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8 Attorneys for Plaintiff
9 **Trove Brands, LLC**

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12

13 TROVE BRANDS, LLC, a Utah
limited liability company,

14 Plaintiff,

15 v.

16 CAMELBAK PRODUCTS, LLC
AND VISTA OUTDOOR INC.
17

18 Defendants.
19
20

) Case No. 3:23-cv-4267

) **COMPLAINT FOR
DECLARATORY JUDGMENT OF
NON-INFRINGEMENT OF U.S.
PATENT NOS. 8,905,252; 9,463,911;
10,676,255; and 11,242,178**

) **DEMAND FOR JURY TRIAL**
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1 Plaintiff Trove Brands, LLC, (“Trove Brands” or “Plaintiff”) for its
2 Complaint against Camelbak Products, LLC (“Camelbak”) and Vista Outdoor Inc.
3 (“Vista Outdoor”) (collectively “Defendants”), hereby alleges as follows:

4 **I. NATURE OF THE ACTION**

5 1. This is an action for a declaratory judgment of non-infringement arising
6 under the patent laws of the United States, Title 35 of the United States Code. This
7 action seeks a determination that Trove Brands does not infringe any claim of United
8 States Patent Nos. 8,905,252 (“the ’252 Patent”); 9,463,911 (“the ’911 Patent”);
9 10,676,255 (“the ’255 Patent”); or 11,242,178 (“the ’178 Patent”) (collectively, the
10 “Asserted Patents”).

11 2. Defendants have claimed that Trove Brands infringes the Asserted
12 Patents by manufacturing, offering for sale, and/or importing into the United States
13 water bottles that infringe one or more claims of the Asserted Patents. Defendants’
14 affirmative allegations of infringement of the Asserted Patents have created a
15 justiciable controversy between Trove Brands and Defendants.

16 3. As a result of Defendants’ claim that certain of Trove Brands’ products
17 infringe the Asserted Patents, Trove Brands is under reasonable apprehension of suit
18 by Defendants.

19 **II. THE PARTIES**

20 4. Plaintiff Trove Brands is a limited liability company organized and
21 existing under the laws of the State of Utah, with its principal place of business
22 located at 250 South 850 East, Lehi, Utah 84043.

23 5. Trove Brands is informed and believes, and based thereon alleges, that
24 Defendant Camelbak Products, LLC is a limited liability company organized and
25 existing under the laws of the State of Delaware, having its principal place of
26 business at 2000 South McDowell Blvd., Suite 200, Petaluma, California 94954.
27 Trove Brands is further informed and believes, and based thereon alleges, that
28 Camelbak is a wholly-owned subsidiary of Vista Outdoor Inc.

1 6. Trove Brands is informed and believes, and based thereon alleges, that
2 Defendant Vista Outdoor Inc. is a Delaware corporation with its principal place of
3 business at 1 Vista Way, Anoka, MN 55303.

4 **III. JURISDICTION AND VENUE**

5 7. This action arises under the Declaratory Judgment Act, 28 U.S.C. §
6 2201 and 2202, and under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

7 8. This Court has subject matter jurisdiction over this action under 28
8 U.S.C. §§ 1331, 1338(a), and 2201 and 2202.

9 9. This Court has personal jurisdiction over Camelbak because Camelbak
10 has a continuous, systematic, and substantial presence within this judicial district
11 and within California. For example, Camelbak maintains its headquarters within
12 this judicial district in the city of Petaluma. Further, Trove Brands is informed and
13 believes, and based thereon alleges, that CamelBak, directly and through its agents
14 regularly transacts business in this District and elsewhere in California. Further, a
15 substantial part of the events giving rise to these claims occurred in this District.
16 For example, Trove Brands is informed and believes, and based thereon alleges, that
17 CamelBak, which is headquartered in this District, authorized its attorney to transmit
18 a cease-and-desist letter to Trove Brands alleging infringement of the Asserted
19 Patents. Further, two of the named inventors on the '911 patent, the '255 Patent,
20 and the '178 Patent (Barley A. Forsam, and Jeremy Galten) are identified on the
21 face of the patents as residents of this district. Additionally, both named inventors
22 on the '252 Patent (Matthew W. Latham and Derek Gavin Sullivan) are identified
23 on the face of the patent as residents of this District.

24 10. This Court has personal jurisdiction over Vista Outdoor because Vista
25 Outdoor has a continuous, systematic, and substantial presence within this judicial
26 District and within California. For example, Vista Outdoor is registered to do
27 business in California (Registration No. C3746812). Further, Trove Brands is
28 informed and believes, and based thereon alleges, that Camelbak, which as noted

1 above is headquartered in this District, is a wholly-owned subsidiary of Vista
2 Outdoor, and that Vista Outdoor directly and through its subsidiaries (including
3 CamelBak) and its agents regularly transacts business in this District and elsewhere
4 in California. Further, a substantial part of the events giving rise to these claims
5 occurred in this district. For example, as noted above, there are at least two inventors
6 identified on the face of each Asserted Patent as residents of this District.

7 11. Venue is proper in this District under 28 U.S.C. § 1391. A substantial
8 part of the events giving rise to Trove Brands' claims occurred in this District, and
9 Defendants are subject to personal jurisdiction here, as discussed above.

10 **IV. INTRADISTRICT ASSIGNMENT**

11 12. This action is an intellectual property action subject to district-wide
12 assignment pursuant to Local Civil Rules 3-2(c) and 3-5(b).

13 **V. GENERAL ALLEGATIONS**

14 13. On June 21, 2023, counsel for Defendants sent a letter to Trove Brands
15 alleging that Defendants are “the owner of all right, title, and interest in two patents
16 families concerning Drink/Bottles/Drink Containers With Closure Mechanisms.”
17 The letter further alleged that Trove Brands is “manufacturing, selling, offering for
18 sale, and/or importing into the United States water bottles that infringe one or more
19 claims of the” patents identified in the letter. Specifically, the letter identified three
20 accused products, “the Owala Flip (For Kids), Owala Flip, and Owala FreeSip.”
21 The letter indicated that “a number of CamelBak Patents have been asserted multiple
22 times against third parties,” but noted that “CamelBak is willing to amicably resolve
23 this dispute” on the conditions that Trove Brands cease and desist the use,
24 manufacture, sale, offer for sale, and importation of water bottles and replacement
25 caps meeting the limitations of one or more claims of the identified patents, provide
26 a full accounting for all water bottle and replacements caps sold in the U.S. during
27 the past six years, and pay a reasonable royalty for all such sales. The letter
28 concluded by noting that Defendants “can seek injunctive relief, lost profits,

1 attorney fees, and treble damages in litigation” absent amicable resolution. A true
2 and correct copy of the letter dated June 21, 2023 is attached hereto as **Exhibit 1**.

3 14. Counsel for Trove Brands sent a responsive letter on July 5, 2023
4 seeking Defendants’ “analysis as to how it alleges Trove Brand’s products infringe
5 CamelBack’s [sic] patent rights.” A true and correct copy of the letter dated July 5,
6 2023 is attached hereto as **Exhibit 2**.

7 15. On July 11, 2023, counsel for Defendants sent a responsive letter
8 attaching “claim charts that illustrate how Trove Brands products identified in the
9 June 21, 2023, letter infringe multiple claims of multiple patents.” The claim charts
10 included analyses of the ’911 Patent (Claims 14-16, 19), the ’255 Patent (Claims 1,
11 3-5, 9, 11, 12-13, 19), the ’178 Patent (Claims 1-2, 4-6, 10-12, 14-16, 20-22), and
12 the ’252 Patent (Claims 5-7, 16 and 19). The claim charts compared the ’911 Patent,
13 the ’255 Patent, and the ’178 Patent to the Owala Flip (For Kids), the ’178 Patent to
14 the Owala Flip, and the ’252 Patent to the Owala FreeSip. A true and correct copy
15 of the letter dated July 11, 2023 is attached hereto as **Exhibit 3**. True and correct
16 copies of the claim charts attached to the letter dated July 11, 2023 are attached
17 hereto as **Exhibits 4-8**.

18 16. Defendants’ June 21, 2023 letter alleged that Trove Brands was
19 infringing one or more claims of U.S. Patent No. 7,533,783 (“the ’783 Patent”).

20 17. Defendants’ claim charts sent on July 11, 2023 did not chart any claims
21 of the ’783 Patent against any Trove Brands products.

22 18. Trove Brands is informed and believes, and based thereon alleges, that
23 Defendants no longer contend that Trove Brands infringes the ’783 Patent.

24 19. Defendants’ June 21, 2023 letter alleged that Trove Brands was
25 infringing one or more claims of U.S. Patent No. 8,622,237 (“the ’237 Patent”).

26 20. Defendants’ claim charts sent on July 11, 2023 did not chart any claims
27 of the ’237 Patent against any Trove Brands products.

28 21. Trove Brands is informed and believes, and based thereon alleges, that

1 Defendants no longer contend that Trove Brands infringes the '237 Patent.

2 22. Defendants' June 21, 2023 letter alleged that Trove Brands was
3 infringing one or more claims of U.S. Patent No. 8,777,048 ("the '048 Patent").

4 23. Defendants' claim charts sent on July 11, 2023 did not chart any claims
5 of the '048 Patent against any Trove Brands products.

6 24. Trove Brands is informed and believes, and based thereon alleges, that
7 Defendants no longer contend that Trove Brands infringes the '048 Patent.

8 25. Defendants' June 21, 2023 letter alleged that Trove Brands was
9 infringing one or more claims of U.S. Patent No. 10,023,365 ("the '365 Patent").

10 26. Defendants' claim charts sent on July 11, 2023 did not chart any claims
11 of the '365 Patent against any Trove Brands products.

12 27. Trove Brands is informed and believes, and based thereon alleges, that
13 Defendants no longer contend that Trove Brands infringes the '365 Patent.

14 28. Defendants' June 21, 2023 letter alleged that Trove Brands was
15 infringing one or more claims of U.S. Publication No. 2022/0119168 ("the '168
16 Publication").

17 29. Defendants' claim charts sent on July 11, 2023 did not chart any claims
18 of the '168 Publication against any Trove Brands products.

19 30. Trove Brands is informed and believes, and based thereon alleges, that
20 Defendants no longer contend that Trove Brands infringes the '168 Publication.

21 31. Defendants' June 21, 2023 letter alleged that Trove Brands was
22 infringing one or more claims of U.S. Patent No. 8,905,252. Specifically, the letter
23 alleged that Trove Brands' Owala FreeSip product infringes independent Claims 5
24 and 19 and "multiple other claims" of the '252 Patent.

25 32. Defendants' claim charts sent on July 11, 2023 charted Claims 5-7, 16,
26 and 19 of the '252 Patent against Trove Brands' FreeSip product.

27 33. Defendants' June 21, 2023 letter alleged that Trove Brands was
28 infringing one or more claims of U.S. Patent No. 9,463,911. Specifically, the letter

1 alleged that Trove Brands' Owala Flip (For Kids) product infringes independent
2 claim 14 and "multiple other claims" of the '911 Patent.

3 34. Defendants' claim charts sent on July 11, 2023 charted Claims 14-16,
4 and 19 of the '911 Patent against Trove Brands' Owala Flip (For Kids) product.

5 35. Defendants' June 21, 2023 letter alleged that Trove Brands was
6 infringing one or more claims of U.S. Patent No. 10,676,255. Specifically, the letter
7 alleged that Trove Brands' Owala Flip (For Kids) product infringes independent
8 claim 1 and "multiple other claims" of the '255 Patent.

9 36. Defendants' claim charts sent on July 11, 2023 charted Claims 1, 3-5,
10 9, 11-13, and 19 of the '255 Patent against Trove Brands' Owala Flip (For Kids)
11 product.

12 37. Defendants' June 21, 2023 letter alleged that Trove Brands was
13 infringing one or more claims of U.S. Patent No. 11,242,178. Specifically, the letter
14 alleged that Trove Brands' Owala Flip (For Kids) product infringes independent
15 Claims 1 and 11 and "multiple other claims" of the '178 Patent. The letter further
16 alleged that the Owala Flip product also infringes independent claim 11 and
17 "multiple other claims" of the '178 Patent.

18 38. Defendants' claim charts sent on July 11, 2023 charted Claims 1, 2, 4-
19 6, 10-12, 14-16, and 20-22 of the '178 Patent against Trove Brands' Owala Flip (For
20 Kids) product and charted Claims 11, 12, 14-16, and 22 of the '178 Patent against
21 Trove Brands' Owala Flip product.

22 39. On July 27, 2023, counsel for Defendants sent Trove Brands an email
23 stating that Defendants are "willing to offer a license to each of the Camelbak
24 patents at issue and any related patents/patent applications for a lump sum of \$6M."
25 The email requested a response to the proposal by August 10, 2023. Trove Brands
26 did not respond.

27 40. On August 18, 2023, counsel for Defendants again wrote to Trove
28 Brands stating that "it appears that Trove Brands is not interested in an amicable

1 resolution.” A true and correct copy of the emails exchanged between counsel from
2 July 5, 2023 through August 18, 2023 are attached hereto as **Exhibit 9**.

3 41. Due to the circumstances discussed above, an immediate, real, and
4 justiciable controversy exists between Trove Brands and Defendants as to whether
5 Trove Brands is infringing or has infringed the Asserted Patents. In addition,
6 Camelbak has sued one other defendant in the Western District of Arkansas for
7 alleged infringement of the '911 Patent and the '255 Patent. *See CamelBak*
8 *Products, LLC v. Zak Designs, Inc.*, Case No. 5-21-cv-05109 (W.D. Ark.).
9 Moreover, as Defendants' June 21, 2023 letter highlights, “a number of the
10 CamelBak Patents have been asserted multiple times against third parties.”

11 **VI. FIRST CLAIM FOR RELIEF**

12 (Non-Infringement of U.S. Patent No. 8,905,252)

13 42. Trove Brands repeats and re-alleges the allegations of paragraphs 1-41
14 of the Complaint as if set forth fully herein.

15 43. Defendants claim to own all rights, title, and interest in and under the
16 '252 Patent. A true and correct copy of the '252 Patent is attached hereto as **Exhibit**
17 **10**.

18 44. Defendants accuse Trove Brands and its FreeSip product of infringing
19 Claims 5-7, 16, and 19 of the '252 Patent.

20 45. Trove Brands does not directly or indirectly infringe the '252 Patent,
21 either literally or under the doctrine of equivalents. Specifically, Trove Brands'
22 FreeSip product does not include all of the claimed elements of any independent
23 claim of the '252 Patent.

24 46. As to claim 1, Trove Brands' FreeSip product does not embody “[a]
25 drink container, comprising: a liquid container having a neck with an opening and
26 having an internal compartment sized to hold a volume of potable drink liquid; and
27 a cap assembly removably coupled to the liquid container, the cap assembly
28 comprising: a base removably coupled to the neck of the liquid container; a drink

1 spout extending from the base and defining a passage through which drink liquid
2 from the internal compartment of the liquid container may be selectively dispensed;
3 a closure configured to be removably coupled relative to the drink spout in a closed
4 position to selectively restrict dispensing of drink liquid through the passage and to
5 selectively permit dispensing of drink liquid through the passage when removed
6 from the drink spout; and a handle extending from the base and defining a closed
7 perimeter, wherein the closed perimeter is sized to selectively receive and retain the
8 closure in a stowed position relative to the handle in a friction-fit arrangement when
9 the closure is selectively removed from the drink spout; and a tether operatively
10 coupling the closure to the liquid container, wherein the tether extends through the
11 closed perimeter of the handle,” under a proper construction of that claim.

12 47. As to claim 5, Trove Brands’ Free Sip product does not embody “[a]
13 drink container, comprising: a liquid container having a neck with an opening and
14 having an internal compartment sized to hold a volume of potable drink liquid; and
15 a cap assembly removably coupled to the liquid container, the cap assembly
16 comprising: a base removably coupled to the neck of the liquid container; a drink
17 spout extending from the base and defining a passage through which drink liquid
18 from the internal compartment of the liquid container may be selectively dispensed;
19 a closure configured to be removably coupled relative to the drink spout in a closed
20 position to selectively restrict dispensing of drink liquid through the passage and to
21 selectively permit dispensing of drink liquid through the passage when removed
22 from the drink spout; a handle extending from the base, wherein the handle includes
23 a closure retention mechanism configured to selectively retain the closure in a
24 stowed position relative to the handle when the closure is selectively removed from
25 the drink spout and received by the closure retention mechanism,” under a proper
26 construction of that claim.

27 48. As to claim 19, Trove Brands’ FreeSip product does not embody “[a]
28 cap assembly for use with a liquid container having a neck with an opening and

1 having an internal compartment sized to hold a volume of potable drink liquid, the
2 cap assembly comprising: a base configured to be removably coupled to the neck of
3 the liquid container; a drink spout extending from the base and defining a passage
4 through which drink liquid from the internal compartment of the liquid container
5 may be selectively dispensed when the cap assembly is operatively coupled to the
6 liquid container; a closure configured to be removably coupled relative to the drink
7 spout in a closed position to selectively restrict dispensing of liquid through the
8 passage and to selectively permit dispensing of liquid through the passage when
9 removed from the drink spout; a handle extending from the base, wherein the handle
10 includes a closure retention mechanism configured to selectively retain the closure
11 in a stowed position relative to the handle when the closure is selectively removed
12 from the drink spout and received by the closure retention mechanism,” under a
13 proper construction of that claim.

14 49. A substantial, immediate, and real controversy therefore exists between
15 Trove Brands and Defendants regarding whether Trove Brands infringes the ’252
16 Patent. A judicial declaration is appropriate and necessary to determine the parties’
17 respective rights regarding the ’252 Patent.

18 50. Trove Brands is entitled to a judgment declaring that Trove Brands
19 does not directly or indirectly infringe any claim of the ’252 Patent.

20 **VII. SECOND CLAIM FOR RELIEF**

21 (Non-Infringement of U.S. Patent No. 9,463,911)

22 51. Trove Brands repeats and re-alleges the allegations of paragraphs 1-50
23 of the Complaint as if set forth fully herein.

24 52. Defendants claim to own all rights, title, and interest in and under the
25 ’911 Patent. A true and correct copy of the ’911 Patent is attached hereto as **Exhibit**
26 **11**.

27 53. Defendants accuse Trove Brands’ Owala Flip (For Kids) product of
28 infringing Claims 14-16, and 19 of the ’911 Patent.

1 54. Trove Brands does not directly or indirectly infringe the '911 Patent,
2 either literally or under the doctrine of equivalents. Specifically, Trove Brands'
3 Owala Flip (For Kids) product does not include all of the claimed elements of any
4 independent claim of the '911 Patent.

5 55. As to claim 1, Trove Brands' Owala Flip (For Kids) product does not
6 embody "[a] drink container, comprising: a fluid container having a neck with an
7 opening and having an internal compartment sized to hold a volume of potable drink
8 fluid; a cap assembly removably coupled to the fluid container to cover the opening,
9 wherein the cap assembly defines a fluid conduit through which drink fluid may
10 selectively flow from the fluid container and through the cap assembly to a user,
11 wherein the fluid conduit includes an inlet through which drink fluid from the fluid
12 container may enter the fluid conduit, and a dispensing outlet through which drink
13 fluid in the fluid conduit may be dispensed from the cap assembly to a user, and
14 further wherein the cap assembly comprises: a cap assembly base removably
15 coupled to the neck of the fluid container, wherein the cap assembly base is
16 configured to be selectively and repeatedly decoupled from and re-coupled to the
17 neck of the fluid container; a manual on/off valve having a closed configuration, in
18 which the manual on/off valve obstructs the fluid conduit to restrict drink fluid from
19 flowing between the inlet and the dispensing outlet, and an open configuration, in
20 which the manual on/off valve permits drink fluid to flow through the fluid conduit
21 from the inlet to the dispensing outlet; a drink spout that defines at least a portion of
22 the fluid conduit, wherein the drink spout is pivotally coupled to the cap assembly
23 base and adapted to be selectively pivoted within a range of positions relative to the
24 cap assembly base through pivotal movement of the drink spout relative to the cap
25 assembly base, wherein the range of positions includes at least a stowed position
26 and a dispensing position, wherein the drink spout defines at least a portion of the
27 manual on/off valve, wherein when the drink spout is in the stowed position, the
28 manual on/off valve is in the closed configuration, and wherein when the drink spout

1 is in the dispensing position, the manual on/off valve is in the open configuration;
2 and a resilient mouthpiece removably mounted on the drink spout and having a
3 dispensing face, which includes the dispensing outlet, and a mouthpiece base that is
4 shaped to restrict rotation of the resilient mouthpiece on the drink spout; wherein
5 when the drink spout is in the dispensing position, the dispensing outlet is positioned
6 further away from the cap assembly base than when the drink spout is in the stowed
7 position, wherein the resilient mouthpiece is more resilient than the drink spout and
8 is adapted to resiliently compress responsive to compressive forces applied to the
9 resilient mouthpiece by a user's teeth; wherein the fluid conduit includes a crimpable
10 region that is adapted to be selectively crimped to restrict drink fluid from flowing
11 therethrough to the mouthpiece, and further wherein the drink spout is adapted to
12 selectively engage the crimpable region to apply crimping forces thereto and thereby
13 configure the manual on/off valve to the closed configuration as the drink spout is
14 pivoted from the dispensing position to the stowed position,” under a proper
15 construction of that claim.

16 56. As to claim 14, Trove Brands’ Owala Flip (For Kids) product does not
17 embody “[a] drink container, comprising: a fluid container having a neck with an
18 opening and having an internal compartment sized to hold a volume of potable drink
19 fluid; a cap assembly removably coupled to the fluid container to cover the opening,
20 wherein the cap assembly defines a fluid conduit for drink fluid to flow from the
21 fluid container and through the cap assembly to a user, wherein the fluid conduit
22 includes an inlet through which drink fluid from the fluid container may enter the
23 fluid conduit, and a dispensing outlet through which drink fluid in the fluid conduit
24 may be dispensed from the cap assembly to a user, and further wherein the cap
25 assembly comprises: a cap assembly base removably coupled to the neck of the fluid
26 container, wherein the cap assembly base is configured to be selectively and
27 repeatedly decoupled from and re-coupled to the neck of the fluid container; a
28 resilient mouthpiece pivotal relative to the cap assembly base and including the

1 dispensing outlet, wherein the resilient mouthpiece is configured to be selectively
2 pivoted between a stowed position and a dispensing position, and further wherein
3 when the resilient mouthpiece is in the dispensing position, the dispensing outlet is
4 positioned further away from the cap assembly base than when the resilient
5 mouthpiece is in the stowed position, wherein the resilient mouthpiece is adapted to
6 resiliently compress responsive to compressive forces applied to the resilient
7 mouthpiece by a user's teeth; a manual on/off valve having a closed configuration,
8 in which the manual on/off valve obstructs the fluid conduit to restrict drink fluid
9 from flowing between the inlet and the dispensing outlet, and an open configuration,
10 in which the manual on/off valve permits drink fluid to flow through the fluid
11 conduit from the inlet to the dispensing outlet; a pair of lateral guards that extend on
12 opposed sides of the resilient mouthpiece when the manual on/off valve is in the
13 closed configuration and when the resilient mouthpiece is in the stowed position;
14 and a dust cover extending between the pair of lateral guards and positioned to
15 protect the dispensing outlet of the resilient mouthpiece by extending across at least
16 a portion of the dispensing outlet of the resilient mouthpiece when the resilient
17 mouthpiece is in the stowed position, wherein when the resilient mouthpiece is
18 pivoted from the stowed position to the dispensing position, the resilient mouthpiece
19 pivots away from the dust cover,” under a proper construction of that claim.

20 57. As to claim 25, Trove Brands’ Owala Flip (For Kids) product does not
21 embody “[a] drink container, comprising: a fluid container having a neck with an
22 opening and having an internal compartment sized to hold a volume of potable drink
23 fluid; a cap assembly removably coupled to the fluid container to cover the opening,
24 wherein the cap assembly defines a fluid conduit through which drink fluid may
25 selectively flow from the fluid container and through the cap assembly to a user,
26 wherein the fluid conduit includes an inlet through which drink fluid from the fluid
27 container may enter the fluid conduit, and a dispensing outlet through which drink
28 fluid in the fluid conduit may be dispensed from the cap assembly to a user, and

1 further wherein the cap assembly comprises: a cap assembly base removably
2 coupled to the neck of the fluid container, wherein the cap assembly base is
3 configured to be selectively and repeatedly decoupled from and re-coupled to the
4 neck of the fluid container; a manual on/off valve having a closed configuration, in
5 which the manual on/off valve obstructs the fluid conduit to restrict drink fluid from
6 flowing between the inlet and the dispensing outlet, and an open configuration, in
7 which the manual on/off valve permits drink fluid to flow through the fluid conduit
8 from the inlet to the dispensing outlet; a drink spout that defines at least a portion of
9 the fluid conduit, wherein the drink spout is pivotally coupled to the cap assembly
10 base and adapted to be selectively pivoted within a range of positions relative to the
11 cap assembly base through pivotal movement of the drink spout relative to the cap
12 assembly base, wherein the range of positions includes at least a stowed position
13 and a dispensing position, wherein the drink spout defines at least a portion of the
14 manual on/off valve, wherein when the drink spout is in the stowed position, the
15 manual on/off valve is in the closed configuration, and wherein when the drink spout
16 is in the dispensing position, the manual on/off valve is in the open configuration;
17 and a resilient mouthpiece removably mounted on the drink spout and having a
18 dispensing face, which includes the dispensing outlet, and a mouthpiece base that is
19 shaped to restrict rotation of the resilient mouthpiece on the drink spout; wherein
20 when the drink spout is in the dispensing position, the dispensing outlet is positioned
21 further away from the cap assembly base than when the drink spout is in the stowed
22 position, wherein the resilient mouthpiece is more resilient than the drink spout and
23 is adapted to resiliently compress responsive to compressive forces applied to the
24 resilient mouthpiece by a user's teeth; wherein the resilient mouthpiece defines an
25 internal chamber through which drink fluid flows to the dispensing outlet, wherein
26 the internal chamber has sidewalls that define a hexagonal cross-sectional shape to
27 the internal chamber proximate the dispensing face,” under a proper construction of
28 that claim.

1 58. A substantial, immediate, and real controversy therefore exists between
2 Trove Brands and Defendants regarding whether Trove Brands infringes the '911
3 Patent. A judicial declaration is appropriate and necessary to determine the parties'
4 respective rights regarding the '911 Patent.

5 59. Trove Brands is entitled to a judgment declaring that Trove Brands
6 does not directly or indirectly infringe any claim of the '911 Patent.

7 **VIII. THIRD CLAIM FOR RELIEF**

8 (Non-Infringement of U.S. Patent No. 10,676,255)

9 60. Trove Brands repeats and re-alleges the allegations of paragraphs 1-59
10 of the Complaint as if set forth fully herein.

11 61. Defendants claim to own all rights, title, and interest in and under the
12 '255 Patent. A true and correct copy of the '255 Patent is attached hereto as **Exhibit**
13 **12**.

14 62. Defendants accuse Trove Brands' Owala Flip (For Kids) product of
15 infringing Claims 1, 3-5, 9, 11-13, and 19 of the '255 Patent.

16 63. Trove Brands does not directly or indirectly infringe the '255 Patent,
17 either literally or under the doctrine of equivalents. Specifically, Trove Brands'
18 Owala Flip (For Kids) product does not include all of the claimed elements of any
19 independent claim of the '255 Patent.

20 64. As to claim 1, Trove Brands' Owala Flip (For Kids) product does not
21 comprise or utilize "A drink container, comprising: a fluid container having a neck
22 with an opening and having an internal compartment sized to hold a volume of
23 potable drink fluid; a cap assembly removably coupled to the fluid container to cover
24 the opening, wherein the cap assembly defines a fluid conduit for drink fluid to flow
25 from the fluid container and through the cap assembly to a user, wherein the fluid
26 conduit includes an inlet through which drink fluid from the fluid container may
27 enter the fluid conduit, and a dispensing outlet through which drink fluid in the fluid
28 conduit may be dispensed from the cap assembly to a user, and further wherein the

1 cap assembly comprises: a cap assembly base removably coupled to the neck of the
2 fluid container, wherein the cap assembly base is configured to be selectively and
3 repeatedly decoupled from and re-coupled to the neck of the fluid container; a
4 pivotal mount coupled to the cap assembly base for pivotal movement relative to the
5 cap assembly base, wherein the pivotal mount includes a pair of lateral projections,
6 wherein the cap assembly base defines a pair of sockets into which the pair of lateral
7 projections extend; a resilient mouthpiece coupled to the pivotal mount for pivotal
8 movement with the pivotal mount relative to the cap assembly base, wherein the
9 resilient mouthpiece is pivotal about an axis defined by the pair of lateral projections
10 as the pair of lateral projections rotate within the pair of sockets; wherein the
11 resilient mouthpiece defines a portion of the fluid conduit, including the dispensing
12 outlet; wherein the resilient mouthpiece and the pivotal mount are configured to be
13 selectively pivoted between a stowed position and a dispensing position, and further
14 in the dispensing position, the dispensing outlet is positioned further away from the
15 cap assembly base than when the resilient mouthpiece and the pivotal mount are in
16 the stowed position; wherein the resilient mouthpiece is adapted to resiliently
17 compress responsive to compressive forces applied to the resilient mouthpiece by a
18 user's teeth; and a manual on/off valve having a closed configuration, in which the
19 manual on/off valve obstructs the fluid conduit to restrict drink fluid from flowing
20 between the inlet and the dispensing outlet, and an open configuration, in which the
21 manual on/off valve permits drink fluid to flow through the fluid conduit from the
22 inlet to the dispensing outlet; wherein the manual on/off valve includes a flexible
23 tube that defines a portion of the fluid conduit; wherein when the manual on/off
24 valve is in the closed configuration, the tube is crimped to obstruct the flow of drink
25 fluid through the fluid conduit; and wherein when the manual on/off valve is in the
26 open configuration, the tube is not crimped and does not obstruct the flow of drink
27 fluid through the fluid conduit,” under a proper construction of that claim.

28 65. A substantial, immediate, and real controversy therefore exists between

1 Trove Brands and Defendants regarding whether Trove Brands infringes the '255
2 Patent. A judicial declaration is appropriate and necessary to determine the parties'
3 respective rights regarding the '255 Patent.

4 66. Trove Brands is entitled to a judgment declaring that Trove Brands
5 does not directly or indirectly infringe any claim of the '255 Patent.

6 **IX. FOURTH CLAIM FOR RELIEF**

7 (Non-Infringement of U.S. Patent No. 11,242,178)

8 67. Trove Brands repeats and re-alleges the allegations of paragraphs 1-66
9 of the Complaint as if set forth fully herein.

10 68. Defendants claim to own all rights, title, and interest in and under the
11 '178 Patent. A true and correct copy of the '178 Patent is attached hereto as **Exhibit**
12 **13**.

13 69. Defendants accuse Trove Brands' Owala Flip (For Kids) product of
14 infringing Claims 1, 2, 4-6, 10-12, 14-16, and 20-22 of the '178 Patent. Defendants
15 accuse Trove Brands' Owala Flip product of infringing Claims 11, 12, 14-16, and
16 22 of the '178 Patent.

17 70. Trove Brands does not directly or indirectly infringe the '178 Patent,
18 either literally or under the doctrine of equivalents. Specifically, Trove Brands'
19 Owala Flip (For Kids) product does not include all of the claimed elements of any
20 independent claim of the '178 Patent.

21 71. As to claim 1, Trove Brands' Owala Flip (For Kids) product and Owala
22 Flip product do not embody "[a] drink container, comprising: a fluid container
23 having a neck with an opening and having an internal compartment sized to hold a
24 volume of potable drink fluid; a cap assembly removably coupled to the fluid
25 container to cover the opening, wherein the cap assembly defines a fluid conduit for
26 drink fluid to flow from the fluid container and through the cap assembly to a user,
27 wherein the fluid conduit includes an inlet through which drink fluid from the fluid
28 container may enter the fluid conduit, and a dispensing outlet through which drink

1 fluid in the fluid conduit may be dispensed from the cap assembly to a user, and
2 further wherein the cap assembly comprises: a cap assembly base removably
3 coupled to the neck of the fluid container, wherein the cap assembly base is
4 configured to be selectively and repeatedly decoupled from and re-coupled to the
5 neck of the fluid container; a pivotal mount coupled to the cap assembly base at two
6 joints that define a pivotal axis for pivotal movement of the pivotal mount relative
7 to the cap assembly base; a resilient mouthpiece coupled to the pivotal mount for
8 pivotal movement with the pivotal mount relative to the cap assembly base; wherein
9 the resilient mouthpiece defines a portion of the fluid conduit, including the
10 dispensing outlet; wherein the resilient mouthpiece and the pivotal mount are
11 configured to be selectively pivoted between a stowed position and a dispensing
12 position, and further in the dispensing position, the dispensing outlet is positioned
13 further away from the cap assembly base than when the resilient mouthpiece and the
14 pivotal mount are in the stowed position; wherein the resilient mouthpiece is adapted
15 to resiliently compress responsive to compressive forces applied to the resilient
16 mouthpiece by a user's teeth; and an on/off valve having a closed configuration, in
17 which the on/off valve obstructs the fluid conduit to restrict drink fluid from flowing
18 between the inlet and the dispensing outlet, and an open configuration, in which the
19 on/off valve permits drink fluid to flow through the fluid conduit from the inlet to
20 the dispensing outlet; wherein the on/off valve includes a flexible tube that defines
21 a portion of the fluid conduit; wherein when the on/off valve is in the closed
22 configuration, the tube is crimped to obstruct the flow of drink fluid through the
23 fluid conduit; and wherein when the on/off valve is in the open configuration, the
24 tube is not crimped and does not obstruct the flow of drink fluid through the fluid
25 conduit,” under a proper construction of that claim.

26 72. As to claim 11, neither Trove Brands’ Owala Flip (For Kids) product
27 nor Owala Flip product embodies “[a] drink container, comprising: a fluid container
28 having a neck with an opening and having an internal compartment sized to hold a

1 volume of potable drink fluid; a cap assembly removably coupled to the fluid
2 container to cover the opening, wherein the cap assembly defines a fluid conduit for
3 drink fluid to flow from the fluid container and through the cap assembly to a user,
4 wherein the fluid conduit includes an inlet through which drink fluid from the fluid
5 container may enter the fluid conduit, and a dispensing outlet through which drink
6 fluid in the fluid conduit may be dispensed from the cap assembly to a user, and
7 further wherein the cap assembly comprises: a cap assembly base removably
8 coupled to the neck of the fluid container, wherein the cap assembly base is
9 configured to be selectively and repeatedly decoupled from and re-coupled to the
10 neck of the fluid container; a pivotal mount coupled to the cap assembly base at two
11 joints that define a pivotal axis for pivotal movement of the pivotal mount relative
12 to the cap assembly base; a mouthpiece disposed on the pivotal mount for pivotal
13 movement with the pivotal mount relative to the cap assembly base; wherein the
14 mouthpiece defines a portion of the fluid conduit, including the dispensing outlet;
15 wherein the mouthpiece and the pivotal mount are configured to be selectively
16 pivoted between a stowed position and a dispensing position, and further in the
17 dispensing position, the dispensing outlet is positioned further away from the cap
18 assembly base than when the mouthpiece and the pivotal mount are in the stowed
19 position; and an on/off valve having a closed configuration, in which the on/off
20 valve obstructs the fluid conduit to restrict drink fluid from flowing between the
21 inlet and the dispensing outlet, and an open configuration, in which the on/off valve
22 permits drink fluid to flow through the fluid conduit from the inlet to the dispensing
23 outlet; wherein the on/off valve includes a flexible tube that defines a portion of the
24 fluid conduit; wherein when the on/off valve is in the closed configuration, the tube
25 is crimped to obstruct the flow of drink fluid through the fluid conduit; and wherein
26 when the on/off valve is in the open configuration, the tube is not crimped and does
27 not obstruct the flow of drink fluid through the fluid conduit,” under a proper
28 construction of that claim.

1 73. A substantial, immediate, and real controversy therefore exists between
2 Trove Brands and Defendants regarding whether Trove Brands infringes the '178
3 Patent. A judicial declaration is appropriate and necessary to determine the parties'
4 respective rights regarding the '178 Patent.

5 74. Trove Brands is entitled to a judgment declaring that Trove Brands
6 does not directly or indirectly infringe any claim of the '178 Patent.

7 **PRAYER FOR RELIEF**

8 **WHEREFORE**, Trove Brands prays for judgment against Defendant as
9 follows:

10 A. That the Court enter judgment declaring that Trove Brands has not
11 infringed and does not infringe any claim of the Asserted Patents;

12 B. That the Court enter a judgment in favor of Trove Brands and against
13 Defendants on Trove Brands' claims;

14 C. An Order adjudging that this case is exceptional under 35 U.S.C. § 285;

15 D. An Order awarding Trove Brands its costs and reasonable attorney fees
16 incurred in this action; and

17 E. Such other and further relief as this Court may deem just and proper.

18 Respectfully submitted,

19 KNOBBE, MARTENS, OLSON & BEAR, LLP

20 Dated: August 21, 2023

21 By: /s/ Cheryl T. Burgess

22 Ali S. Razai

23 Cheryl T. Burgess

24 Jacob R. Rosenbaum

25 Robert Servillo

26 Attorneys for Plaintiff

27 Trove Brands, LLC

28

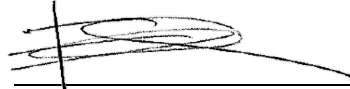
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CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2023, I caused the **COMPLAINT FOR PATENT INFRINGEMENT; DEMAND FOR JURY TRIAL, and EXHIBITS 1-13** to be electronically filed with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to all attorneys of record.

I certify and declare under penalty of perjury that I am employed in the office of a member of the bar of this Court at whose direction the service was made, and that the foregoing is true and correct.

Executed on August 21, 2023, at Irvine, California.



Estefania Munoz