FORM PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION	DOCKET NUMBER KRN 330E	APPLICATION NUMBER Not yet assigned.
	APPLICANT: CAMELBAK PRODUCTS, LLC INVENTORS: ROBERT CHOI, BARLEY A. FORSMAN, and JEREMY GALTEN	
	FILING DATE July 13, 2018	GROUP ART UNIT

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	2002/0033399	3/21/2002	Manganiello et al.			
	2002/0092858	7/18/2002	Bowman			
	2002/0092877	7/18/2002	Bowman			
	2002/0148806	10/17/2002	Cheng			
	2002/0166990	11/14/2002	Yang			
	2002/0185495	12/12/2002	Manganiello			
	2003/0085232	5/8/2003	Leinenweber			
	2003/0102318	6/5/2003	Lee			
	2003/0116573	6/26/2003	Clark et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	NO
	CN 85106703 A	5/10/1986	CN				X
	EP 0266067 A1	5/4/1988	EP			X	
	GB 2279130 A	12/21/1994	GB			X	
	WO 97/05055	2/13/1997	WO			X	
	WO 98/46106	10/22/1998	WO			X	
	CN 1198083 A	11/4/1998	CN				X

OTHER DOCUMENTS

		English-language abstract of Chinese Patent No. CN 85106703 A, European Patent Office, May 10, 1986.
		English-language abstract of Chinese Patent No. CN 1198083 A, European Patent Office, November 4, 1998.

EXAMINER	DATE CONSIDERED

FORM PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION	DOCKET NUMBER KRN 330E	APPLICATION NUMBER Not yet assigned.
	APPLICANT: CAMELBAK PRODUCTS, LLC INVENTORS: ROBERT CHOI, BARLEY A. FORSMAN, and JEREMY GALTEN	
	FILING DATE July 13, 2018	GROUP ART UNIT

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	2003/0168462	9/11/2003	Kiyota			
	2003/0173536	9/18/2003	Christensen et al.			
	2003/0218015	11/27/2003	Randolph et al.			
	2003/0222238	12/4/2003	Getzewich et al.			
	2004/0000551	1/1/2004	Flink et al.			
	2004/0069783	4/15/2004	Chen			
	2004/0079775	4/29/2004	Choi et al.			
	2004/0089301	5/13/2004	Choi et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	NO
	WO 00/03946	1/27/2000	WO			X	
	WO 00/49922	8/31/2000	WO			X	
	EP 1095599	5/2/2001	EP			X	
	JP 2002-326655 A	11/12/2002	JP				X
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		English-language abstract of Japanese Patent No. 2002-326655 A, European Patent Office, November 12, 2002.
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EXAMINER	DATE CONSIDERED

FORM PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION	DOCKET NUMBER KRN 330E	APPLICATION NUMBER Not yet assigned.
	APPLICANT: CAMELBAK PRODUCTS, LLC INVENTORS: ROBERT CHOI, BARLEY A. FORSMAN, and JEREMY GALTEN	
	FILING DATE July 13, 2018	GROUP ART UNIT

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	2004/0159820	8/19/2004	Yang			
	2004/0164043	8/26/2004	Hakim			
	2004/0217139	11/4/2004	Roth			
	2004/0217187	11/4/2004	Renz et al.			
	2004/0222230	11/11/2004	Samson et al.			
	2005/0029271	2/10/2005	McDonough			
	2005/0029313	2/10/2005	Robins et al.			
	2005/0045647	3/3/2005	Hession et al.			
	2005/0056610	3/17/2005	Randolph et al.			
	2005/0056652	3/17/2005	Cezeaux			
	2005/0072788	4/7/2005	Lieberman et al.			
	2005/0072804	4/7/2005	Brown			
	2005/0115966	6/2/2005	Leoncavallo et al.			
	2005/0133505	6/23/2005	Yoneoka et al.			
	2005/0133519	6/23/2005	McDonough			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	NO

OTHER DOCUMENTS

EXAMINER	DATE CONSIDERED

FORM PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION	DOCKET NUMBER KRN 330E	APPLICATION NUMBER Not yet assigned.
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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	2005/0184075	8/25/2005	Belcastro			
	2005/0205587	9/22/2005	Samson et al.			
	2005/0218242	10/6/2005	Renz et al.			
	1,788,795	1/13/1931	Hoban			
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	4,090,650	5/23/1978	Gotta			
	4,212,408	7/15/1980	Valenzona			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	NO

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
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FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	NO

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
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	5,433,535	7/18/1995	Hah			
	5,465,866	11/14/1995	Belcastro			
	5,518,142	5/21/1996	Lin			
	5,520,304	5/28/1996	Lin			
	5,553,726	9/10/1996	Park			
	5,582,315	12/10/1996	Reid			
	5,601,207	2/11/1997	Paczonay			
	5,607,087	3/4/1997	Wery et al.			
	5,699,933	12/23/1997	Ho et al.			
	5,730,336	3/24/1998	Lerner			
	5,755,368	5/26/1998	Bekkedahl			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	NO

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EXAMINER	DATE CONSIDERED

FORM PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION	DOCKET NUMBER KRN 330E	APPLICATION NUMBER Not yet assigned.
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	FILING DATE July 13, 2018	GROUP ART UNIT

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
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	6,050,433	4/18/2000	Russell et al.			
	6,050,445	4/18/2000	Manganiello			
	6,059,154	5/9/2000	Bigotte et al.			
	6,070,767	6/6/2000	Gardner et al.			
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FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	NO

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	FILING DATE July 13, 2018	GROUP ART UNIT

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
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	6,279,772	8/28/2001	Bowman			
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	6,497,348	12/24/2002	Forsman			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	NO

OTHER DOCUMENTS

EXAMINER	DATE CONSIDERED

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	FILING DATE July 13, 2018	GROUP ART UNIT

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	6,513,686	2/4/2003	Ben-Sasson			
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	6,557,721	5/6/2003	Yang			
	6,607,092	8/19/2003	Manganiello et al.			
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	6,698,716	3/2/2004	Yang			
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	6,719,273	4/13/2004	Yang			
	D489,978	5/18/2004	Brown			
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	6,745,915	6/8/2004	Rees			
	6,764,064	7/20/2004	Sturm et al.			
	6,783,115	8/31/2004	Yang			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	NO

OTHER DOCUMENTS

EXAMINER	DATE CONSIDERED

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	FILING DATE July 13, 2018	GROUP ART UNIT

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	6,854,888	2/15/2005	Brown et al.			
	6,908,015	6/21/2005	Choi et al.			
	6,915,961	7/12/2005	Renz et al.			
	6,994,225	2/7/2006	Hakim			
	7,014,077	3/21/2006	Brown			
	7,032,764	4/25/2006	Viggiano			
	7,048,137	5/23/2006	Leoncavallo et al.			
	7,059,490	6/13/2006	Son			
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	8,701,928	4/22/2014	Samson			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	NO

OTHER DOCUMENTS

EXAMINER	DATE CONSIDERED

Electronic Patent Application Fee Transmittal

Application Number:	
Filing Date:	
Title of Invention:	DRINK BOTTLES
First Named Inventor/Applicant Name:	Robert Choi
Filer:	David S. D'Ascenzo/Robin Davin
Attorney Docket Number:	KRN 330E

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 APPLICATION FILING	1011	1	300	300
UTILITY SEARCH FEE	1111	1	660	660
UTILITY EXAMINATION FEE	1311	1	760	760
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**1720**

Electronic Acknowledgement Receipt

EFS ID:	33178469
Application Number:	16035418
International Application Number:	
Confirmation Number:	4623
Title of Invention:	DRINK BOTTLES
First Named Inventor/Applicant Name:	Robert Choi
Customer Number:	139868
Filer:	David S. D'Ascenzo/Robin Davin
Filer Authorized By:	David S. D'Ascenzo
Attorney Docket Number:	KRN 330E
Receipt Date:	13-JUL-2018
Filing Date:	
Time Stamp:	18:48:33
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	$1720
RAM confirmation Number	071618INTEFSW00004962504551
Deposit Account	504551
Authorized User	Robin Davin
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 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	Application Data Sheet	Application_Data_Sheet_KRN330E_7-13-18.pdf	622373 807e1c4b269429cc6cbd401bf637a3a0948e9ddf	no	8
Warnings:					
Information:					
This is not an USPTO supplied ADS fillable form					
2	Oath or Declaration filed	Declaration_for_Patent_Application_KRN330E_7-13-18.pdf	159718 3ce22b158ea2cc6dcca26e248c0838cc316fc2e8	no	3
Warnings:					
Information:					
3		continuation_patent_application_KRN330E_7-13-18.pdf	171899 4a06e4f3fae11546fab596a5e4c46fab0db52841	yes	42

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Specification	1	35
Claims	36	41
Abstract	42	42

Warnings:					
Information:					
4	Drawings-only black and white line drawings	Drawings_KRN330E_7-13-18.pdf	577288 0df9faf2b782c6c9c3960816eebab2a324da2fbc	no	9
Warnings:					
Information:					

5		Information_Disclosure_Statement_KRN330E_7-13-18.pdf	700945 2dc2d227333a0ac1f6881611ba1361930c5c6185	yes	12
	Multipart Description/PDF files in .zip description				
	Document Description		**Start**	**End**	
	Transmittal Letter		1	2	
	Information Disclosure Statement (IDS) Form (SB08)		3	12	
Warnings:					
Information:					
6	Fee Worksheet (SB06)	fee-info.pdf	34715 bd013bf97c8dffac15449168da113b32cff80d96	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	2266938		

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/AIA/14 (02-18)
Approved for use through 11/30/2020. 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 330E
	Application Number	
Title of Invention	DRINK BOTTLES	

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.)

Inventor Information:

Inventor 1 Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
	Robert		Choi	

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

City	Ogden	State/Province	UT	Country of Residence	US

Mailing Address of Inventor:

Address 1	170 N. Washington Boulevard, #1007		
Address 2			
City	Ogden	State/Province	UT
Postal Code	84404	Country	US

Inventor 2 Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
	Barley	A.	Forsman	

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

City	Cotati	State/Province	CA	Country of Residence	US

Mailing Address of Inventor:

Address 1	206 Maple Avenue		
Address 2			
City	Cotati	State/Province	CA
Postal Code	94931	Country	US

Inventor 3 Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
	Jeremy		Galten	

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

PTO/AIA/14 (02-18)
Approved for use through 11/30/2020. 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 330E
	Application Number	
Title of Invention	DRINK BOTTLES	

City	Petaluma	State/Province	CA	Country of Residence	US

Mailing Address of Inventor:

Address 1	1623 Shenandoah Court		
Address 2			
City	Petaluma	State/Province	CA
Postal Code	94954	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.**

Customer Number	139868		
Email Address		Add Email	Remove Email

Application Information:

Title of the Invention	DRINK BOTTLES		
Attorney Docket Number	KRN 330E	Small Entity Status Claimed	☐
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	9	Suggested Figure for Publication (if any)	29

Filing By Reference:

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

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.

Zak Designs, Inc. Exhibit 1003
17 of 189

IPR 2025-00140
CamelBak - Ex 2002
Page 198 of 857

PTO/AIA/14 (02-18)
Approved for use through 11/30/2020. 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 330E
	Application Number	
Title of Invention	DRINK BOTTLES	

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).
Either enter 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	139868		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim 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.
When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
	Continuation of	15287915	2016-10-07

Prior Application Status	Patented			Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
15287915	Continuation of	14329096	2014-07-11	9463911	2016-10-11

Prior Application Status	Patented			Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
14329096	Continuation of	12133954	2008-06-05	8777048	2014-07-15

Prior Application Status	Patented			Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
12133954	Continuation of	11588476	2006-10-26	8622237	2014-01-07

Prior Application Status	Patented			Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
11588476	Continuation of	11313488	2005-12-20	7533783	2009-05-19

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	KRN 330E
	Application Number	
Title of Invention	DRINK BOTTLES	

Prior Application Status	Expired	Remove	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
11313488	Claims benefit of provisional	60706700	2005-08-08
Prior Application Status	Expired	Remove	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
11313488	Claims benefit of provisional	60670828	2005-04-11

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

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. 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. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)[i] the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

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Application Number	Country[i]	Filing Date (YYYY-MM-DD)	Access Code[i] (if applicable)

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

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.
NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	KRN 330E
	Application Number	
Title of Invention	DRINK BOTTLES	

Authorization or Opt-Out of Authorization to Permit Access:

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant **must opt-out** of the authorization by checking the corresponding box A or B or both in subsection 2 below.

NOTE: This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

A. Priority Document Exchange (PDX) - Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).

B. Search Results from U.S. Application to EPO - Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

☐ A. Applicant **DOES NOT** authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

☐ B. Applicant **DOES NOT** authorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

NOTE: Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	KRN 330E
	Application Number	
Title of Invention	DRINK BOTTLES	

Applicant Information:

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

Applicant 1

If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.

Clear

◉ Assignee	○ Legal Representative under 35 U.S.C. 117	○ Joint Inventor
○ Person to whom the inventor is obligated to assign.	○ Person who shows sufficient proprietary interest	

If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:

Name of the Deceased or Legally Incapacitated Inventor:

If the Applicant is an Organization check here. ☒

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

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

Assignee Information including Non-Applicant Assignee Information:

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

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	KRN 330E
	Application Number	
Title of Invention	DRINK BOTTLES	

Assignee 1

Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.

If the Assignee or Non-Applicant Assignee is an Organization check here. ☐

Prefix	**Given Name**	Middle Name	**Family Name**	Suffix

Mailing Address Information For Assignee including Non-Applicant Assignee:

Address 1			
Address 2			
City		**State/Province**	
Country [i]		Postal Code	
Phone Number		Fax Number	
Email Address			

Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button.

Signature:

NOTE: This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). **However, if this Application Data Sheet is submitted with the INITIAL filing of the application and either box A or B is not checked in subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c).**

This Application Data Sheet **must** be signed by a patent practitioner if one or more of the applicants is a **juristic entity** (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, **all** joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of **all** joint inventor-applicants.

See 37 CFR 1.4(d) for the manner of making signatures and certifications.

Signature				Date (YYYY-MM-DD)	2018-07-13
First Name	David S.	Last Name	D'Ascenzo	Registration Number	39952

Additional Signature may be generated within this form by selecting the Add button.

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	KRN 330E
	Application Number	
Title of Invention	DRINK BOTTLES	

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:

This declaration is directed to:

_X_ the attached application, or
___U.S. Patent Application Serial No. _____, which was filed on _____,

and is entitled DRINK BOTTLES.

The above-identified application was made or authorized to be made by me.

I believe that I am the original and sole inventor (if only one name is listed below) or an original and joint inventor (if plural names are listed below) of a claimed invention in the application.

I hereby state that I have reviewed and understand the contents of the above-identified application, 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 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 of not more than five (5) years, 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: ROBERT CHOI

Inventor's signature:  Date: 08/06/14

Residence: Ogden, Utah
Mailing Address: 170 N. Washington Boulevard, #1007, Ogden, Utah 84404

Full name of second joint inventor: BARLEY A. FORSMAN

Inventor's signature: _____ Date: _____

Residence: Cotati, California
Mailing Address: 206 Maple Avenue, Cotati, California 94931

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DECLARATION FOR PATENT APPLICATION
English Language Declaration

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

This declaration is directed to:

_X_ the attached application, or
___U.S. Patent Application Serial No. _____, which was filed on _____,

and is entitled DRINK BOTTLES.

The above-identified application was made or authorized to be made by me.

I believe that I am the original and sole inventor (if only one name is listed below) or an original and joint inventor (if plural names are listed below) of a claimed invention in the application.

I hereby state that I have reviewed and understand the contents of the above-identified application, 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 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 of not more than five (5) years, 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: ROBERT CHOI

Inventor's signature: _____ Date:_____

Residence: Ogden, Utah
Mailing Address: 170 N. Washington Boulevard, #1007, Ogden, Utah 84404

Full name of second joint inventor: BARLEY A. FORSMAN

Inventor's signature:  Date: July 27th, 2014

Residence: Cotati, California
Mailing Address: 206 Maple Avenue, Cotati, California 94931

Atty. Docket No. – KRN 330C

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Full name of third joint inventor: JEREMY GALTEN

Inventor's signature: _____ Date: 8/6/14

Residence: Petaluma, California
Mailing Address: 1623 Shenandoah Court, Petaluma, California 94954

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DRINK BOTTLES

Related Applications

The present application is a continuation of, and claims priority under 35 U.S.C. § 120 to, U.S. Patent Application No. 15/287,915, which was filed on October 7, 2016, issued on July 17, 2018 as U.S. Patent No. 10,023,365, and which claims priority to U.S. Patent Application Serial No. 14/329,096, which was filed on July 11, 2014, issued on October 11, 2016 as U.S. Patent No. 9,463,911, and which claims priority to U.S. Patent Application Serial No. 12/133,954, which was filed on June 5, 2008, issued on July 15, 2014 as U.S. Patent No. 8,777,048, and which claims priority to U.S. Patent Application Serial No. 11/588,476, which was filed on October 26, 2006, issued on January 7, 2014 as U.S. Patent No. 8,622,237, and which claims priority to U.S. Patent Application Serial No. 11/313,488, which was filed on December 20, 2005, and issued on May 19, 2009 as U.S. Patent No. 7,533,783. U.S. Patent Application Serial No. 11/313,488 claims priority to U.S. Provisional Patent Application Serial Nos. 60/670,828 and 60/706,700, which were filed on April 11, 2005 and August 8, 2005, respectively. The complete disclosures of the above-identified patents and patent applications are hereby incorporated by reference.

Field of the Disclosure

The present disclosure relates generally to drink bottles, and more particularly to drink bottles with bite-actuated mouthpieces.

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 formed from plastic and include a cap. Some conventional drink bottles include a threaded or

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other neck from which a user drinks fluid contained in the drink bottle after removal of the cap. Some conventional drink bottles include a spout, or nozzle, from which the drink fluid may be drawn from the drink bottle without removing the cap of the drink bottle. Conventional spouts include straws and rigid spouts having an outlet through which drink fluid may flow. Other conventional drink bottles require the cap to be removed to permit drink fluid to be removed from the drink bottle.

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Brief Description of the Drawings

Fig. 1 is a perspective view of a bite-actuated drink bottle according to the present disclosure.

Fig. 2 is a perspective view of another bite-actuated drink bottle according to the present disclosure.

Fig. 3 is a fragmentary, partial cross-sectional side elevation view of a fluid container that may be used with bite-actuated drink bottles according to the present disclosure.

Fig. 4 is a fragmentary cross-sectional side elevation view of portions of another bite-actuated drink bottle according to the present disclosure.

Fig. 5 is a partial cross-sectional side elevation view of a cap assembly that may be used with bite-actuated drink bottles according to the present disclosure.

Fig. 6 is a side elevation view of another cap assembly that may be used with bite-actuated drink bottles according to the present disclosure.

Fig. 7 is a side elevation view of another cap assembly that may be used with bite-actuated drink bottles according to the present disclosure.

Fig. 8 is a fragmentary somewhat schematic side elevation view of portions of another bite-actuated drink bottle according to the present disclosure.

Fig. 9 is a fragmentary somewhat schematic side elevation view of portions of another bite-actuated drink bottle according to the present disclosure.

Fig. 10 is an isometric view of a bite-actuated mouthpiece that may be used with bite-actuated drink bottles according to the present disclosure.

Fig. 11 is a top plan view of the mouthpiece of Fig. 10.

Fig. 12 is a side elevation view of the mouthpiece of Fig. 10.

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Fig. 13 is a side elevation view of the mouthpiece of Fig. 10.

Fig. 14 is a cross-sectional view of the mouthpiece of Fig. 12.

Fig. 15 is a cross-sectional view of the mouthpiece of Fig. 13.

Fig. 16 is a somewhat schematic top plan view of a bite-actuated mouthpiece in a dispensing configuration.

Fig. 17 is a cross-sectional view of another bite-actuated mouthpiece that may be used with bite-actuated drink bottles according to the present disclosure.

Fig. 18 is transverse cross-sectional view of the mouthpiece of Fig. 17.

Fig. 19 is a cross-sectional view of another bite actuated mouthpiece that may be used with bite-actuated drink bottles according to the present disclosure.

Fig. 20 is a transverse cross-sectional view of the mouthpiece of Fig. 19.

Fig. 21 is a top plan view of another suitable cap assembly for use with bite-actuated drink bottles according to the present disclosure, with the cap assembly's spout in a stowed configuration.

Fig. 22 is a top plan view of the cap assembly of Fig. 21, with the cap assembly's spout in a dispensing configuration.

Fig. 23 is a side elevation view of the cap assembly of Fig. 21.

Fig. 24 is a side elevation view of the cap assembly of Fig. 22.

Fig. 25 is an exploded isometric view of the cap assembly of Fig. 21.

Fig. 26 is a cross-sectional side elevation view of the cap assembly of Fig. 21.

Fig. 27 is a cross-sectional side elevation view of the cap assembly of Fig. 22.

Fig. 28 is a partial cross-sectional side elevation view of another cap assembly that may be used with bite-actuated drink bottles according to the present disclosure.

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Fig. 29 is a partial cross-sectional side elevation view of the cap assembly of Fig. 28, with the spout pivoted to a stowed configuration.

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Detailed Description and Best Mode of the Disclosure

Examples of drink bottles according to the present disclosure are shown in Figs. 1 and 2 and indicated generally at 10. Drink bottles 10 according to the present disclosure include a fluid container 12 and a cap, or cap assembly, 14 that includes a mouthpiece 72. Although referred to herein as being "drink bottles," it is within the scope of the present disclosure that the fluid container may have any suitable shape, including shapes that do not resemble conventional bottles, and may be formed from any suitable material. Accordingly, it is within the scope of the present disclosure that drink bottles 10 may additionally or alternatively be referred to as drink containers 10 and/or as beverage containers 10. As discussed in more detail herein, drink bottles 10 according to the present disclosure will typically include a free-standing fluid container 12. Drink bottles 10 according to the present disclosure will typically include a cap assembly with a base 70 that is adapted to be coupled to the fluid container and a bite-actuated mouthpiece, or valve assembly, 72 upon which a user may bite to configure the mouthpiece from a closed configuration to a dispensing configuration.

In Figs. 1 and 2, the cap assemblies are shown including optional pivotal mounts 100 to which the mouthpieces are mounted, and optional handles 140 that extend from the cap assembly. In Fig. 2, the cap assembly is shown with the mount in a dispensing configuration in which the mouthpiece is oriented in a suitable position from which a user may draw drink fluid from the drink bottle through mouthpiece 72 when the user bites upon the mouthpiece or otherwise urges the mouthpiece from the illustrated sealed configuration to a dispensing configuration. In Fig. 1, the illustrative example of a cap assembly 14 is shown with the mount in a stowed configuration, in which the mouthpiece is positioned closer to the base of the cap than in the dispensing configuration, with the stowed configuration typically corresponding to an

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orientation in which the mouthpiece is not suitably positioned for a user to bite upon the mouthpiece to configure the mouthpiece to a dispensing configuration. The stowed configuration may also be referred to as a retracted configuration, and the dispensing configuration may also be referred to as an extended configuration in which the distal end, or outlet, of the mount is oriented to extend generally away from the base of the cap assembly. The various configurations referred to herein may also be selectively referred to as positions without departing from the scope of the present disclosure.

As indicated in Figs. 1-2 and perhaps best seen in Fig. 3, fluid container 12 defines an internal compartment 20 that is sized to hold, or receive, up to a predetermined volume of potable drink fluid, or liquid. Illustrative examples of drink fluids include water, sports drinks, juices, energy drinks, and the like. Typically, container 12 will be sized to hold up to approximately two liters of drink fluid, with many embodiments of container 12 being sized to hold a maximum volume of less than two liters of drink fluid. It is within the scope of the present disclosure that container 12 may have any suitable size and shape, with illustrative, non-exclusive examples being shown in Figs. 1-3. Illustrative, non-exclusive examples of suitable sizes (i.e., capacities of drink fluid able to be received into the fluid container at one time) for fluid container 12 include 4 oz., 6 oz., 8 oz., 10 oz., 12 oz., 16 oz., 20 oz., 24 oz., 32 oz., 36 oz., .5 liters, .7 liters, 1 liter, 1.5 liters, 6-11 oz., 12-19 oz., 19-25 oz., 12-36 oz., 25-36 oz, and 10-70 oz. (with these illustrative examples referring to fluid ounces of drink fluid that may be poured in one filling into an empty fluid container). It is within the scope of the present disclosure that 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.

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Fluid container 12 may be formed from any suitable material or combination of materials. Non-exclusive examples of factors that may be (but are not required to be) considered when selecting material(s) for the fluid container include the durability of the material, the intended potable drink fluid, or types of drink fluids, that will be contained in the fluid container, the intended life, or period of use, of the drink bottle, whether the fluid container is intended to be refilled or otherwise reused, environmental concerns, whether the fluid container is intended to resist being collapsed during use, whether the fluid container is designed to permit a user to collapse the fluid container inwardly when dispensing fluid therefrom, or to dispense drink fluid therefrom, whether the drink container (and optionally the cap assembly) is designed to be washed in a household dishwasher, etc. Illustrative examples of materials that may be used include polycarbonate, polyethylene, polypropylene, glass, metal, and the like. In some embodiments, it may be desirable for the material(s) to be selected so that the fluid container will be transparent, or at least translucent, so that a user may see the contents of the fluid container, or at least the level of drink fluid within the fluid container, through the walls, or wall structure, of the container. In some embodiments, it may be desirable for the material(s) to be selected so that the fluid container is rigid and resists being collapsed when a user drinks from the container. In some embodiments, the material(s) may be selected so that the fluid container is designed to be collapsed (i.e., to permit opposing portions of the wall structure to be urged toward, or even into contact with, each other) during use. However, even fluid containers that are adapted to be collapsed during use, such as by a user squeezing the container, will tend to be at least semi-rigid in their construction and thereby adapted to be self-supporting. In some embodiments, the material(s) may be selected so that the fluid container is not breakable, i.e., will not shatter if dropped. Polyethylene will typically produce a collapsible fluid container that is translucent or

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opaque, but not transparent. Polycarbonate will typically produce a rigid, or stiff, fluid container that has a clear or glass-like appearance without the fragility of glass. Polypropylene will typically produce a fluid container that is more translucent and stiffer than polyethylene yet still able to be collapsed during use by a user squeezing the wall structure of the fluid container.

As indicated with respect to the illustrated examples of fluid containers shown in Figs. 1-3, container 12 includes a body 22 with a base, or bottom surface, 24 and a neck 26, with the bottom surface and the neck being separated by wall structure 28. As perhaps best seen in Fig. 3, bottom surface 24 is adapted to support the drink bottle on a level surface. In other words, in the illustrative example, when the drink bottle is set upon a generally level surface, the bottom surface of the drink bottle will support the drink bottle in an upright configuration upon that surface. Fig. 3 also demonstrates that the bottom surface of the fluid container is not required to have a flat, or planar, configuration, although this configuration is within the scope of the present disclosure.

In the illustrated example shown in Fig. 2, wall structure 28 has a contoured configuration, with the central region 30 of the wall structure being tapered, or defining a portion of the internal compartment that has a reduced cross-sectional area, relative to the corresponding upper and lower regions 32 and 34 of the wall structure. For example, the central region may be shaped to facilitate easier grasping of the drink bottle by a user. It is within the scope of the present disclosure that other configurations may be utilized. For example, the body may include a handle, or passage, that extends into, or through, the drink compartment. As another illustrative, non-exclusive example, the body may include a handle that projects outwardly from the wall structure. As yet another example, the wall structure may have a cylindrical or other geometrically shaped configuration. As shown in Fig. 1, the container's wall structure 28 may

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have a generally cylindrical configuration. In the illustrated example, the upper region 32 of the wall structure has a tapered configuration relative to the central and lower regions 30 and 34 of the wall structure, and thereby has a smaller internal perimeter.

The cross-sectional configuration of the wall structural may be symmetrical throughout the upper, central, and lower regions, or at least one of the regions may have a cross-sectional configuration that is not symmetrical with the other regions and/or with respect to itself. For example, selectively shaping the cross-sectional configuration, or perimeter, of at least the central region may permit the drink bottle to be rotationally oriented by a user for drinking from the subsequently discussed bite-actuated valve assembly without requiring the user to look at the rotational position of the valve assembly relative to the user's hand that is holding the central region of the fluid container's wall structure. For example, and with reference to Fig. 2, shaping the wall structure to have a depression or other unsymmetrical portion 36 on the central region of the wall structure generally beneath the bite-actuated mouthpiece may permit a user to grasp and orient the bottle for drinking from the mouthpiece simply by feeling the position of the unsymmetrical portion of the wall structure. However, this is but one of many suitable configurations and is not required. In Figs. 1 and 2, the wall structure includes gradations 38 to indicate the volume of fluid present in the container. As shown, the gradations are spaced-apart along the height of the fluid container to indicate or otherwise demarcate volumes of drink fluid. Gradations 38 provide another example of optional structure that may or may not be implemented in a particular embodiment without departing from the scope of the present disclosure.

Neck 26 provides an opening, or portal, through which drink fluid may be poured into the internal compartment of the fluid container and/or removed therefrom. Neck 26 will typically

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have a reduced cross-sectional area (or smaller perimeter) than the region of the fluid container from which it extends, although this configuration is not required. Neck 26 is adapted to interconnect, typically removably, with the cap assembly via any suitable mechanical interconnection, or coupling structure. In the illustrative example shown in Fig. 3, neck 26 includes a portal 40 with a coupling structure 42 that includes threads 44 that are configured to be threadingly engaged by corresponding threads 46 on the base 70 of the cap assembly to permit the cap to be screwed, or threaded, onto the neck, such as shown in Fig. 3. In the illustrative example shown in Fig. 3, the cap assembly's threads 46 provide the coupling structure 45 of the base. It is within the scope of the present disclosure that coupling assembly 43 may be used to refer collectively to the coupling structures of the base and the neck, such as threads 44 and 46.

Another example of a suitable coupling assembly 43 for interconnecting the cap assembly and the fluid container is shown in Fig. 4. As shown, the cap assembly is configured to engage the neck with a coupling assembly 43 in the form of a friction fit assembly, with neck 26 including a coupling structure 42 that includes an external lip, or ledge, 48 over which a corresponding coupling structure 45 in the form of a flange, or internal ledge, 50 of the base of the cap assembly extends to couple the cap assembly onto the neck. Cap assembly 14 and/or neck 26 may form a fluid-tight seal therebetween without requiring the inclusion of gaskets, o-rings or seal-enhancing structure. However, it is also within the scope of the present disclosure that one or more such structures may be utilized.

As discussed, cap assembly 14 is connected, and typically removably connected, to the neck of the fluid container. By "removably connected," it is meant that the cap assembly is designed, or adapted, to be repeatedly connected to and disconnected from the neck of the fluid container without destruction of the cap assembly or the neck. When properly connected to the

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neck, the cap assembly forms a seal with the neck of the fluid container and thereby selectively seals the internal compartment of the container to prevent drink fluid from being dispensed therefrom through opening 40 except as permitted by the cap assembly. One or more of the cap assembly and the neck may include a compressible gasket or other sealing structure to assist in providing a water-tight seal between the cap assembly and the neck when the cap assembly is properly secured on the neck. When removed or otherwise disconnected from the fluid container, the cap assembly may be retained proximate the fluid container by a tether that interconnects the cap assembly and the fluid container to retain a connection between these components when the base of the cap assembly is not coupled to the neck of the fluid container. An optional tether is schematically illustrated in Fig. 4 at 52. When present, the tether may be integrally formed with one or both of the cap assembly and the fluid container, or it may be coupled to the cap assembly and/or the fluid container via any suitable mechanism. It is also within the scope of the present disclosure that the cap assembly may not be coupled to the fluid container by a tether.

As discussed, and as somewhat schematically illustrated in Fig. 5, cap assembly 14 includes a base 70, which is adapted to interconnect with the neck of the fluid container. Cap assembly 14 further includes a mouthpiece, such as a bite-actuated mouthpiece 72, which is adapted to selectively permit drink fluid to flow therethrough when the valve assembly is deformed from its closed configuration to a dispensing, or open, configuration. Cap assembly 14 further includes, or defines, a fluid conduit 74 though which drink fluid may selectively flow from the fluid container to the mouthpiece.

As discussed, base 70 is preferably configured to be removably coupled to the neck of the fluid container to seal the portal defined by the neck of the fluid container. In other words, a user

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may drink directly from the fluid container through opening 40 when the cap assembly is not secured to the neck by a suitable coupling structure. When cap assembly 14 is secured to the neck, then drink fluid may not be withdrawn from fluid container 12 other than as permitted by the cap assembly, such as via bite-actuated mouthpiece 72. Base 70 forms a portion of coupling assembly 43, with the base and the neck of the fluid container cooperating to secure the base upon the neck. In Fig. 5, base 70 is shown including coupling structure 45 in the form of threads 46 that are configured to threadingly engage corresponding threads on the neck of a fluid container. As shown in Fig. 5, base 70 also includes, or defines, an inlet 80 to the fluid conduit 74 through which drink fluid is selectively drawn from the fluid container and dispensed through bite-actuated mouthpiece 72.

As discussed, cap assembly 14 defines a fluid conduit 74 that extends from the fluid container to the bite-actuated mouthpiece so that drink fluid from container 12 may be selectively dispensed through mouthpiece 72. Fig. 5 graphically depicts that it is within the scope of the present disclosure that cap assembly 14 may include a mount 100 to which the bite-actuated mouthpiece is removably mounted, or secured, with the mount defining at least a portion of fluid conduit 74, such as which may extend through a hollow passage 102 within the mount to a distal open end region 104 of the mount. When mount 100 includes a fluid passage through which drink fluid may at least selectively flow from the internal compartment of the fluid container to the mouthpiece, the mount may be referred to as a drink spout. In the illustrated example shown in Fig. 5, mount 100 extends in a fixed orientation relative to base 70, thereby defining the orientation of the mouthpiece 72 relative to the base (and fluid container) during use of the drink bottle. In Fig. 5, the mount extends generally parallel to the central, or long, axis 106 of the cap assembly and corresponding drink bottle (i.e., straight away from the

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cap assembly). However, any suitable orientation may be used without departing from the scope of the present disclosure. This is graphically depicted in Fig. 6, in which the mount is shown extending at an inclined angle relative to the long, or central, axis 106 of the cap assembly and corresponding drink bottle.

It is also within the scope of the present disclosure that mount 100 may be adjustably positionable relative to the base of the cap assembly, thereby permitting the orientation of the bite-actuated mouthpiece to be adjusted within a range of positions, or configurations, that are defined at least in part by the mount. This adjustable positioning of the mouthpiece, when provided for in a particular embodiment, may permit a user to adjust the orientation of the mouthpiece to a user-selected drinking orientation. An example of an adjustably positionable mount 100 is shown in dashed lines in Fig. 6, in which the mount and attached mouthpiece are shown pivoted from the dispensing configuration shown in solid lines to a stowed configuration. In the stowed configuration, the mouthpiece is typically not positioned for being received into a user's mouth. As discussed in more detail herein, it is within the scope of the present disclosure that the cap assembly may include an optional valve or other fluid regulator that is adapted to prevent or otherwise restrict the flow of drink fluid to the mouthpiece when the mount is in a stowed configuration. In such an embodiment, when the mount is in the stowed configuration, drink fluid would be prevented from flowing from the fluid container through the mouthpiece regardless of the configuration of the mouthpiece.

Another illustrative example of a cap assembly 14 that includes a mount, or drink spout, 100 that is pivotal within a range of positions, or configurations, relative to the base of the cap assembly is shown in Fig. 7. As shown, the cap assembly includes an adjustable joint 108, which is somewhat schematically illustrated. As illustrative examples, the mouthpiece, and at

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least a portion of the mount, may be coupled to the base of the cap assembly by a joint (and/or valve) 108, such as may take the form of a pivotal joint, a ball joint, or other suitable structure that provides for adjusting the angular and/or rotational orientation of the mount relative to the base of the cap assembly. When the cap assembly includes such a pivotal joint 108, it is within the scope of the present disclosure that the joint may form a portion of the cap assembly's fluid conduit 74, such as with the passage of the fluid conduit extending through the joint. However, this construction is not required to all embodiments. As a variation of this structure, the mount may include a hinged or other flexible region that permits selective adjustment of the orientation of the mount's distal open end region 104 relative to the inlet of the fluid conduit.

It is within the scope of the present disclosure that the mouthpiece is non-removably, or permanently, secured to the base, mount, or other portion of the cap assembly. However, in many embodiments it may be desirable for the mouthpiece to be removably connected to the cap assembly, such as to permit the mouthpiece to be repeatedly removed, such as for cleaning or replacement, and thereafter recoupled to the mount. As non-exclusive, illustrative examples, the mouthpiece may be removably mounted onto mount 100 and/or with mount 100 being designed to be removed from base 70.

Bite-actuated mouthpiece, or valve, 72 includes at least one opening through which drink fluid may flow when the mouthpiece is in its dispensing, or open configuration. An illustrative, non-exclusive example of a suitable construction for bite-actuated mouthpiece 72 is shown in Figs. 10-15. In the illustrated example, and perhaps best seen in Figs. 10 and 14-15, the mouthpiece includes a dispensing outlet, or opening, 86 that is defined by a slit 88 that extends through the dispensing face 90 of the mouthpiece. It is within the scope of the present disclosure that other configurations may be used, including two or more slits, intersecting or spaced-apart

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slits, etc. This range of optional configurations is schematically indicated in Fig. 11, in which a pair of laterally spaced slits are shown in dashed lines at 88', and in which a second slit that intersects with slit 88 is shown in dash-dot lines at 88". The mouthpiece defines an internal chamber 110 into which drink fluid flows from the outlet, or end region, of the mount and to the opening formed by slit 88 when the mouthpiece is in a dispensing configuration. The sidewalls, or wall structure, 92 of the mouthpiece may be described as including one or more bite regions 112, which refer to opposed regions upon which a user may bite or otherwise apply compressive forces to urge the mouthpiece from its closed configuration to a dispensing configuration.

As perhaps best seen in Fig. 10, the illustrated example of a mouthpiece 72 has a non-symmetrical cross-sectional configuration between opposed regions of the mouthpiece's sidewalls 92. By this it is meant that the illustrated mouthpiece has different dimensions transverse to the direction of fluid flow, depending upon whether the dimensions are measured transverse or parallel to the illustrated slit. It is within the scope of the present disclosure that other non-symmetrical or symmetrical configurations may be used. For example, mouthpiece 72 may have a circular cross-sectional configuration, amongst others.

Mouthpiece 72 is resilient and biased to its closed configuration, such as is shown in Figs. 10-15. In use, the mouthpiece is adapted to be configured to the dispensing configuration by a user placing the mouthpiece in the user's mouth and biting upon or otherwise compressing the appropriate portions of sidewalls 92 of the mouthpiece, such as bite regions 112, to deform the mouthpiece to a position where the slit or other opening is no longer sealed and instead defines a fluid pathway through which drink fluid may flow. This is somewhat schematically depicted in Fig. 16 with another illustrative example of a suitable bite-actuated mouthpiece. As shown, the opposed lips, or sealing surfaces, 94 that define slit 88 are spread apart from each

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other to define opening 86, through which drink fluid may be dispensed from the drink bottle. Mouthpiece 72 may be referred to as a self-sealing valve, or valve assembly, because the mouthpiece is constructed to automatically return to its closed, or sealed, configuration when the compressive forces, such as may be applied by a user's teeth or mouth, are no longer applied to maintain the mouthpiece in its dispensing configuration. Therefore, unless forces are being exerted to the mouthpiece to deform the mouthpiece to a dispensing configuration, the mouthpiece will be in its closed, or sealed, configuration.

The illustrated example also demonstrates that the region of the mouthpiece distal the dispensing face, which may be referred to as the base, or distal, portion of the mouthpiece and which is generally indicated at 113 in Figs. 10 and 12-15 may have (but is not required to have) a contoured configuration that does not extend at a constant distance from the dispensing face. In the illustrative, non-exclusive example shown in Figs. 12 and 13, the base portion includes a pair of projecting regions 114 separated by a pair of concave regions 115, although this construction is not required and other irregular base configurations may be utilized without departing from the scope of the present disclosure. Having a contoured or otherwise irregular configuration, when mounting on a dispensing spout or other mount that is complimentarily configured to receive and conform to such a configuration enables the mount to restrict relative rotation of the mouthpiece thereupon due to the engagement of the distal portion 113 of the mouthpiece with the mount, such as shown by referring back to Figs. 1 and 2. As discussed, the illustrated example is but a non-exclusive example of a suitable configuration, with it being within the scope of the present disclosure that the distal portion of the mouthpiece and/or the corresponding mount may have any suitable configuration for securing the mouthpiece upon the mount.

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Additional illustrative, non-exclusive examples of suitable configurations for bite-actuated, self-sealing mouthpieces 72 for use with drink containers according to the present disclosure are shown in Figs. 17-20. In Figs. 17-20, the mouthpieces are shown positioned on a mount 100 that extends into a neck region 116 of the mouthpiece and terminates at an end region 104. Also shown are optional stops, or internal projections, 118 that are adapted to engage the end region 104 of the mount to define the fully inserted position of the mount within the mouthpiece. The illustrative portions of mount 100 define portions of fluid conduit 74 which extends from the end region, or outlet, 104 of the mount and into the internal chamber 110 of the mouthpiece.

Additional illustrative examples of suitable bite-actuated mouthpieces, including external and internal constructions of which that may be selectively utilized (in whole or in part) with mouthpieces 72 according to the present disclosure are disclosed in U.S. Patent Nos. 6,070,767 and 6,032,831, the complete disclosures of which are hereby incorporated by reference for all purposes. In the illustrated examples, mouthpiece 72 has a narrower head portion than the mouthpieces disclosed in the incorporated patents, but any of the illustrated configurations may be utilized. Similarly, the internal construction of the incorporated mouthpieces may be utilized with mouthpiece 72, such as the internal configurations for the mouthpiece's face and/or sidewalls. For example, at least Figs. 14 and 15 illustrate that mouthpieces 72 may, but are not required to, include internal discontinuities, such as internal corners or edges, that extend along the sidewalls away from the dispensing face and which may assist in the mouthpiece deforming to its open configuration and/or returning to a sealed configuration.

In the preceding discussion, mouthpiece 72 has been described as a bite-actuated mouthpiece. As also discussed, in some embodiments, the fluid container will be formed from a

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material that configures, or permits, the wall structure of the fluid container to be collapsed inwardly as a user squeezes the fluid container. This intentional reduction in the internal volume of the fluid container may urge drink fluid through the fluid conduit and expel the fluid through the bite-actuated mouthpiece. It is within the scope of the present disclosure that mouthpiece 72 may be configured to permit this additional method of dispensing drink fluid from the drink bottle.

A potential benefit of the bite-actuated mouthpiece being biased to its closed configuration is that a user may position the drink bottle (and mouthpiece) to a desired drinking orientation, and even a partially or completely inverted orientation, without drink fluid being dispensed from the mouthpiece. When the user desires to drink from the positioned drink bottle, the user may bite upon the mouthpiece (and/or optionally squeeze a fluid container that is designed to be collapsed during use) to commence the flow of drink fluid through the mouthpiece to the user.

As discussed, bite-actuated mouthpiece 72 is biased to a closed, or sealed, configuration in which the opening that is formed in the dispensing face of the mouthpiece is closed and prevents drink fluid from passing therethrough. Therefore, unless the mouthpiece is reconfigured from its closed configuration to a dispensing configuration, drink fluid is prevented from being dispensed through the cap assembly's fluid conduit. In some embodiments, it may be desirable for the cap assembly to further include a flow-restricting, or on/off, valve in addition to the bite-actuated mouthpiece. For example, because the mouthpiece is designed to be configured to its dispensing configuration when lateral external forces are imparted to the mouthpiece (such as when a user bites upon or otherwise compresses the sidewalls of the mouthpiece toward each other), it is possible that external forces may be inadvertently exerted upon the mouthpiece.

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Should this occur, drink fluid may be dispensed through the mouthpiece. However, the inclusion of an optional manual on/off valve, which selectively restricts whether drink fluid may flow to the mouthpiece from the fluid container, may prevent this unintentional dispensing of drink fluid regardless of the configuration of the mouthpiece. A graphical example of a drink bottle according to the present disclosure that includes an on/off, or shutoff, valve and a bite-actuated mouthpiece 72 is shown in Fig. 8. In Fig. 8, the on/off valve is indicated in dashed lines at 120 to graphically represent that the on/off valve, when present, may be located at any suitable position downstream (i.e., toward the internal compartment of the fluid container) of the mouthpiece's face, and typically proximate or upstream (i.e., toward the mouthpiece's dispensing face) from the inlet of the fluid conduit 74.

The on/off valve is selectively configured between open and closed configurations independent of the configuration of the bite-actuated mouthpiece. When the on/off valve is in its closed configuration, it is adapted to obstruct at least a portion of the fluid conduit, and optionally to completely obstruct the fluid conduit, thereby preventing drink fluid from passing from the fluid container to the face of the bite-actuated mouthpiece. Therefore, when the on/off valve is in its closed configuration, drink fluid cannot be dispensed from the fluid container through the mouthpiece, regardless of the configuration of the bite-actuated mouthpiece. As such, the on/off valve may also be referred to as a shutoff valve. When the on/off valve is in its open configuration, the drink fluid is selectively dispensed from the fluid container through the mouthpiece depending upon the configuration of the bite-actuated mouthpiece.

Unlike bite-actuated mouthpiece 72, the on/off valve will typically not be biased to return automatically to a particular configuration. Instead, the on/off valve may be configured to remain in a user-selected orientation until reconfigured to a different orientation by a user. In

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such an embodiment, the on/off valve may be referred to as being a static valve, in that it only restricts flow of drink fluid through the fluid conduit when positively configured to do so by a user. The on/off valve may utilize any suitable actuation mechanism to selectively configure the valve between its open and closed configurations.

As an illustrative, non-exclusive example, the joint 108 illustrated in Fig. 7 may be configured to provide an on/off valve 120 when pivoting of the mount relative to the cap assembly selectively causes the fluid conduit through the cap assembly to mouthpiece 72 to be obstructed. For example, at least a portion of the fluid conduit may be obstructed as the distal end of the mount is pivoted toward the cap assembly. In some embodiments, such as when the fluid conduit extends through the joint, the degree to which the corresponding portion of the fluid conduit is obstructed may vary depending upon the degree to which the mount is pivoted or otherwise moved toward the cap assembly. In such an embodiment, the fluid conduit may not be obstructed by the joint or other on/off valve in at least one position (and optionally a sub-range of positions) within the range of positions within which the mount may be oriented relative to the cap assembly, the portion of the fluid conduit may be partially obstructed during another sub-range of the range of positions, and the portion of the fluid conduit may be completely obstructed in at least one (and optionally a third sub-range of positions) within the range of positions. It is also within the scope of the present disclosure that a similar range and sub-ranges may be provided by other embodiments of on/off valve 120. However, this construction is not required to all drink bottles according to the present disclosure.

An illustrative, non-exclusive example of a suitable configuration for an on/off, or shutoff, valve is shown in Figs. 26 and 27, in which the on/off valve is generally indicated at 120. As shown, mount 100 is pivotally coupled to base 70 of the cap assembly to selectively

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restrict and permit drink fluid to flow from the fluid container to the fluid conduit. In at least Figs. 26 and 27, mount 100 may be described as providing a drink spout that is pivotally coupled to the base of the cap assembly. The drink spout is selectively pivoted between a stowed, or closed, configuration (such as shown in Fig. 26) and a dispensing, or extended, configuration (such as shown in Fig. 27), in which the drink spout is pivoted generally away from the base of the cap assembly relative to the closed configuration. In the closed configuration, the drink spout is pivoted toward or even against the base of the cap assembly relative to the dispensing configuration. In the illustrated example, the fluid conduit between the internal compartment of the drink container and the mouthpiece of the cap assembly is blocked by the drink spout when the drink spout is in its closed configuration, thereby restricting (or preventing) drink fluid from being dispensed through the drink spout regardless of the configuration of the mouthpiece when the drink spout is in the closed configuration. In the dispensing configuration, pivoting of the drink spout away from the base aligns an aperture in the drink spout to establish a continuous fluid conduit from the internal compartment to the mouthpiece.

Another example of a suitable actuation mechanism for an on/off valve 120 that may be used with drink bottles 10 according to the present disclosure is a push-pull mechanism, in which the bite-actuated mouthpiece and typically at least a portion of the mount and/or fluid conduit is urged away from a baffle or other obstruction that selectively prevents drink fluid from passing through the mount or other portion of the fluid conduit to the internal chamber of the mouthpiece. For example the push-pull mechanism may, in its closed configuration, prevent drink fluid from entering the inlet of the fluid conduit until the mouthpiece and other corresponding structure is drawn away from the obstruction. As another example, the push-pull mechanism that provides an on/off valve may selectively restrict drink fluid from passing

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through an intermediate portion of the fluid conduit (such as within the mount), and/or from exiting the mount into the internal compartment of the mouthpiece. In a variant of this push-pull mechanism, the obstruction is selectively pushed or otherwise urged away from the inlet or other suitable portion of the fluid conduit to permit drink fluid to flow therethrough.

Yet another illustrative example of a suitable construction for a static on/off valve 120 is a rotatable mechanism, in which a portion of the fluid conduit upstream from the internal chamber of the mouthpiece (such as the inlet, outlet, or an intermediate portion of the mount) is selectively obstructed until the mouthpiece (and typically at least a portion of the mount and/or fluid conduit) is rotated to a position in which the obstruction no longer prevents drink fluid from passing through the fluid conduit. Yet another illustrative, non-exclusive example of a suitable actuation mechanism for a static on/off valve 120 utilizes a fluid conduit having a foldable, collapsible, resiliently deformable, and/or crimpable region and suitable structure for selectively folding, flattening, resiliently deforming, and/or crimping that region of the fluid conduit to block, obstruct, or otherwise restrict the flow of drink fluid therethrough. This region may define a portion of the fluid conduit through which drink fluid may selectively flow from the inlet to the mouthpiece. An illustrative, non-exclusive example of a suitable material for such a portion of the fluid conduit is silicone or another material that does not readily take a compression set and therefore may be repeatedly folded, flattened, crimped, and the like without leaking or otherwise being permanently deformed or failing.

The schematic example of an on/off, or shutoff, valve 120 that is depicted in Fig. 8 is intended to graphically represent these and any other suitable constructions for a static on/off valve that selectively prevents drink fluid from being dispensed from the drink bottle through the opening of the mouthpiece regardless of the configuration of the mouthpiece. Additional

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examples are presented in the provisional patent applications that are incorporated by reference herein.

Drink bottles 10 according to the present disclosure may, but are not required to, additionally or alternatively include an air return, or pressure relief, assembly that is adapted to selectively permit air from external the drink bottle to enter the drink bottle's internal compartment other than through the dispensing opening of the mouthpiece. When present, the air return assembly is preferably positioned sufficiently away from the dispensing face of the mouthpiece that the air return valve is not obstructed when a user is drawing drink fluid from the fluid container through the opening of the mouthpiece. Especially when the fluid container has a rigid construction that is not adapted to readily collapse as drink fluid is drawn therefrom, a vacuum will tend to be drawn within the fluid container as drink fluid is withdrawn therefrom through the mouthpiece. As this vacuum, or pressure-differential, increases, it will become more difficult for a user to draw additional drink fluid through the mouthpiece until this pressure differential is reduced.

A schematic example of a drink bottle 10 according to the present disclosure that includes an air return assembly is shown in Fig. 9, with the air return assembly generally indicated at 160. Air return assembly 160 is adapted to permit air from external the drink bottle to enter the internal compartment 20 of fluid container 12 without having to pass through the drink bottle's mouthpiece 72 (or least the dispensing face 90 or opening 86 of the mouthpiece). It is within the scope of the present disclosure that the air return assembly may be implemented on the cap assembly, such as on base 70 of the cap assembly. It is also within the scope of the present disclosure that the air return assembly, when present, may be implemented on the fluid container and/or that the drink bottle may be formed without an air return assembly that is separate from

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the bite-actuated mouthpiece. It is also within the scope of the present disclosure that an air return valve may be integrally formed with the bite-actuated mouthpiece or that it may be separately formed from the mouthpiece. When separately formed from the mouthpiece, the air return assembly may be positioned in a spaced-apart relationship to the mouthpiece on the cap assembly, on a dispensing mount (or nozzle) 100, on the fluid container, etc.

Air return assembly 160 may define an air conduit 162 through which air may flow at least from external the drink bottle to the internal compartment of the drink container. In Fig. 9, the conduit is schematically illustrated including an inlet 164, through which air may enter the conduit from external the drink container, and an outlet 166, through which air in the conduit may pass to the interior of the drink bottle, such as to the internal compartment of the drink container.

In embodiments of drink bottles 10 that include an air return assembly 160, the air return assembly may, but is not required to, include at least one air return valve, such as is schematically illustrated in Fig. 9 at 168 and which is less schematically illustrated in the subsequently discussed Figs. 25-29. Air return valve 168 is adapted to selectively restrict the flow of air through the air conduit from external the drink bottle and/or to restrict the flow of drink fluid through the air conduit from internal the drink bottle. Air return valve 168 is adapted to be selectively configured between a closed, or sealed, configuration in which the flow of air into the internal compartment through the air return assembly from external the drink bottle is restricted, and an open, or actuated, configuration, in which the air return valve is at least partially displaced from its sealed configuration and in which air may flow through the air return assembly, such as from external the drink bottle into the internal compartment of the fluid container. This flow of air may be through an air conduit, such as conduit 162, or may be simply

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through an opening in the drink bottle that is selectively obstructed by the air return valve. Air return valve 168 preferably has a relatively low actuation pressure for permitting air to be drawn from external the drink bottle into the drink bottle's internal compartment, while also having a relatively high resistance to drink fluid being able to pass through the valve from within the internal compartment. In other words, the air return valve is preferably constructed to resist fluid flow through the valve from internal the compartment. Similar to bite-actuated mouthpiece 72, the air return valve is preferably a resilient valve that is biased to a closed configuration in which the valve is sealed and thereby prevents air or other fluid from passing therethrough. As discussed, the air return valve may be designed to be configured to an actuated, or open, configuration responsive to more than a predetermined pressure differential existing between the drink bottle's internal compartment and the environment external the drink bottle.

Air return valve 168 may include any suitable structure for selectively permitting air to enter the internal compartment of the drink bottle, preferably while also restricting drink fluid from exiting the internal compartment through the air return valve. As an illustrative, non-exclusive example, the air return valve may be a pressure-differential valve that is adapted to selectively permit air to flow into the drink container's internal compartment while restricting the flow of fluid through the air conduit from the internal compartment to exterior of the drink bottle. An illustrative, non-exclusive example of a suitable construction for air return valve 168 is an umbrella, or diaphragm valve, although other suitable valves may be used, including other suitable self-sealing valves. Another illustrative example of a suitable structure is a "duck bill" configuration, in which the valve assembly projects internally into the internal compartment and includes lips that are adapted to spread apart from each other to define a passage through which air may be returned into the internal compartment of the drink bottle, but which are biased

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together to resist drink fluid passing from the internal compartment through the passage. Further examples include valves having one or more slits, including intersecting slits. When a self-sealing valve (i.e., a valve that is biased to a sealed configuration) is utilized, the seal may be provided by abutting surfaces of the valve itself and/or by the valve sealing against a portion of the drink bottle.

It is within the scope of the present disclosure that drink containers that include an air return assembly 160 may alternatively not include any form of physical valve that restricts the flow of fluid through the air conduit. In some embodiments, the air return assembly may include an air conduit that is obstructed on at least one of its ends (internal the fluid container or external the fluid container) when the drink bottle is not being used, such as when a pivotal dispensing nozzle is pivoted to a closed configuration. Air return assembly 160 is preferably positioned so that its air conduit is not obstructed by a user's mouth when the drink bottle is used to dispense drink fluid to a user.

Fig. 9 also graphically depicts that drink bottles 10 according to the present disclosure may, but are not required to, include an optional straw 180 that extends from the cap assembly into the fluid container, such as to (or at least proximate) the lower region of the fluid container. Straw 180 enables a user to draw drink fluid from the drink container via mouthpiece 72 without having to tip the drink bottle so that drink fluid may flow into the fluid conduit 74. For example, as the size of the fluid container increases, users may be more likely to want to draw drink fluid from the drink bottle without having to lift and tilt the drink bottle to the generally horizontal or even inverted configuration that would be used if straw 180 was not present. Straw 180 may be removably (or permanently) coupled to a corresponding mount 182 on the cap assembly, such as at or proximate the inlet 80 of fluid conduit 74. A benefit of a removable straw structure 180 is

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that a user may selectively attach or remove the straw structure from the cap assembly, such as depending upon the desired use of the drink bottle at a given time. As discussed, it is also within the scope of the present disclosure that the straw may be fixedly, or permanently, attached to the cap assembly. As used herein, "removably," "removably coupled," and "removably attached" refer to structures that are designed to be repeatedly connected and disconnected without destruction of the corresponding structures. Similarly, fixedly connected or permanently coupled structures refer to structures that are not designed to be separated without destruction of at least a portion of the structures and/or the mechanism that joins the structures.

Fig. 9 also illustrates that drink bottles 10 according to the present disclosure may, but are not required to, include (or be selectively used with) elongate, flexible drink tubes, or external straw structures, 190 that fluidly interconnect the bite-actuated mouthpiece with mount 100 or another suitable receiver on cap assembly 14. It is within the scope of the present disclosure that any of the drink bottles disclosed, illustrated, and/or incorporated herein may be selectively utilized with an elongate drink tube 190. A potential benefit of this optional construction is that a user may draw drink fluid from the drink bottle without having to hold the drink bottle. Although it is within the scope of the present disclosure that the drink tube may be integrated with or otherwise permanently secured to one or both of the cap assembly or the bite-actuated mouthpiece, it may be desirable for each of these components to be removably coupled to the drink tube. For example, this permits the drink bottle to be used with the mouthpiece connected directly to the cap assembly (such as to mount 100) or to be connected to the cap assembly by drink tube 190. In Fig. 9, an optional mount 192 is shown interconnecting the drink tube with mount 100, such as with the end region thereof), although it is within the scope of the present disclosure that the drink tube may be coupled directly to an end of the mount, such as by

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extending the corresponding end of the drink tube within or over an end of the mount. After attachment to the mount, the drink tube may optionally be described as forming an extension of the fluid conduit 74 of the drink bottle. When drink bottles according to the present disclosure include an elongate drink tube, such as tube 190, it is also within the scope of the present disclosure that the downstream assembly defined by the drink tube and mouthpiece may optionally include one or more quick-connect assemblies and/or flow-regulating devices and accessories, such as disclosed in U.S. Patent No. 6,908,015, U.S. Patent No.7,073,688, and U.S. Patent Application Publication No. 2004/0089301, the complete disclosures of which are hereby incorporated by reference herein for all purposes.

The previously discussed Figs. 7-9 schematically illustrate a variety of components and structures that may (but are not required to be) incorporated into drink bottles according to the present disclosure. It is within the scope of the present disclosure that these components and structures, when present, may have any suitable structure meeting the functional criteria set forth herein and may be implemented individually or in combination with others of these or other components and structures.

Figs. 21-27 show a less schematic example of a suitable cap assembly 14 that may be used with drink bottles 10 according to the present disclosure. The example shown in Figs. 21-27 includes non-exclusive examples of various ones of the previously discussed components and structures. However, it is with the scope of the present disclosure that other components and/or structures may be utilized in place of or in addition to the illustrated components and structures. Accordingly, the depicted example is not intended to require the selected examples and combination of components and structures. Instead, it is intended to provide an illustrative, non-exclusive example of a suitable construction for cap assemblies according to the present

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disclosure. The other components, structures, and variants thereof that are illustrated, described and/or incorporated herein may be selectively utilized with the illustrated cap assembly without departing from the scope of the present disclosure. Similarly, the illustrated cap assembly may be used with any of the drink bottles described, illustrated, and/or incorporated herein, as may the other cap assemblies and/or mouthpieces described, illustrated and/or incorporated herein.

In the example shown in Figs. 21-27, the cap assembly includes a base 70 from which a mount, or drink spout, 100 extends. The mount is pivotally coupled to the base of the cap assembly and is selectively pivoted within a range of positions relative to the base of the cap assembly. In Figs. 21, 23, and 26, the mount is shown in a stowed configuration, while in Figs. 22, 24-25 and 27, the mount is shown in illustrative dispensing configurations within the range of positions. The dispensing configurations of the mount may also be described as deployed and/or ready-to-drink configurations. The cap assembly includes a bite-actuated mouthpiece 72 that is mounted on mount 100 and is in fluid communication therewith. The illustrative mouthpiece includes a dispensing face 90 having a self-sealing opening 86 through which drink fluid may be selectively dispensed when the mount and mouthpiece are both in dispensing configurations.

In the illustrative example shown in Figs. 21-27, the mount includes an optional flange, or lever arm, 122 that projects from the mount and provides a surface that may be grasped or otherwise suitably engaged by a user, such as by a user's finger or thumb, to draw the mouthpiece and its mount from the stowed configuration toward, or to, a ready-to-drink configuration. Flange 122 may optionally be utilized with any of the other pivotal (or otherwise selectively stowable) mounts that are described, illustrated and/or incorporated herein.

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The illustrative example of a cap assembly 14 shown in Figs. 21-27 also includes a handle 140 that extends from the base of the cap assembly. Handle 140 may take any other suitable form, may have a rigid or flexible construction, and may be (but is not required to be) used with any of the other cap assemblies that are disclosed, illustrated and/or incorporated herein. When present, handle 140 may, but is not required to, define a closed perimeter, or boundary, 142 through which a lanyard, karabineer, belt, strap, user's finger, or other structure may extend to hold and/or retain the drink bottle in a selected position. It is within the scope of the present disclosure that this closed boundary is perhaps best seen in Fig. 25. The closed boundary may be defined entirely by the handle or that it may be defined by the handle and the base of the cap assembly. Regardless, the closed boundary refers to a closed perimeter around an opening through which an object may be inserted, such as to position or coupled to the drink container. Additionally or alternatively, when the drink bottle includes a tether than interconnects the cap assembly and the fluid container, the tether may also define (when the cap assembly is properly mounted on the fluid container) a (or another) closed boundary through which a strap or other securing or positioning structure may extend.

Fig. 25 also illustrates a non-exclusive example for a suitable pivotal mounting mechanism for mount 100, with the mount including lateral projections 150 that are received into sockets 152 defined by portions of the base 70 and handle 140 of the cap assembly. The projections are rotatable within the sockets, and thereby function as rotatable supports, or axles, upon which the mount and any attached mouthpiece may be pivotally moved relative to the base of the cap assembly, such as between stowed and dispensing configurations and/or otherwise within the previously discussed range of positions. This illustrative mounting configuration is

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intended to provide a non-exclusive example of a suitable configuration, and it is within the scope of the present disclosure that other configurations may be utilized.

In the illustrated example, and as indicated in Figs. 21-22 and 25, the handle also provides guards 144 that are positioned to protect the bite-actuated mouthpiece from unintentional contact and/or exposure at least when the mouthpiece is in its stowed configuration. In the illustrated example, handle 140 provides a pair of lateral guards 146 that extend on opposing sides of the mouthpiece, as well as a dispensing face guard, or cover, 148 that is adapted to protect the dispensing face of the bite-actuated mouthpiece when the mouthpiece is in its stowed configuration. For example, guard 148 may provide a form of dust cover that protects the dispensing face, and thus the slit or other opening formed therein, from being contacted by dirt, grime, and other substances when the mouthpiece is in its stowed configuration. As handle 140 is itself optional and thereby not required to all embodiments of drink bottles according to the present disclosure, it follows that handle 140, when present, may be formed with only one or more of the illustrated guards, with one or more additional guards, and/or without any guards.

In Figs. 26 and 27, the internal structure of the cap assembly shown in Figs. 21-25 is shown in more detail. For example, the illustrated cap assembly includes a coupling structure 45 in the form of threads 46. As discussed, any other suitable coupling structures may be utilized without departing from the scope of the present disclosure. Figs. 26 and 27 provide a graphical illustration of a pivotal mount 100 that defines a portion of fluid conduit 74 and therefore may be referred to as a drink spout through which drink fluid may selectively flow from the drink container, through an inlet 80 of the fluid conduit defined by the cap assembly, and thereafter through an outlet 104 of the mount into the internal chamber 110 of the bite-actuated mouthpiece

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72. When the mouthpiece is urged to a dispensing configuration, such as by a user biting upon the mouthpiece, the drink fluid may be dispensed through the self-sealing opening 86 in the mouthpiece.

The illustrated example of a cap assembly 14 includes a manual on/off valve, or shutoff valve, 120 that is defined at least in part by the mount. As shown in Fig. 26, fluid conduit 74 is obstructed by a portion of the body 154 of the mount when the mount is in a stowed configuration. As shown with consideration of Figs. 26 and 27, the mount's body includes an inlet 156 that is selectively aligned in fluid communication with the inlet 80 of the fluid conduit. In Fig. 26, the mount is in a stowed configuration and the fluid inlet to the mount is not aligned in fluid communication with the inlet of the fluid conduit. As such, drink fluid is prevented from flowing from the fluid container and through the fluid conduit to the mouthpiece. Therefore, drink fluid from the fluid container will not be dispensed through the fluid conduit and mouthpiece regardless of the configuration of the mouthpiece. When the mount is pivoted to a dispensing configuration, such as shown in Fig. 27, drink fluid may flow through the entire fluid conduit. Figs. 26 and 27 include an optional gasket, or sealing member, 158. As illustrated, the gasket takes the form of a compressible o-ring, but any other suitable structure may be utilized when sealing member 158 is included in cap assembly 14.

In Figs. 26 and 27, the inlet 80 of the fluid conduit is defined by an optional mount 182 for an internal straw that may be selectively attached to the mount. When attached, the inlet for the fluid conduit would be defined by the distal end of the straw. When mount 182 is not present, the inlet to the fluid conduit may be defined by a portion of the cap assembly beneath the mount, or optionally, by the fluid inlet to the mount itself.

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Figs. 26 and 27 also provide a graphical example of a cap assembly 14 that includes an air return assembly 160. In the illustrative, non-exclusive example, the air return assembly includes an air return valve 168 that has an umbrella valve configuration, in which the valve assembly includes an internally deflectable flap or perimeter region 170 that is biased to seal against a region 172 of the underside (or other suitable portion) of the cap assembly that contains an aperture or other passage or conduit 162 through which air may selectively flow when the air return valve is in a open, or deflected configuration.

Figs. 28 and 29 generally correspond to the cap assembly shown in Figs. 26 and 27. Figs. 28 and 29 provide a graphical demonstration that cap assemblies 14 that include an on/off valve 120 may implement the shutoff mechanism with structure other than the structure shown in Figs. 26 and 27. For example, in Figs. 28 and 29, the on/off valve includes a flexible tube, or conduit 124 that in Fig. 28 fluidly interconnects the inlet 80 of the fluid conduit with the internal chamber 110 of the mouthpiece. However, when the mount is pivoted to a stowed configuration, such as shown in Fig. 29, the body 154 of the mount engages the tube and collapses or otherwise compresses or crimps the tube to obstruct the fluid conduit, thereby preventing the flow of drink fluid from the fluid container, through the fluid conduit, and out of the mouthpiece, regardless of the configuration of the mouthpiece. As the mount is pivoted from the stowed configuration shown in Fig. 29 to a dispensing configuration, such as the illustrative configuration shown in Fig. 28, the constrictive pressure applied by the body of the mount is correspondingly reduced, and a fluid flow path through the fluid conduit is reestablished.

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Industrial Applicability

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

It is believed that the disclosure set forth above encompasses multiple distinct inventions with independent utility. While each of these inventions has been disclosed in its preferred form, the specific embodiments thereof as disclosed and illustrated herein are not to be considered in a limiting sense as numerous variations are possible. The subject matter of the inventions includes all novel and non-obvious combinations and subcombinations of the various elements, features, functions and/or properties disclosed herein. Similarly, where the claims recite "a" or "a first" element or the equivalent thereof, such claims should be understood to include incorporation of one or more such elements, neither requiring nor excluding two or more such elements.

It is believed that the following claims particularly point out certain combinations and subcombinations that are directed to one of the disclosed inventions and are novel and non-obvious. Inventions embodied in other combinations and subcombinations of features, functions, elements and/or properties may be claimed through amendment of the present claims or presentation of new claims in this or a related application. Such amended or 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 inventions of the present disclosure.

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Claims

1. A drink container, comprising:

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

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

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

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

a resilient mouthpiece coupled to the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base; wherein the resilient mouthpiece defines a portion of the fluid conduit, including the dispensing outlet; wherein the resilient mouthpiece and the pivotal mount are configured to be selectively pivoted between a stowed position and a dispensing position, and further in the dispensing position, the dispensing outlet is positioned further away from the cap assembly base than when the resilient mouthpiece and the pivotal mount are in the stowed position; wherein the resilient mouthpiece is adapted to resiliently

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compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth; and

a manual on/off valve having a closed configuration, in which the manual on/off valve obstructs the fluid conduit to restrict drink fluid from flowing between the inlet and the dispensing outlet, and an open configuration, in which the manual on/off valve permits drink fluid to flow through the fluid conduit from the inlet to the dispensing outlet; wherein the manual on/off valve includes a flexible tube that defines a portion of the fluid conduit; wherein when the manual on/off valve is in the closed configuration, the tube is crimped to obstruct the flow of drink fluid through the fluid conduit; and wherein when the manual on/off valve is in the open configuration, the tube is not crimped and does not obstruct the flow of drink fluid through the fluid conduit.

2. The drink container of claim 1, wherein the pivotal mount includes a pair of lateral projections, wherein the cap assembly base defines a pair of sockets into which the pair of lateral projections extend, and wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets.

3. The drink container of claim 2, wherein the cap assembly base further comprises a handle that extends from the cap assembly base, and further wherein the handle is secured to the cap assembly base in a position that obstructs removal of the pair of lateral projections from the pair of sockets.

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4. The drink container of claim 1, wherein the cap assembly includes a pair of lateral guards that extend on opposed sides of the resilient mouthpiece when the resilient mouthpiece and the pivotal mount are in the stowed position, and further wherein the cap assembly includes a dust cover extending between the pair of lateral guards and positioned to protect the dispensing outlet of the resilient mouthpiece by extending across at least a portion of the dispensing outlet of the resilient mouthpiece when the resilient mouthpiece and the pivotal mount are in the stowed position.

5. The drink container of claim 4, wherein when the resilient mouthpiece is pivoted from the stowed position to the dispensing position, the resilient mouthpiece pivots away from the dust cover.

6. The drink container of claim 4, wherein the dust cover projects above an upper surface of the cap assembly base.

7. The drink container of claim 4, wherein the cap assembly further includes a handle that extends from the cap assembly base and includes the pair of lateral guards and the dust cover.

8. The drink container of claim 1, wherein the cap assembly further comprises a handle that extends in a fixed orientation from the cap assembly base and which defines at least a portion of a closed loop with an aperture through which a user's finger may be inserted to carry the drink container.

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9. The drink container of claim 1, wherein the resilient mouthpiece is permanently secured to the pivotal mount.

10. The drink container of claim 1, wherein the resilient mouthpiece includes projections that extend generally transverse to the portion of the fluid conduit that extends through the resilient mouthpiece, and further wherein the projections engage an end region of the pivotal mount.

11. The drink container of claim 10, wherein the projections are internal projections.

12. The drink container of claim 1, wherein the resilient mouthpiece is configured to be selectively removed from and recoupled to the pivotal mount.

13. The drink container of claim 12, wherein the resilient mouthpiece includes a mouthpiece base with an end distal the dispensing outlet that has a contoured configuration that does not extend at a constant distance from the dispensing outlet, wherein the end of the resilient mouthpiece base includes a projecting region and a concave region, wherein the projecting region of the end of the mouthpiece base extends a greater distance away from the dispensing outlet than the concave region of the end of the mouthpiece base, and further wherein the pivotal mount is configured to engage the projecting region and the concave region of the mouthpiece base to restrict rotation of the resilient mouthpiece relative to the pivotal mount.

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14. The drink container of claim 1, wherein the resilient mouthpiece includes a dispensing face, and further wherein the dispensing outlet extends through the dispensing face of the resilient mouthpiece.

15. The drink container of claim 14, wherein the dispensing outlet is defined by a slit that extends through the dispensing face of the resilient mouthpiece.

16. The drink container of claim 1, wherein the resilient mouthpiece includes a dispensing face that defines the dispensing outlet, wherein the resilient mouthpiece includes opposed bite regions, wherein the dispensing face includes opposed lips between which the dispensing outlet is defined, and further wherein when a user applies compressive forces to the opposed bite regions, the lips are urged away from each other to enlarge the dispensing outlet.

17. The drink container of claim 16, wherein the opposed lips seal against each other when the opposed bite regions are not urged toward each other.

18. The drink container of claim 1, wherein the pivotal mount further includes a projecting flange that extends away from a portion of the fluid conduit that extends through the pivotal mount, wherein the projecting flange provides a lever arm that is configured to be engaged by a user's finger to pivot the pivotal mount from the stowed position to the dispensing position.

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19. The drink container of claim 1, wherein the pivotal mount is adapted to selectively engage the flexible tube to apply crimping forces thereto and thereby configure the manual on/off valve to the closed configuration as the pivotal mount is pivoted from the dispensing position to the stowed position.

20. The drink container of claim 1, wherein the flexible tube is secured to the pivotal mount.

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Abstract of the Disclosure

Drink bottles, or drink containers with cap assemblies that include a drink spout. In some embodiments, the drink spout is pivotally coupled to a base of the cap assembly. In some embodiments, the drink spouts include mouthpieces, including self-sealing and/or bite-actuated mouthpieces. In some embodiments, the cap assembly includes a handle, which may include at least one guard for the drink spout and/or mouthpiece. In some embodiments, the drink containers include a manual on/off valve. In some embodiments, the dispensing spout includes a mount for the mouthpiece and/or cooperates with the cap to provide a manual on/off valve to selectively restrict flow of drink fluid from the drink container regardless of the drink spout's and/or mouthpiece's configuration. In some embodiments, the drink containers include a drink tube extending from external of the drink containers and/or an air return system.

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Fig. 1

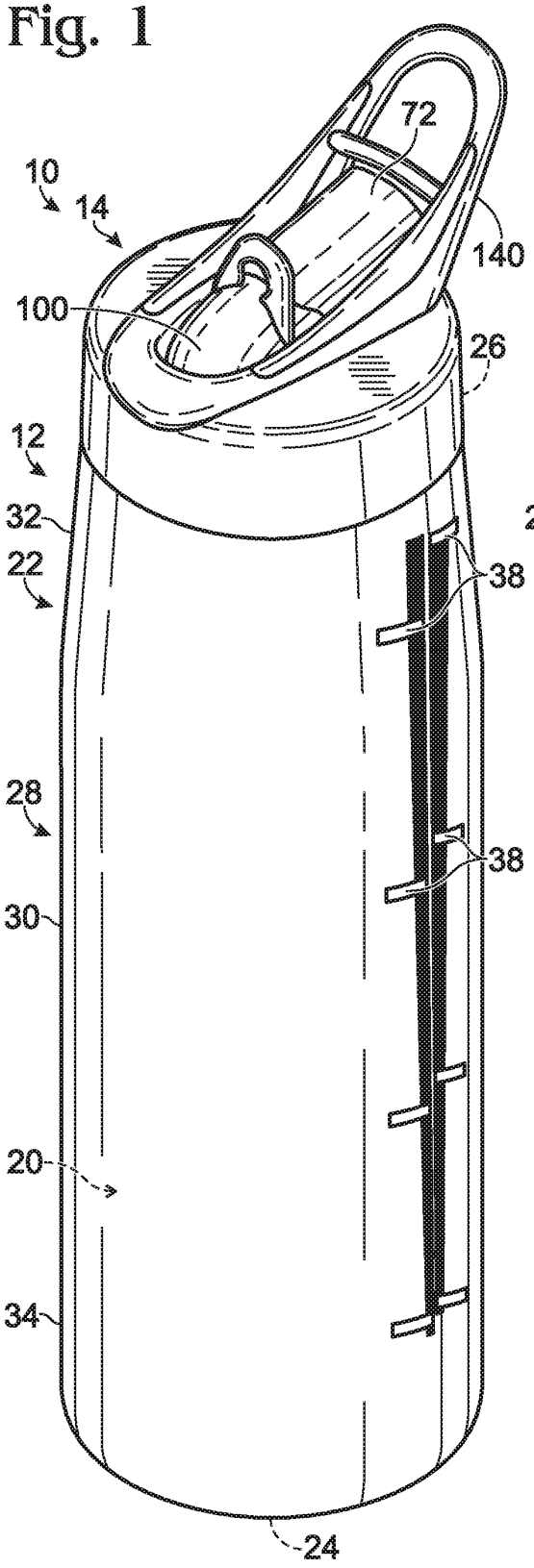

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Fig. 2

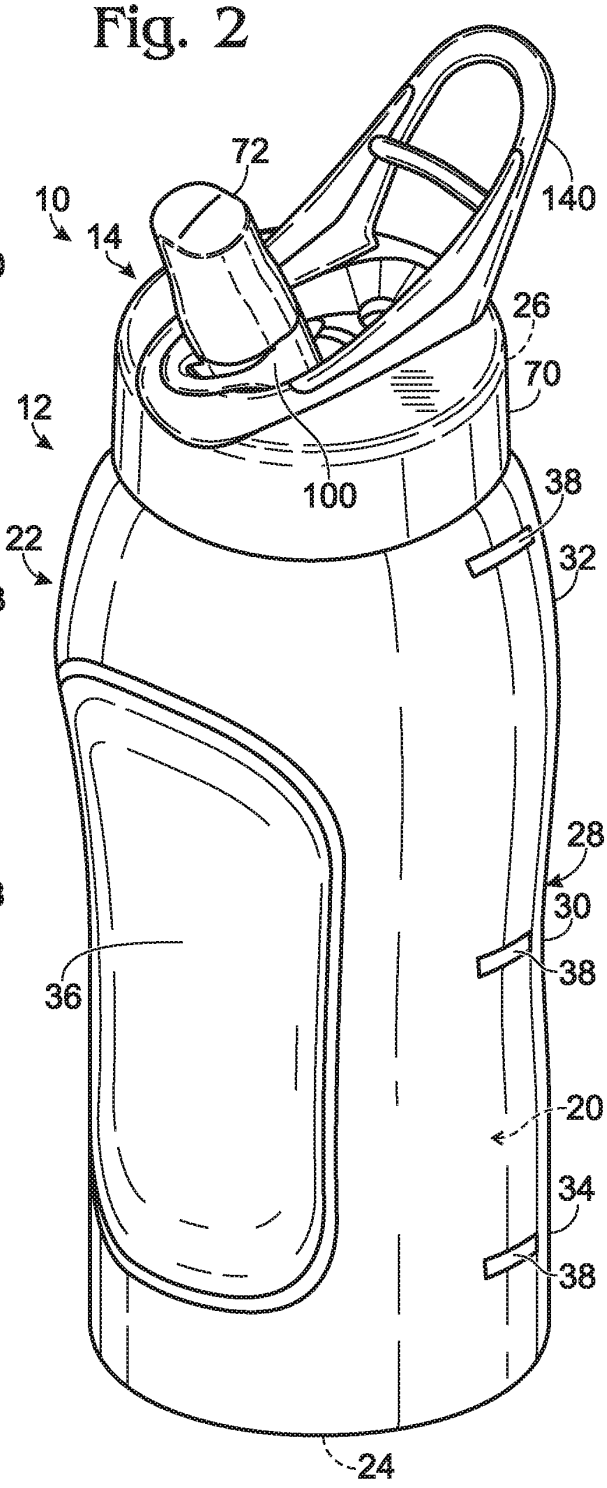

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Fig. 3

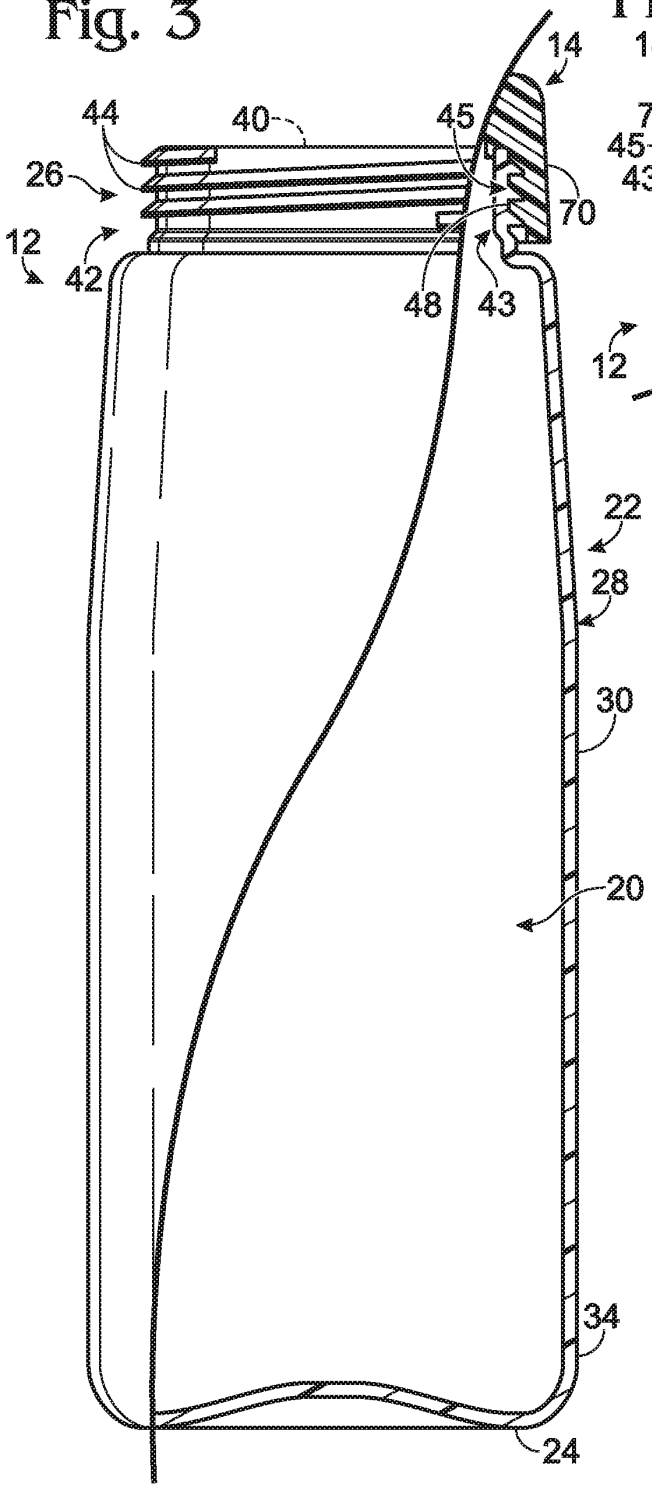
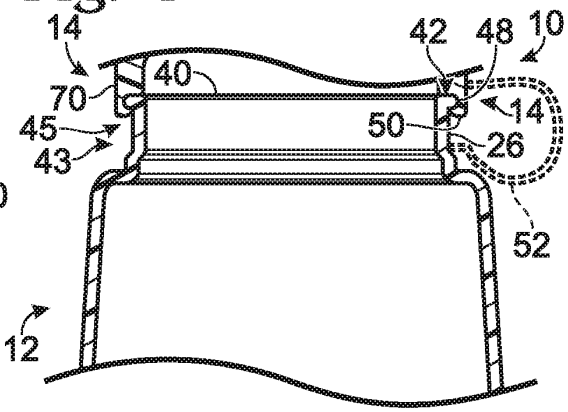


Fig. 4



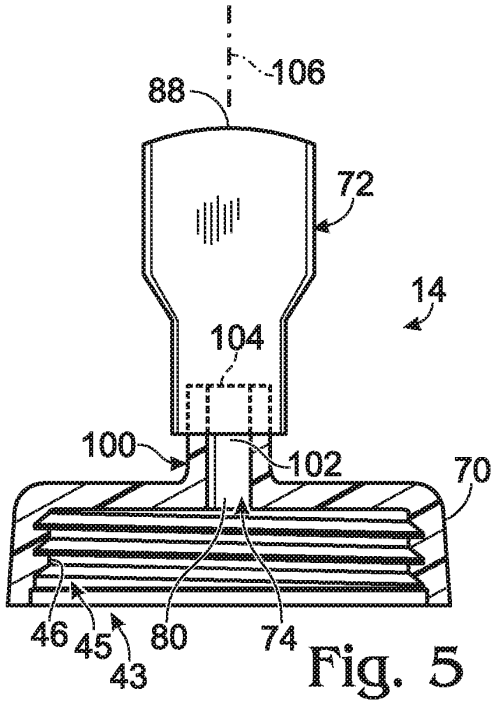


Fig. 5

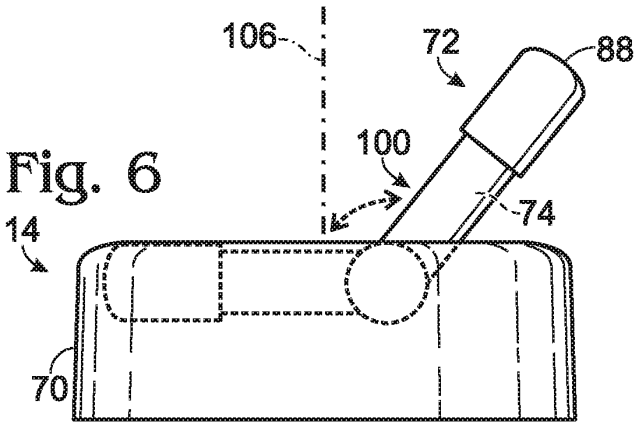


Fig. 6

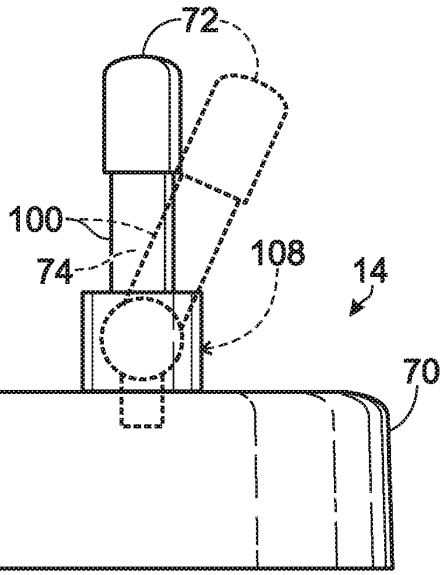


Fig. 7

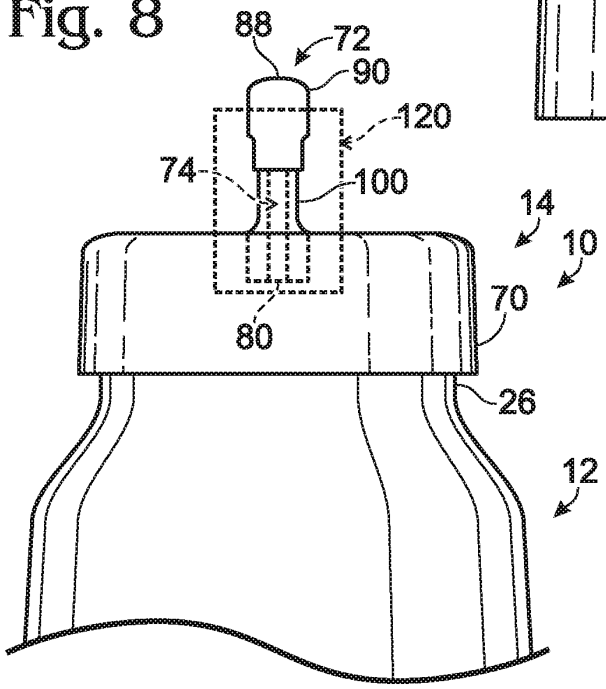


Fig. 8

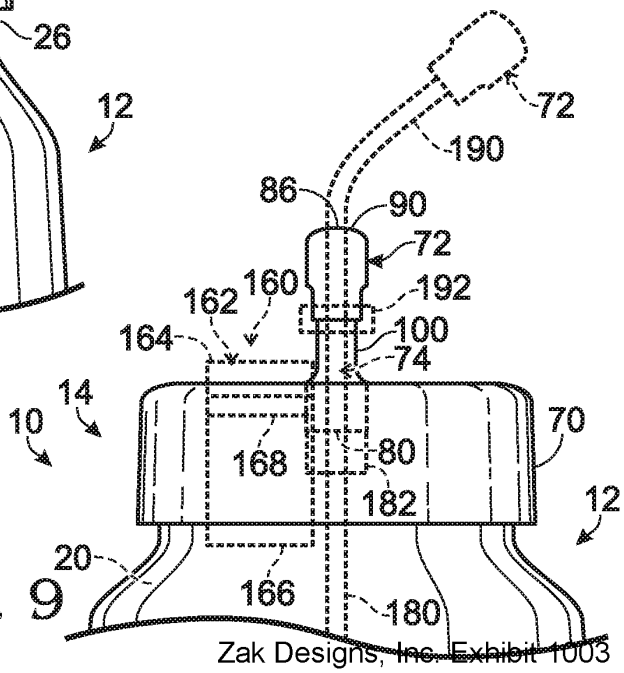


Fig. 9

Fig. 10

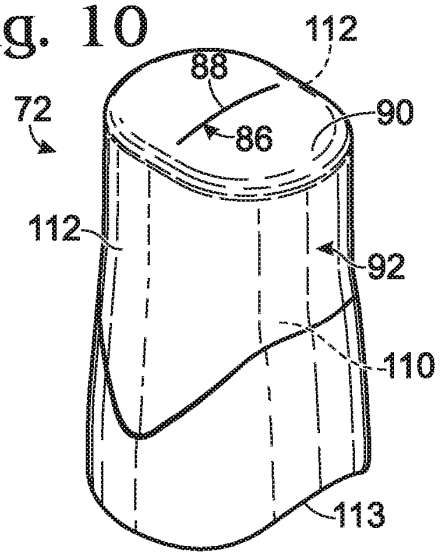


Fig. 11

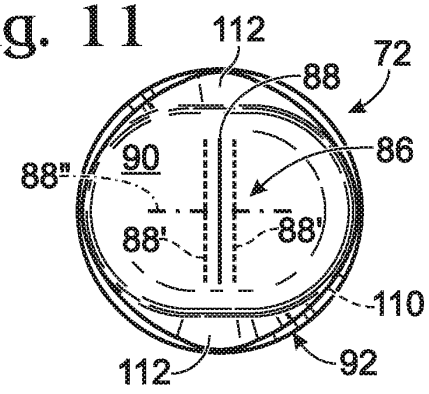


Fig. 12

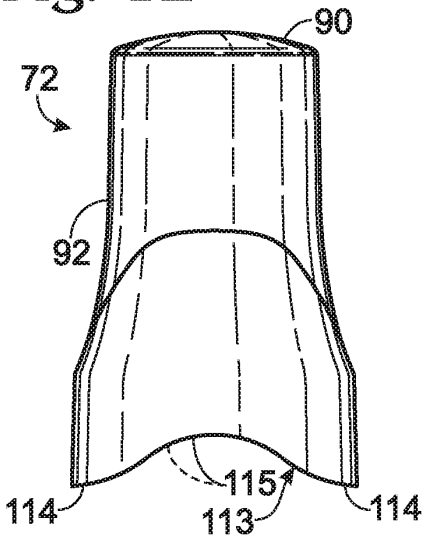


Fig. 13

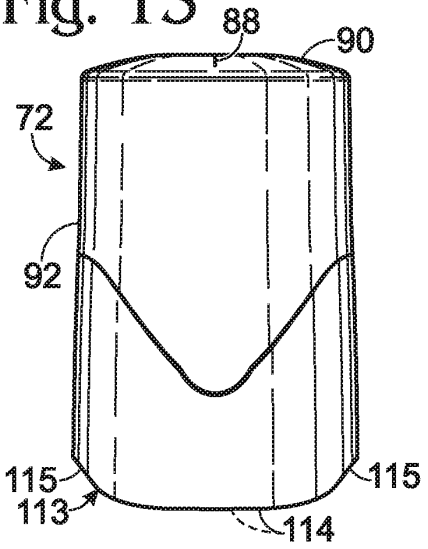


Fig. 14

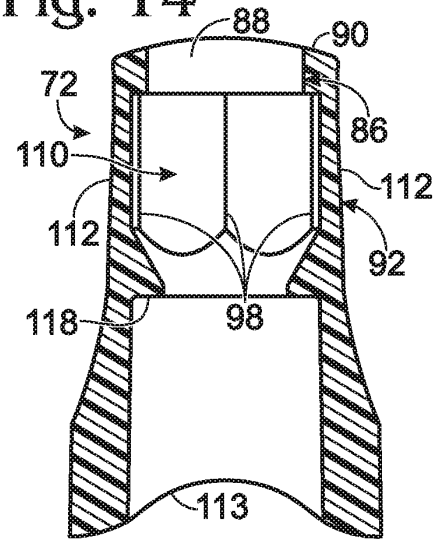


Fig. 15

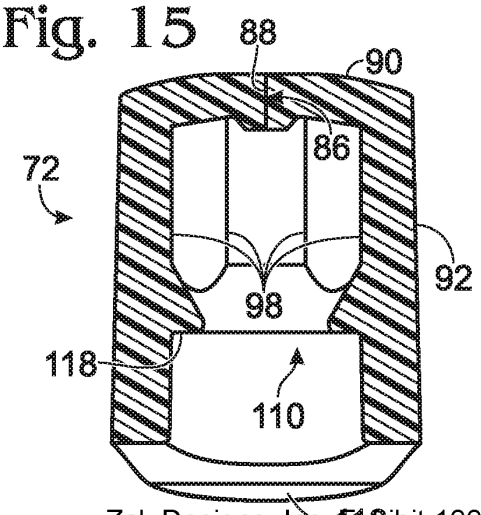


Fig. 16

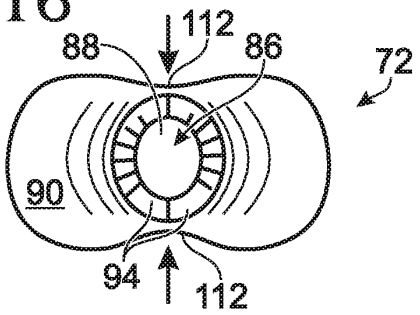


Fig. 17

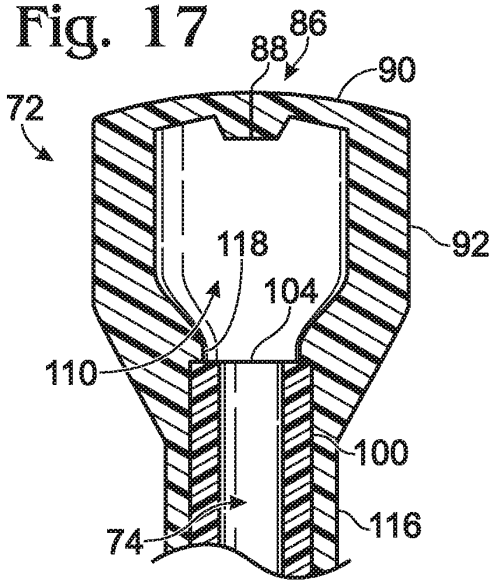


Fig. 18

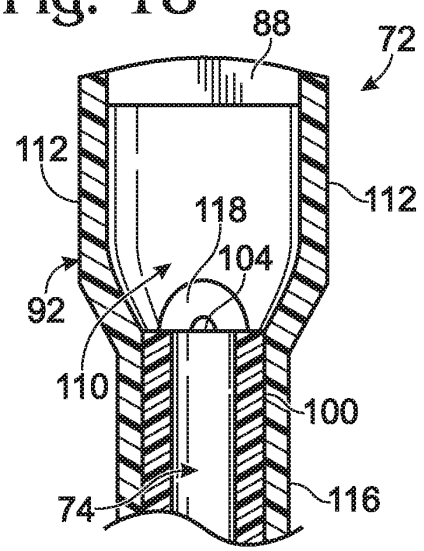


Fig. 19

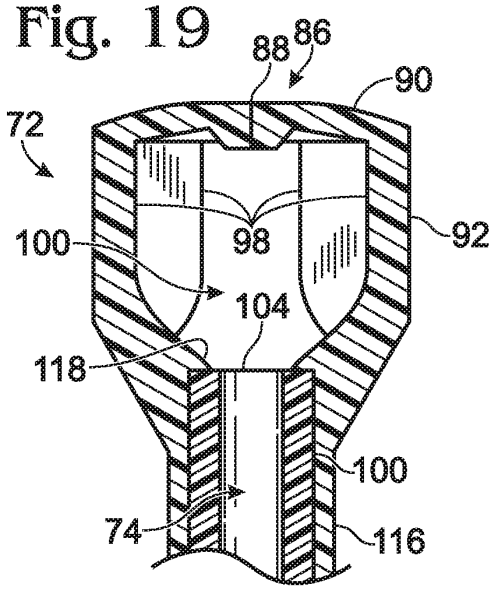


Fig. 20

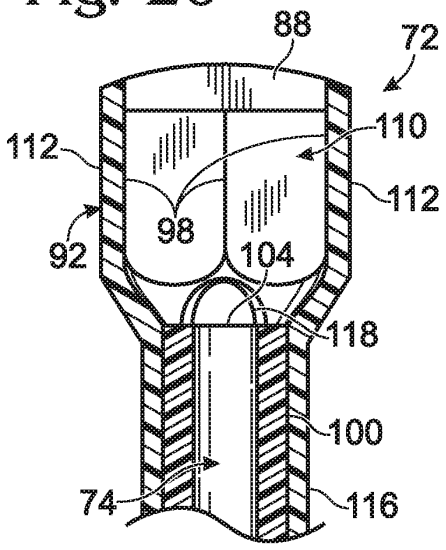


Fig. 21

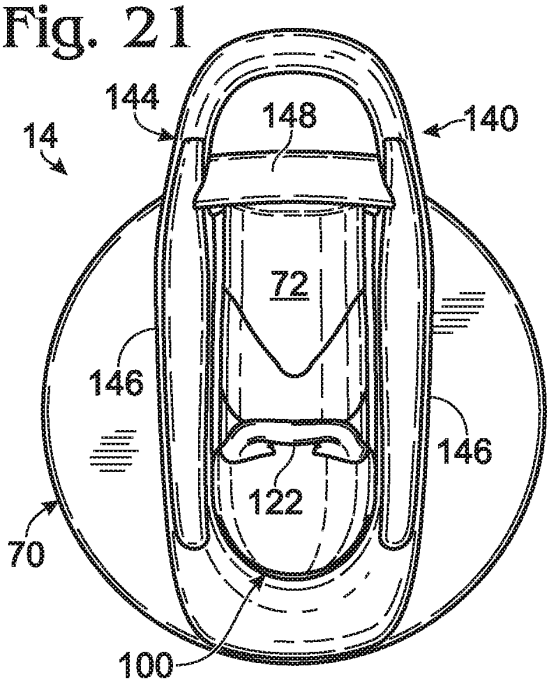


Fig. 22

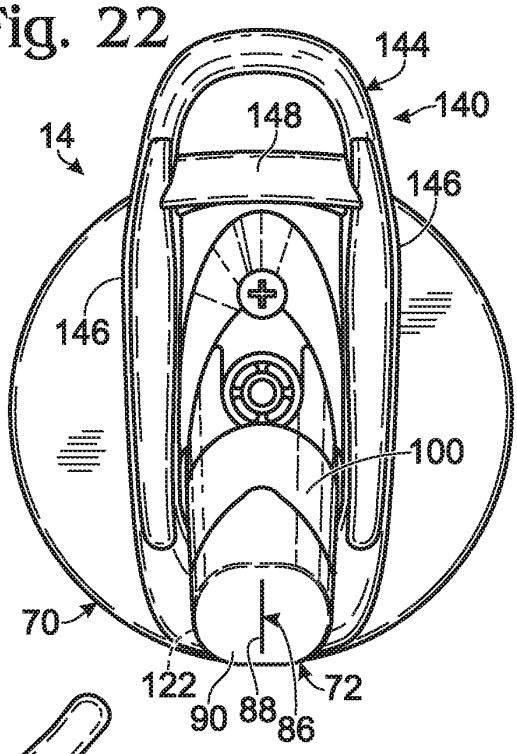
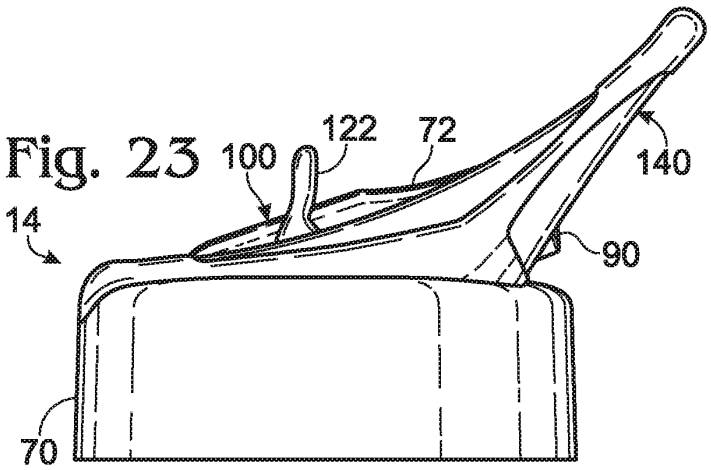


Fig. 23



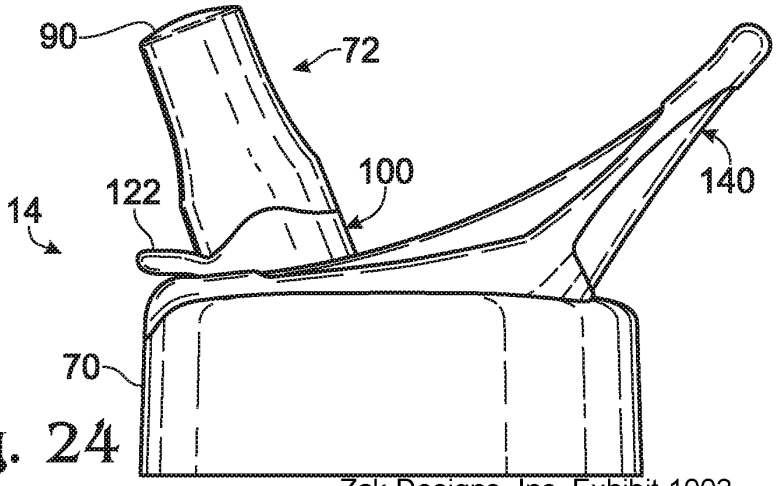
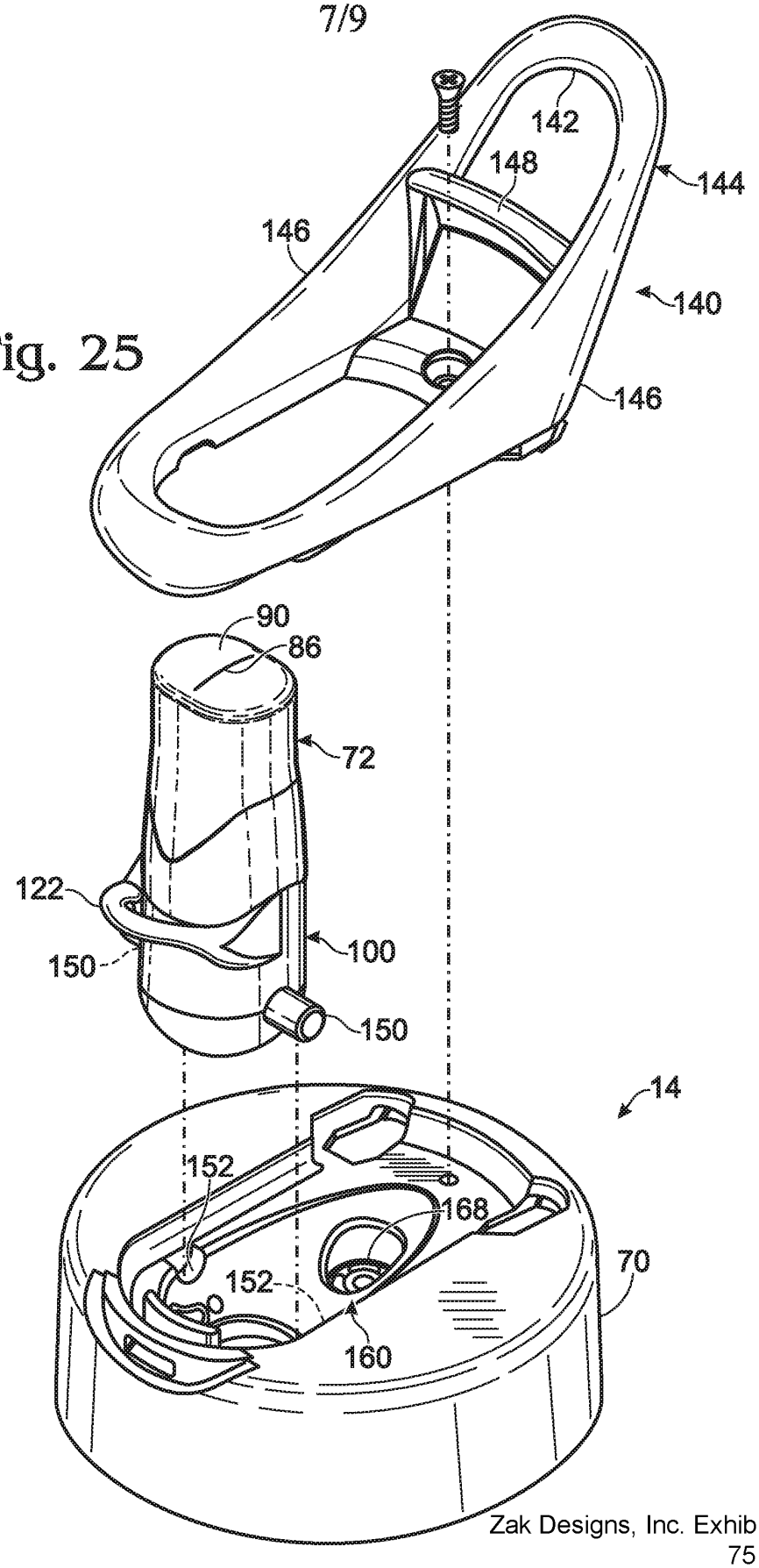


Fig. 24

Fig. 25


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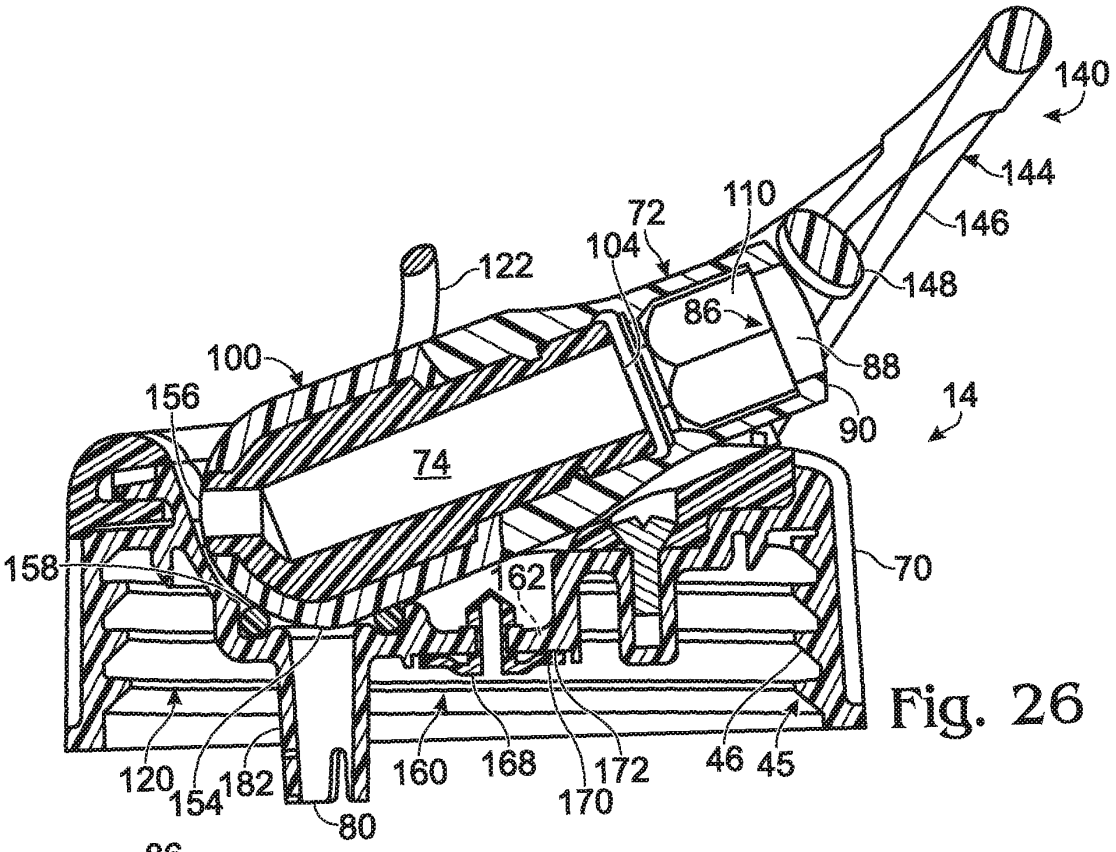

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Fig. 26

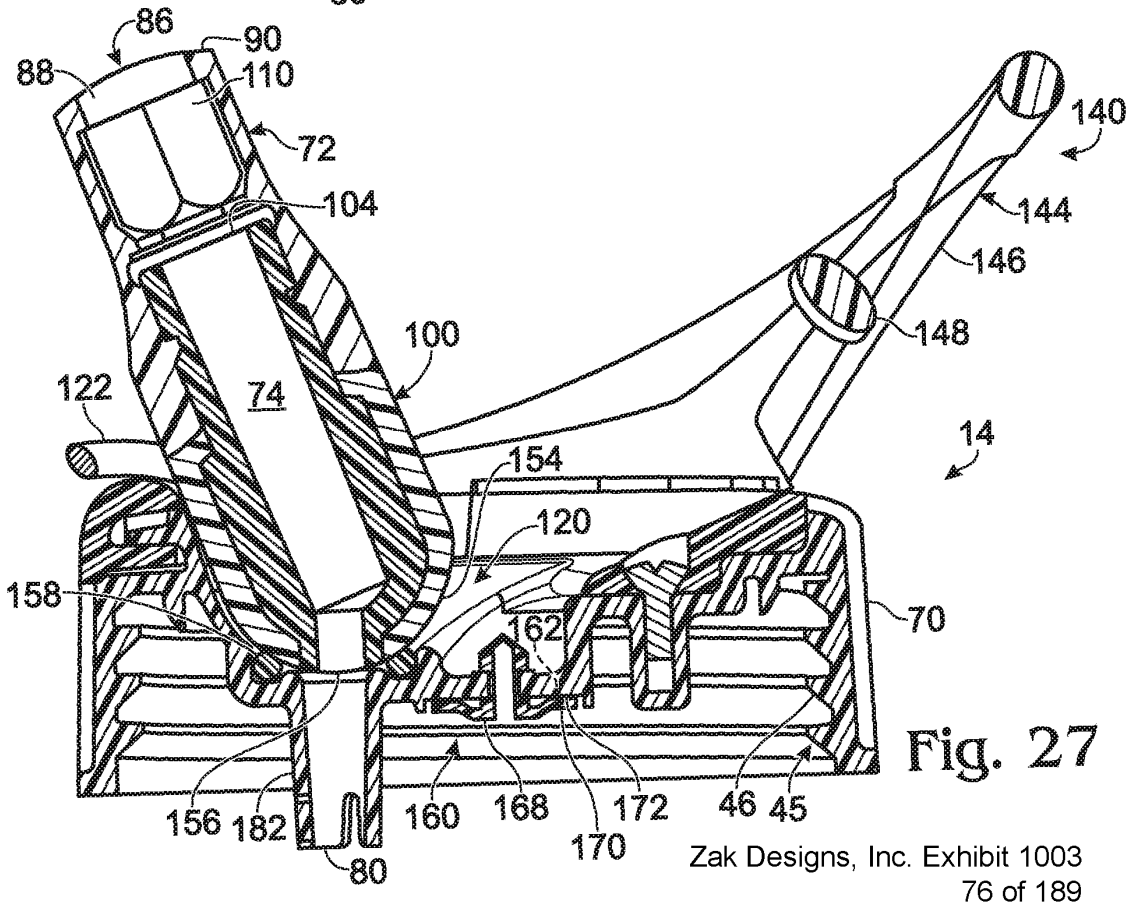

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Fig. 27

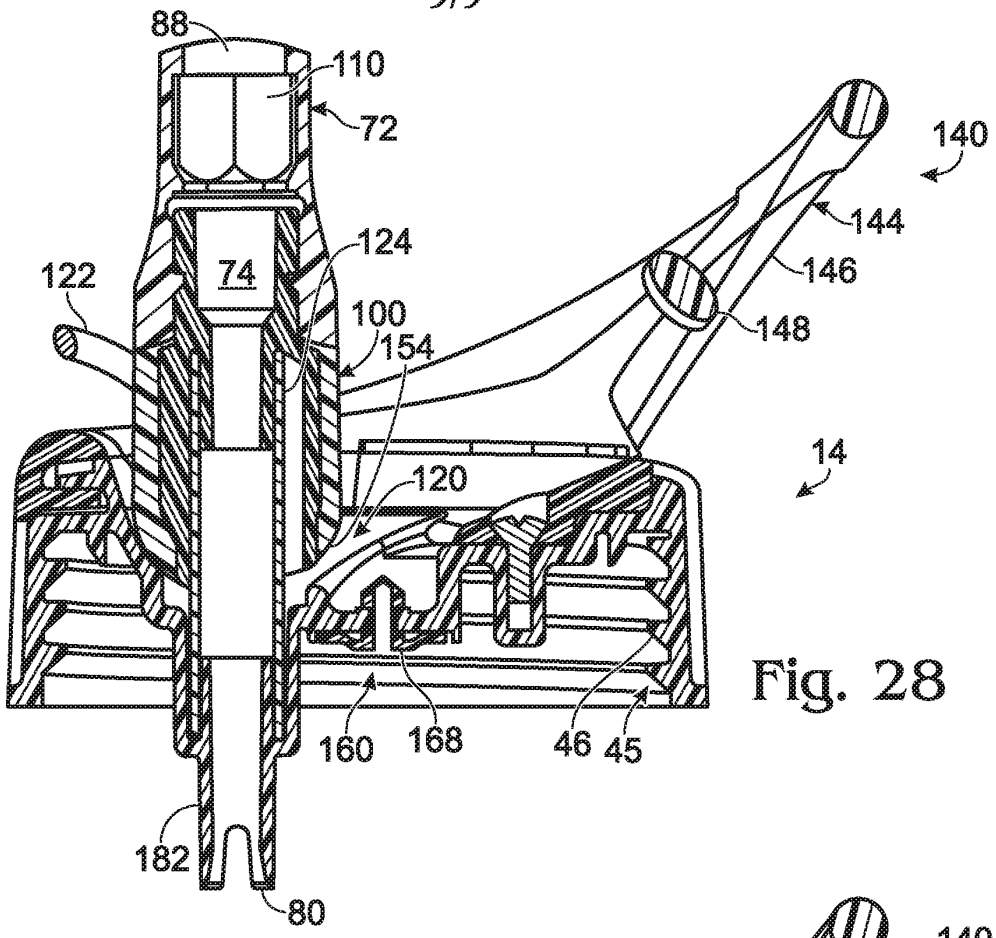

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Fig. 28

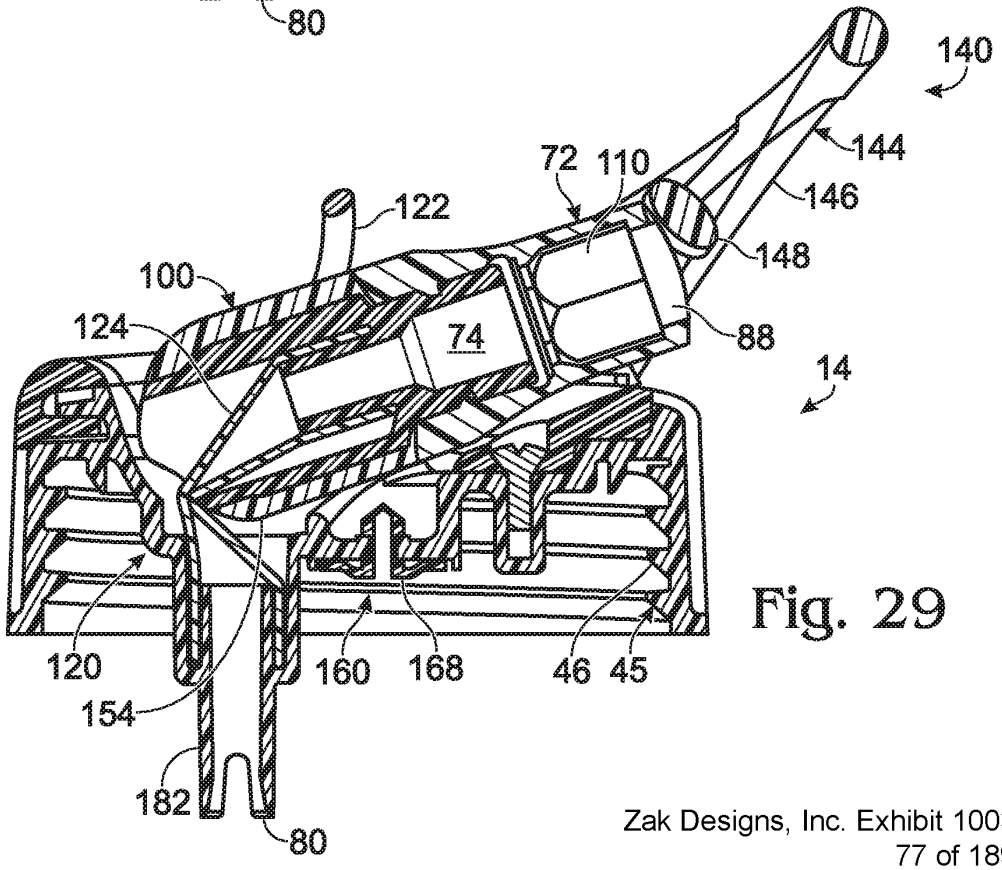

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Fig. 29

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Date: July 13, 2018

Atty. Docket No.: KRN 330E

In re Application of:
CAMELBAK PRODUCTS, LLC

Inventors : Robert CHOI, Barley A. FORSMAN, and Jeremy GALTEN

Serial No. : Not yet assigned.

Filed : July 13, 2018

For : DRINK BOTTLES

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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

Applicant is 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. Applicant respectfully requests 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 ten pages of PTO-1449 forms; however, it does not include copies of the references listed on the forms, as permitted under

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37 C.F.R. § 1.98(d), because copies already were provided in an earlier U.S. application (Serial No. 15/287,915), or a priority application thereto, that is relied upon here for an earlier effective filing date under 35 U.S.C. § 120.

FOREIGN LANGUAGE REFERENCES

For each foreign document for which there is no English translation, an English language abstract is already of record in the previously cited patents and applications identified above.

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. 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 accompanying PTO-1449 forms are being transmitted electronically via the United States Patent and Trademark Office's EFS-Web System on July 13, 2018.



David S. D'Ascenzo

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POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(c).

I hereby appoint:

☒ Practitioners associated with Customer Number: 139868

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

As attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignments documents attached to this form in accordance with 37 CFR 3.73(c).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(c) to:

☒ The address associated with Customer Number: 139868

OR

☐	Firm or Individual Name		
	Address		
	City	State	Zip
	Country		
	Telephone	Email	

Assignee Name and Address: CamelBak Products, LLC
2000 S. McDowell, Suite 200
Petaluma, California 94954

A copy of this form, together with a statement under 37 CFR 3.73(c) (Form PTO/AIA/96 or equivalent) is required to be Filed in each application in which this form is used. The statement under 37 CFR 3.73(c) may be completed by one of The practitioners appointed in this form, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record
The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature	/Daniel J. Kelly/	Date	6-15-2017
Name	Daniel J. Kelly	Telephone	(913) 752-3472
Title	Assistant Secretary		

This collection of information is required by 37 CFR 1.31, 1.32 and 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.

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STATEMENT UNDER 37 CFR 3.73(c)

Applicant/Patent Owner: CamelBak Products, LLC

Application No./Patent No.: 16/035,418 Filed/Issue Date: July 13, 2018

Titled: DRINK BOTTLES

CamelBak Products, LLC, a limited liability company

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose **one** of options 1, 2, 3 or 4 below):

1. ☑ The assignee of the entire right, title, and interest.

2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):

   ☐ The extent (by percentage) of its ownership interest is _____%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.

   ☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

   Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:

   Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (*e.g.*, bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose **one** of options A or B below):

A. ☑ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

   The document was recorded in the United States Patent and Trademark Office at

   Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

   The document was recorded in the United States Patent and Trademark Office at

   Reel _____, Frame _____, or for which a copy thereof is attached.

This collection of information is required by 37 CFR 3.73(b). 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 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.

PTO/AIA/96 (08-12)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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STATEMENT UNDER 37 CFR 3.73(c)

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

4. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

5. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

6. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☑ As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

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

/David S. D'Ascenzo/	July 13, 2018
Signature	Date
David S. D'Ascenzo	39,952
Printed or Typed Name	Title or Registration Number

ASSIGNMENT

WHEREAS, WE, ROBERT CHOI, of Santa Rosa, County of Sonoma, State of California, BARLEY A. FORSMAN, of San Rafael, County of Marin, State of California, and JEREMY GALTEN, of Petaluma, County of Sonoma, State of California, have invented certain improvements in DRINK BOTTLES WITH BITE-ACTUATED MOUTHPIECES, 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, ROBERT CHOI, BARLEY A. FORSMAN, and JEREMY GALTEN, 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 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

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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.

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 this 16th day of December, 2005.

Robert Choi
ROBERT CHOI

Witness:

Jeremy Galten
(Printed Name)

(Signature)

1623 Shenandoah Ct
(Address)

Petaluma, CA 94954
(City, State)

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IN TESTIMONY WHEREOF, I have hereunto set my hand this 16TH

day of DEC., 2005.

BARLEY A. FORSMAN

Witness:

JEREMY GALTEN
(Printed Name)

(Signature)

1623 SHENANDOAH CT
(Address)

PETALUMA, CA 94954
(City, State)

IN TESTIMONY WHEREOF, I have hereunto set my hand this 16TH

day of DECEMBER, 2005.

JEREMY GALTEN

Witness:

BARLEY FORSMAN
(Printed Name)

(Signature)

1961 LAS GALLINAS AVE
(Address)

SAN RAFAEL CA 94903
(City, State)

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Electronic Acknowledgement Receipt

EFS ID:	33178545
Application Number:	16035418
International Application Number:	
Confirmation Number:	4623
Title of Invention:	DRINK BOTTLES
First Named Inventor/Applicant Name:	Robert Choi
Customer Number:	139868
Filer:	David S. D'Ascenzo/Robin Davin
Filer Authorized By:	David S. D'Ascenzo
Attorney Docket Number:	KRN 330E
Receipt Date:	13-JUL-2018
Filing Date:	
Time Stamp:	18:58:52
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	Power of Attorney	General_Power_of_Attorney_KRN330E_7-13-18.pdf	268518 8df40d8dab3d0f2ed5f22147c189e3206622c79b	no	1

Warnings:

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Information:					
2	Assignee showing of ownership per 37 CFR 3.73	Statement_Under_37_CFR_3_73c_with_Assignment_KRN330E_7-13-18.pdf	262134 1d2c0f7bfd554095228e45ba4ee417b4bccd8acc	no	5
Warnings:					
Information:					
			Total Files Size (in bytes):	530652	

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.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 16/035,418

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	300
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	660
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	760
TOTAL CLAIMS (37 CFR 1.16(i))	20 minus 20 =	*			OR	x 100 =	0.00
INDEPENDENT CLAIMS (37 CFR 1.16(h))	1 minus 3 =	*				x 460 =	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	1720

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	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
16/035,418	07/13/2018	3781	1720	KRN 330E	20	1

CONFIRMATION NO. 4623

139868
DASCENZO Intellectual Property Law, P.C.
1000 SW Broadway, Suite 1555
Portland, OR 97205

FILING RECEIPT



Date Mailed: 08/06/2018

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**

Inventor(s)

Robert Choi, Ogden, UT;
Barley A. Forsman, Cotati, CA;
Jeremy Galten, Petaluma, CA;

Applicant(s)

CamelBak Products, LLC, Petaluma, CA;

Power of Attorney: The patent practitioners associated with Customer Number 139868

Domestic Priority data as claimed by applicant

This application is a CON of 15/287,915 10/07/2016 PAT 10023365
which is a CON of 14/329,096 07/11/2014 PAT 9463911
which is a CON of 12/133,954 06/05/2008 PAT 8777048
which is a CON of 11/588,476 10/26/2006 PAT 8622237
which is a CON of 11/313,488 12/20/2005 PAT 7533783
which claims benefit of 60/706,700 08/08/2005
and claims benefit of 60/670,828 04/11/2005

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.) - None.
Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

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Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 08/02/2018

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 16/035,418**

Projected Publication Date: 11/15/2018

Non-Publication Request: No

Early Publication Request: No

Title

DRINK BOTTLES

Preliminary Class

220

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

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

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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 (1-866-999-4258).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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FORM PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION	DOCKET NUMBER KRN 330E	APPLICATION NUMBER 16/035,418
	APPLICANT: CAMELBAK PRODUCTS, LLC INVENTORS: ROBERT CHOI, BARLEY A. FORSMAN, and JEREMY GALTEN	
	FILING DATE July 13, 2018	GROUP ART UNIT 3736

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	2002/0040909	4/11/2002	Goto et al.			
	5,125,543	6/30/1992	Rohrabacher et al.			
	6,837,400	1/4/2005	Leoncavallo et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	NO

OTHER DOCUMENTS

EXAMINER	DATE CONSIDERED

Electronic Acknowledgement Receipt

EFS ID:	33953317
Application Number:	16035418
International Application Number:	
Confirmation Number:	4623
Title of Invention:	DRINK BOTTLES
First Named Inventor/Applicant Name:	Robert Choi
Customer Number:	139868
Filer:	David S. D'Ascenzo/Robin Davin
Filer Authorized By:	David S. D'Ascenzo
Attorney Docket Number:	KRN 330E
Receipt Date:	09-OCT-2018
Filing Date:	13-JUL-2018
Time Stamp:	13:10:47
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		Supplemental_Information_Disclosure_Statement_KRN330E_10-9-18.pdf	147375 56784346c552c7cb21e94dc4849cc2c4967c6fef	yes	3

	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:			
	Total Files Size (in bytes):	147375	

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 9, 2018

Atty. Docket No.: KRN 330E

In re Application of:
CAMELBAK PRODUCTS, LLC

Inventors	:	Robert CHOI, Barley A. FORSMAN, and Jeremy GALTEN	
Serial No.	:	16/035,418	Group Art Unit: 3736
Filed	:	July 13, 2018	Examiner: Shawn M. Braden
For	:	DRINK BOTTLES	

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

Applicant is 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. Applicant respectfully requests 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 form(s). However,

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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.

TIMING OF DISCLOSURE/FEE INFORMATION

This Information Disclosure Statement is being filed (1) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d), or (2) before the mailing of a first Office action on the merits. 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
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Customer No. 139868
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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 October 9, 2018.



David S. D'Ascenzo

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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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/035,418	07/13/2018	Robert Choi	KRN 330E

CONFIRMATION NO. 4623

139868
DASCENZO Intellectual Property Law, P.C.
1000 SW Broadway, Suite 1555
Portland, OR 97205

PUBLICATION NOTICE

OC000000103832348

Title:DRINK BOTTLES

Publication No.US-2018-0327151-A1
Publication Date:11/15/2018

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 Public Records Division. The Public Records Division can be reached by telephone at (571) 272-3150 or (800) 972-6382, by facsimile at (571) 273-3250, by mail addressed to the United States Patent and Trademark Office, Public Records Division, 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 https://portal.uspto.gov/pair/PublicPair. 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.

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

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/035,418	07/13/2018	Robert Choi	KRN 330E	4623

139868 7590 08/02/2019

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

EXAMINER	
BRADEN, SHAWN M	

ART UNIT	PAPER NUMBER
3736	

MAIL DATE	DELIVERY MODE
08/02/2019	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. 16/035,418	Applicant(s) Choi et al.	
	Examiner SHAWN M BRADEN	Art Unit 3736	AIA (FITF) 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 MONTHS 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 7/13/18.

☐ 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) 1-20 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) 1-20 is/are rejected.

8) ☐ Claim(s) _____ 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/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

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

4) ☐ Other: _____.

Notice of Pre-AIA or AIA Status

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

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file

provisions of the AIA as explained in MPEP § 2159. See MPEP §§ 706.02(l)(1) - 706.02(l)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

3. Claims 1-20, are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 10,023,365. Although the claims at issue are not identical, they are not patentably distinct from each other because a quick review shows that all of the current claim structure has been included in the parent claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of pre-AIA 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim(s) 1-3,19,20, is/are rejected under pre-AIA 35 U.S.C. 102b as being anticipated by Dark (USPN 6,116,458).

6. With respect to claim 1, Dark shows a fluid container (2) having a neck with an opening (shown under cap) and having an internal compartment sized to hold a volume of potable drink fluid; a cap assembly (fig. 1) removably coupled to the fluid container to cover the opening, wherein the cap assembly defines a fluid conduit for drink fluid to flow from the fluid container and through the cap assembly to a user, wherein the fluid conduit includes an inlet(bottom of 8) through which drink fluid from the fluid container may enter the fluid conduit, and a dispensing outlet (at 3a) through which drink fluid in the fluid conduit may be dispensed from the cap assembly to a user, and further wherein the cap assembly comprises: a cap assembly base (7c) removably coupled to the neck of the fluid container, wherein the cap assembly base is configured to be selectively and repeatedly decoupled from and re-coupled (threaded connection meets this limitation) to the neck of the fluid container; a pivotal mount (4b) coupled to the cap assembly base for pivotal movement relative to the cap assembly base; a resilient mouthpiece (3a) coupled to the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base; wherein the resilient mouthpiece defines a portion of the fluid conduit, including the dispensing outlet; wherein the resilient mouthpiece and the pivotal mount are configured to be selectively pivoted between a stowed position (fig. 1) and a dispensing position (fig. 2), and further in the dispensing position, the dispensing outlet is positioned further away from the cap assembly base

than when the resilient mouthpiece and the pivotal mount are in the stowed position; wherein the resilient mouthpiece (3a) is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth (a user can bite the plastic mouth piece and the natural tendencies of plastic make it resilient); and a manual on/off valve (closing the spout to crimp 12 make the valve closed) having a closed configuration (see fig. 6), in which the manual on/off valve obstructs the fluid conduit to restrict drink fluid from flowing between the inlet and the dispensing outlet, and an open configuration (see fig. 5), in which the manual on/off valve permits drink fluid to flow through the fluid conduit from the inlet to the dispensing outlet; wherein the manual on/off valve includes a flexible tube (8,3 make up the tube) that defines a portion of the fluid conduit; wherein when the manual on/off valve is in the closed configuration (fig. 6), the tube is crimped (12) to obstruct the flow of drink fluid through the fluid conduit; and wherein when the manual on/off valve is in the open configuration (fig. 5), the tube is not crimped and does not obstruct the flow of drink fluid through the fluid conduit.

With respect to claim 2, Dark shows wherein the pivotal mount includes a pair of lateral projections (15), wherein the cap assembly base defines a pair of sockets (16) into which the pair of lateral projections extend, and wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of

sockets (this rotation is accomplished when the cap un-screws to remove the cap)

With respect to claim 3, Dark shows wherein the cap assembly base further comprises a handle (7b) that extends from the cap assembly base, and further wherein the handle (7b) is secured to the cap assembly base in a position that obstructs removal of the pair of lateral projections from the pair of sockets (7b surrounds the pair of lateral projections 15).

With respect to claim 19, Dark shows wherein the pivotal mount (4b) is adapted to selectively engage the flexible tube to apply crimping (12) forces thereto and thereby configure the manual on/off valve to the closed configuration as the pivotal mount is pivoted from the dispensing position to the stowed position (fig. 6).

With respect to claim 20, Dark the flexible tube is secured (they are directly connected) to the pivotal mount (4b).

Claim Rejections - 35 USC § 103

7. The following is a quotation of pre-AIA 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, 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.

Claims 4-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dark in view of Forsman (US D547,607).

Dark discloses the invention substantially as claimed.

However Dark does not disclose claim 4, the cap assembly includes a pair of lateral guards that extend on opposed sides of the resilient mouthpiece when the resilient mouthpiece and the pivotal mount are in the stowed position, and further wherein the cap assembly includes a dust cover extending between the pair of lateral guards and positioned to protect the dispensing outlet of the resilient mouthpiece by extending across at least a portion of the dispensing outlet of the resilient mouthpiece when the resilient mouthpiece and the pivotal mount are in the stowed position, claim 5, wherein when the resilient mouthpiece is pivoted from the stowed position to the dispensing position, the resilient mouthpiece pivots away from the dust cover, claim 4, wherein the dust cover projects above an upper surface of the cap assembly base, claim 7, wherein the cap assembly further includes a handle that extends from the cap assembly base and includes the pair of lateral guards and the dust cover, claim 8, wherein the cap assembly further comprises a handle that extends in a fixed orientation from the cap assembly base and which defines at least a portion of a closed loop with an aperture through which a user's finger may be inserted to carry the drink container, claim 12, shows the resilient mouthpiece is configured to be selectively removed from and recoupled to the pivotal mount, claim 13, wherein the resilient mouthpiece includes a mouthpiece base with an end distal the dispensing outlet that has a contoured configuration that does not extend at a constant distance from the dispensing outlet, wherein the end of the resilient mouthpiece base includes a projecting region and a concave region, wherein the projecting region of the end of the mouthpiece base

extends a greater distance away from the dispensing outlet than the concave region of the end of the mouthpiece base, and further wherein the pivotal mount is configured to engage the projecting region and the concave region of the mouthpiece base to restrict rotation of the resilient mouthpiece relative to the pivotal mount, claim 14, wherein the resilient mouthpiece includes a dispensing face, and further wherein the dispensing outlet extends through the dispensing face of the resilient mouthpiece, claim 15, wherein the dispensing outlet is defined by a slit that extends through the dispensing face of the resilient mouthpiece, claim 16, wherein the resilient mouthpiece includes a dispensing face that defines the dispensing outlet, wherein the resilient mouthpiece includes opposed bite regions, wherein the dispensing face includes opposed lips between which the dispensing outlet is defined, and further wherein when a user applies compressive forces to the opposed bite regions, the lips are urged away from each other to enlarge the dispensing outlet, claim 17, wherein the opposed lips seal against each other when the opposed bite regions are not urged toward each other, claim 18, wherein the pivotal mount further includes a projecting flange that extends away from a portion of the fluid conduit that extends through the pivotal mount, wherein the projecting flange provides a lever arm that is configured to be engaged by a user's finger to pivot the pivotal mount from the stowed position to the dispensing position.

Forsman in (figs. 1-10) shows the same dust guard, handle, resilient mouth piece including the slit, and the projecting flange as current application, in the same field of endeavor for the purpose of keeping dust out of the mouth piece and the handle is to carry the container, the components are separable in order to take apart and clean, the flange is to help grasping and extending the spout, the resilient mouth piece is an additional valve that can be operated by the users mouth that allows for hands free operation.

It would have been obvious to one having ordinary skill in the art before the effective filing date of the claimed invention to add a dust guard and handle, the more complex resilient mouth piece with the flang as taught by Forsman to the container of Dark in order to have a convenient loop to grasp as a handle and the dust guard keep the outlet free of dust and dirt, making the components separable for easier cleaning and easier for a user to open the valve and hands free operation of the claimed resilient mouth piece.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAWN M BRADEN whose telephone number is (571)272-8026. The examiner can normally be reached on M-F 8am-5pm.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Picket 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.

/SHAWN M BRADEN/
Primary Examiner, Art Unit 3736

Notice of References Cited	Application/Control No. 16/035,418	Applicant(s)/Patent Under Reexamination Choi et al.	
	Examiner SHAWN M BRADEN	Art Unit 3736	Page 1 of 1

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	B					
	C					
	D					
	E					
	F					
	G					
	H					
	I					
	J					
	K					
	L					
	M					

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

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*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
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	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/035,418	Choi et al.
	Examiner	Art Unit
	SHAWN M BRADEN	3736

CPC - Searched*		
Symbol	Date	Examiner
A47G19/2266, A47G19/2272 , B65D47/066	07/31/2019	smb

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
215	11.4,11.5	07/31/2019	smb
220	254.3,704,705,707,714		

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
text search and inventor search	07/31/2019	smb

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

/SHAWN M BRADEN/ Primary Examiner, Art Unit 3736	

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	APPLICANT: CAMELBAK PRODUCTS, LLC INVENTORS: ROBERT CHOI, BARLEY A. FORSMAN, and JEREMY GALTEN	
	FILING DATE July 13, 2018	GROUP ART UNIT 3736

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/SHAWN M BRADEN/	07/31/2019

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Bibliographic Data

Application No: 16/035,418

Foreign Priority claimed: ○ Yes ◉ No

35 USC 119 (a-d) conditions met: ☐ Yes ☑ No ☐ Met After Allowance

Verified and Acknowledged: /SHAWN M BRADEN/ (Examiner's Signature) | (Initials)

Title: DRINK BOTTLES

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
07/13/2018	215	3736	KRN 330E
RULE			

APPLICANTS

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Barley A. Forsman Cotati, CA, UNITED STATES

Jeremy Galten Petaluma, CA, UNITED STATES

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I hereby appoint:

[X] Practitioners associated with Customer Number: 165846

OR

[ ] Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

As attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(c).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(c) to:

[X] The address associated with Customer Number: 165846

OR

[ ]

Firm or individual name		
Address		
City	State	Zip
Country		
Telephone	Email	

Assignee name and address: CamelBak Products, LLC
2000 S. McDowell, Suite 200
Petaluma, California 94954

A copy of this form, together with a statement under 37 CFR 3.73(c) (Form PTO/AIA/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(c) may be completed by one of the practitioners appointed in this form, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee.

Signature D—P.J. Kelly	Date 4 Nov. 2019
Name Daniel J. Kelly	Telephone (913) 752-3472
Title Assistant Secretary	

This collection of information is required by 37 CFR 1.31, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public, which is to update (and by the USPTO to process) the file of a patent or reexamination proceeding. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 18 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.

Electronic Acknowledgement Receipt

EFS ID:	37753004
Application Number:	16035418
International Application Number:	
Confirmation Number:	4623
Title of Invention:	DRINK BOTTLES
First Named Inventor/Applicant Name:	Robert Choi
Customer Number:	139868
Filer:	Amardeep S. Grewal/Christa Shaffer
Filer Authorized By:	Amardeep S. Grewal
Attorney Docket Number:	KRN 330E
Receipt Date:	14-NOV-2019
Filing Date:	13-JUL-2018
Time Stamp:	14:55:08
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	Assignee showing of ownership per 37 CFR 3.73	23025-07_-_Statement_Under_37CFR373c.pdf	119077 46b0b9ca2b0f83166ef41160eb0e11370bb57cb3	no	3

Warnings:

Information:					
2	Power of Attorney	Power_of_Attorney.pdf	345989 75c808fc83bf1951e8dcff8be972964ee9d705f3	no	1
Warnings:					
Information:					
			Total Files Size (in bytes):	465066	

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/AIA/96 (08-12)
Approved for use through 01/31/2013. 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.

STATEMENT UNDER 37 CFR 3.73(c)

Applicant/Patent Owner: CAMELBAK PRODUCTS, LLC

Application No./Patent No.: 16/035,418 Filed/Issue Date: July 13, 2018

Titled: DRINK BOTTLES

CAMELBAK PRODUCTS, LLC, a Corporation

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose **one** of options 1, 2, 3 or 4 below):

1. ☑ The assignee of the entire right, title, and interest.

2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):

   ☐ The extent (by percentage) of its ownership interest is _____%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.

   ☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

   Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:

   Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (*e.g.*, bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose **one** of options A or B below):

A. ☑ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 046348, Frame 0227, or for which a copy thereof is attached.

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

   The document was recorded in the United States Patent and Trademark Office at

   Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

   The document was recorded in the United States Patent and Trademark Office at

   Reel _____, Frame _____, or for which a copy thereof is attached.

This collection of information is required by 37 CFR 3.73(b). 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 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.

PTO/AIA/96 (08-12)
Approved for use through 01/31/2013. 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.

STATEMENT UNDER 37 CFR 3.73(c)

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

4. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

5. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

6. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☑ As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

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

/Amardeep S. Grewal/	11/14/19
Signature	Date
Amardeep S. Grewal	Attorney of Record
Printed or Typed Name	Title or Registration Number

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.

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.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/035,418	07/13/2018	Robert Choi	KRN 330E	4623

139868 7590 11/15/2019

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

EXAMINER	
BRADEN, SHAWN M	

ART UNIT	PAPER NUMBER
3736	

MAIL DATE	DELIVERY MODE
11/15/2019	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.

Zak Designs, Inc. Exhibit 1003
131 of 189

IPR 2025-00140
CamelBak - Ex 2002
Page 312 of 857

Applicant-Initiated Interview Summary	**Application No.** 16/035,418	**Applicant(s)** Choi et al.	
	Examiner SHAWN M BRADEN	**Art Unit** 3736	**AIA (FITF) Status** No

All participants (applicant, applicants representative, PTO personnel):

(1) SHAWN M. BRADEN. (3) _____.

(2) Amardeep (Sonny) Grewal. (4) _____.

Date of Interview: 12 November 2019.

Type: ☑ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☐ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☑102 ☑103 ☑Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: all pending.

Identification of prior art discussed: The Dark reference as applied.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

We discussed the double patenting rejection. Applicant pointed out the the parent patent 10,023,365 does NOT define a "crimp". Examiner agreed this claimed feature is not in the parent and this DP rejection should be removed. Applicant and Examiner noted that 4 other similar cases should be re reviewed for this feature and double checked for double patenting. We also discussed the differences between the Dark reference and the current application. No allowable claim language was agreed upon..

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/SHAWN M BRADEN/ Primary Examiner, Art Unit 3736	

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiners responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicants correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,-
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicants record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiners version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, Interview Record OK on the paper recording the substance of the interview along with the date and the examiners initials.

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 NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/035,418	07/13/2018	Robert Choi	KRN 330E

CONFIRMATION NO. 4623

139868
DASCENZO Intellectual Property Law, P.C.
1000 SW Broadway, Suite 1555
Portland, OR 97205

POWER OF ATTORNEY NOTICE

OC000000112709566

Date Mailed: 11/19/2019

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/14/2019.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/sibrahim/

Zak Designs, Inc. Exhibit 1003
134 of 189

IPR 2025-00140
CamelBak - Ex 2002
Page 315 of 857

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/035,418	07/13/2018	Robert Choi	KRN 330E

CONFIRMATION NO. 4623

165846
Reed Smith LLP
P.O. Box 488
Pittsburgh, PA 15230

POA ACCEPTANCE LETTER

OC000000112709596

Date Mailed: 11/19/2019

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/14/2019.

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.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/sibrahim/

Zak Designs, Inc. Exhibit 1003
135 of 189

IPR 2025-00140
CamelBak - Ex 2002
Page 316 of 857

Electronic Patent Application Fee Transmittal

Application Number:	16035418
Filing Date:	13-Jul-2018
Title of Invention:	DRINK BOTTLES
First Named Inventor/Applicant Name:	Robert Choi
Filer:	Amardeep S. Grewal
Attorney Docket Number:	KRN 330E

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

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($)
Extension - 1 month with $0 paid	1251	1	200	200
Miscellaneous:				
		Total in USD ($)		**200**

Electronic Acknowledgement Receipt

EFS ID:	37901482
Application Number:	16035418
International Application Number:	
Confirmation Number:	4623
Title of Invention:	DRINK BOTTLES
First Named Inventor/Applicant Name:	Robert Choi
Customer Number:	165846
Filer:	Amardeep S. Grewal
Filer Authorized By:	
Attorney Docket Number:	KRN 330E
Receipt Date:	02-DEC-2019
Filing Date:	13-JUL-2018
Time Stamp:	16:21:47
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	$200
RAM confirmation Number	E2019B2G27003573
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	Amendment/Req. Reconsideration-After Non-Final Reject	P23808US05_-_2019-12-02_-_Response_to_OA.pdf	529031 712bf10bd24779e6a633b8b08b7464d52b87ecad	no	10
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30499 558d2b8435d64793cfdf96300e8e8e12acfbe28d	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	559530		

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

In re Patent Application of:	)	Confirmation No. 4623
	)	
Serial No. 16/035,418	)	Group Art Unit: 3736
Filed: July 13, 2018	)	Examiner: Shawn M. Braden
	)	
For: **DRINK BOTTLES**	)	Date: **December 2, 2019**

RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Office Action dated August 2, 2019, Applicant respectfully requests entry of the following amendment and remarks.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 7 of this paper.

Zak Designs, Inc. Exhibit 1003
140 of 189

IPR 2025-00140
CamelBak - Ex 2002
Page 321 of 857

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A drink container, comprising:

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

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

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

a pivotal mount coupled to the cap assembly base for pivotal movement relative to the cap assembly base, wherein the pivotal mount includes a pair of lateral projections, wherein the cap assembly base defines a pair of sockets into which the pair of lateral projections extend;

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

wherein the resilient mouthpiece defines a portion of the fluid conduit, including the dispensing outlet;

wherein the resilient mouthpiece and the pivotal mount are configured to be selectively pivoted between a stowed position and a dispensing position, and further in the dispensing position, the dispensing outlet is positioned further away from the cap assembly base than when the resilient mouthpiece and the pivotal mount are in the stowed position;

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wherein the resilient mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth; and

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

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

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

2. (Canceled)

3. (Currently Amended) The drink container of claim 1, [[2,]] wherein the cap assembly base further comprises a handle that extends from the cap assembly base, and further wherein the handle is secured to the cap assembly base in a position that obstructs removal of the pair of lateral projections from the pair of sockets.

4. (Original) The drink container of claim 1, wherein the cap assembly includes a pair of lateral guards that extend on opposed sides of the resilient mouthpiece when the resilient mouthpiece and the pivotal mount are in the stowed position, and further wherein the cap assembly includes a dust cover extending between the pair of lateral guards and positioned to protect the dispensing outlet of the resilient mouthpiece by extending across at least a portion of the dispensing outlet of the resilient mouthpiece when the resilient mouthpiece and the pivotal mount are in the stowed position.

5. (Original) The drink container of claim 4, wherein when the resilient mouthpiece is pivoted from the stowed position to the dispensing position, the resilient mouthpiece pivots away from the dust cover.

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6. (Original) The drink container of claim 4, wherein the dust cover projects above an upper surface of the cap assembly base.

7. (Original) The drink container of claim 4, wherein the cap assembly further includes a handle that extends from the cap assembly base and includes the pair of lateral guards and the dust cover.

8. (Original) The drink container of claim 1, wherein the cap assembly further comprises a handle that extends in a fixed orientation from the cap assembly base and which defines at least a portion of a closed loop with an aperture through which a user's finger may be inserted to carry the drink container.

9. (Original) The drink container of claim 1, wherein the resilient mouthpiece is permanently secured to the pivotal mount.

10. (Original) The drink container of claim 1, wherein the resilient mouthpiece includes projections that extend generally transverse to the portion of the fluid conduit that extends through the resilient mouthpiece, and further wherein the projections engage an end region of the pivotal mount.

11. (Original) The drink container of claim 10, wherein the projections are internal projections.

12. (Original) The drink container of claim 1, wherein the resilient mouthpiece is configured to be selectively removed from and recoupled to the pivotal mount.

13. (Original) The drink container of claim 12, wherein the resilient mouthpiece includes a mouthpiece base with an end distal the dispensing outlet that has a contoured configuration that does not extend at a constant distance from the dispensing outlet, wherein the end of the resilient

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mouthpiece base includes a projecting region and a concave region, wherein the projecting region of the end of the mouthpiece base extends a greater distance away from the dispensing outlet than the concave region of the end of the mouthpiece base, and further wherein the pivotal mount is configured to engage the projecting region and the concave region of the mouthpiece base to restrict rotation of the resilient mouthpiece relative to the pivotal mount.

14. (Original) The drink container of claim 1, wherein the resilient mouthpiece includes a dispensing face, and further wherein the dispensing outlet extends through the dispensing face of the resilient mouthpiece.

15. (Original) The drink container of claim 14, wherein the dispensing outlet is defined by a slit that extends through the dispensing face of the resilient mouthpiece.

16. (Original) The drink container of claim 1, wherein the resilient mouthpiece includes a dispensing face that defines the dispensing outlet, wherein the resilient mouthpiece includes opposed bite regions, wherein the dispensing face includes opposed lips between which the dispensing outlet is defined, and further wherein when a user applies compressive forces to the opposed bite regions, the lips are urged away from each other to enlarge the dispensing outlet.

17. (Original) The drink container of claim 16, wherein the opposed lips seal against each other when the opposed bite regions are not urged toward each other.

18. (Original) The drink container of claim 1, wherein the pivotal mount further includes a projecting flange that extends away from a portion of the fluid conduit that extends through the pivotal mount, wherein the projecting flange provides a lever arm that is configured to be engaged by a user's finger to pivot the pivotal mount from the stowed position to the dispensing position.

19. (Original) The drink container of claim 1, wherein the pivotal mount is adapted to selectively engage the flexible tube to apply crimping forces thereto and thereby configure the

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manual on/off valve to the closed configuration as the pivotal mount is pivoted from the dispensing position to the stowed position.

20. (Original) The drink container of claim 1, wherein the flexible tube is secured to the pivotal mount.

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REMARKS

Claims 1-20 were pending in this application prior to the Office Action dated August 2, 2019 ("Office Action"). Claim 1 is amended to incorporate the elements previously recited in dependent claim 2 and claim 3 is amended to depend from claim 1. Claim 2 is canceled. In view of the above amendments and the following remarks, Applicant respectfully requests reconsideration and allowance of this application.

I. Summary of Interviews with the Examiner

Applicant's representative, Sonny Grewal, thanks Examiner Braden for discussing this application with him on November 12, 2019 and again on November 27, 2019.

During the first interview, Applicant's representative and the Examiner discussed the non-statutory double patenting rejection and differences between the present application and the applied Dark reference. The Examiner agreed that the claims of U.S. Patent No. 10,023,065 (the '365 Patent) do not disclose or teach all of limitations recited in at least the independent claims and agreed to withdraw the double patenting rejection.

During the second interview, Applicant's representative and the Examiner discussed proposed claim amendments to the independent claims. The Examiner agreed that Dark did not disclose at least the feature "wherein the pivotal mount includes a pair of lateral projections" previously recited in dependent claim 2 and currently incorporated into independent claim 1.

Applicant's representative again thanks Examiner Braden for discussing this application with him multiple times and helping to meaningfully advance prosecution.

II. Double Patenting Rejection

Claims 1-20 stand rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-23 of the '365 Patent. As discussed with the Examiner during the first interview, the claims of the '365 Patent do not disclose, suggest, or teach at least the following limitations recited in the independent claims:

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- *wherein the manual on/off valve includes a flexible tube that defines a portion of the fluid conduit;*
- *wherein when the manual on/off valve is in the closed configuration, the tube is crimped to obstruct the flow of drink fluid through the fluid conduit; and*
- *wherein when the manual on/off valve is in the open configuration, the tube is not crimped and does not obstruct the flow of drink fluid through the fluid conduit.*

Accordingly, Applicant respectfully requests withdrawal of the nonstatutory double patenting rejection.

III. Rejections under 35 U.S.C. § 102(b)

Claims 1-3 and 19-20 stand rejected as being anticipated by U.S. Patent No. 6,116,458 to Dark ("Dark"). As agreed with the Examiner during the second interview, Dark does not disclose or suggest at least the recited limitation *"wherein the pivotal mount includes a pair of lateral projections"* previously recited in dependent claim 2 and currently recited in independent claim 1. Applicant additionally submits that Dark does not disclose or suggest at least the additional limitation "wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets."

For at least the above-stated reasons, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 102(b).

III. Rejections under 35 U.S.C. § 103

Claims 4-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dark in view of U.S. Design Patent US D547,607 to Forsman ("Forsman").

As a preliminary matter, Applicant respectfully submits that Forsman is not prior art to the pending application. As stated in the priority claim, the "present application is a continuation of, and claims priority under 35 U.S.C. § 120 to, U.S. Patent Application No. 15/287,915, which was filed on October 7, 2016, issued on July 17, 2018 as U.S. Patent No.

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10,023,365, and which claims priority to U.S. Patent Application Serial No. 14/329,096, which was filed on July 11, 2014, issued on October 11, 2016 as U.S. Patent No. 9,463,911, and which claims priority to U.S. Patent Application Serial No. 12/133,954, which was filed on June 5, 2008, issued on July 15, 2014 as U.S. Patent No. 8,777,048, and which claims priority to U.S. Patent Application Serial No. 11/588,476, which was filed on 10 October 26, 2006, issued on January 7, 2014 as U.S. Patent No. 8,622,237, and which claims priority to U.S. Patent Application Serial No. 11/313,488, which was filed on December 20, 2005, and issued on May 19, 2009 as U.S. Patent No. 7,533,783. U.S. Patent Application Serial No. 11/313,488 claims priority to U.S. Provisional Patent Application Serial Nos. 60/670,828 and 60/706,700, which were filed on April 11, 2005 and August 8, 2005, respectively." *See* Application, ¶ 1. Forsman was filed August 9, 2005 and published on July 31, 2007.

Additionally, as discussed in the previous section, Dark does not disclose, suggest, or teach each and every limitation of at least independent claim 1, as presented herein.

Accordingly, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 103(a).

In view of the above remarks, this application is believed to be in condition for allowance. If any issues remain, the Examiner is kindly invited to contact the undersigned attorney.

Except for issue fees payable under 37 C.F.R. § 1.18, Applicant hereby authorizes the Commissioner to charge any additional fees during the entire pendency of this application, including fees due under 37 C.F.R. §§ 1.16 and 1.17, which may be required, including any required extension of time fees, or credit any overpayment, to Deposit Account No. 50-1529. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a) (3).

Respectfully submitted,

/Amardeep S. Grewal, Reg. No. 62,798/
Amardeep S. Grewal

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PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 16/035,418	Filing Date 07/13/2018	☐ To be Mailed

ENTITY: ☑ LARGE ☐ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A		N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*		x $100 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		x $460 =	
☐ 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).				
☐ 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	

APPLICATION AS AMENDED - PART II

		(Column 1)		(Column 2)	(Column 3)			
AMENDMENT	12/02/2019	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 19	Minus	** 20	= 0		x $100 =	0
	Independent (37 CFR 1.16(h))	* 1	Minus	*** 3	= 0		x $460 =	0
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	0

		(Column 1)		(Column 2)	(Column 3)			
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=		x $0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		x $0 =	
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.	LIE
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".	/DEBORAH A POLLARD/
*** 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.	

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.

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Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/035,418	07/13/2018	Robert Choi	KRN 330E	4623

165846 7590 12/09/2019

Reed Smith LLP
P.O. Box 488
Pittsburgh, PA 15230

EXAMINER	
BRADEN, SHAWN M	

ART UNIT	PAPER NUMBER
3736	

NOTIFICATION DATE	DELIVERY MODE
12/09/2019	ELECTRONIC

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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gdonovan@reedsmith.com
ptoipinbox@reedsmith.com

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Applicant-Initiated Interview Summary	**Application No.** 16/035,418	**Applicant(s)** Choi et al.	
	Examiner SHAWN M BRADEN	**Art Unit** 3736	**AIA (FITF) Status** No

All participants (applicant, applicants representative, PTO personnel):

(1) SHAWN M. BRADEN. (3) _____.

(2) Sonny Grewal. (4) _____.

Date of Interview: 27 November 2019.

Type: ☑ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☐ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☐102 ☐103 ☑Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: pending.

Identification of prior art discussed: _____.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Applicant presented some possible amendments for discussion purposes only. One key point applicant raised is that the pivotal mount of the Dark reference does not include a pair of lateral projections. The projections of Dark are more on the straw then the pivotal mount. Applicant stated that the will submit a response..

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/SHAWN M BRADEN/ Primary Examiner, Art Unit 3736	

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiners responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicants correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,-
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicants record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiners version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, Interview Record OK on the paper recording the substance of the interview along with the date and the examiners initials.

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NOTICE OF ALLOWANCE AND FEE(S) DUE

165846 7590 01/29/2020

Reed Smith LLP
P.O. Box 488
Pittsburgh, PA 15230

EXAMINER	
BRADEN, SHAWN M	
ART UNIT	PAPER NUMBER
3736	

DATE MAILED: 01/29/2020

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/035,418	07/13/2018	Robert Choi	KRN 330E	4623

TITLE OF INVENTION: DRINK BOTTLES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$1000	$0.00	$0.00	$1000	04/29/2020

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: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

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PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
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Alexandria, Virginia 22313-1450

By fax, send to: (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)

165846 7590 01/29/2020
Reed Smith LLP
P.O. Box 488
Pittsburgh, PA 15230

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 transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/035,418	07/13/2018	Robert Choi	KRN 330E	4623

TITLE OF INVENTION: DRINK BOTTLES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$1000	$0.00	$0.00	$1000	04/29/2020

EXAMINER	ART UNIT	CLASS-SUBCLASS
BRADEN, SHAWN M	3736	215-381000

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 03-09 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 must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). 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. Fees submitted: ❑Issue Fee ❑Publication Fee (if required) ❑Advance Order - # of Copies _____

4b. Method of Payment: *(Please first reapply any previously paid fee shown above)*

❑ Electronic Payment via EFS-Web ❑ Enclosed check ❑ Non-electronic payment by credit card (Attach form PTO-2038)

❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

5. **Change in Entity Status** (from status indicated above)

❑ Applicant certifying micro entity status. See 37 CFR 1.29

❑ Applicant asserting small entity status. See 37 CFR 1.27

❑ Applicant changing to regular undiscounted fee status.

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.
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.
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. _____

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/035,418	07/13/2018	Robert Choi	KRN 330E	4623

165846 7590 01/29/2020

Reed Smith LLP
P.O. Box 488
Pittsburgh, PA 15230

EXAMINER	
BRADEN, SHAWN M	
ART UNIT	PAPER NUMBER
3736	

DATE MAILED: 01/29/2020

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 30 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.

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.

Notice of Allowability	Application No. 16/035,418	Applicant(s) Choi et al.	
	Examiner SHAWN M BRADEN	Art Unit 3736	AIA (FITF) 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 12/2/19.
   ☐ 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 and 3-20 . 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 _____.

/SHAWN M BRADEN/
Primary Examiner, Art Unit 3736

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/035,418	Choi et al.
	Examiner	Art Unit
	SHAWN M BRADEN	3736

CPC - Searched*		
Symbol	Date	Examiner
A47G19/2266, A47G19/2272 , B65D47/066	07/31/2019	smb

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
215	11.4,11.5	07/31/2019	smb
220	254.3,704,705,707,714		
	updated previous search	01/23/2020	smb

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
text search and inventor search	07/31/2019	smb

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
	PGPUB text search, see interference search printout	01/23/2020	smb

/SHAWN M BRADEN/ Primary Examiner, Art Unit 3736	

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Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/035,418	Choi et al.
	Examiner	**Art Unit**
	SHAWN M BRADEN	3736

CPC						
Symbol					**Type**	**Version**
B65D	/	47	/	065	F	2013-01-01
B65D	/	47	/	066	I	2013-01-01
A47G	/	19	/	2266	I	2013-01-01
A45F	/	3	/	20	I	2013-01-01
A47G	/	19	/	2272	A	2013-01-01

CPC Combination Sets								
Symbol					**Type**	**Set**	**Ranking**	**Version**
	/		/					

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	19	
/SHAWN M BRADEN/ Primary Examiner, Art Unit 3736	23 January 2020	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office — Part of Paper No.: 20200123

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Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/035,418	Choi et al.
	Examiner	**Art Unit**
	SHAWN M BRADEN	3736

INTERNATIONAL CLASSIFICATION				
CLAIMED				
B65D47/06	/	47	/	06

NON-CLAIMED				
	/		/	

US ORIGINAL CLASSIFICATION	
CLASS	**SUBCLASS**

CROSS REFERENCES(S)						
CLASS	**SUBCLASS (ONE SUBCLASS PER BLOCK)**					

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	19	
/SHAWN M BRADEN/ Primary Examiner, Art Unit 3736	23 January 2020	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20200123

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Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	16/035,418	Choi et al.
	Examiner	Art Unit
	SHAWN M BRADEN	3736

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

CLAIMS

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1	10	11	19	20										
2	3	11	12												
3	4	12	13												
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9	10	18	19												

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	19	
/SHAWN M BRADEN/ Primary Examiner, Art Unit 3736	23 January 2020	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No.: 20200123

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	118	("1788795" | "2844267" | "20020033399" | "20020092858" | "20020092877" | "20020148806" | "20020166990" | "20020185495" | "20030116573" | "20030168462" | "20030173536" | "20030218015" | "20030222238" | "20040000551" | "20040069783" | "20040079775" | "20040089301" | "20040159820" | "20040164043" | "20040217139" | "20040217187" | "20040222230" | "20050029271" | "20050029313" | "20050045647" | "20050056610" | "20050056652" | "20050072788" | "20050072804" | "20050115966" | "20050133505" | "20050133519" | "20050205587" | "20050218242" | "3179301" | "3181743" | "3294293" | "3392887" | "3792443" | "4090650" | "4485963" | "4607755" | "4836404" | "4852762" | "4860934" | "4925042" | "5060833" | "5065909" | "5085336" | "5085349" | "5101991" | "5203468" | "5242079" | "5273172" | "5301858" | "5332131" | "5392968" | "5465866" | "5518142" | "5520304" | "5582315" | "5601207" | "5607087" | "5699933" | "5730336" | "5755368" | "5791510" | "5806726" | "5873478" | "5884793" | "5897013" | "5911406" | "6021801" | "6032831" | "6050433" | "6050445" | "6059154" | "6070767" | "6116458" | "6196413" | "6199729" | "6212959" | "6264166" | "6276560" | "6279772" | "6279773" | "6283344" | "6364168" | "6390341" | "6422415" | "6497348" | "6513686" | "6523711" | "6557721" | "6607092" | "6609624" | "6675998" | "6698716" | "6708950" | "6719273" | "6742681" | "6745915" | "6764064" | "6783115" | "6854888" | "6908015" | "6915961" | "7014077" | "7048137" | "D489978").PN.	US-PGPUB; USPAT; USOCR; EPO; JPO	AND	ON	2008/07/25 14:14
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S4	229	(220/709).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2008/07/25 15:05
S5	543	(220/254.3).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2008/07/25 15:28
S6	256	(220/705).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2008/07/25 16:04
S7	2	("2003/0085232").URPN.	USPAT	AND	ON	2008/07/25 16:09
S8	87	(220/707).CCLS.	US-PGPUB; USPAT;	OR	OFF	2008/07/25 16:18

			USOCR; EPO; JPO			
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S12	0	S10 S11	US-PGPUB; USPAT; USOCR; EPO; JPO	AND	ON	2008/09/26 11:41
S13	1093154	pivot or tilt	US-PGPUB; USPAT; USOCR; EPO; JPO	AND	ON	2008/09/26 11:41
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S16	2	S11 S15	US-PGPUB; USPAT; USOCR; EPO; JPO	AND	ON	2008/09/26 12:04
S17	60	S13 S15	US-PGPUB; USPAT; USOCR; EPO; JPO	AND	ON	2008/09/26 12:05
S18	118	("1788795" | "2844267" | "20020033399" | "20020092858" | "20020092877" | "20020148806" | "20020166990" |	US-PGPUB; USPAT;	AND	ON	2008/09/28 23:09

		"20020185495" | "20030116573" | "20030168462" | "20030173536" | "20030218015" | "20030222238" | "20040000551" | "20040069783" | "20040079775" | "20040089301" | "20040159820" | "20040164043" | "20040217139" | "20040217187" | "20040222230" | "20050029271" | "20050029313" | "20050045647" | "20050056610" | "20050056652" | "20050072788" | "20050072804" | "20050115966" | "20050133505" | "20050133519" | "20050205587" | "20050218242" | "3179301" | "3181743" | "3294293" | "3392887" | "3792443" | "4090650" | "4485963" | "4607755" | "4836404" | "4852762" | "4860934" | "4925042" | "5060833" | "5065909" | "5085336" | "5085349" | "5101991" | "5203468" | "5242079" | "5273172" | "5301858" | "5332131" | "5392968" | "5465866" | "5518142" | "5520304" | "5582315" | "5601207" | "5607087" | "5699933" | "5730336" | "5755368" | "5791510" | "5806726" | "5873478" | "5884793" | "5897013" | "5911406" | "6021801" | "6032831" | "6050433" | "6050445" | "6059154" | "6070767" | "6116458" | "6196413" | "6199729" | "6212959" | "6264166" | "6276560" | "6279772" | "6279773" | "6283344" | "6364168" | "6390341" | "6422415" | "6497348" | "6513686" | "6523711" | "6557721" | "6607092" | "6609624" | "6675998" | "6698716" | "6708950" | "6719273" | "6742681" | "6745915" | "6764064" | "6783115" | "6854888" | "6908015" | "6915961" | "7014077" | "7048137" | "D489978").PN.	USOCR; EPO; JPO			
S19	119	("1788795" | "2844267" | "20020033399" | "20020092858" | "20020092877" | "20020148806" | "20020166990" | "20020185495" | "20030085232" | "20030085232" | "20030116573" | "20030168462" | "20030173536" | "20030218015" | "20030222238" | "20040000551" | "20040069783" | "20040079775" | "20040089301" | "20040159820" | "20040164043" | "20040217139" | "20040217187" | "20040222230" | "20050029271" | "20050029313" | "20050045647" | "20050056610" | "20050056652" | "20050072788" | "20050072804" | "20050115966" | "20050133505" | "20050133519" | "20050205587" | "20050218242" | "3179301" | "3181743" | "3294293" | "3392887" | "3792443" | "4090650" | "4485963" | "4607755" | "4836404" | "4852762" | "4860934" | "4925042" | "5060833" | "5065909" | "5085336" | "5085349" | "5101991" | "5203468" | "5242079" | "5273172" | "5301858" | "5332131" | "5392968" |	US-PGPUB; USPAT; USOCR; EPO; JPO	AND	ON	2009/03/05 15:55

		"5465866" | "5518142" | "5520304" | "5582315" | "5601207" | "5607087" | "5699933" | "5730336" | "5755368" | "5791510" | "5806726" | "5873478" | "5884793" | "5897013" | "5911406" | "6021801" | "6032831" | "6050433" | "6050445" | "6059154" | "6070767" | "6116458" | "6196413" | "6199729" | "6212959" | "6264166" | "6276560" | "6279772" | "6279773" | "6283344" | "6364168" | "6390341" | "6422415" | "6497348" | "6513686" | "6523711" | "6557721" | "6607092" | "6609624" | "6675998" | "6698716" | "6708950" | "6719273" | "6742681" | "6745915" | "6764064" | "6783115" | "6854888" | "6908015" | "6915961" | "7014077" | "7048137" | "D489978").PN.				
S20	8	folding near nipple	US-PGPUB; USPAT; USOCR; EPO; JPO	AND	ON	2009/03/05 16:33
S21	30	pivot near nipple	US-PGPUB; USPAT; USOCR; EPO; JPO	AND	ON	2009/03/05 16:34
S22	286	(215/11.4).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2009/10/19 21:14
S23	0	Brown-craig.in. Brown-Robert.in.	US-PGPUB; USPAT; USOCR; EPO; JPO	AND	ON	2009/10/19 21:22
S24	18	Brown-c$.in. Brown-r$.in.	US-PGPUB; USPAT; USOCR; EPO; JPO	AND	ON	2009/10/19 21:22
S25	595	(215/11.5).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2009/10/20 08:06
S26	0	(("1788795" | "2844267" | "20020033399" | "20020092858" | "20020092877" | "20020148806" | "20020166990" | "20020185495" | "20030085232" | "20030116573" | "20030168462" | "20030173536" | "20030218015" | "20030222238" | "20040000551" | "20040069783" |	US-PGPUB; USPAT; USOCR; EPO; JPO	OR	OFF	2009/10/20 14:14

		"20040079775" | "20040089301" | "20040159820" | "20040164043" | "20040217139" | "20040217187" | "20040222230" | "20050029271" | "20050029313" | "20050045647" | "20050056610" | "20050056652" | "20050072788" | "20050072804" | "20050115966" | "20050133505" | "20050133519" | "20050205587" | "20050218242" | "3179301" | "3181743" | "3294293" | "3392887" | "3972443" | "4090650" | "4485963" | "4607755" | "4836404" | "4852762" | "4860934" | "4925042" | "5060833" | "5065909" | "5085336" | "5085349" | "5101991" | "5203468" | "5242079" | "5273172" | "5301858" | "5332131" | "5392968" | "5465866" | "5518142" | "5520304" | "5582315" | "5601207" | "5607087" | "5699933" | "5730336" | "5755368" | "5791510" | "5806726" | "5873478" | "5884793" | "5897013" | "5911406" | "6021801" | "6032831" | "6050433" | "6050445" | "6059154" | "6070767" | "6116458" | "6196413" | "6199729" | "6212959" | "6264166" | "6276560" | "6279772" | "6279773" | "6283344" | "6364168" | "6390341" | "6422415" | "6497348" | "6513686" | "6523711" | "6557721" | "6607092" | "6609624" | "6675998" | "6698716" | "6708950" | "6719273" | "6742681" | "6745915" | "6764064" | "6783115" | "6854888" | "6908015" | "6915961" | "7014077" | "7048137" | "D489978").PN.").PN.				
S27	119	("1788795" | "2844267" | "20020033399" | "20020092858" | "20020092877" | "20020148806" | "20020166990" | "20020185495" | "20030085232" | "20030116573" | "20030168462" | "20030173536" | "20030218015" | "20030222238" | "20040000551" | "20040069783" | "20040079775" | "20040089301" | "20040159820" | "20040164043" | "20040217139" | "20040217187" | "20040222230" | "20050029271" | "20050029313" | "20050045647" | "20050056610" | "20050056652" | "20050072788" | "20050072804" | "20050115966" | "20050133505" | "20050133519" | "20050205587" | "20050218242" | "3179301" | "3181743" | "3294293" | "3392887" | "3972443" | "4090650" | "4485963" | "4607755" | "4836404" | "4852762" | "4860934" | "4925042" | "5060833" | "5065909" | "5085336" | "5085349" | "5101991" | "5203468" | "5242079" | "5273172" | "5301858" | "5332131" | "5392968" | "5465866" | "5518142" | "5520304" | "5582315" | "5601207" | "5607087" | "5699933" | "5730336" | "5755368" | "5791510" | "5806726" | "5873478" | "5884793" |	US-PGPUB; USPAT; USOCR; EPO; JPO	AND	ON	2009/10/20 14:16

		"5897013" | "5911406" | "6021801" | "6032831" | "6050433" | "6050445" | "6059154" | "6070767" | "6116458" | "6196413" | "6199729" | "6212959" | "6264166" | "6276560" | "6279772" | "6279773" | "6283344" | "6364168" | "6390341" | "6422415" | "6497348" | "6513686" | "6523711" | "6557721" | "6607092" | "6609624" | "6675998" | "6698716" | "6708950" | "6719273" | "6742681" | "6745915" | "6764064" | "6783115" | "6854888" | "6908015" | "6915961" | "7014077" | "7048137" | "D489978").PN.				
S28	0	Leinenweber (US Pub No 2003/0085232) Yang (US Pub "No." 2004/0159820)	US-PGPUB; USPAT; USOCR; EPO; JPO	AND	ON	2010/04/16 10:32
S29	2	Leinenweber "2003" "0085232"	US-PGPUB; USPAT; USOCR; EPO; JPO	AND	ON	2010/04/16 10:32
S30	7	Leinenweber.in.	US-PGPUB; USPAT; USOCR; EPO; JPO	AND	ON	2010/04/16 10:33
S31	1	"6116458".pn.	US-PGPUB; USPAT; USOCR; EPO; JPO	AND	ON	2010/04/16 10:37
S32	1	"5791510".pn.	US-PGPUB; USPAT; USOCR; EPO; JPO	AND	ON	2010/04/16 10:37
S33	686	squeeze bottle drink	US-PGPUB; USPAT; USOCR; EPO; JPO	AND	ON	2010/08/17 14:13
S34	71	squeeze bottle drink	US-PGPUB; USPAT; USOCR; EPO; JPO	SAME	ON	2010/08/17 14:13
S35	31	("2537545" | "2625302" | "2653736" | "2666555" | "3118577" | "3222037" | "3643704" | "3696977" | "3731855" | "3757981" | "4015602" | "4274562" | "4382529" | "4441638" | "4541551" |	US-PGPUB; USPAT; USOCR	AND	ON	2010/08/17 14:27

		"4807786" | "5145094" | "5289945" | "5295597" | "5358132" | "5425483" | "5458274").PN. OR ("5620114").URPN.				
S36	127	("20040217139" | "20050045647" | "4925042" | "5203468" | "5806726" | "6059154" | "6196413" | "6212959" | "6497348" | "6708950" | "6908015" | "7032764" | "5332131" | "6116458" | "20040000551" | "20050029271" | "20050056652" | "3392887" | "5553726" | "5607087" | "6050433" | "6276560" | "6523771" | "6675998" | "6854888" | "7048137" | "7059490" | "1788795" | "20020148806" | "20020166990" | "20030173536" | "20050029313" | "20050072804" | "20050115966" | "20050205587" | "5332131" | "5582315" | "5699933" | "6070767" | "6279772" | "6279773" | "7073688" | "20030102318" | "20020185495" | "20030218015" | "20040079775" | "20040089301" | "20040164043" | "20050056610" | "3972443" | "4090650" | "4485963" | "4836404" | "5433535" | "5520304" | "5730336" | "6021801" | "6283344" | "6364168" | "6557721" | "6609624" | "6745915" | "6783115" | "4212408" | "2844267" | "20020092858" | "20030222238" | "20050072788" | "20050128242" | "3179301" | "3181743" | "5085336" | "5273172" | "5301858" | "5601207" | "5873478" | "5884793" | "6032831" | "6179273" | "6199729" | "6513686" | "6764064" | "6915961" | "20020092877" | "20030116573" | "20040217187" | "20050133505" | "20050133519" | "4852762" | "5060833" | "5085349" | "5101991" | "5242079" | "5755368" | "5791510" | "5911406" | "6390341" | "6742681" | "D489978" | "3739938" | "6609624" | "20040222230" | "5065909" | "5433353" | "5518142" | "5897013" | "6050445" | "6116458" | "6264166" | "6698716" | "20020033399" | "20030085232" | "20030168462" | "20040069783" | "20040159820" | "3294293" | "4607755" | "4860934" | "5392968" | "5465866" | "6422415" | "6607092" | "7014077" | "5307950").PN.	US-PGPUB; USPAT; USOCR	AND	ON	2015/11/11 07:47
S37	9108	(mouth or bitevalve) hexagonal	US-PGPUB; USPAT; USOCR	AND	ON	2015/11/12 07:59
S38	588	(mouthpiece or bitevalve) hexagonal	US-PGPUB; USPAT; USOCR	AND	ON	2015/11/12 07:59
S39	75	(mouthpiece or bitevalve) same hexagonal	US-PGPUB; USPAT; USOCR	AND	ON	2015/11/12 08:00
S40	0	(bitevalve) same hexagonal	US-	AND	ON	2015/11/12

			PGPUB; USPAT; USOCR			08:10
S41	0	(bitevalve) hexagonal	US-PGPUB; USPAT; USOCR	AND	ON	2015/11/12 08:10
S42	588	(mouthpiece) hexagonal	US-PGPUB; USPAT; USOCR	AND	ON	2015/11/12 08:10
S43	75	(mouthpiece) same hexagonal	US-PGPUB; USPAT; USOCR	AND	ON	2015/11/12 08:10
S44	0	bitevalve.ti.	US-PGPUB; USPAT; USOCR	AND	ON	2015/11/12 08:37
S45	0	bitevalve	US-PGPUB; USPAT; USOCR	AND	ON	2015/11/12 08:38
S46	0	bitevalve	US-PGPUB; USPAT; USOCR	AND	ON	2015/11/12 08:38
S47	376	bite adj valve	US-PGPUB; USPAT; USOCR	AND	ON	2015/11/12 08:39
S48	24	bite adj valve .ti.	US-PGPUB; USPAT; USOCR	AND	ON	2015/11/12 08:39
S49	105	(US-20050133519-$ or US-20050133505-$ or US-20050072804-$ or US-20050029313-$ or US-20050029271-$ or US-20040159820-$ or US-20040069783-$ or US-20030173536-$ or US-20070045217-$ or US-20070039959-$ or US-20050115967-$ or US-20070108214-$ or US-20030085232-$ or US-20030102318-$ or US-20030222238-$ or US-20020092877-$ or US-20070051727-$ or US-20050115966-$ or US-20040222230-$ or US-20040217139-$ or US-20030218015-$ or US-20020148806-$ or US-20050045647-$ or US-20060237387-$ or US-20060201902-$ or US-20080093323-$).did. or (US-20050258124-$ or US-20040118801-$ or US-20060129127-$ or US-20060081552-$ or US-20050121405-$ or US-20040188372-$ or US-20040118858-$ or US-20040035815-$ or US-20020033399-$ or US-20100127005-$ or US-20060226171-$ or US-20060180594-$ or US-20050269337-$ or US-20050167439-$ or US-20020036176-$ or US-20140319183-$).did. or (US-6609624-$ or US-6390341-$ or US-6279773-$ or US-6116458-$ or US-	US-PGPUB; USPAT; USOCR	AND	ON	2015/11/12 15:21

		6059154-$ or US-6050433-$ or US-5884793-$ or US-5873478-$ or US-5582315-$ or US-5520304-$ or US-5392968-$ or US-5203468-$ or US-5085336-$ or US-3392887-$ or US-3181743-$ or US-D547607-$ or US-7140509-$ or US-7124907-$ or US-7059490-$ or US-6523711-$ or US-6161728-$ or US-5339982-$ or US-5624062-$ or US-5332131-$ or US-5131571-$ or US-3045880-$).did. or (US-6745949-$ or US-6698716-$ or US-6557721-$ or US-5242079-$ or US-5065909-$ or US-2844267-$ or US-6783115-$ or US-6764064-$ or US-5911406-$ or US-5897013-$ or US-5101991-$ or US-1788795-$ or US-7419069-$ or US-7134564-$ or US-7032764-$ or US-6957744-$ or US-6176380-$ or US-5791510-$ or US-5788097-$ or US-5601207-$ or US-5553726-$ or US-4301934-$ or US-6742665-$ or US-6286697-$ or US-5927565-$ or US-5620114-$ or US-5295597-$).did. or (US-4382529-$ or US-5433353-$ or US-4976364-$ or US-6279772-$ or US-5730336-$ or US-7267245-$ or US-6874760-$ or US-6886807-$).did. or (US-3392887-$ or US-3181743-$).did.				
S50	1319	((A47G19/2266 OR A47G19/2272 OR B65D47/066).CPC.)	US-PGPUB; USPAT; USOCR	AND	ON	2015/11/12 15:23
S51	1319	((A47G19/2266, A47G19/2272 , B65D47/066).CPC.)	US-PGPUB; USPAT; USOCR	AND	ON	2015/11/12 15:23
S52	0	("8777048.pn.").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/14 13:55
S53	1	"8777048".pn.	US-PGPUB; USPAT; USOCR	AND	ON	2016/06/14 13:55
S54	46	(("CHOI") near3 ("Robert")).INV.	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 09:20
S55	39	(("FORSMAN") near3 ("Barley")).INV.	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 09:25
S56	19	(("GALTEN") near3 ("Jeremy")).INV.	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 09:26
S57	16	(("CAMELBAK") near3 ("PRODUCTS") near3 ("LLC")).AANM.	USPAT	AND	ON	2018/02/22 09:27
S58	16	(("CAMELBAK") near3 ("PRODUCTS")	USPAT	AND	ON	2018/02/22

		near3 ("LLC")).AANM.				09:27
S59	0	"87770488".pn.	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 11:50
S60	1	"8622237".pn.	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 11:50
S61	31	"37082196".FMID.	US-PGPUB; USPAT; FPRS	AND	ON	2018/02/22 11:52
S62	142672	squeeze	US-PGPUB; USPAT; FPRS	AND	ON	2018/02/22 12:06
S63	9	S61 S62	US-PGPUB; USPAT; FPRS	AND	ON	2018/02/22 12:06
S64	109	(US-20050133519-$ or US-20050133505-$ or US-20050072804-$ or US-20050029313-$ or US-20050029271-$ or US-20040159820-$ or US-20040069783-$ or US-20030173536-$ or US-20070045217-$ or US-20070039959-$ or US-20050115967-$ or US-20070108214-$ or US-20030085232-$ or US-20030102318-$ or US-20030222238-$ or US-20020092877-$ or US-20070051727-$ or US-20050115966-$ or US-20040222230-$ or US-20040217139-$ or US-20030218015-$ or US-20020148806-$ or US-20050045647-$ or US-20060237387-$ or US-20060201902-$ or US-20080093323-$).did. or (US-20050258124-$ or US-20040118801-$ or US-20060129127-$ or US-20060081552-$ or US-20050121405-$ or US-20040188372-$ or US-20040118858-$ or US-20040035815-$ or US-20020033399-$ or US-20100127005-$ or US-20060226171-$ or US-20060180594-$ or US-20050269337-$ or US-20050167439-$ or US-20020036176-$ or US-20140319183-$).did. or (US-6609624-$ or US-6390341-$ or US-6279773-$ or US-6116458-$ or US-6059154-$ or US-6050433-$ or US-5884793-$ or US-5873478-$ or US-5582315-$ or US-5520304-$ or US-5392968-$ or US-5203468-$ or US-5085336-$ or US-3392887-$ or US-3181743-$ or US-D547607-$ or US-7140509-$ or US-7124907-$ or US-7059490-$ or US-6523711-$ or US-6161728-$ or US-5339982-$ or US-5624062-$ or US-5332131-$ or US-5131571-$ or US-3045880-$).did. or (US-6745949-$ or US-6698716-$ or US-6557721-$ or US-5242079-$ or US-5065909-$ or US-2844267-$ or US-6783115-$ or US-6764064-$ or US-	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 12:13

		5911406-$ or US-5897013-$ or US-5101991-$ or US-1788795-$ or US-7419069-$ or US-7134564-$ or US-7032764-$ or US-6957744-$ or US-6176380-$ or US-5791510-$ or US-5788097-$ or US-5601207-$ or US-5553726-$ or US-4301934-$ or US-6742665-$ or US-6286697-$ or US-5927565-$ or US-5620114-$ or US-5295597-$).did. or (US-4382529-$ or US-5433353-$ or US-4976364-$ or US-6279772-$ or US-5730336-$ or US-7267245-$ or US-6874760-$ or US-6886807-$ or US-7533783-$ or US-9463911-$ or US-9113698-$ or US-8622237-$).did. or (US-3392887-$ or US-3181743-$).did.				
S65	28	S62 S64	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 12:13
S66	501	bite adj valve	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 12:51
S67	6328	squeeze adj bottle	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 12:51
S68	598373	"910"	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 12:51
S69	921393	"91" "0"	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 12:51
S70	12	S66 S67	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 12:51
S71	3986	squeeze beverage	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 15:17
S72	675614	outlet valve	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 15:17
S73	13	(squeeze beverage outlet valve).clm.	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 15:38
S74	2	2003/0102318 "2,936,934" "3,283,967" "6,116,458" "6,609,624" "7,059,490"	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 15:51
S75	0	2003/0102318.pn. "2,936,934".pn. "3,283,967".pn. "6,116,458".pn. "6,609,624".pn. "7,059,490".pn.	US-PGPUB; USPAT;	AND	ON	2018/02/22 15:51

			USOCR			
S76	0	2003/0102318.pn.	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 15:52
S77	1	"20030102318".pn.	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 15:52
S78	0	"2,936,934".pn. "3,283,967".pn. "6,116,458".pn. "6,609,624".pn. "7,059,490".pn.	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 15:52
S79	2	"2,936,934".pn.	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 15:52
S80	2	"3,283,967".pn.	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 15:52
S81	1	"6,116,458".pn.	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 15:53
S82	1	"6,609,624".pn.	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 15:53
S83	1	"7,059,490".pn.	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 15:53
S84	1	"6290108".pn.	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 16:01
S85	1	"6446844".pn.	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 16:01
S86	1	"6095382".pn.	US-PGPUB; USPAT; USOCR	AND	ON	2018/02/22 16:02
S87	932	("0470776" | "1166551" | "1588218" | "1788795" | "20020033399" | "20020092858" | "20020092877" | "20020148806" | "20020166990" | "20020185495" | "20030016370" | "20030085232" | "20030116573" | "20030168462" | "20030173536" | "20030218015" | "20030222238" | "20040000551" | "20040069783" | "20040079775" | "20040089301" | "20040159820" | "20040164043" | "20040217139" | "20040217187" | "20040222230" | "20050029271" | "20050029313" | "20050045647" | "20050056610" | "20050056652" |	US-PGPUB; USPAT; USOCR	AND	ON	2019/07/30 18:59

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		"3516581"	"3537623"	"3655099"								
		"3655103"	"3718238"	"3739938"								
		"3776428"	"3782577"	"3840153"								
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		"5919365" | "6021801" | "6024102" | "6032831" | "6039305" | "6050433" | "6050444" | "6050445" | "6059154" | "6065635" | "6070767" | "6116446" | "6116458" | "6123219" | "6142384" | "6145695" | "6196413" | "6199729" | "6212959").PN. OR ("6213339" | "6237817" | "6251566" | "6264166" | "6276560" | "6279772" | "6279773" | "6283344" | "6364168" | "6390341" | "6422415" | "6424467" | "6490092" | "6497348" | "6513686" | "6523711" | "6557721" | "6598768" | "6607092" | "6609624" | "6675998" | "6698716" | "6708950" | "6718664" | "6719273" | "6742681" | "6745915" | "6764064" | "6783115" | "6854888" | "6908015" | "6915961" | "7014077" | "7048137" | "D182556" | "D298717" | "D315103" | "D334341" | "D351761" | "D358301" | "D363414" | "D364314" | "D364315" | "D364316" | "D364317" | "D366809" | "D367206" | "D369943" | "D370828" | "D371048" | "D382170" | "D387621" | "D397906" | "D408220" | "D412085" | "D416755" | "D419029" | "D431159" | "D434272" | "D434273" | "D440465" | "D448242" | "D448976" | "D457384" | "D457778" | "D463216" | "D489978" | "D533061" | "RE37016").PN. OR ("2003/0085232" | "2003/0173536" | "2004/0069783" | "2005/0029271" | "2005/0029313" | "2005/0072804" | "2005/0133505" | "2007/0045217" | "2007/0108214" | "3045880" | "3181743" | "3392887" | "5085336" | "5131571" | "5203468" | "5332131" | "5339982" | "5392968" | "5520304" | "5582315" | "5624062" | "5873478" | "5884793" | "6050433" | "6059154" | "6116458" | "6161728" | "6279773" | "6390341" | "6523711" | "6609624" | "6783115" | "7059490" | "7124907" | "7140509" | "7533783" | "D547607").URPN.				
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S90	217	(US-0000551-$ | US-0029271-$ | US-0029313-$ | US-0033399-$ | US-0045647-$ | US-0056610-$ | US-0056652-$ | US-0069783-$ | US-0072788-$ | US-0072804-$ | US-0079775-$ | US-0085232-$ | US-0089301-$ | US-0092858-$ | US-0092877-$ | US-0102318-$ | US-0115966-$ | US-0116573-$ | US-0133505-$ | US-0133519-$ | US-0148806-$ | US-0159820-$ | US-0164043-$ | US-0166990-$ | US-0168462-$ | US-0173536-$ | US-0184075-$ | US-	US-PGPUB; USPAT; USOCR	AND	ON	2019/07/31 11:42

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S92	3085	((A47G19/2266 OR A47G19/2272 OR B65D47/066 OR B65D47/2031).CPC.)	US-PGPUB; USPAT; USOCR	AND	ON	2019/07/31 20:23
S93	1	"10023365".pn.	US-PGPUB; USPAT;	AND	ON	2019/11/12 13:58

			USOCR			
S94	0	lateral sides pivot mount mouth piece crimp	US-PGPUB; USPAT; USOCR	SAME	ON	2020/01/23 23:11

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	0	lateral sides pivot mount mouth projection resilient cap dispence	US-PGPUB	AND	ON	2020/01/24 10:39
L2	178	lateral sides pivot mount mouth projection resilient cap	US-PGPUB	AND	ON	2020/01/24 10:39
S95	0	lateral sides pivot mount mouth piece crimp	US-PGPUB; USPAT	SAME	ON	2020/01/23 23:12
S96	0	lateral sides pivot mount mouth piece crimp	US-PGPUB	SAME	ON	2020/01/23 23:12
S97	0	lateral sides pivot mount mouth piece	US-PGPUB	SAME	ON	2020/01/23 23:12
S98	0	lateral sides pivot mount mouth piece	US-PGPUB	WITH	ON	2020/01/23 23:12
S99	1324	lateral sides pivot mount mouth piece	US-PGPUB	AND	ON	2020/01/23 23:12
S100	0	lateral sides pivot mount mouth piece projection resilient cap dispence	US-PGPUB	AND	ON	2020/01/23 23:12

1/24/2020 10:46:18 AM
C:\Users\sbraden\Documents\EAST\Workspaces\15287915 camel back latest of 5 cases squeeze to dispence.wsp

Doc Code: MFEE.C.AD

Document Description: Maintenance Fee Address Change

PTO/SB/47 (10-18)
Approved for use through 09/30/2021. OMB 0651-0016
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Commissioner for Patents
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INSTRUCTIONS: The issue fee must have been paid for application(s) listed on this form. In addition, only an address represented by a Customer Number can be established as the fee address for maintenance fee purposes (hereafter, fee address). A fee address should be established when correspondence related to maintenance fees should be mailed to a different address than the correspondence address for the application. **When to check the first box below**: If you have a Customer Number to represent the fee address. **When to check the second box below**: If you have no Customer Number representing the desired fee address, in which case a completed Request for Customer Number (PTO/SB/125) must be attached to this form. For more information on Customer Numbers, see the Manual of Patent Examining Procedure (MPEP) § 403.

For the following listed application(s), please recognize as the "Fee Address" under the provisions of 37 CFR 1.363 the address associated with:

☑ Customer Number: 137531

OR

☐ The attached Request for Customer Number (PTO/SB/125) form.

PATENT NUMBER (if known)	APPLICATION NUMBER
	16/035,418

Completed by (check one):

☐ Applicant/Inventor

☑ Attorney or Agent of record 62,798 (Reg. No.)

☐ Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) (Form PTO/SB/96) is enclosed or was filed on _____ (Date)

/Amardeep S. Grewal/
Signature

Amardeep S. Grewal
Typed or printed name

202-414-9272
Requester's telephone number

4/29/2020
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. If the assignee is a juristic entity, this form must be signed by a patent practitioner (attorney or agent) of record. 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 1.363. 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 5 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 COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop M Correspondence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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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 Patent Application Fee Transmittal

Application Number:	16035418
Filing Date:	13-Jul-2018
Title of Invention:	DRINK BOTTLES
First Named Inventor/Applicant Name:	Robert Choi
Filer:	Amardeep S. Grewal/Stacey Horne
Attorney Docket Number:	P23808US05

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

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:				
UTILITY APPL ISSUE FEE	1501	1	1000	1000

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**1000**

Electronic Acknowledgement Receipt

EFS ID:	39305213
Application Number:	16035418
International Application Number:	
Confirmation Number:	4623
Title of Invention:	DRINK BOTTLES
First Named Inventor/Applicant Name:	Robert Choi
Customer Number:	165846
Filer:	Amardeep S. Grewal/Stacey Horne
Filer Authorized By:	Amardeep S. Grewal
Attorney Docket Number:	P23808US05
Receipt Date:	29-APR-2020
Filing Date:	13-JUL-2018
Time Stamp:	17:29:08
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$1000
RAM confirmation Number	E20204SH29303592
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)	P23808US05_-_PTOL85.pdf	502924 43152cb3ff36e0927b500b6b265edb13d49b77a2	no	1
Warnings:					
Information:					
2	Maintenance Fee Address Change	P23808US05_-_Fee_Address_Indication_Form.pdf	527800 cc920c2a38d0ff55108544fead8360877b97145b	no	2
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30494 c1efd289cdf8844a52725d1fe26f8659a5a2ddb3	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1061218		

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.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (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)

165846 7590 01/29/2020
Reed Smith LLP
P.O. Box 488
Pittsburgh, PA 15230

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 transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

Amardeep S. Grewal	(Typed or printed name)
/Amardeep S. Grewal, Reg. No. 62,798/	(Signature)
April 29, 2020	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/035,418	07/13/2018	Robert Choi	KRN 330E	4623

TITLE OF INVENTION: DRINK BOTTLES

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	$1000	$0.00	$0.00	$1000	04/29/2020

EXAMINER	ART UNIT	CLASS-SUBCLASS
BRADEN, SHAWN M	3736	215-381000

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 03-09 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 Amardeep S. Grewal
2 Gerard M. Donovan
3 Reed Smith LLP

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 must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: CamelBak Products, LLC

(B) RESIDENCE: (CITY and STATE OR COUNTRY): Petaluma, CA

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. Fees submitted: ☒ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies _____

4b. Method of Payment: *(Please first reapply any previously paid fee shown above)*

☒ Electronic Payment via EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)

☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. 50-1529

5. **Change in Entity Status** (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

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.
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.
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 /Amaradeep S. Grewal, Reg. No. 62,798/ Date April 29, 2020

Typed or printed name Amardeep S. Grewal Registration No. 62,798

Zak Designs, Inc. Exhibit 1003
187 of 189
IPR 2025-00140
CamelBak - Ex 2002
Page 368 of 857

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.
16/035,418	06/09/2020	10676255	P23808US05	4623

165846 7590 05/20/2020

Reed Smith LLP
P.O. Box 488
Pittsburgh, PA 15230

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 0 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):

Robert Choi, Ogden, UT;
CamelBak Products, LLC, Petaluma, CA;
Barley A. Forsman, Cotati, CA;
Jeremy Galten, Petaluma, 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.

AO 120 (Rev. 08/10)

TO:	Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Western District of Arkansas on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
5:21-cv-05109	6/11/2021	Western District of Arkansas

PLAINTIFF	DEFENDANT
Camelbak Products, LLC	Zak Designs, Inc.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,463,911	10/11/2016	Camelbak
2	9,782,028	10/10/2017	Camelbak
3	9,820,595	11/21/2017	Camelbak
4	10,165,879	1/1/2019	Camelbak
5	10,542,833	1/28/2020	Camelbak

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☑ Other Pleading	
6/11/2021		

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	10,676,255	6/9/2020	Camelbak
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

Electronic Patent Application Fee Transmittal

Application Number:	
Filing Date:	
Title of Invention:	DRINK CONTAINERS
First Named Inventor/Applicant Name:	Robert Choi
Filer:	R. Bruce Bower/Gwendolyn Ramsey
Attorney Docket Number:	Z036-0005RE

Filed as Large Entity

Filing Fees for ex parte reexam

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
EX PARTE REEXAMINATION (1.510(A)) NON-STREAMLINED	1812	1	12600	12600
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**12600**

Electronic Acknowledgement Receipt

EFS ID:	47368498
Application Number:	90015192
International Application Number:	
Confirmation Number:	7437
Title of Invention:	DRINK CONTAINERS
First Named Inventor/Applicant Name:	Robert Choi
Customer Number:	29150
Filer:	R. Bruce Bower/Gwendolyn Ramsey
Filer Authorized By:	R. Bruce Bower
Attorney Docket Number:	Z036-0005RE
Receipt Date:	13-JAN-2023
Filing Date:	
Time Stamp:	13:45:05
Application Type:	Reexam (Third Party)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$12600
RAM confirmation Number	E20231CD46411207
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	Transmittal Letter	2TU6682.PDF	159525 c6861bcbb0e04fbf779becc4dc09e48a1145cd27	no	3
Warnings:					
Information:					
2	Power of Attorney	2SZ7991.PDF	101540 93b33e3afcbb1fb69a783727344fb0cc3dd3ba5f	no	1
Warnings:					
Information:					
3	Reexam Miscellaneous Incoming Letter	2TU6488.PDF	5589706 2158cc1f1407015ca32a98e1098648d1a16a7a7a	no	115
Warnings:					
Information:					
4	Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party	2TU5930.PDF	25287299 a1053e2717cc8d97e9991ae18600f6e1be94768d	no	23
Warnings:					
Information:					
5	Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party	2TU5939.PDF	64638 093d238da4e0cb116dd6d75f7847c91bd209e3ad	no	3
Warnings:					
Information:					
6	Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party	2TU5959.PDF	11207336 b9b510af8937e6b9e6cf6686ad3722267ba2733c	no	9
Warnings:					
Information:					

7	Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party	2TU5969.PDF	2634511 210a5ec2fcfa7659705397388252cd596feef874	no	5
Warnings:					
Information:					
8	Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party	2TU5974.PDF	7141024 fde8c0a995483c7a76979ccbeb8679430dc7d5d3	no	10
Warnings:					
Information:					
9	Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party	2TU5976.PDF	10480448 66a46dc8b3215775e9f5a87bcbc4bd00f76201be	no	16
Warnings:					
Information:					
10	Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party	2TU5988.PDF	808243 f8f7e657f952d1502c08439a4321299cd1680d33	no	17
Warnings:					
Information:					
11	Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party	2TU5994.PDF	11470153 93e8a3eeb80d9be12d3a621dbe397aaafa8c67b9	no	21
Warnings:					
Information:					
12	Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party	2TU5998.PDF	6594816 3ab9219d3a477b2d2f8797072377d2fde9b6654e	no	8
Warnings:					
Information:					
13	Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party	2TU6001.PDF	4334820 e891e261163194687b9f3a0b5552862bed003653	no	4
Warnings:					
Information:					

14	Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party	2TU6005.PDF	3921420 d9f1ed5adecd79e3117bcdacc57cb62b5782d500	no	3
Warnings:					
Information:					
15	Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party	2TU6012.PDF	2624504 c7bf92a0d50afe1ed47a6cb90d45ec39b79a31a6	no	3
Warnings:					
Information:					
16	Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party	2TU6016.PDF	6738547 de8f5a4b55e8a3c9fcdbd31070152fd077359060	no	5
Warnings:					
Information:					
17	Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party	2TU6018.PDF	9227571 ad1e4baa79ce0e31994d30b47c5783abe61013f0	no	11
Warnings:					
Information:					
18	Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party	2TU6022.PDF	4017313 5c52d2593cfdceb92455a771d7f0ccea904c22eb	no	5
Warnings:					
Information:					
19	Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party	2TU6028.PDF	835446 babd45b8367d05ee0b13cc6b50c18e1dc5491900	no	37
Warnings:					
Information:					
20	Reexam - Affidavit/Declaration/Exhibit Filed by 3rd Party	2TU5954B.pdf	9568278 695bba731dbb04c281804739c7daee5803e5ee4b	no	189
Warnings:					
Information:					

21	Fee Worksheet (SB06)	fee-info.pdf	37995 b9f309752ee0a25accf2a8ffd7f40c5a6647715c	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	122845133	

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/57 (01-18)
Approved for use through 11/30/2021. OMB 0651-0064
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 referred to as FORM PTO-1465)

REQUEST FOR *EX PARTE* REEXAMINATION TRANSMITTAL FORM

Address to:
Mail Stop *Ex Parte* Reexam
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney Docket No.: Z036-0005RE

Date: _____

1. ☒ This is a request for *ex parte* reexamination pursuant to 37 CFR 1.510 of patent number 10,676,255 issued June 9, 2020. The request is made by:
   ☐ patent owner. ☒ third party requester.

2. ☒ The name and address of the person requesting reexamination is:
   Zak Designs, Inc.
   1603 S. Garfield Road
   Airway Heights, WA 99001

3. Requester ☐ asserts small entity status (37 CFR 1.27) or ☐ certifies micro entity status (37 CFR 1.29). Only a patent owner requester can certify micro entity status. Form PTO/SB/15A or B must be attached to certify micro entity status.

4. This request is accompanied by payment of the reexamination fee as set forth in:
   ☒ 37 CFR 1.20(c)(2); **or**
   ☐ 37 CFR 1.20(c)(1). **In checking this box for payment of the fee set forth in 37 CFR 1.20(c)(1), requester asserts that this request has forty (40) or fewer pages and complies with all other requirements of 37 CFR 1.20(c)(1).**

   Payment of the reexamination fee is made by the method set forth below.
   a. ☐ A check in the amount of $_____ is enclosed to cover the reexamination fee;
   b. ☐ The Director is hereby authorized to charge the reexamination fee to Deposit Account No. _____;
   c. ☐ Payment by credit card. Form PTO-2038 is attached; **or**
   d. ☒ Payment made via EFS-Web.

   ☒ In addition, the Director is hereby authorized to charge any fee deficiencies to Deposit Account No. 12-0769.

5. ☒ Any refund should be made by ☐ check or ☒ credit to Deposit Account No. 12-0769. 37 CFR 1.26(c). If payment is made by credit card, refund must be to credit card account.

6. ☒ A copy of the patent to be reexamined having a double column format on one side of a separate paper is enclosed. 37 CFR 1.510(b)(4).

7. ☐ CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table
   ☐ Landscape Table on CD

This collection of information is required by 37 CFR 1.510. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) a request for reexamination. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 18 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 *Ex Parte* Reexam, 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.

8. ☐ Nucleotide and/or Amino Acid Sequence Submission
If applicable, items a. – c. are required.
   a. ☐ Computer Readable Form (CRF)
   b. Specification Sequence Listing on:
      i. ☐ CD-ROM (2 copies) or CD-R (2 copies) **or**
      ii. ☐ paper
   c. ☐ Statements verifying identity of above copies.

9. ☐ A copy of any disclaimer, certificate of correction or reexamination certificate issued in the patent is included.

10. ☒ Reexamination of claim(s) 1, 3-8, 13, 14, 18, and 19 is requested.

11. ☒ A copy of every patent or printed publication relied upon is submitted herewith including a listing thereof on Form PTO/SB/08, PTO-1449, or equivalent.

12. ☐ An English language translation of all necessary and pertinent non-English language patents and/or printed publications is attached.

13. ☒ The attached detailed request includes at least the following items:
   a. A statement identifying each substantial new question of patentability based on prior patents and printed publications. 37 CFR 1.510(b)(1).
   b. An identification of every claim for which reexamination is requested, and a detailed explanation of the pertinency and manner of applying the cited art to every claim for which reexamination is requested. 37 CFR1.510(b)(2).

14. ☐ A proposed amendment is included (only where the patent owner is the requester). 37 CFR 1.510(e).

15. ☒ It is certified that the statutory estoppel provisions of 35 U.S.C. 315(e)(1) or 35 U.S.C. 325(e)(1) do not prohibit requester from filing this *ex parte* reexamination request. 37 CFR 1.510(b)(6).

16. Service
   a. ☒ It is certified that a copy of this request (if filed by other than the patent owner) has been served in its entirety on the patent owner as provided in 37 CFR 1.33(c).

      The name and address of the party served are:

      PTO Address of Record: REED SMITH LLP, IP Docketing Dept., P.O. Box 488, Pittsburgh, PA 15230

      District Court Counsel: David T. Pollock, Jonathan I. Detrixhe, and Christopher J. Pulido,

      REED SMITH LLP, 101 Second Street, Ste. 1800, San Francisco, CA 94105-3659

      Date of Service: _____

   OR

   b. ☐ A duplicate copy is enclosed since service on patent owner was not possible. An explanation of the efforts made to serve patent owner **is attached**. See MPEP 2220.

17. Correspondence Address: Direct all communication about the reexamination to:

☒ The address associated with Customer Number: 29150

OR

☐ Firm or Individual Name _____
(at the address identified below)

Address

City	State	Zip

Country	

Telephone	Email

18. ☒ The patent is currently the subject of the following concurrent proceeding(s):

a. ☐ Copending reissue Application No. _____

b. ☐ Copending reexamination Control No. _____

c. ☐ Copending Interference No. _____

d. ☒ Copending litigation styled:

CamelBak Products, LLC v. Zak Designs, Inc., Case No. 5:21-cv-05109 (W.D. Ark.) (Jun. 11, 2021)

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.

/R. Bruce Bower/	January 13, 2023
Authorized Signature	Date
R. Bruce Bower	37099
Typed/Printed Name	Registration No.

☐ For Patent Owner Requester ☒ For Third Party Requester

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of Robert Choi et al.	§	Attorney Docket No.: Z036-0005RE
	§	
U.S. Patent No. 10,676,255	§	
	§	
Issue Date: June 9, 2020	§	Customer No.: 29150
	§	
Filing Date: July 13, 2018	§	
	§	
For: DRINK BOTTLES	§	

Mail Stop "*Ex Parte* Reexam"
Attn: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR *EX PARTE* REEXAMINATION OF U.S. PATENT NO. 10,676,255

Dear Commissioner:

Zak Designs, Inc. ("Requester") requests an *ex parte* reexamination of claims 1, 3-8, 13, 14, 18, and 19 (the "Challenged Claims") of U.S. Patent No. 10,676,255 (the "'255 Patent," Ex. 1001) under 35 U.S.C. §§ 301-307. The '255 Patent issued on June 9, 2020, to CamelBak Products, LLC as Applicant and Robert Choi et al. as inventors. The '255 Patent issued from U.S. Patent Application No. 16/035,418 (the "'418 Application"), filed on July 13, 2018, which claimed priority to applications dating to 2005.

Requester submits that this Request presents prior art references and analyses that are noncumulative of the prior art that was considered by the Examiner during the original prosecution of the '255 Patent, or are presented in a new light or a different way that escaped review during earlier examination, and that the Challenged Claims are invalid over these references under 35 U.S.C. §§ 102(a), (b), and/or (e) (pre-AIA) or under 35 U.S.C. §§ 103(a) (pre-AIA). Requester therefore requests issuance of an order for reexamination and an Office Action rejecting claims 1, 3-8, 13, 14, 18, and 19.

Ex Parte Patent Reexamination Filing Requirements

Section III of this Request contains statements pointing out at least one substantial new question of patentability based on material, non-cumulative reference patents and printed publications for the Challenged Claims of the '255 Patent, in compliance with 37 C.F.R. § 1.510(b)(1).

Reexamination of the Challenged Claims of the '255 Patent is requested, and Section IV of this Request contains a detailed explanation of the pertinence and manner of applying the cited references to the Challenged Claims, in compliance with 37 C.F.R. § 1.510(b)(2).

Exhibits 1006-1015 of this Request contain copies of every patent or printed publication relied upon or referred to in the statement pointing out each substantial new question of patentability (Section IV) or in the detailed explanation of the pertinence and manner of applying the cited references (Section V), in compliance with 37 C.F.R. § 1.510(b)(3).

A copy of the '255 Patent is provided as Exhibit 1001 of this Request, along with a copy of any disclaimer, certificate of correction, and reexamination certificate issued corresponding to the patent, in compliance with 37 C.F.R. §1.510(b)(4),

The attached Certificate of Service indicates that a copy of this Request, in its entirety, has been served on Patent Owner at the following address of record for Patent Owner, in compliance with 37 C.F.R. §§ 1.510(b)(5) and 1.33(c):

REED SMITH LLP
IP Docketing Dept.
P.O. Box 488
Pittsburgh, PA 15230

Requester also submits the fee set forth in 37 C.F.R. § 1.20(c)(2).

Requester hereby certifies that the statutory estoppel provisions of 35 U.S.C. § 315(e)(1) and 35 U.S.C. § 325(e)(1) do not prohibit Requester from filing this Request, in compliance with 37 C.F.R. § 1.510(b)(6).

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Ex. 1001	U.S. Patent No. 10,676,255 to Choi et al. ("the '255 Patent")
Ex. 1002	Patent Family for Application No. 16/035,418 ("the '096 Application)
Ex. 1003	Prosecution History of the '255 Patent
Ex. 1004	U.S. Patent No. 6,116,458 ("Dark")
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Ex. 1006	U.S. Patent App. Pub. No. 2005/0029271 ("McDonough")
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Ex. 1013	U.S. Patent No. 2,467,463 ("Canham")
Ex. 1014	U.S. Patent No. 3,307,752 ("Anderson")
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Ex. 1016	U.S. Patent No. 4,020,964 ("Hurst")
Ex. 1017	Memorandum Opinion and Order Dated Jan. 9, 2023, from *CamelBak Products, LLC v. Zak Designs, Inc.*, Case No. 5-21-cv-05109 (W.D. Ark.) (Jun. 11, 2021).

I. Preliminary Statement

The '255 Patent is generally directed to a drink bottle having a resilient mouthpiece pivotal within a removable cap assembly. The mouthpiece may be selectively pivoted between a stowed position, where a manual on/off valve obstructs a fluid conduit to restrict drink fluid from flowing to the mouthpiece, and a dispensing position, where the manual on/off valve permits the drink fluid to flow to the mouthpiece.

Faced with an anticipation rejection for independent claim 1, the Applicant incorporated subject matter from a dependent claim relating to structure for a pivotal mount for the mouthpiece. In particular, the Applicant amended the claims to recite an axle-type mechanism for the pivotal mount: "wherein the pivotal mount includes a pair of lateral projections, wherein the cap assembly base defines a pair of sockets into which the pair of lateral projections extend … wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets." These amendments led to allowance of the claims.

At least two prior-art documents, however, disclose exactly those features for a pivotal mount of drink bottle: U.S. Patent App. Pub. No. 2005/0029271 ("McDonough," Ex. 1006) and Japanese Patent App. Pub. No. 2001-294252 ("Toudou," Ex. 1007 and Ex. 1008). These references, either alone or in combination with other teachings, render independent claim 1 unpatentable. The other Challenged Claims are also unpatentable in view of prior art not considered by the Office. For example, claims 6 and 7 are directed to a handle for the bottle, but U.S. Patent No. 3,307,752 ("Anderson," Ex. 1014) discloses this precise structure for a drink bottle, noting that its handle enables ready grasping for carrying the bottle without interfering with the cap.

In short, the Challenged Claims are not patentable. Accordingly, the Office should issue an Action rejecting the Challenged Claims over at least these references based on one or more of the grounds discussed below.

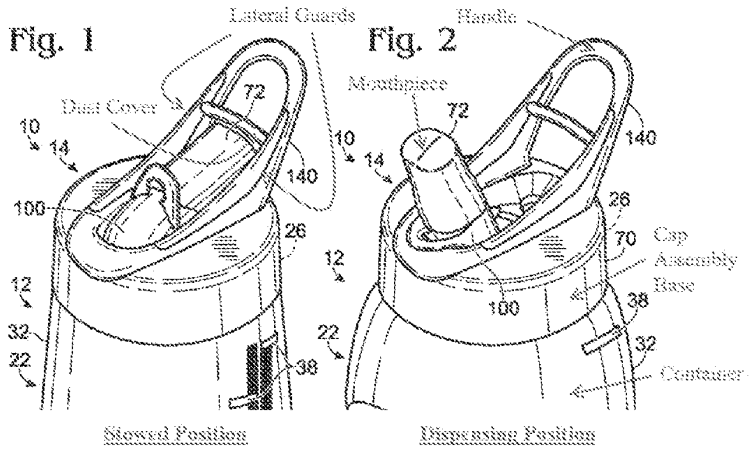
II. U.S. Patent No. 10,676,255

A. Summary

The '255 Patent is generally directed to drink bottles having removably attached cap assemblies. In an example, a cap assembly on a drink container has a fluid conduit for passing drink fluid from an inlet inside the container to a dispensing outlet outside the container. At the dispensing outlet, a user can extract the drink fluid using a resilient, compressible mouthpiece.

As shown in FIG. 3 of the '255 Patent, an exemplary container 12 may have a body 22 for holding a fluid, an opening or portal 40 at a top of the body, and a neck 26 surrounding the opening. Ex. 1001 ('255 Patent) at FIG. 3, 4:45-49, 5:42-48. The neck may include a coupling structure, such as threads 44, configured to engage with corresponding threads on a cap assembly 14. *Id.* at 5:45-59. Accordingly, after fluid is poured into opening 40, the cap assembly is screwed onto neck 26, making it removably connected. *Id.* at 6:7-12.

FIGS. 1 and 2 of the '255 Patent illustrate an example cap assembly on a container, and portions of those figures are reproduced below with annotations. As shown in both figures, a mouthpiece 72 provides a dispensing outlet for the user. The mouthpiece is pivotal relative to a base 70 of the cap assembly 14 between a stowed position (FIG. 1) against the cap assembly and a dispensing position (FIG. 2) away from the cap assembly, as shown here in reproductions of FIGS. 1 and 2 with annotations:



When mouthpiece 72 is in the stowed position in FIG. 1, a pair of lateral guards extend on opposite sides of the mouthpiece. *Id.* at 17:8-10. In addition, a dust cover extends between the lateral guards and across at least a portion of the dispensing outlet. The dust cover purportedly

"protects the dispensing face, and thus the slit or other opening formed therein, from being contacted by dirt, grime, and other substances when the mouthpiece is in its stowed configuration." *Id.* at 17:13-18.

With mouthpiece 72 in the stowed position, a manual on/off valve obstructs the fluid conduit to restrict the drink fluid from flowing. According to the '255 Patent, the manual on/off valve "may be located at any suitable position downstream (i.e., toward the internal compartment of the fluid container) of the mouthpiece's face." *Id.* at 10:46-48. Any mechanism may suffice: "The on/off valve may utilize any suitable actuation mechanism to selectively configure the valve between its open and closed configurations." *Id.* at 11:8-11.

The '255 Patent provides several examples for a manual on/off valve. These include pivoting a spout associated with the mouthpiece (*id.* at 11:12-64), employing a push-pull mechanism with a baffle within the fluid conduit (*id.* at 11:65-12:19), and crimping "a foldable, collapsible, resiliently deformable, and/or crimpable region" of the fluid conduit (*id.* at 12:28-38, 18:23-30). According to the patent, a suitable material for a crimpable region "is silicone or another material that does not readily take a compression set and therefore may be repeatedly folded, flattened, crimped, and the like without leaking or otherwise being permanently deformed or failing." *Id.* at 12:39-43. With any of the examples, "when the on/off valve is in its closed configuration, drink fluid cannot be dispensed from the fluid container through the mouthpiece…." *Id.* at 10:59-61.

When pivoted from the stowed position (FIG. 1) to the dispensing position (FIG. 2), the mouthpiece pivots away from the dust cover for access by the user. In the dispensing position, mouthpiece 72 is positioned farther away from the cap assembly base 70 than in the stowed position (FIG. 1). In this dispensing position, "the constrictive pressure applied" by the manual on/off valve is reduced, "and a fluid flow path through the fluid conduit is reestablished." *Id.* at 18:30-35.

FIGS. 28 and 29 of the '255 Patent illustrate one example of the manual on/off valve causing a crimp in flexible tube 124, which are annotated below. In the stowed position at right (FIG. 29), the pivoted mouthpiece 72 leads to the crimp as shown, while in the dispensing position at left (FIG. 28), the erect mouthpiece 72 removes the crimp and allows fluid to flow through flexible tube 124.

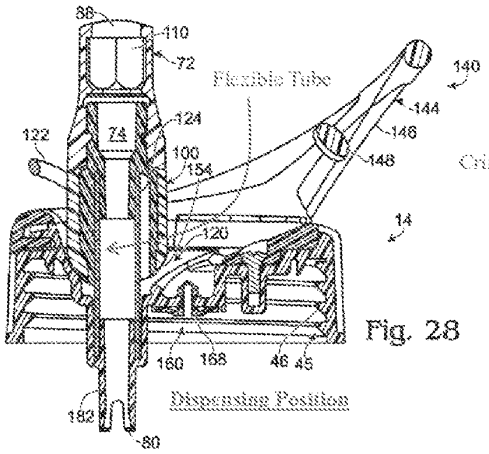


Fig. 28

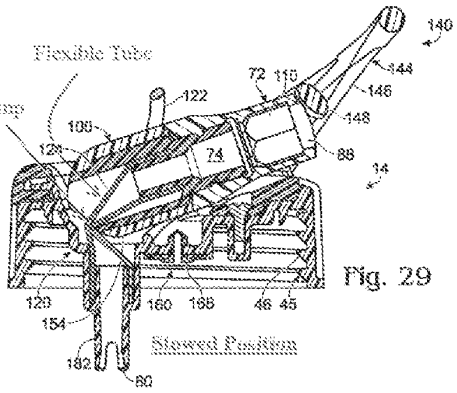


Fig. 29

The '255 Patent describes several options for fluid conduit 74 and mouthpiece 72. For example, mouthpiece 72 may be coupled to the cap assembly via a pivotal mount, such as mount 100 shown in FIGS. 2 and 3 above. The mount has lateral projections that rotate in sockets within the cap assembly base "and thereby function as rotatable supports, or axles, upon which the mount and any attached mouthpiece may be pivotally moved relative to the base of the cap assembly...." *Id.* at 16:62-65.

Finally, as also shown in FIGS. 1 and 2 above, the drink bottle includes a handle "that extends from the base of the cap assembly." *Id.* at 16:33-35. The handle and the cap assembly base define a closed loop with an aperture through which a user's finger may be inserted to carry the drink container. *Id.* at 16:33-56, FIG. 25. While handle 140 in FIG. 25 is an example, the '255 Patent indicates that "[h]andle 140 may take any other suitable form, may have a rigid or flexible construction, and may be (but is not required to be) used with any of the other cap assemblies that are disclosed, illustrated and/or incorporated herein." *Id.* at 16:35-39.

B. Prosecution History

As stated above, the '255 Patent issued from the '418 Application, which was filed July 13, 2018. The '418 Application was filed as a continuation that claimed priority to a string of five nonprovisional applications. The earliest of those applications, filed December 20, 2005, claimed the benefit of two provisional applications respectively filed August 8, 2005, and April 11, 2005. Because the priority dates for the '255 Patent were before March 16, 2013, when the America Invents Act became effective, the "pre-AIA" patent laws of Title 35 define the prior art for the '255 Patent.

Because the '255 Patent claims the benefit of an original application filed April 11, 2005, that date is the constructive date of invention for determining whether a document is prior art under 35 U.S.C. §§ 102(a) and (e) (pre-AIA), assuming that the original application provides adequate support under 35 U.S.C. § 112 (pre-AIA) for the Challenged Claims.[1] As well, the critical date for determining prior art under 35 U.S.C. § 102(b) is April 11, 2004.

Subsequent to the '418 Application, two other continuation applications have been filed, resulting in the following chronology of applications in a family that includes the '255 Patent:

Filing Date	*App. No.*	*App. Type*	*Status*
April 11, 2005	60/670,828	Provisional	Expired
August 8, 2005	60,706,700	Provisional	Expired
December 20, 2005	11/313,488	Nonprovisional	U.S. Patent No. 7,533,783
October 26, 2006	11/588,476	Continuation	U.S. Patent No. 8,622,237
June 5, 2008	12/133,954	Continuation	U.S. Patent No. 8,777,048
July 11, 2014	14/329,096	Continuation	U.S. Patent No. 9,463,911
October 7, 2016	15/287,915	Continuation	U.S. Patent No. 10,023,365
July 13, 2018	***16/035,418***	***Continuation***	***U.S. Patent No. 10,676,255***
April 29, 2020	16/862,105	Continuation	U.S. Patent No. 11,242,178
December 29, 2021	17/565,354	Continuation	Pending

See Ex. 1002 (Patent Family for App. 16/035,418 from USPTO's Global Dossier, available at https://globaldossier.uspto.gov/#/result/application/US/16035418/104942).

When filed, the '418 Application contained 20 claims. Ex. 1003 (Prosecution History of '255 Patent) at 62-67. Application claim 1 was the sole independent claim and was directed to a cap assembly for the drink container including a cap assembly base, a pivotal mount, a resilient mouthpiece, and a manual on/off valve. It recited:

> 1. (Application) A drink container, comprising:
>
> a fluid container having a neck with an opening and having an internal compartment sized to hold a volume of potable drink fluid;
>
> a cap assembly removably coupled to the fluid container to cover the opening, wherein the cap assembly defines a fluid conduit for drink fluid to flow from the fluid container and through

[1] For purposes of this Request, Requester assumes the '255 Patent is entitled to its claimed earliest priority date of April 11, 2005.

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

Id. at 62-63. The claims depending from independent application claim 1 specified other features of the drink container. For example, application claim 2 recited the pivotal mount having a pair of lateral projections and the cap assembly base having a pair of sockets into which the pair of lateral projections extend:

> 2. (Application) The drink container of claim 1, wherein the pivotal mount includes a pair of lateral projections, wherein the cap assembly base defines a pair of sockets into which the pair of lateral projections extend, and wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets.

Id. at 63.

1. Office Action of August 2, 2019

The Examiner issued a non-final Office Action dated August 2, 2019, that, in pertinent part, rejected application claims 1-3, 19, and 20 as being anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 6,116,458 ("Dark," Ex. 1004) and rejected application claims 4-18 as being unpatentable under 35 U.S.C. § 103(a) over Dark in view of U.S. Design Patent No. D547,607 ("Forsman," Ex. 1005). Ex. 1003 at 103-08.

Dark is generally directed to a sport drinking bottle having a cap with a valved straw. A drinking spout 3 extends horizontally in a closed position when pivoted down into a U-shaped recess 10 within a cap base 7. Ex. 1004 at 4:7-10. Spout 3 may be formed of polypropylene and is "inwardly resiliently compress[able]." *Id.* at 5:53-56.

In a closed position, an elastic tube 8 feeding a liquid from within the bottle to spout 3 is pinched at a bend to form a block against fluid passage. *Id.* at 6:52-63. A hinge 5 is integrally formed in the upper surface of cap base 7, and a diaphragm 4 enables pivotal movement of spout 3 about hinge 5 into a vertical open position, releasing the block. FIG. 1 and a portion of FIG. 2 from Dark, shown below, illustrate the closed and open positions for spout 3.

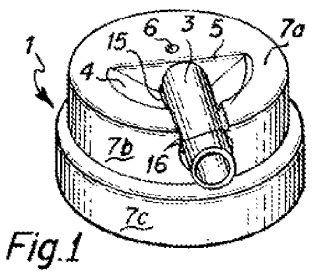
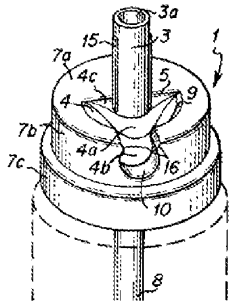


Fig.1

Dark, FIG. 1



Dark, FIG. 2

The Examiner mapped every limitation of claim 1 to Dark. Ex. 1003 at 103-04. For example, the Office Action identified the claimed fluid container, cap assembly, and cap assembly base as Dark's liquid container 2, cup cap 1, and cylindrical walled collar 7c, respectively. *Id.* According to the Office Action, Dark discloses the claimed pivotal mount in lower flexible portion 4b of diaphragm 4, which performs pivotal movement relative to cap base 7b. *Id.* Spout 3, which is coupled to the diaphragm for pivotal movement between a stowed position (FIG. 1) and a dispensing position (FIG. 2), corresponds to the claimed resilient mouthpiece. Spout 3 is adapted "to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth," as claimed, because "a user can bite the plastic mouth piece and the natural tendencies of plastic make it resilient." *Id.* at 104. Additionally, the Examiner concluded that Dark discloses the claimed manual on/off valve in that closing spout 3 causes tube 8 to crimp against interference rib 12 (*see* FIG. 6) to obstruct the fluid conduit and that opening spout 3 releases the crimp to permit the flow of flu*id. Id.*

Among several dependent claims anticipated by Dark, the Examiner further found that Dark discloses the subject matter of application claim 2. According to the Office Action, the pivotal mount in Dark includes a pair of lateral projections as claimed in splines 15 protruding radially from spout 3. *Id.* at 104-05. Splines 15 mate with a pair of elongated barbs 16 formed in opposed side walls of U-shaped region 10 (FIGS. 1 and 2), corresponding to the claimed pair of sockets in dependent claim 2. *Id.*

Finally, the Examiner concluded that various features of the cap assembly base and the resilient mouthpiece recited in application claims 4-18 not disclosed in Dark would have been obvious in view of Forsman. As with the '255 Patent, Forsman is assigned to CamelBak Products, LLC and illustrates essentially the same drink bottle cap as described in the '255 Patent. Forsman was filed on August 8, 2005.

2. Response to Office Action

Following several telephone interviews (Ex. 1003 at 132, 152), Applicant filed a Response to Office Action on December 2, 2019. The Response canceled dependent application claim 2 and incorporated its subject matter into amended independent application claim 1. *Id.* at 141-42. Accordingly, application claim 1 was amended as follows, with underlines indicating additions:

> a pivotal mount coupled to the cap assembly base for pivotal movement relative to the cap assembly base, wherein the pivotal mount includes a pair of lateral projections, wherein the cap assembly base defines a pair of sockets into which the pair of lateral projections extend;
>
> a resilient mouthpiece coupled to the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base, wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets; …

Ex. 1003 at 141. According to the Response, Applicant and the Examiner had agreed in the interviews that Dark does not disclose or suggest this subject matter incorporated from claim 2. *Id.* at 146. As indicated in an Examiner's Interview Summary, "One key point applicant raised is that the pivotal mount of the Dark reference does not include a pair of lateral projections. The projections of Dark are more on the straw than the pivotal mount." *Id.* at 152.

In addition, Applicant traversed the obviousness rejections of claims 4-18 because Forsman purportedly did not qualify as prior art. Forsman was filed on August 9, 2005, and published on July 31, 2007, but the '418 Application claimed priority to provisional applications filed April 11, 2005, and August 8, 2005. *Id.* at 147-48.

The Notice of Allowance was mailed January 29, 2020. Ex. 1003 at 154. While the Examiner had applied only Dark and Forsman against the Challenged Claims, 134 other potential references had also been provided or cited during prosecution. *See id.* at 110, 112, 115-124; Ex. 1001 at pp. 1-3.

C. Challenged Claims as Issued

The '255 Patent issued on June 9, 2020, with application claims 1 and 3-20 becoming patent claims 1-19. Ex. 1003 at 162. Challenged Claims 1, 3-8, 13, 14, 18, and 19 recite:

1. A drink container, comprising:

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

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

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

a pivotal mount coupled to the cap assembly base for pivotal movement relative to the cap assembly base, wherein the pivotal mount includes a pair of lateral projections, wherein the cap assembly base defines a pair of sockets into which the pair of lateral projections extend;

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

wherein the resilient mouthpiece defines a portion of the fluid conduit, including the dispensing outlet;

wherein the resilient mouthpiece and the pivotal mount are configured to be selectively pivoted between a stowed position and a dispensing position, and further in the dispensing position, the dispensing outlet is positioned further away from the cap assembly base than when the resilient mouthpiece and the pivotal mount are in the stowed position;

wherein the resilient mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth; and

a manual on/off valve having a closed configuration, in which the manual on/off valve obstructs the fluid

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

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

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

3. The drink container of claim 1, wherein the cap assembly includes a pair of lateral guards that extend on opposed sides of the resilient mouthpiece when the resilient mouthpiece and the pivotal mount are in the stowed position, and further wherein the cap assembly includes a dust cover extending between the pair of lateral guards and positioned to protect the dispensing outlet of the resilient mouthpiece by extending across at least a portion of the dispensing outlet of the resilient mouthpiece when the resilient mouthpiece and the pivotal mount are in the stowed position.

4. The drink container of claim 3, wherein when the resilient mouthpiece is pivoted from the stowed position to the dispensing position, the resilient mouthpiece pivots away from the dust cover.

5. The drink container of claim 3, wherein the dust cover projects above an upper surface of the cap assembly base.

6. The drink container of claim 3, wherein the cap assembly further includes a handle that extends from the cap assembly base and includes the pair of lateral guards and the dust cover.

7. The drink container of claim 1, wherein the cap assembly further comprises a handle that extends in a fixed orientation from the cap assembly base and which defines at least a portion of a closed loop with an aperture through which a user's finger may be inserted to carry the drink container.

8. The drink container of claim 1, wherein the resilient mouthpiece is permanently secured to the pivotal mount.

13. The drink container of claim 1, wherein the resilient mouthpiece includes a dispensing face, and further wherein the

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dispensing outlet extends through the dispensing face of the resilient mouthpiece.

14. The drink container of claim 13, wherein the dispensing outlet is defined by a slit that extends through the dispensing face of the resilient mouthpiece.

18. The drink container of claim 1, wherein the pivotal mount is adapted to selectively engage the flexible tube to apply crimping forces thereto and thereby configure the manual on/off valve to the closed configuration as the pivotal mount is pivoted from the dispensing position to the stowed position.

19. The drink container of claim 1, wherein the flexible tube is secured to the pivotal mount.

D. Level of Ordinary Skill in the Art

An expert in the relevant field, a person of ordinary skill in the art ("POSITA") of the '255 Patent in April 2005, would have had at least a degree in mechanical engineering or equivalent coursework, and a year or more of experience in designing, prototyping, and/or manufacturing containers produced from thermoplastic resins, such as polyethylene terephthalate (PET), including injection molding and/or blow molding such containers from preforms. Less work experience may be compensated by a higher level of education and vice versa.

E. Claim Construction

Because the '255 Patent has not expired, the Challenged Claims should be given their "broadest reasonable interpretation consistent with the specification." 37 CFR §1.75(d)(1); *see also* MPEP § 2111; *Phillips v. AWH Corp.*, 415 F.3d 1303, 1316 (Fed. Cir. 2005). Under this standard, "[t]he Patent and Trademark Office … determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction in light of the specification as it would be interpreted by one of ordinary skill in the art." *Phillips v. AWH Corp.*, 415 F.3d 1303, 1316 (Fed. Cir. 2005) (quotation and citation omitted). "Because applicant has the opportunity to amend the claims during prosecution, giving a claim its broadest reasonable interpretation will reduce the possibility that the claim, once issued, will be interpreted more broadly than is justified." MPEP § 2111 (citing *In re Yamamoto*, 740 F.2d 1569, 1571 (Fed. Cir. 1984)).

Requester does not believe that the Challenged Claims require express construction for purposes of reexamination. Because several terms appear repeatedly in the claims and bear on the prior art, however, Requester presents the following discussion of these terms supporting their broadest reasonable construction. Requester reserves the right to advocate a different interpretation of the claims in another forum, if necessary or as dictated by different legal standards.[2]

First, the Challenged Claims recite in many instances that a mouthpiece for a drink container must be "resilient." For instance, claim 14 recites a "resilient mouthpiece" that is "adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth." Ex. 1001 at 21:35-37. Claims 21 and 22 further specify that the resilient mouthpiece have opposed lips within a dispensing face such that "when a user applies compressive forces to the opposed bite regions, the lips are urged away from each other to enlarge the opening" (*id.* at 22:47-49) and "seal against each other when the opposed bite regions are not urged toward each other" (*id.* at 22:51-52).

In its ordinary meaning, a "resilient" material generally is deformable under applied forces and is capable of returning, at least in part, "to the original form or position after being bent, compressed, or stretched." *See Dictionary.com* available at https://www.dictionary.com/browse/resilient; *see also Merriam-Webster Online Dictionary* available at https://www.merriam-webster.com/dictionary/resilient ("a: capable of withstanding shock without permanent deformation or rupture b: tending to recover from or adjust easily to misfortune or change."). The specification of the '255 Patent does not use "resilient" differently from its ordinary meaning. *See, e.g.*, Ex. 1001 at 8:44-45 ("Mouthpiece 72 is resilient and biased to its closed configuration, such as is shown in FIGS. 10-15."); *id.* at 12:24-27 ("a fluid conduit having a foldable, collapsible, resiliently deformable, and/or crimpable region and suitable structure for selectively folding, flattening, resiliently deforming, and/or crimping that region"). Materials known to a POSITA to be "resilient," particularly for tubing and mouthpieces, include silicone. *See id.* at 12:31-36 ("An illustrative, non-exclusive example of a suitable material for such a portion of the fluid conduit is silicone or another material that does not readily take a

[2] As indicated in Section VII below, the '255 Patent is currently involved in litigation in the Western District of Arkansas. *See also* Ex. 1003 at 189. Although the parties largely do not dispute the meaning of claim terms in the '255 Patent, a Memorandum and Order from the Court dated January 9, 2023, addressing claim construction for all patents in the litigation is included for information as Exhibit 1017.

compression set and therefore may be repeatedly folded, flattened, crimped, and the like without leaking or otherwise being permanently deformed or failing.").

Second, the Challenged Claims recite forms of the word "pivoting," such as the resilient mouthpiece being "pivotal relative to the cap assembly base" or configured to be "selectively pivoted between a stowed position and dispensing position," and "when the resilient mouthpiece is pivoted from the stowed position to the dispensing position, the resilient mouthpiece pivots away from the dust cover" in independent claim 14. Dependent claim 16 recites that the "resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets." In its ordinary usage, a "pivot" is "a shaft or pin on which something turns," and the act of "pivoting" is "to turn on or as if on a pivot." *See Merriam-Webster Online Dictionary* available at https://www.merriam-webster.com/dictionary/pivot. Thus, "pivoting," being "pivoted," or "being pivotal," generally refers to turning as if on a shaft or pin.

Third, claim 11 recites "coupled to" in the phrase "a resilient mouthpiece coupled to the pivotal mount for pivotal movement." In its broadest reasonable interpretation, "coupled to" generally refers to two items that are paired together for combined effect and treated as one, such as a married couple, or two structures that are associated, joined, or combined to operate together as one. *See Merriam-Webster Online Dictionary* available at https://www.merriam-webster.com/dictionary/coupled ("to connect for consideration together … to join for combined effect"). In the '255 Patent, two items may be removably coupled (i.e., "designed to be repeatedly connected and disconnected without destruction of the corresponding structures," Ex. 1001 at 14:65-15:1) or permanently coupled (i.e., "structures that are not designed to be separated without destruction of at least a portion of the structures and/or the mechanism that joins the structures," *id.* at 15:3-5).

Fourth, claim 8 recites that the resilient mouthpiece is "permanently secured" to the pivotal mount. In its broadest reasonable interpretation, "permanently secured" implies a joinder between two items that is not possible to breach. The '255 Patent does not define the phrase "permanently secured," but it does define a similar phrase of "permanently coupled," as noted above. According to the '255 Patent, "fixedly connected or permanently coupled structures refer to structures that are not designed to be separated without destruction of at least a portion of the structures and/or the mechanism that joins the structures." Ex. 1001 at 15:1-5. In a similar passage, the '255 Patent equates being "permanently secured" with being "integrated with": "Although it is within the

scope of the present disclosure that the drink tube may be integrated with or otherwise permanently secured to one or both of the cap assembly or the bite-actuated mouthpiece, it may be desirable for each of these components to be removably coupled to the drink tube." *Id.* at 15:17-21. Thus, "permanently secured" generally refers to two structures connected or integrated together that cannot be separated without destroying at least one of them or the mechanism that joins them.

Fifth, claim 3 recites "a dust cover extending between the pair of lateral guards and positioned to protect the dispensing outlet of the resilient mouthpiece by extending across at least a portion of the dispensing outlet of the resilient mouthpiece when the resilient mouthpiece is in the stowed position." The specification of the '255 Patent explains that a dust cover is "a dispensing face guard, or cover, 148 that is adapted to protect the dispensing face of the bite-actuated mouthpiece when the mouthpiece is in its stowed configuration." Ex. at 17:11-13. In the example provided in FIGS. 21 and 22-29, a dust cover 148 is part of an optional handle 140. But the claims of the '255 Patent do not require that a "dust cover extending between the pair of lateral guards and positioned to protect the dispensing outlet" be connected with or otherwise a part of either a handle or a pair of lateral guards.

III. Listing of Prior Art Patents and Printed Publications

Requester requests reexamination of the Challenged Claims in view of the following prior art documents and new technological teachings.

A. Primary References Disclosing a Pivotal Mount with a Pair of Lateral Projections Extending into a Pair of Sockets as Claimed

1. McDonough

U.S. Patent App. Pub. No. 2005/0029271 ("McDonough," Ex. 1006) was filed August 8, 2003, and published February 10, 2005. Accordingly, McDonough is prior art to the '255 Patent under 35 U.S.C. §§ 102(a) and 102(e) (pre-AIA). McDonough was cited in an Information Disclosure Statement during prosecution but was not applied in an Office Action. Ex. 1003 at 117.

At the least, McDonough presents a new technological teaching of "a pivotal mount coupled to the cap assembly base for pivotal movement relative to the cap assembly base, wherein the pivotal mount includes a pair of lateral projections, wherein the cap assembly base defines a pair of sockets into which the pair of lateral projections extend" and "wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral

projections rotate within the pair of sockets," alleged by the Applicant to be missing from the art in allowance of claim 1. *See* Ex. 1003 at 147.

McDonough discloses a drinking cup having a container, a detachable lid, and a flexible straw having a drinking end for delivering liquid from within the container to a user. The cup includes a straw positioning mechanism pivotally attached to the lid through "a pair of axle projections 30 that are journaled into a corresponding pair of holes 32." Ex. 1006 (McDonough) ¶ [0021]. A recess 36 at a distal end of the straw positioning mechanism receives the flexible straw 24, and movement of the straw positioning mechanism pivots the flexible straw 24 between a downward storage position and an upward dispensing position, where it is "presented for sipping by a consumer." *Id.* ¶ [0010]. The flexible straw is "preferably fabricated from a resilient elastomeric material such as silicone." *Id.* ¶ [0025]. "When the straw positioning mechanism 20 is in the second, closed position shown in FIG. 3, the flexible straw 14 will be bent into a horizontal S-shaped configuration by the downwardly extending arm 35 so as to be crimped in a first location 44 and also in a second location 46 that is adjacent to the recess 36. This minimizes the potential for leakage through the flexible straw 16 in the storage position...." *Id.* ¶ [0021]. In the storage position, portion 38 of straw positioning mechanism 20 covers the outlet of flexible straw 14 and serves as "a protective shelf portion for precluding external contact with said first end of said flexible straw." *Id.* at Claim 8.

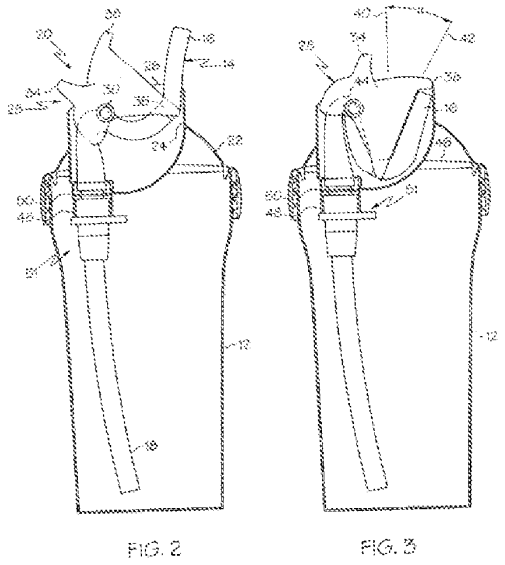


FIG. 2 FIG. 3

2. Toudou

Japanese Patent App. Pub. No. 2001-294252 ("Toudou," Ex. 1007) was published October 23, 2001, and is prior art to the '255 Patent under 35 U.S.C. § 102(b) (pre-AIA). A certified English translation of Toudou is provided as Ex. 1008 (certification on last page).[3] Toudou was not cited

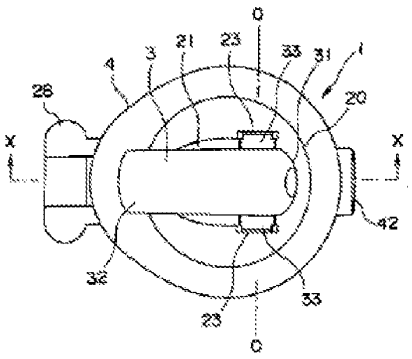
[3] JP2001-294252 includes the published Japanese patent application on pages 1-10 and, beginning on page 10 of Ex. 1008, certain amendments also having numbered paragraphs. Citations in this Request refer to the numbered paragraphs and figures on pages 1-9 of Ex. 1008.

or otherwise considered during prosecution of the '255 Patent. *See* Ex. 1001 at pp. 1-3; Ex. 1003 at 110, 112, 115-124.

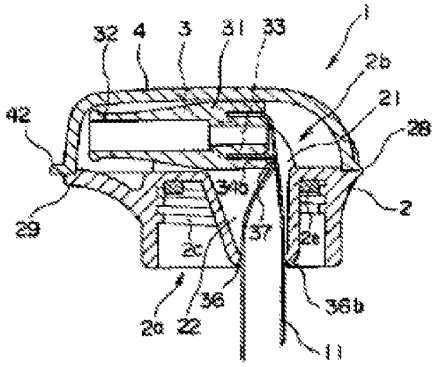
At the least, Toudou presents a new technological teaching of "a pivotal mount coupled to the cap assembly base for pivotal movement relative to the cap assembly base, wherein the pivotal mount includes a pair of lateral projections, wherein the cap assembly base defines a pair of sockets into which the pair of lateral projections extend" and "wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets," alleged by the Applicant to be missing from the art in allowance of claim 1. *See* Ex. 1003 at 147.

Toudou discloses three embodiments for a detachable cap of polypropylene or the like for a drinking bottle in which a straw feeds liquid from within the bottle to a pivotal nozzle within the cap. Ex. 1008 ¶ [0011]. In a first and third embodiment, a pair of rotation shafts 33 extend from a base portion 31 of the nozzle 3 orthogonal to the length of the nozzle. *Id.* ¶ [0012]. The nozzle is mounted via the shafts 33 into pair of substantially U-shaped bearings 23 and pivotally rotates about the shafts 33. *Id.* ¶¶ [0012]-[0014], FIGS. 1 and 7.

[FIG. 1]



[FIG. 7]



In the third embodiment illustrated in FIG. 7, which expressly adopts the same pivotal structure as the first embodiment, the pivotal nozzle 3 includes a suction port 32 at a longitudinal end opposite base portion 31 for extracting liquid from the bottle. The straw 11 of "a rubber-like elastic resin such as a silicone tube" is connected within a cylindrical groove 35b within the base portion 31 of the nozzle 3. Closing a lid 4 forces nozzle 3 to pivot into a horizontal stowed position, causing straw 11 to become crimped to prevent leaking. *Id.* ¶ [0024]. Opening lid 4 allows elasticity of straw 11 to move nozzle 3 into an upright position for drinking, while releasing the crimp within straw 11. *Id.* ¶ [0025]. When the nozzle is stowed, a storage groove 21 and vertical walls of lid 4

protect the nozzle. *Id.* ¶ [0018] ("Since the nozzle 3 is covered with the lid 4 in the stored state, no contact with clothes or the like occurs and dust is not attached, so that the hygienic state can be maintained.").

B. Secondary References Teaching Resilient Mouthpieces as Claimed

1. Wright

International Patent App. Pub. No. WO03/101261A1 ("Wright," Ex. 1009) was published May 31, 2002, and is prior art to the '255 Patent under 35 U.S.C. § 102(b) (pre-AIA). Wright was not cited or otherwise considered during prosecution of the '255 Patent. *See* Ex. 1001 at pp. 1-3; Ex. 1003 at 110, 112, 115-124.

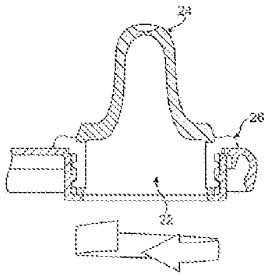


FIG. 1C

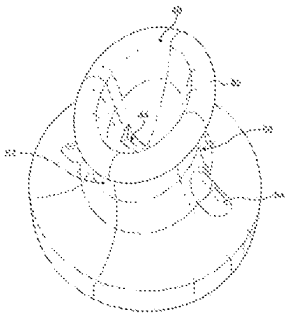


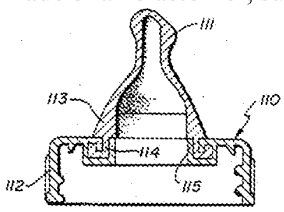
FIG. 2A

Wright discloses a cover for a drinking vessel that includes a flexible mouthpiece made of a resilient elastomeric material such as polyurethane rubber that deforms from biting forces and "hence does not damage the user's teeth." Ex. 1009 at Abstract, 2:7-8, 2:18-21, 4:21-22. The spout for the mouthpiece is removable for cleaning. *Id.* at 2:27, 8:3-7. The resilient mouthpiece may be molded onto a polypropylene base "via a second shot process" for removal from the cover, as shown in FIG. 1C. In one configuration, such as shown in FIG. 2C, the resilient mouthpiece has an upper mouthpiece portion 40 with a duck bill valve 44. "The mouth of the user is guided between the rim (82) and the dimples (84) so that the biting or stripping action occurs such that a sideways force is applied in the same direction on the duck bill valve to ensure opening of the duck bill valve and resulting flow of liquid." *Id.* at 5:20-24. According to Wright, "[t]he mouthpiece can be provided with a portion of the mouthpiece for example the top portion being flexible. Alternatively, the whole of the mouthpiece may be flexible." *Id.* at 7:8-10.

2. Phlaphongphanich

U.S. Patent No. 4,676,386 ("Phlaphongphanich," Ex. 1010) issued June 30, 1987, and is prior art to the '255 Patent under 35 U.S.C. § 102(b) (pre-AIA). Phlaphongphanich was not cited or otherwise considered during prosecution of the '255 Patent. *See* Ex. 1001 at pp. 1-3; Ex. 1003 at 110, 112, 115-124.

Phlaphongphanich discloses a "traditional" baby bottle nipple having a mouth portion made of an elastomer, such as liquid silicone rubber. The mouth portion is coupled to a base portion

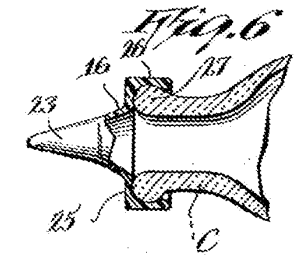


of semi-rigid thermoplastic, such as polypropylene, in a two-mold process. Ex. 1010 at Abstract, 3:30-34. The base portion is configured for attachment to the source of liquid, such as a baby bottle. The unitary construction avoids the pulling of the mouth portion from the base portion.

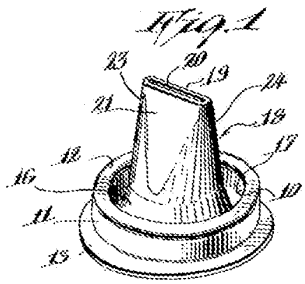
3. Tupper

U.S. Patent No. 2,816,548 ("Tupper," Ex. 1011) issued December 17, 1957, and is prior art to the '255 Patent under 35 U.S.C. § 102(b) (pre-AIA). Tupper was not cited or otherwise considered during prosecution of the '255 Patent. *See* Ex. 1001 at pp. 1-3; Ex. 1003 at 110, 112, 115-124.

Tupper discloses a removable sipper-type of seal of "resilient plastic material" for consuming fluid contents from vessels or containers. Ex. 1011 at 1:15-17, 3:45. "The device serves



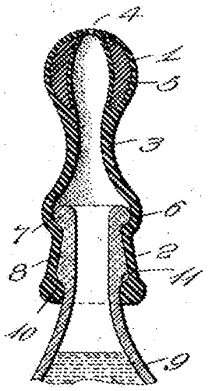
to sealably engage the vessel neck … to act simultaneously as a sipper for withdrawal of fluid contents, …" *Id.* at 1:26-31. The seal has an engaging groove 14 with a side wall 11 or flange 26 capable of being applied around the outside of vessel rim "for complete hermetical engagement" (*id.* at 2:44-49, FIGS. 4, 6) or a cylindrical section 28 to frictionally engage the inside of a passageway "in the form of a stopper" (*id.* at 2:67-3:2, FIG. 9). A feature "of the invention resides in the provision of a seal of this type wherein the sipping or drawing operation is capable of functioning … by alternate lip or teeth compression of the tubular structure to force fluid contents therethrough based on the principle of nipple feeding." *Id.* at 1:41-49; *id.* at 3:40-42 (the dispensing end of the sipper seal "is capable of being squeezed or deformed by the mouth or teeth of the user"). Further, the dispensing end culminates in a "narrow and elongated rim 19 for a slot 20" (*id.* at 2:38-39), as shown in FIG. 1. The slot functions "to check spillage by reason of fluid capillarity and surface tension" (*id.* at 3:29-34), acting "to check the flow of said fluid contents when the vessel lies in horizontal or other leaking position" (*id.* at 4:16-19).



4. Heise

U.S. Patent No. 2,001,842 ("Heise," Ex. 1012) issued May 21, 1935, and is prior art to the '255 Patent under 35 U.S.C. § 102(b) (pre-AIA). Heise was not cited or otherwise considered during prosecution of the '255 Patent. *See* Ex. 1001 at pp. 1-3; Ex. 1003 at 110, 112, 115-124.

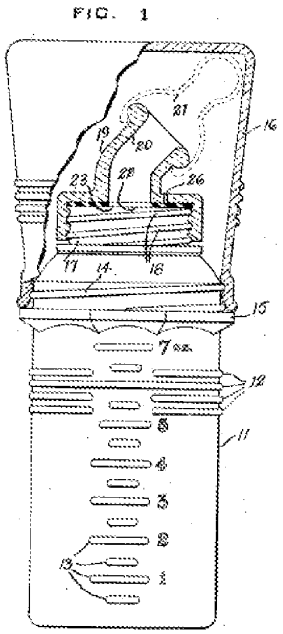
Heise discloses a combined teething and feeding nipple for use on the spout of a baby bottle. In a first embodiment, "[t]he body is of soft rubber of sufficient thickness to normally retain the shape disclosed in Figure 1 and its outer end 1 which is formed with an outlet opening 4 at its center, is substantially spherical in shape and molded about a reinforcement 5 formed of tough resilient rubber." Ex. 1012 at 2:8-14. The two-layered resilient mouthpiece of FIG. 1 therefore doubles as a teething and feeding nipple: "By this arrangement, the head will have a soft outer surface so that it will not hurt a baby's tender gums but at the same time the head will have sufficient resiliency and toughness to permit it to be used as a teething device." *Id.* at 2:18-23. In a second embodiment of FIG. 5, the mouthpiece is made entirely of soft rubber. *Id.* at 3:39-42.



The nipple resiliently adapts to compressive forces from the baby's mouth. During feeding, "pressure of the lips will cause the nipple to be constricted inwardly of its reinforced outer end portion as suction is applied." *Id.* at 1:14-16. And "[w]hen a baby is cutting teeth the nipple can be used as a teething device as the reinforcement is sufficiently tough and resilient to permit the head to be chewed upon without losing its spherical shape." *Id.* at 3:27-31.

5. Canham

U.S. Patent No. 2,467,463 ("Canham," Ex. 1013) issued April 19, 1949, and is prior art to the '255 Patent under 35 U.S.C. § 102(b) (pre-AIA). Canham was not cited or otherwise considered during prosecution of the '255 Patent. *See* Ex. 1001 at pp. 1-3; Ex. 1003 at 110, 112, 115-124.



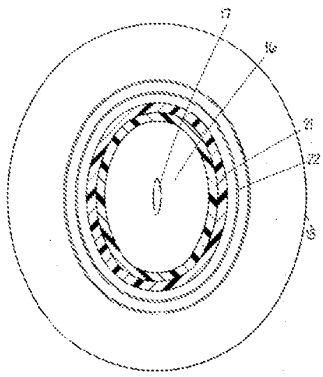
Canham discloses a bottle 11 that has a reduced neck portion 17 that is capped by a nipple adapter member 19 engaged with threads 18 to a neck of bottle 11, as shown in FIG. 1. Ex. 1013 at 1:39-52. Nipple adapter member 19, which is "preferably of molded plastic," is "formed with an outlet passage 20 inclined at about 45° to the axis of the container." *Id.* at 1:53-55. "The top end of adapter member 19 is formed to receive a conventional nipple 21," as shown in FIGS. 1 and 5. *Id.* at 1:55-56. According to Canham, "[t]he inclined relation of passage 20 of adapter 19 to the axis of the container makes it possible to feed the infant in many different positions comfortably." *Id.* at 2:21-23; *id.* at 2:29-31 ("The angle top makes it easy to handle the container regardless of which way the baby turns.").

6. Hurst

U.S. Patent No. 4,020,964 ("Hurst," Ex. 1016) issued May 3, 1977, and is prior art to the '255 Patent under 35 U.S.C. § 102(b) (pre-AIA). Hurst was not cited or otherwise considered during prosecution of the '255 Patent. *See* Ex. 1001 at pp. 1-3; Ex. 1003 at 110, 112, 115-124.

Hurst is directed to an "infants feeding bottle" comprising a container for liquid and a teat securable onto the container. Ex. 1016 at Abstract. The teat, as well as other components of the bottle, has an oval shape. "The longer dimensions of the oval sections are moreover aligned so that the whole assembly is narrower in one direction than it is in the other." *Id.* at 2:49-51. Outlet 17 for passing liquid from the bottle is "in the form of a slit in the center of the end of teat 16" (*id.* at 1:45-46) and "extends in the direction of the longer dimensions of the oval sections" (*id.* at 2:52-54), as shown in cross-sectional top view of FIG. 2. According to Hurst, advantages in the oval shape of teat 16 and slit opening 17 include: "The slit provides means for regulating the rate at which feeding takes place, and the oval section of the feeding bottle allows the orientation of the slit to be readily recognised." *Id.* at 4:3-6. Additionally, according to Hurst, oval teats can be manufactured in larger numbers simultaneously than can teats with circular cross-section. *Id.* at 4:7-14.

FIG 2.



C. Secondary References Teaching Handles as Claimed

1. Anderson

U.S. Patent No. 3,307,752 ("Anderson," Ex. 1014) issued March 15, 1965, and is prior art to the '255 Patent under 35 U.S.C. § 102(b) (pre-AIA). Anderson was not cited or otherwise considered during prosecution of the '255 Patent. *See* Ex. 1001 at pp. 1-3; Ex. 1003 at 110, 112, 115-124.

Among other features, Anderson describes a handle for a liquid container that is molded as an integral part of a cap base. One function for the handle is "providing a carrying means thus eliminating the need for a waist shaped or small necked container...." Ex. 1014 (Anderson) at 2:13-20. As depicted in FIG. 1, "handle 20 is affixed to and may be integrally molded with the base portion 16 at outwardly protruding lugs 22 located at its periphery." *Id.* at 2:69-72.

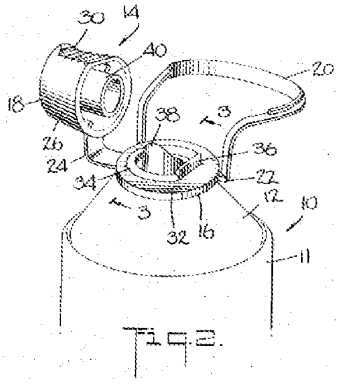


FIG 2.

Being generally U-shaped, the handle "extends upwardly from the lugs 22 for a short distance and then outwardly away from

the overcap 18 so that its maximum height does not exceed that of the overcap.... [T]his handle configuration enables the containers to [] be grasped quite readily both for pouring and for carrying." *Id.* at 3:15-23. Made of plastic and moving horizontally away from the overcap 18, handle 20 can "provide full finger access without interference with movements of said overcap." *Id.* at 5:35-41.

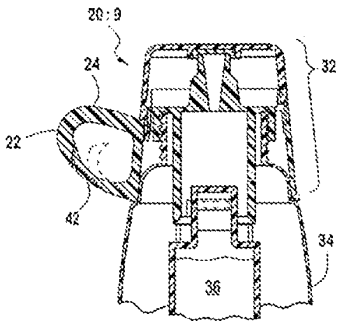
2. Roth

U.S. Patent App. Pub. No. 2004/0217139 ("Roth," Ex. 1015) was filed November 5, 2003, claims the benefit of a design patent application filed April 30, 2003, and was published November 4, 2004. Accordingly, Roth is prior art to the '255 Patent under 35 U.S.C. §§ 102(a) and 102(e) (pre-AIA). Roth was cited in an Information Disclosure Statement during prosecution but was not applied in an Office Action. *See* Ex. 1001 at pp. 2-3; Ex. 1003 at 117.

In Roth, a mouth of a bottle 34 mates with a base portion 26 of a closure body 32 that includes a liquid passageway. Ex. 1015 at Abstract. An annular shroud 64 covers a periphery of base portion 26. Ex. 1015 ¶ [0028], FIG. 3. In a first embodiment shown in Roth's FIG. 2, a looped connector 24 is formed on a pivotal lid 28 of the closure body and may incorporate a snap hook 22 for attaching the bottle to an object such as a backpack.

Roth explains that the looped connector may be positioned elsewhere on closure body 32, such as laterally from annular shroud 64 of base portion 26: "As shown in FIG. 1 the connector 24 preferably extends generally upwardly from the lid 28. However, those of ordinary skill in the art will appreciate from this disclosure that the connector 24 can extend from a lateral side of the closure body 32 or from a lateral side of the annular shroud 64 without departing from the scope of the present invention." *Id.* ¶ [0031]. FIG. 11A illustrates an embodiment in which the looped connector extends from the annular shroud 64 of base portion 26 separate from and beneath lid 28: "FIG. 11A is [in] cross-section a view similar to that of FIG. 3 illustrating an alternative embodiment of a closure according to the present invention in which the snap hook is disposed on a side of the closure;..." *Id.* ¶ [0018]. According to Roth, "[i]t is preferred that the snap hook 22 is integrally formed with the closure body 32 ... [and] that the closure body 32 and the snap hook 22 are formed by a suitable polymer." *Id.* ¶ [0032].

FIG. 11A



IV. Substantial New Questions of Patentability

This Request identifies the following fifteen substantial new questions of patentability for the Challenged Claims based on two primary references: McDonough and Toudou.

A. Questions Based on McDonough

As noted in the previous section and detailed below, McDonough at the least presents a new technological teaching of "a pivotal mount coupled to the cap assembly base for pivotal movement relative to the cap assembly base, wherein the pivotal mount includes a pair of lateral projections, wherein the cap assembly base defines a pair of sockets into which the pair of lateral projections extend" and "wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets," alleged by the Applicant to be missing from the art in allowance of claim 1. *See* Ex. 1003 at 147. Therefore, "the teaching of the (prior art) patents and printed publications is such that a reasonable examiner would consider the teaching to be important in deciding whether or not the claim is patentable." *See* MPEP 2242. Further, McDonough was cited among 136 references during prosecution but was not applied in an Office Action. 35 U.S.C. 303(a) ("The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or considered by the Office."). Nor was the art applied (i.e., Dark (Ex. 1004)) cumulative to McDonough. Thus, the "same question of patentability as to the claim has not been decided by the Office in an earlier concluded examination or review of the patent." MPEP § 2642. In addition, to Requester's knowledge, the '255 Patent has not been challenged in a prior post-grant proceeding. The following grounds of rejection flow from this substantial new question of patentability:

1. Anticipation or obviousness of claims 1, 3-5, 13, 18, and 19 in view of McDonough
2. Obviousness of claim 6 over McDonough in view of Anderson
3. Obviousness of claim 7 over McDonough in view of Anderson or Roth

B. Questions Based on Toudou

As noted in the previous section and detailed below, Toudou at the least presents a new technological teaching of "a pivotal mount coupled to the cap assembly base for pivotal movement relative to the cap assembly base, wherein the pivotal mount includes a pair of lateral projections,

wherein the cap assembly base defines a pair of sockets into which the pair of lateral projections extend" and "wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets," alleged by the Applicant to be missing from the art in allowance of claim 1. *See* Ex. 1003 at 147. Therefore, "the teaching of the (prior art) patents and printed publications is such that a reasonable examiner would consider the teaching to be important in deciding whether or not the claim is patentable." *See* MPEP 2242. Nor was the art applied (i.e., Dark (Ex. 1004)) cumulative to Toudou. Further, Toudou was not cited during prosecution and was not applied in an Office Action. Thus, the "same question of patentability as to the claim has not been decided by the Office in an earlier concluded examination or review of the patent." MPEP § 2642. In addition, to Requester's knowledge, the '255 Patent has not been challenged in a prior post-grant proceeding. The following grounds of rejection flow from this substantial new question of patentability:

4. Anticipation or obviousness of claims 1, 3-5, 8, 13, 18, and 19 in view of Toudou

5. Obviousness of claim 6 over Toudou in view of Anderson

6. Obviousness of claim 7 over Toudou in view of Anderson or Roth

7. Obviousness of claim 14 over Toudou in view of Wright

In addition to Toudou inherently disclosing the resilient mouthpiece recited in the Challenged Claims, the following alternative grounds of rejection establish the obviousness of the claimed subject matter based on Toudou and Wright for a resilient mouthpiece integrally coupled to a pivotal spout:

8. Alternatively, obviousness of claims 1, 3-5, 8, 13, 14, 18, and 19 over Toudou in view of Wright

9. Alternatively, obviousness of claim 6 over Toudou in view of Wright, further in view of Anderson

10. Alternatively, obviousness of claim 7 over Toudou in view of Wright, further in view of Anderson or Roth

In addition to Toudou inherently disclosing the resilient mouthpiece recited in the Challenged Claims, and Toudou and Wright rendering obvious a resilient mouthpiece integrally coupled to a pivotal spout within the scope of the claims, the following alternative grounds of rejection establish the obviousness of the claimed subject matter based on Toudou, Canham, and

Heise for a resilient mouthpiece removably coupled to a pivotal spout:

11. Alternatively, obviousness of claims 1, 3-5, 13, 18, and 19 over Toudou in view of Canham, further in view of Heise

12. Alternatively, obviousness of claim 6 over Toudou in view of Canham and Heise, further in view of Anderson

13. Alternatively, obviousness of claim 7 over Toudou in view of Canham and Heise, further in view of Anderson or Roth

14. Alternatively, obviousness of claim 8 over Toudou in view of Canham and Heise, further in view of Phlaphongphanich

15. Alternatively, obviousness of claim 14 over Toudou in view of Canham and Heise, further in view of Hurst or Tupper

V. Detailed Application of Challenged Claims to Prior Art

In Grounds 1-15 below, Requester explains in detail and on an element-by-element basis how the prior-art references listed above establish the unpatentability of the Challenged Claims under 35 U.S.C. §§ 102(a), (b), and/or (e) (pre-AIA) or under 35 U.S.C. §§ 103(a) (pre-AIA). To aid the analysis and more easily identify claim limitations, Requester has added numbers within square brackets to certain phrases within the claims. Requester respectfully requests the issuance of an Office Action rejecting the Challenged Claims based on one or more of Grounds 1-15.

A. Ground 1: McDonough Anticipates, or Would Have Rendered Obvious, Claims 1, 3-5, 13, 18, and 19

As explained below on an element-by-element basis, McDonough discloses all limitations and therefore anticipates claims 1, 3-5, 13, 18, and 19 of the '255 Patent under 35 U.S.C. §§ 102(a)/(e) (pre-AIA) or, in the alternative, would have rendered obvious those claims under 35 U.S.C. § 103(a) (pre-AIA).

1. Claim 1

[1.pre] A drink container, comprising: [1.1] a fluid container having a neck with an opening and having an internal compartment sized to hold a volume of potable drink fluid;

To the extent the preamble is limiting, McDonough describes the claimed drink container in the form of container 12, as shown in FIG. 3. *See* Ex. 1006 (McDonough) ¶ [0002] ("This invention relates broadly to sealed drinking containers for serving beverages…."); *id.* ¶ [0022] (straw 14 "is in communication with the container 12 for serving a beverage from the container 12").

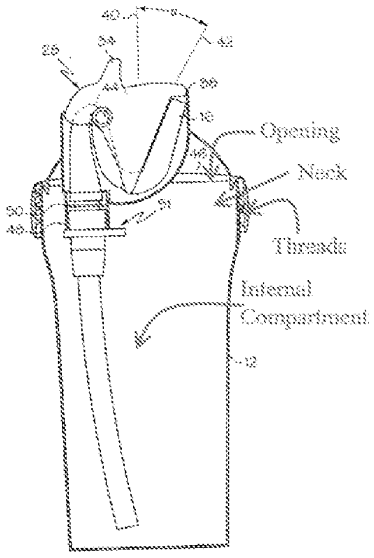


FIG. 3

In McDonough, container 12 has a neck and opening that is covered with lid 22, as recited in [1.1] and shown in the cross-section of FIG. 3, reproduced and annotated here. As well, the internal compartment 12 is part of a "straw drinking cup" configured to hold potable drink fluid, such that straw 14 "is in communication with the container 12 for serving a beverage from the container 12." *Id.* ¶ [0022].

[1.2] a cap assembly removably coupled to the fluid container to cover the opening, wherein the cap assembly defines

McDonough includes a cap assembly as lid 22, labeled in FIG. 2, that is removably coupled to the fluid container 12 to cover its opening. As stated in McDonough, "Referring now to FIG. 2, it will be seen that container 12 is constructed so as to includ[e] a lid 22 that is screwable onto the main body portion of the container 12…." *Id.* ¶ [0020].

[1.2.1] a fluid conduit for drink fluid to flow from the fluid container and through the cap assembly to a user, wherein the fluid conduit includes [1.2.2] an inlet through which drink fluid from the fluid container may enter the fluid conduit, and [1.2.3] a dispensing outlet through which drink fluid in the fluid conduit may be dispensed from the cap assembly to a user, and further wherein the cap assembly comprises:

McDonough includes the claimed fluid conduit of claim 1. Lid 22 in McDonough defines a fluid conduit as "a flexible elastomeric straw 14 having a first, drinking end 16 and a second end

18 that is positioned within the container 12, as shown in FIG. 2." *Id.* ¶ [0019]. Through this fluid conduit 14, drink fluid will flow from the container 12 through lid 22 to a user: "In operation, a consumer will suck on the draining [sic, drinking] end 16 of the flexible straw 14, which will induce a pressure differential between the drinking end 16 and the second end 18 of the flexible straw 14. This, in turn, will draw the beverage upwardly through the flexible straw 14 into the mouth of the consumer." *Id.* ¶ [0022]. Thus, an inlet of straw 14 for drink fluid from the container is second end 18 in FIG. 2, while a dispensing outlet through which drink fluid may be dispensed from the cap assembly to a user is drinking end 16 of straw 14 in FIG. 2, as recited in [1.2.2] and [1.2.3].

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

McDonough discloses a cap assembly base as a lower portion of lid 22 shown screwed onto container 12 in FIG. 2. Lid 22 is removably coupled to the upper portion or neck of fluid container 12 and configured to be selectively and repeatedly decoupled from and re-coupled to the neck through the use of threads for screwing and unscrewing: "Referring now to FIG. 2, it will be seen that container 12 is constructed so as to includ[e] a lid 22 that is screwable onto the main body portion of the container 12 …." *Id.* ¶ [0020]. A lid that is "screwable" with threads is configured to be "selectively and repeatedly decoupled" as claimed.

[1.4] a pivotal mount coupled to the cap assembly base for pivotal movement relative to the cap assembly base,

McDonough discloses that lid 22 further includes a pivotal mount in the form of straw positioning member 28 and recess 36 within its downwardly extending arm 35. And straw positioning member 28 pivots within lid 22: "As may best be seen in FIGS. 2 and 3, straw positioning mechanism 20 is preferably embodied as a straw positioning member 28 that is pivotally mounted to the lid 22 and is substantially positioned within the opening 26 that is defined by the upstanding wall 23." Ex. 1006 ¶ [0021]. A comparison of FIG. 2 and FIG. 3 shows the pivotal movement of the pivotal mount, i.e., straw positioning member 28, relative to the cap assembly base, i.e. the lower portion of lid 22.

[1.4.1] wherein the pivotal mount includes a pair of lateral projections, [1.4.2] wherein the cap assembly base defines a pair of sockets into which the pair of lateral projections extend;

According to McDonough, straw positioning structure 28 pivots around a pair of lateral projections, i.e., axle projections 30, which are shown in FIG. 1. Moreover, tracking the language of [1.4.2], lid 22 includes a pair of sockets in the form of holes 32 into which the pair of axle projections 30 extend. As stated in McDonough, "Straw positioning member 28 includes a pair of axle projections 30 that are journaled into a corresponding pair of holes 32 that are defined in the upstanding wall 23, as shown in FIG. 1." *Id.* ¶ [0021]. Accordingly, McDonough discloses the subject matter of [1.4.1] and [1.4.2].

[1.5] a resilient mouthpiece coupled to the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base,

Drinking cup 10 in McDonough includes a resilient mouthpiece in the form of drinking end 16 of flexible straw 14. As stated in the reference, "The entire flexible straw 14 … is preferably fabricated from a resilient elastomeric material such as silicone." Ex. 1006 ¶ [0025]. The resilient mouthpiece 16 includes a dispensing outlet at its tip: "In operation, a consumer will suck on the draining [sic, drinking] end 16 of the flexible straw 14, which … will draw the beverage upwardly through the flexible straw 14 into the mouth of the consumer." *Id.* ¶ [0022].

Straw 14 is "coupled to" straw positioning member 28 (straw positioning member 20) by being received within its recess 36. Ex. 1006 ¶ [0021] ("Straw positioning member 28 preferably includes a downwardly extending arm 35 that has a recess 36 defined at its distal end for receiving the flexible straw 14."). Thus, straw 14 is joined to straw positioning member 28 through a mating within recess 36, a coupling that McDonough refers to as an "interlocking arrangement." *Id.* ¶ [0027]. This interlocking of resilient mouthpiece 16 in recess 36 of pivotal mount 28 enables the pivotal positioning of resilient mouthpiece 16: "The flexible straw 14 in conjunction with the pivotal straw positioning structure 28 further provides a positive interlocking arrangement for positioning the straw 14, while minimizing the complexity of assembly with the other components." *Id.* ¶ [0027].

In addition, the interlocking between straw 14 and straw positioning member 28 causes the resilient mouthpiece, i.e., drinking end 16, to pivot with the pivotal mount, i.e., straw positioning member 28, relative to the cap assembly base. Portions of FIGS. 2 and 3, annotated below, show

that resilient mouthpiece 16 is pivotal relative to the base of lid 22 as straw positioning mechanism 20 pivots about axle projections 30:

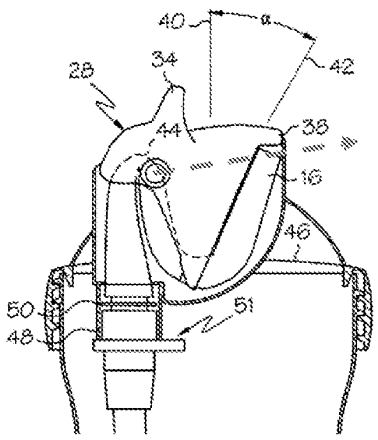


FIG. 3

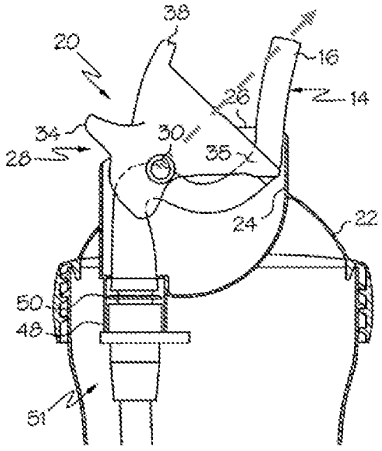


FIG. 2

Therefore, McDonough discloses the subject matter of [1.5].

[1.5.1] wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets;

A comparison of FIG. 2 and 3 in McDonough shows that as axle projections 30 journaled into holes 32 are rotated, straw positioning member 28 pivots, causing resilient mouthpiece 16 to pivot about an axis defined by the axle projections 30 (*see* dashed arrows), meeting the requirements of [1.5.1]. Specifically, pivoting of pivotal mount 28 moves downwardly extending arm 35 and recess 36, as shown in FIGS. 2 and 3, which in turn causes resilient mouthpiece 16 mounted on pivotal mount 28 to pivot upwardly and downwardly between an open, dispensing position (FIG. 3) and a closed, stowed position (FIG. 2). *See id.* ¶ [0021].

Accordingly, McDonough discloses the subject matter of [1.5.1].

[1.5.2] wherein the resilient mouthpiece defines a portion of the fluid conduit, including the dispensing outlet;

As indicated above for [1.2.1]-[1.2.3], McDonough defines a fluid conduit as "a flexible elastomeric straw 14 having a first, drinking end 16 and a second end 18 that is positioned within the container 12, as shown in FIG. 2." Ex. 1006 ¶ [0019]. "The entire flexible straw 14 … is preferably fabricated from a resilient elastomeric material such as silicone." *Id.* ¶ [0025]. Drinking end 16 of this resilient elastomeric straw 14 is a dispensing outlet through which drink fluid may

be dispensed to a user. As stated in the reference, "In operation, a consumer will suck on the draining [sic, drinking] end 16 of the flexible straw 14, which … will draw the beverage upwardly through the flexible straw 14 into the mouth of the consumer." *Id.* ¶ [0022].

As a result, McDonough discloses the subject matter of [1.5.2].

[1.6] wherein the resilient mouthpiece and the pivotal mount are configured to be selectively pivoted between a stowed position and a dispensing position, and further [1.6.1] in the dispensing position, the dispensing outlet is positioned further away from the cap assembly base than when the resilient mouthpiece and the pivotal mount are in the stowed position;

As annotated above, McDonough illustrates in FIGS. 2 and 3 the selective pivoting of the resilient mouthpiece, i.e. drinking end 16, and pivotal mount, i.e., straw positioning member 28 or straw positioning mechanism 20, between a stowed position (FIG. 3) and a dispensing position (FIG. 2). "Straw drinking cup 10 further includes a straw positioning mechanism 20 for positioning the flexible straw 14 with respect to the container 12 between a first drinking position, shown in FIG. 2, and a second storage position, shown in FIG. 3." Ex. 1006 ¶ [0019]. Straw positioning mechanism 20 adjusts the resilient mouthpiece 16 between the stowed position and the dispensing position and "is pivotally mounted to the lid 22…." *Id.* ¶ [0021]. Moreover, as shown in comparing FIGS. 2 and 3, resilient mouthpiece 16 is farther from the cap assembly base, i.e., lower portion of lid 22, in the dispensing position of FIG. 2 than in the storage position of FIG. 3.

Therefore, McDonough discloses the subject matter of [1.6] and [1.6.1].

[1.6.2] wherein the resilient mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth; and

As pointed out above for [1.2.1], in McDonough, "The entire flexible straw 14" including drinking end 16 "is preferably fabricated from a resilient elastomeric material such as silicone." Ex. 1006 ¶ [0025]. McDonough does not expressly state that flexible straw 14 will "compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth," as recited in [1.6.2].

It necessarily follows from McDonough, however, that flexible straw 14 formed from an elastomeric material such as silicone would be compressible from forces applied to a user's teeth. *See Titanium Metals Corp. v. Banner*, 778 F.2d 775, 781 (Fed. Cir. 1985) ("good corrosion resistance in hot brine environments" was inherent and necessary property of alloy insufficient to

avoid anticipation). For example, McDonough explains that compressive forces will readily bend and crimp its flexible, resilient straw in multiple locations. *Id.* ¶ [0021] ("the flexible straw 14 will be bent into a horizontal S-shaped configuration by the downwardly extending arm 35 so as to be crimped"); *id.* ¶ [0026] ("crimping the flexible straw 14 in two different positions"). Thus, McDonough teaches that flexible straw 14 is compressible enough not only to deform, but to collapse in multiple locations and form a seal to block the flow of liquid. That compression of flexible straw 14 occurs from the movement of straw positioning mechanism 20, an action expected to be performed by "small children." *Id.* at 1:9-11 ("This invention relates broadly to sealed drinking containers for serving beverages, especially to small children and individuals who are disabled."). Moreover, the forces required to cause crimping of flexible straw 14 into a seal as shown in McDonough would be less than biting forces that could be applied by a user's teeth, and it would be a natural result from McDonough that compressive forces from either straw positioning mechanism 20 or a user's teeth would cause flexible straw 14 "to resiliently compress" as claimed.

Additionally, other prior-art documents confirm that a mouthpiece "fabricated from a resilient elastomeric material such as silicone" as in McDonough (Ex. 1006 ¶ [0025]) "is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth," as recited in [1.6.2]. *See Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1264, 1268 (Fed. Cir. 1991) ("To serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence."); MPEP § 2131.01 (using multiple references for inherency). For example, Wright (Ex. 1009) teaches that with a mouthpiece "formed of a flexible, resilient flexible elastomer material" (*id.* at 4:21-22), after application of a biting force "to the sides of the mouthpiece, the mouthpiece deforms inwardly." *Id.* at 2:7-8. Wright recognizes a concern with rigid or semi-rigid mouthpieces potentially causing damage to a user's teeth, particularly an infant. *Id.* at 1:18-19 ("It will be appreciated that biting or prolonged sucking on a spout can lead to tooth damage for the infant during the important teething stage, especially for infants up to 9 months of age."). To address this risk, Wright discloses using a "resilient flexible elastomer material"—as with flexible straw 14 in McDonough—to enable resilient deformation of the mouthpiece when bitten. *Id.* at 2:18-19 ("The flexibility of the mouthpiece also reduces the risk of damage to the infant's teeth."). The mouthpiece of resilient flexible elastomer material is "arranged such that on application of a force to the sides of the mouthpiece, the mouthpiece deforms inwardly" to open a duck bill valve. *Id.* at

Abstract. That force to the sides of the mouthpiece is delivered by compression from a user's teeth, as claimed: "[T]he duck bill valve opens under a pursing, biting or stripping action …." *Id.* at 2:16-17; *id.* at 5:20-24 ("The mouth of the user is guided between the rim (82) and the dimples (84) so that the biting or stripping action occurs such that a sideways force is applied in the same direction on the duck bill valve to ensure opening of the duck bill valve and resulting flow of liquid.").

Thus, to the extent McDonough alone is not deemed to inherently disclose the properties of a resilient flexible elastomer material "to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth," those inherent properties are evident in view of Wright.

Accordingly, McDonough inherently discloses the subject matter of [1.6.2].

[1.7] a manual on/off valve having a closed configuration, in which the manual on/off valve obstructs the fluid conduit to restrict drink fluid from flowing between the inlet and the dispensing outlet, and [1.7.1] an open configuration, in which the manual on/off valve permits drink fluid to flow through the fluid conduit from the inlet to the dispensing outlet;

In addition to the mouthpiece of the drink container being compressible, claim 1 separately recites a manual on/off valve that can obstruct the fluid conduit. At least downward extending arm 35 of straw positioning mechanism 20 (or straw positioning member 28) in FIGS. 2 and 3 of McDonough corresponds to the claimed manual on/off valve of the '255 Patent in [1.7]. Shown best in FIGS. 2 and 3, "straw positioning mechanism 20 is preferably embodied as a straw positioning member 28 that is pivotally mounted to the lid 22 and is substantially positioned within the opening 26 that is defined by the upstanding wall 23.… Straw positioning member 28 preferably includes a downwardly extending arm 35 that has a recess 36 defined at its distal end for receiving the flexible straw 14." Ex. 1006 ¶ [0021]. When the manual on/off valve of downward extending arm 35 is in the closed position of FIG. 3 as in [1.7], the fluid conduit or flexible straw 14 will be crimped to obstruct drink fluid flowing from container 12 to drinking end 16: "[T]he flexible straw 14 will be bent into a horizontal S-shaped configuration by the downwardly extending arm 35 so as to be crimped in a first location 44 and also in a second location 46 that is adjacent to the recess 36. This minimizes the potential for leakage through the flexible straw 16 in the storage position…." *Id.*

As to [1.7.1], manual on/off valve 20 has an open position shown in FIG. 2 that permits drink fluid to flow through straw 14 from container 12 to drinking end 16. *Id.* ¶ [0019] ("Straw

drinking cup 10 further includes a straw positioning mechanism 20 for positioning the flexible straw 14 with respect to the container 12 between a first drinking position, shown in FIG. 2, and a second storage position, shown in FIG. 3."); *id.* ¶ [0010] ("[T]he straw positioning mechanism being movable between a first operative position wherein the first end of the flexible straw is presented for sipping by a consumer and a second storage position.").

[1.7.2] wherein the manual on/off valve includes a flexible tube that defines a portion of the fluid conduit;

McDonough discloses that its manual on/off valve 20 includes a flexible tube, i.e., flexible straw 14, as shown in FIGS. 2 and 3, coupled to recess 36 within downwardly extending arm 35.

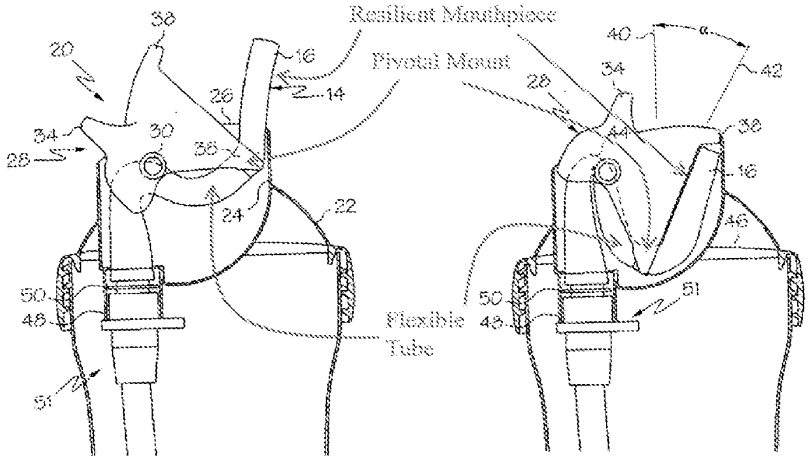


FIG. 2 FIG. 3

"Straw positioning member 28 preferably includes a downwardly extending arm 35 that has a recess 36 defined at its distal end for receiving the flexible straw 14." Ex. 1006 ¶ [0021]. Flexible straw 14 defines a portion of the fluid conduit, as recited in [1.7.2]: "The inner surface 64 of the flexible straw 14 defines a first passage that is in communication with the container 12 for serving a beverage from the container 12." *Id.* ¶ [0022]. With the manual on/off valve, crimping of the flexible straw by the downwardly extending arm 35 "minimizes the potential for leakage through the flexible straw 16 [sic, 14] in the storage position." *Id.* ¶ [0021].

[1.7.3] wherein when the manual on/off valve is in the closed configuration, the tube is crimped to obstruct the flow of drink fluid through the fluid conduit; and [1.7.4] wherein when the manual on/off valve is in the open configuration, the tube is not crimped and does not obstruct the flow of drink fluid through the fluid conduit.

With respect to [1.7.3], McDonough explains that pivoting the on/off valve 20 to the closed position crimps flexible tube 14 in multiple locations to obstruct the flow of drink fluid: "When the straw positioning mechanism 20 is in the second, closed position shown in FIG. 3, the flexible straw 14 will be bent into a horizontal S-shaped configuration by the downwardly extending arm 35 so as to be crimped in a first location 44 and also in a second location 46 that is adjacent to the recess 36. This minimizes the potential for leakage through the flexible straw 16 in the storage position…." Ex. 1006 ¶ [0021].

Further, as required by [1.7.4], counterclockwise pivoting of straw positioning mechanism 20 into the open position in McDonough releases and extends flexible tube 14 for drinking, as shown in FIG. 2. *Id.* ¶ [0019] ("Straw drinking cup 10 further includes a straw positioning mechanism 20 for positioning the flexible straw 14 with respect to the container 12 between a first drinking position, shown in FIG. 2, and a second storage position, shown in FIG. 3."); *id.* ¶ [0010] ("[T]he straw positioning mechanism being movable between a first operative position wherein the first end of the flexible straw is presented for sipping by a consumer and a second storage position.").

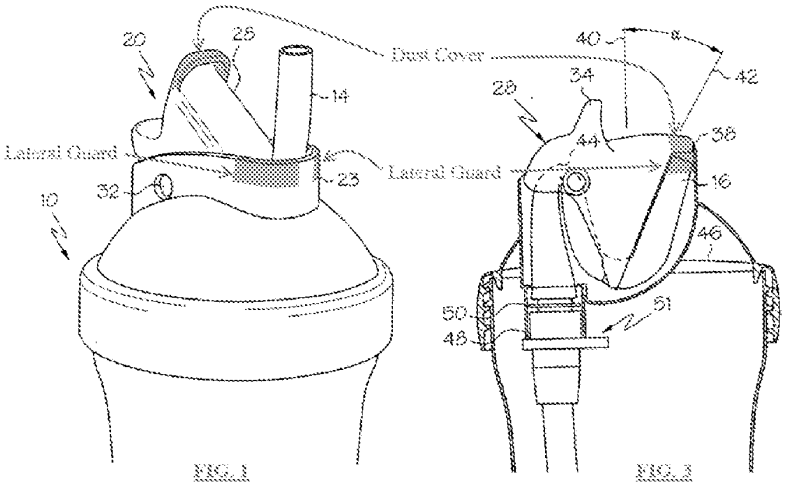
As a result, McDonough expressly or inherently discloses all limitations of claim 1 and, therefore, anticipates that claim under 35 U.S.C. § 102(a) (pre-AIA). To the extent it is deemed that McDonough does not disclose one or more limitations of claim 1, those limitations would have been obvious modifications of McDonough based at least on McDonough's other teachings and the knowledge of one or ordinary skill in the art, rendering the claim unpatentable under 35 U.S.C. § 103(a) (pre-AIA).

2. Claim 3

3. The drink container of claim 1, [3.1] wherein the cap assembly includes a pair of lateral guards that extend on opposed sides of the resilient mouthpiece when the resilient mouthpiece and the pivotal mount are in the stowed position,

The inner surface 24 of upstanding wall 23 that extends on opposite sides of flexible straw 14 and drinking end 16 when the manual on/off valve 20 is in second storage position in FIG. 3 of McDonough corresponds to the pair of lateral guards recited in [3.1]. Upstanding wall 23 is formed within lid 23 and defines a space for receiving manual on/off valve, i.e., straw positioning mechanism 20. *Id.* ¶ [0020]. "Upstanding wall 23 has an inner surface 24 that is positioned, as may

be seen in FIG. 2, to be frictionally engaged by the outer surface of the flexible straw 14 as the straw positioning mechanism 20 is moved between the first and second positions." *Id.* When manual on/off valve 20 is closed in FIG. 3, inner surface 24 of upstanding wall 23 extends on opposed sides of resilient mouthpiece 16. FIGS. 1 and 3 of McDonough, portions of which are reproduced and annotated below, illustrate the sides of upstanding wall 23 as the claimed lateral guards on opposed sides of resilient mouthpiece 14:



[3.2] and further wherein the cap assembly includes a dust cover extending between the pair of lateral guards and positioned to protect the dispensing outlet of the resilient mouthpiece by extending across at least a portion of the dispensing outlet of the resilient mouthpiece when the resilient mouthpiece and the pivotal mount are in the stowed position.

Portion 38 of the manual on/off valve, i.e., straw positioning mechanism 20, in McDonough corresponds to the dust cover in [3.2]. Element 3.2 recites "a dust cover extending between the pair of lateral guards," but does not require that the dust cover be connected to or integral with the lateral guards. As shown above annotated in FIG. 3, in the closed position, portion 38 extends between a pair of lateral guards, i.e., the opposing sides of upstanding wall 23, and is positioned as a shelf above straw 14 to protect the tip of resilient mouthpiece 16. Indeed, McDonough specifically refers to this overhang as "a protective shelf portion": "[W]herein said straw positioning member further includes a protective shelf portion for precluding external contact with said first end of said flexible straw when said straw positioning mechanism is in the second storage position." *Id.* at Claim 8.

Accordingly, McDonough expressly or inherently discloses all limitations of claim 3 and, therefore, anticipates that claim under 35 U.S.C. § 102(e) (pre-AIA). Alternatively, the subject matter of claim 3 would have been obvious at least from McDonough itself.

3. Claim 4

4. The drink container of claim 3, wherein when the resilient mouthpiece is pivoted from the stowed position to the dispensing position, the resilient mouthpiece pivots away from the dust cover.

For claim 4, a comparison of FIGS. 2 and 3 in McDonough shows that when straw positioning mechanism 20 pivots from the storage position (FIG. 3) to the drinking position (FIG. 2), resilient mouthpiece 16 is pivoted upward from within opening 26 defined by upstanding wall 23.

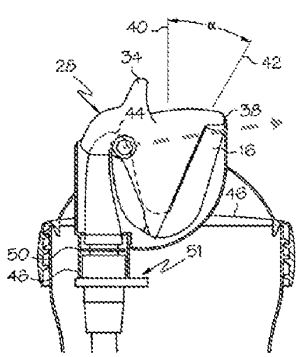


FIG. 3

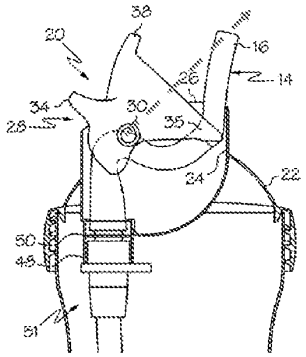


FIG. 2

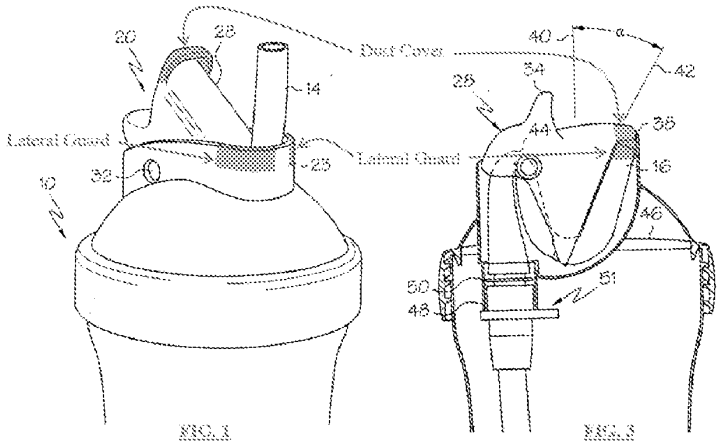
After this pivoting, resilient mouthpiece 16 of flexible straw 14 is farther away from the dust cover, i.e., portion 38 of straw positioning mechanism 20 (FIG. 2), than before pivoting when in the storage position (FIG. 3). Indeed, in the closed position of FIG. 3, dust cover 38 is nearly in contact with the end of resilient mouthpiece 16, whereas in the open position of FIG. 2 dust cover 38 is a larger distance apart from resilient mouthpiece 16.

Accordingly, McDonough expressly or inherently discloses all limitations of claim 4 and, therefore, anticipates that claim under 35 U.S.C. § 102(e) (pre-AIA). Alternatively, the subject matter of claim 4 would have been obvious at least from McDonough itself.

4. Claim 5

5. The drink container of claim 3, wherein the dust cover projects above an upper surface of the cap assembly base.

As indicated above for claim element [3.2] and as shown below in annotated figures, McDonough discloses a dust cover in the form of portion 38 of straw positioning mechanism 20. In the closed position, portion 38 is positioned as a shelf above straw 14 and above an upper surface of the cap assembly base, such as lid 22. *Id.* at Claim 8. ("[W]herein said straw positioning member further includes a protective shelf portion for precluding external contact with said first end of said flexible straw when said straw positioning mechanism is in the second storage position.")

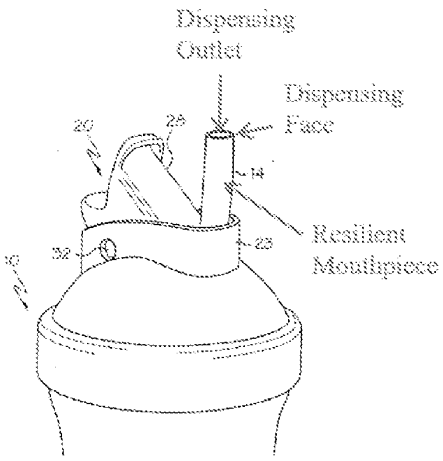


Accordingly, McDonough expressly or inherently discloses all limitations of claim 5 and, therefore, anticipates that claim under 35 U.S.C. § 102(e) (pre-AIA). Alternatively, the subject matter of claim 5 would have been obvious at least from McDonough itself.

5. Claim 13

13. The drink container of claim 1, wherein the resilient mouthpiece includes a dispensing face, and further wherein the dispensing outlet extends through the dispensing face of the resilient mouthpiece.

To the extent the broadest reasonable interpretation of a "dispensing face" of a mouthpiece includes a cut end of a straw, McDonough discloses a dispensing face at the terminus of drinking end 16 on straw 14. The dispensing face or end of straw 14 includes a hole where a dispensing outlet extends through the dispensing face. Annotations of a portion of FIG. 1 from McDonough below illustrate these components.



Accordingly, McDonough expressly or inherently discloses all limitations of claim 13 and, therefore, anticipates that claim under 35 U.S.C. § 102(e) (pre-AIA). Alternatively, the subject matter of claim 13 would have been obvious at least from McDonough itself.

6. Claim 18

18. The drink container of claim 1, wherein the pivotal mount is adapted to selectively engage the flexible tube to apply crimping forces thereto and thereby configure the manual on/off valve to the closed configuration as the pivotal mount is pivoted from the dispensing position to the stowed position.

McDonough also discloses all subject matter of dependent claim 18. As explained above for element [1.4], McDonough discloses a pivotal mount in the form of straw positioning mechanism 20 or straw positioning member 28 and recess 36 within its downwardly extending arm 35. Regarding the recited flexible tube, McDonough discloses that its manual on/off valve 20 may include flexible tube 14 within opening 26 defined by upstanding wall 23 in lid 22, as shown in FIGS. 2 and 3. According to McDonough, the pivotal mount, i.e., straw positioning member 28, is adapted to selectively engage the flexible tube, i.e. straw 14, via recess 36. Ex. 1006 ¶ [0021] ("Straw positioning member 28 preferably includes a downwardly extending arm 35 that has a recess 36 defined at its distal end for receiving the flexible straw 14."). Moreover, McDonough explains that pivoting the on/off valve 20 to the closed position as it moves from a dispensing position to a stowed position crimps flexible tube 14 in multiple locations to obstruct the flow of drink fluid: "When the straw positioning mechanism 20 is in the second, closed position shown in FIG. 3, the flexible straw 14 will be bent into a horizontal S-shaped configuration by the downwardly extending arm 35 so as to be crimped in a first location 44 and also in a second

location 46 that is adjacent to the recess 36. This minimizes the potential for leakage through the flexible straw 16 in the storage position…." *Id.* ¶ [0021].

Accordingly, McDonough expressly or inherently discloses all limitations of claim 18 and, therefore, anticipates that claim under 35 U.S.C. § 102(e) (pre-AIA). Alternatively, the subject matter of claim 18 would have been obvious at least from McDonough itself.

7. Claim 19

19. The drink container of claim 1, wherein the flexible tube is secured to the pivotal mount.

McDonough further discloses that its flexible tube, i.e., lower portion of straw 14, is secured to the pivotal mount, i.e., straw positioning mechanism 20 or straw positioning member 28 and recess 36 within downwardly extending arm 35. Straw 14 is secured to downwardly extending arm 35 at recess 36 at least to the extent that a frictional coupling is required for downwardly extending arm 35 to move straw 14 between a crimped (closed) and uncrimped (open) position by pulling or lifting, as illustrated below for FIGS. 2 and 3:

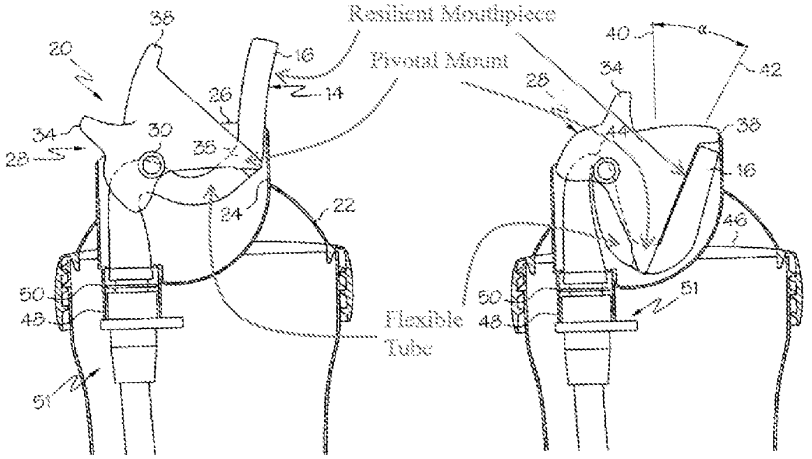


FIG. 2 FIG. 3

McDonough describes this relationship, explaining that flexible straw 24 is received into recess 36 to form a "a positive *interlocking* arrangement for positioning the straw 14." Ex 1006 ¶ [0027] (emphasis added). This interlocking secures straw 14 to straw positioning structure 28 so that the straw can be forced into a bent position in multiple locations when finger-gripping structure 34 is pushed by a user. *Id.* ¶ [0021] ("When the straw positioning mechanism 20 is in the second, closed position shown in FIG. 3, the flexible straw 14 will be bent into a horizontal S-shaped configuration by the downwardly extending arm 35 so as to be crimped in a first location

44 and also in a second location 46 that is adjacent to the recess 36. This minimizes the potential for leakage through the flexible straw 16 in the storage position…").

Accordingly, McDonough expressly or inherently discloses all limitations of claim 19 and, therefore, anticipates that claim under 35 U.S.C. § 102(e) (pre-AIA). Alternatively, the subject matter of claim 19 would have been obvious at least from McDonough itself.

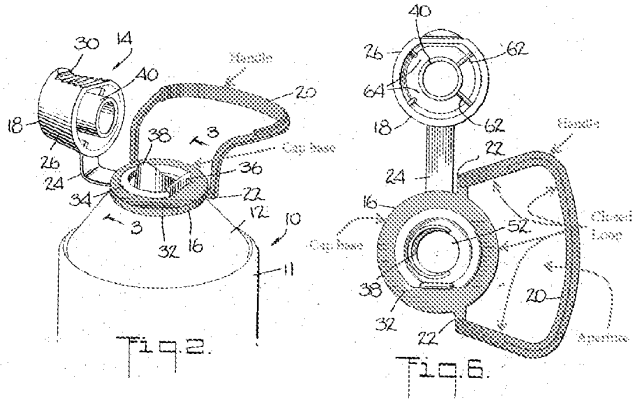
B. Ground 2: McDonough in View of Anderson Would Have Rendered Obvious Claim 6

As explained below, McDonough in view of Anderson would have rendered obvious claim 6 under 35 U.S.C. § 103(a) (pre-AIA).

6. The drink container of claim 3, wherein the cap assembly further includes a handle that extends from the cap assembly base and includes the pair of lateral guards and the dust cover.

While disclosing all subject matter of independent claim 1, McDonough does not expressly disclose a handle associated with drinking cup 10 as recited in dependent claim 6. Anderson, which also discloses a closure for a liquid-dispensing container in the same field of endeavor as McDonough and the '255 Patent, discloses the handle for a container with the features recited in claim 6.

Specifically, Anderson discloses "a container closure for use in connection with spouted containers" that "neatly seal[s] and protect[s] a spouted container opening." Ex. 1014 at 1:47-52. "On the top of the container 10, … [a] novel cap arrangement is formed of a plastic material such as polyethylene and includes a circular base 16, fitted onto the top wall 12" of the container 10. *Id.* at 2:64-68. A handle 20 extends from the cap assembly base, i.e., from circular base 16, as claimed and shown below:



The "handle 20 is affixed to and may be integrally molded with the base portion 16 at outwardly protruding lugs 22 located at its periphery." *Id.* at 2:66-67; *see id.* at 2:13-15 ("In one of its aspects, my invention includes the provision of a specially shaped handle preferably molded as an integral part of the base and captive cap."). Ex. 1014 at 2:69-72.

It would have been obvious to have included the handle as disclosed in Anderson on the cup 10 of McDonough at least to provide a more convenient means for carrying the container than simply grasping its body—especially for children who have small hands. As noted in Anderson, its U-shaped handle that extends outwardly "enables the containers to [] be grasped quite readily" for carrying and provides "full finger access without interference with movements of said overcap." *Id.* at 3:15-23, 5:35-41. Applied to McDonough, such a handle would make carrying more efficient and avoid interference with lid 22 and, particularly, straw positioning mechanism 20 and straw 14 to minimize the risk of contamination by handling. In addition, by being molded together as plastic with its cap in one option of Anderson, handle 20 would combine efficiently with lid 22 in McDonough.

Moreover, it would have been readily apparent that the relationships recited in claim 6 relating to the handle and the resilient mouthpiece would have resulted from combining the handle 20 of Anderson with the lid 22 of McDonough. Indeed, the handle 140 in the '255 patent and handle 20 in McDonough are highly similar:

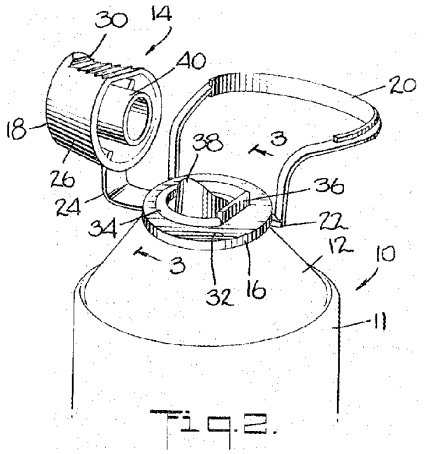
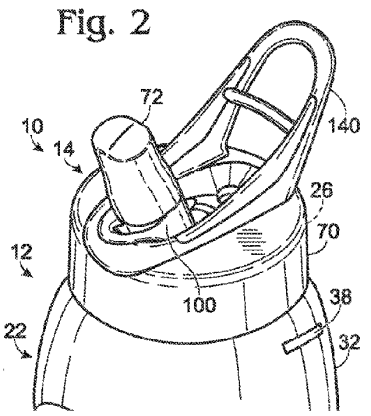


FIG. 2 of Anderson

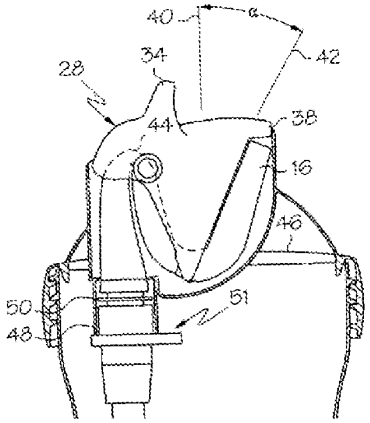


Portion of FIG. 2 of '255 Patent

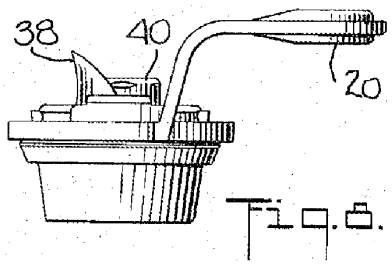
For instance, in many implementations, applying handle 20 of Anderson to lid 22 of McDonough would have resulted in the sides of handle 20 being positioned on opposite sides of

drinking end 16 of straw 14 in McDonough and the outer end of handle 20 extending across at least a portion of the dispensing outlet of dispensing end 16 of straw 14, when straw positioning mechanism 20 and straw 14 are in the stowed position. Thus, the sides of handle 20 would qualify as "the pair of lateral guards" and the outer end of handle 20 would qualify as "the dust cover," as recited in claims 3 and 6.

The figures below illustrate this combination. The figure on the left is a cross-sectional side view of the lid of McDonough in a stowed position, and the figure on the right is a side view of the cap and handle 20 of Anderson.

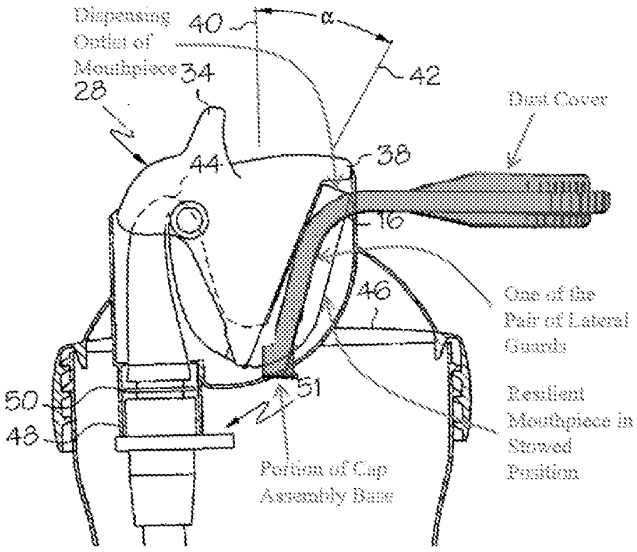


McDonough: Portion of FIG. 3 in Stowed Position



Anderson: FIG. 8 Side View

Implementing handle 20 on lid 22 would result in the following mockup of these figures:



Mockup of Anderson Handle 20 Applied to McDonough Lid 22

As indicated in this mockup, handle 20 from Anderson has arms rising angularly above the cap base on lateral sides of the container opening (as with handle 140 in the '255 Patent) and a looped end to the handle extending to the side and above the cap base (as with handle 140 in the '255 Patent). Accordingly, the rising arms of handle 20 on opposed sides of resilient mouthpiece 16 equate to the claimed "pair of lateral guards" and the looped end of handle 20, which extends between these pair of lateral guards, extends across at least a portion of the dispensing outlet of resilient mouthpiece 16 as the claimed "dust cover."

Therefore, the combination of McDonough and Anderson teaches and suggests all limitations of claim 6 and, therefore, renders that claim unpatentable under 35 U.S.C. § 103(a) (pre-AIA).

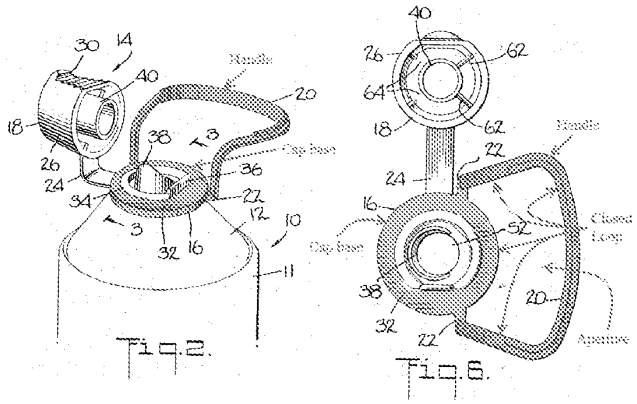
C. Ground 3: McDonough in View of Anderson or Roth Would Have Rendered Obvious Claim 7

As explained below, McDonough in view of Anderson or Roth would have rendered obvious claim 7 under 35 U.S.C. § 103(a) (pre-AIA).

> **7. The drink container of claim 1, wherein the cap assembly further comprises a handle [7.1] that extends in a fixed orientation from the cap assembly base and, [7.2] which defines a closed loop with an aperture through which a user's finger may be inserted to carry the drink container.**

While disclosing all subject matter of independent claim 1, McDonough does not expressly disclose a handle associated with drinking cup 10 as recited in dependent claim 7. Anderson, which also discloses a closure for a container in the same field of endeavor as McDonough and the '255 Patent, discloses the handle with the features recited in claim 7. In particular, for [7.1], Anderson discloses a "novel cap arrangement" in which a handle 20 "is affixed to and may be integrally molded with the base portion 16 at outwardly protruding lugs 22 located at its periphery." Ex. 1014 at 2:69-72. This fixed orientation is set by being molded in plastic. *Id.* at 2:66-67; *see id.* at 2:13-20 ("In one of its aspects, my invention includes the provision of a specially shaped handle preferably molded as an integral part of the base and captive cap. This handle serves a dual function; first, that of providing a carrying means thus eliminating the need for a waist shaped or small necked container....").

Additionally, handle 20 in Anderson defines a closed loop with an aperture through which a user's finger may be inserted to carry the drink container 10, as recited in [7.2]. FIG. 2 (isometric view) and FIG. 6 (top view), annotated below, illustrate this form most clearly.

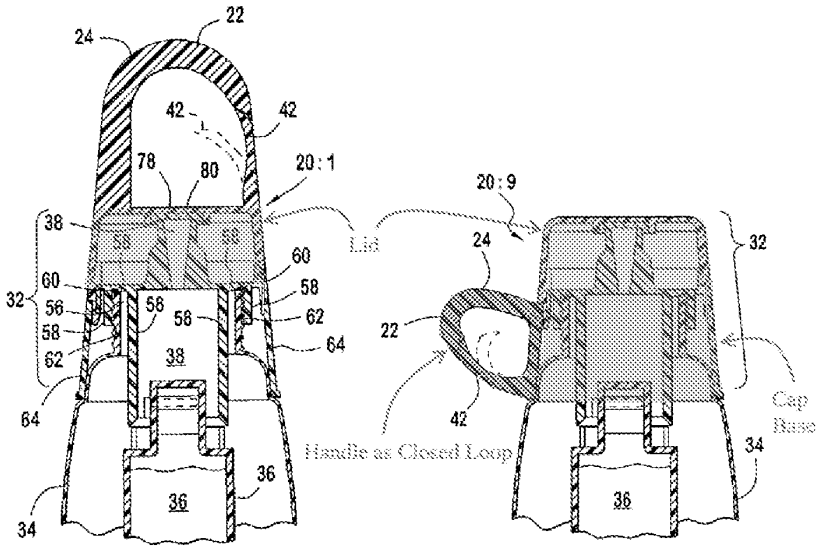


As shown above, "handle 20 is generally U-shaped." Ex. 1014 at 2:69-70. "In the preferred embodiment handle 20, as can be seen in FIG. 2, extends upwardly from the lugs 22 for a short distance and then outwardly away from the overcap 18 so that its maximum height does not exceed that of the overcap.... Also, this handle configuration enables the containers to [] be grasped quite readily both for pouring and for carrying." *Id.* at 3:15-23. Anderson directly addresses accessibility by a user's finger into the closed-loop handle 20, as recited in [7.2]: "[A] plastic handle of generally U-shaped configuration and attached at its ends to points along the edge of said base, said handle rising upwardly from said base to the height of said overcap, and then horizontally away from said

cap to provide full finger access without interference with movements of said overcap." *Id.* at 5:35-41.

It would have been obvious to have included the handle as disclosed in Anderson on the cup 10 of McDonough at least to provide a more convenient means for carrying the container than simply grasping its body. As noted in Anderson, its U-shaped handle that extends outwardly "enables the containers to [] be grasped quite readily" for carrying and provides "full finger access without interference with movements of said overcap." *Id.* at 3:15-23, 5:35-41. Applied to McDonough, such a handle would make carrying more efficient and avoid interference with lid 22 and, particularly, straw positioning mechanism 20 and straw 14 to minimize the risk of contamination by handling. In addition, by being molded together as plastic with its cap in one option of Anderson, handle 20 would combine efficiently with lid 22 in McDonough.

Roth also teaches and suggests the subject matter of claim 7. Roth discloses a closure for a beverage container in the same field of endeavor as McDonough and the '255 Patent. In a first embodiment shown in Roth's FIG. 2, a looped connector 24 is formed on a pivotal lid 28 of the closure body and may incorporate a snap hook 22 for attaching the bottle 34 to an object such as a backpack. But Roth explains that the looped connector may be positioned elsewhere on closure body 32, such as laterally from annular shroud 64 of base portion 26: "As shown in FIG. 1 the connector 24 preferably extends generally upwardly from the lid 28. However, those of ordinary skill in the art will appreciate from this disclosure that the connector 24 can extend from a lateral side of the closure body 32 or from a lateral side of the annular shroud 64 without departing from the scope of the present invention." Ex. 1015 ¶ [0031]. FIG. 11A illustrates an embodiment in which the looped connector extends laterally from the annular shroud 64 of base portion 26 separate from and beneath lid 28: "FIG. 11A is [in] cross-section a view similar to that of FIG. 3 illustrating an alternative embodiment of a closure according to the present invention in which the snap hook is disposed on a side of the closure." *Id.* ¶ [0018]. A comparison of FIGS. 3 and 11A in Roth shows the positioning of connector 24 extending laterally from the cap assembly base, i.e., base portion 26, as claimed:



Roth FIG. 3 **Roth FIG. 11A**

Additionally, connector 22 in FIG. 11A extends in the claimed "fixed orientation" of [7.1] as Roth teaches that "[i]t is preferred that the snap hook 22 is integrally formed with the closure body 32" (*id.* ¶ [0032]), and FIG. 11A shows connector 22 having its snap lever 42 lateral to and apart from base portion 26. And as illustrated in FIG. 11A, connector 22 has the shape of a closed loop on the cap assembly base and forms an aperture, as required by [7.2]. An object, including a user's finger, may be inserted through the aperture to carry bottle 34. *See, e.g.*, *id.* ¶ [0034] ("A user attaches the bottle closure 20:1 to an object, such as a backpack strap, by depressing the snap lever 42 to allow the back pack strap or the like to be placed within the snap connector 22. Once the closure 20:1 and any accompanying bottle is secured, a user may carry the closure 20:1 with ease.").

It would have been obvious to have included the handle as disclosed in Roth on the cup 10 of McDonough at least to provide a more convenient means for carrying the container than simply grasping its body. In addition to providing a loop for handling drinking cup 10 of McDonough, the snap hook 22 within connector 24 in Roth would provide an additional incentive for more easily and securely attaching and detaching the cup to an object such as a belt loop or purse strap, as explained at length in Roth. *See, e.g.*, Ex. 1015 ¶¶ [0004], [0044]. Further, Roth teaches that "the closure body 32 and the snap hook 22 are formed by a suitable polymer" (*id.* ¶ [0032]), making the handle in Roth a natural combination for use with lid 22 in McDonough.

Therefore, McDonough in view of Anderson or Roth teaches and suggests all limitations of claim 7 and, therefore, renders that claim unpatentable under 35 U.S.C. § 103(a) (pre-AIA).

D. Ground 4: Toudou Anticipates, or Would Have Rendered Obvious, Claims 1, 3-5, 8, 13, 18, and 19

As explained below, Toudou anticipates claims 1, 3-5, 8, 13, 18, and 19 of the '255 Patent under 35 U.S.C. § 102(b) (pre-AIA) or, in the alternative, would have rendered obvious those claims under 35 U.S.C. § 103(a) (pre-AIA).

1. Claim 1

[1.pre] A drink container, comprising: [1.1] a fluid container having a neck with an opening and having an internal compartment sized to hold a volume of potable drink fluid;

To the extent the preamble is limiting, Toudou describes the claimed drink container in the form of PET bottle 12, as shown in FIG. 4, for example. Ex. 1008 ¶ [0011] ("The reference numeral 12 is a PET bottle, and 13 is an internal liquid filled in the PET bottle 12."). As to [1.1], FIG. 4 illustrates a standard bottle holding water that narrows into a neck leading to a threaded opening. As stated in the reference: "Each of the abovementioned embodiments describes the case where the present invention is applied to a pouring opening provided with a male screw of a PET bottle filled with natural water or the like as an example; however, if an alternative structure of a female screw is used, it can also be applied to other bottles such as water bottles and baby bottles." *Id.* ¶ [0027]; *id.* at Abstract ("The present invention is constituted of a bottle cap with a nozzle, which is detachably installed by screwing a female screw into the pouring opening of the internal liquid of a bottle, …").

[1.2] a cap assembly removably coupled to the fluid container to cover the opening, wherein the cap assembly defines

Toudou discloses a cap assembly in the form of bottle cap 1 that is removably coupled by screwing to cover the opening of a bottle 12. *Id.* at Abstract ("The present invention is constituted of a bottle cap with a nozzle, which is detachably installed by screwing a female screw into the pouring opening of the internal liquid of a bottle, …"). The reference explicitly explains the removability of its cap assembly over the opening of the fluid container: "After removing the dedicated cap covering the pouring portion of the PET bottle 12, the straw 11 connected to the liquid passing cylinder 2d is inserted into the pouring portion. The female screw 2c of the bottle

cap 1 in the closed state as shown in FIG. 2 is screwed into the male screw of the pouring portion, and the packing 2e interposed on the surface in contact with the pouring portion is attached by tightening." Ex. 1008 ¶ [0016].

[1.2.1] a fluid conduit for drink fluid to flow from the fluid container and through the cap assembly to a user, wherein the fluid conduit includes [1.2.2] an inlet through which drink fluid from the fluid container may enter the fluid conduit, and [1.2.3] a dispensing outlet through which drink fluid in the fluid conduit may be dispensed from the cap assembly to a user, and further wherein the cap assembly comprises:

Toudou discloses the claimed fluid conduit for drink fluid to flow from the container to the user via bottle cap 1. In particular, a flow path for liquid 13 to flow upward from bottle 12 to a user passes through straw 11, through vertical liquid passing cylinder 2d (illustrated for first embodiment in FIG. 4), and through spout 3 and out suction port 32, as shown in annotated FIGS. 4 (first embodiment) and 8(b) (third embodiment) below.

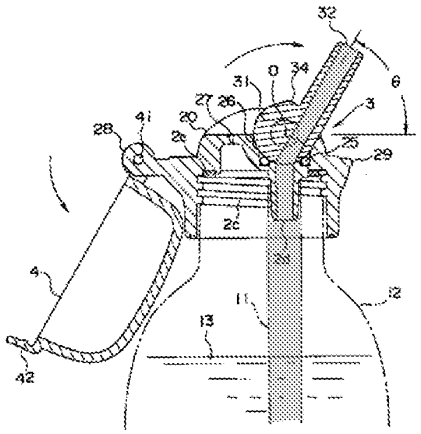


FIG. 4: First Embodiment

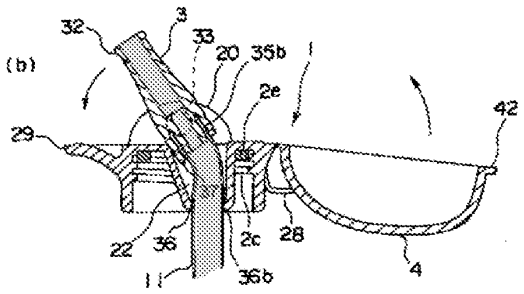


FIG. 8(b): Third Embodiment

As for [1.2.2], the inlet through which drink fluid may enter the fluid conduit is the tip of straw 11 immersed in the water 13. "[T]he tip of the straw 11 inserted into the PET bottle 12 is sunk to the bottom and immersed in the deepest part of the internal liquid 13 (not shown here)." Ex. 1008 ¶ [0016]. Along the flow path, the end of straw 11 opposite the tip immersed in the liquid 13 is attached to a liquid passing cylinder 2d of the cap in the first embodiment or to a cylindrical groove 35b of the base portion 31 of nozzle 3 in the third embodiment. For the first embodiment: "The straw 11 is detachably connected to the liquid passing cylinder 2d, and the tip thereof is immersed in the internal liquid 13, …" *Id.* ¶ [0012]; *id.* ¶ [0012] ("2d is a vertical liquid passing

cylinder protruding downward and provided with a passage for the internal liquid 13 penetrating therethrough …"). For the third embodiment: "A cylindrical groove 35b is formed in the base portion 31 of the nozzle 3, and the straw 11 is slightly rigidly connected to the inner cylinder surrounded by the cylindrical groove 35b." *Id.* ¶ [0023].

With respect to [1.2.3], a dispensing outlet through which drink fluid in the fluid conduit may be dispensed from the cap assembly to a user in Toudou is the tip of suction port 32 on nozzle 3. *Id.* ¶ [0014] ("The other end of the flow path … penetrates through the suction port 32 and opens at the tip, …"). Annotated figures for several embodiments below illustrate the dispensing outlet for the fluid conduit in Toudou.

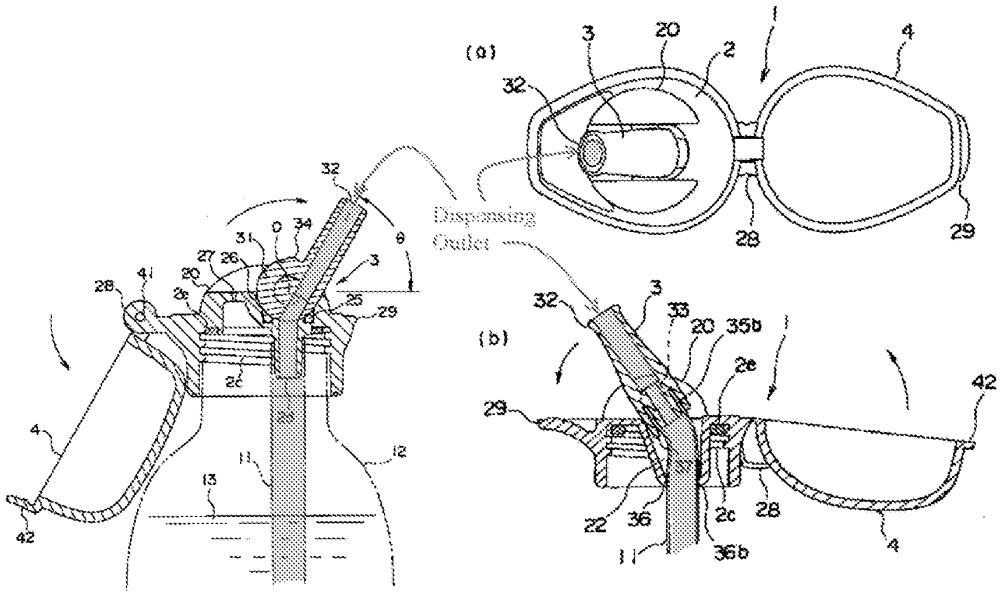


FIG. 4: First Embodiment FIGS. 8(a) and (b): Third Embodiment

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

Toudou discloses the claimed cap assembly base in the form of main body 2 of a bottle cap 1 that is removably coupled and decoupled with threads to the pouring opening of fluid container 12, as shown in FIGS. 4 and 7 below. "The reference numeral 2 is the main body of the bottle cap 1…. Reference numeral 2a is the inner surface side of the cap-type main body 2, and 2b is the outer surface side. Reference numeral 2c is a female screw provided on the inner surface side 2a,…" Ex. 1008 ¶ [0012].

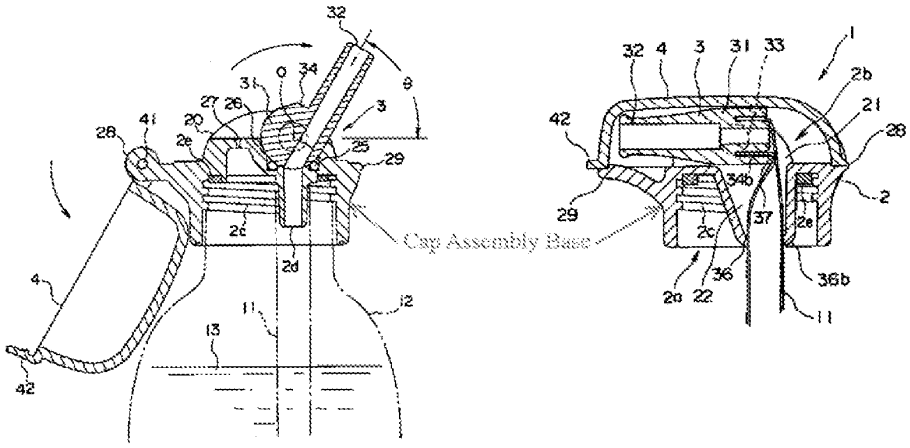


FIG. 4: First Embodiment FIG. 7: Third Embodiment

The main body 2 of the bottle cap 1 is configured to be selectively and repeatedly decoupled from and re-coupled to the neck of the fluid container, as claimed, using threads. *Id.* at Abstract ("The present invention is constituted of a bottle cap with a nozzle, which is detachably installed by screwing a female screw into the pouring opening of the internal liquid of a bottle."). *See id.* ¶ [0016] ("After removing the dedicated cap covering the pouring portion of the PET bottle 12, the straw 11 connected to the liquid passing cylinder 2d is inserted into the pouring portion. The female screw 2c of the bottle cap 1 in the closed state as shown in FIG. 2 is screwed into the male screw of the pouring portion, and the packing 2e interposed on the surface in contact with the pouring portion is attached by tightening.").

[1.4] a pivotal mount coupled to the cap assembly base for pivotal movement relative to the cap assembly base,

Toudou discloses the claimed pivotal mount in the form of pivotal nozzle 3. Nozzle 3 is coupled to cap base 2 via rotation shafts 33 within bearings 23, as shown on annotated FIGS. 1 and 7 below.

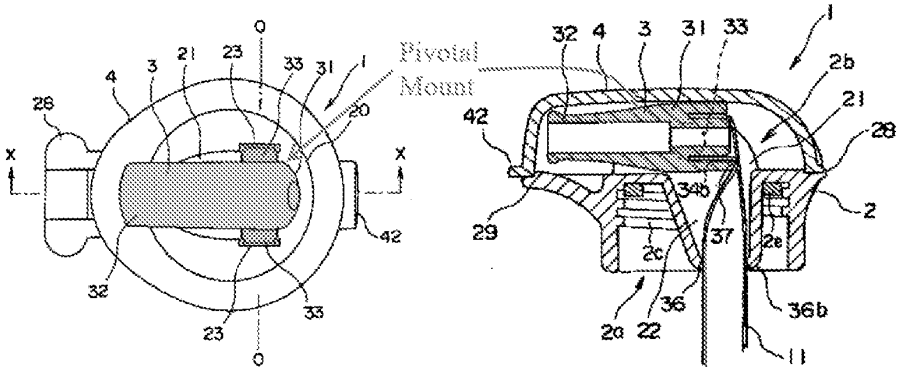


FIG. 1 FIG. 7

A comparison of FIGS. 7 and 8b in Toudou, for instance, illustrates the pivotal movement of nozzle 3 about shaft 33 and axis O-O relative to the cap assembly base, i.e., main portion 2 of cap 1. The reference further explains the pivotal movement: "The base portion 31 is formed of a spherical surface corresponding to storage portion 22 of the main body 2, and on the spherical surface, a pair of boss-shaped rotation shafts 33 are symmetrically projected in the direction intersecting with the extending direction of the suction port 32." Ex. 1008 ¶ [0014]. "In this way, the nozzle 3 mounted on the outer surface side 2b of the main body 2 rotates about the rotation shaft 33 in an angular range of about 120 degrees…." *Id.* ¶ [0015]. "In addition, the shaft support structure of the nozzle 3 in which the nozzle 3 rotates around the rotation shaft 33 up and down is similar to that of the first embodiment." *Id.* ¶ [0023]. "When the lid 4 is further rotated, the nozzle 3 stretches the straw 11 having elasticity to apply resistance force to the lid 4 in the opposite direction and integrally rotates in the same direction around the rotating shaft 33." *Id.* ¶ [0024]; *compare* Ex. 1008 (Toudou), FIGS. 7 and 8(b) *with* Ex. 1001 ('255 Patent), FIGS. 29 and 28.

[1.4.1] wherein the pivotal mount includes a pair of lateral projections, [1.4.2] wherein the cap assembly base defines a pair of sockets into which the pair of lateral projections extend;

The pivotal mount in Toudou, i.e., nozzle 3, includes a pair of lateral projections as recited in [1.4.1] in the form of rotation shafts 33. Annotated FIGS. 1 and 7 below illustrate the rotation shafts 33 that extend along axis O-O orthogonally to the longitudinal direction of nozzle 3 and central shaft axis Y1-Y1 that passes through straw 11. FIG. 1 is a top view of the first embodiment showing rotation shafts 33, or projections, at the sides of nozzle 3; FIG. 7 is a cross-sectional side view of the third embodiment showing one of the rotation shafts 33 coming from a side of nozzle

3 in plane out of the page. Toudou confirms this aspect of the bottle cap applies to both the first and third embodiments: "In addition, the shaft support structure of the nozzle 3 [for the third embodiment] in which the nozzle 3 rotates around the rotation shaft 33 up and down is similar to that of the first embodiment." Ex. 1008 ¶ [0023].

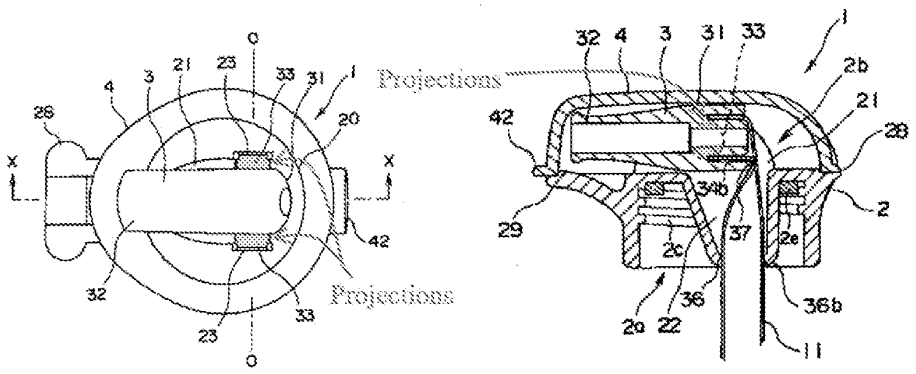


FIG. 1 FIG. 2

The text of Toudou elaborates on the presence of a pair of lateral projections, i.e., shafts 33, as part of a pivotal mount within cap body 2 and how they rotate. "The present invention is constituted of a bottle cap with a nozzle … provided with a suction port at its tip and rotation shafts on both sides of the base portion…." *Id.* at Abstract. "The base portion 31 is formed of a spherical surface corresponding to storage portion 22 of the main body 2, and on the spherical surface, a pair of boss-shaped rotation shafts 33 are symmetrically projected in the direction intersecting with the extending direction of the suction port 32." *Id.* ¶ [0014].

As to [1.4.2], the pair of lateral projections 33 in Toudou extend into a pair of sockets 23 defined by the cap base, as claimed. Toudou describes sockets 23 as substantially U-shaped grooves formed in a support portion 20 of the cap base aligned with a rotational axis O-O of shafts 33: "Reference numeral 23 is a substantially U-shaped groove-like bearing formed to face the horizontal direction (the front-back direction in FIG. 3) and is orthogonal to the central shaft Y1-Y1 and constitutes the shaft center O-O of the rotation shaft of the nozzle 3 described below." *Id.* ¶ [0013]. The rotation shafts are inserted into the bearings. *Id.* at [Claim 1] ("a bearing formed on the opposing side of the support portion, through which the rotation shaft can be inserted,…").

FIGS. 1 and 3, annotated below, show the pair of sockets, i.e., bearings 33, into which a pair of lateral projections, i.e., shafts 33, extend, as claimed in [1.4.2]. FIG. 3 is a cross-sectional side view of the cap body without nozzle 3 showing one a U-shaped bearing 23, i.e., a socket; FIG.

1 is a top view of the first embodiment showing rotation shafts 33, or projections, at the sides of nozzle 3 extending into bearings 33, or sockets, for rotation. "[T]he shaft support structure of the nozzle 3 [for the third embodiment] in which the nozzle 3 rotates around the rotation shaft 33 up and down is similar to that of the first embodiment." *Id.* ¶ [0023]; *compare* Ex. 1008 (Toudou), FIGS. 7 and 8(b) *with* Ex. 1001 ('255 Patent), FIGS. 29 and 28.

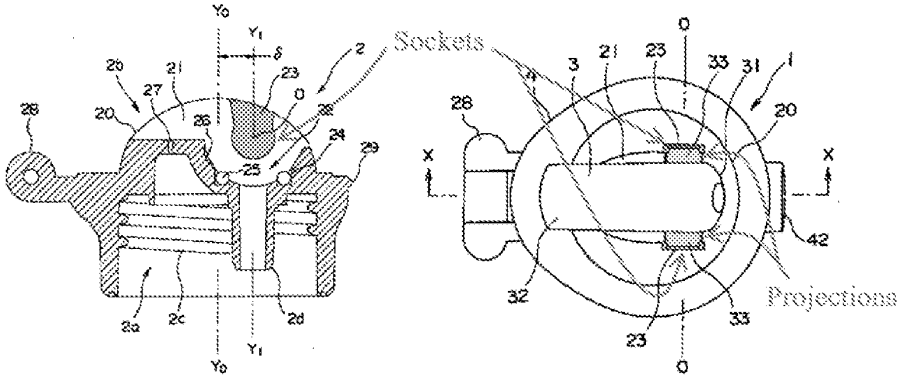


FIG. 3 FIG. 1

[1.5] a resilient mouthpiece coupled to the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base,

Toudou discloses a resilient mouthpiece in the form of suction port 32 coupled to the pivotal mount, i.e., nozzle 3, by being integrated with nozzle 3 for pivotal movement with nozzle 3 relative to the cap assembly base, i.e., main body 2 of bottle cap 1. *See* Ex. 1008 at Abstract ("bottle cap with a nozzle comprising: a nozzle provided with a suction port at its tip and rotation shafts on both sides of the base portion … wherein the flow path of the internal liquid is opened or closed in connection with tup and down motion associated with the rotation of the nozzle."). Toudou states that its bottle cap 1 is made of soft polypropylene or similar materials: "Polypropylene or the like is used as the material of the bottle cap 1 and is molded with a slightly soft resin material that is hard to break." Ex. 1008 ¶ [0011]. Moreover, Toudou indicates that its bottle cap "can also be applied to other bottles such as water bottles and baby bottles." *Id.* ¶ [0027].

Toudou discloses, suggests, and renders obvious that its mouthpiece is "resilient" as claimed. Indeed, it necessarily follows that a "suction port" for sucking liquid from a bottle, "molded with a slightly soft resin material," and applicable to "baby bottles" is a resilient mouthpiece as claimed. *See Titanium Metals*, 778 F.2d at 781. As a material such as polypropylene

molded from a slightly soft resin material, suction port 32 would be plastic deformable from compressive forces. Moreover, to accommodate use by infants using a baby bottle, suction port 32 must necessarily have a resilient composition to permit pliable suction and biting for a young mouth, as is conventionally known for teats and other mouthpieces on baby bottles. *See, e.g.,* Ex. 1009 (Wright), Ex. 1010 (Phlaphongphanich), Ex. 1011 (Tupper), Ex. 1012 (Heise), Ex. 1013 (Canham). Therefore, it would have been a natural, and obvious, property of suction port 32 based on the disclosure of Toudou for suction port 32 made of slightly soft resin material to be resilient in response to compressive forces.

Additionally, other prior-art documents confirm that a polypropylene mouthpiece on a drink bottle as in Toudou would be resilient. *See Continental Can*, 948 F.2d at 1268; MPEP § 2131.01. For example, Dark (Ex. 1004) discloses a sport drinking bottle having a cap with a valved straw leading to a drinking spout 3. Spout 3 extends horizontally in a closed position when pivoted down into a U-shaped recess 10 within a cap base 7, where splines 15 on the spout help latch the spout into the recess. *Id.* at 4:7-10, 5:22-30. The bottle cap including spout 3 is "formed of one-piece of plastic material, suitably polypropylene" (*id.* at 3:8-10, 8:50-54), which Dark describes as being resilient: "The downward force exerted by the user must be sufficient to … through the splines, inwardly resiliently compress the spout, in order to move the spout down past the horizontal portion of barbs 16 and latch it in place." *Id.* at 5:51-56. The polypropylene mouthpiece then resiliently returns to its original shape: "Once splines 15 have moved past the tapered portion of the barbs, the flexed surfaces [on the spout] elastically return to their original shape and the barbs overlie the splines." *Id.* at 5:57-69. Accordingly, the Office concluded during prosecution of the '255 Patent that the polypropylene spout in Dark is a "resilient mouthpiece," as claimed (Ex. 1003 at 104), and the Applicant did not traverse this conclusion. *Id.* at 140-49.

Thus, Toudou inherently discloses and renders obvious the properties of its suction port 32 being a "resilient" mouthpiece in view of its formation from "slightly soft resin material" such as polypropylene and being applicable to "baby bottles." In addition, this inherent property of [1.5] for suction port 32 would have been evident in view of Dark for a spout having similar structure, composition, and function.

[1.5.1] wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets;

Toudou discloses that suction port 32 within nozzle 3 pivots about axis O-O defined by rotation shafts 33 rotating in bearings 23. Ex. 1008 ¶ [0013] ("Reference numeral 23 is a substantially U-shaped groove-like bearing formed to face the horizontal direction (the front-back direction in FIG. 3) and is orthogonal to the central shaft Y1-Y1 and constitutes the shaft center O-O of the rotation shaft of the nozzle 3 described below."). In the annotated figures below, FIG. 1 depicts the axis O-O through rotation shafts 33, and the dashed arrows show the pivoting of suction port 32 and nozzle 3 for the third embodiment as the pair of lateral projections, i.e., rotation shafts 33, rotate within the pair of sockets, i.e., bearings 33:

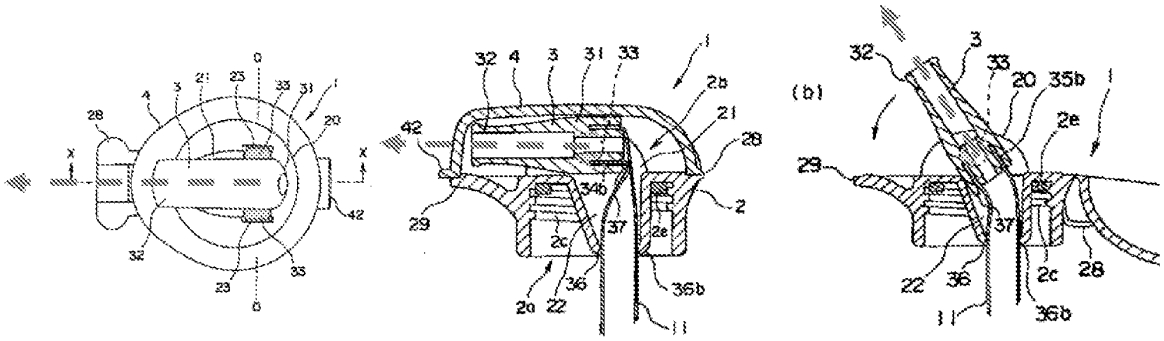


FIG. 1 FIG. 7 FIG. 8(b)

"In this way, the nozzle 3 mounted on the outer surface side 2b of the main body 2 rotates about the rotation shaft 33 in an angular range of about 120 degrees so that the upper limit of the rotation angle corresponds to a desired rising angle θ described below and makes the suction port 32 up and down." *Id.* ¶ [0015]; *compare* Ex. 1008 (Toudou), FIGS. 7 and 8(b) *with* Ex. 1001 ('255 Patent), FIGS. 29 and 28.

[1.5.2] wherein the resilient mouthpiece defines a portion of the fluid conduit, including the dispensing outlet;

Pivotal mount, i.e., nozzle 3, in Toudou includes an opening at the end of resilient mouthpiece, i.e., suction port 32, for dispensing liquid extracted from bottle 12, as illustrated below in annotated figures from Toudou. Ex. 1008 at Abstract ("The present invention is constituted of a bottle cap with a nozzle, … comprising: a nozzle provided with a suction port at its tip …"); *id.*

¶ [0014] ("The other end of the flow path … penetrates through the suction port 32 and opens at the tip, …").

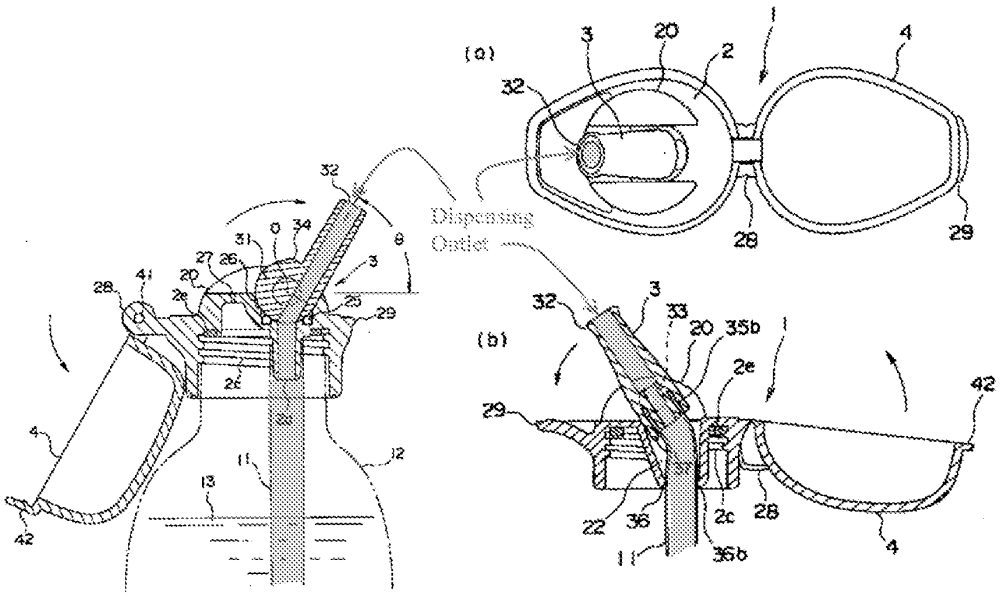
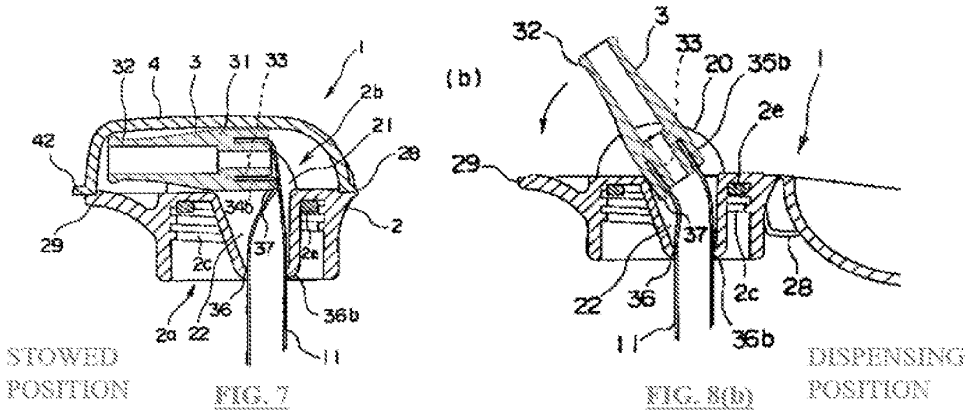


FIG. 4: First Embodiment FIGS. 8(a) and (b): Third Embodiment

[1.6] wherein the resilient mouthpiece and the pivotal mount are configured to be selectively pivoted between a stowed position and a dispensing position, and further [1.6.1] in the dispensing position, the dispensing outlet is positioned further away from the cap assembly base than when the resilient mouthpiece and the pivotal mount are in the stowed position;

Toudou discloses that resilient mouthpiece, i.e., suction port 32, and pivotal mount, i.e., nozzle 3, are selectively pivoted between a stowed position and a dispensing position, for example, as lid 4 is opened and closed in the third embodiment. FIGS. 7 and 8(b), annotated below, illustrate this movement:



The text of Toudou explains this pivoting. For moving into a stowed position:

> Now, as shown in FIG. 8 (b), when the lid 4 is rotated about 150 degrees in the direction of an arrow around the hinge 28 as the fulcrum when the nozzle 3 is standing in the open state, the inner surface of the lid 4 comes into contact with the suction port 32. When the lid 4 is further rotated, the nozzle 3 stretches the straw 11 having elasticity to apply resistance force to the lid 4 in the opposite direction and integrally rotates in the same direction around the rotating shaft 33. Then, when the latching piece 42 of the lid 4 under the resistance force of the straw 11 is latched onto the latching portion 29, the nozzle 3 comes out of the inverted conical portion and becomes a prone state as shown in FIG. 7 to be stored in the storage groove 21.

Ex. 1008 ¶ [0024]. And, for moving into the dispensing position: "Conversely, when the latching of the hinge portion 28 is released, the nozzle 3 pressed by the lid 4 follows the opening of the lid 4 by the restoring force of the straw 11 and is automatically raised as shown in FIG. 8 (b) from the state shown in FIG. 7." *Id.* ¶ [0025].

With respect to [1.6.1], as shown at least FIGS. 7 and 8(b), the tip of suction port 32 coupled to nozzle 3 is positioned farther away from cap assembly base 2 when suction port 32 and nozzle 3 are in an open position (FIG. 8(b)) than when in a stowed or prone position (FIG. 7), as claimed.

[1.6.2] wherein the resilient mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth; and

As discussed above for [1.5], Toudou indicates that bottle cap 1 is made of soft polypropylene or the like. Ex. 1008 ¶ [0011]. ("Polypropylene or the like is used as the material of the bottle cap 1 and is molded with a slightly soft resin material that is hard to break….

Furthermore, 11 is a straw using a rubber-like elastic resin such as a silicone tube."). Toudou also teaches that its pivotal cap "can also be applied to other bottles such as water bottles and baby bottles." (*id.* ¶ [0027]), and baby bottles by definition have resilient nipples or other mouthpieces compressible by teeth. *See, e.g.*, Ex. 1009 (Wright), Ex. 1010 (Phlaphongphanich), Ex. 1011 (Tupper), Ex. 1012 (Heise). As a result, a natural and necessary—and obvious—property of the polypropylene in suction port 32 as taught by Toudou would be to "resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth," as claimed. Otherwise, suction port 32 would be effectively unusable on "baby bottles" as Toudou advocates.

Additionally, Dark (Ex. 1004) confirms this inherent (or obvious) property of a polypropylene mouthpiece as in Toudou. Dark discloses that a downward force from a user on its polypropylene spout must be sufficient to "inwardly resiliently compress the spout" as it is latched into a closed position, after which "the flexed surfaces elastically return to their original shape." Ex. 1004 at 5:51-69. These compressive forces in snapping closed the spout are likely much less than the compressive forces applied by a user's teeth. Thus, it follows from Dark, that a polypropylene spout as in Toudou would include the ability to deform or "to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth," as recited in [1.6.2].

Significantly, the Office concluded during prosecution of the '255 Patent that the polypropylene spout in Dark would possess the properties recited in [1.6.2]. Ex. 1003 at 104. As stated in the Office Action of August 2, 2019, "the resilient mouthpiece (3a) is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth (a user can bite the plastic mouth piece and the natural tendencies of plastic make it resilient)." *Id.* The Applicant did not traverse this conclusion from the Office and chose to incorporate dependent subject matter to obtain an allowance of the claims. *Id.* at 140-49, 152, 154.

Thus, Toudou inherently discloses and renders obvious the properties of its suction port 32 being "adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth" in view of its formation from "slightly soft resin material" such as polypropylene and being applicable to "baby bottles." In addition, these inherent properties of [1.6.2] for suction port 32 would have been evident in view of Dark for a spout having similar structure, composition, and function, particularly in view of the Office's positions regarding Dark during original prosecution.

[1.7] a manual on/off valve having a closed configuration, in which the manual on/off valve obstructs the fluid conduit to restrict drink fluid from flowing between the inlet and the dispensing outlet, and [1.7.1] an open configuration, in which the manual on/off valve permits drink fluid to flow through the fluid conduit from the inlet to the dispensing outlet;

Toudou discloses a manual on/off valve for its third embodiment in two variations. In the first variation, the manual on/off valve is a ridge or projecting portion 37 on the lower edge of base 31 of nozzle 3 and flexible straw 11 that obstructs the fluid conduit when in the stowed or prone position, as shown in annotated FIG. 7 here. As explained in Toudou, "In the third embodiment, … the flow path is closed by pressing the straw 11 with part of the nozzle 3, …" Ex. 1008 ¶ [0023]. "[I]n order to effectively block the flow path of the straw 11 when the nozzle 3 is prone, a projecting portion 37 is formed at least on the lower outer ring portion of the base portion 31." *Id.* Paragraph [0024] explains this manual on/off valve obstructing the fluid conduit as lid 4 is closed:

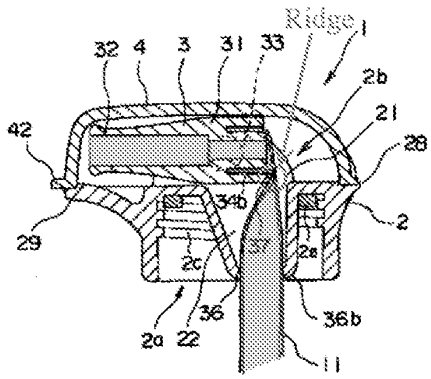


FIG. 7

> When the lid 4 is further rotated, the nozzle 3 stretches the straw 11 having elasticity to apply resistance force to the lid 4 in the opposite direction and integrally rotates in the same direction around the rotating shaft 33. Then, when the latching piece 42 of the lid 4 under the resistance force of the straw 11 is latched onto the latching portion 29, the nozzle 3 comes out of the inverted conical portion and becomes a prone state as shown in FIG. 7 to be stored in the storage groove 21. At this time, the straw 11 near the connection portion is crushed based on the partial expansion difference due to the rotation of the nozzle 3, and the ridge 37 elastically presses the inner surface of the crushed portion to make it attached firmly. As a result, the internal flow path is automatically closed and thereby the internal liquid 13 is prevented from leaking.

In the second variation, Toudou discloses a manual on/off valve with an inclined tip or extended inner portion of the lower edge of base 31 of nozzle 3 and flexible straw 11 that obstructs the fluid conduit when in the stowed or prone position, as shown in annotated FIG. 8(c) here. Paragraph [0026] in Toudou thoroughly explains the operation of this second variation corresponding to claim element [1.7].

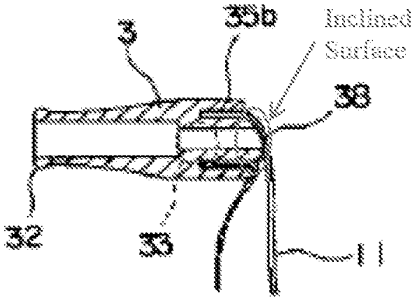


FIG. 8(c)

> FIG. 8 (c) shows a modified example of the flow path blocking mechanism according to the third embodiment. In other words, in FIG. 8 (c), an inclined surface 38 is formed at the cylinder tip of the inner ring portion of the base portion 31 of the nozzle 3 to which the straw 11 is connected. When the nozzle 3 is pressed by the closed lid 4 to lie down, the inner surface portion of the straw 11 which is strongly stretched due to the expansion difference in a manner similar to that described above is elastically pressed against the inclined surface 38. Therefore, by the pressure bonding of the inner surface portion, the flow path that is open to the inclined surface 38 is automatically closed, and the leakage of the inner liquid 13 is prevented.

Id. ¶ [0026]; *id.* ¶ [0010] ("The present invention is constituted of a bottle cap with a nozzle, … wherein the flow path of the internal liquid is blocked by pressing the straw with part of the nozzle in connection with the pressing motion by the nozzle associated with the opening and closing of the lid member.").

For [1.7.1], Toudou also expressly explains that its manual on/off valve has an open configuration permitting drink fluid to flow through the fluid conduit from the inlet to the dispensing outlet, as claimed. "[W]hen the latching of the hinge portion 28 is released, the nozzle 3 pressed by the lid 4 follows the opening of the lid 4 by the restoring force of the straw 11 and is automatically raised as shown in FIG. 8 (b) from the state shown in FIG. 7." *Id.* ¶ [0025]; *id.* ¶ [0023] ("when the lid is released, and an automatic undulating structure is employed in which the nozzle is automatically raised by the resilience of the straw 11"). "Now, as shown in FIG. 8 (b), when the lid 4 is rotated about 150 degrees in the direction of an arrow around the hinge 28 as the fulcrum when the nozzle 3 is standing in the open state…." *Id.* ¶ [0024]. FIG. 8(b), annotated here,

shows that the lifting of lid 4 leads to the rise of nozzle 3 and the release of elastic straw 11 by ridge 37, which clears the fluid conduit to pass liquid to the dispensing outlet at suction port 32. *Id.* ¶ [0028] ("The present invention is constituted of a bottle cap with a nozzle, … wherein the flow path of the internal liquid is opened or closed in connection with the up and down motion associated with the rotation of the nozzle."). This structure and function in Toudou is effectively the same as that disclosed in the '255 Patent for a manual on/off valve. *Compare* Ex. 1008 (Toudou), FIGS. 7 and 8(b) *with* Ex. 1001 ('255 Patent), FIGS. 29 and 28.

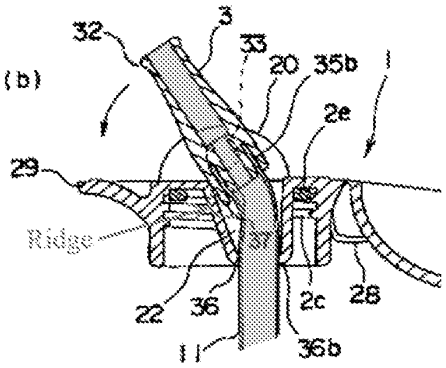


FIG. 8(b)

[1.7.2] wherein the manual on/off valve includes a flexible tube that defines a portion of the fluid conduit;

The manual on/off valve in Toudou includes straw 11 that is part of the fluid conduit and is coupled to nozzle 3, as claimed in [1.7.2]. "[T]he flow path is closed by pressing the straw 11 with part of the nozzle 3, and when the lid is released, and an automatic undulating structure is employed in which the nozzle is automatically raised by the resilience of the straw 11." *Id.* ¶ [0023]; *see id.* ("A cylindrical groove 35b is formed in the base portion 31 of the nozzle 3, and the straw 11 is slightly rigidly connected to the inner cylinder surrounded by the cylindrical groove 35b."); *id.* ¶ [0012] ("The straw 11 is detachably connected to the liquid passing cylinder 2d, and the tip thereof is immersed in the internal liquid 13 …" *Id.* ¶ [0012].

Moreover, straw 11 is flexible: "Furthermore, 11 is a straw using a rubber-like elastic resin such as a silicone tube." *Id.* ¶ [0011]. "At this time, the straw 11 near the connection portion is crushed based on the partial expansion difference due to the rotation of the nozzle 3, and the ridge 37 elastically presses the inner surface of the crushed portion to make it attached firmly." *Id.* ¶ [0024].

[1.7.3] wherein when the manual on/off valve is in the closed configuration, the tube is crimped to obstruct the flow of drink fluid through the fluid conduit; and [1.7.4] wherein when the manual on/off valve is in the open configuration, the tube is not crimped and does not obstruct the flow of drink fluid through the fluid conduit.

See elements [1.7] and [1.7.1] above. Toudou discloses elements [1.7.3] and [1.7.4] at least in FIGS. 7 and 8(b), annotated below:

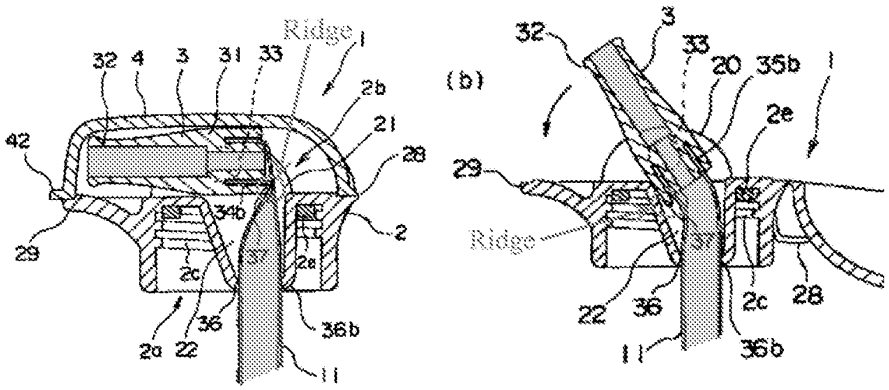


FIG. 7 FIG. 8(b)

For [1.7.3], Toudou describes that when nozzle 3 is closed into a prone position, flexible straw 11 is crimped to obstruct the flow of fluid, as shown in FIG. 7.

> When the lid 4 is further rotated, the nozzle 3 stretches the straw 11 having elasticity to apply resistance force to the lid 4 in the opposite direction and integrally rotates in the same direction around the rotating shaft 33. Then, when the latching piece 42 of the lid 4 under the resistance force of the straw 11 is latched onto the latching portion 29, the nozzle 3 comes out of the inverted conical portion and becomes a prone state as shown in FIG. 7 to be stored in the storage groove 21. At this time, the straw 11 near the connection portion is crushed based on the partial expansion difference due to the rotation of the nozzle 3, and the ridge 37 elastically presses the inner surface of the crushed portion to make it attached firmly. As a result, the internal flow path is automatically closed and thereby the internal liquid 13 is prevented from leaking.

Id. ¶ [0024]; *id.* ¶ [0010] ("The present invention is constituted of a bottle cap with a nozzle, … wherein the flow path of the internal liquid is blocked by pressing the straw with part of the nozzle in connection with the pressing motion by the nozzle associated with the opening and closing of the lid member.").

For [1.7.4], Toudou describes that when nozzle 3 is in an open configuration flexible straw 11 is not crimped and does not obstruct the flow of drink fluid through the fluid conduit, as shown in FIG. 8(b). "Conversely, when the latching of the hinge portion 28 is released, the nozzle 3 pressed by the lid 4 follows the opening of the lid 4 by the restoring force of the straw 11 and is

automatically raised as shown in FIG. 8 (b) from the state shown in FIG. 7." *Id.* ¶ [0025]; *id.* ¶ [0024] ("Now, as shown in FIG. 8 (b), when the lid 4 is rotated about 150 degrees in the direction of an arrow around the hinge 28 as the fulcrum when the nozzle 3 is standing in the open state…"). "The present invention is constituted of a bottle cap with a nozzle, … wherein the flow path of the internal liquid is opened or closed in connection with the up and down motion associated with the rotation of the nozzle." *Id.* ¶ [0028]. This structure and crimping action are effectively the same as the manual on/off valve disclosed in the '255 Patent. *Compare* Ex. 1008 (Toudou), FIGS. 7 and 8(b) *with* Ex. 1001 ('255 Patent), FIGS. 29 and 28.

As a result, Toudou anticipates claim 1 of the '255 Patent under 35 U.S.C. § 102(b) (pre-AIA) or, in the alternative, would have rendered obvious that claim under 35 U.S.C. § 103(a) (pre-AIA).

2. Claim 3

3. The drink container of claim 1, [3.1] wherein the cap assembly includes a pair of lateral guards that extend on opposed sides of the resilient mouthpiece when the resilient mouthpiece and the pivotal mount are in the stowed position,

Toudou discloses two structures within its cap assembly, i.e., bottle cap 1, corresponding to the pair of lateral guards in claim 3. First, pivotal mount, i.e., nozzle 3, and its suction port 32 rests in a prone state within an arcuate storage groove 21 formed in support portion 20, and the "opposing wall surfaces" within groove 21 correspond with the claimed pair of lateral guards. "21 is an arcuate storage groove formed by horizontally cutting the top portion of the support portion 20 in the left-right direction. Due to the cutting of the storage groove 21, opposing wall surfaces in the front-rear direction are provided on the support portion 20." Toudou ¶ [0012]; *id.* ¶ [0015] ("the suction port 32 is stored in the storage groove 21 while lying down"); *id.* ¶ [0023] ("[A]s shown in FIG.1, the main body 2 has a substantially elliptical shape, and the support portion 20 having a circular dome shape is provided side by side on the outer surface side 2b to have a common structure."). FIG. 8(a), below right, indicates these support portions 20 with their horizontal cuts forming storage grooves 21 on lateral sides of nozzle 3 and suction port 32:

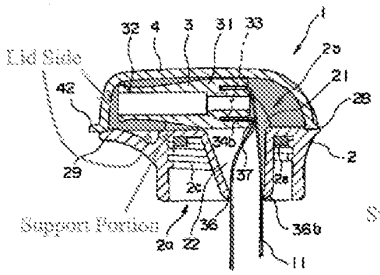


FIG. 7

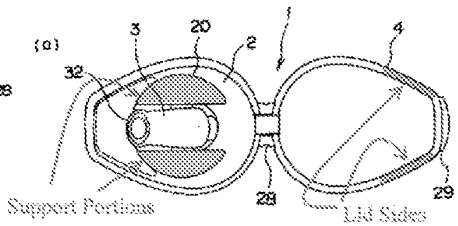


FIG. 8(a)

Second, Toudou includes a lid 4 that, when in a stowed position, has side walls extending laterally along nozzle 3 and suction port 32. FIG. 7 (prone state) and FIG. 8 (open state for first embodiment), shown above, illustrate the lid sides. *Id.* at Abstract ("a lid member mounted on the main body via a hinge in an openable and closable manner to cover the upper surface of the main body…."). As indicated at least in FIG. 8(a), these pair of lateral lid sides are not cylindrically shaped, but are substantially linear. Further, Toudou teaches that these lid structures help guard the mouthpiece: "Since the nozzle 3 is covered with the lid 4 in the stored state, no contact with clothes or the like occurs and dust is not attached, so that the hygienic state can be maintained." *Id.* ¶ [0018].

[3.2] and further wherein the cap assembly includes a dust cover extending between the pair of lateral guards and positioned to protect the dispensing outlet of the resilient mouthpiece by extending across at least a portion of the dispensing outlet of the resilient mouthpiece when the resilient mouthpiece and the pivotal mount are in the stowed position.

Toudou teaches that its cap assembly, i.e., bottle cap 1, includes a dust cover for a mouthpiece in the form of lid 4. A top surface and front surface of lid 4, shown below in annotated FIGS. 7 and 8(a), covers nozzle 3 and suction port 32 to protect them from dust and extends between the pair of lateral guards formed by opposing wall surfaces within storage groove 21. The claims do not require that the dust cover be connected to or integral with the lateral guards, and lid 4 when closed is positioned in the space separating the pair of opposing wall surfaces within storage groove 21. Alternatively, the top surface and front surface of lid 4 extends between the pair of lateral guards formed by the sides of lid 4, which also function as a "pair of lateral guards" and to which the top surface and the front surface are attached. Additionally, the top and front surfaces of lid 4 extend "across at least a portion of the dispensing outlet," as claimed. Toudou explicitly teaches that lid 4 protects the dispensing outlet of the mouthpiece, i.e. suction port 32,

as a cover from dust when in the stowed position: "After the drinking is finished, the upper space of the nozzle 3 stored in the storage groove 21 is covered with the lid 4 by the operation reversed to the above. Since the nozzle 3 is covered with the lid 4 in the stored state, no contact with clothes or the like occurs and *dust is not attached*, so that the hygienic state can be maintained." Ex. 1008 ¶ [0018] (emphasis added).

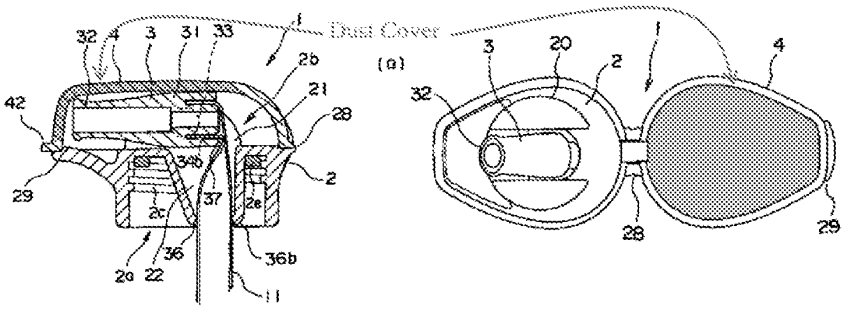


FIG. 7 FIG. 8(a)

As a result, Toudou anticipates claim 3 of the '255 Patent under 35 U.S.C. § 102(b) (pre-AIA) or, in the alternative, would have rendered obvious that claim under 35 U.S.C. § 103(a) (pre-AIA).

3. Claim 4

4. The drink container of claim 3, wherein when the resilient mouthpiece is pivoted from the stowed position to the dispensing position, the resilient mouthpiece pivots away from the dust cover.

In Toudou, when nozzle 3 is pivoted about shafts 33 as it rises from a stowed, or prone, position, to a dispensing position, suction port 32 pivots away from the dust cover, i.e., the top of lid 4. Specifically, FIGS. 7 and 8(b) illustrate that when nozzle 3 and suction port 32 pivot from the stowed position (FIG. 7) to the dispensing position (FIG. 8(b)), nozzle 3 pivots to be farther away from lid 4 comprising the dust cover to be accessible by the user, as annotated below.

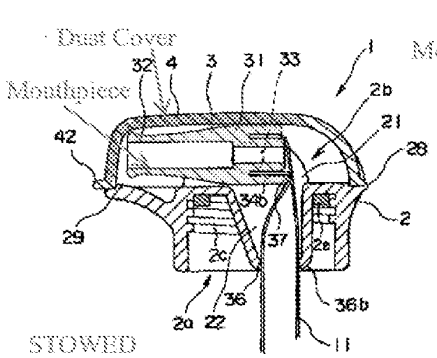


FIG. 7

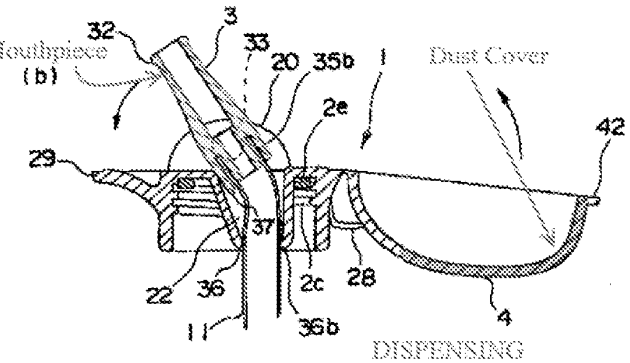


FIG. 8(b)

According to Toudou, advantages follow from having an increased separation between suction port 32 and lid 4: "[S]ince the lid 4 in the open state and the sucking port 32 in a rising and inclined state face each other right and left and are held in opposite directions, nothing can interfere to drink the internal liquid 13 by sucking." Ex 1008 ¶ [0018]; *id.* ¶ [0027] ("[I]t is good enough as long as the suction port can be set on the opposite side of the lid and the rising angle θ of the nozzle 3 as described above may be set within an arbitrary acute angle, preferably at an angle of about 90 degrees."). For some embodiments, Toudou also teaches that a direction of pivoting as well as a distance for nozzle 3 from pivoting may be away from lid 4: "the rising direction of the nozzle is set to the direction opposite to the direction of the lid member when it is opened." *Id.* ¶ [0028].

As a result, Toudou anticipates claim 4 of the '255 Patent under 35 U.S.C. § 102(b) (pre-AIA) or, in the alternative, would have rendered obvious that claim under 35 U.S.C. § 103(a) (pre-AIA).

4. Claim 5

5. The drink container of claim 3, wherein the dust cover projects above an upper surface of the cap assembly base.

See [3.2] above. In Toudou, the dust cover, i.e., top of lid 4, projects above an upper surface of the cap assembly base, as shown here in annotated FIG. 7. "[A] lid member [is] mounted on the main body via a hinge in an openable and closable manner to cover the upper surface of the main body and thereby press the nozzle down when the lid is closed, …" Ex. 1008 ¶ [0030]. "Since the nozzle 3 is covered with the lid 4 in the stored state, no contact with clothes or the like occurs and dust is not attached, so that the hygienic state can be maintained." *Id.* ¶ [0018].

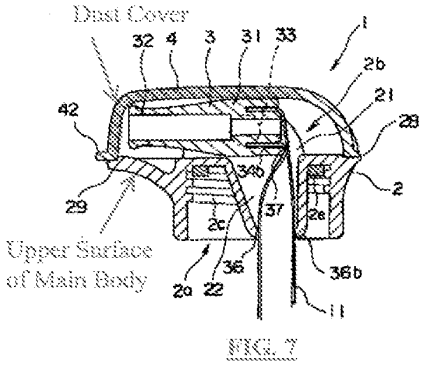


FIG. 7

As a result, Toudou anticipates claim 5 of the '255 Patent under 35 U.S.C. § 102(b) (pre-AIA) or, in the alternative, would have rendered obvious that claim under 35 U.S.C. § 103(a) (pre-AIA).

5. Claim 8

8. The drink container of claim 1, wherein the resilient mouthpiece is permanently secured to the pivotal mount.

For claim 8, Toudou discloses its resilient mouthpiece, i.e., suction port 32, being permanently secured to the pivotal mount, i.e., nozzle 3, by being integrated together in a single body. To be "permanently secured" generally refers to two structures connected or integrated together that cannot be separated without potentially destroying at least one of them or the mechanism that joins them. *See* Section II.E, *supra*. Toudou discloses a common structure of a nozzle 3 having a suction port 32 at its upper end and a base 31 at its lower end. Ex. 1008 ¶ [0014] ("the nozzle 3 is provided with a spherical base portion 31 and a suction port 32 extending tangentially from the base portion 31"); *id.* at FIGS. 7 and 8(b) (depicting contiguous structure for nozzle 3 and suction port 32). Being integrated into one piece, suction port 32 is "permanently secured" to nozzle 3 within the meaning of claim 8.

As a result, Toudou anticipates claim 8 of the '255 Patent under 35 U.S.C. § 102(b) (pre-AIA) or, in the alternative, would have rendered obvious that claim under 35 U.S.C. § 103(a) (pre-AIA).

6. Claim 13

13. The drink container of claim 1, wherein the resilient mouthpiece includes a dispensing face, and further wherein the dispensing outlet extends through the dispensing face of the resilient mouthpiece.

With respect to claim 13, to the extent the broadest reasonable interpretation of a "dispensing face" of a mouthpiece includes a lipped rim of a tube, Toudou discloses a hole at the tip of suction port 32 on nozzle 3. As shown here in annotated FIG. 8(a), a tip of suction port 32 is a dispensing face of nozzle 3 under a broadest reasonable interpretation of "face," and the hole functions as the dispensing outlet for nozzle 3. As stated in Toudou, "The present invention is constituted of a bottle cap with a nozzle, … comprising: a nozzle provided with a suction port at its tip …" Toudou at Abstract. "The other end of the flow path … penetrates through the suction port 32 and opens at the tip, …" Ex. 1008 ¶ [0014].

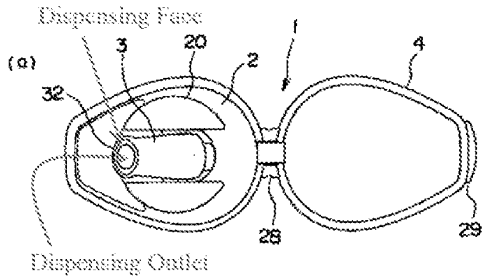


FIG. 8(a)

As a result, Toudou anticipates claim 13 of the '255 Patent under 35 U.S.C. § 102(b) (pre-AIA) or, in the alternative, would have rendered obvious that claim under 35 U.S.C. § 103(a) (pre-AIA).

7. Claim 18

18. The drink container of claim 1, wherein the pivotal mount is adapted to selectively engage the flexible tube to apply crimping forces thereto and thereby configure the manual on/off valve to the closed configuration as the pivotal mount is pivoted from the dispensing position to the stowed position.

Toudou discloses that its pivotal mount [nozzle 3] is adapted to selectively engage the flexible tube [straw 11] to apply crimping forces and configure the manual on/off valve [lower edge of base 31 of nozzle 3 and straw 11] to the closed position as nozzle 3 is pivoted from a dispensing position to a stowed position. As explained in Toudou, "In the third embodiment, …

the flow path is closed by pressing the straw 11 with part of the nozzle 3, …" Ex. 1008 ¶ [0023]; Toudou at Abstract ("the flow path of the internal liquid is opened or closed in connection with the up and down motion associated with the rotation of the nozzle").

In one option, the manual on/off valve is a ridge or projecting portion 37 on the lower edge of base 31 of nozzle 3, which is illustrated in FIG. 7 below. Paragraph [0024] explains this manual on/off valve obstructing the fluid conduit as lid 4 is closed and nozzle 3 enters the stowed position, according to claim 18:

> When the lid 4 is further rotated, the nozzle 3 stretches the straw 11 having elasticity to apply resistance force to the lid 4 in the opposite direction and integrally rotates in the same direction around the rotating shaft 33. Then, when the latching piece 42 of the lid 4 under the resistance force of the straw 11 is latched onto the latching portion 29, the nozzle 3 comes out of the inverted conical portion and becomes a prone state as shown in FIG. 7 to be stored in the storage groove 21. At this time, the straw 11 near the connection portion is crushed based on the partial expansion difference due to the rotation of the nozzle 3, and the ridge 37 elastically presses the inner surface of the crushed portion to make it attached firmly. As a result, the internal flow path is automatically closed and thereby the internal liquid 13 is prevented from leaking.

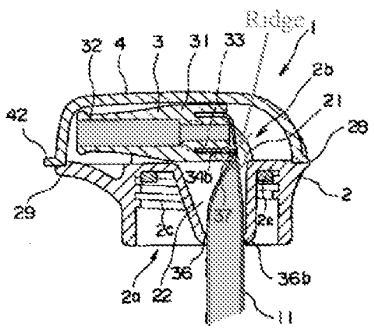


FIG. 7

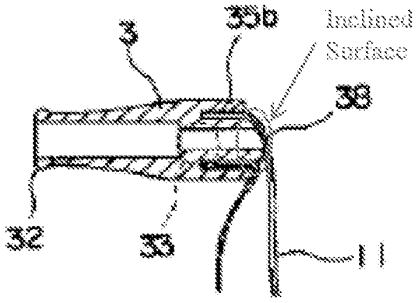


FIG. 8(c)

In another option, the manual on/off valve with an inclined tip or extended inner portion of the lower edge of base 31 of nozzle 3 and flexible straw 11 that obstructs the fluid conduit when in the stowed or prone position, which is shown in FIG. 8(c) above. Paragraph [0026] in Toudou explains the operation of this second variation corresponding to claim 18:

> FIG. 8 (c) shows a modified example of the flow path blocking mechanism according to the third embodiment. In other words, in FIG. 8 (c), an inclined surface 38 is formed at the cylinder tip of

> the inner ring portion of the base portion 31 of the nozzle 3 to which the straw 11 is connected. When the nozzle 3 is pressed by the closed lid 4 to lie down, the inner surface portion of the straw 11 which is strongly stretched due to the expansion difference in a manner similar to that described above is elastically pressed against the inclined surface 38. Therefore, by the pressure bonding of the inner surface portion, the flow path that is open to the inclined surface 38 is automatically closed, and the leakage of the inner liquid 13 is prevented.

As a result, Toudou anticipates claim 18 of the '255 Patent under 35 U.S.C. § 102(b) (pre-AIA) or, in the alternative, would have rendered obvious that claim under 35 U.S.C. § 103(a) (pre-AIA).

8. Claim 19

19. The drink container of claim 1, wherein the flexible tube is secured to the pivotal mount.

As illustrated in FIGS. 7 and 8(b), the flexible tube, i.e., straw 11, in Toudou is secured to the pivotal mount of nozzle 3 by being rigidly connected within cylindrical groove 35b at the base 31 of nozzle 3. "A cylindrical groove 35b is formed in the base portion 31 of the nozzle 3, and the straw 11 is slightly rigidly connected to the inner cylinder surrounded by the cylindrical groove 35b." Ex. 1008 ¶ [0023]; *id.* ¶ [0019] ("35b denotes a cylindrical groove formed at the end portion [of base portion 31]. The cylinder surrounded by the cylindrical groove 35b constitutes a connecting portion with the straw 11."). FIGS. 7 and 8(b), annotated below, illustrate that tube 11 remains secured to base portion 31 as nozzle 3 pivots between a stowed position (FIG. 7) and a dispensing position (FIG. 8(b)):

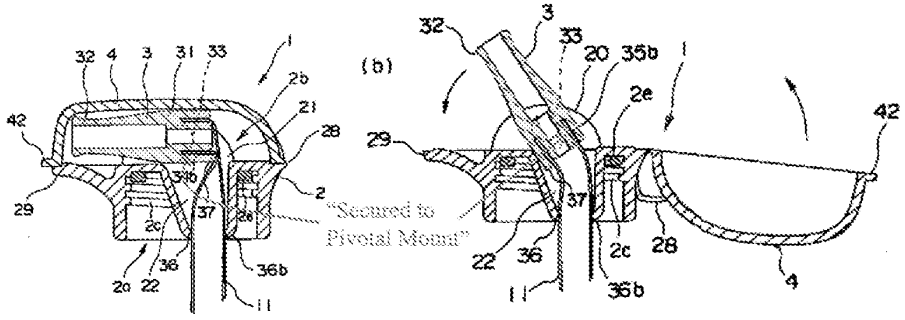


FIG. 7 FIG. 8(b)

As a result, Toudou anticipates claim 19 of the '255 Patent under 35 U.S.C. § 102(b) (pre-AIA) or, in the alternative, would have rendered obvious that claim under 35 U.S.C. § 103(a) (pre-AIA).

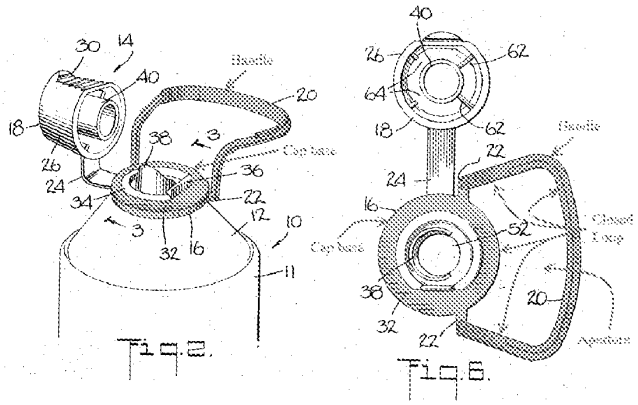
E. Ground 5: Toudou in View of Anderson Would Have Rendered Obvious Claim 6

As explained below, Toudou in view of Anderson would have rendered obvious claim 6 under 35 U.S.C. § 103(a) (pre-AIA).

6. The drink container of claim 3, wherein the cap assembly further includes a handle that extends from the cap assembly base and includes the pair of lateral guards and the dust cover.

Toudou and the alternative secondary references do not expressly disclose a handle associated with bottle cap 1 as recited in dependent claim 6. Anderson, which also discloses a closure for a liquid-dispensing container in the same field of endeavor as Toudou and the '255 Patent, discloses the handle for a container with the features recited in claim 6.

Specifically, Anderson discloses "a container closure for use in connection with spouted containers" that "neatly seal[s] and protect[s] a spouted container opening." Ex. 1014 at 1:47-52. "On the top of the container 10, … [a] novel cap arrangement is formed of a plastic material such as polyethylene and includes a circular base 16, fitted onto the top wall 12" of the container 10. *Id.* at 2:64-68. A handle 20 extends from the cap assembly base, i.e., from circular base 16, as claimed and shown below:



The "handle 20 is affixed to and may be integrally molded with the base portion 16 at outwardly protruding lugs 22 located at its periphery." *Id.* at 2:66-67; *see id.* at 2:13-15 ("In one of its aspects,

my invention includes the provision of a specially shaped handle preferably molded as an integral part of the base and captive cap."). Ex. 1014 at 2:69-72.

It would have been obvious to have included the handle as disclosed in Anderson on the bottle cap 1 of Toudou at least to provide a more convenient means for carrying the container than simply grasping its body—especially for children who have small hands. As noted in Anderson, its U-shaped handle that extends outwardly "enables the containers to [] be grasped quite readily" for carrying and provides "full finger access without interference with movements of said overcap." *Id.* at 3:15-23, 5:35-41. Applied to McDonough, such a handle would make carrying more efficient and avoid interference with lid 22 and, particularly, straw positioning mechanism 20 and straw 14 to minimize the risk of contamination by handling. In addition, by being molded together as plastic with its cap in one option of Anderson, handle 20 would combine efficiently with polypropylene main body 2 in Toudou.

Moreover, it would have been readily apparent that the relationships recited in claim 6 relating to the handle and the resilient mouthpiece would have resulted from combining the handle 20 of Anderson with the lid 22 of McDonough. Indeed, the handle 140 in the '255 patent and handle 20 in Anderson are highly similar:

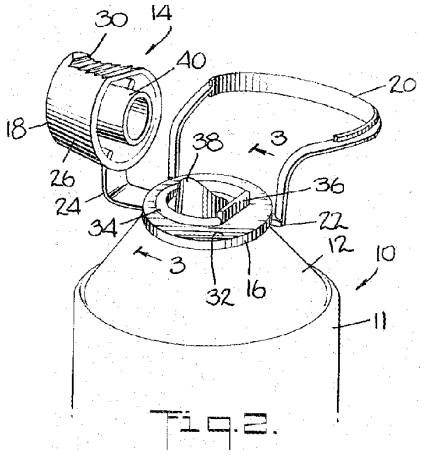
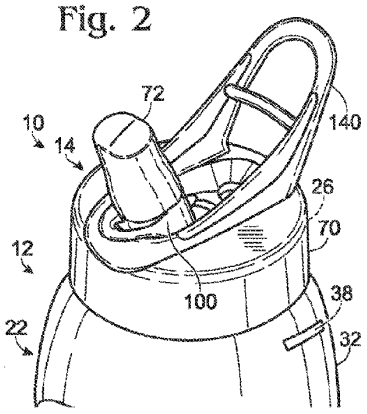


FIG. 2 of Anderson

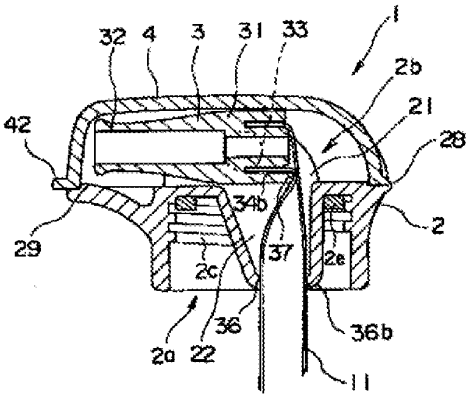


Portion of FIG. 2 of '255 Patent

For instance, in many implementations, applying handle 20 of Anderson to main body 2 of Toudou would have resulted in the sides of handle 20 being positioned on opposite sides of suction port 32 of nozzle 3 in Toudou and the outer end of handle 20 extending across at least a portion of the dispensing outlet of the tip of suction port 32, when nozzle 3 and suction port 32 are in the

stowed position. Thus, the sides of handle 20 would serve as "the pair of lateral guards" and the outer end of handle 20 would function as "the dust cover," as recited in claims 3 and 6.

The figures below illustrate this combination. The figure on the left is a cross-sectional side view of the bottle cap 1 of Toudou in a stowed position, and the figure on the right is a side view of the cap and handle 20 of Anderson.



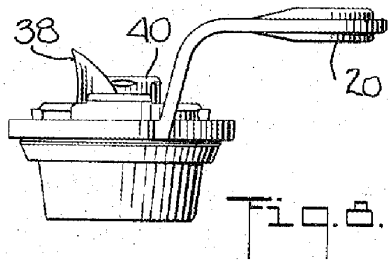
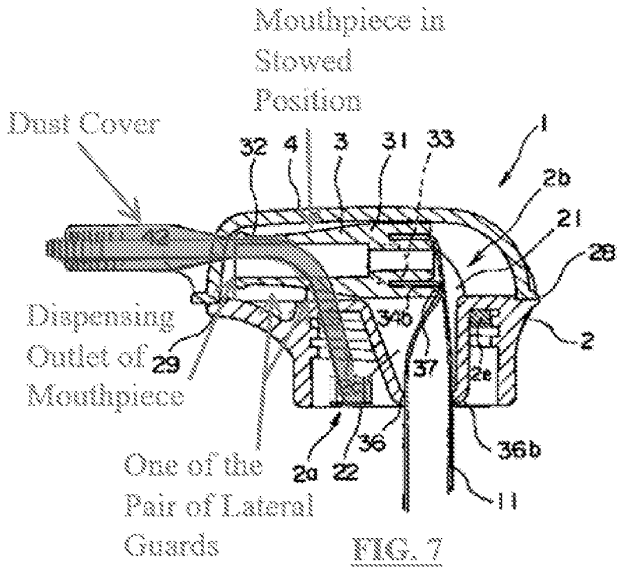


Fig. 8.

Toudou: FIG. 7 in Stowed Position **Anderson: FIG. 8 Side View**

Implementing handle 20 on main body 2 of Toudou would result in the following mockup of these figures:



Mockup of Anderson Handle 20 Applied to Toudou Main Body 2

As indicated in this mockup, handle 20 from Anderson has arms rising angularly above the cap base on lateral sides of the container opening (as with handle 140 in the '255 Patent) and a looped end to the handle extending to the side and above the cap base (as with handle 140 in the '255 Patent). Accordingly, the rising arms of handle 20 on opposed sides of mouthpiece 32 equate to the claimed "pair of lateral guards" and the looped end of handle 20, which extends between these pair of lateral guards, extends across at least a portion of the dispensing outlet of mouthpiece 32 and serve as the claimed "dust cover."

Therefore, Toudou in view of Anderson teaches and suggests all limitations of claim 6 and, therefore, renders that claim unpatentable under 35 U.S.C. § 103(a) (pre-AIA).

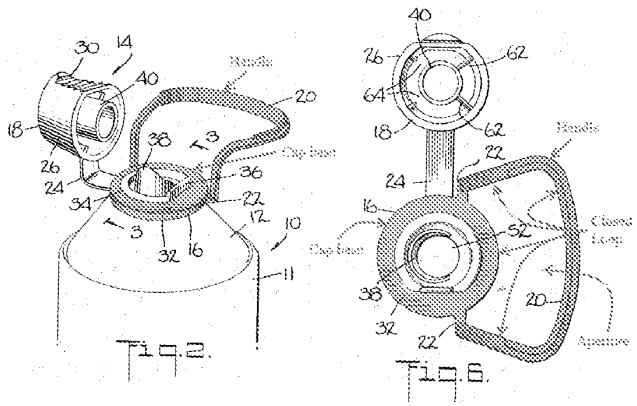
F. Ground 6: Toudou in View of Anderson or Roth Would Have Rendered Obvious Claim 7

As explained below, Toudou in view of Anderson or Roth would have rendered obvious claim 6 under 35 U.S.C. § 103(a) (pre-AIA).

7. The drink container of claim 1, wherein the cap assembly further comprises a handle [7.1] that extends in a fixed orientation from the cap assembly base and, [7.2] which defines a closed loop with an aperture through which a user's finger may be inserted to carry the drink container.

Toudou and the alternative secondary references do not expressly disclose a handle associated with bottle cap 1 as recited in dependent claim 7. Anderson, which also discloses a closure for a container in the same field of endeavor as Toudou and the '255 Patent, discloses the handle with the features recited in claim 7. In particular, for [7.1], Anderson discloses a "novel cap arrangement" in which a handle 20 "is affixed to and may be integrally molded with the base portion 16 at outwardly protruding lugs 22 located at its periphery." Ex. 1014 at 2:69-72. This fixed orientation is set by being molded in plastic. *Id.* at 2:66-67; *see id.* at 2:13-20 ("In one of its aspects, my invention includes the provision of a specially shaped handle preferably molded as an integral part of the base and captive cap. This handle serves a dual function; first, that of providing a carrying means thus eliminating the need for a waist shaped or small necked container....").

Additionally, handle 20 in Anderson defines a closed loop with an aperture through which a user's finger may be inserted to carry the drink container 10, as recited in [7.2]. FIG. 2 (isometric view) and FIG. 6 (top view), annotated below, illustrate this form most clearly.

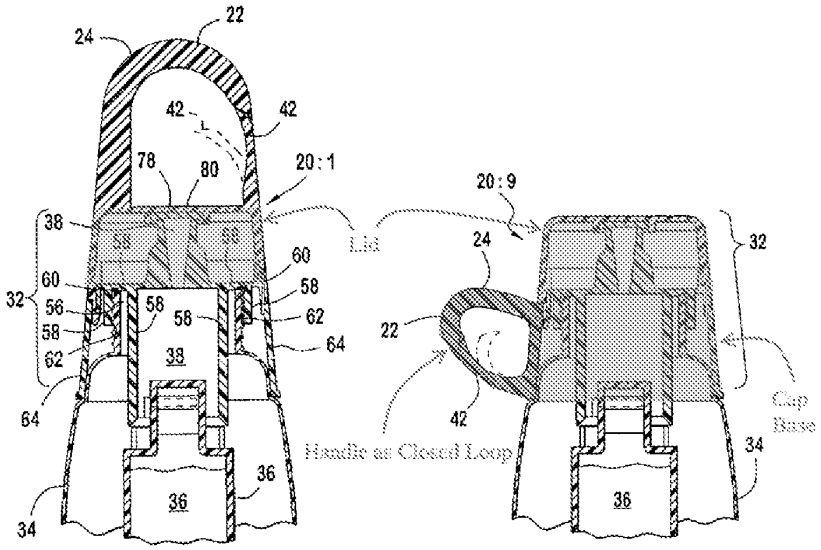


As shown above, "handle 20 is generally U-shaped." Ex. 1014 at 2:69-70. "In the preferred embodiment handle 20, as can be seen in FIG. 2, extends upwardly from the lugs 22 for a short distance and then outwardly away from the overcap 18 so that its maximum height does not exceed that of the overcap.... Also, this handle configuration enables the containers to [] be grasped quite readily both for pouring and for carrying." *Id.* at 3:15-23. Anderson directly addresses accessibility by a user's finger into the closed-loop handle 20, as recited in [7.2]: "[A] plastic handle of generally U-shaped configuration and attached at its ends to points along the edge of said base, said handle rising upwardly from said base to the height of said overcap, and then horizontally away from said cap to provide full finger access without interference with movements of said overcap." *Id.* at 5:35-41.

It would have been obvious to have included the handle as disclosed in Anderson on the bottle cap 1 of Toudou at least to provide a more convenient means for carrying the container than simply grasping its body. As noted in Anderson, its U-shaped handle that extends outwardly "enables the containers to [] be grasped quite readily" for carrying and provides "full finger access without interference with movements of said overcap." *Id.* at 3:15-23, 5:35-41. Applied to McDonough, such a handle would make carrying more efficient and avoid interference with lid 22 and, particularly, straw positioning mechanism 20 and straw 14 to minimize the risk of contamination by handling. In addition, by being molded together as plastic with its cap in one option of Anderson, handle 20 would combine efficiently with polypropylene main body 2 in Toudou.

Roth also teaches and suggests the subject matter of claim 7. Roth discloses a closure for a beverage container in the same field of endeavor as Toudou and the '255 Patent. In a first

embodiment shown in Roth's FIG. 2, a looped connector 24 is formed on a pivotal lid 28 of the closure body and may incorporate a snap hook 22 for attaching the bottle 34 to an object such as a backpack. But Roth explains that the looped connector may be positioned elsewhere on closure body 32, such as laterally from annular shroud 64 of base portion 26: "As shown in FIG. 1 the connector 24 preferably extends generally upwardly from the lid 28. However, those of ordinary skill in the art will appreciate from this disclosure that the connector 24 can extend from a lateral side of the closure body 32 or from a lateral side of the annular shroud 64 without departing from the scope of the present invention." Ex. 1015 ¶ [0031]. FIG. 11A illustrates an embodiment in which the looped connector extends laterally from the annular shroud 64 of base portion 26 separate from and beneath lid 28: "FIG. 11A is [in] cross-section a view similar to that of FIG. 3 illustrating an alternative embodiment of a closure according to the present invention in which the snap hook is disposed on a side of the closure." *Id.* ¶ [0018]. A comparison of FIGS. 3 and 11A in Roth shows the positioning of connector 24 extending laterally from the cap assembly base, i.e., base portion 26, as claimed:



Roth FIG. 3 **Roth FIG. 11A**

Additionally, connector 22 in FIG. 11A extends in the claimed "fixed orientation" of [7.1] as Roth teaches that "[i]t is preferred that the snap hook 22 is integrally formed with the closure body 32" (*id.* ¶ [0032]), and FIG. 11A shows connector 22 having its snap lever 42 lateral to and apart from base portion 26. And as illustrated in FIG. 11A, connector 22 has the shape of a closed

loop on the cap assembly base and forms an aperture, as required by [7.2]. An object, including a user's finger, may be inserted through the aperture to carry bottle 34. *See, e.g.*, *id.* ¶ [0034] ("A user attaches the bottle closure 20:1 to an object, such as a backpack strap, by depressing the snap lever 42 to allow the back pack strap or the like to be placed within the snap connector 22. Once the closure 20:1 and any accompanying bottle is secured, a user may carry the closure 20:1 with ease.").

It would have been obvious to have included the handle as disclosed in Roth on the bottle cap 1 of Toudou at least to provide a more convenient means for carrying the container than simply grasping its body. In addition to providing a loop for handling bottle cap 1 of Toudou, the snap hook 22 within connector 24 in Roth would provide an additional incentive for more easily and securely attaching and detaching the cup to an object such as a belt loop or purse strap, as explained at length in Roth. *See, e.g.*, Ex. 1015 ¶¶ [0004], [0044]. Further, Roth teaches that "the closure body 32 and the snap hook 22 are formed by a suitable polymer" (*id.* ¶ [0032]), making the handle in Roth a natural combination for use with polypropylene main body 2 in Toudou.

Therefore, Toudou in view of Anderson or Roth teaches and suggests all limitations of claim 7 and, therefore, renders that claim unpatentable under 35 U.S.C. § 103(a) (pre-AIA).

G. Ground 7: Toudou in View of Wright or Tupper Would Have Rendered Obvious Claim 14

14. The drink container of claim 13, wherein the dispensing outlet is defined by a slit that extends through the dispensing face of the resilient mouthpiece.

As indicated for claim 13 above, Toudou discloses that a hole at the tip of suction port 32 on nozzle 3 as a dispensing outlet. *See* Ex. 1008 at Abstract ("The present invention is constituted of a bottle cap with a nozzle, … comprising: a nozzle provided with a suction port at its tip …"); *id.* ¶ [0014] ("The other end of the flow path … penetrates through the suction port 32 and opens at the tip, …"). Wright and Tupper further teach openings within a dispensing end of a resilient mouthpiece that is defined by a slit.

Wright teaches a duck bill valve for a mouthpiece on a drinking cup. Ex. 1009. The mouthpiece is shaped similarly to suction port 32 in Toudou, having a flared end formed with a lipped rim. The mouthpiece includes an outlet defined by a slit 44, as illustrated in FIGS. 2A, 2D, and 2E below:

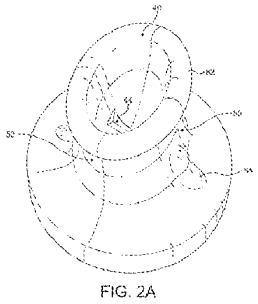


FIG. 2A

Wright Resilient Mouthpiece

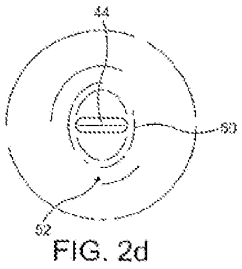


FIG. 2d

Slit 44 in Closed Position

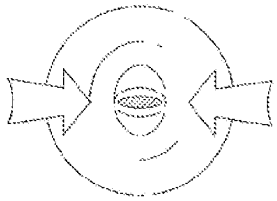


FIG. 2e

Slit 44 in Open Position

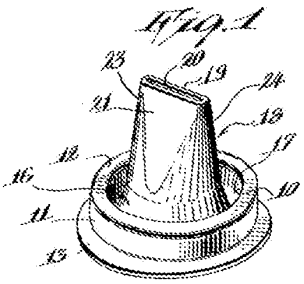
Wright explains that opening 44 corresponds to a slit: "Referring to figure 2D, the upper mouthpiece portion can be viewed as being substantially oval in cross-section having two 'long sidewalls' 50 visible in front cross-section and two 'short sidewalls' 52 visible in side cross-section terminating in a concave top. The duck bill valve 44 is located perpendicular to the long sidewalls 50." Ex. 1009 at 5:2-5.

It would have been obvious to have implemented a slit mouthpiece as taught by Wright in suction port 32 of Toudou to result in a dispensing outlet "defined by a slit that extends through the dispensing face of the resilient mouthpiece," as recited in claim 14. Toudou teaches that its bottle cap 1 can be applied to "baby bottles" (Ex. 1008 ¶ [0027]), while Wright explains that its duck bill mouthpiece with slit opening enables infants to drink more naturally:

> A particular advantage of the configuration according to the present invention is that it allows a natural drinking action especially in younger infants. In order to open the duck bill valve, lateral pressure on the mouthpiece by the infant's teeth, lips or gums is required. While this pressure can result from normal biting or squeezing, the 'stripping' action used by an infant when breastfeeding will also open the duck bill valve. It is well established that this stripping action is beneficial to the infant's dental development and that the transition to a pure sucking action too early can be detrimental.

Ex. 1009 at 6:15-22. Thus, an apparent reason to implement a slit mouthpiece as in Wright to suction port 32 in Toudou would have been to improve the "natural drinking action especially in younger infants" as taught by Wright when applying bottle cap 1 with suction port 32 of Toudou for use with "baby bottles" as taught by Toudou. Moreover, the shape of upper mouthpiece portion 40 in Wright is highly similar to the shape of suction port 32 in Toudou, further suggesting the interchangeability of the teachings regarding their mouthpieces for drinking bottles.

Tupper discloses an elongated slot 20 in the dispensing end of mouthpiece of "resilient plastic material" for consuming fluid contents from a container, as shown for example in FIG. 1. Ex. 1011 at 1:15-17, 3:45. The mouthpiece is primarily intended for use by infants and other children. The shape of slot 20 can aid in drawing liquid from the bottle when the mouthpiece is "squeezed or deformed by the mouth or teeth of the user," "wherein the sipping or drawing operation is capable of functioning … by alternate lip or teeth compression of the tubular structure to force fluid contents therethrough based on the principle of nipple feeding." Ex. 1011 at 1:41-49; *id.* at 3:40-42 ("the dispensing end is capable of being squeezed or deformed by the mouth or teeth of the user …").



In addition, slot 20 helps to retain liquid if the bottle is overturned. As explained in Tupper, "[W]hen the elongated slot 20 of the sipper seal is held in any non-drinking position capable of creating a gravity flow toward slot 20, the fluid tends to completely fill the entire area of the slot to check spillage by reason of fluid capillarity and surface tension." *Id.* at 3:29-34; *id.* at 4:16-19 ("said slot serving either as a withdrawing outlet for fluid contents or to check the flow of said fluid contents when the vessel lies in horizontal or other leaking position").

It additionally would have been obvious to have implemented a slit mouthpiece as taught by Tupper in suction port 32 of Toudou to result in a dispensing outlet "defined by a slit that extends through the dispensing face of the resilient mouthpiece," as recited in claim 14. Toudou teaches that its bottle cap 1 can be applied to "baby bottles" (Ex. 1008 ¶ [0027]), while Tupper explains that the slot or slit within its mouthpiece opening provides several advantages, including promoting lip or teeth compression to force fluid contents out "based on the principle of nipple feeding" (Ex. 1011 at 1:41-49) and avoiding leakage through capillary action if the opened container is overturned (*id.* at 3:29-34). Thus, apparent reasons to implement a slot in a mouthpiece as in Tupper for suction port 32 in Toudou would have been to achieve these stated benefits of Tupper in suction port 32 of Toudou at least when bottle cap 1 of Toudou is applied to "baby bottles."

Therefore, Toudou in view of Wright or Tupper teaches and suggests all limitations of claim 14 and, therefore, renders that claim unpatentable under 35 U.S.C. § 103(a) (pre-AIA).

H. Ground 8: Alternatively, Toudou in View of Wright Would Have Rendered Obvious Claims 1, 3-5, 8, 13, 14, 18, and 19

While Toudou inherently discloses a resilient mouthpiece as recited in independent claim 1 (or renders that subject matter obvious), Toudou in view of Wright would also have rendered obvious claims 1, 3-5, 8, 13, 14, 18, and 19 of the '255 Patent under 35 U.S.C. § 103(a) (pre-AIA), as explained below.

1. Claim 1

[1.pre] A drink container, comprising: [1.1] a fluid container having a neck with an opening and having an internal compartment sized to hold a volume of potable drink fluid;

See Discussion of Toudou in Ground 4, [1.pre], *supra*, which is incorporated by reference.

[1.2] a cap assembly removably coupled to the fluid container to cover the opening, wherein the cap assembly defines

See Discussion of Toudou in Ground 4, [1.2], *supra*, which is incorporated by reference.

[1.2.1] a fluid conduit for drink fluid to flow from the fluid container and through the cap assembly to a user, wherein the fluid conduit includes [1.2.2] an inlet through which drink fluid from the fluid container may enter the fluid conduit, and [1.2.3] a dispensing outlet through which drink fluid in the fluid conduit may be dispensed from the cap assembly to a user, and further wherein the cap assembly comprises:

See Discussion of Toudou in Ground 4, [1.2.1], [1.2.2], and [1.2.3], *supra*, which are incorporated by reference.

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

See Discussion of Toudou in Ground 4, [1.3], *supra*, which is incorporated by reference.

[1.4] a pivotal mount coupled to the cap assembly base for pivotal movement relative to the cap assembly base,

See Discussion of Toudou in Ground 4, [1.4], *supra*, which is incorporated by reference.

[1.4.1] wherein the pivotal mount includes a pair of lateral projections, [1.4.2] wherein the cap assembly base defines a pair of sockets into which the pair of lateral projections extend;

See Discussion of Toudou in Ground 4, [1.4.1] and [1.4.2], *supra*, which are incorporated by reference.

[1.5] a resilient mouthpiece coupled to the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base,

Toudou discloses a mouthpiece in the form of suction port 32 coupled to the pivotal mount, i.e., nozzle 3, by being integrated with nozzle 3 for pivotal movement with nozzle 3 relative to the cap assembly base, i.e., main body 2 of bottle cap 1. *See* Ex. 1008 at Abstract ("bottle cap with a nozzle comprising: a nozzle provided with a suction port at its tip and rotation shafts on both sides of the base portion … wherein the flow path of the internal liquid is opened or closed in connection with tup and down motion associated with the rotation of the nozzle."). As explained for Ground 4 above, Toudou alone inherently anticipates, or would have rendered obvious, that suction port 32 is a "resilient" mouthpiece in [1.5]. It also, or alternatively, would have been obvious over Toudou in view of Wright to have coupled a resilient mouthpiece to the pivotal mount by making integrated suction port 32 from resilient material for pivotal movement with nozzle 3 relative to cap base 2, as explained below.

In the same field of endeavor as Toudou and the '255 Patent, Wright discloses a cover for a drinking vessel and teaches a resilient mouthpiece coupled to a mount, as recited in [1.5]. According to Wright, "biting or prolonged sucking on a spout can lead to tooth damage" and, in response, Wright advocates use of a mouthpiece that deforms from biting forces on "flexible resilient material and hence does not damage the user's teeth." *Id.* at 1:17-18, 2:18-21. Wright teaches that such a flexible mouthpiece may be made of a resilient elastomeric material such as polyurethane rubber. Ex. 1009 at Abstract, 2:7-8, 2:18-21, 4:21-22.

Additionally, Wright teaches multiple configurations for coupling a resilient mouthpiece to a mount. First, Wright explains that only the tip of its mouthpiece could be made resilient—"[t]he mouthpiece can be provided with a portion of the mouthpiece for example the top portion being flexible" (*id.* at 7:8-9)—which would result in the resilient mouthpiece being integrated into its base as a mount. "Alternatively, the whole of the mouthpiece may be flexible." *Id.* at 7:8-10. In that situation, the resilient mouthpiece may be molded onto a polypropylene base "via a second shot process" as taught by Wright, which base may be part of the drinking vessel. *Id.* at 4:11-13. Third, the polypropylene base 26 on

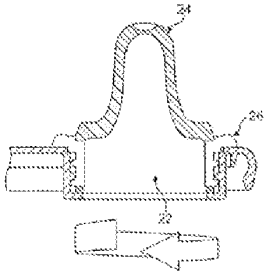
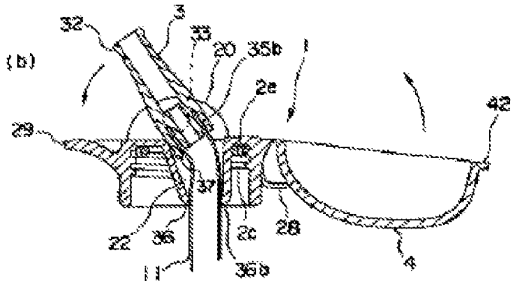


FIG. 1C

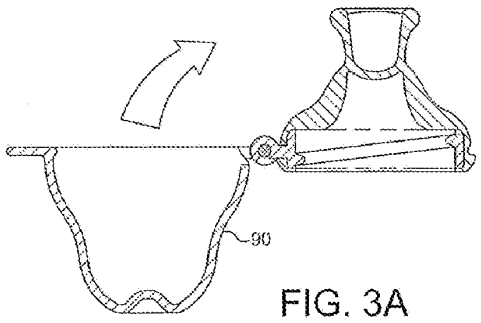
which the resilient mouthpiece 24 is molded may be configured for removal from the drinking vessel, such as by threading as shown in FIG. 1C.

Based on these teachings, it would have been obvious for a person of ordinary skill in the art to have modified bottle cap 1 in Toudou to have a resilient mouthpiece integrally coupled to nozzle 3 to avoid "tooth damage" from "biting or prolonged sucking on [the] spout" as taught by Wright. *Id.* at 1:16-21; *id.* at 6:24-26 ("In addition, because the mouthpiece is of flexible material ... physical damage to the infant's teeth is reduced or avoided."). The teachings of Wright provide a variety of options for implementing a resilient mouthpiece on nozzle 3. For instance, only "a portion of the mouthpiece for example the top portion," i.e., suction port 32 of nozzle 3, could be made of resilient material (*see id.* at 7:8-9), or "the whole of the mouthpiece may be flexible" (*id.* at 7:8-10), i.e., all of nozzle 3. Wright also contemplates the joinder of its resilient mouthpiece with other materials, such as polypropylene, which is the material of bottle cap 1 in Toudou (Ex. 1008 ¶ [0011]) and the material of cup body 12, cover 16, and threaded locking ring 26 in Wright (Ex. 1009 at 4:5-6, 4:11-17). With this joinder, the resilient mouthpiece in Wright may be fixed to the drinking vessel or to a detachable mount such as ring 26. Ex. 1009 at 4:11-17.

In addition, a modification of nozzle 3 in Toudou with a resilient mouthpiece as taught by Wright would have flowed from the similarity of mouthpieces taught in the two references. Both suction port 32 in Toudou and the resilient mouthpiece in Wright as a duckbill (*see* FIGS. 2A-E, 3A, and 3B) have a narrowed neck that culminates in a lipped outer rim, as shown in the figures below:



Toudou FIG. 8(b)



Wright FIG. 3A

This physical similarity between components for performing the same function of sucking liquid from a bottle further suggests the substitutability of at least the top portion of the resilient

mouthpiece in Wright for suction port 32 in Toudou. *See KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 415-16 (2007) ("[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results."). Each mouthpiece is shaped in a way to facilitate manipulation of the mouthpiece with a user's lips and teeth. Ex. 1008 (Toudou) at FIGS. 5-8 ("suction port" 32); Ex. 1009 (Wright) at 5:19-24 ("To aid orientation of the mouthpiece in the mouth, the mouthpiece (40) may comprise a lipped rim (82) and one or more dimples (84). The mouth of the user is guided between the rim (82) and the dimples (84) so that the biting or stripping action occurs such that a sideways force is applied in the same direction …"); *id.* at 7:4-6 ("the user can control the flow rates by varying the force exerted on the mouthpiece"); *id.* at 7:6-8 ("In addition the responsiveness [of the mouthpiece] can be varied by altering the materials, their softness/hardness flexibility or their thickness.").

In short, Toudou and Wright together teach and suggest the subject matter recited in [1.5] for the purpose of protecting a user's teeth from damage by a non-resilient mouthpiece and for the purpose of enhancing the suction action on the mouthpiece to extract liquid from the bottle.

As a result, Toudou in view of Wright teaches and suggests the subject matter of claim element [1.5].

[1.5.1] wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets;

See Discussion of Toudou in Ground 4, [1.5.1], *supra*, which is incorporated by reference.

It necessarily follows that a resilient mouthpiece coupled to nozzle 3 by being integral with nozzle 3, as discussed above for element [1.5], would move together with nozzle 3. Thus, a resilient mouthpiece as taught by Wright would likewise, and necessarily, be pivotal about an axis defined by the pair of lateral projections when nozzle 3 pivots as the pair of lateral projections rotate within the pair of sockets, as recited in [1.5.1].

[1.5.2] wherein the resilient mouthpiece defines a portion of the fluid conduit, including the dispensing outlet;

See Discussion of Toudou in Ground 4, [1.5.2], *supra*, which is incorporated by reference.

In addition, Wright teaches and suggests a resilient mouthpiece integrally coupled to a spout or nozzle that defines a portion of the fluid conduit, including the dispensing outlet, as recited in [1.5.2]. The vessel cover in Wright includes "a flexible mouthpiece (24) defining a flow passage

from the vessel body." Ex. 1009 at Abstract. For an upper mouthpiece portion 40 with a duck bill valve 44 in Wright, "[a]s a sideways force is applied to the long sidewalls 50, the duck bill valve is forced open allowing the flow of fluid." *Id.* at 6:1-2; *see id.* at FIG. 2C. Indeed, a purpose of a mouthpiece for consuming liquids is to provide a portion of a fluid conduit including a dispensing outlet for the user. Thus, a resilient mouthpiece as taught by Wright further defines a portion of the fluid conduit, including the dispensing outlet, as recited in [1.5.2].

[1.6] wherein the resilient mouthpiece and the pivotal mount are configured to be selectively pivoted between a stowed position and a dispensing position, and further [1.6.1] in the dispensing position, the dispensing outlet is positioned further away from the cap assembly base than when the resilient mouthpiece and the pivotal mount are in the stowed position;

See Discussion of Toudou in Ground 4, [1.6] and [1.6.1], *supra*, which is incorporated by reference.

It necessarily follows that a resilient mouthpiece coupled to nozzle 3 by being integral with nozzle 3 as discussed above for [1.5] would move together with nozzle 3. Thus, a resilient mouthpiece as taught by Wright would likewise, and necessarily, be selectively pivoted between a stowed and dispensing position as nozzle 3 moves, and, in the dispensing position, the dispensing outlet would be positioned further away from the cap assembly base than when the resilient mouthpiece and the pivotal mount are in the stowed position, as recited in [1.6] and [1.6.1].

[1.6.2] wherein the resilient mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth; and

As explained for Ground 4 above, Toudou alone inherently anticipates, or would have rendered obvious, that suction port 32 is "adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth" in [1.6.2]. Element [1.6.2] also, or alternatively, would have been obvious over Toudou in view of Wright.

As discussed above for [1.5], it would have been obvious to have integrated a resilient mouthpiece to the pivotal mount, i.e., nozzle 3 and suction port 32, in view of Wright. This secondary reference teaches and suggests that its resilient mouthpiece is adapted to resiliently compress responsive to compressive forces applied by a user's teeth, as claimed.

For example, Wright is specifically directed to avoid "tooth damage" that can occur from "biting or prolonged sucking on a spout" and addresses that risk with a mouthpiece that has "flexible resilient material and hence does not damage the user's teeth." Ex. 1009 at 1:17-18, 2:18-21. Moreover, in some embodiments, Wright teaches the use of a duck bill valve that operates from compressive forces applied by a user's teeth on the resilient mouthpiece, as shown here by the arrows in FIG. 2C. *Id.* at 5:26-6:1 ("In use, the action of pursing, biting or stripping the mouthpiece in the direction of the duck bill valve causes the opening of the duck bill valve and allows fluid flow."), *id.* at 5:20-24 ("The mouth of the user is guided between the rim (82) and the dimples (84) so that the biting or stripping action occurs such that a sideways force is applied in the same direction on the duck bill valve to ensure opening of the duck bill valve and resulting flow of liquid."); *see* also *id.* at 5:10-11, 5:16-17.

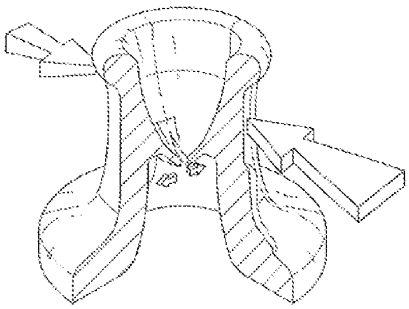


FIG. 2C

As a result, further to the discussion above for [1.5] regarding the combinability of Toudou with Wright, this secondary reference also teaches and suggests the subject matter of claim element [1.6.2].

[1.7] a manual on/off valve having a closed configuration, in which the manual on/off valve obstructs the fluid conduit to restrict drink fluid from flowing between the inlet and the dispensing outlet, and [1.7.1] an open configuration, in which the manual on/off valve permits drink fluid to flow through the fluid conduit from the inlet to the dispensing outlet;

See Discussion of Toudou in Ground 4, [1.7], *supra*, which is incorporated by reference.

[1.7.2] wherein the manual on/off valve includes a flexible tube that defines a portion of the fluid conduit;

See Discussion of Toudou in Ground 4, [1.7.2], *supra*, which is incorporated by reference.

[1.7.3] wherein when the manual on/off valve is in the closed configuration, the tube is crimped to obstruct the flow of drink fluid through the fluid conduit; and [1.7.4] wherein when the manual on/off valve is in the open configuration, the tube is not crimped and does not obstruct the flow of drink fluid through the fluid conduit.

See Discussion of Toudou in Ground 4, [1.7.3] and [1.7.4], *supra*, which are incorporated by reference.

In short, Toudou in view of Wright teaches and suggests all limitations of claim 1 and, therefore, renders that claim unpatentable under 35 U.S.C. § 103(a) (pre-AIA).

2. Claim 3

3. The drink container of claim 1, [3.1] wherein the cap assembly includes a pair of lateral guards that extend on opposed sides of the resilient mouthpiece when the resilient mouthpiece and the pivotal mount are in the stowed position,

See Discussion of Toudou in Ground 4, [3.1], *supra*, which is incorporated by reference.

It necessarily follows that a resilient mouthpiece coupled to nozzle 3 by being integral with nozzle 3, as discussed above for element [1.5], would move together with nozzle 3 into its prone state. Thus, a pair of lateral guards in the form of "opposing wall surfaces" within storage groove 21 of support portion 20 and side walls of closed lid 4 would likewise, and necessarily, extend on lateral sides of a resilient mouthpiece as taught by Wright when the resilient mouthpiece and the pivotal mount are in the stowed position, as recited in [3.1].

[3.2] and further wherein the cap assembly includes a dust cover extending between the pair of lateral guards and positioned to protect the dispensing outlet of the resilient mouthpiece by extending across at least a portion of the dispensing outlet of the resilient mouthpiece when the resilient mouthpiece and the pivotal mount are in the stowed position.

See Discussion of Toudou in Ground 4, [3.2], *supra*, which is incorporated by reference.

It necessarily follows that a resilient mouthpiece coupled to nozzle 3 by being integral with nozzle 3 would move together with nozzle 3 into its prone state. Thus, the dust cover of the top and front of lid 4, which extends between the pair of lateral guards in the form of "opposing wall surfaces" within storage groove 21 of support portion 20 and between side walls of closed lid 4, and each of which extends across at least a portion of the dispensing outlet, would be positioned to also protect a resilient mouthpiece as taught by Wright when the resilient mouthpiece and the pivotal mount are in the stowed position, as in [3.2].

As a result, Toudou in view of Wright teaches and suggests all limitations of claim 3 and, therefore, renders that claim unpatentable under 35 U.S.C. § 103(a) (pre-AIA).

3. Claim 4

4. The drink container of claim 3, wherein when the resilient mouthpiece is pivoted from the stowed position to the dispensing position, the resilient mouthpiece pivots away from the dust cover.

See Discussion of Toudou in Ground 4, [Claim 4], *supra*, which is incorporated by reference.

It necessarily follows that a resilient mouthpiece coupled to nozzle 3 by being integral with nozzle 3, as discussed above for claim element [1.5], would move together with nozzle 3 from its prone state to its dispensing state. Thus, a resilient mouthpiece as taught by Wright would also pivot away from the dust cover along with suction port 32, as recited in claim 4.

As a result, Toudou in view of Wright teaches and suggests all limitations of claim 3 and, therefore, renders that claim unpatentable under 35 U.S.C. § 103(a) (pre-AIA).

4. Claim 5

5. The drink container of claim 3, wherein the dust cover projects above an upper surface of the cap assembly base.

See Discussion of Toudou in Ground 4, [Claim 5], *supra*, which is incorporated by reference.

Accordingly, Toudou discloses the limitations recited in claim 5, and Toudou in view of Wright would have rendered obvious the subject matter of claim 5.

5. Claim 8

8. The drink container of claim 1, wherein the resilient mouthpiece is permanently secured to the pivotal mount.

Toudou discloses a pivotal mount as claimed (*see* discussion for element [1.4] above), while Toudou in view of Wright teaches and suggests a resilient mouthpiece, e.g., mouthpiece 24 in Wright, coupled to a pivotal mount (*see* discussion for element [1.5] above). Toudou in view of Wright further teaches and suggests the subject matter of dependent claim 8 in that the resilient mouthpiece is "permanently secured to the pivotal mount." As explained above for claim construction, "permanently secured" at least for purposes of the '255 Patent refers to two distinct or integrated structures (viz., a resilient mouthpiece and a pivotal mount) not intended to be

separated without destruction of at least a portion of the structures and/or the mechanism that joins the structures.

Wright teaches that a resilient mouthpiece for a user may be integrated with, and not intended to be separated from, a mount. For example, "the whole of the mouthpiece may be flexible" and then molded onto a polypropylene base "via a second shot process." Ex. 1009 at 4:11-17. Alternatively, the mouthpiece could be partially resilient and partially non-flexible: "[t]he mouthpiece can be provided with a portion of the mouthpiece for example the top portion being flexible." *Id.* at 7:8-10. In either embodiment, the resilient mouthpiece is integrated together with a polypropylene or other non-flexible base on which the mouthpiece is permanently mounted. *Id.* at 8:5-7 ("The components are of a size and shape that remove any choking hazard and again makes cleaning more easy - for example the mouthpiece comprises a single integral piece."), 3:1 ("Fig. 1c shows a sectional view of the cover with an integrally moulded spout"); 3:14 ("Fig. 3a shows a sectional view of the spout integrally moulded onto a screw ring …"). Therefore, Toudou in view of Wright teaches and suggests all limitations of claim 8.

It would have been obvious to have implemented the resilient mouthpiece as taught by Wright as suction port 32 within an integral structure of nozzle 3 in Toudou at least because a unitary nozzle and mouthpiece structure is what Toudou describes. Moreover, an integrated mouthpiece and pivotal mount or spout results in fewer parts, which as taught by Toudou eases disassembly and washing (Ex. 1008 ¶ [0018]) and reduces costs (*id.* at Abstract ("The present invention realizes a bottle cap with a nozzle that enables … the cost to be reduced by lowering the number of parts with a simple configuration and is convenient to handle and compact."), [0021] ("the number of parts and the number of assembling steps can be reduced, which can contribute to the cost reduction")). Therefore, Toudou in view of Wright renders claim 8 unpatentable under 35 U.S.C. § 103(a) (pre-AIA).

6. Claim 13

13. The drink container of claim 1, wherein the resilient mouthpiece includes a dispensing face, and further wherein the dispensing outlet extends through the dispensing face of the resilient mouthpiece.

See Ground 4, [Claim 13], *supra*, which is incorporated by reference.

As discussed above for [1.5], it would have been obvious to have integrated a resilient mouthpiece to the pivotal mount, i.e., nozzle 3 and suction port 32, in view of Wright. It follows

that a resilient mouthpiece coupled to nozzle 3 by being integral with nozzle 3, as discussed above for claim element [1.5], would further define a dispensing outlet so that the liquid could be extracted from the bottle by the user, as taught by Wright. Specifically, this secondary reference discloses a dispensing face within a resilient mouthpiece through which a dispensing outlet extends. *See* Ex. 1009 (Wright) at FIG. 2A (upper mouthpiece portion 40 above duck bill valve 44).

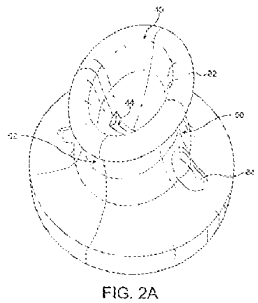
Accordingly, Toudou in view of Wright would have rendered obvious the subject matter recited in claim 13.

7. Claim 14

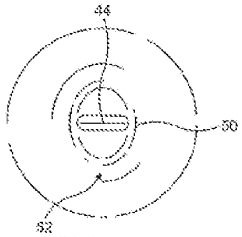
14. The drink container of claim 13, wherein the dispensing outlet is defined by a slit that extends through the dispensing face of the resilient mouthpiece.

As indicated for claim 13 above, Toudou discloses that a hole at the tip of suction port 32 on nozzle 3 as a dispensing outlet. *See* Ex. 1008 at Abstract ("The present invention is constituted of a bottle cap with a nozzle, … comprising: a nozzle provided with a suction port at its tip …"); *id.* ¶ [0014] ("The other end of the flow path … penetrates through the suction port 32 and opens at the tip, …").

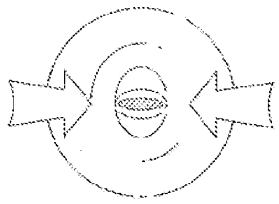
Wright further teaches an opening within a dispensing end of a resilient mouthpiece that is defined by a slit. Specifically, Wright teaches a duck bill valve, shaped similarly to suction port 32 in Toudou, as part of its resilient mouthpiece including an outlet defined by a slit 44, as illustrated in FIGS. 2A, 2D, and 2E below:



Wright Resilient Mouthpiece



Slit 44 in Closed Position



Slit 44 in Open Position

Wright explains that opening 44 corresponds to a slit: "Referring to figure 2D, the upper mouthpiece portion can be viewed as being substantially oval in cross-section having two 'long sidewalls' 50 visible in front cross-section and two 'short sidewalls' 52 visible in side cross-section

terminating in a concave top. The duck bill valve 44 is located perpendicular to the long sidewalls 50." Ex. 1009 at 5:2-5. Therefore, Toudou in view of Wright teaches and suggests all limitations of claim 14.

It would have been obvious in view Wright to implement a slit opening within suction port 32 of Toudou, which is explicitly intended for possible use in "baby bottles." Ex. 1008 ¶ [0027]. In doing so, "the vessel promotes a healthy drinking action, especially for infants," which according to Wright occurs when the outlet "opens under a pursing, biting or stripping action rather than sucking. " Ex. 1009 at 2:13-18; 5:14-17; 6:15-24 ("It is well established that this stripping action is beneficial to the infant's dental development and that the transition to a pure sucking action too early can be detrimental."). Therefore, Toudou in view of Wright renders claim 14 unpatentable under 35 U.S.C. § 103(a) (pre-AIA).

8. Claim 18

18. The drink container of claim 1, wherein the pivotal mount is adapted to selectively engage the flexible tube to apply crimping forces thereto and thereby configure the manual on/off valve to the closed configuration as the pivotal mount is pivoted from the dispensing position to the stowed position.

See Discussion of Toudou in Ground 4, [Claim 18], *supra*, which is incorporated by reference.

Accordingly, Toudou discloses the limitations recited in dependent claim 18, and claim 18 would have been obvious over Toudou in view of Wright.

9. Claim 19

19. The drink container of claim 1, wherein the flexible tube is secured to the pivotal mount.

See Discussion of Toudou in Ground 4, [Claim 19], *supra*, which is incorporated by reference.

As a result, Toudou discloses the limitations recited in dependent claim 19, and claim 19 would have been obvious over Toudou in view of Wright.

I. Ground 9: Alternatively, Toudou in View of Wright, Further in View of Anderson, Would Have Rendered Obvious Claim 6

As explained for Ground 5 above, Toudou in view of Anderson would have rendered obvious the subject matter of claim 6. Claim 6 also, or alternatively, would have been obvious over

Toudou in view of Wright, further in view of Anderson under 35 U.S.C. § 103(a) (pre-AIA), as explained below.

6. The drink container of claim 3, wherein the cap assembly further includes a handle that extends from the cap assembly base and includes the pair of lateral guards and the dust cover.

See Discussion of Toudou and Anderson in Ground 5, [Claim 6], *supra*, which is incorporated by reference.

Accordingly, Toudou in view of Anderson teaches and suggests the limitations recited in claim 6, and Toudou in view of Wright, further in view of Anderson renders that claim unpatentable under 35 U.S.C. § 103(a) (pre-AIA).

J. Ground 10: Alternatively, Toudou in View of Wright, Further in View of Anderson or Roth, Would Have Rendered Obvious Claim 7

As explained for Ground 6 above, Toudou in view of Anderson or Roth would have rendered obvious the subject matter of claim 7. Claim 7 also, or alternatively, would have been obvious over Toudou in view of Wright, further in view of Anderson or Roth under 35 U.S.C. § 103(a) (pre-AIA), as explained below.

7. The drink container of claim 1, wherein the cap assembly further comprises a handle [7.1] that extends in a fixed orientation from the cap assembly base and, [7.2] which defines a closed loop with an aperture through which a user's finger may be inserted to carry the drink container.

See Discussion of Toudou, Anderson, and Roth in Ground 6, [Claim 7], *supra*, which is incorporated by reference.

Therefore, Toudou in view of Anderson or Roth teaches and suggests the limitations recited in claim 7, and Toudou in view of Wright, further in view of Anderson or Roth renders that claim unpatentable under 35 U.S.C. § 103(a) (pre-AIA).

K. Ground 11: Alternatively, Toudou in View of Canham, Further in View of Heise, Would Have Rendered Obvious Claims 1, 3-5, 13, 18, and 19

While Toudou inherently discloses a resilient mouthpiece as recited in independent claim 1 (or renders that subject matter obvious), and Toudou and Wright render obvious a resilient mouthpiece integrally coupled to a pivotal spout within the scope of the claims, Toudou in view

of Canham, further in view of Heise, would also have rendered obvious claims 1, 3-5, 13, 18, and 19 of the '255 Patent under 35 U.S.C. § 103(a) (pre-AIA), as explained below.

1. Claim 1

[1.pre] A drink container, comprising: [1.1] a fluid container having a neck with an opening and having an internal compartment sized to hold a volume of potable drink fluid;

See Discussion of Toudou in Ground 4, [1.pre], *supra*, which is incorporated by reference.

[1.2] a cap assembly removably coupled to the fluid container to cover the opening, wherein the cap assembly defines

See Discussion of Toudou in Ground 4, [1.2], *supra*, which is incorporated by reference.

[1.2.1] a fluid conduit for drink fluid to flow from the fluid container and through the cap assembly to a user, wherein the fluid conduit includes [1.2.2] an inlet through which drink fluid from the fluid container may enter the fluid conduit, and [1.2.3] a dispensing outlet through which drink fluid in the fluid conduit may be dispensed from the cap assembly to a user, and further wherein the cap assembly comprises:

See Discussion of Toudou in Ground 4, [1.2.1], [1.2.2], and [1.2.3], *supra*, which are incorporated by reference.

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

See Discussion of Toudou in Ground 4, [1.3], *supra*, which is incorporated by reference.

[1.4] a pivotal mount coupled to the cap assembly base for pivotal movement relative to the cap assembly base,

See Discussion of Toudou in Ground 4, [1.4], *supra*, which is incorporated by reference.

[1.4.1] wherein the pivotal mount includes a pair of lateral projections, [1.4.2] wherein the cap assembly base defines a pair of sockets into which the pair of lateral projections extend;

See Discussion of Toudou in Ground 4, [1.4.1] and [1.4.2], *supra*, which are incorporated by reference.

[1.5] a resilient mouthpiece coupled to the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base,

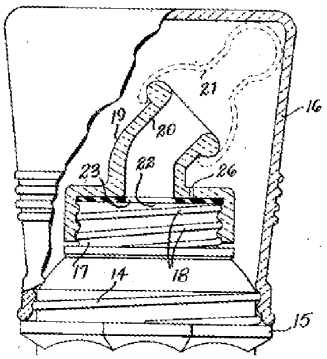
Toudou discloses a mouthpiece in the form of suction port 32 coupled to the pivotal mount, i.e., nozzle 3, by being integrated with nozzle 3 for pivotal movement with nozzle 3 relative to the cap assembly base, i.e., main body 2 of bottle cap 1. *See* Ex. 1008 at Abstract ("bottle cap with a nozzle comprising: a nozzle provided with a suction port at its tip and rotation shafts on both sides of the base portion … wherein the flow path of the internal liquid is opened or closed in connection with tup and down motion associated with the rotation of the nozzle."). As explained for Ground 4 above, Toudou alone inherently anticipates, or would have rendered obvious, that suction port 32 is a "resilient" mouthpiece in [1.5]. It also, or alternatively, would have been obvious over Toudou in view of Canham, further in view of Heise, to have coupled a resilient mouthpiece to the pivotal mount by attaching a resilient mouthpiece to suction port 32, for pivotal movement with nozzle 3 relative to cap base 2, as explained below.

In the same field of endeavor as Toudou and the '255 Patent, Canham discloses a bottle 11 for dispensing liquids with a cap threadedly engaged onto a reduced neck portion 17 of the bottle. The cap, termed nipple adapter member 19, is illustrated in FIGS. 1 and 5 of Canham as secured to the top of bottle 11. A "conventional nipple 21" is received onto the outlet end of adapter member 19, from which a baby may be fed. Ex. 1013 at 1:55-56, 2:21-23. Because conventional nursing nipples are resilient mouthpieces intended to promote and accommodate a baby's sucking, Canham teaches to couple a resilient mouthpiece in the form of nipple 21 to a dispensing mount pivoted "at about 45° to the axis of the container" and extending from within a cap threaded on the neck of the container, in accordance with [1.5].

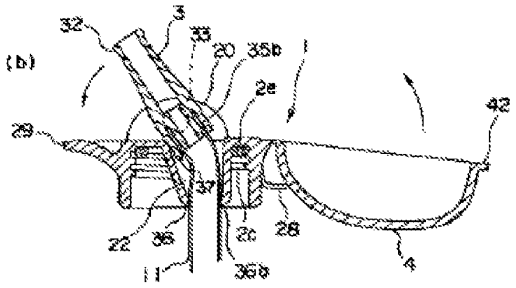
The reasons for mounting "a conventional nipple 21" of Canham on suction port 32 in Toudou flow from the two references. Toudou explains that pivoting nozzle 3 within its bottle cap so that suction port 32 is at an angle provides more comfortable drinking: "[S]ince the nozzle (straw) does not project vertically upward unlike the conventional containers shown in FIGS. 9 and 10, the internal liquid can conveniently be drunk in a comfortable posture without unreasonably tilting the head or upper body." *Id.* ¶ [0029]; *id.* at Abstract ("The present invention realizes a bottle cap with a nozzle that enables the nozzle to be tilted at an appropriate angle to facilitate drinking …."). Canham also recognizes the increased comfort in drinking from an angled spout and mouthpiece: "The inclined relation of passage 20 of adapter 19 to the axis of the container makes it possible to feed the infant in many different positions comfortably." *Id.* at 2:21-23; *id.* at 2:29-31 ("The angle top makes it easy to handle the container regardless of which way

the baby turns."). And while Toudou explains that its cap 1, with nozzle 3 and suction port 32, can be applied to "baby bottles" (Ex. 1008 ¶ [0027]), Canham teaches the improvement of coupling a nipple 21 to a pivoted spout that is screwed on to the neck of a baby bottle for comfortably feeding a baby. Thus, coupling nipple 21 of Canham to suction port 23 of Toudou would have extended the use of bottle cap 1 in Toudou to "baby bottles," while maintaining the comfort advantages from an angular spout recognized in both references.

The parallels between Canham and Toudou are evident from a comparison of the top portion of FIG. 1 in Canham and FIG. 8(b) of Toudou, as shown below:



Canham Portion of FIG. 1



Toudou FIG. 8(b)

Both caps feature an angled spout for dispensing liquid through a cap threaded onto their bottle. Both spouts culminate in a rimmed lip at the outlet. Shaped like suction port 32 in Toudou, the top end of spout, or nipple adapter member 19, in Canham "is formed to receive a conventional nipple 21" about its rimmed lip for nursing a baby. Ex. 1013 at 1:55-56.

While it is common knowledge—and common sense—that a "conventional nipple" for bottle-feeding a baby as taught by Canham is a "resilient mouthpiece" designed to simulate a mother's breast and to foster sucking behavior for the baby, Heise (Ex. 1012) confirms this fact. Contemporary to Canham, Heise discloses a nipple for use on the spout of a baby bottle. The nipple is made of resilient rubber: "The body is of soft rubber of sufficient thickness to normally retain the shape disclosed in Figure 1 and its outer end 1 which is formed with an outlet opening 4 at its center, is substantially spherical in shape and molded about a reinforcement 5 formed of tough resilient rubber." Ex. 1012 at 2:8-14.

In short, the combination of Toudou and Canham, further in view of Heise, teaches and suggests the subject matter recited in [1.5] for the purpose of comfortably feeding a baby through an angled spout within a bottle cap screwed onto a neck of the bottle.

[1.5.1] wherein the resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections as the pair of lateral projections rotate within the pair of sockets;

See Discussion of Toudou in Ground 4, [1.5.1], *supra*, which is incorporated by reference.

It necessarily follows that a resilient mouthpiece coupled to nozzle 3 by being attached to nozzle 3, as discussed above for element [1.5], would move together with nozzle 3. Thus, a resilient mouthpiece as taught by Canham and Heise would likewise, and necessarily, be pivotal about an axis defined by the pair of lateral projections when nozzle 3 pivots as the pair of lateral projections rotate within the pair of sockets, as recited in [1.5.1].

[1.5.2] wherein the resilient mouthpiece defines a portion of the fluid conduit, including the dispensing outlet;

See Discussion of Toudou in Ground 4, [1.5.2], *supra*, which is incorporated by reference.

In addition, Canham and Heise teach and suggest a resilient mouthpiece coupled to a spout or nozzle that defines a portion of the fluid conduit, including the dispensing outlet, as recited in [1.5.2]. In Canham, "withdrawal of fluid by the infant" occurs "a substantial continuous flow of fluid to the infant while nursing" occurs through an outlet passage 20 of nipple adapter member 19 and "a conventional nipple 21." Ex. 1013 at 1:7-9, 1:49-56. In Heise, "when this nipple is in its normal condition and applied to a bottle, milk can flow freely from the bottle through the neck 3 into the head or front end 1 and fill the interior of the nipple." Ex. 1012 at 2:43-47. Pressure and suction from the child "causes milk in this chamber to pass out through the discharge opening 4…." *Id.* at 3:3-5. Indeed, a purpose of any mouthpiece for consuming liquids from a bottle is to provide a portion of a fluid conduit leading to a dispensing outlet for the user. Thus, a resilient mouthpiece as taught by Canham and Heise further defines a portion of the fluid conduit, including the dispensing outlet, as recited in [1.5.2].

[1.6] wherein the resilient mouthpiece and the pivotal mount are configured to be selectively pivoted between a stowed position and a dispensing position, and further [1.6.1] in the dispensing position, the dispensing outlet is positioned further away from the cap assembly base than when the resilient mouthpiece and the pivotal mount are in the stowed position;

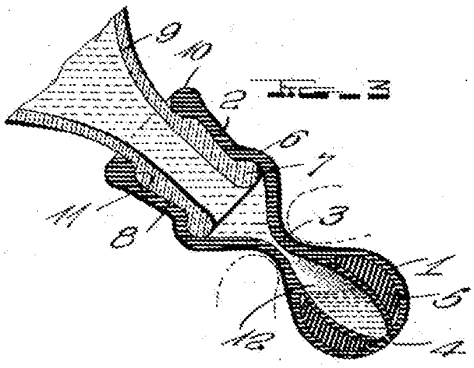
See Discussion of Toudou in Ground 4, [1.6] and [1.6.1], *supra*, which is incorporated by reference.

It necessarily follows that a resilient mouthpiece coupled to nozzle 3 by being attached to nozzle 3 as discussed above for [1.5] would move together with nozzle 3 in Toudou. Thus, a resilient mouthpiece as taught by Canham and Heise would likewise, and necessarily, be selectively pivoted between a stowed and dispensing position as nozzle 3 moves, and, in the dispensing position, the dispensing outlet would be positioned further away from the cap assembly base than when the resilient mouthpiece and the pivotal mount are in the stowed position, as recited in [1.6] and [1.6.1].

[1.6.2] wherein the resilient mouthpiece is adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth; and

As explained for Ground 4 above, Toudou alone inherently anticipates, or would have rendered obvious, that suction port 32 is "adapted to resiliently compress responsive to compressive forces applied to the resilient mouthpiece by a user's teeth" in [1.6.2]. Element [1.6.2] also, or alternatively, would have been obvious over Toudou in view of Canham, further in view of Heise.

As discussed above for [1.5], it would have been obvious to have attached a resilient mouthpiece to the pivotal mount, i.e., nozzle 3 and suction port 32, in view of Canham further view of Heise. These secondary references further teach and suggest that their resilient mouthpieces are adapted to resiliently compress responsive to compressive forces applied by a user's teeth, as claimed. In particular, Canham discloses the coupling of a "conventional nipple



21" on the angled spout of a bottle cap for nursing, which necessarily indicates a mouthpiece of pliable and resilient consistency required for a baby. Heise further evidences a conventional nipple "of soft rubber of sufficient thickness to normally retain the shape" and explains that "[i]n drinking from the bottle, the baby sucks upon the nipple and pressure of the lips will cause the neck 3 to be constricted, thereby entirely or almost entirely closing the nipple intermediate the length of the neck ...." Ex. 1012 at 2:51-3:1. FIG. 3, shown here, illustrates that the nipple in Heise is adapted to resiliently compress at its neck 3 responsive to compressive forces applied to it from a baby's "lips indicated by dotted lines in

this view." *Id.* at 2:47-51. Moreover, Heise explains that its rubber mouthpiece resiliently responds to compressive forces from a user's teeth: "When a baby is cutting teeth the nipple can be used as a teething device as the reinforcement is sufficiently tough and resilient to permit the head to be chewed upon without losing its spherical shape." *Id.* at 3:27-31.

As a result, further to the discussion above for [1.5], the combination of Toudou with Canham and Heise also teaches and suggests the subject matter of claim element [1.6.2].

> **[1.7] a manual on/off valve having a closed configuration, in which the manual on/off valve obstructs the fluid conduit to restrict drink fluid from flowing between the inlet and the dispensing outlet, and [1.7.1] an open configuration, in which the manual on/off valve permits drink fluid to flow through the fluid conduit from the inlet to the dispensing outlet;**

See Discussion of Toudou in Ground 4, [1.7], *supra*, which is incorporated by reference.

> **[1.7.2] wherein the manual on/off valve includes a flexible tube that defines a portion of the fluid conduit;**

See Discussion of Toudou in Ground 4, [1.7.2], *supra*, which is incorporated by reference.

> **[1.7.3] wherein when the manual on/off valve is in the closed configuration, the tube is crimped to obstruct the flow of drink fluid through the fluid conduit; and [1.7.4] wherein when the manual on/off valve is in the open configuration, the tube is not crimped and does not obstruct the flow of drink fluid through the fluid conduit.**

See Discussion of Toudou in Ground 4, [1.7.3] and [1.7.4], *supra*, which are incorporated by reference.

In short, the combination of Toudou in view of Canham, further in view of Heise, teaches and suggests all limitations of claim 1 and, therefore, renders that claim unpatentable under 35 U.S.C. § 103(a) (pre-AIA).

2. Claim 3

> **3. The drink container of claim 1, [3.1] wherein the cap assembly includes a pair of lateral guards that extend on opposed sides of the resilient mouthpiece when the resilient mouthpiece and the pivotal mount are in the stowed position,**

See Discussion of Toudou in Ground 4, [3.1], *supra*, which is incorporated by reference.

It necessarily follows that a resilient mouthpiece coupled to nozzle 3 by being attached to nozzle 3, as discussed above for element [1.5], would move together with nozzle 3 into its prone

state. Thus, a pair of lateral guards in the form of "opposing wall surfaces" within storage groove 21 of support portion 20 and side walls of closed lid 4 in Toudou would likewise, and necessarily, extend on lateral sides of a resilient mouthpiece as taught by the combination of Canham and Heise when the resilient mouthpiece and the pivotal mount are in the stowed position, as recited in [3.1].

[3.2] and further wherein the cap assembly includes a dust cover extending between the pair of lateral guards and positioned to protect the dispensing outlet of the resilient mouthpiece by extending across at least a portion of the dispensing outlet of the resilient mouthpiece when the resilient mouthpiece and the pivotal mount are in the stowed position.

See Discussion of Toudou in Ground 4, [3.2], *supra*, which is incorporated by reference.

It necessarily follows that a resilient mouthpiece coupled to nozzle 3 by being attached to nozzle 3 would move together with nozzle 3 into its prone state. Thus, the dust cover of the top and front of lid 4 in Toudou, which extends between the pair of lateral guards in the form of "opposing wall surfaces" within storage groove 21 of support portion 20 and between side walls of closed lid 4 and which extends across at least a portion of the dispensing outlet, would be positioned to also protect a resilient mouthpiece as taught by the combination of Canham and Heise when the resilient mouthpiece and the pivotal mount are in the stowed position, as in [3.2].

As a result, Toudou in view of Canham, further in view of Heise, teaches and suggests all limitations of claim 3 and, therefore, renders that claim unpatentable under 35 U.S.C. § 103(a) (pre-AIA).

3. Claim 4

4. The drink container of claim 3, wherein when the resilient mouthpiece is pivoted from the stowed position to the dispensing position, the resilient mouthpiece pivots away from the dust cover.

See Discussion of Toudou in Ground 4, [Claim 4], *supra*, which is incorporated by reference.

It necessarily follows that a resilient mouthpiece coupled to nozzle 3 by being attached to nozzle 3 as discussed above for claim element [1.5] would move together with nozzle 3 from its prone state to its dispensing state. Thus, a resilient mouthpiece as taught by the combination of Canham and Heise would also pivot away from the dust cover along with suction port 32 on Toudou, as recited in claim 4.

As a result, Toudou in view of Canham, further in view of Heise, teaches and suggests all limitations of claim 3 and, therefore, renders that claim unpatentable under 35 U.S.C. § 103(a) (pre-AIA).

4. Claim 5

5. The drink container of claim 3, wherein the dust cover projects above an upper surface of the cap assembly base.

See Discussion of Toudou in Ground 4, [Claim 5], *supra*, which is incorporated by reference.

Accordingly, Toudou discloses the limitations recited in claim 5, and Toudou in view of Canham, further in view of Heise, would have rendered obvious the subject matter of claim 5.

5. Claim 13

13. The drink container of claim 1, wherein the resilient mouthpiece includes a dispensing face, and further wherein the dispensing outlet extends through the dispensing face of the resilient mouthpiece.

See Ground 4, [Claim 13], *supra*, which is incorporated by reference.

As discussed above for [1.5], it would have been obvious to have attached a resilient mouthpiece to the pivotal mount, i.e., nozzle 3 and suction port 32, in view of Canham further view of Heise. It follows that a resilient mouthpiece coupled to nozzle 3 by being attached to nozzle 3, as discussed above for claim element [1.5], would further define a dispensing outlet so that the liquid could be extracted from the bottle by the user, as taught by the combination of Canham and Heise. Indeed, nursing nipples definitionally have a dispensing outlet for delivering liquid from the bottle to the baby through a dispensing face of the nipple. In addition, Heise evidences this structure for its resilient nipple, having an "outer end 1 which is formed with an outlet opening 4 at its center." Ex. 1012 at 2:10-11, FIGS. 1-3.

Accordingly, Toudou in view of Canham, further in view of Heise, would have rendered obvious the subject matter recited in claim 13.

6. Claim 18

18. The drink container of claim 1, wherein the pivotal mount is adapted to selectively engage the flexible tube to apply crimping forces thereto and thereby configure the manual on/off valve to the closed configuration as the pivotal mount is pivoted from the dispensing position to the stowed position.

See Discussion of Toudou in Ground 4, [Claim 18], *supra*, which is incorporated by reference.

Accordingly, Toudou discloses the limitations recited in dependent claim 18, and claim 18 would have been obvious over Toudou in view of Canham, further in view of Heise.

7. Claim 19

19. The drink container of claim 1, wherein the flexible tube is secured to the pivotal mount.

See Discussion of Toudou in Ground 4, [Claim 19], *supra*, which is incorporated by reference.

As a result, Toudou discloses the limitations recited in dependent claim 19, and claim 19 would have been obvious over Toudou in view of Canham, further in view of Heise.

L. Ground 12: Alternatively, Toudou in View of Canham and Heise, Further in View of Anderson, Would Have Rendered Obvious Claim 6

As explained for Ground 5 above, Toudou in view of Anderson would have rendered obvious the subject matter of claim 6. Claim 6 also, or alternatively, would have been obvious over Toudou in view of Canham and Heise, further in view of Anderson, under 35 U.S.C. § 103(a) (pre-AIA), as explained below.

6. The drink container of claim 3, wherein the cap assembly further includes a handle that extends from the cap assembly base and includes the pair of lateral guards and the dust cover.

See Discussion of Toudou and Anderson in Ground 5, [Claim 6], *supra*, which is incorporated by reference.

Accordingly, Toudou in view of Anderson teaches and suggests the limitations recited in claim 6, and Toudou in view of Canham and Heise, further in view of Anderson, renders that claim unpatentable under 35 U.S.C. § 103(a) (pre-AIA).

M. Ground 13: Alternatively, Toudou in View of Canham and Heise, Further in View of Anderson or Roth, Would Have Rendered Obvious Claim 7

As explained for Ground 6 above, Toudou in view of Anderson or Roth would have rendered obvious the subject matter of claim 7. Claim 7 also, or alternatively, would have been

obvious over Toudou in view of Canham and Heise, further in view of Anderson or Roth, under 35 U.S.C. § 103(a) (pre-AIA), as explained below.

7. The drink container of claim 1, wherein the cap assembly further comprises a handle [7.1] that extends in a fixed orientation from the cap assembly base and, [7.2] which defines a closed loop with an aperture through which a user's finger may be inserted to carry the drink container.

See Discussion of Toudou, Anderson, and Roth in Ground 6, [Claim 7], *supra*, which is incorporated by reference.

Therefore, Toudou in view of Anderson or Roth teaches and suggests the limitations recited in claim 7, and Toudou in view of Canham and Heise, further in view of Anderson or Roth, renders that claim unpatentable under 35 U.S.C. § 103(a) (pre-AIA).

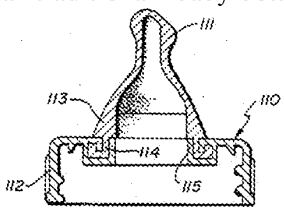
N. Ground 14: Alternatively, Toudou in View of Canham and Heise, Further in View of Phlaphongphanich, Would Have Rendered Obvious Claim 8

As explained for Ground 4 above, Toudou discloses the subject matter of claim 8. Claim 8 also, or alternatively, would have been obvious over Toudou in view of Canham and Heise, further in view of Phlaphongphanich, under 35 U.S.C. § 103(a) (pre-AIA), as explained below.

8. The drink container of claim 1, wherein the resilient mouthpiece is permanently secured to the pivotal mount.

Toudou discloses a pivotal mount as claimed (*see* discussion for element [1.4] above), while Toudou in view of the combination of Canham and Heise teaches and suggests a resilient mouthpiece coupled to a pivotal mount (*see* discussion for element [1.5] above). Toudou in view Canham and Heise, further in view of Phlaphongphanich, additionally teaches and suggests the subject matter of dependent claim 8 in that the resilient mouthpiece is "permanently secured to the pivotal mount." As explained above for claim construction, "permanently secured" at least for purposes of the '255 Patent refers to two distinct or integrated structures (viz., a resilient mouthpiece and a pivotal mount) not intended to be separated without destruction of at least a portion of the structures and/or the mechanism that joins the structures.

In the same field of endeavor as Toudou and the '255 Patent, Phlaphongphanich discloses a "traditional" baby bottle nipple having a mouth portion corresponding to element [1.5] made of an elastomer, such as liquid silicone rubber. Ex. 1010 at Abstract, 3:30-34. The nipple 110 or mouth portion is coupled to a base portion 112 of semi-rigid thermoplastic, such as polypropylene, in a two-mold process, as shown here in FIG. 10. *Id.* The base portion is configured for attachment to the source of liquid, such as a baby bottle.



Phlaphongphanich teaches to permanently secure feeding nipple of liquid silicone rubber to a mount formed of semi-rigid thermoplastic such as polypropylene. Indeed, the two-mold process in Phlaphongphanich is taught to bind the resilient nipple 110 to the non-flexible base 112 so that "the mouth portion is securely locked to the base portion … to inhibit the pulling of the skirt from the cavity." Ex. 1010 at 4:51-57. This integral construction is fundamental to Phlaphongphanich: "Another object of this invention is the provision of a nipple which can be attached to a baby bottle in such a way that it cannot be pulled free by the baby." *Id.* at 1:23-25.

It would have been obvious to a person of ordinary skill in the art to have permanently secured a resilient mouthpiece, such as the nipple in Canham and Heise, or nipple 110 in Phlaphongphanich, to nozzle 3 of Toudou to form an integrated spout and mouthpiece. A reason for combining Toudou and the teachings of Canham and Heise with Phlaphongphanich is to ensure that the resilient mouthpiece "cannot be pulled free by the baby." Ex. 1010 at 1:23-25. Phlaphongphanich teaches how its resilient nipple 110 may be securely coupled to a base of polypropylene, which is the material of bottle cap 1 in Toudou.

Following the instructions of Phlaphongphanich, one skilled in the art could form "an integral combination of an elastomer mouth portion and a semi-rigid cap portion" in two apparent ways. Ex. 1010 at 1:34-36. First, nipple 110 of Phlaphongphanich could be integrally formed as an extension of suction port 3 on polypropylene nozzle 3 of Toudou. Or nipple 110 and base 112 of Phlaphongphanich could be integrally formed into one unit as taught in Phlaphongphanich, with base 112 being threaded onto nozzle 3 when needed to adapt suction port 32 for appropriate use by "baby bottles." Ex. 1008 (Toudou) ¶ [0027]; Ex. 1010 (Phlaphongphanich) at 1:22-30.

Permanently securing a resilient mouthpiece as in Canham and Heise to nozzle 3 in Toudou would also have advantageously provided a unitary nozzle and mouthpiece structure, which is what Toudou describes. An integrated mouthpiece and pivotal mount or spout would result in

fewer parts, which as taught by Toudou eases disassembly and washing (Ex. 1008 ¶ [0018]) and reduces costs (*id.* at Abstract ("The present invention realizes a bottle cap with a nozzle that enables … the cost to be reduced by lowering the number of parts with a simple configuration and is convenient to handle and compact."), [0021] ("the number of parts and the number of assembling steps can be reduced, which can contribute to the cost reduction")).

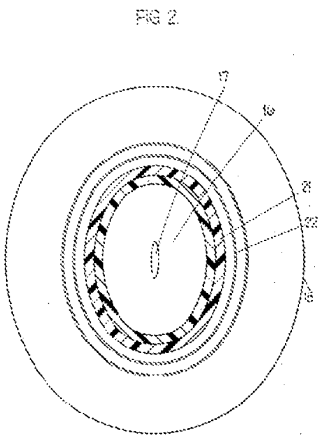
Therefore, Toudou in view of Canham and Heise, further view of Phlaphongphanich, teaches and suggests all limitations of claim 8 and, therefore, renders that claim unpatentable under 35 U.S.C. § 103(a) (pre-AIA).

O. Ground 15: Alternatively, Toudou in View of Canham and Heise, Further in View of Hurst or Tupper, Would Have Rendered Obvious Claim 14

Alternative to Ground 7 above, Toudou in view of Canham and Heise, further in view of Hurst or Tupper would have rendered obvious claim 14 under 35 U.S.C. § 103(a) (pre-AIA), as explained below.

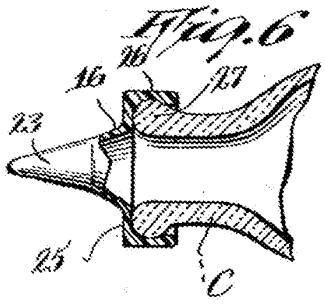
14. The drink container of claim 13, wherein the dispensing outlet is defined by a slit that extends through the dispensing face of the resilient mouthpiece.

As indicated for claim 13 above, Toudou discloses that a hole at the tip of suction port 32 on nozzle 3 as a dispensing outlet. *See* Ex. 1008 at Abstract ("The present invention is constituted of a bottle cap with a nozzle, … comprising: a nozzle provided with a suction port at its tip …"); *id.* ¶ [0014] ("The other end of the flow path … penetrates through the suction port 32 and opens at the tip, …"). The combination of Canham and Heise also discloses openings through a dispensing end of a resilient mouthpiece, as discussed for claim 13. Hurst or Tupper further teach openings within a dispensing end of a resilient mouthpiece that is defined by a slit.

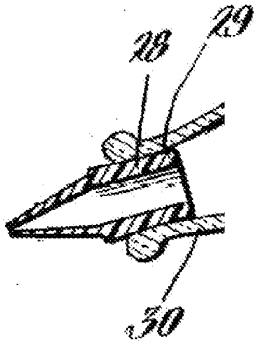


Hurst teaches an "infants feeding bottle" comprising a container for liquid and a teat securable onto the container. Ex. 1016 at Abstract. The teat has an oval shape, and an outlet 17 for passing liquid from the bottle is "in the form of a slit in the center of the end of teat 16." *Id.* at 1:45-46; FIG. 2. It would have been obvious to have implemented a dispensing outlet in the shape of a slit, as claimed, in the resilient mouthpieces of Canham and Heise to accomplish the advantages advocated by Hurst: "The slit provides means for regulating the rate at which feeding takes place, and the oval section of the feeding bottle allows the orientation of the slit to be readily recognised." *Id.* at 4:3-6.

Alternatively, in the same field of endeavor as Toudou and the '255 Patent, Tupper discloses a seal of "resilient plastic material" according to element [1.5] removably attached to a spout for consuming fluid contents from a vessel or container. Ex. 1011 at 1:15-17, 3:45. "The device serves to sealably engage the vessel neck … to act simultaneously as a sipper for withdrawal of fluid contents, …" *Id.* at 1:26-31. In one option, the seal has an engaging groove 14 with a side wall 11 or an engaging flange 26 capable of being applied around the outside of vessel rim "for complete hermetical engagement," as illustrated in FIG. 4 or below left in FIG. 6. *Id.* at 2:44-49. In another option, shown below right in a portion of FIG. 9, a cylindrical section 28 of the seal may frictionally engage the inner surface 29 of a passageway "in the form of a stopper" (*id.* at 2:67-3:2, FIG. 9).

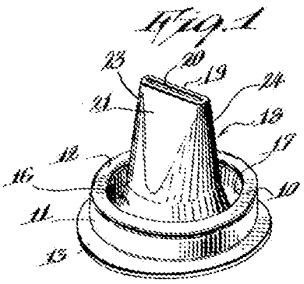


Tupper FIG. 6



Tupper Portion of FIG. 9

Tupper discloses an elongated slot 20 in the dispensing end of its resilient mouthpiece, as shown for example in FIG. 1. The shape of slot 20 can aid in drawing liquid from the bottle when the mouthpiece is "squeezed or deformed by the mouth or teeth of the user," "wherein the sipping or drawing operation is capable of functioning … by alternate lip or teeth compression of the tubular structure to force fluid contents therethrough based on the principle of nipple feeding." Ex. 1011 at 1:41-49; *id.* at 3:40-42 ("the dispensing end is capable of being squeezed or deformed by the mouth or teeth of the user …"). In addition, slot 20 helps to retain liquid if the bottle is overturned. As explained in Tupper, "[W]hen the elongated slot 20 of the sipper seal is held in any non-drinking position capable of creating a gravity flow toward slot 20, the fluid tends to completely fill the entire area of the slot to check spillage by reason of fluid capillarity and surface tension." *Id.* at 3:29-34; *id.* at 4:16-19 ("said slot serving either as a withdrawing outlet for fluid contents or to check the flow of said fluid contents when the vessel lies in horizontal or other leaking position").



Therefore, Toudou in view of Canham and Heise, further in view of Hurst or Tupper, teaches and suggests all limitations of claim 14 and, therefore, renders that claim unpatentable under 35 U.S.C. § 103(a) (pre-AIA).

VI. Secondary Considerations

This Request demonstrates that the Challenged Claims of the '255 Patent are unpatentable as either being anticipated or having been obvious in view of the prior art references. The Applicant did not identify any evidence of secondary considerations during prosecution. Further, the clear teachings in the prior art cannot be overcome by any supposed "secondary considerations." *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 36 (1966); *see Ohio Willow Wood Co. v. Alps South, LLC*, 735 F.3d 1333, 1344 (Fed. Cir. 2013) ("[W]here a claimed invention represents no more than the predictable use of prior art elements according to established functions, as here, evidence of secondary indicia are frequently deemed inadequate to establish non-obviousness.").

VII. Disclosure of Concurrent Litigation, Reexamination, and Related Proceedings

The '255 Patent is at issue in the following district court matter: *CamelBak Products, LLC v. Zak Designs, Inc.*, Case No. 5-21-cv-05109 (W.D. Ark.) (Jun. 11, 2021). Requester is unaware of any prior reexaminations or other post-grant proceedings or other litigations involving the '255

Patent. U.S. Patent No. 9,463,911, which issued from a grandparent application of the '418 Application, is currently undergoing *ex parte* reexamination under Control No. 90/015,013.

VIII. Conclusion

Requester requests the issuance of an Office Action rejecting the Challenged Claims based on one or more of Grounds 1-15 detailed above. The Commissioner is hereby authorized to charge Deposit Account 12-0769 under Docket No. Z036-0005RE the *Ex Parte* Reexamination fee of $12,600 under 37 C.F.R. § 1.20(c)(2). Requester believes no other fee is due with this submission; however, the Commissioner is hereby authorized to charge any fee deficiency or credit any over-payment to Deposit Account 12-0769.

Please direct all correspondence in this matter to the undersigned.

Respectfully submitted,

Dated: January 13, 2023

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CamelBak - Ex 2002
Page 494 of 857

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of Robert Choi et al.	§	Attorney Docket No.: Z036-0005RE
	§	
U.S. Patent No. 10,676,255	§	
	§	
Issue Date: June 9, 2020	§	Customer No.: 29,150
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Filing Date: July 13, 2018	§	
	§	
For: DRINK BOTTLES	§	

Mail Stop "*Ex Parte* Reexam"
Attn: Central Reexamination Unit
Commissioner for Patents
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 1.248 and 1.550 and M.P.E.P. § 2266.03, the undersigned attorney for the Requester certifies that a copy of the foregoing **REQUEST FOR *EX PARTE* REEXAMINATION OF U.S. PATENT 10,676,255** and accompanying Exhibits 1001 to 1017 were served by Express Mail at the following address of record for the subject patent:

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Patent Assignment Abstract of Title

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Title: DRINK BOTTLES

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