

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MPL BRANDS NV, INC.

Petitioner,

v.

BUZZBALLZ, LLC

Patent Owner.

PTAB Case No. PGR2024-00035

U.S. Patent No. 11,932,441

REPLY DECLARATION OF JOSEPH T. NORRIS

I, Joseph T. Norris, do declare as follows:

I. INTRODUCTION

1. I am over the age of eighteen (18) and am otherwise competent to make this Declaration. This Declaration is based on my personal knowledge and recollection.

2. I have been engaged by MPL Brands NV, Inc. (“MPL”) as a consultant in connection with MPL’s Petition for Post-Grant Review of U.S. Patent No. 11,932,441 (the “’441 Patent”).

3. On May 31, 2024, I signed a declaration in support of MPL’s PGR Petition.

4. I submit this reply declaration in response to certain arguments made in Patent Owner’s Response (“POR”).

5. My qualifications and materials considered are set forth in my opening declaration (EX1005). Any new materials considered for this reply declaration are set forth below.

II. THE COKE PET CANS ARE AUTHENTIC

6. I explained in my opening declaration why I believe that the Coke PET cans in possession of MPL’s counsel and shown in the images in my opening declaration and in the PGR petition are authentic Coke PET cans that were sold in 1985. My belief was based upon my inspection of those cans through those photographic

images, my inspection of the cans during video streaming, as well as a comparison of those cans to cans in my own possession.

7. I was asked during my deposition whether I had “ever physically seen or physically handled any of the cans in MPL counsel’s possession?” (EX2014, 21:9-12.) I understood that question to ask whether I had seen or handled those cans in person, and I had not. But as part of preparation for my opening declaration, I observed the cans during video conferences with MPL’s counsel, in addition to observing the photographs of those cans.

8. I understand that Patent Owner asserts that four specific markings must be observed on the cans in order to authenticate them as cans sold by the Coca-Cola company in 1985. Those four markings, according to Patent Owner, are: “(1) a Canning Label, (2) a Recycling Label, (3) a Product Specific Bar Code, and (4) a Petainer Mark.” (POR at 17.) While I mentioned those markings and others in my opening declaration, I did not say that all four markings must be observed before a can could be identified as authentic, and I did not say that I was relying solely on those four markings. For example, in my opening declaration, I also referenced a comparison of the cans in the possession of MPL’s counsel to the cans in my possession, and I also referenced the shape of the cans. (EX1005, ¶36.)

9. I believe that the images in my opening declaration, which depict the shape of the cans, significant portions of the labels, and the bottom of the cans, as

well as a comparison to the cans in my possession are sufficient for me to confirm that the cans in the possession of MPL's counsel are authentic.

10. To respond to Patent Owner's argument that the images in my declaration do not show the four markings referenced above, I once again inspected the cans in the possession of MPL's counsel via video conference. MPL's counsel also shipped the cans to me, and I personally inspected them. These additional inspections merely confirmed my prior conclusion that these are four authentic PET cans sold by the Coca-Cola Company in 1985.

11. Below are additional images of the cans, which accurately reflect the four cans:

Coca-Cola Classic Can:

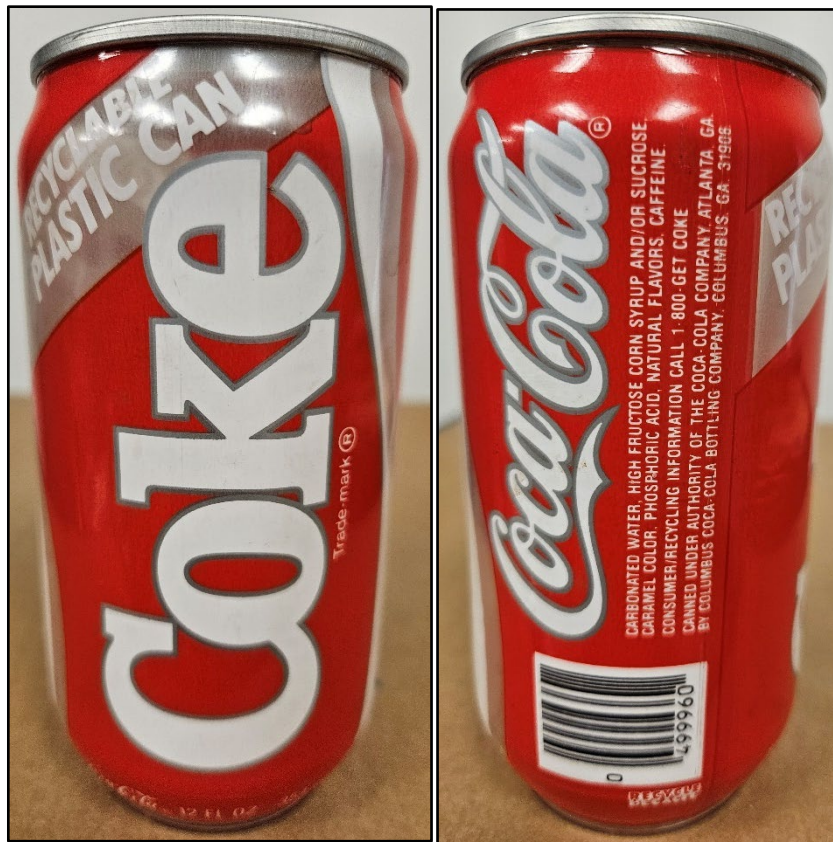


CONSUMER/RECYCLING INFORMATION
CALL 1-800-GET COKE
CANNED UNDER AUTHORITY OF THE
COCA-COLA COMPANY, ATLANTA, GA
BY COLUMBUS COCA-COLA BOTTLING
COMPANY, COLUMBUS, GA. 31908

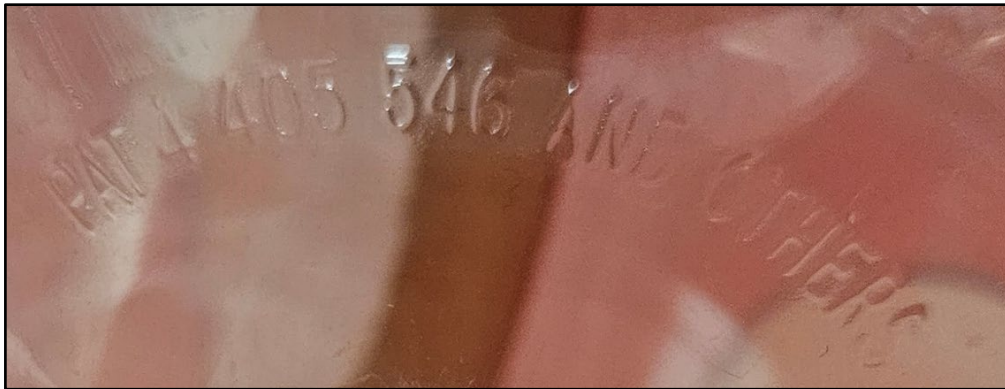
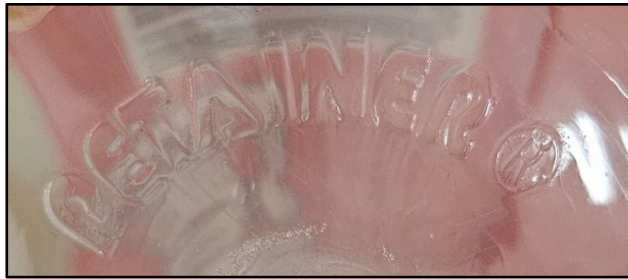




“New” Coke Can:



CONSUMER/RECYCLING INFORMATION CALL 1-800-GET COKE
 CANNED UNDER AUTHORITY OF THE COCA-COLA COMPANY, ATLANTA, GA.
 BY COLUMBUS COCA-COLA BOTTLING COMPANY, COLUMBUS, GA. 31906



Diet Coke Can:



SEARLE & CO.
CANNED UNDER AUTHORITY OF THE
COCA-COLA COMPANY, ATLANTA, GA. BY
COLUMBUS COCA-COLA BOTTLING
COMPANY, COLUMBUS, GA. 31908
CONSUMER/RECYCLING INFORMATION
CALL 1-800-GET-COKE



Sprite Can



CANNED UNDER
AUTHORITY OF THE
COCA-COLA COMPANY,
ATLANTA, GA. BY
COLUMBUS COCA-COLA
BOTTLING COMPANY,
COLUMBUS, GA. 31908

CONSUMER/RECYCLING
INFORMATION CALL
1-800-GET COKE
(438-2653)





All four cans bear all the markings that Patent Owner asserted were not shown in the images in my opening declaration. My further inspection of the cans and the images above confirms my opinion that the cans are authentic PET cans publicly sold by the Coca-Cola Company in 1985 in western Georgia and eastern Alabama.

12. The Sprite can shown in the pictures in my opening declaration was cut open to demonstrate how the plastic portion of the PET cans were seamed to the aluminum lid. The Sprite can depicted above, which I personally inspected, is another Sprite can that was in possession of MPL's counsel. Based on a comparison to the Sprite PET can in my possession, I believe that both cans are authentic PET cans sold by Coke in 1985.

13. I understand that Patent Owner has argued that my testimony about the phone number on the cans was inconsistent and unreliable. In my opening declaration, I stated that the Coke PET cans listed the phone number for recycling information as ("1-800-GET-COKE (438-2053)"). When I drafted that, I was focused

on the Sprite can, which does include the translation of “GET-COKE” on a touch-tone phone into digits. The Coca-Cola Classic, New Coke, and Diet Coke cans do not contain the digits, as reflected in the images above. Additionally, in my opening declaration, I had a typographical error regarding the phone number on the Sprite can, which I listed as “438-2053,” when the actual number listed on the Sprite can in my possession and in the possession of MPL’s counsel, as shown above, is “438-2653.” Neither of these issues create any doubt to me that the PET cans in the possession of MPL’s counsel are authentic PET cans sold by the Coca-Cola Company in 1985. In fact, given that the Sprite can in my possession also includes the translation of the phone number into digits further confirms for me the authenticity of the cans in the possession of MPL’s counsel and pictured above.

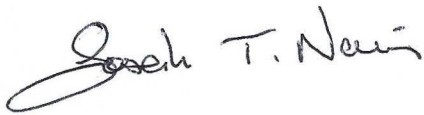
14. Based upon my position at Coca-Cola as project manager for the Coca-Cola PET can project and the role I played in the development and launch of the Coca-Cola PET can products (Coke, Coca-Cola Classic, Diet Coke, and Sprite), I am very familiar with the design and shape of the Coca-Cola PET cans sold in 1985-86. The Coca-Cola PET cans in my possession, as well as those in the possession of MPL’s counsel, which I personally inspected, match the shape, design, and structure, and markings of the Coca-Cola PET cans sold in 1985-86.

15. In signing this Declaration, I recognize that it will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States

Patent and Trademark Office. I also recognize that I may be subject to cross-examination in the case.

16. I declare under penalty of perjury that the foregoing is true and correct. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on my understanding are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated May 29, 2025

A handwritten signature in black ink, appearing to read "Joseph T. Norris". The signature is written in a cursive style with a large, looping initial "J".

Joseph T. Norris