

Petitioner Trove Brands' Demonstratives For Oral Argument

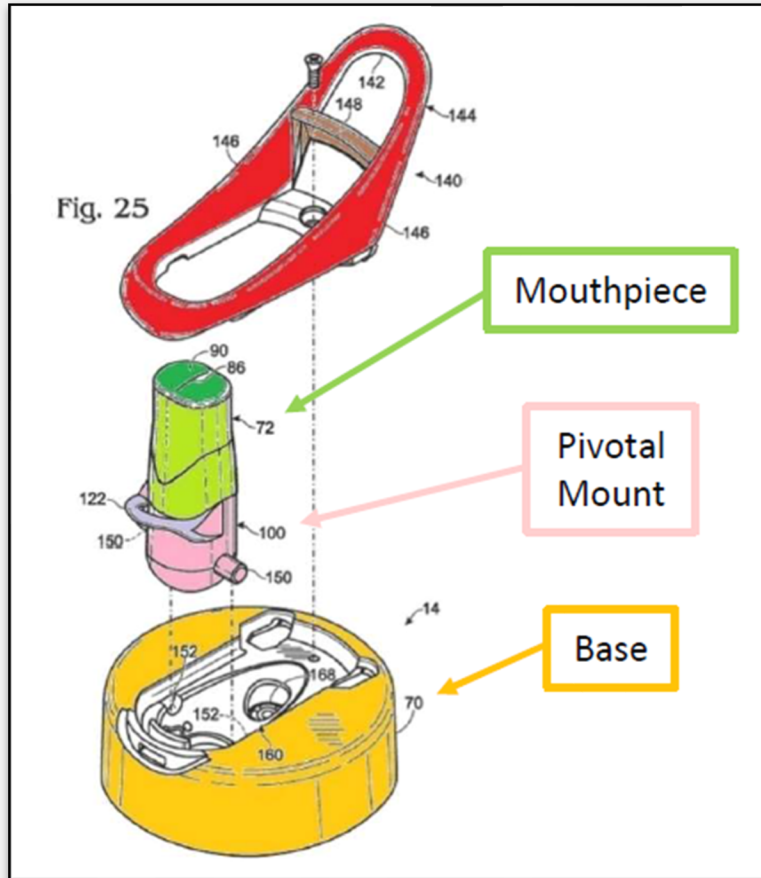
March 10, 2026

Trove Brands, LLC v. CamelBak Products, LLC

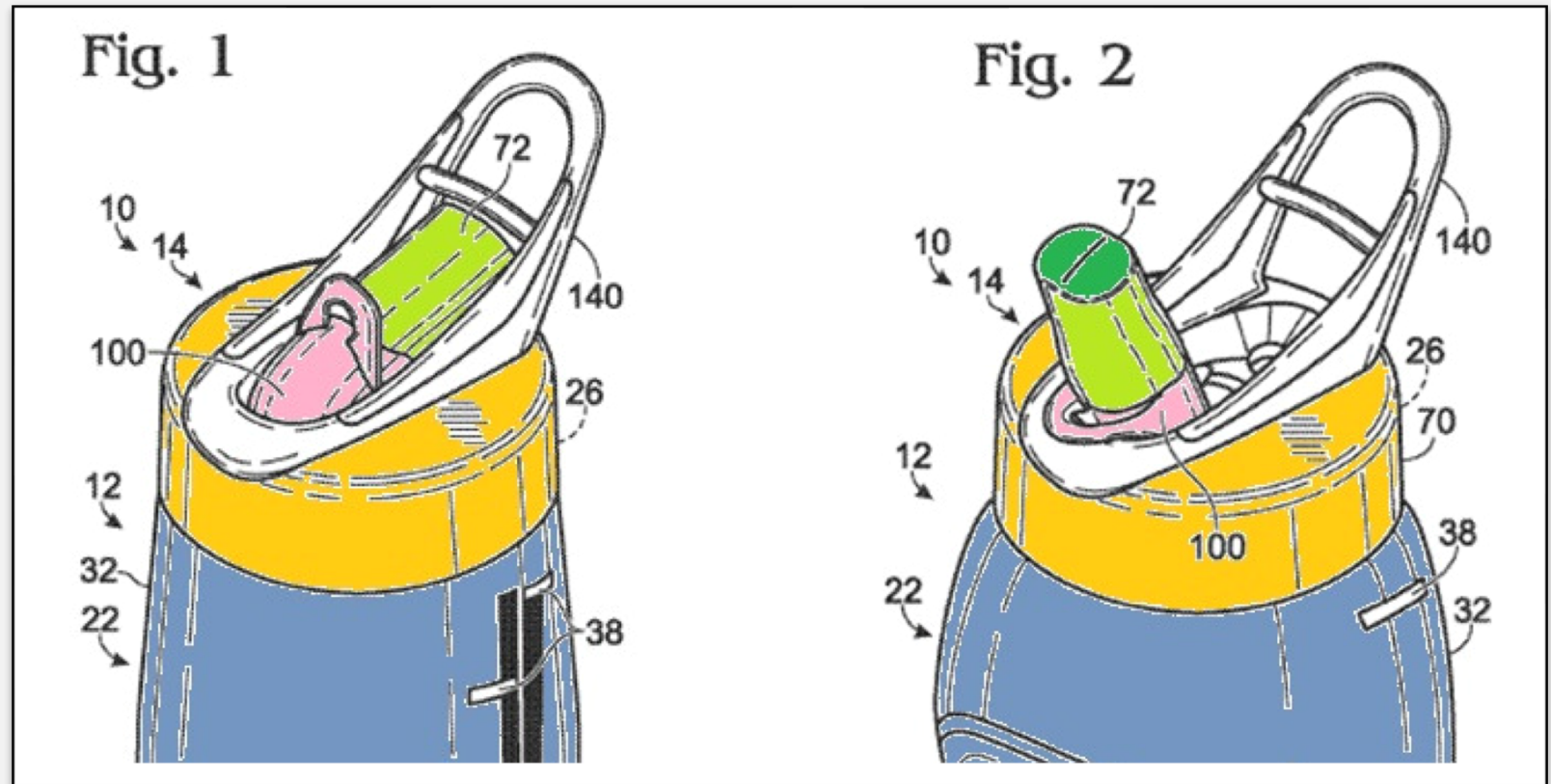
IPR2025-00140 (Patent 11,851,250)

Trove Brands v. CamelBak
IPR2025-00140
Trove Ex. 1021

'250 Patent Overview – Drink Container And Cap Assembly

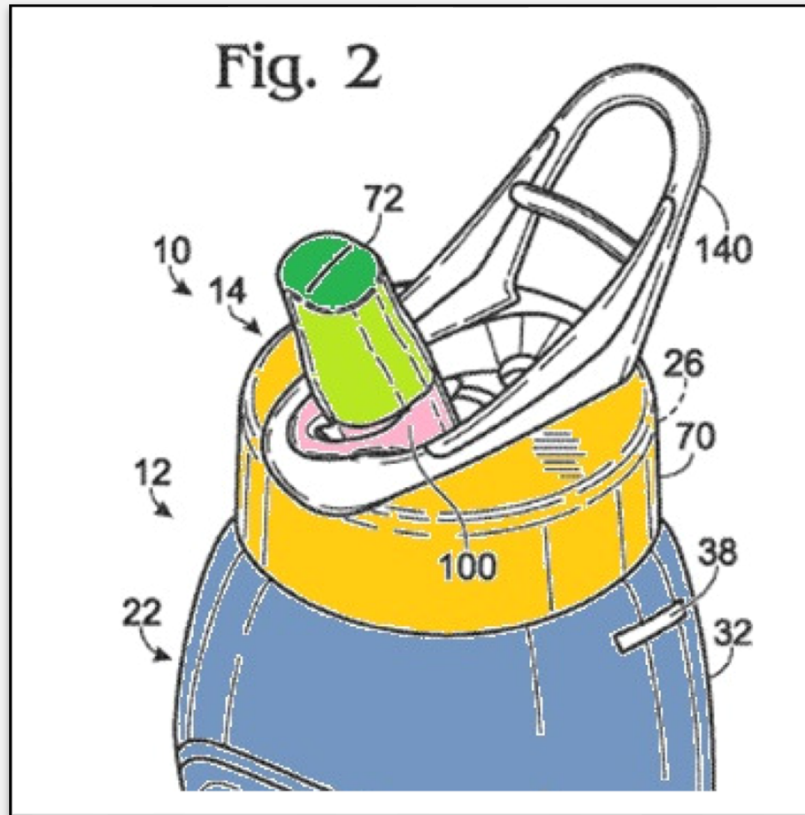


Ex. 1001, Fig. 25 (annotated)



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

Independent Claim 1 ('250 Patent)



Ex. 1001, Fig. 2 (annotated)

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 at two joints that define a pivotal axis for pivotal movement of the pivotal mount relative to the cap assembly base, the pivotal mount defining a hollow passage, the hollow passage having a mount outlet on a distal end of the pivotal mount;

a mouthpiece coupled to the mount outlet of the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base;

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

wherein the mouthpiece and the pivotal mount are configured to be selectively pivoted between a stowed position and a dispensing position, wherein the mouthpiece is at least partially covered by a dust cover when the mouthpiece and pivotal mount are in the stowed position, and wherein the dispensing outlet is positioned further away from the cap assembly base when the mouthpiece and the pivotal mount are in the dispensing position than when the mouthpiece and the pivotal mount are in the stowed position; and

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

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

Ex. 1001, claim 1 (highlight added)

Claim 1 – Key Limitations At Issue

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 at two joints that define a pivotal axis for pivotal movement of the pivotal mount relative to the cap assembly base, the pivotal mount defining a hollow passage, the hollow passage having a mount outlet on a distal end of the pivotal mount;

a mouthpiece coupled to the mount outlet of the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base;

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

wherein the mouthpiece and the pivotal mount are configured to be selectively pivoted between a stowed position and a dispensing position, wherein the mouthpiece is at least partially covered by a dust cover when the mouthpiece and pivotal mount are in the stowed position, and wherein the dispensing outlet is positioned further away from the cap assembly base when the mouthpiece and the pivotal mount are in the dispensing position than when the mouthpiece and the pivotal mount are in the stowed position; and

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

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

Ex. 1001, claim 1 (highlight added)

Independent Claims 1, 7, & 13 Share Same Basic Structure

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 at two joints that define a pivotal axis for pivotal movement of the pivotal mount relative to the cap assembly base, the pivotal mount defining a hollow passage, the hollow passage having a mount outlet on a distal end of the pivotal mount;

a mouthpiece **coupled to the mount outlet of the pivotal mount** for pivotal movement with the pivotal mount relative to the cap assembly base;
wherein the mouthpiece defines a portion of the fluid conduit, including the dispensing outlet;

Ex. 1001, claim 1 (highlight added)

7. 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 at two joints that define a pivotal axis for pivotal movement of the pivotal mount relative to the cap assembly base;

a mouthpiece **disposed on the pivotal mount** for pivotal movement with the pivotal mount relative to the cap assembly base;

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

Ex. 1001, claim 7 (highlight added)

13. 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 at two joints that define a pivotal axis for pivotal movement of the pivotal mount relative to the cap assembly base;

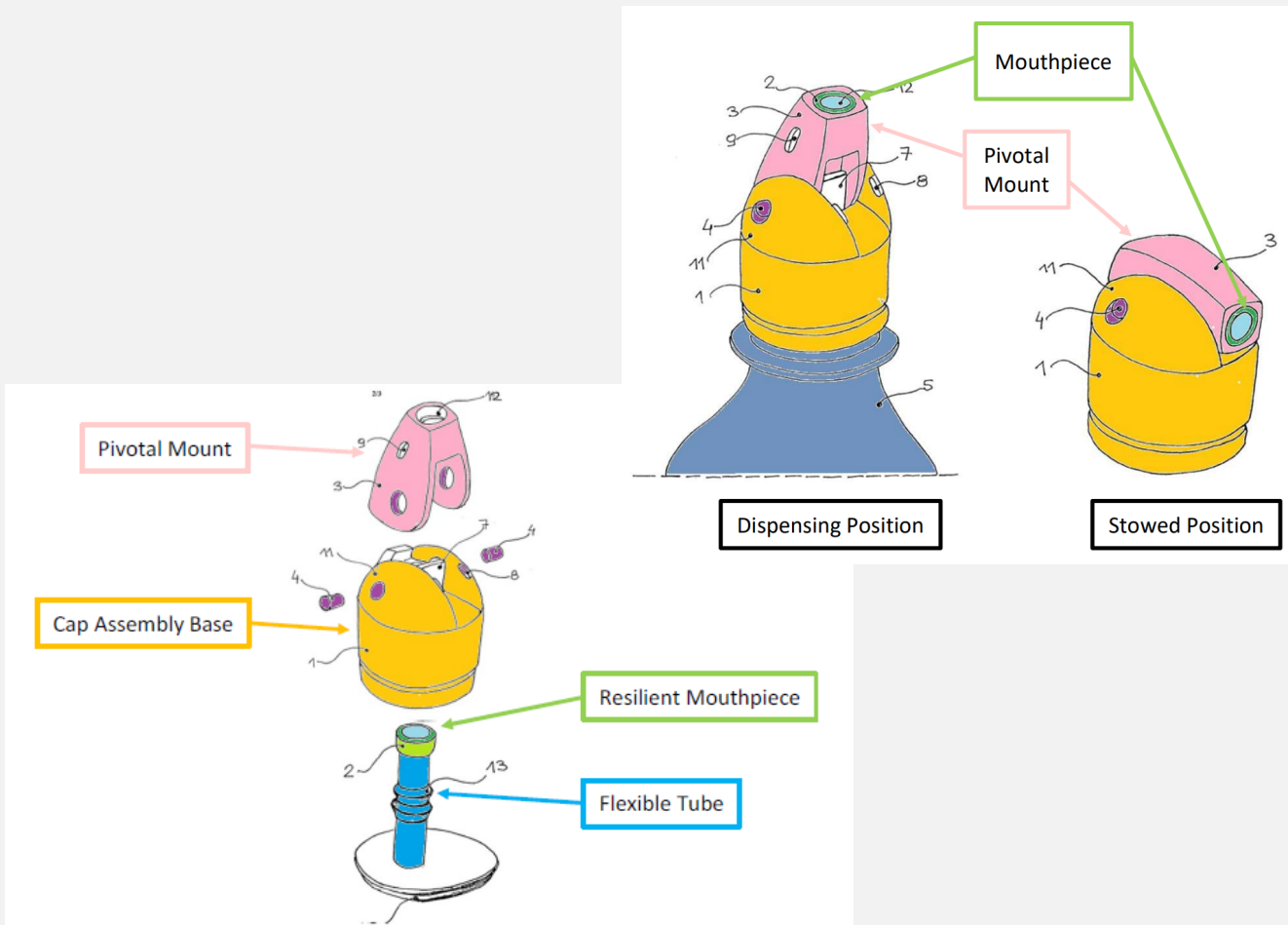
a mouthpiece **disposed on the pivotal mount** for pivotal movement with the pivotal mount relative to the cap assembly base;

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

Ex. 1001, claim 13 (highlight added)

Grounds 2-3

Grounds 2-3: Ribarits Mapping To Claim 1 Limitations



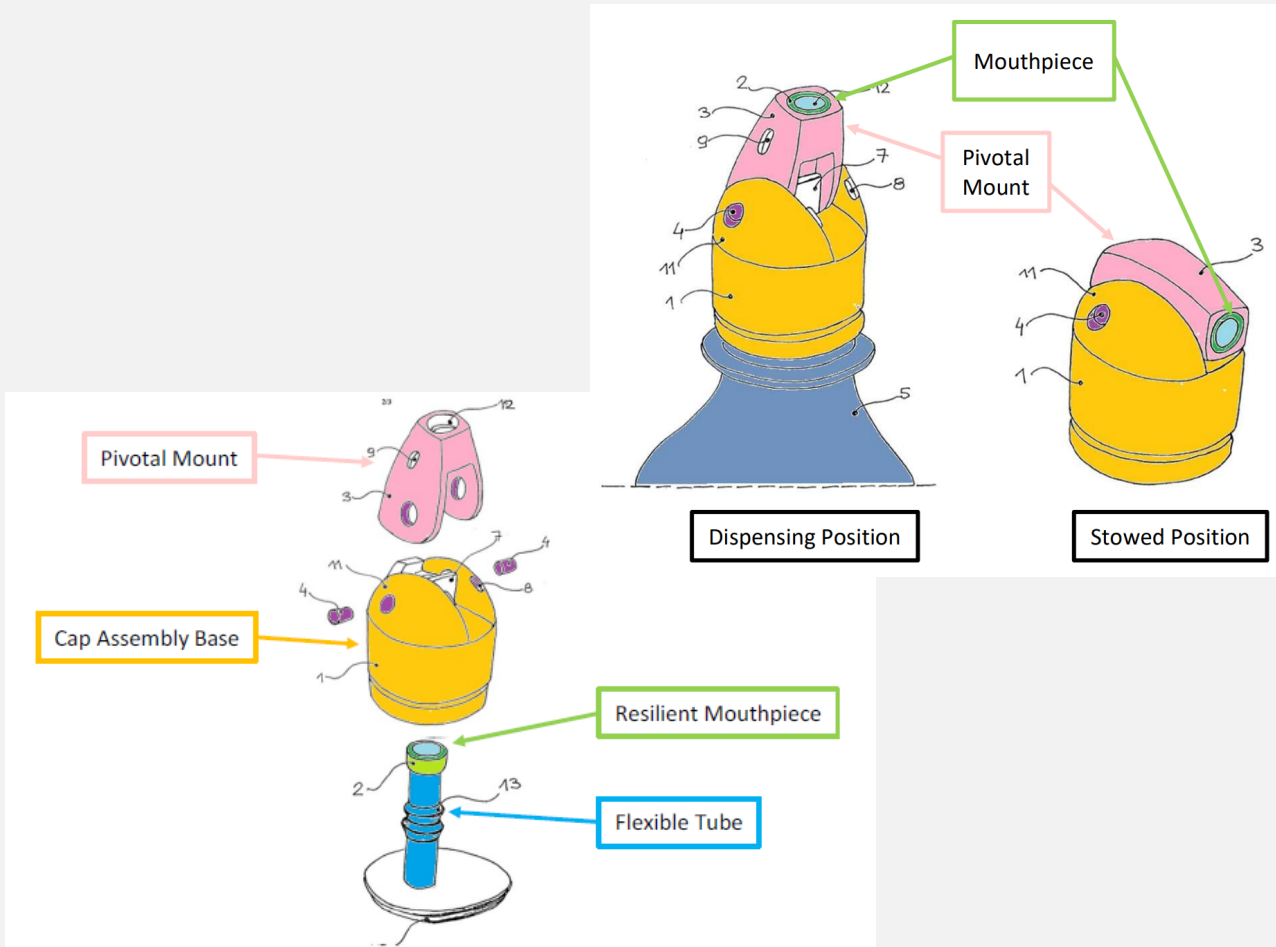
Ex. 1006, Figs. 1-2 (annotated)

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 mouthpiece coupled to the mount outlet of **the pivotal mount** for pivotal movement with the pivotal mount relative to the cap assembly base;
wherein **the mouthpiece** defines a portion of **the fluid conduit**, including the dispensing outlet;

Ex. 1001, claim 1 (highlight added)

CamelBak's "Mouthpiece" Critique Depends On Its Narrow Construction



Ex. 1006, Figs. 1-2 (annotated)

claim of the '250 patent. As shown below, Petitioner fails to show that Ribarits discloses "a mouthpiece" that defines the "dispensing outlet" and is "coupled to the mount outlet" of the pivotal mount (claim 1) or "disposed on the pivotal mount" (claims 7 and 13). Ex.1001 at 19:27-29, 20:40-42, 21:55-57. First, the structure in

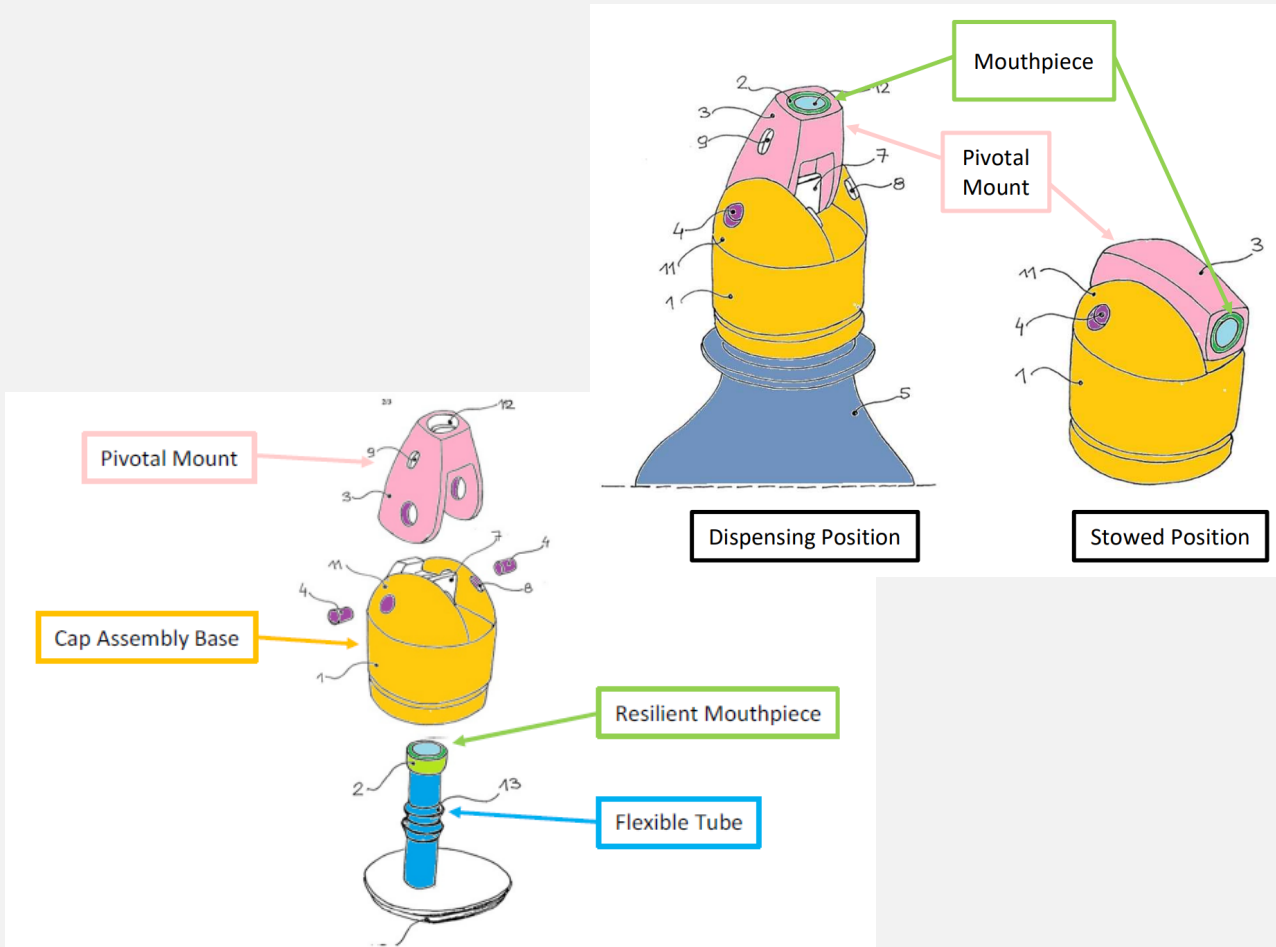
POR, 73

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 mouthpiece coupled to the mount outlet of the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base; wherein the mouthpiece defines a portion of the fluid conduit, including the dispensing outlet;

Ex. 1001, claim 1 (highlight added)

Claim Language Explains The Mouthpiece's Role



Ex. 1006, Figs. 1-2 (annotated)

The claims specify what the mouthpiece must do:

- “wherein the fluid conduit includes...a dispensing outlet through which drink fluid in the fluid conduit may be dispensed from the cap assembly to a user,
...
a mouthpiece ... wherein the mouthpiece defines a portion of the fluid conduit, including the dispensing outlet”

The Record Supports Trove's Reading Of The "Mouthpiece" Limitation

CamelBak:

The specification of the '250 patent further supports this construction. For example, it describes the "mouthpiece" as a portion of the overall cap assembly where the liquid is dispensed to a user drinking the liquid from the drink container.

POR, 24

Dr. Vallee:

45. A POSITA would understand a "mouthpiece" to refer to the portion of a dispensing structure that forms the user-facing end of the fluid flow path and is positioned at the drinking interface—i.e., the part that the user places at or near the mouth when consuming fluid. *See, e.g.*, Ex. 2005, 1 (defining mouthpiece as "something placed at or forming a mouth"); Ex. 1001, claims 1 (19:12-14, 19:30-31), 7 (20:27-29, 20:43-44), 13 (21:42-44, 21:58-59). In this field, a mouthpiece

Ex. 1015, ¶45

'250 Patent:

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

Ex. 1001, 8:12-16

Specification: Embodiments Without Mouth Contact

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 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.

Ex. 1001, 9:59-10:13 (highlight and underline added)

No Basis To Import Mouth-Contact Limitation

CamelBak:

In each of these examples of mouthpieces, a POSITA would have understood that a user would be putting their mouth on it to draw liquid from the container.

Ex.2016, ¶¶57-62. Further, the figures of the '250 patent consistently depict the mouthpiece (72) as being a straw-like structure designed to allow a user to place their mouth to draw or drink liquid from it. Ex.1001, Figs. 6–8, 24, 25; Ex.2016, ¶61.

POR, 30 (underline added)



“[A]lthough the specification often describes very specific embodiments of the invention, we have repeatedly warned against confining the claims to those embodiments.”

Sisvel Int'l S.A. v. Sierra Wireless, Inc., 81 F.4th 1231, 1236 (Fed. Cir. 2023)
(quoting *Phillips v. AWH Corp.*, 415 F.3d 1303, 1323 (Fed. Cir. 2005))

'250 Patent:

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

Ex. 1001, 18:42-46 (underline added)

CamelBak's Extrinsic Evidence Undermines Its Narrow Construction

mouthpiece noun

mouth·piece 'maʊth-ˌpēs ◀▶

[Synonyms of *mouthpiece* >](#)

- 1** : something placed at or forming a [mouth](#)
- 2** : a part (as of an instrument) that goes in the mouth or to which the mouth is applied

Ex. 2005, 1

CamelBak's Extrinsic Evidence Undermines Its Narrow Construction

mouthpiece noun

mouth·piece ('maʊth-,pēs 🗣️)

[Synonyms of *mouthpiece* >](#)

- 1 : something placed at or forming a mouth
- 2 : a part (as of an instrument) that goes in the mouth or to which the mouth is applied

Ex. 2005, 1 (highlight and underline added)

CamelBak's Sur-Reply Critiques Fail

Such a construction based on a “near” requirement that is not a defined distance that can be measured, as Dr. Vallee admits, and that uses a term, “near,” which is not used in the ’250 patent nor described with any objective guidance as to the distance required to be “near” cannot be correct under the law. *Geneva Pharms., Inc. v. GlaxoSmithKline PLC*, 349 F.3d 1373, 1384 (Fed. Cir. 2003) (rejecting proposed construction that would render claim term indefinite). In *Geneva*, the court

Sur-reply, 4

F.3d 945, 950 (Fed. Cir. 2006) (cannot render claim terms “superfluous”). The “mouthpiece,” therefore, must be construed to have some meaning separate and independent from the “dispensing outlet” and “fluid conduit.” *Bd. of Regents of the*

Sur-reply, 5

Claim Construction Cannot Add Limitations To Avoid Validity Questions



"Absent a clear disavowal or contrary definition in the specification or the prosecution history, the patentee is entitled to the full scope of its claim language."

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



"Claim construction is not an exercise to 'redefine claim recitations or to read limitations into the claims to obviate factual questions of infringement and validity but rather to give meaning to the limitations actually contained in the claims'"

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

Even Under CamelBak's Construction, Ribarits Has A "Mouthpiece"

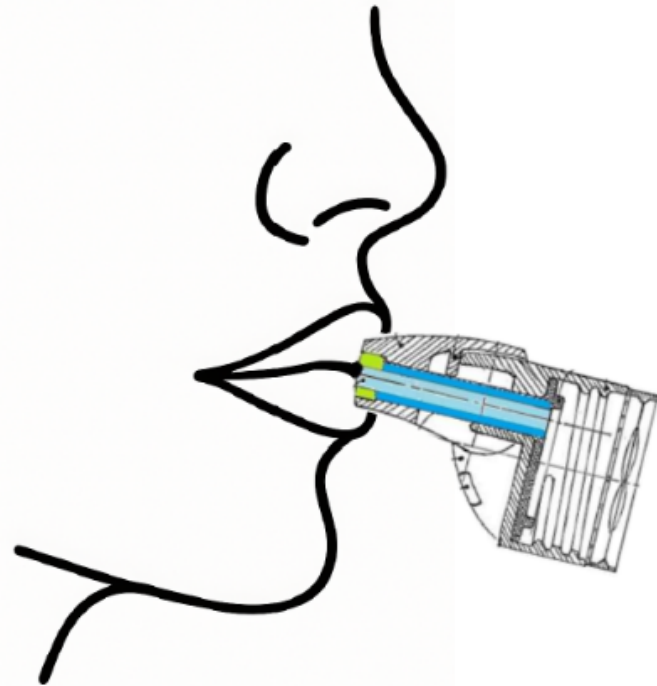
CamelBak:

consistent with the intrinsic evidence's usage: a "mouthpiece" would have been understood by a POSITA to be "a part designed for a user to put his or her mouth on to dispense liquid from the container." Ex.2016, ¶¶57-62.

POR, 31

mouthpiece's "internal chamber" or dispensing face. Reply, 4-5. But Patent Owner, of course, does not require that a user's mouth be able to contact all portions of the mouthpiece or to do so at the same time. Further, Gardner (Ex.1014), which is

Sur-reply, 5



Reply, 28 (citing Ex. 1015, ¶54)

CamelBak's Sur-Reply Does Not Undercut Trove's Lip-Contact Showing

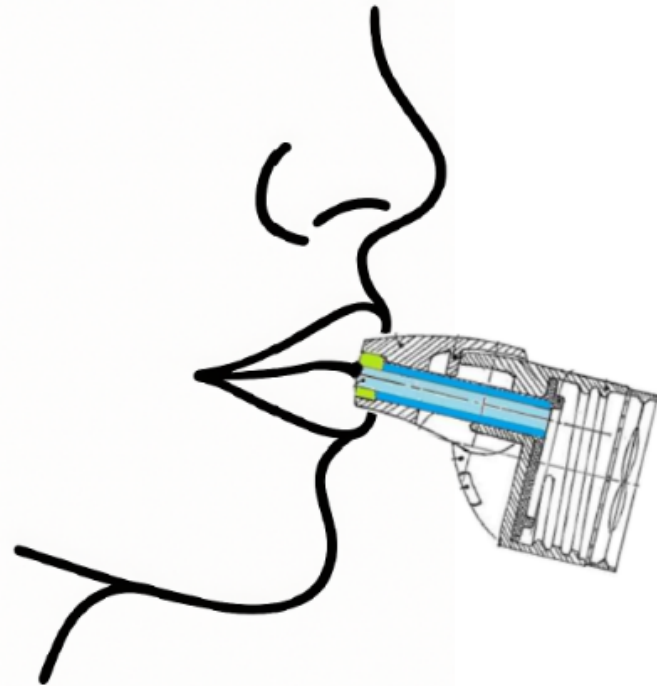
CamelBak:

designed for the user to place his or her mouth on it. Reply, 26-28. Petitioner resorts to a kissing hypothetical in which a user presses the front surface of their puckered lips against the green portion, rather than opening their mouth and placing their lips on the uncolored drinking spout 3 that is not part of the alleged “mouthpiece”:

Sur-reply, 23 (underline added)

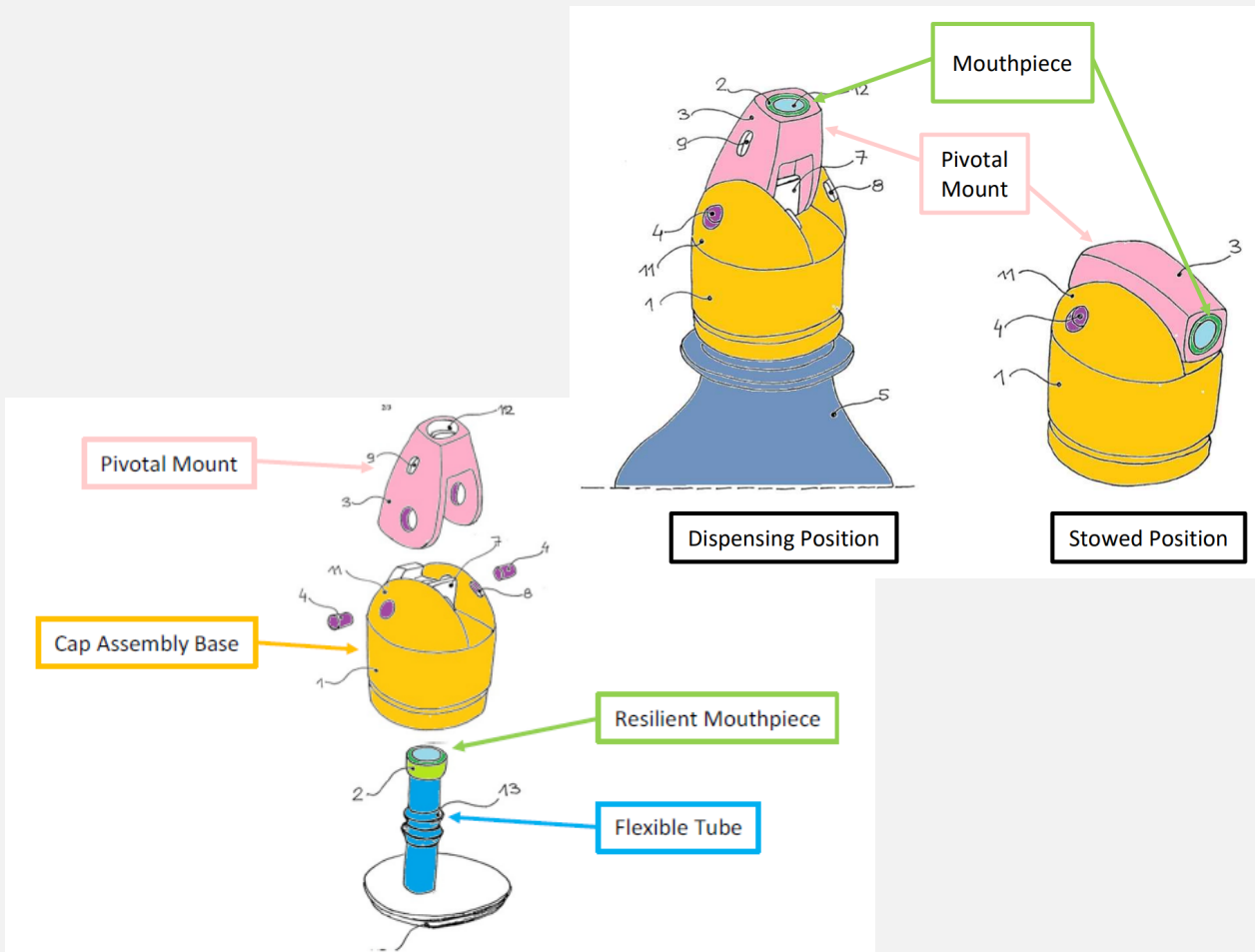
Finally, even if record evidence existed establishing that a user could drink in the “kissing” configuration shown, contacting the surface of the lips is not the same as the user placing their mouth on the mouthpiece, because the “mouth” is the “opening” through which fluid or liquid passes and not merely the surface of the lips.³ Ribarits, therefore, fails to satisfy Patent Owner’s construction even under

Sur-reply, 25 (underline added)



Reply, 28 (citing Ex. 1015, ¶154)

Ribarits' Mouthpiece Is "Coupled To The Mount Outlet"



Ex. 1006, Figs. 1-2 (annotated)

claim of the '250 patent. As shown below, Petitioner fails to show that Ribarits discloses "a mouthpiece" that defines the "dispensing outlet" and is "coupled to the mount outlet" of the pivotal mount (claim 1) or "disposed on the pivotal mount" (claims 7 and 13). Ex.1001 at 19:27-29, 20:40-42, 21:55-57. First, the structure in

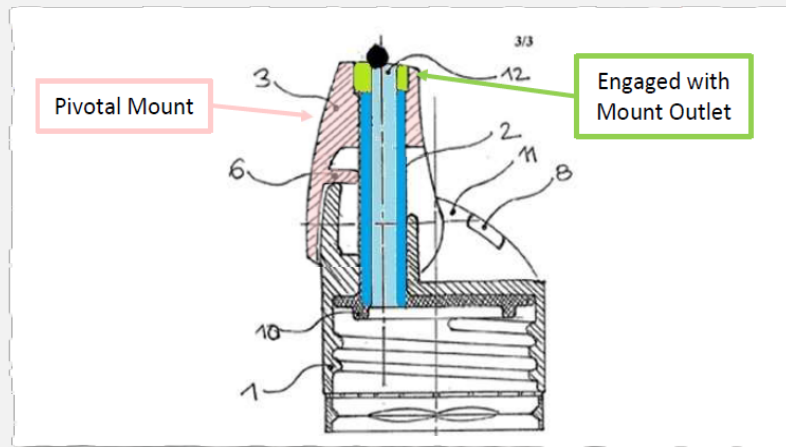
POR, 73

a mouthpiece **coupled to** the mount outlet of the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base;

Ex. 1001, claim 1 (highlight added)

Petition Shows Mouthpiece-Mount Coupling

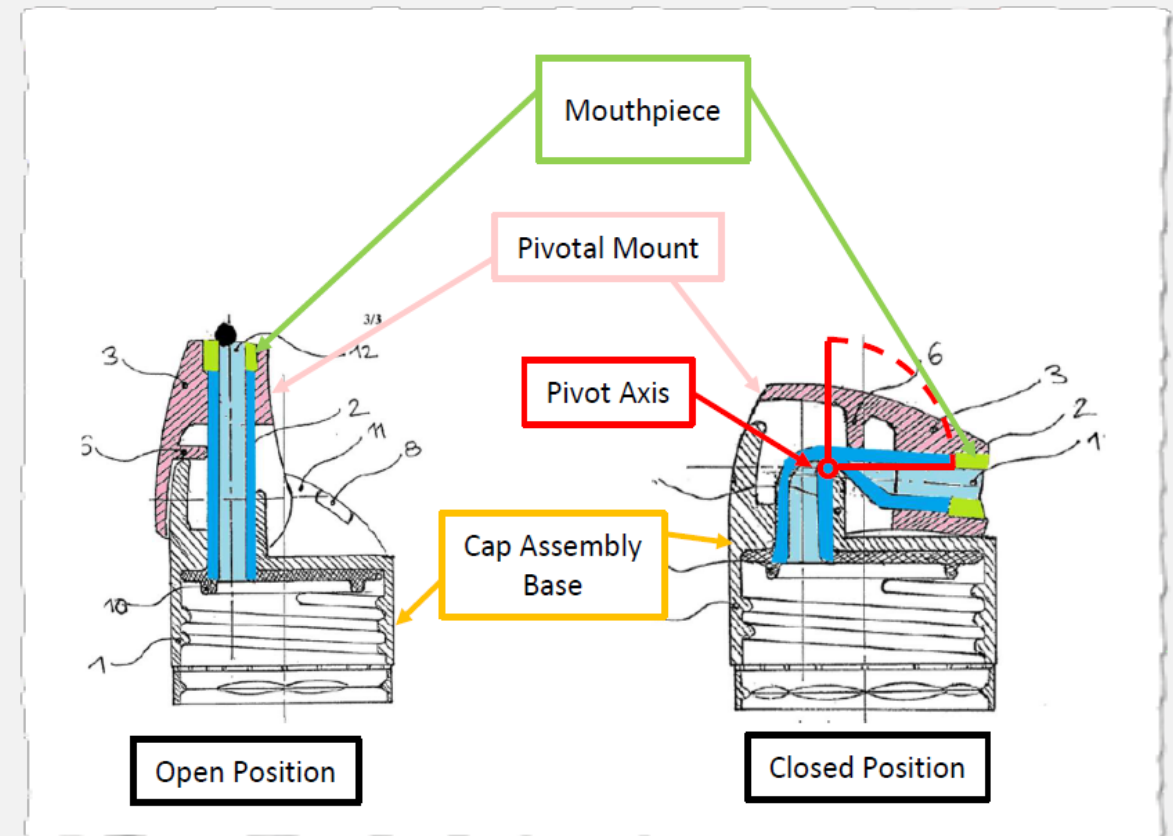
Limitation 1[b][3] – “a mouthpiece coupled to the mount outlet of the pivotal mount”



Ex. 1002, ¶126 (annotating Ex. 1006, Fig. 3)

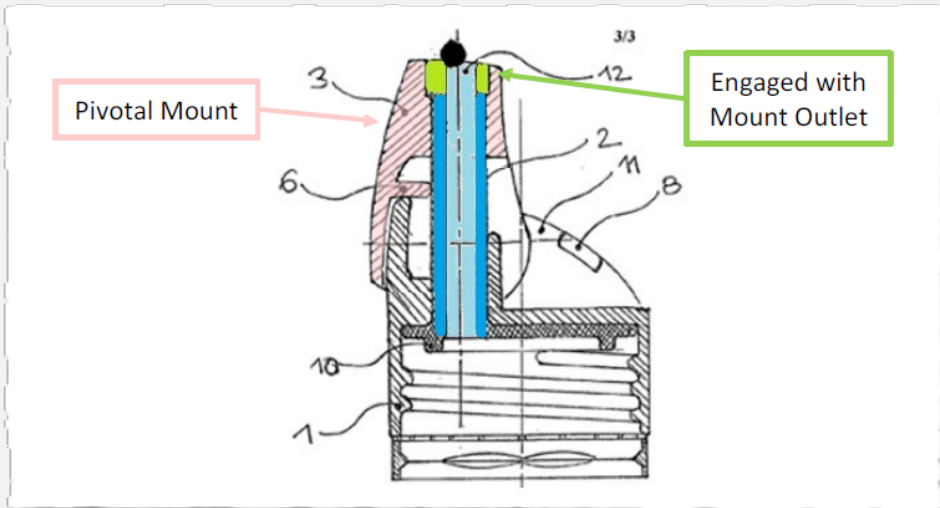
125. Ribarits discloses “a sealed tubular element of rubber or latex” that “is inserted” through the closing cap and into the pivoting drinking spout. Ex. 1006, 2. Rubber and latex are examples of resilient materials that were well-known to persons of ordinary skill in the art. As shown below, the mouthpiece is engaged to the mount outlet and thereby coupled to the pivotal mount at the dispensing outlet:

Ex. 1002, ¶125 (underline added)



Ex. 1006, Fig. 3 (annotated)

Ribarits Claim 7 Confirms Snap-Fit Coupling To Pivotal Mount



Ex. 1002, ¶126 (annotating Ex. 1006, Fig. 3)

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

Ex. 1006, claim 7 (highlight added)

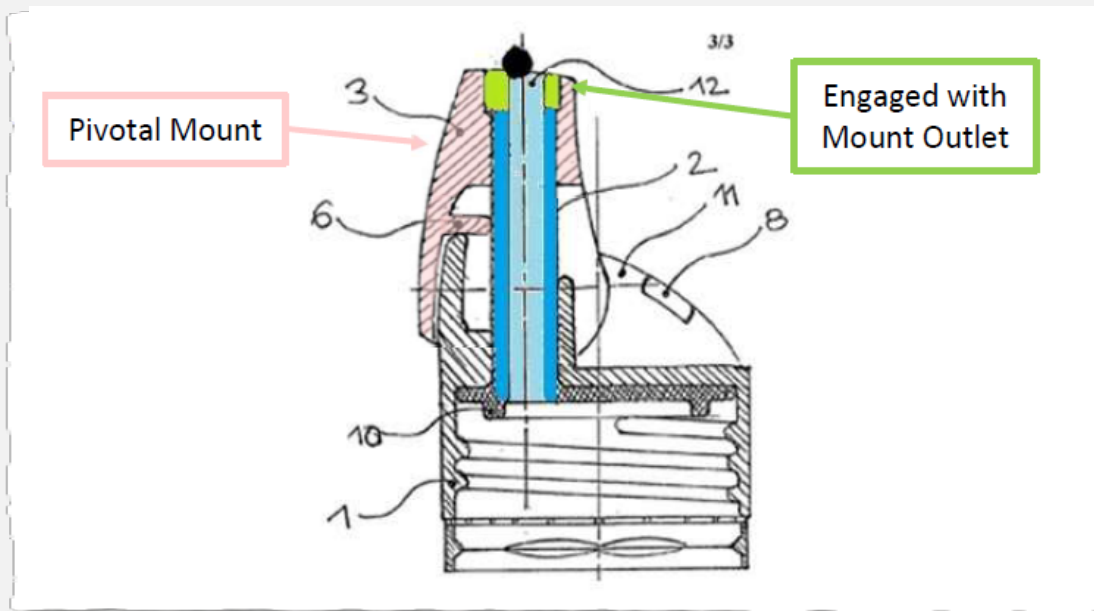
Ex. 1002, ¶126 (annotating Ex. 1006, Fig. 3). Further, claim 7 of Ribarits describes this distal end of the tubular element 2 as “snapping” into engagement with the shoulder region (i.e., “broadening outlet”) of the drinking spout 3, which a POSITA would recognize as a conventional snap-fit connection (i.e., a securing mechanism that generates frictional retention at the interface between the tubular element 2 and the broadening of the outlet opening 12). Ex. 1006, claim 7 (“in the drinking spout

Ex. 1015, ¶55 (underline added)

Ribarits' Mouthpiece Is "Disposed On The Pivotal Mount"

Claims 7 & 13: "a mouthpiece disposed on the pivotal mount"

Claim 1: "a mouthpiece coupled to the mount outlet of the pivotal mount"

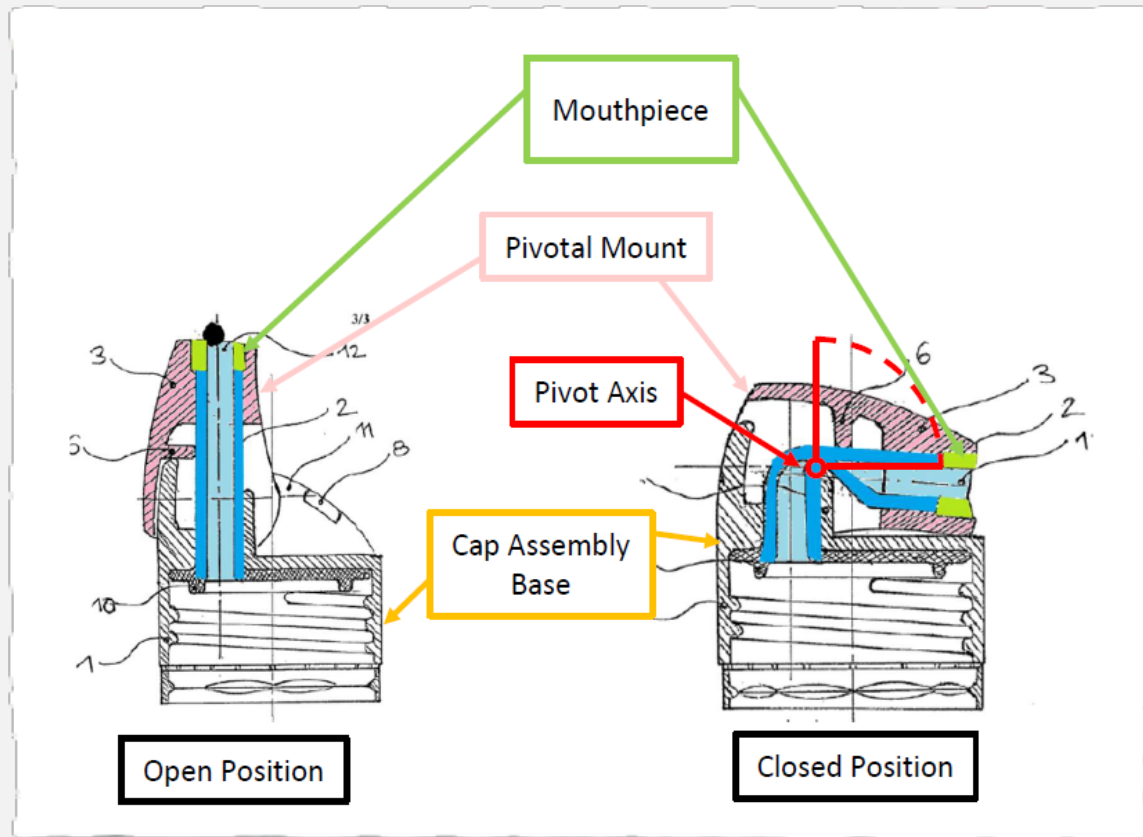


Ex. 1002, ¶126 (annotating Ex. 1006, Fig. 3)

claim of the '250 patent. As shown below, Petitioner fails to show that Ribarits discloses "a mouthpiece" that defines the "dispensing outlet" and is "coupled to the mount outlet" of the pivotal mount (claim 1) or "disposed on the pivotal mount" (claims 7 and 13). Ex.1001 at 19:27-29, 20:40-42, 21:55-57. First, the structure in

POR, 73

The Same Mounting Relationship Satisfies “Disposed On”



Petition, 47 (annotating Ex. 1006, Fig. 3)

56. For similar reasons, a POSITA would understand that the mouthpiece in Ribarits is disposed on the pivotal mount. Ex. 1002, ¶¶176, 191, 124-131. The drinking spout 3 functions as the pivotal mount, and it provides the mount outlet onto which the distal tube region is received and on which it is retained by the snap-fit described in claim 7. From a mechanical standpoint, the mount outlet of the drinking spout 3 is the part on which the tubular element 2's outlet-forming portion is mounted and supported. That the tubular element 2's distal end resides within an internal passage of the drinking spout 3 does not change the relationship: the mouthpiece is disposed on the mount outlet of the pivotal mount in the ordinary engineering sense of that phrase. CamelBak identified nothing in the intrinsic record that supports incorporating a separate, additional requirement for “disposed on.” POR, 77-81.

Ex. 1015, ¶156 (highlight added)

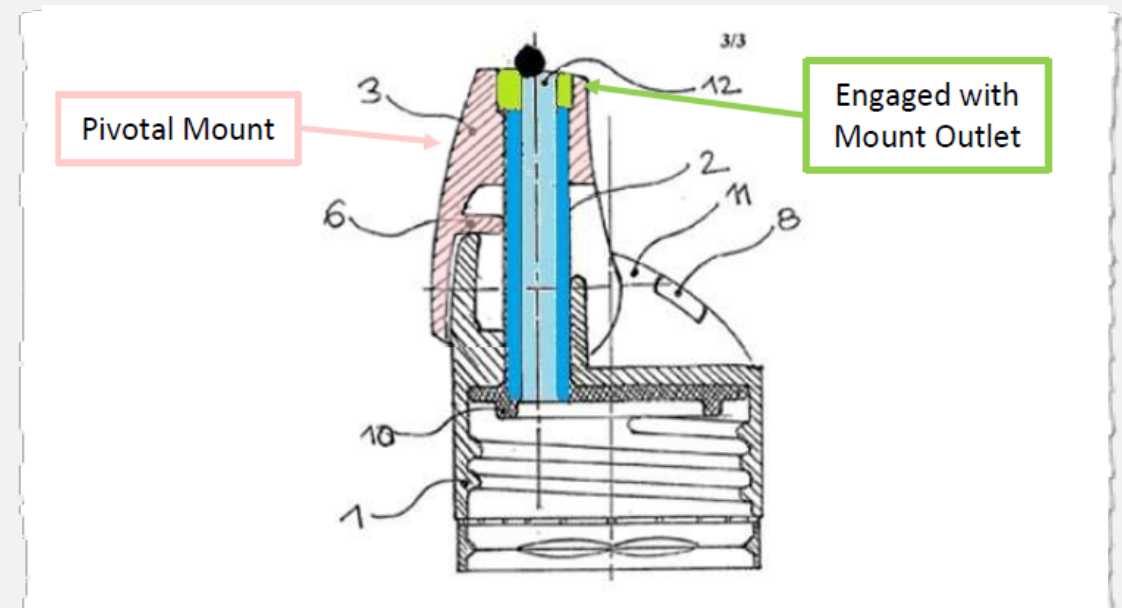
The Record Supports Trove's Reading Of "Disposed On"

they sit partly or entirely within an internal recess. A POSITA would not limit "disposed on" to the exterior surface of a part or to outward-protruding features, particularly where, as here, the claim language does not specify which surface of the pivotal mount the mouthpiece must be disposed on. See Ex. 1001, claims 7 and 13.

Ex. 1015, ¶157 (highlight added)

with ordinary engineering usage in this context. A POSITA would also recognize that "on" is a relative term in mechanical design: absent an express specification of a particular reference surface or orientation, "disposed on" is understood broadly to encompass components supported by, received within, or mounted at a location provided by the part in question. This interpretation aligns with the ordinary meaning of "on." Merriam-Webster defines "on" as "a source of attachment or support," a definition that speaks to the functional support relationship rather than whether a component resides external to another structure. Ex.1020, 3.

Ex. 1015, ¶157 (highlight added)



Ex. 1002, ¶126 (annotating Ex. 1006, Fig. 3)

CamelBak's "Disposed On" Theory Adds External Surface Requirement

Pet., 49 (annotating Ex.1006, Figs. 1 & 3). In the context of the '250 patent, a POSITA would understand the phrase "disposed on" to mean an element is located on another element rather than completely within another element. Ex.2016, ¶133.

POR, 79 (underline added)

Conversely, Ribarits's alleged *mouthpiece* is not disposed "on" its alleged *pivotal mount*, because the *mouthpiece* is not attached onto the pivotal mount and is instead inserted entirely inside of it. Ex.2016, ¶134; Ex.1006, at 2 ("[A] sealed tubular element of rubber or latex is *inserted* in both these parts"). At most, and as

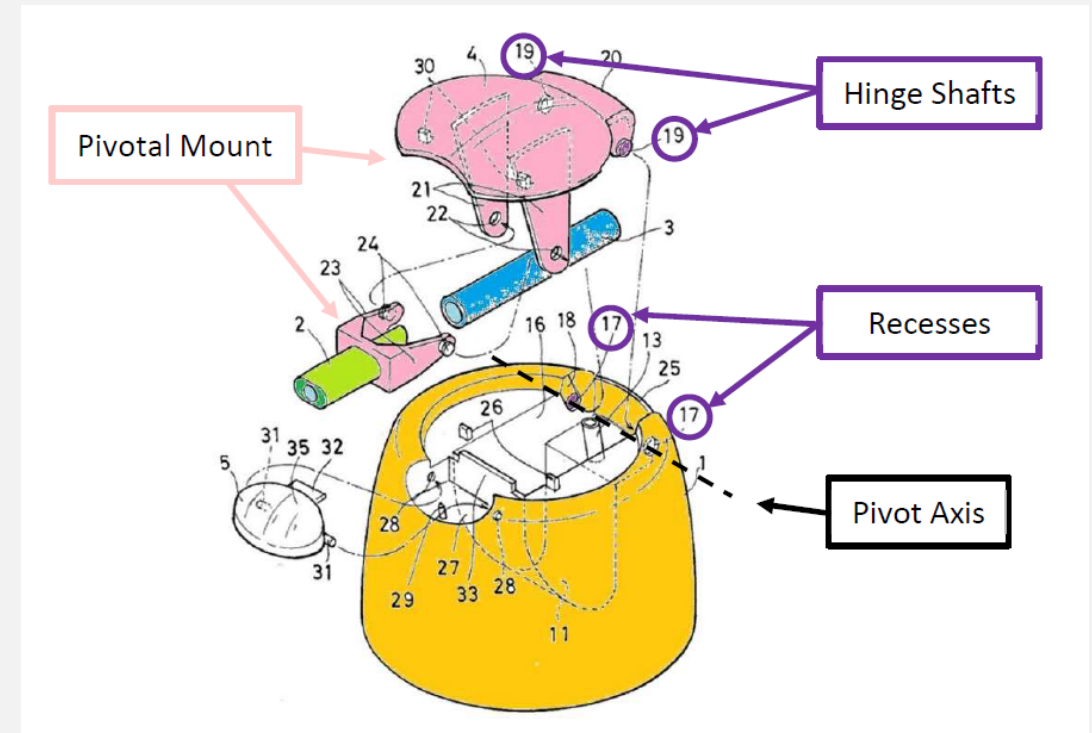
POR, 80 (underline added)

Ground 1

Ground 1: Nakajima Mapping To Claim 1 Limitations

a pivotal mount coupled to the cap assembly base at two joints that define a pivotal axis for pivotal movement of the pivotal mount relative to the cap assembly base, the pivotal mount defining a hollow passage, the hollow passage having a mount outlet on a distal end of the pivotal mount;
a mouthpiece coupled to the mount outlet of the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base;

Ex. 1001, claim 1 (highlight added)



Ex. 1004, Fig. 1 (annotated)

Claim Language Differs From '255 Patent

'250 Patent Claim 1 Limitations:

a pivotal mount coupled to the cap assembly base at two joints that define a pivotal axis for pivotal movement of the pivotal mount relative to the cap assembly base, the pivotal mount defining a hollow passage, the hollow passage having a mount outlet on a distal end of the pivotal mount;

a mouthpiece coupled to the mount outlet of the pivotal mount for pivotal movement with the pivotal mount relative to the cap assembly base;

Ex. 1001, claim 1 (highlight added)

'255 Patent Claim 1 Limitations:

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. 2014, claim 1 (highlight added)

CamelBak Reads “With” To Require Mirrored Movement

‘250 Patent Claim 1 Limitations:

a mouthpiece coupled to the mount outlet of the pivotal mount **for pivotal movement with** the pivotal mount relative to the cap assembly base;

Ex. 1001, claim 1 (highlight added)

CamelBak:

42, 21:51–54 (emphasis added). The claim language thus requires that the pivotal movement of the mouthpiece mirrors the pivotal movement of the pivotal mount, which must occur about the “pivotal axis.” Ex.2016, ¶78.

POR, 40 (underline added)

Patent Owner requests that this term be construed to mean “a mouthpiece [coupled to the mount outlet of]/[disposed on] the pivotal mount that moves with rotational motion about the same axis of rotation defined by the two joints as the pivotal mount in the same direction as the pivotal mount such that a constant distance/radius from the mouthpiece to the axis is maintained.” At institution, the

POR, 38 (underline added)

Experts Agree: “With” Requires Participation/Accompaniment

Dr. Vallee:

18:42-46. In my opinion, a POSITA would understand “with” to refer to participation in the pivot-driven movement of the assembly as a whole, not to a requirement that every subcomponent rotate in a manner that mirrors the pivotal mount’s local instantaneous direction of rotation.

Ex. 1015, ¶17 (highlight added)

from the direction of the pivotal mount’s rotation about every axis. The claim phrase “for pivotal movement with the pivotal mount” speaks to whether the mouthpiece engages in the pivotal mount’s pivot-driven movement relative to the cap assembly base, not to the direction of any secondary rotation the mouthpiece may exhibit about another joint. *See also* Ex. 2017 (explaining that “with” can be “used as a function word to indicate a participant in an action, transaction, or arrangement” or “used as a function word to indicate combination, accompaniment, presence, or addition”).

Ex. 1015, ¶13 (citing Ex. 2017) (highlight added)

Mr. Jobin:

motion about the same axis of rotation in the same direction. For example, Meriam-Webster defines “with” in this context as meaning “in the direction of,” “to indicate a participant in an action, transaction, or arrangement,” or “to indicate combination, accompaniment, presence, or addition.” Ex.2017. Accordingly, the term “with”

Ex. 2016, ¶79 (citing Ex. 2017) (highlight added)

The idea that the mouthpiece accompanies or -- or moves with the pivotal mount is understood from the specification that “with” connects those two bodies as they're rotating. That's the whole point of this particular claim limitation.

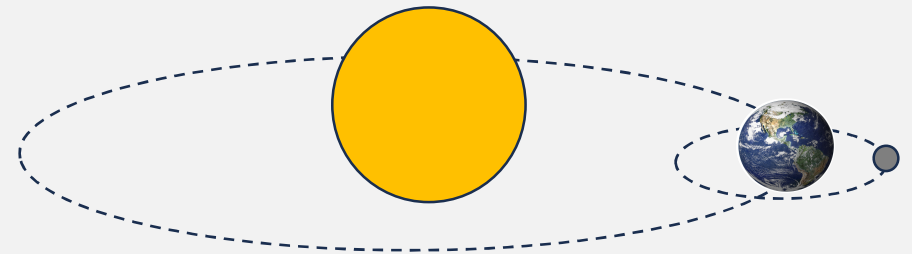
Ex. 1013 (Jobin Tr.), 35:15-36:15 (highlight added)

Institution Decision Describes Movement “With” Using An Analogy

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

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

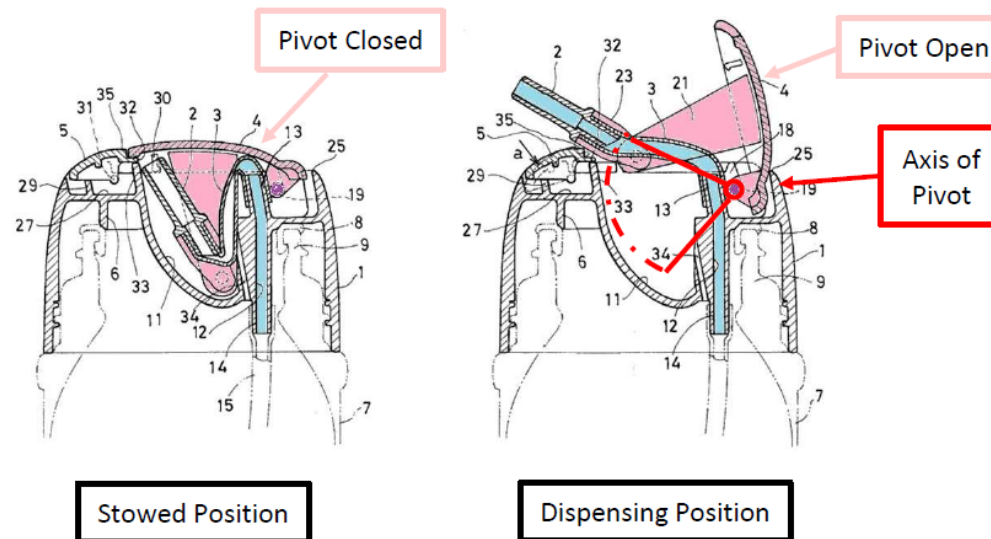
Institution Decision, 27 (highlight added)



Nakajima: Mouthpiece Accompanies Pivotal Mount

Petition:

(Ex. 1004, Fig. 3; Ex 1002, ¶79). Due to its engagement with the pivotal mount, Nakajima's mouthpiece "moves up and down in conjunction with the opening and closing of the lid." (Ex. 1004, ¶[0003]; Ex. 1002, ¶81). The pivoting movement of the mouthpiece is shown below:



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

CamelBak And Jobin Assert No Rotation About The Same Axis

Mr. Jobin:

counterclockwise relative to lid 4.” Paper 14, at 27. In my opinion, I respectfully submit that any movement of the *mouthpiece* connected to protrusion 24 about hinge shaft 19 is mere translational movement relative to the hinge shaft 19 and not rotational movement about the hinge shaft 19 as an axis of rotation. The movement

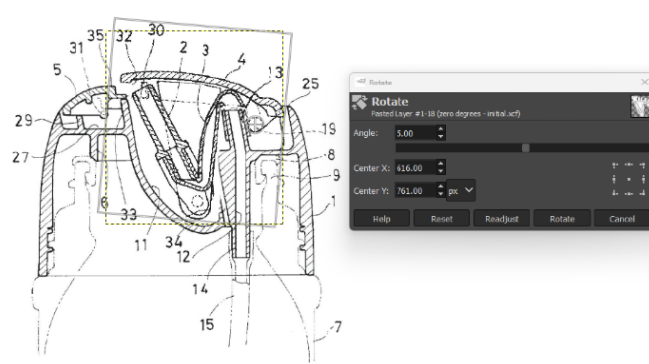
Ex. 2016, ¶116 (underline added)

CamelBak:

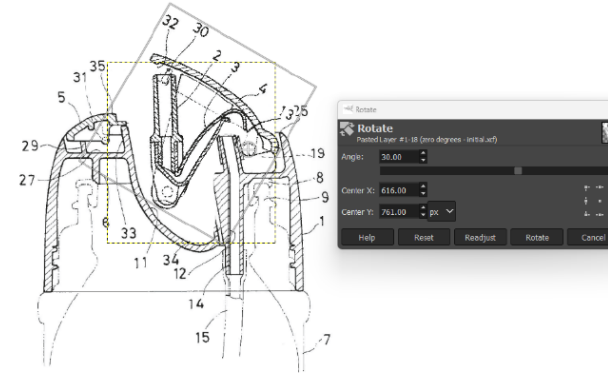
mouthpiece does not. Specifically, Nakajima’s *mouthpiece* does not move with rotational motion about the same axis of rotation as the pivotal mount and, thus, does not exhibit the claimed “pivotal movement with the pivotal mount,” as construed.

POR, 56 (underline added)

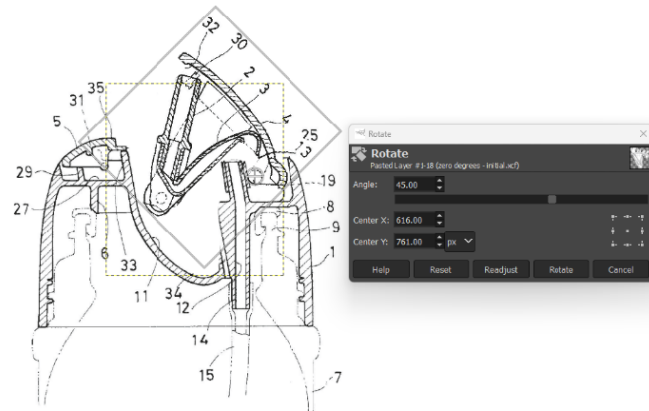
Vallee's Analysis: Nakajima's Mouthpiece Moves "With" The Mount



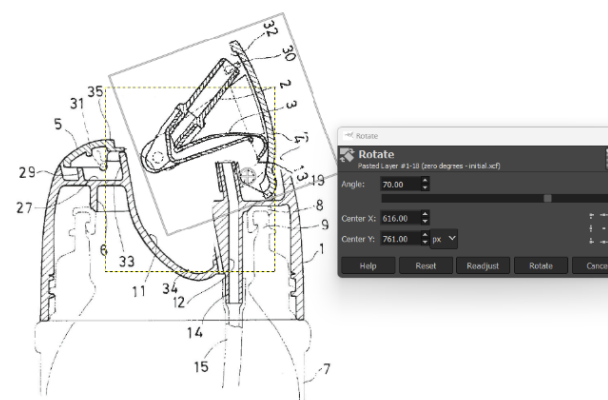
5°-clockwise-rotation



30°-clockwise-rotation



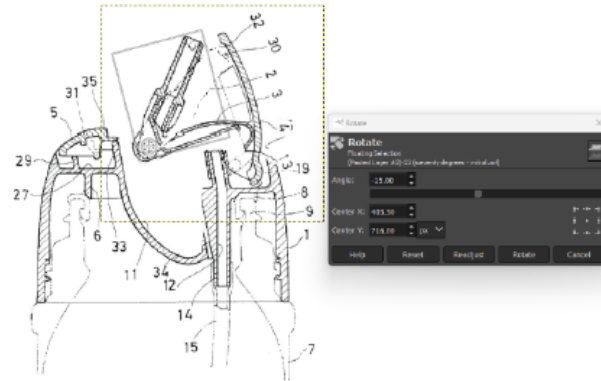
45°-clockwise-rotation



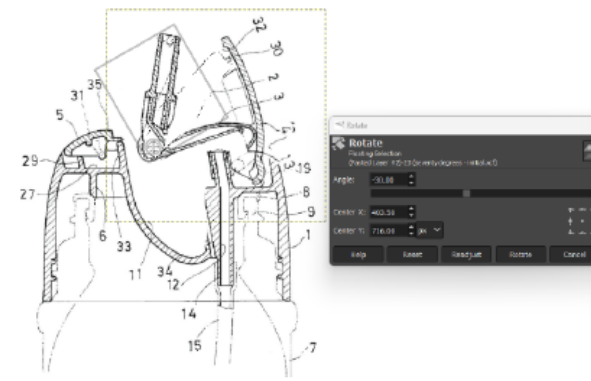
70°-clockwise-rotation

Ex. 1015, ¶¶23-30

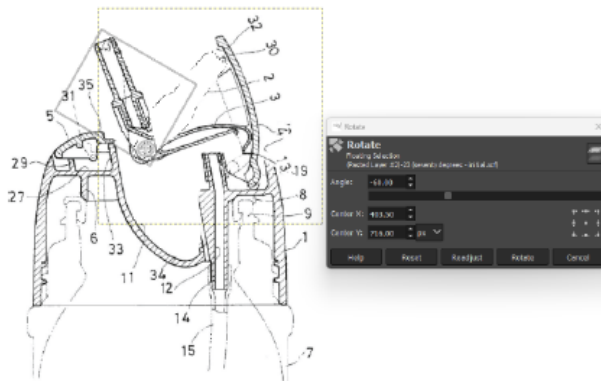
Vallee's Analysis: Mouthpiece Also Moves About A Second Axis



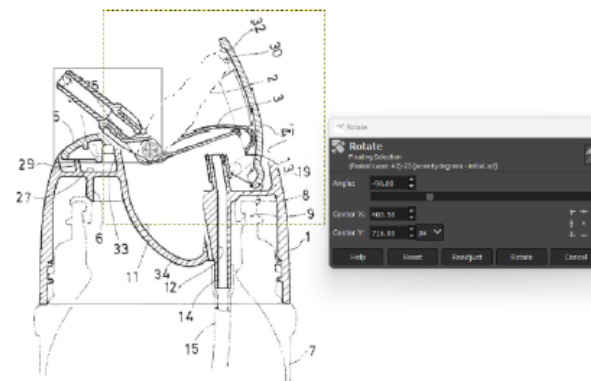
15°-counterclockwise-rotation



30°-counterclockwise-rotation



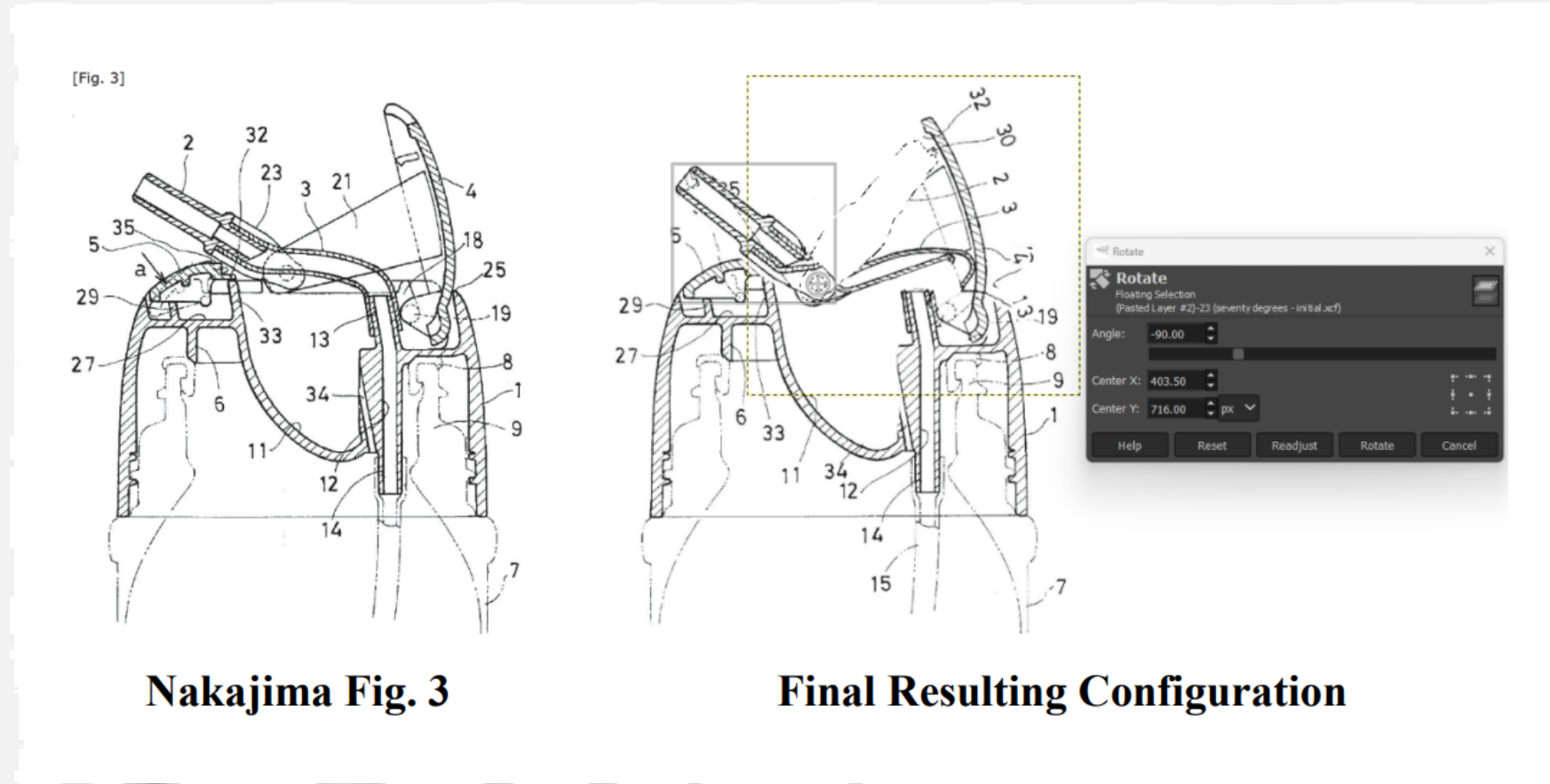
60°-counterclockwise-rotation



90°-counterclockwise-rotation

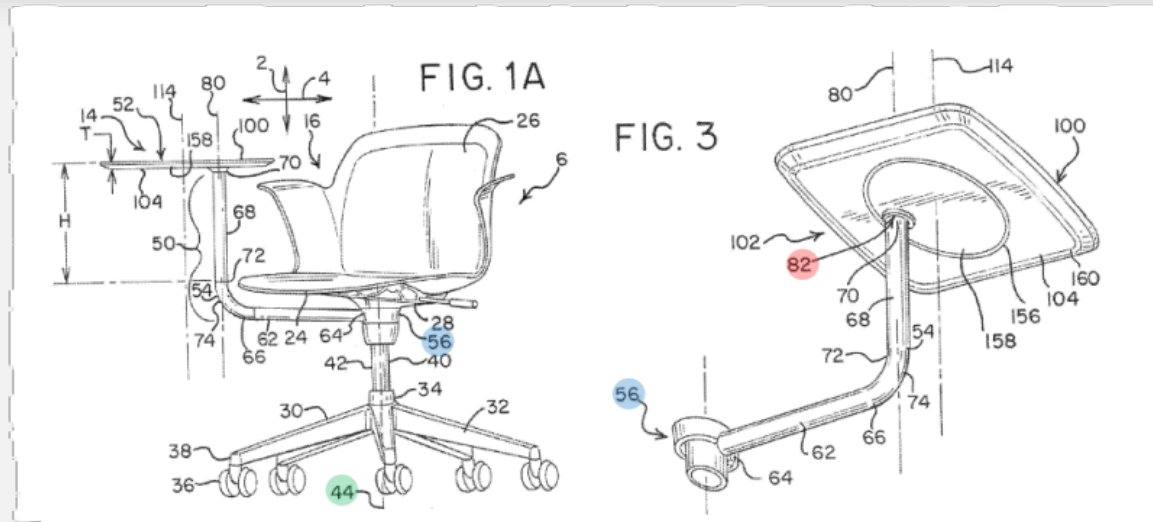
Ex. 1015, ¶¶32-38

Nakajima's Figures Confirm Primary & Secondary Axis Components

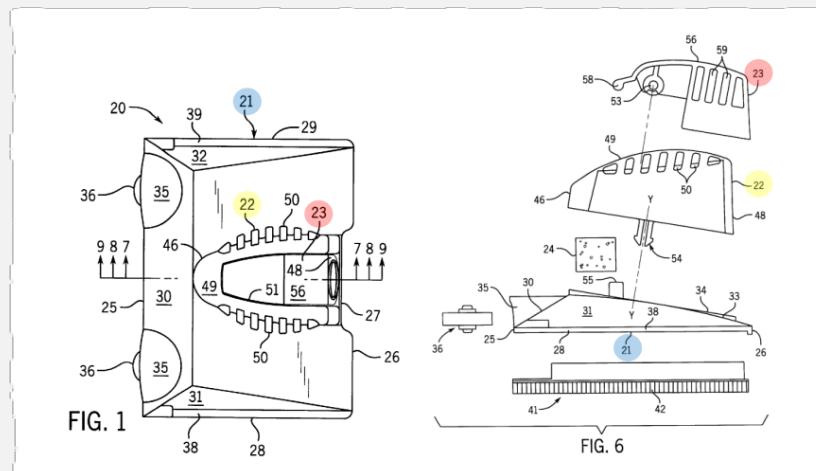


Reply, 21-22 (citing Ex. 1015, ¶138)

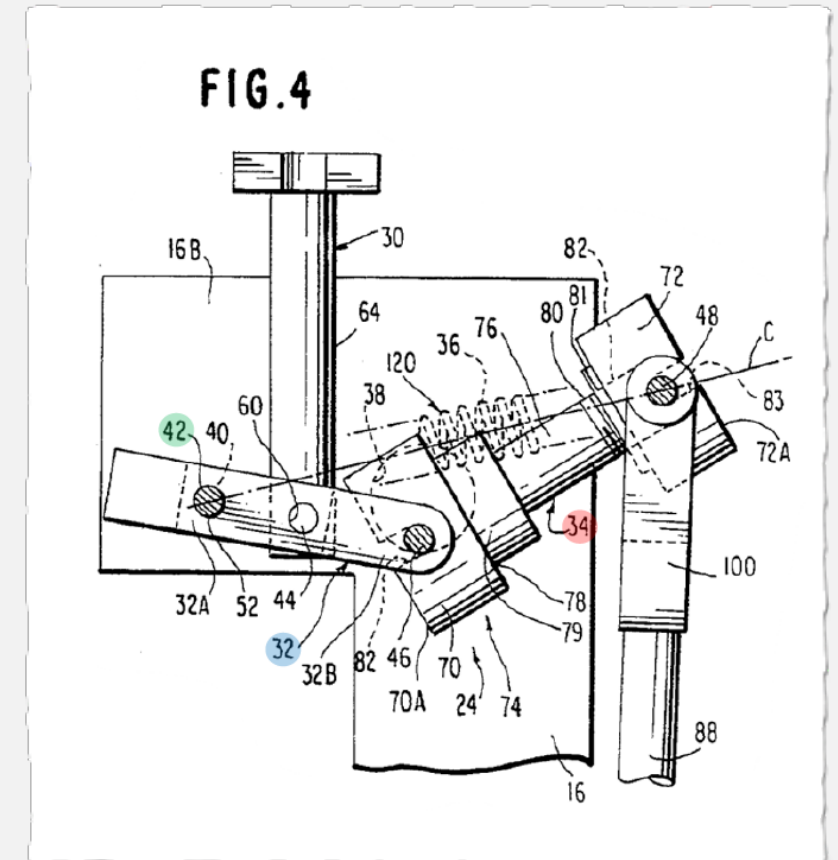
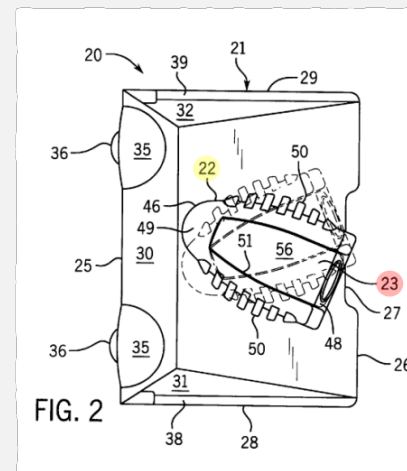
Vallee Examples: Compound “Pivotal” Movement In The Art



Ex. 1015, ¶10 (annotating Ex. 1017, Fig. 3)



Ex. 1015, ¶19 (annotating Ex. 1016, Figs. 1-2, 6)



Ex. 1015, ¶11 (annotating Ex. 1018, Fig. 2)

'250 Patent Prosecution: No Requirement For Mirrored Motion

defining a hollow passageway as required by amended claim 1. Furthermore, As can be seen in Fig. 2 of McDonough, the first end 16 of straw 14 is not coupled to a mount outlet of the straw positioning mechanism 20. McDonough's specification similarly fails to disclose, teach, or suggest coupling first end 16 of straw 14 to any outlet of the straw positioning mechanism 20, let alone an outlet at a distal end of the straw positioning mechanism and defined by a hollow passageway. In contrast, amended claim 1 requires the pivotal mount define a hollow passageway and the mouthpiece to be coupled to the mount outlet at a distal end of the pivotal mount.

Ex. 1009, 22-25 (underline added)

CamelBak's Case Law Does Not Support Its Proposed Narrowing



"[T]his is not a case where the prosecution history must meet the standard of clear and unmistakable disclaimer for overcoming an otherwise-plain meaning.... [b]ecause the meaning of the relevant claim language is not plain, but rather ambiguous...."

Univ. of Massachusetts v. L'Oréal S.A., 36 F.4th 1374, 1383 (Fed. Cir. 2022)



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

Univ. of Massachusetts v. L'Oréal S.A., 36 F.4th 1374, 1383 (Fed. Cir. 2022)

Clear, Unmistakable Narrowing Is Required



"In our view, this statement **could hardly be clearer**. The only meaning we are able to draw from it is that CVI was telling the examiner, 'Claim 1 relates to an eyeglass frame component where there is total spring back to zero after the removal of a deforming force, as seen in Figure 2H of the patent. That is not what is shown in Figure 4 of Mercier, because that figure shows 3% retained strain.'"

CVI/Beta Ventures, Inc. v. Tura LP, 112 F.3d 1146, 1159 (Fed. Cir. 1997) (emphasis added)



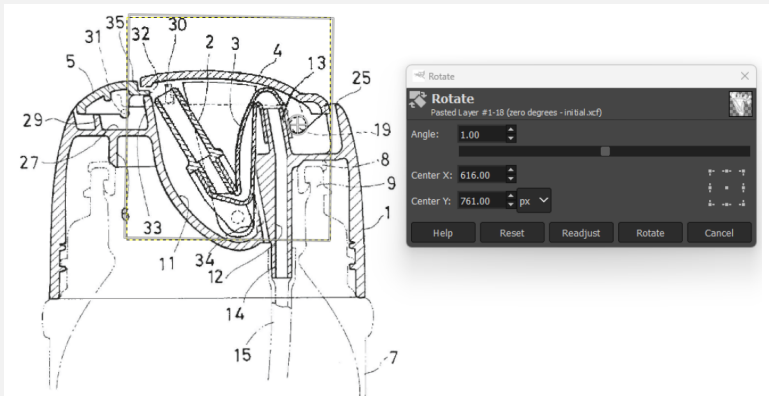
"This statement **unambiguously** indicates that the tray units in Brennan are not 'consoles' as that term is used in the patent, regardless of the term's ordinary meaning or the way in which Gentry now urges us to interpret it."

Gentry Gallery, Inc. v. Berkline Corp., 134 F.3d 1473, 1477 (Fed. Cir. 1998) (emphasis added)

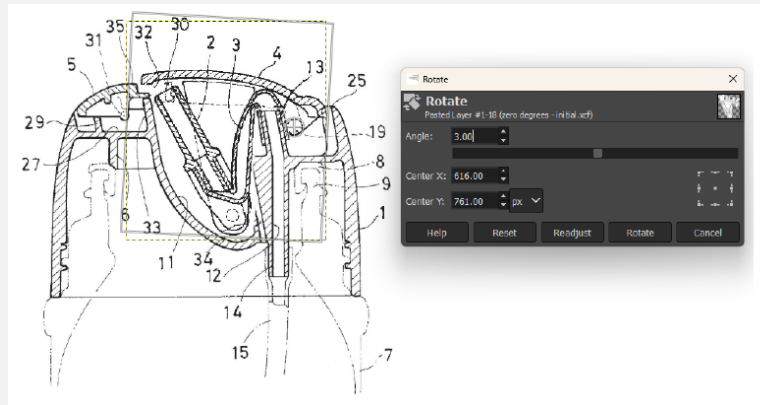
Nakajima's Initial Opening Shows Rotation

the lid 4 about the hinge shafts 19. This understanding is also consistent with CamelBak's own Exhibit 2020, which explains that a very small segment of a rotational path—particularly with a large radius—may appear linear at a glance. Ex. 2020, 3 (disclosing “[e]ven the tiniest slice of the path of an object in rotational motion around a very distant axis—which would look like a straight line at a glance—represents circular motion”).

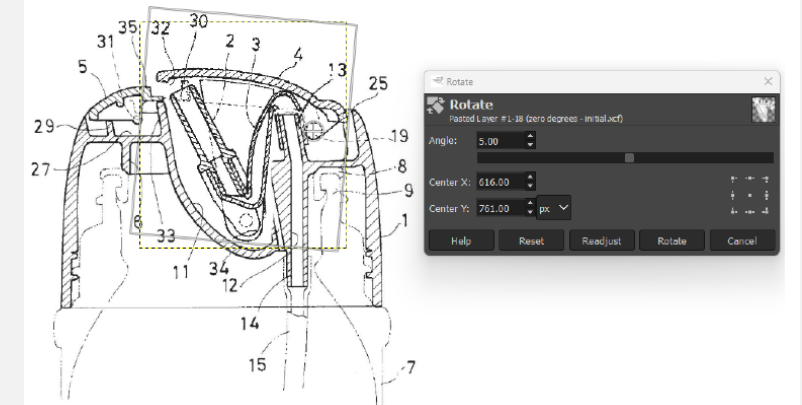
Ex. 1015, ¶19 (highlight added)



Ex. 1015, ¶23



Ex. 1015, ¶24



Ex. 1015, ¶25