

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARMON FOODSERVICE	)	
TECHNOLOGIES, INC.,	)	
	)	
Plaintiff,	)	
	)	Case No. 4:25-cv-01491-ZMB
v.	)	
	)	
DUKE MANUFACTURING CO.,	)	
	)	
Defendant.	)	

DEFENDANT’S STIPULATION OF INVALIDITY CONTENTIONS

Defendant Duke Manufacturing Co. (“Duke”) submits this stipulation of invalidity contentions.

Plaintiff Marmon Foodservice Technologies, Inc. (“Marmon”) asserts that Duke infringes 9 patents—U.S. Patent Nos. 9,976,750 (the “’750 Patent”), 9,980,322, (the “’322 Patent”), 10,492,641 (the “’641 Patent”), 10,512,363 (“the ‘363 patent”), 10,841,981 (the “’981 patent”), 10,852,002 (the “’002 Patent”), 11,771,264 (the “’264 Patent”), D1,020,455, and D1,064,814 (collectively the “Asserted Patents”). Duke filed petitions for *inter partes* review (“IPR”) IPR2026-00406, IPR2026-00479, IPR2026-00480, IPR2026-00481, IPR2026-00482 IPR2026-00483, and IPR2026-00484 to invalidate each of the asserted claims of the ’750 Patent, ’322 Patent, ’641 Patent, ’363 Patent, ’981 Patent, ’002 Patent, and ’264 Patent.

The Petitions assert the following grounds of invalidity under 35 U.S.C. §103:

IPR2026-00406 requesting review of the ’002 Patent

Ground	References	Claims Challenged
1	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual	1, 3-15, 17-19, 21, 23, 25-27

2	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Shei'099	2, 16, 20, 24, 28, 29
3	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Veltrop, Poole	6, 17, 25
4	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Fortmann'967, Fortmann'197	22
5	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Shei'099, Prince Castle, Reese	14-20, 29
6	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Shei'099, Veltrop, Poole, Fortmann'967, Fortmann'197, Prince Castle, Reese, Shei'155	1-29
7	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Shei'099, Veltrop, Poole, Fortmann'967, Fortmann'197, Prince Castle, Reese, Shei'155	1-29
8	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Veltrop, Shei'155, Vaseloff, McMillan	3
9	Fortmann'748, IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099	1-5, 7-10, 12, 13, 21-24, 26-28
10	Fortmann'748, IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, Veltrop, Shei'155	6, 11, 25
11	Fortmann'748, IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, Prince Castle	14-16, 18-20, 29
12	Fortmann'748, IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, Veltrop, Shei'155, Prince Castle	17

IPR2026-00479 requesting review of the '981 Patent

Ground	References	Claims Challenged
1	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual	1, 3-13, 27, 29, 31-54, 56-66
2	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Shei'099	2, 14, 16-26, 28

3	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Veltrop, Poole	3, 31, 43, 56
4	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Shei'099, Veltrop, Poole	16
5	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Shei'821, Shei'155	29
6	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Fortmann'967, Fortmann'197	55
7	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Prince Castle, Reese	42-53
8	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Shei'099, Jones, Fortmann'197, McMillan	15
9	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Shei'099, Veltrop, Poole, Shei'821, Shei'155, Fortmann'967, Fortmann'197, Prince Castle, Reese, Jones, McMillan	1-29, 31-66
10	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Shei'099, Veltrop, Poole, Shei'821, Shei'155, Fortmann'967, Fortmann'197, Prince Castle, Reese, Jones, McMillan	1-29, 31-66
11	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Shei'099, Veltrop, Poole, Shei'821, Shei'155, Fortmann'967, Fortmann'197, Prince Castle, Reese, Jones, McMillan, Vaseloff	5-6, 8, 18-19, 21, 33-34, 36, 45-46, 48, 58-59, 61
12	Fortmann'748, IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099	1-2, 4-10, 12-15, 17-23, 25-28, 32-38, 40-41, 54-55, 57-63, 65-66
13	Fortmann'748, IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, Prince Castle	42, 44-50, 52-53
14	Fortmann'748, IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, Veltrop, Shei'155	3, 11, 16, 24, 31, 39, 56, 64
15	Fortmann'748, IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, Prince Castle, Veltrop, Shei'155	43, 51
16	Fortmann'748, IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Jones,	29

	Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, Shei'821, Shei'155	
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IPR2026-00480 requesting review of the '641 Patent

Ground	References	Claims Challenged
1	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual	1-4, 6-10, 14-21, 24, 26-30, 32-34
2	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Shei'099	5, 11-13, 22-23
3	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Veltrop, Poole	18
4	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Shei'821, Shei'155	24
5	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Fortmann'967, Fortmann'197	31
6	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Prince Castle, Reese	26
7	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Shei'099, Veltrop, Poole, Shei'821, Shei'155, Fortmann'967, Fortmann'197, Prince Castle, Reese	1-24, 26-34
8	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Shei'099, Veltrop, Poole, Shei'821, Shei'155, Fortmann'967, Fortmann'197, Prince Castle, Reese	1-24, 26-34
9	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Shei'099, Veltrop, Poole, Shei'821, Shei'155, Fortmann'967, Fortmann'197, Prince Castle, Reese, Vaseloff, McMillan	1-24, 26-34
10	Fortmann'748, IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099	1-17, 19-23, 28-34
11	Fortmann'748, IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, Veltrop, Shei'155	18, 27
12	Fortmann'748, IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, Shei'821, Shei'155	24

13	Fortmann'748, IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Jones, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099, Prince Castle	26
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IPR2026-00481 requesting review of the '322 Patent

Ground	References	Claims Challenged
1	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual	1-5, 7-10
2	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Shei'099	6
3	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Veltrop, Poole	8
4	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Prince Castle, Reese	4, 10
5	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Shei'099, Veltrop, Poole, Shei'155, Prince Castle, Reese	1-10
6	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Shei'099, Veltrop, Poole, Shei'155, Prince Castle, Reese, McMillan	1-10
7	Fortmann'748, IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Jones, Fortmann'197, McMillan, Hartfelder, Shei'099, Veltrop, Shei'155	1-3, 5-9
8	Fortmann'748, IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Jones, Fortmann'197, McMillan, Hartfelder, Shei'099, Veltrop, Shei'155, Prince Castle	4, 10

IPR2026-00482 requesting review of the '264 Patent

Ground	References	Claims Challenged
1	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual	1-6, 8-12, 16-20
2	Ground 1 + Hartfelder, Shei'099	10, 13-15
3	Ground 1 + Shei'821	5-6
4	Ground 1 + Shei'821, McMillan, Veltrop, Hartfelder	7
5	Ground 1 + Prince Castle, Reese	18
6	Ground 1 + Merco	19
7	Ground 1 + Prince Castle, Reese, Merco, Jones	16-20

8	Ground 1 + Hartfelder, Shei'099, Shei'821, McMillan, Veltrop, Prince Castle, Reese, Merco, Jones, Shei'155	1-20
9	Ground 1 + Hartfelder, Shei'099, Shei'821, McMillan, Veltrop, Prince Castle, Reese, Merco, Jones, Shei'155	1-20
10	Fortmann'748, IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Jones, Fortmann'197, McMillan, Vaseloff, Hartfelder, Shei'099, Stanger, Loy, Veltrop	1-10, 12-17, 20
11	Ground 10 + Prince Castle	18
12	Ground 10 + Merco	11, 19

IPR2026-00483 requesting review of the '363 Patent

Ground	References	Claims Challenged
1	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual	1-5, 7-11, 15-23, 26, 28-33, 35-37
2	Ground 1 + Hartfelder, Shei'099	6, 12-14, 24-25
3	Ground 1 + Veltrop, Poole	19
4	Ground 1 + Shei'821, Shei'155	26
5	Ground 1 + Fortmann'967, Fortmann'197	34
6	Ground 1 + Prince Castle, Reese	28
7	Ground 1 + Hartfelder, Shei'099, Veltrop, Poole, Shei'821, Shei'155, Fortmann'967, Fortmann'197, Prince Castle, Reese	1-26, 28-37
8	Ground 1 + Hartfelder, Shei'099, Veltrop, Poole, Shei'821, Shei'155, Fortmann'967, Fortmann'197, Prince Castle, Reese	1-26, 28-37
9	Ground 1 + Hartfelder, Shei'099, Veltrop, Poole, Shei'821, Shei'155, Fortmann'967, Fortmann'197, Prince Castle, Reese, Vaseloff, McMillan	1-26, 28-37
10	Fortmann'748, IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Jones, Stanger, Loy, Fortmann'197, Fortmann'967, McMillan, Vaseloff, Hartfelder, Shei'099	1-18, 20-25, 30-37
11	Ground 10 + Veltrop, Shei'155	19, 29
12	Ground 10 + Shei'821, Shei'155	26
13	Ground 10 + Prince Castle	28

IPR2026-00484 requesting review of the '750 Patent

Ground	References	Claims Challenged
1	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual	1-5, 7-10

2	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Shei'099	6
3	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Veltrop, Poole	8
4	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Prince Castle, Reese	4, 10
5	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Shei'099, Veltrop, Poole, Shei'155, Prince Castle, Reese	1-10
6	IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Hartfelder, Shei'099, Veltrop, Poole, Shei'155, Prince Castle, Reese, McMillan	1-10
7	Fortmann'748, IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Jones, Stanger, Loy, Fortmann'197, McMillan, Hartfelder, Shei'099, Veltrop, Shei'155	1-3, 5-9
8	Fortmann'748, IRHS Manual, IRHS Specifications, Duke Website, IRHS Service Manual, Jones, Stanger, Loy, Fortmann'197, McMillan, Hartfelder, Shei'099, Veltrop, Shei'155, Prince Castle	4, 10

Duke hereby stipulates that for any proceedings above that are instituted by the PTAB—and so long as that institution is not vacated, dismissed, reversed or otherwise withdrawn by rehearing or by Director Review—then Duke will not pursue in this case the specific grounds identified above in connection with the referenced patent(s) and claim(s) as originally issued on the instituted *inter partes* review petition, or on any other ground for a given patent for which the Board institutes, that was raised or could have been reasonably raised in an IPR.

This stipulation is not intended, and should not be construed, to limit Duke's ability to assert invalidity of the asserted claims of the '750 Patent, '322 Patent, '641 Patent, '363 Patent, '981 Patent, '002 Patent, and '264 Patent in this case on any ground that could not have been reasonably raised in an IPR (*e.g.*, invalidity under 35 U.S.C. § 112 or §§ 102 or 103 on the basis of prior art that did not qualify as a prior art patent or printed publication), regardless of whether inter parties review is instituted. Nor should this stipulation be construed as limiting Duke's

right to rebut any assertion of willful infringement, including by referencing the *inter partes* review petitions, the grounds asserted within the petitions, or any decision instituting review of the petitions as demonstrating that Duke has a good faith belief that the Asserted Patents are invalid.

Dated: October 6, 2026

Respectfully submitted,

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