examiner | Art Unit |
| | ROBERT POON | 3788 |

| CPC- SEARCHED | | |
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| Symbol | Date | Examiner |
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| CPC COMBINATION SETS - SEARCHED | | |
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| Symbol | Date | Examiner |
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| US CLASSIFICATION SEARCHED | | | |
|---|---|---|---|
| Class | Subclass | Date | Examiner |
| 220 | 252, 705, 707-709 | 9/27/2012 | rp |
| 215 | 387-389 | 9/27/2012 | rp |

| SEARCH NOTES | | |
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| Search Notes | Date | Examiner |
| see EAST search history | 9/27/2012 | rp |
| inventor search | 9/27/2012 | rp |
| updated search | 8/23/2013 | rp |
| updated search | 5/21/2017 | rp |

| INTERFERENCE SEARCH | | | |
|---|---|---|---|
| US Class/ CPC Symbol | US Subclass / CPC Group | Date | Examiner |
| | EAST text search | 5/21/2017 | rp |

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| /ROBERT POON/<br>Examiner.Art Unit 3788 | |

**EAST Search History**

**EAST Search History (Prior Art)**

| Ref # | Hits | Search Query | DBs | Default Operator | Plurals | Time Stamp |
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| L5 | 362 | 220/705.ccls. | US-PGPUB; USPAT; EPO; JPO | OR | OFF | 2017/06/04 00:01 |
| L6 | 433 | 220/707-709.ccls. | US-PGPUB; USPAT; EPO; JPO | OR | OFF | 2017/06/04 00:06 |
| L7 | 723 | 215/387-389.ccls. | US-PGPUB; USPAT; EPO; JPO | OR | OFF | 2017/06/04 00:19 |
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| S3 | 7 | ((DEREK) near2 (SULLIVAN)).INV. | US-PGPUB; USPAT | OR | OFF | 2011/04/14 18:36 |
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| S5 | 2 | (("6070767") or ("6032831")).PN. | USPAT; USOCR | OR | OFF | 2011/04/14 20:06 |
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| S7 | 287 | 220/705.ccls. | US-PGPUB; USPAT; EPO; JPO; DERWENT | OR | OFF | 2011/04/19 12:30 |
| S8 | 89 | 220/707.ccls. | US-PGPUB; USPAT; EPO; JPO; DERWENT | OR | OFF | 2011/04/19 12:52 |

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| S9 | 69 | 220/708.ccls. | US-PGPUB; USPAT; EPO; JPO; DERWENT | OR | OFF | 2011/04/19 13:19 |
| S10 | 245 | 220/709.ccls. | US-PGPUB; USPAT; EPO; JPO; DERWENT | OR | OFF | 2011/04/19 13:28 |
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| | | "4164305").PN. OR ("4184604" \| "4187954" \| "4194674" \| "4216801" \| "4219138" \| "4226356" \| "4228913" \| "4230112" \| "4231486" \| "4239123" \| "4243156" \| "4243162" \| "4247016" \| "4271984" \| "4291814" \| "4298146" \| "4305521" \| "4345695" \| "4356927" \| "4407425" \| "4424913" \| "4437289" \| "4440327" \| "4441623" \| "4441624" \| "4448316" \| "4462503" \| "4479343" \| "4485963" \| "4487342" \| "4488656" \| "4501585" \| "4503991" \| "4503992" \| "4504009" \| "4537324" \| "4544074" \| "4544077" \| "4560081" \| "4561557" \| "4573631" \| "4582213" \| "4582214" \| "4583654" \| "4589569" \| "4596341" \| "4607755" \| "4629097" \| "4630735" \| "4631715" \| "4645096" \| "4674661" \| "4676387" \| "4684032" \| "4690294" \| "4712702" \| "4714173" \| "4718778" \| "4726479" \| "4728001" \| "4732303" \| "4733785" \| "4735329" \| "4754887" \| "4779773" \| "4782975" \| "4782985" \| "4813556" \| "4828141" \| "4830204" \| "4836404" \| "4852762" \| "4858766" \| "4860934" \| "4881668" \| "4887747" \| "4898290" \| "4903458" \| "4903870" \| "4923083" \| "4923084" \| "4925040" \| "4925042" \| "4925043" \| "4928836" \| "4964562" \| "4969564" \| "4982854" \| "4994076" \| "5005717" \| "5038476" \| "5054264" \| "5054631" \| "5054684" \| "5060833" \| "5064085" \| "5065881" \| "5065908" \| "5065909" \| "5065912" \| "5085335" \| "5085336" \| "5085347" \| "5085349" \| "5090601" \| "5101991" \| "5109995" \| "5114011" \| "5114074" \| "5148971" \| "5150815" \| "5160058" \| "5167354" \| "5172827" \| "5188283" \| "5190174" \| "5199633" \| "5201460" \| "5203468" \| "5211298" \| "5234117" \| "5242079" \| "5253779" \| "5259538" \| "5265757").PN. OR ("5273172" \| "5282541" \| "5301858" \| "5332131" \| "5337918" \| "5339982" \| "5346081" \| "5353983" \| "5361934" \| "5361935" \| "5381924" \| "5392968" \| "5415312" \| "5417369" \| "5421496" \| "5429254" \| "5437389" \| "5462194" \| "5465866" \| "5484080" \| "5494165" \| "5506036" \| "5518142" \| "5520304" \| "5522524" \| "5524799" \| "5579948" \| "5582315" \| "5582320" \| "5597089" \| "5601207" \| "5607087" \| "5671863" \| "5687872" \| "5687972" \| "5699933" \| "5730336" \| "5755368" \| "5791510" \| "5806726" \| "5873478" \| "5884793" \| "5897013" \| "5911406" \| "6021801" \| "6032831" \| "6050433" \| "6050444" \| "6050445" \| "6059154" \| "6070767" \| "6073860" \| "6116446" \| "6116458" \| "6196413" \| "6199729" \| "6212959" \| "6227403" \| "6264166" \| "6276560" \| "6279772" \| "6279773" \| "6283344" \| "6293394" \| "6360912" \| "6364168" \| | | | | |

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| S16 | 720 | 206/363.ccls. | US-PGPUB; USPAT; EPO; JPO; DERWENT | OR | OFF | 2011/04/21 18:51 |
| S17 | 1 | "12279138" | US-PGPUB; USPAT; EPO; JPO; DERWENT | OR | OFF | 2011/04/21 18:51 |
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| S19 | 307 | 220/705.ccls. | US-PGPUB; USPAT; EPO; JPO; DERWENT | OR | OFF | 2012/03/23 15:22 |
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| S21 | 73 | 220/708.ccls. | US-PGPUB; USPAT; EPO; JPO; DERWENT | OR | OFF | 2012/03/23 15:23 |
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| S25 | 2 | "11588476" | US-PGPUB; USPAT; EPO; JPO | OR | OFF | 2012/09/27 13:45 |
| S26 | 1 | ("5273172").PN. | USPAT; USOCR | OR | OFF | 2012/09/27 14:19 |
| S27 | 1 | ("6745949").PN. | USPAT; | OR | OFF | 2012/09/27 |



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| S32 | 0 | "13620078" | US-PGPUB; USPAT; EPO; JPO | OR | OFF | 2012/12/01 01:29 |
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| S37 | 198 | 220/252.ccls. | US-PGPUB; USPAT; | OR | OFF | 2013/03/23 20:28 |



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|---|---|---|---|---|---|---|
| | | | EPO; JPO; DERWENT | | | |
| S38 | 324 | 220/705.ccls. | US-PGPUB; USPAT; EPO; JPO; DERWENT | OR | OFF | 2013/03/23 20:29 |
| S39 | 374 | 220/707-709.ccls. | US-PGPUB; USPAT; EPO; JPO; DERWENT | OR | OFF | 2013/03/23 20:29 |
| S40 | 657 | 215/387-389.ccls. | US-PGPUB; USPAT; EPO; JPO; DERWENT | OR | OFF | 2013/03/23 20:29 |
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| S45 | 6 | "12357114" | US-PGPUB; USPAT; EPO; JPO | OR | OFF | 2017/05/04 13:05 |
| S46 | 1 | ("5203468").PN. | USPAT; USOCR | OR | OFF | 2017/05/04 13:09 |
| S47 | 1 | ("5582320").PN. | USPAT; USOCR | OR | OFF | 2017/05/04 13:23 |
| S48 | 212 | 220/252.ccls. | US-PGPUB; USPAT; EPO; JPO | OR | OFF | 2017/05/31 10:42 |



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|---|---|---|---|---|---|---|
| S49 | 433 | 220/707-709.ccls. | US-PGPUB; USPAT; EPO; JPO | OR | OFF | 2017/05/31 10:42 |
| S50 | 723 | 215/387-389.ccls. | US-PGPUB; USPAT; EPO; JPO | OR | OFF | 2017/05/31 10:44 |

**EAST Search History (Interference)**

| Ref # | Hits | Search Query | DBs | Default Operator | Plurals | Time Stamp |
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| L3 | 2 | drink and liquid and container and mouthpiece and outlet and dispensing and tube and anchor and release and catch and deformable | USPAT | OR | OFF | 2017/06/03 23:01 |
| S23 | 2 | drink near2 container and catch and mouthpiece and anchor | USPAT | OR | OFF | 2012/03/23 15:10 |
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**6/4/2017 12:20:03 AM**
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| Issue Classification | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 13479962 | DAVIES ET AL. |
| | **Examiner** | **Art Unit** |
| | ROBERT POON | 3788 |

| CPC | | | | | | |
|---|---|---|---|---|---|---|
| **Symbol** | | | | | **Type** | **Version** |
| A47G | | 19 | / | 2266 | F | 2013-01-01 |
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| **Symbol** | | | | | **Type** | **Set** | **Ranking** | **Version** |
| | | | / | | | | | |
| | | | / | | | | | |

| /ROBERT POON/<br>Examiner.Art Unit 3788<br><br>(Assistant Examiner) | (Date) | **Total Claims Allowed:**<br>21 | |
|---|---|---|---|
| /ROBERT POON/<br>Examiner.Art Unit 3788<br><br>(Primary Examiner) | 06/03/2017<br><br>(Date) | O.G. Print Claim(s)<br>1 | O.G. Print Figure<br>7 |

| Issue Classification | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 13479962 | DAVIES ET AL. |
| | **Examiner** | **Art Unit** |
| | ROBERT POON | 3788 |

| US ORIGINAL CLASSIFICATION | | INTERNATIONAL CLASSIFICATION | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| CLASS | SUBCLASS | CLAIMED | | | | | NON-CLAIMED | | | | | |
| 220 | 707 | A | 4 | 7 | G | 19 / 22 (2006.01.01) | | | | | | |

| CROSS REFERENCE(S) | | | | | |
|---|---|---|---|---|---|
| CLASS | SUBCLASS (ONE SUBCLASS PER BLOCK) | | | | |
| 220 | 709 | | | | |
| 215 | 387 | | | | |

| /ROBERT POON/<br>Examiner.Art Unit 3788<br><br>(Assistant Examiner) | (Date) | **Total Claims Allowed:**<br>21 | |
|---|---|---|---|
| /ROBERT POON/<br>Examiner.Art Unit 3788<br><br>(Primary Examiner) | 06/03/2017<br><br>(Date) | O.G. Print Claim(s)<br>1 | O.G. Print Figure<br>7 |

| Issue Classification | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 13479962 | DAVIES ET AL. |
| | **Examiner** | **Art Unit** |
| | ROBERT POON | 3788 |

☒ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

| Final | Original | Final | Original | Final | Original | Final | Original | Final | Original | Final | Original | Final | Original | Final | Original |
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| | | | |
|---|---|---|---|
| /ROBERT POON/<br>Examiner.Art Unit 3788<br><br>(Assistant Examiner) | (Date) | **Total Claims Allowed:**<br>21 | |
| /ROBERT POON/<br>Examiner.Art Unit 3788<br><br>(Primary Examiner) | 06/03/2017<br><br>(Date) | O.G. Print Claim(s)<br>1 | O.G. Print Figure<br>7 |

Doc Code: IFEE PTOL/85B-EFS

Document Description: Issue Fee Payment (PTO-85B)

# Issue Fee Transmittal Form

| Application Number | Filing Date | First Named Inventor | Atty. Docket No. | Confirmation No. |
|---|---|---|---|---|
| 13479962 | 24-May-2012 | JEFF DAVIES | KRN 356A | 8853 |

**TITLE OF INVENTION :**

DRINK CONTAINERS

| Entity Status | Application Type | Art Unit | Class - Subclass | EXAMINER |
|---|---|---|---|---|
| Regular Undiscounted | Utility under 35 USC 111(a) | 3788 | 707000 | ROBERT POON |

| Issue Fee Due | Publication Due | Total Fee(s) Due | Date Due | Prev. Paid Fee |
|---|---|---|---|---|
| $960 | $0 | $960 | 08-Sep-2017 | $0 |

## 1.Change of Correspondence Address and/or Indication Of Fee Address (37 CFR 1.33 & 1.363)

| Current Correspondence Address: | Current Indicated Fee Address : |
|---|---|
| 139868<br>DASCENZO Intellectual Property Law, P.C.<br><br>1000 SW Broadway, Suite 1555<br><br>Portland OR 97205<br>UNITED STATES<br>503-224-7529 | |
| ☐ Change of correspondence address requested, system generated AIA/122-EFS form attached | ☐ Fee Address indication requested, system generated SB/47-EFS form attached |

## 2.Entity Status

**Change in Entity Status**

○ Applicant certifying micro entity status; system generated Micro Entity certification form attached. See 37 CFR 1.29.
Note: Absent a valid certification of micro entity status, issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment. If this box is checked, you will be prompted to choose a micro entity status on the gross income basis (37 CFR 1.29(a)) or the institution of higher education basis (37 CFR 1.29(d)), and make the applicable certification online.

○ Applicant asserting small entity status. See 37 CFR 1.27.
Note: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

◉ Applicant changing to regular undiscounted fee status.
Note: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.



IPR 2024-01501
CamelBak - Ex 2003
Page 331 of 347

Doc Code: IFEE PTOL/85B-EFS

Document Description: Issue Fee Payment (PTO-85B)

**3.The Following Fee(s) Are Submitted:**

| | |
|---|---|
| ☒ Issue Fee | ☐ I authorize USPTO to apply my previously paid issue fee to the current fees due |
| ☐ Publication Fee | ☐ The Director is hereby authorized to apply my previously paid issue fee to the current fee due and to charge deficient fees to Deposit Account Number _____ |
| ☐ Advance Order - # of copies _____ | ☒ If **in addition to** the payment of the issue fee amount submitted with this form, there are any discrepancies in any amount(s) due, the Director is authorized to charge any deficiency, or credit any overpayment, to Deposit Account Number 504551 . The **issue fee must be submitted** with this form. **If payment of the issue fee does not accompany this form, checking this box and providing a deposit account number will NOT be effective to satisfy full payment of the fee(s) due.** |

**4.Firm and/or Attorney Names To Be Printed**

**NOTE: If no name is listed, no name will be printed**
For printing on the patent front page, list to be displayed as entered

1. DASCENZO INTELLECTUAL PROPERTY LAW, P.C.
2. David S. D'Ascenzo
3.

**5.Assignee Name(s) and Residence Data To Be Printed**

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

| Name | City | State | Country | Category |
|---|---|---|---|---|
| CamelBak Products, LLC | Petaluma | CALIFORNIA | united states | corporation |

**6.Signature**

I certify, in accordance with 37 CFR 1.4(d)(4) that I am an attorney or agent registered to practice before the Patent and Trademark Office who has filed and has been granted power of attorney in this application. I also certify that this Fee(s) Transmittal form is being transmitted to the USPTO via EFS-WEB on the date indicated below.

| | | | |
|---|---|---|---|
| **Signature** | /David S. D'Ascenzo/ | **Date** | 08-30-2017 |
| **Name** | David S. D'Ascenzo | **Registration Number** | 39952 |

WEB IFEE 1.0

# Electronic Patent Application Fee Transmittal

| | |
|---|---|
| **Application Number:** | 13479962 |
| **Filing Date:** | 24-May-2012 |
| **Title of Invention:** | DRINK CONTAINERS |
| **First Named Inventor/Applicant Name:** | JEFF DAVIES |
| **Filer:** | David S. D'Ascenzo/Robin Davin |
| **Attorney Docket Number:** | KRN 356A |

Filed as Large Entity

**Filing Fees for Utility under 35 USC 111(a)**

| Description | Fee Code | Quantity | Amount | Sub-Total in USD($) |
|---|---|---|---|---|
| **Basic Filing:** | | | | |
| UTILITY APPL ISSUE FEE | 1501 | 1 | 960 | 960 |
| PUBL. FEE- EARLY, VOLUNTARY, OR NORMAL | 1504 | 1 | 0 | 0 |
| **Pages:** | | | | |
| **Claims:** | | | | |
| **Miscellaneous-Filing:** | | | | |
| **Petition:** | | | | |
| **Patent-Appeals-and-Interference:** | | | | |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD($) |
|---|---|---|---|---|
| **Post-Allowance-and-Post-Issuance:** | | | | |
| **Extension-of-Time:** | | | | |
| **Miscellaneous:** | | | | |
| | | **Total in USD ($)** | | **960** |

# Electronic Acknowledgement Receipt

| | |
|---|---|
| **EFS ID:** | 30221891 |
| **Application Number:** | 13479962 |
| **International Application Number:** | |
| **Confirmation Number:** | 8853 |
| **Title of Invention:** | DRINK CONTAINERS |
| **First Named Inventor/Applicant Name:** | JEFF DAVIES |
| **Customer Number:** | 139868 |
| **Filer:** | David S. D'Ascenzo/Robin Davin |
| **Filer Authorized By:** | David S. D'Ascenzo |
| **Attorney Docket Number:** | KRN 356A |
| **Receipt Date:** | 30-AUG-2017 |
| **Filing Date:** | 24-MAY-2012 |
| **Time Stamp:** | 11:23:34 |
| **Application Type:** | Utility under 35 USC 111(a) |

## Payment information:

| | |
|---|---|
| Submitted with Payment | yes |
| Payment Type | DA |
| Payment was successfully received in RAM | $960 |
| RAM confirmation Number | 083017INTEFSW00014177504551 |
| Deposit Account | |
| Authorized User | |
| The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: | |

## File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|---|---|---|---|---|---|
| 1 | Issue Fee Payment (PTO-85B) | Web85b.pdf | 45957<br>3a924ac5f9cd28ceb6c43454521 2c9f436385694 | no | 2 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 2 | Fee Worksheet (SB06) | fee-info.pdf | 32034<br>f47e6d7f6547c25eb2056a987661f1b6d77f010c | no | 2 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| | | **Total Files Size (in bytes):** | 77991 | | |

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**New Applications Under 35 U.S.C. 111**

**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

**National Stage of an International Application under 35 U.S.C. 371**

**If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.**

**New International Application Filed with the USPTO as a Receiving Office**

**If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.**

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | ISSUE DATE | PATENT NO. | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 13/479,962 | 10/10/2017 | 9782028 | KRN 356A | 8853 |

139868 7590 09/20/2017

DASCENZO Intellectual Property Law, P.C.
1000 SW Broadway, Suite 1555
Portland, OR 97205

# ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 988 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

JEFF DAVIES, Windsor, CA;
DEREK GAVIN SULLIVAN, Oakland, CA;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

PTO/SB/122 (04-15)
Approved for use through 01/31/2018. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# CHANGE OF CORRESPONDENCE ADDRESS
***Application***

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

| | |
|---|---|
| Application Number | 13/479,962 |
| Filing Date | May 24, 2012 |
| First Named Inventor | Jeff Davies |
| Art Unit | 3788 |
| Examiner Name | Robert Poon |
| Attorney Docket Number | KRN 356A |

Please change the Correspondence Address for the above-identified patent application to:

☒ The address associated with Customer Number: 137531

***OR***

☐ Firm or Individual Name

Address

| City | State | Zip |
|---|---|---|
| | | |

Country

| Telephone | Email |
|---|---|
| | |

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

☐ Applicant/Inventor

☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ Attorney or agent of record. Registration Number 39,952.

☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number_____.

| | |
|---|---|
| Signature | /David S. D'Ascenzo/ |
| Typed or Printed Name | David S. D'Ascenzo |
| Date | September 21, 2017 |
| Telephone | (503) 224-7529 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☑ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

# Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

# Electronic Acknowledgement Receipt

| | |
|---|---|
| **EFS ID:** | 30431541 |
| **Application Number:** | 13479962 |
| **International Application Number:** | |
| **Confirmation Number:** | 8853 |
| **Title of Invention:** | DRINK CONTAINERS |
| **First Named Inventor/Applicant Name:** | JEFF DAVIES |
| **Customer Number:** | 139868 |
| **Filer:** | David S. D'Ascenzo/Robin Davin |
| **Filer Authorized By:** | David S. D'Ascenzo |
| **Attorney Docket Number:** | KRN 356A |
| **Receipt Date:** | 21-SEP-2017 |
| **Filing Date:** | 24-MAY-2012 |
| **Time Stamp:** | 11:43:14 |
| **Application Type:** | Utility under 35 USC 111(a) |

## Payment information:

| | |
|---|---|
| Submitted with Payment | no |

## File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|---|---|---|---|---|---|
| 1 | Change of Address | Change_of_Correspondence_Address_KRN356A_9-21-17.pdf | 82567<br>1567efc1d16b4f0138314c15819884c687c42df3 | no | 2 |

**Warnings:**

| Information: | |
|---|---|
| Total Files Size (in bytes): | 82567 |

**This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.**

**New Applications Under 35 U.S.C. 111**

**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

**National Stage of an International Application under 35 U.S.C. 371**

**If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.**

**New International Application Filed with the USPTO as a Receiving Office**

**If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

October 25, 2017

Atty. Docket No.: KRN 356A

In re Patent of:
CamelBak Products, LLC

Inventors : JEFF DAVIES and DEREK GAVIN SULLIVAN

Serial No. : 13/479,962

Filed : May 24, 2012

Patent No. : 9,782,028 B2

Issued : October 10, 2017

For : DRINK CONTAINERS

**Attn: Certificate of Corrections Branch**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**REQUEST FOR CERTIFICATE OF CORRECTION**

Attached for entry in connection with the above-identified patent is a Certificate of Correction to correct an error made by the U.S. Patent and Trademark Office. Specifically, in claim 12, column 23, line 15, "disengage the second catch structure and thus penult ..." should be "disengage the second catch structure and thus **permit** ...".

The undersigned requests that this correction be made on the patent and that a copy of the Certificate of Correction be sent to Patentee's correspondence address listed on the Certificate of Correction.



IPR 2024-01501
CamelBak - Ex 2003
Page 342 of 347

The undersigned may be reached at the number listed below if there are any remaining issues or questions.

Respectfully submitted,

DASCENZO INTELLECTUAL PROPERTY LAW, P.C.



David S. D'Ascenzo
Registration No. 39,952
Customer No. 139868
DASCENZO INTELLECTUAL PROPERTY LAW, P.C.
1000 S.W. Broadway, Suite 1555
Portland, Oregon 97205
Telephone: (503) 224-7529
Facsimile: (503) 224-7329

CERTIFICATE OF E-FILING

I hereby certify that this correspondence and the attached Certificate of Correction, are being transmitted electronically via the United States Patent and Trademark Office's EFS-Web System on October 25, 2017.



David S. D'Ascenzo



IPR 2024-01501
CamelBak - Ex 2003
Page 343 of 347

PTO/SB/44 (09-07)
Approved for use through 08/31/2013. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

# UNITED STATES PATENT AND TRADEMARK OFFICE
## CERTIFICATE OF CORRECTION



PATENT NO. : 9,782,028 B2

APPLICATION NO.: 13/479,962

ISSUE DATE : October 10, 2017

INVENTOR(S) : Jeff Davies and Derek Gavin Sullivan

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the Claims:

Claim 12, Column 23, Line 15, after "the second catch structure and thus" please delete "penult" and insert --permit-- therefor.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

VISTA OUTDOOR OPERATIONS LLC
1 Vista Way
Anoka, MN 55303

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

# Electronic Acknowledgement Receipt

| | |
|---|---|
| **EFS ID:** | 30753721 |
| **Application Number:** | 13479962 |
| **International Application Number:** | |
| **Confirmation Number:** | 8853 |
| **Title of Invention:** | DRINK CONTAINERS |
| **First Named Inventor/Applicant Name:** | JEFF DAVIES |
| **Customer Number:** | 137531 |
| **Filer:** | David S. D'Ascenzo/Robin Davin |
| **Filer Authorized By:** | David S. D'Ascenzo |
| **Attorney Docket Number:** | KRN 356A |
| **Receipt Date:** | 25-OCT-2017 |
| **Filing Date:** | 24-MAY-2012 |
| **Time Stamp:** | 11:47:34 |
| **Application Type:** | Utility under 35 USC 111(a) |

## Payment information:

| | |
|---|---|
| Submitted with Payment | no |

## File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|---|---|---|---|---|---|
| 1 | Request for Certificate of Correction | Request_for_Certificate_of_Correction_KRN356A_10-25-17.pdf | 189211<br>13b9f04d0a639bbf2c9f92998e9e12ad874c3fdf | no | 3 |

**Warnings:**

| Information: | |
|---|---|
| **Total Files Size (in bytes):** | 189211 |

**This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.**

**New Applications Under 35 U.S.C. 111**

**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

**National Stage of an International Application under 35 U.S.C. 371**

**If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.**

**New International Application Filed with the USPTO as a Receiving Office**

**If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.**

UNITED STATES PATENT AND TRADEMARK OFFICE

# CERTIFICATE OF CORRECTION



| | |
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| PATENT NO. | : 9,782,028 B2 |
| APPLICATION NO. | : 13/479962 |
| DATED | : October 10, 2017 |
| INVENTOR(S) | : Jeff Davies and Derek Gavin Sullivan |

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the Claims

Claim 12, Column 23, Line 15, after "the second catch structure and thus" please delete "penult" and insert --permit-- therefor.

Signed and Sealed this
Twenty-first Day of November, 2017

Joseph Matal

Joseph Matal
*Performing the Functions and Duties of the*
*Under Secretary of Commerce for Intellectual Property and*
*Director of the United States Patent and Trademark Office*