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Transcript of Glenn Vallee, Ph.D.

Date: September 12, 2025

Case: Trove Brands, LLC -v- CamelBak Products, LLC (PTAB)

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UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

- - - - - x
TROVE BRANDS, LLC, :
Petitioner, : IPR 2025-00140
v. : U.S. Patent No.
CAMELBAK PRODUCTS, LLC, : 11,851,250
Patent Owner. :

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Deposition of GLENN E. VALLEE, Ph.D.
Conducted Virtually
Friday, September 12, 2025
11:03 a.m. EDT

Job No.: 599640
Pages 1 - 36
Reported by: Debra A. Whitehead

1 Deposition of GLENN E. VALLEE, Ph.D., conducted
2 virtually.

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5 Pursuant to notice, before Debra Ann Whitehead,
6 E-Notary Public in and for the Commonwealth of
7 Virginia.

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A P P E A R A N C E S

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C O N T E N T S

EXAMINATION OF GLENN E. VALLEE, Ph.D.	PAGE
By Mr. Mudd	5

EXHIBITS MARKED IN TODAY'S SESSION

(None Marked)

EXHIBITS MARKED IN PRIOR SESSIONS

(Not attached)

DEPOSITION EXHIBIT	PAGE
Exhibit 1001	16
Exhibit 1002	6
Exhibit 1004	11

1	P R O C E E D I N G S	
2	GLENN E. VALLEE, Ph.D.,	10:50:22
3	having been duly sworn, testified as follows:	11:04:01
4	EXAMINATION BY COUNSEL FOR PATENT OWNER	11:04:01
5	BY MR. MUDD:	11:04:01
6	Q Good morning, Dr. Vallee.	11:04:05
7	A Good morning.	11:04:07
8	Q You understand we're here today in	11:04:07
9	connection with IPR2025-00140 regarding United	11:04:10
10	States Patent 11,851,250?	11:04:20
11	A I do.	11:04:25
12	Q And will you understand when I refer to	11:04:26
13	it if I call this patent the '250 patent?	11:04:28
14	A Sure, I will.	11:04:30
15	Q And we've taken your deposition	11:04:31
16	previously in connection with a related '255	11:04:37
17	patent.	11:04:43
18	Have your qualifications changed in any	11:04:44
19	material way that would be relevant to this	11:04:49
20	proceeding from what we discussed in that prior	11:04:50
21	deposition?	11:04:53
22	A No.	11:04:55

1	Q	And I understand you've submitted a	11:04:55
2		declaration in support of the petitioner's	11:05:00
3		petition in this proceeding.	11:05:05
4		Is that correct?	11:05:06
5	A	That's correct.	11:05:07
6		MR. MUDD: I'm going to introduce Exhibit	11:05:10
7		1002. And I will go ahead and drop it into the	11:05:12
8		chat.	11:05:18
9		(Exhibit 1002, previously marked, not	11:05:19
10		attached.)	11:05:19
11	A	And if it's okay with you, Jason, I have	11:05:20
12		hard copies with me. I feel more comfortable with	11:05:22
13		the hard copies, rather than flipping around.	11:05:25
14		Zoom can be a little unpredictable, so ...	11:05:29
15	Q	Yes, that will be fine to work from your	11:05:32
16		hard copy.	11:05:34
17	A	Thank you.	11:05:37
18	Q	So if you could turn to your declaration,	11:05:37
19		Exhibit 1002. And if you could for me please turn	11:05:39
20		to Paragraph 76, and let me know when you're	11:05:46
21		there.	11:06:00
22	A	Okay. So that would be on Page 43, I	11:06:01

1	believe?	11:06:18
2	Q Yes, that's correct.	11:06:18
3	A Okay. Paragraph 76, I am there.	11:06:26
4	Q Yes. And Paragraph 76 recites what's	11:06:28
5	been labeled Limitation 1[b][3] of the '250	11:06:33
6	patent. Correct?	11:06:38
7	A Correct.	11:06:39
8	Q And that limitation recites, "A	11:06:39
9	mouthpiece coupled to the mount outlet of the	11:06:43
10	pivotal mount for pivotal movement with the	11:06:47
11	pivotal mount relative to the cap assembly base."	11:06:50
12	Do you see that?	11:06:53
13	A I do.	11:06:54
14	Q So this limitation requires that a	11:06:55
15	mouthpiece be coupled to the mount outlet of the	11:07:00
16	pivotal mount. Right?	11:07:07
17	A That is correct.	11:07:09
18	Q And you've offered the opinion that this	11:07:10
19	limitation would have been obvious over the	11:07:19
20	Nakajima reference in view of the knowledge of a	11:07:23
21	person of ordinary skill in the art.	11:07:25
22	Is that correct?	11:07:27

1 A Yes, I believe I talked about that down a 11:07:29
2 little more, in paragraph -- just bear with me, 11:07:34
3 please, for a second. 11:07:44

4 Yes, that was in Paragraph 78 I discuss 11:07:54
5 that. 11:07:56

6 Q Thank you. And in Paragraph 77 you state 11:07:56
7 that "Nakajima describes its mouthpiece 2 and arms 11:08:05
8 23 as two portions of a single component that is 11:08:09
9 rotatably fitted into leg pieces 21." 11:08:14

10 Do you see that? 11:08:18

11 A Yes, I do. 11:08:20

12 Q So are you offering an obviousness 11:08:21
13 opinion here because the claim language requires 11:08:26
14 the mouthpiece and pivotal mount to be two 11:08:33
15 components, but in Nakajima they are one 11:08:38
16 component? 11:08:42

17 MR. MESSICK: Object to the form. 11:08:43

18 A I think what I'm saying, as I said in the 11:08:45
19 Paragraph 78, is that looking at the description 11:08:50
20 of Nakajima, it would just be obvious to make them 11:08:53
21 out of two components. 11:08:57

22 I said -- I'm on the top of Page 45, "In 11:08:58

1 addition, a person of ordinary skill in the art 11:09:04
2 would have understood that whether to use a single 11:09:06
3 component mouthpiece and bracket, or a 11:09:11
4 two-component mouthpiece and bracket (as shown in 11:09:11
5 my annotated figure above), would have constituted 11:09:13
6 nothing more than a routine design choice." 11:09:17

7 So someone looking at that would say, 11:09:19
8 Okay, well, it makes sense, there is some 11:09:22
9 reasoning for why you might want to make them two 11:09:24
10 different components. And I discuss below how it 11:09:26
11 would be easier to clean, you can make them out of 11:09:28
12 different materials, et cetera. 11:09:31

13 Q And so you don't offer an opinion that 11:09:31
14 Nakajima's single-component mouthpiece and arms 11:09:37
15 anticipate Limitation 1[b][3]. Correct? 11:09:41

16 A In and of itself, just in Nakajima? I 11:09:47
17 think that was your question? 11:09:52

18 Q Yes. So for Limitation 1[b][3], you 11:09:54
19 don't offer any opinion that this limitation is 11:09:57
20 anticipated by Nakajima. Correct? 11:10:01

21 A Well, my argument is that it would have 11:10:04
22 been obvious to someone with skill in the art. I 11:10:06

1 don't render an opinion about anticipation. 11:10:10

2 Q So it's correct, then, that you don't 11:10:13

3 offer an opinion that Nakajima anticipates 11:10:16

4 Limitation 1[b][3]. Correct? 11:10:20

5 MR. MESSICK: Object to the form. 11:10:22

6 A Right, that is in a section of my report 11:10:34

7 that is obviousness. And that's all I opine in 11:10:35

8 that section. 11:10:43

9 Q Okay. And I believe you just testified 11:10:43

10 in response to the last question that you only 11:10:46

11 offer an obviousness opinion as to Limitation 11:10:49

12 1[b][3] regarding Nakajima, and not an 11:10:51

13 anticipation opinion. Correct? 11:10:55

14 MR. MESSICK: Object to the form. 11:10:56

15 A Yeah, it's what I said. It is -- I'm 11:10:59

16 discussing just obviousness in that section of my 11:11:03

17 report when I mention that. 11:11:05

18 Q And you're not aware of offering an 11:11:07

19 opinion on anticipation with regard to Nakajima 11:11:09

20 for Limitation 1[b][3] elsewhere in your report. 11:11:12

21 Correct? 11:11:15

22 A I'll just take a quick look. 11:11:15

1	No, I don't see that elsewhere.	11:11:42
2	Q Thank you, Dr. Vallee.	11:11:45
3	In Paragraph 77, again you state	11:11:54
4	"Nakajima describes its mouthpiece 2 and arms 23	11:11:57
5	as two portions of a single component."	11:12:01
6	Do you see that?	11:12:03
7	A I do.	11:12:04
8	Q And that single component in Nakajima is	11:12:05
9	a rigid material.	11:12:15
10	Is that correct?	11:12:16
11	A I believe they discuss it as a plastic.	11:12:20
12	I'd have to go back into Nakajima to see exactly	11:12:25
13	what they called it. I can certainly do that. I	11:12:31
14	have before me, it's Exhibit 4. I have the	11:12:39
15	Nakajima document here. This would be -- I guess	11:12:47
16	that's all we call it is Exhibit 4.	11:12:55
17	Q Or Exhibit 1004?	11:12:58
18	A I'm sorry, yes, Exhibit 1004. Sorry.	11:13:00
19	Q Okay.	11:13:02
20	(Exhibit 1004, previously marked, not	11:13:03
21	attached.)	11:13:03
22	A So I will just take a quick look here.	11:13:05

1	Just bear with me for a second, please, while I	11:13:09
2	refresh my memory here.	11:13:12
3	Q Okay. Thank you, Dr. Vallee.	11:13:13
4	A They are talking about an elastic hose.	11:14:56
5	I am viewing this quickly. I don't see	11:15:38
6	where he talks about the rigidity of it. But I'll	11:15:40
7	quickly just go to my declaration where I	11:15:44
8	summarize that prior art on Page -- I start on	11:15:46
9	Page 22.	11:15:55
10	Q Okay.	11:16:04
11	A I don't see where he discussed those	11:16:50
12	components as being rigid, unless there's a place	11:16:52
13	you want to direct me to in Nakajima where he says	11:16:56
14	that.	11:17:01
15	Q But you do understand the arms 23 and	11:17:15
16	mouthpiece 2 to be made of the same material in	11:17:18
17	Nakajima, a single component. Correct?	11:17:22
18	A That I do understand, because he doesn't	11:17:25
19	say anything to the contrary.	11:17:26
20	Q Sorry. You said you do understand?	11:17:30
21	A That he does not discuss them being made	11:17:33
22	of different materials, so that would be my	11:17:36

1 understanding. 11:17:39

2 Q And do you understand the arms 23 and the 11:17:39

3 protrusions 24 which fit into the holes 22 to be a 11:17:52

4 rigid material to allow those protrusions to 11:17:59

5 rotate in the holes? 11:18:03

6 A Again, I don't see him discuss the 11:18:05

7 rigidity of that component. He talks about the 11:18:08

8 suction hose being elastic, but I didn't see 11:18:11

9 anywhere in Nakajima, unless you can point to 11:18:15

10 where he says that, I didn't see where he talks 11:18:17

11 about those being rigid. 11:18:20

12 Q So is it your opinion that the arms 23 11:18:23

13 are an elastic material? 11:18:26

14 A Well, he just doesn't say. He points out 11:18:29

15 the suction hoses being elastic, but he doesn't 11:18:34

16 give any detail as to the arms 23 or the pins 24 11:18:39

17 or any of that. 11:18:45

18 Q Even though mouthpiece 2 and arms 23 are 11:19:06

19 a single component in Nakajima, it's your opinion 11:19:08

20 that it would have been obvious to have them be 11:19:11

21 instead two components that are coupled together. 11:19:15

22 Is that right? 11:19:17

1 MR. MESSICK: Object to the form. 11:19:19

2 A Yeah, my opinion, as I stated in 11:19:21

3 Paragraph 78 I guess is where we just were, I said 11:19:25

4 one in the art would have -- I believe it was 11:19:33

5 Paragraph 78 I read out loud. Yeah. Paragraph 11:19:38

6 78. 11:19:50

7 "A person of ordinary skill in the art 11:19:51

8 would have understood that whether to use a single 11:19:52

9 component mouthpiece and bracket or two component 11:19:54

10 would have constituted a routine design choice." 11:19:58

11 So, yes, that's what I opine. 11:20:02

12 Q And if we read the first sentence of 11:20:12

13 Paragraph 78, you say, "If the mouthpiece and 11:20:14

14 pivotal mount must be made of multiple separate 11:20:17

15 parts, in my opinion it would have been obvious to 11:20:21

16 a person of ordinary skill in the art to modify 11:20:22

17 Nakajima to achieve such a design." 11:20:25

18 Is that correct? 11:20:26

19 A That's correct. 11:20:27

20 Q And so you're opining that even though 11:20:27

21 the mouthpiece and pivotal mount are a single 11:20:31

22 component in Nakajima, that it would have been 11:20:34

1 obvious to modify Nakajima to have the mouthpiece 11:20:38
2 and pivotal mount be separate components. 11:20:43
3 Is that correct? 11:20:47
4 A Correct. And when I say, Single 11:20:48
5 component the way Nakajima describes it, I mean 11:20:50
6 it's one part. There are two different 11:20:52
7 structures, there were the arms and there's the 11:20:54
8 mouthpiece. They just mold them together. 11:20:56
9 Q Okay. 11:21:01
10 A If we assume it's a molded part. They 11:21:02
11 would be fabricated as one piece. 11:21:07
12 Q And in the third sentence in Paragraph 78 11:21:16
13 you state, "For example, this would have been 11:21:23
14 desirable so that the two components could be made 11:21:26
15 of different materials, such as a hard plastic for 11:21:30
16 the arms and a more resilient, flexible material 11:21:32
17 like latex or silicone for the mouthpiece." 11:21:36
18 Do you see that? 11:21:40
19 A I do. 11:21:41
20 Q So you're opining that it would be 11:21:41
21 obvious to modify Nakajima to make the mouthpiece 11:21:48
22 out of a resilient flexible material like latex or 11:21:51

1	silicone.	11:21:56
2	Is that right?	11:21:56
3	A Right, more resilient and more flexible	11:21:59
4	than whatever the arms would be.	11:22:02
5	Q I am going to turn now to the '250	11:22:07
6	patent, which is Exhibit 1001.	11:22:51
7	(Exhibit 1001, previously marked, not	11:22:53
8	attached.)	11:22:54
9	Q And I suspect you have a hard copy, but	11:22:54
10	I'm going to go ahead and drop it in the chat.	11:22:56
11	A I sure do, right in front of me.	11:22:58
12	Q Give me one moment.	11:23:18
13	If you could turn to Column 8, please, of	11:24:52
14	the '250 patent. Starting at Line 7.	11:24:55
15	A Column 8?	11:25:04
16	Q Yes.	11:25:05
17	And in -- and I'll go ahead and read this	11:25:12
18	sentence into the record. It says, "Bite-actuated	11:25:14
19	mouthpiece, or valve, 72 includes at least one	11:25:17
20	opening through which drink fluid may flow when	11:25:20
21	the mouthpiece is in its dispensing, or open	11:25:23
22	configuration."	11:25:29

1 Do you see that? 11:25:29

2 A I do. 11:25:30

3 Q What's your understanding of what the 11:25:30

4 '250 patent means when it describes mouthpiece 72 11:25:38

5 as being bite-actuated? 11:25:43

6 A I believe that figure -- I think it was 11:25:49

7 Figure 10, if I look at just below what you read. 11:25:53

8 72 is shown -- I'm on Column 8, Line 12. 11:25:58

9 Bite-actuated mouthpiece 72 is shown in Figures 10 11:26:06

10 through 15. 11:26:16

11 If I can just get to this. Okay. 11:26:18

12 So in this particular embodiment, which 11:26:21

13 by the way he says is not an exclusive example, 11:26:26

14 bite-actuated means that somehow when it's in your 11:26:29

15 mouth, you can compress the -- that portion of the 11:26:33

16 mouthpiece and you can open the slit. 11:26:39

17 Q And by opening the -- 11:26:49

18 A Oh, I'm sorry. My fault. I paused. 11:26:50

19 Q That's all right. 11:26:53

20 A So you can compress it with your lips. 11:26:56

21 It doesn't have to contact with a -- with teeth, 11:26:58

22 for example. But you just have to compress when 11:27:00

1 it's in your mouth. So you can put it in your 11:27:03
2 mouth, and you can compress it that way. And that 11:27:05
3 opens the slit and activates it opening in the 11:27:08
4 mouth. 11:27:14

5 Q And the purpose of opening the slit is to 11:27:14
6 allow fluid to exit the valve. 11:27:17

7 Is that right? 11:27:20

8 A In that particular embodiment, it is. 11:27:21

9 Q And Figures 10 to 15 depict what the 11:27:23
10 patent calls the closed configuration of the bite 11:27:30
11 valve. Correct? 11:27:34

12 A I'd have to find exactly where it says 11:27:40
13 that. 11:27:43

14 Q Yeah, if you go to Column 8, Lines 44 to 11:27:52
15 45. It says, "Mouthpiece 72 is resilient and 11:27:56
16 biased to its closed configuration, such as is 11:28:01
17 shown in Figures 10 to 15." 11:28:04

18 Do you see that? 11:28:05

19 A I do. So, yes. So that configuration in 11:28:06
20 this embodiment, it's normally closed, and the 11:28:09
21 forces on it open it. Unlike the embodiment 11:28:14
22 where, for example, you can squeeze the bottle and 11:28:17

1 that pressure inside opens it. This particular 11:28:20
2 embodiment is biased closed, and then compressive 11:28:22
3 forces open it. 11:28:29

4 Q When it says "mouthpiece 72 is resilient 11:28:30
5 and biased to its closed configuration," what does 11:28:34
6 that mean? 11:28:36

7 A Resilient meaning that it will -- when 11:28:37
8 deformed, it will come back to -- close to, 11:28:40
9 anyway, its original configuration. 11:28:42

10 And I'm sorry, the second part of your 11:28:46
11 question was? 11:28:48

12 Q Just what that sentence meant, "resilient 11:28:49
13 and biased to its closed configuration." 11:28:55

14 A Yeah. Then my answer is correct. 11:28:58

15 Q And Figure 16 provides an example where 11:29:01
16 the mouthpiece is in an open configuration. 11:29:42

17 Correct? 11:29:46

18 A Let's -- I believe 16 is simply one of 11:29:51
19 the earlier figures. Perhaps 15 while the forces 11:29:58
20 are applied. Really quickly, I'll look at how he 11:30:03
21 describes it. 11:30:07

22 Oh, we're going into the list of the 11:30:07

1 figures, just to be sure. 11:30:07

2 I'm on Column 2, Line 19, Figure 16 is a 11:30:13

3 somewhat schematic top plan view of a 11:30:18

4 bite-actuated mouthpiece in the dispensing 11:30:21

5 configuration. 11:30:24

6 So yes, that would be a bite-actuated 11:30:25

7 mouthpiece with compressive forces showing how the 11:30:27

8 slit opens. 11:30:30

9 Q And the patent calls that a dispensing or 11:30:32

10 open configuration. 11:30:34

11 Is that right? 11:30:35

12 A Yes, it does. 11:30:36

13 Q And when the user removes forces from 11:30:37

14 that bite-actuated valve, it returns to its 11:30:46

15 original closed position. 11:30:51

16 Is that right? 11:30:52

17 A If it's a resilient material, it should 11:30:54

18 return to the closed position. And, I'm sorry, 11:30:57

19 when I say "resilient" in the -- in the context of 11:31:07

20 the patent, I think they're explaining that. 11:31:10

21 Like, every material is elastic, every material 11:31:14

22 has elasticity. When I read the specification, 11:31:17

1 this resiliency means that it can deform to a 11:31:21
2 certain extent, deform to the point where it will 11:31:27
3 actually -- it will actuate the valve, let me put 11:31:31
4 it that way. 11:31:34

5 Q And if we go back to Column 8, starting 11:31:36
6 at Line 58, where it begins, "Mouthpiece 72." 11:31:39

7 A Okay. Yeah. 11:31:45

8 Q And it says, "Mouthpiece 72 may be 11:31:45
9 referred to as a self-sealing valve, or valve 11:31:49
10 assembly, because the mouthpiece is constructed to 11:31:53
11 automatically return to its closed, or sealed, 11:31:56
12 configuration when the compressive forces, such as 11:31:59
13 may be applied by a user's teeth or mouth, are no 11:32:03
14 longer applied to maintain the mouthpiece in its 11:32:06
15 dispensing configuration." 11:32:08

16 Do you see that? 11:32:09

17 A I do. 11:32:11

18 Q And do you understand that sentence to be 11:32:11
19 describing the resilient nature of this mouthpiece 11:32:13
20 in this embodiment? 11:32:16

21 MR. MESSICK: Object to the form. 11:32:18

22 A Well, what that sentence says is the 11:32:25

1 mouthpiece is constructed to automatically return 11:32:27
2 to a closed or sealed configuration. That 11:32:29
3 sentence alone doesn't say that it's the 11:32:33
4 resiliency of the material that does that. That 11:32:37
5 sentence simply says that it's constructed somehow 11:32:40
6 to automatically return. 11:32:42
7 One way of doing that is by using a 11:32:45
8 material whose resiliency will allow it to come 11:32:47
9 back to its original shape. 11:32:51
10 Q And then it says in the next sentence, 11:32:57
11 beginning at Line 64 of Column 8, "Therefore, 11:33:00
12 unless forces are being exerted to the mouthpiece 11:33:04
13 to deform the mouthpiece to a dispensing 11:33:07
14 configuration, the mouthpiece will be in its 11:33:09
15 closed, or sealed, configuration." 11:33:12
16 Do you see that? 11:33:13
17 A I do. And again, that's referring to 11:33:14
18 this embodiment. Unlike the squeeze embodiment 11:33:17
19 where the forces come from actually internal, the 11:33:20
20 internal pressure that's developed when you 11:33:25
21 squeeze it. 11:33:27
22 Q And so -- 11:33:27

1 A I mean, the claims talk about the on/off 11:35:20
2 valve being the valve that's crimped. All right. 11:35:24
3 I'm on Column 20, down at the bottom, Line 62, in 11:35:32
4 which the on/off valve permits drink fluid to flow 11:35:38
5 through the conduit from the inlet to the 11:35:43
6 dispensing outlet. And then, Wherein the on/off 11:35:43
7 valve includes a flexible tube. 11:35:47
8 The claims don't talk about resiliency of 11:35:50
9 the mouthpiece. 11:35:54
10 Q And so in your opinion, the claim 11:35:58
11 mouthpiece could be either resilient or 11:36:00
12 nonresilient? 11:36:04
13 A Well, the claims just don't say. 11:36:06
14 Q And because they don't say, that means 11:36:10
15 the mouthpiece could be either resilient or 11:36:13
16 nonresilient. Right? 11:36:16
17 A Just bear with me one second. I'm almost 11:36:18
18 through the claims. I want to make sure I didn't 11:36:20
19 miss anything. 11:36:22
20 Yeah, it simply doesn't say. The claims 11:36:46
21 don't say. 11:36:48
22 Q And because the claims don't say, that 11:36:51

1 means the claim mouthpiece could be either 11:36:53
2 resilient or nonresilient? 11:36:55
3 Is that right? 11:36:57
4 A It could be anything that satisfies the 11:36:59
5 claims. 11:37:01
6 Q Including resilient or nonresilient. 11:37:03
7 Right? 11:37:07
8 A Well, I'd have to go back and see what it 11:37:13
9 could possibly be. 11:37:15
10 Q Let's go back to talking about the 11:37:17
11 embodiments we were speaking about in the last two 11:37:19
12 sentences of Column 8. 11:37:21
13 A Okay. Was that Column 8 again? 11:37:23
14 Q Yes. Last two sentences. 11:37:28
15 A Okay. I'm with you. I'm with you. 11:37:30
16 Okay. 11:37:36
17 Q In the embodiment described in the last 11:37:36
18 two sentences of column 8 has a mouthpiece that 11:37:39
19 maintains its shape unless forces are applied to 11:37:41
20 it by the user. 11:37:46
21 Is that correct? 11:37:47
22 A If we don't -- if we just talk about most 11:37:51

1 of Column 8 we just discussed. That's talking 11:37:54
2 about a mouthpiece that will deform under 11:37:57
3 compressive force and then come back to its 11:38:01
4 original configuration. I certainly agree with 11:38:04
5 that. That's what it's talking about in that 11:38:06
6 embodiment. 11:38:09

7 Q Okay. So it's correct then that in that 11:38:09
8 embodiment in Column 8, the mouthpiece maintains 11:38:11
9 its shape unless compressive forces are applied to 11:38:14
10 it. 11:38:18

11 Is that correct? 11:38:18

12 A Correct. In that embodiment, yes. 11:38:19

13 Q You mentioned briefly the on/off valve. 11:38:21
14 I would like you to go to Column 12, specifically 11:38:52
15 Lines 24 to 25, where it describes the on/off 11:38:57
16 valve as having a fluid conduit that is 11:39:04
17 resiliently deformable. 11:39:08

18 Could you go there, please. 11:39:12

19 A I am there. 11:39:15

20 Q So it's your understanding that the '250 11:39:15
21 patent describes an on/off valve that uses a fluid 11:39:18
22 conduit that's resiliently deformable. 11:39:24

1	Is that right?	11:39:27
2	MR. MESSICK: Object to the form.	11:39:29
3	A Correct. And then it -- and then it	11:39:30
4	says, and/or crimpable region. So that's correct,	11:39:32
5	that's what it says.	11:39:36
6	Q And at Lines 34 to 36 of Column 12, it	11:39:37
7	describes the fluid conduit of the on/off valve	11:39:56
8	that it may be repeatedly folded, flattened,	11:40:00
9	crimped, and the like, without leaking or	11:40:04
10	otherwise being permanently deformed or failing.	11:40:06
11	Do you see that?	11:40:09
12	A I do.	11:40:10
13	Q Do you understand the term "resiliently	11:40:11
14	deformable" to mean something that does not	11:40:14
15	permanently deform?	11:40:18
16	A Yeah, in that case the material would	11:40:32
17	come back to its original configuration.	11:40:33
18	Q So --	11:40:37
19	A Every -- every material, if you don't	11:40:38
20	yield it, for example, will come back to its	11:40:41
21	original state if it's in its elastic region. So	11:40:43
22	what they're saying is that whatever material it	11:40:48

1 is, it should collapse and then release, and it 11:40:49
2 should go back to its original configuration. 11:40:52

3 Q So you would agree that a resiliently 11:40:54
4 deformable material is one that does not 11:40:56
5 permanently deform. 11:40:58

6 Is that right? 11:41:00

7 A I think in that context, at least for 11:41:04
8 this embodiment and his explanation, that would be 11:41:08
9 the case. 11:41:10

10 Like a steel spring, for example, 11:41:15
11 designed as a spring, would be resiliently 11:41:17
12 deformable. You can deform it, it will be 11:41:19
13 resilient, and return to its original 11:41:21
14 configuration. 11:41:25

15 Q I think we're about done, Dr. Vallee. I 11:41:25
16 just need maybe about a ten-minute break, if 11:43:42
17 that's all right. 11:43:44

18 A Sounds good with me. 11:43:46

19 (A recess was taken.) 11:43:48

20 BY MR. MUDD: 11:55:09

21 Q Dr. Vallee, if you could please turn back 11:55:20
22 to, in your declaration, Exhibit 1002, to 11:55:22

1	Paragraph 78, which we were discussing earlier	11:55:28
2	this morning.	11:55:31
3	A Okay, I'm there.	11:55:37
4	Q And as we discussed, in your proposed	11:55:40
5	modification you contend would have been obvious,	11:55:43
6	the arms are made of a hard plastic and the	11:55:47
7	mouthpiece is made of a more resilient flexible	11:55:52
8	material like latex or silicone.	11:55:56
9	Is that right?	11:55:58
10	A What I think I said was, my suggested	11:56:00
11	modification would have the arms more rigid than	11:56:05
12	the mouthpiece.	11:56:10
13	Q And specifically the arms would be made	11:56:11
14	of a hard plastic. Right?	11:56:14
15	A Yeah. Down at the bottom of that	11:56:17
16	paragraph I say, "Such as a hard plastic for the	11:56:18
17	arms and a more resilient, flexible material for	11:56:21
18	the mouthpiece," correct.	11:56:24
19	Q And so it's correct that in your	11:56:27
20	modification you're proposing that the arms are a	11:56:30
21	hard plastic. Right?	11:56:33
22	MR. MESSICK: Object to the form.	11:56:35

1 geometric design would not have to change. In 11:58:05
2 other words, you could use the same configuration. 11:58:08
3 Spacing of the bracket where it interfaces with 11:58:10
4 the arms 21 of the lid wouldn't have to change. 11:58:11
5 So you would -- for example, you can just, you 11:58:17
6 know, put a hole in the center and make it so you 11:58:19
7 could get a resilient mouthpiece through it. 11:58:23
8 That's what I was saying there. 11:58:26
9 Q So you're not saying in that sentence 11:58:27
10 that the arms 23 could be made of the same 11:58:41
11 material as in Nakajima? 11:58:48
12 A Well, we don't know what that material 11:58:52
13 is. But I'm saying if you're going to redesign 11:58:54
14 this like I describe, you may want, for example, a 11:58:58
15 harder plastic where you're going to have the pins 11:59:01
16 and the spacing than you would the mouthpiece 11:59:05
17 which you might want to be more soft so it feels 11:59:07
18 better in the mouth, it wouldn't get all kinds of 11:59:10
19 markings on it from use, that kind of thing. 11:59:13
20 Nakajima doesn't tell you what it is, 11:59:16
21 so ... 11:59:19
22 Q Are you aware of Nakajima describing 11:59:21

1 anywhere that the bracket formed by arms 23 does 11:59:25
2 not maintain its shape? 11:59:32

3 A No. And again, it just doesn't talk 11:59:35
4 about the material. But I went through it quickly 11:59:40
5 and couldn't find a space where -- a point where 11:59:42
6 it said exactly what it was. 11:59:46

7 Q But even though it doesn't specify the 11:59:48
8 material, Nakajima doesn't describe the bracket 11:59:51
9 formed by arms 23 as changing its shape. Right? 11:59:56

10 A It doesn't say whether this shape changes 11:59:57
11 or not. It just doesn't say. 11:59:59

12 Q And, thus, it never affirmatively 12:00:08
13 describes the bracket formed by arms 23 as 12:00:11
14 changing shape. Right? 12:00:13

15 A It doesn't say that, nor does it say what 12:00:16
16 material it is. It doesn't go into that level of 12:00:18
17 specificity. 12:00:21

18 Q And none of the figures in Nakajima ever 12:00:24
19 depict the bracket formed by arms 23 as changing 12:00:26
20 shape. Right? 12:00:29

21 A Not the bracket. It doesn't mean it 12:00:37
22 can't; it just doesn't say -- it doesn't describe 12:00:39

1 changing shape. 12:00:42

2 I mean, when it's noted, it will 12:00:45

3 deform -- I mean, it will deflect. If there is a 12:00:49

4 force on it, it will deflect. But it doesn't go 12:00:52

5 into that level of specificity. 12:00:54

6 Q So you say it doesn't go into that 12:00:56

7 specificity. 12:01:11

8 You mean it doesn't describe that 12:01:12

9 affirmatively. Right? 12:01:13

10 A It just doesn't go into that discussion. 12:01:15

11 MR. MUDD: Thank you, Dr. Vallee. I have 12:01:22

12 no further questions for you. 12:01:23

13 THE WITNESS: Thank you. 12:01:25

14 MR. MESSICK: I don't have any questions 12:01:28

15 either. 12:01:29

16 (Off the record at 12:01 p.m. EDT.)

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ACKNOWLEDGMENT OF DEPONENT

I, GLENN E. VALLEE, Ph.D., do hereby
acknowledge that I have read and examined the
foregoing testimony, and the same is a true,
correct and complete transcription of the
testimony given by me, and any corrections appear
on the attached Errata sheet signed by me.

(DATE) (SIGNATURE)

C E R T I F I C A T E

I, Debra Ann Whitehead, E-Notary Public in and for
the Commonwealth of Virginia, do hereby certify:

That GLENN E. VALLEE, Ph.D., the witness
whose deposition is hereinbefore set forth, was duly
sworn by me before the commencement of such
deposition and that such deposition was taken
virtually and is a true record of the testimony
given by such witness.

I further certify that the adverse party,
TROVE BRANDS, LLC, was represented by counsel at the
deposition.

I further certify that the deposition of
GLENN E. VALLEE, Ph.D., occurred virtually, on
Friday, September 12, 2025, from 11:03 a.m. to 12:01
p.m. EDT.

1 I further certify that I am not related to
2 any of the parties to this action by blood or
3 marriage, I am not employed by or an attorney to any
4 of the parties to this action, and that I am in no
5 way interested, financially or otherwise, in the
6 outcome of this matter.

7
8 IN WITNESS WHEREOF, I have hereunto set my
9 hand this 12th day of September, 2025.

10
11 My commission expires:

12 October 31, 2027

13
14  

15 -----
16 E-NOTARY PUBLIC IN AND FOR THE
17 COMMONWEALTH OF VIRGINIA
18
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