

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Brook & Whittle Limited
U.S. Patent No.: 11,961,422
Issue Date: April 16, 2024
Appl. Serial No.: 18/103,234
Filing Date: January 30, 2023
Title: RECYCLABLE HEAT SHRINK FILM FOR RECYCLABLE
CONTAINER

SUPPLEMENTAL DECLARATION OF DR. MICHAEL DEIBLE

I, Dr. Michael Deible, declare that:

I. INTRODUCTION AND SCOPE OF WORK

1. I have been retained by Multi-Color Corporation (“Petitioner”), as an independent expert consultant in this post grant review (“PGR”) proceeding before the United States Patent and Trademark Office.

2. I have been asked by Petitioner’s Counsel (“Counsel”) to consider whether certain references teach or suggest the features recited in Claims 1-19 of U.S. Patent No. 11,961,422 (“the ’422 patent”) (Ex. 1001). My opinions and the bases for my opinions are set forth in my Declaration signed on January 16, 2025, which I incorporate herein.

3. In writing this Supplemental Declaration, I clarify the source of the samples I considered and provided an opinion on in connection with my Declaration signed on January 16, 2025. The following is a summary of the source of the samples:

Sample Number	Label Type
3191115	Febreze Label
3191157	Gatorade Label
3191158	Gatorade Label
3191167	Gatorade Label
3191168	Gatorade Label
3191169	Gatorade Label
3191171	Gatorade Label
3191176	Gatorade Label

4. Attached hereto as Exhibit A are the photographs that were taken upon receipt by my company of each of the aforementioned labels.

5. In connection with my Declaration signed on January 16, 2025, I note that: the description of Figure 6b (cont) at page 4 of 28 references sample 3191157 and 3191115, although the latter should be 3191157; the description of Figure 6c (cont) at page 6 of 28 references sample 3191167 and 3191115, although the latter should be 3191167; the description of Figure 6d (cont) at page 8 of 28 references sample 3191176 and 3191115, although the latter should be 3191176.

6. In connection with my Declaration signed on January 16, 2025, I note that the third photograph of Figure 4 is sample 3191168.

DATE: 10/14/2025

NAME: Dr. Michael Deible

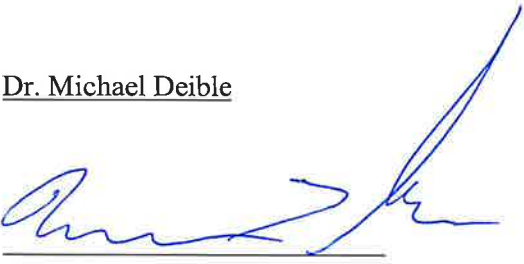
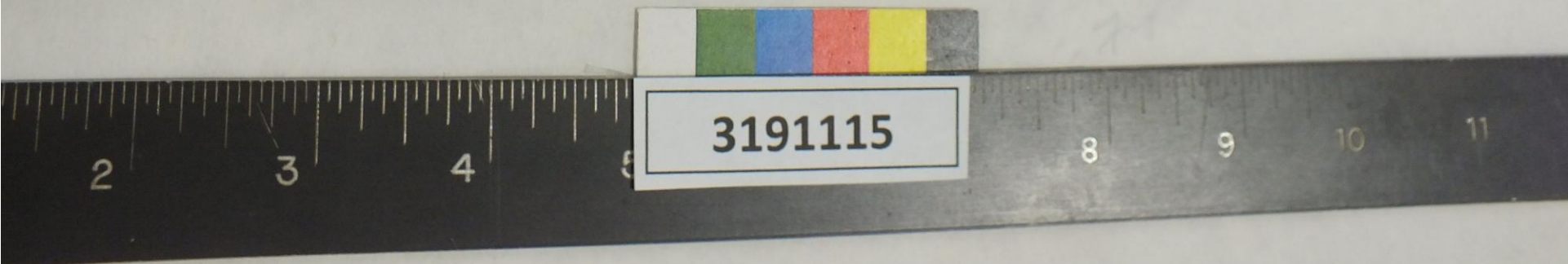
SIGNATURE: 

EXHIBIT A





CONTAINS NO FRUIT JUICE / NO CONTIENE JAGO DE FRUTA

Nutrition Facts / Datos de Nutrición
Amount 2.5 servings per container / 2.5 porciones por envase

Fort Dearborn Company - Brunswick
Job: 6572640 P.O. VMI 06/15/2020 Date: 07/13/20
Customer: Quaker Oats Company, The UPC: 0 - 52000 - 04448 - 5
Description: 28oz Gat Passionfruit UEFA RECYCLE
Item Code: 32350444851 Qty/Roll: 7860



Wip/Roll 2 Set 433 Position C Operator/Machine 34 K5#2 I

QUENCHER
Sample 3191157
Project LLH410234
Wood, Herron & Evans, LLP
Wip/Roll 2 Set 433 Position C
Op/Mach 34 K5#2 Job 6572640
28oz Gat Passionfruit UEFA RECYCLE

28 FL OZ (1.75 PT) 828 mL

CONTAINS NO FRUIT JUICE / NO CONTIENE JAGO DE FRUTA

Nutrition Facts / Datos de Nutrición
Amount 2.5 servings per container / 2.5 porciones por envase

Calories/Calorías		80	200
Per serving per portion			
Sodium		100mg	100mg
Total Fat		10g	10g
Total Carb. Carbohydrates		25g	25g
Total Sugar		25g	25g
Total Protein		2g	2g
Total Fat		10g	10g
Total Carb. Carbohydrates		25g	25g
Total Sugar		25g	25g
Total Protein		2g	2g

GATORADE®
THIRST
QUENCHER

PASSIONFRUIT
MARACUYA

NATURALLY FLAVORED WITH OTHER
NATURAL FLAVORS / SABORIZADO NATURALMENTE
CON OTROS SABORES NATURALES

28 FL OZ (1.75 PT) 828 mL

CONTAINS NO FRUIT JUICE / NO CONTIENE JAGO DE FRUTA

Nutrition Facts / Datos de Nutrición
Amount 2.5 servings per container / 2.5 porciones por envase

Calories/Calorías		80	200
Per serving per portion			
Sodium		100mg	100mg
Total Fat		10g	10g
Total Carb. Carbohydrates		25g	25g
Total Sugar		25g	25g
Total Protein		2g	2g
Total Fat		10g	10g
Total Carb. Carbohydrates		25g	25g
Total Sugar		25g	25g
Total Protein		2g	2g

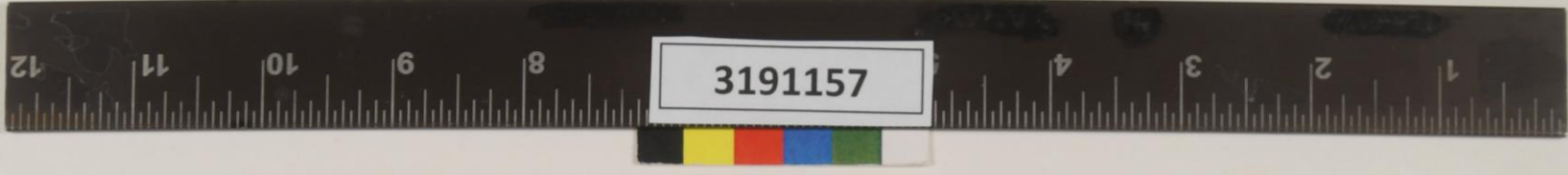
GATORADE®
THIRST
QUENCHER

PASSIONFRUIT
MARACUYA

NATURALLY FLAVORED WITH OTHER
NATURAL FLAVORS / SABORIZADO NATURALMENTE
CON OTROS SABORES NATURALES

28 FL OZ (1.75 PT) 828 mL

3191157



3191158

Fruit Dearth Company - Brunswick

Jte: 6572640 P.O. VMI 06/16/2020 Date: 07/13/20

Customer: Quaker Oats Company, The UPC: 0 - 52000 - 04448 - 5

Description: 28oz Galt Passionfruit UEFA RECYCLE

eim Code: 32350444851

Qty/Roll: 7860



6572640:7860

Wip/Roll

Set

Position

Operator/Machine

2

438

C3

34 K5#21

Sample: 3191158
Project: LHM10224
Wood: Heiron & Evans, L.L.PWip/Roll: 2 Set: 438 Position: CB
Op/Mach: 34 K5#2, Job: 6572640
28oz Galt Passionfruit UEFA RECYCLE

QUAKER

PASSIONFRUIT

NATURALLY FLAVORED WITH OTHER
NATURAL FLAVORS. SUGARIZED NATURAL FLAVORS.
CON OTHERS SABORES NATURALES.

28 FL OZ (1.75 PT) 828 mL

CONTAINS NO FRUIT JUICE / NO CONTIENE JUS DE FRUTA

Nutrition Facts / Datos de Nutrición

Amount 1.5 serving per container 2.5 servings per container

Serving size 1/2 can (12.8 fl oz) 12.8 fl oz (380 mL)

Calories/Calorías		Per serving	Per container
		80	200
Total Fat	Total Grasa	5g	12.5g
		10%	25%
Sodium	Sodio	160mg	400mg
		3%	8%
Total Carb. & Sugars	Total Carbo. y Azúcares	22g	55g
		4%	14%
Total Sugar	Azúcar Total	22g	55g
		4%	14%
Total Sugar	Azúcar Total	22g	55g
		4%	14%

Net 1.5 quarts (1.5 L) per container. 2.5 quarts (2.5 L) per container.
Other serving: 0.5 quarts (0.5 L) per container.
Net 1.5 quarts (1.5 L) per container. 2.5 quarts (2.5 L) per container.
Other serving: 0.5 quarts (0.5 L) per container.

GATORADE
THIRST
QUENCHERPASSION-FRUIT
MARAQUITANATURALLY FLAVORED WITH OTHER
NATURAL FLAVORS. SUGARIZED NATURAL FLAVORS.
CON OTROS SABORES NATURALES.

28 FL OZ (1.75 PT) 828 mL

CONTAINS NO FRUIT JUICE / NO CONTIENE JUS DE FRUTA

Nutrition Facts / Datos de Nutrición

Amount 1.5 serving per container 2.5 servings per container

Serving size 1/2 can (12.8 fl oz) 12.8 fl oz (380 mL)

Calories/Calorías		Per serving	Per container
		80	200
Total Fat	Total Grasa	5g	12.5g
		10%	25%
Sodium	Sodio	160mg	400mg
		3%	8%
Total Carb. & Sugars	Total Carbo. y Azúcares	22g	55g
		4%	14%
Total Sugar	Azúcar Total	22g	55g
		4%	14%
Total Sugar	Azúcar Total	22g	55g
		4%	14%

Net 1.5 quarts (1.5 L) per container. 2.5 quarts (2.5 L) per container.
Other serving: 0.5 quarts (0.5 L) per container.
Net 1.5 quarts (1.5 L) per container. 2.5 quarts (2.5 L) per container.
Other serving: 0.5 quarts (0.5 L) per container.

GATORADE
THIRST
QUENCHERPASSION-FRUIT
MARAQUITANATURALLY FLAVORED WITH OTHER
NATURAL FLAVORS. SUGARIZED NATURAL FLAVORS.
CON OTROS SABORES NATURALES.

28 FL OZ (1.75 PT) 828 mL



3191158



CONTAINS NO FRUIT JUICE

Fort Dearborn Company - Brunswick
 Job: 6569781 P.O. VMI 06/15/2020 Date: 07/09/20
 Customer: Quaker Oats Company, The UPC: 0-52000-13519-0
 Description: 28oz Gat Frost Glacier Freeze RECYCLE
 Item Code: 32351351951 Qty/Roll: 7860

Barcode:

Wip/Roll **Set** **Position** **Operator/Machine**
 15 432 B 51K5#2 I

Sample: 3191167
 Project: LLH410234
 Wood, Herron & Evans, L.L.P.
 Wip/Roll: 5 Set: 432 Position: B
 Op/Mach: 51K5#2 Job: 6569781
 28oz Gat Frost Glacier Freeze RECYCLE
 REFRESH AFTER OPENING

Nutrition Facts
 About 2.5 servings per container
 Serving size 12 fl oz (360 mL)
 Per container Per serving
Calories 80 190
 % Daily Value
 Total Fat 10g 20%
 Sodium 200mg 40%
 Total Carb. 22g 44%
 Total Sugars 40g 80%
 Protein 10g 20%
 Potassium 50mg 10%
 Vitamin D 100IU 20%
 Calcium 100mg 20%
 Iron 10mg 20%

CONTAINS NO FRUIT JUICE

Nutrition Facts
 About 2.5 servings per container
 Serving size 12 fl oz (360 mL)
 Per container Per serving
Calories 80 190
 % Daily Value
 Total Fat 10g 20%
 Sodium 200mg 40%
 Total Carb. 22g 44%
 Total Sugars 40g 80%
 Protein 10g 20%
 Potassium 50mg 10%
 Vitamin D 100IU 20%
 Calcium 100mg 20%
 Iron 10mg 20%

80 CALORIES PER 12 FL OZ SERVING

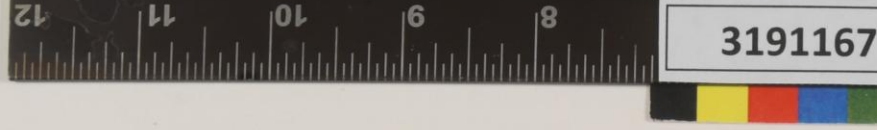
28 FL OZ (1.75 PT) 828 mL

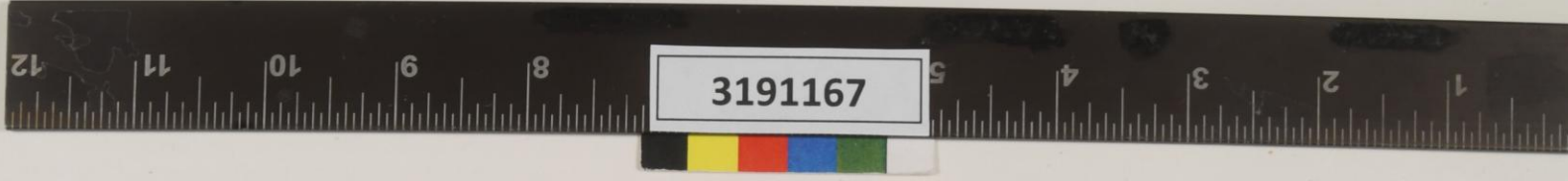
CONTAINS NO FRUIT JUICE

Nutrition Facts
 About 2.5 servings per container
 Serving size 12 fl oz (360 mL)
 Per container Per serving
Calories 80 190
 % Daily Value
 Total Fat 10g 20%
 Sodium 200mg 40%
 Total Carb. 22g 44%
 Total Sugars 40g 80%
 Protein 10g 20%
 Potassium 50mg 10%
 Vitamin D 100IU 20%
 Calcium 100mg 20%
 Iron 10mg 20%

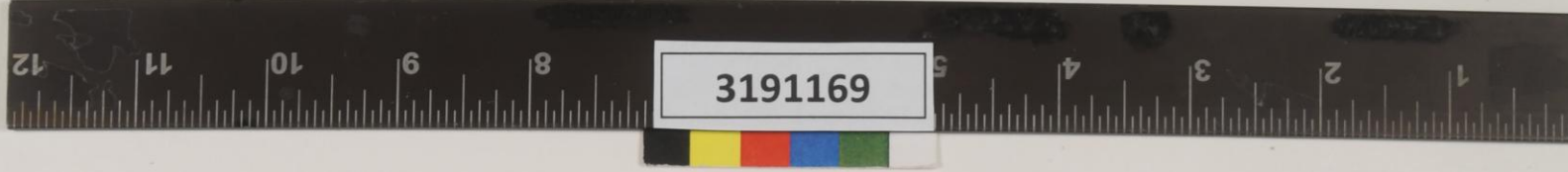
80 CALORIES PER 12 FL OZ SERVING

28 FL OZ (1.75 PT) 828 mL







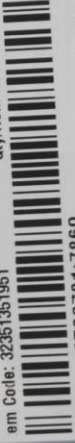


Nutrition Facts

About 2.5 servings per container
Serving size 12 fl oz (360 mL)

Per serving Per container

Fort Dearborn Company — Brunswick
P.O. VMI 06/15/2020 Date: 07/09/20
Job: 6569781
Customer: Quaker Oats Company, The UPC: 0-52000-13519-0
Description: 28oz Gat Frost Glacier Freeze RECYCLE
Item Code: 32351351951 Qty/Roll: 7860



Wip/Roll 3 Set 6569781:7860 Operator/Machine
Position 51K5#2 /

Sample 3191171
Project LLH410234
Wood, Herron & Evans, L.L.P.
Wip/Roll: 3 Set 624 Position: C
Op/Mach: 51K5#2 Job: 6569781
28oz Gat Frost Glacier Freeze RECYCLE

Nutrition Facts

About 2.5 servings per container
Serving size 12 fl oz (360 mL)

Per serving Per container

Calories	80	190
Total Fat	0g	0%
Sodium	100mg	7%
Total Carb.	21g	4%
Total Sugars	21g	4%
Incl. Added Sugars	21g	41%
Protein	0g	0%

Not a significant source of saturated fat, trans fat, cholesterol, dietary fiber, vitamin D, calcium, and iron.
Water, sugar, dextrose, lime acid, salt, sodium citrate, monopotassium phosphate, modified food starch, natural flavor, glycerol ester of fruit, etc.

80 CALORIES PER 12 FL OZ SERVING

28 FL OZ (1.75 PT) 828 mL

Nutrition Facts

About 2.5 servings per container
Serving size 12 fl oz (360 mL)

Per serving Per container

Calories	80	190
Total Fat	0g	0%
Sodium	100mg	7%
Total Carb.	21g	4%
Total Sugars	21g	4%
Incl. Added Sugars	21g	41%
Protein	0g	0%

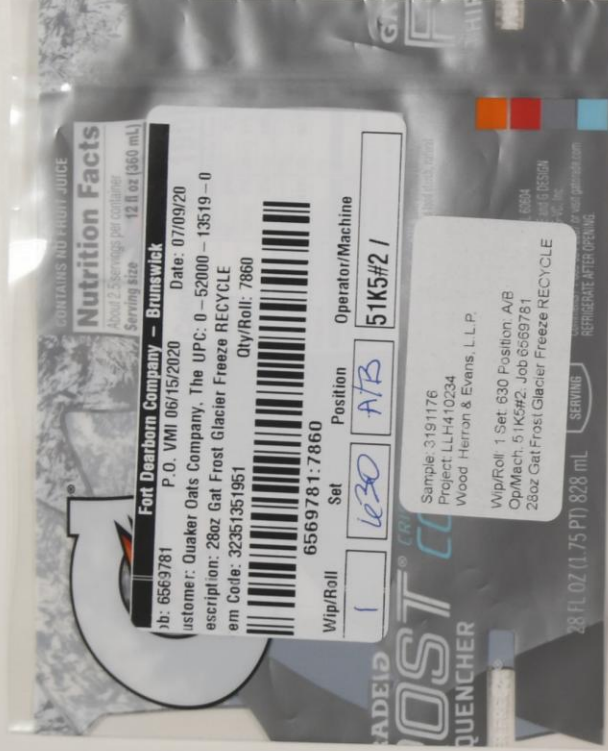
Not a significant source of saturated fat, trans fat, cholesterol, dietary fiber, vitamin D, calcium, and iron.
Water, sugar, dextrose, lime acid, salt, sodium citrate, monopotassium phosphate, modified food starch, natural flavor, glycerol ester of fruit, etc.

80 CALORIES PER 12 FL OZ SERVING

28 FL OZ (1.75 PT) 828 mL

3191171





12

11

10

9

8

3191176

5

4

3

2

1

