

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MULTI-COLOR CORPORATION
Petitioner

v.

BROOK & WHITTLE LIMITED
PO

PGR2025-00025
Patent No. 11,961,422

**PATENT OWNER'S MOTION REQUESTING ACCEPTANCE OF
SUBMISSION OF PATENT OWNER'S MOTION TO EXCLUDE AND
MOTION TO STRIKE FILED UNDER BOARD'S ALTERANTIVE MEANS**

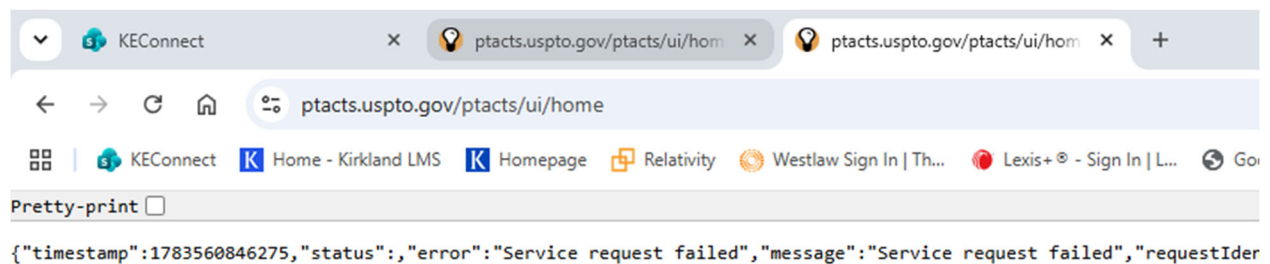
TABLE OF EXHIBITS

EX	DESCRIPTION
2001	“Going for Gold,” Multi-Color Corporation, available at https://www.mcclabel.com/en/resources/going-for-gold
2002	“NESCAFÉ® Debuts Gold Espresso and Ice Roast Instant Coffee in the U.S., Offering Rich Variety for Every Occasion,” Nestle, April 3, 2024, available at https://www.nestleusa.com/media/pressreleases/gold-espresso-ice-instant-coffee
2003	recycLABEL™ Shrink Sleeve brochure, Multi-Color Corporation
2004	“Labeled with Care – Sustainability Update,” Multi-Color Corporation, available at https://issuu.com/mcclabel/docs/mcc_2024_sustainability_update?fr=sOTFjMjY0MTE4OTQ
2005	“Nestlé to use recyclable, light-blocking shrink sleeves on some beverage products,” Packaging Dive, April 17, 2024, available at https://www.packagingdive.com/news/nestle-recyclable-shrink-sleeve-label-light-blocking/713427/
2006	<i>Brook + Whittle LTD v. Nestle USA, Inc. et al.</i> , 2:24-cv-00735-JRG-RSP, Docket Report, generated May 13, 2025
2007	<i>Brook + Whittle LTD v. Nestle USA, Inc. et al.</i> , 2:24-cv-00735-JRG-RSP, D.I. 16 (Docket Control Order)
2008	<i>Brook + Whittle LTD v. Nestle USA, Inc. et al.</i> , 2:24-cv-00735-JRG-RSP, D.I. 50 (Defendants’ Unopposed Motion for Leave to Supplement Invalidity Contentions Under P.R. 3-6(b))
2009	<i>Brook + Whittle LTD v. Nestle USA, Inc. et al.</i> , 2:24-cv-00735-JRG-RSP, D.I. 51 (Order granting D.I. 50)
2010	Deposition Transcript of Mr. Craig Bushman
2011	Deposition Transcript of Dr. Michael Deible
2012	Declaration of Dr. Maureen Reitman
2013	Declaration of Dr. Scott Phillips
2014	“Gatorade and Cheetos are Among the Pepsi Products Getting a Natural Dye Makeover,” NY Post
2015	“Can I Drink Gatorade Past the Best Before Date on the Bottle,” PepsiCo
2016	US Patent Application No. 2025/0273094
2017	“Nesquik Makes Bottles Easier to Recycle for Consumers,” Nestle
2018	Email from A. Leonard (Nestle) to S. Figueroa (B+W)

EX	DESCRIPTION
2019	PACKAGING EUROPE, <i>Winners of the Sustainability Awards 2024 Announced!</i> , (Nov. 14, 2024).
2020	PACKAGING EUROPE, <i>Sustainability Awards 2024 Finalist Interview: Brook+Whittle's Recyclable, Light-Blocking Shrink Sleeve</i> , (Sept. 24, 2024).
2021	<i>AWA Sleeve Label Awards 2024 - Winners</i> (October 28, 2024)
2022	US Plastics Pact 2023 LinkedIn Post
2023	US Plastics Pact 2024 LinkedIn Post
2024	<i>Brook + Whittle LTD v. Nestle USA, Inc. et al.</i> , 2:24-cv-00735-JRG-RSP, Dkt. 1 (Complaint)
2025	<i>Brook + Whittle LTD v. Nestle USA, Inc. et al.</i> , 2:24-cv-00735-JRG-RSP, Dkt. 1, Ex B (Claim Chart)
2026	PET-S-09, Evaluation of PET Plaques for Color, Haze and Inclusions
2027	US Patent Application No. 18/667,677 September 3 Remarks
2028	US Patent Application No. 18/667,677 October 24 Final Rejection
2029	"Heat Treatment Impacts on Film Morphology in Biaxially Oriented Polypropylene Films," Kivilcim, Fadime Nulufer, <i>Food Sci. & Nut.</i>
2030	"The Amazing Shrink Inks," Packaging Impressions
2031	"Wrinkling-to-delamination Transition in Thin Polymer Films on Compliant Substrates," Nolte, Adam J., <i>Soft Matter</i> , 2017
2032	"Review Article: Stress in Thin Films and Coatings: Current Status, Challenges, and Prospects," Abadias, Gregory, <i>J. Vac. Sci. Technol.</i> 2018
2033	"Product Decoration Technologies: Sleeving," Finishing & Embellishment
2034	"Brook + Whittle's GreenLabel BlockOut Receives Important Recyclability Recognition and Prequalification," Brook + Whittle
2035	"MCC Receives APR Recognition for recycLabel Roll-Fed Label on PET Bottles," MultiColor Corp
2036	"Trap (printing)," Grokipedia
2037	<i>Brook + Whittle LTD v. Nestle USA, Inc. et al.</i> , 2:24-cv-00735-JRG-RSP, Dkt. 112, Claim Construction Order
2038	Plastics Forming Enterprises LLC, Laboratory Report #2467 APR PET Benchmark
2039	Declaration of Steven Dirks in support of Admission <i>Pro Hac Vice</i>
2040	Declaration of Tera Stone in support of Admission <i>Pro Hac Vice</i>
2041	Declaration of Kelly Tripathi in support of Admission <i>Pro Hac Vice</i>

Patent Owner respectfully moves to request the acceptance of Patent Owner's Motion to Exclude and Motion to Strike under alternative means. Counsel for Patent Owner has conferred with counsel for Petitioner, who is unopposed.

The PTAB P-TACTS filing system was unavailable between 9:30 p.m. ET until 11:30 p.m. ET, on July 8, 2026. A true and correct screenshot of an error message from the PTAB website viewed by Patent Owner's counsel while attempting to file the motions:



Accordingly, Patent Owner's counsel proceeded according to the alternative filing procedure set forth in the PTAB webpage for "Filing documents during an outage" (<https://www.uspto.gov/patents/apply/filing-online/filing-documents-during-outage>). Specifically, Patent Owner: **(1)** completed email service of the motions via email on Petitioner's counsel (on July 8, 2026, at 11:31 p.m. ET); and **(2)** notified the Board of the service by email while copying opposing counsel (one minute later). The instructions further provide that service should be "followed by a later-filed motion requesting acceptance of the submission once P-TACTS is

available.” *Id.* On July 9, 2026, the P-TACTS filing system became operational again. Patent Owner hence moves to request acceptance of its submissions.

The Board has accepted filings submitted under similar circumstances. *See, e.g., Arthrex, Inc. v. P Tech, LLC*, IPR2022-00786, Paper 13 (Mar. 7, 2023); *Nitro Fluids, L.L.C. v. Cameron Int’l Corp.*, IPR2020-00691, Paper 11 (June 30, 2020); *Huawei Device Co., Ltd. v. Maxell, Ltd.*, IPR2018-00209, Paper 17 (Aug. 30, 2018); *Microsoft Corp. v. Smart Skins LLC*, IPR2016-00404, Paper 11 (Aug. 2, 2016).

Having followed the Board’s alternative filing procedures, Patent Owner respectfully requests acceptance of its motions in this matter and that these motions be accorded the date on the certificate of service (*i.e.*, July 8, 2026) as the filing date, pursuant to 37 C.F.R. § 42.6(b)(2)(i) and the Board’s alternative filing procedure.

Dated: July 10, 2026

Respectfully submitted,

/s/ W. Todd Baker

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Attorneys For Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Patent Owner's Motion Requesting Acceptance of Submissions was served on the 10th day of July, 2026, via electronic mail directed to counsel of record for the Petitioner:

Brett A. Schatz
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/s/ W. Todd Baker

W. Todd Baker

CERTIFICATE OF COMPLIANCE

This Patent Owner's Motion Requesting Acceptance of Submissions complies with the type-volume limitations as mandated in 37 C.F.R. § 42.24. According to the word processing system used to prepare this document, the motion contains 2 pages.

/s/ W. Todd Baker

W. Todd Baker