

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Multi-Color Corporation,
Petitioner,

v.

Brook & Whittle Limited,
Patent Owner.

Case PGR2025-00025
U.S. Patent No. 11,961,422

TRANSMITTAL LETTER FOR EXHIBITS 1044 AND 1045

LISTING OF EXHIBITS

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
Exhibit 1001:	U.S. Patent No. 11,961,422
Exhibit 1002:	The Prosecution History of the '422 Patent
Exhibit 1003:	Petitioner's Gatorade Label
Exhibit 1004:	Petitioner's Febreze Label
Exhibit 1005:	PET-CG-02 – Critical Guidance protocol for clear PET articles with labels and closures
Exhibit 1006:	PET Standard Laboratory Processing Practices
Exhibit 1007:	PET-S-04 – PET Package Materials Balance Test
Exhibit 1008:	PET-S-01 – Labels for PET - Wash Water Test
Exhibit 1009:	Shrink Sleeve Labels on PET Containers APR Resource Document
Exhibit 1010:	Evaluation of the Near Infrared (NIR) Sorting Potential of a Whole Plastic Article (SORT-B-01)
Exhibit 1011:	Evaluation of Sorting Potential for Plastic Articles Utilizing Metal, Metalized or Metallic Printed Components (SORT-B-03)
Exhibit 1012:	RD-TM-210-4
Exhibit 1013:	Declaration of Mr. Craig Bushman
Exhibit 1014:	Declaration of Dr. Michael Deible
Exhibit 1015:	ASTM D2732
Exhibit 1016:	SKC inc. EL62 Product Description

Exhibit 1017:	Brook+Whittle webpage print, retrieved from https://brookandwhittle.com/recyclable-light-blocking-shrink-sleeves/
Exhibit 1018:	Association of Plastic Recyclers recognition correspondence
Exhibit 1019:	Watson Standard Technical Data Sheet
Exhibit 1020:	U.S. Patent Publication No. 2017/0223879 to Mitchell et al.
Exhibit 1021:	Second Declaration of Mr. Craig Bushman
Exhibit 1022:	<i>Brook + Whittle LTD v. Nestle USA, Inc. et al.</i> , 2:24-cv-00735-JRG-RSP, D.I. 63 (Defendant's Motion to Stay Pending Resolution of Related Declaratory Judgment Action)
Exhibit 1023:	<i>Brook + Whittle LTD v. Nestle USA, Inc. et al.</i> , 2:24-cv-00735-JRG-RSP, D.I. 18 (Defendant Nestlé USA, Inc.'s Motion to Dismiss for Improper Venue)
Exhibit 1024:	<i>Brook + Whittle LTD v. Nestle USA, Inc. et al.</i> , 2:24-cv-00735-JRG-RSP, D.I. 32 (Defendant Fuji Seal International, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction). Motion is sealed and not publicly available; see <i>American Fuji Seal, Inc. v. Brook + Whittle LTD</i> , 24-1215-MN, D.I. 23
Exhibit 1025:	<i>Brook + Whittle LTD v. Nestle USA, Inc. et al.</i> , 2:24-cv-00735-JRG-RSP, D.I. 1 (Complaint)
Exhibit 1026:	U.S. Appln. No.: 18/667,677, "Recyclable heat shrink film for recyclable container," (Prosecution History)
Exhibit 1027:	PET-CG-02, Critical Guidance protocol for clear PET articles with labels and closures, Revision Date 04.11.2019
Exhibit 1028:	PET-P-00, PET Standard Laboratory Processing Practices, Revision Date 09.17.2019
Exhibit 1029:	PET-S-04, PET Package Materials Balance Test, Revision Date 11.16.2018

Exhibit 1030:	PET-S-01, Labels for PET - Wash Water Test, Revision Date 11.16.2018
Exhibit 1031:	GEN-TM-7A-B, Caustic Evaluation PET SSL, Revision Date 12.21.2018
Exhibit 1032:	Supplemental Declaration of Dr. Michael Deible
Exhibit 1033:	3191115 images
Exhibit 1034:	3191157 images
Exhibit 1035:	3191167 images
Exhibit 1036:	3191176 images
Exhibit 1037:	Test Development Images
Exhibit 1038:	APR Summation Report for Critical Guidance Recognition 5-01-19
Exhibit 1039:	Privilege Log
Exhibit 1040:	Privilege Log and Identified Documents (Part 1)
Exhibit 1041:	Privilege Log and Identified Documents (Part 2)
Exhibit 1042:	Privilege Log and Identified Documents (Part 3)
Exhibit 1043:	Privilege Log and Identified Documents (Part 4)
Exhibit 1044:	APR caustic wash test data relating to the Gatorade label
Exhibit 1045:	Email and attached curriculum vitae of Dr. Michael Deible (Document No. 3 from Privilege Log, EX1039)

In accordance with 37 C.F.R. § 42.6(e)(4)(ii), this transmittal letter accompanies the separate filing of Exhibits 1044 and 1045, which are being filed in response to the Board's Order Granting Patent Owner's Motion for Routine Discovery and Denying Patent Owner's Motion for Additional Discovery (Paper 31). In response thereto, Petitioner submits the following.

Petitioner files, as Exhibit 1044, APR caustic wash test data relating to the Gatorade label that was not prepared in connection with the Petition. Exhibit 1044 is identified in Petitioner's Listing of Exhibits, as set forth above.

Counsel for Petitioner confirms that it has inquired of Petitioner whether it is aware of information that the silver ink used in its Gatorade Label fails to pass the recyclability/bleed testing or that the Gatorade Label is not recyclable with a PET container, and counsel further confirms that no such information has been identified or discovered by Petitioner.

Petitioner files, as Exhibit 1045, Document No. 3 identified in Petitioner's privilege log (EX1039), which includes an email and the attached curriculum vitae of Dr. Michael Deible. Exhibit 1045 is identified in Petitioner's Listing of Exhibits, as set forth above.

Respectfully submitted,

Dated: January 28, 2026

/Brett A. Schatz/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on January 28, 2026, a complete and entire copy of Exhibits 1044 and 1045, along with the accompanying Transmittal Letter, was provided via email to the Patent Owner by serving the email correspondence addresses of record as follows:

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