

**BARNES & THORNBURG LLP**

11 South Meridian Street  
Indianapolis, Indiana 46204

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

<i>Customer No.:</i>	23643	}
<i>Art Unit:</i>	1782	}
<i>Confirmation No.:</i>	9374	}
<i>Application No.:</i>	13/491,327	}
<i>Invention:</i>	POLYMERIC MATERIAL FOR AN INSULATED CONTAINER	}
<i>First-Named Applicant:</i>	Chris K. Leser	}
<i>Filing Date:</i>	June 7, 2012	}
<i>Attorney Docket:</i>	5723-221135	}

**ELECTRONICALLY  
SUBMITTED:  
MARCH 22, 2016**

**STATEMENT UNDER 37 CFR 3.73(b) AND  
DISCLAIMER IN PATENT UNDER 37 CFR 1.321(a)**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The attached Statement Under 37 CFR 3.73(b) and Disclaimer in Patent Under 37 CFR 1.321(a) are being submitted herewith to clarify the record and avoid any doubt regarding the previously filed Statement Under 37 CFR 3.73(b) and Disclaimer in Patent Under 37 CFR 1.321(a). The attached Statement Under 37 CFR 3.73(b) and Disclaimer in Patent Under 37 CFR 1.321(a) are signed by Jason Humphrey, Vice President Tax for Berry Plastics Corporation. Berry Plastics Corporation is the assignee of the entire right, title, and interest in this patent as shown by recorded assignment at Reel 028713 and Frame 0553.

If any fees are required, the Commissioner is hereby authorized to charge any fees as necessary, or to credit any overpayments, to our Deposit Account No. 10-0435, with reference to Attorney Docket 5723-221135.

Respectfully submitted,

/BRIAN K. JARMAN/

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Chris K. Leser et al. / Berry Plastics Corporation

Application No./Patent No.: 13/491,327 Filed/Issue Date: June 7, 2012

Entitled: POLYMERIC MATERIAL FOR AN INSULATED CONTAINER

Berry Plastics Corporation, a Delaware Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- 1.  the assignee of the entire right, title, and interest; or
- 2.  an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 028713, Frame 0553, or for which a copy therefore is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
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3. From: \_\_\_\_\_ To: \_\_\_\_\_

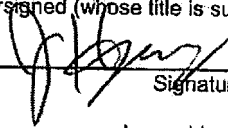
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

Jason Humphrey

Printed or Typed Name

Vice President Tax - Berry Plastics Corporation

Title

22 March 2016


Date

(812) 306-2635

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DISCLAIMER IN PATENT UNDER 37 CFR 1.321(a)	
Name of Patentee <b>Berry Plastics Corporation</b>	Docket Number (Optional) <b>5723-221135</b>
Patent Number <b>8,883,280</b>	Date Patent Issued <b>11/11/2014</b>
Title of Invention  <b>Polymeric Material For an Insulated Container</b>	
I hereby disclaim the following complete claims in the above identified patent: <u>1-14, 36-42, 44-48, 51-54, 61</u> <u>62, 65, and 66</u>	
The extent of my interest in said patent is (if assignee of record, state liber and page, or reel and frame, where assignment is recorded): <u>assignee of record, recorded at Reel 28713, Frame 553.</u>	
The fee for this disclaimer is set forth in 37 CFR 1.20(d).	
<input type="checkbox"/> Patentee claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> Small entity status has already been established in this case, and is still proper. <input type="checkbox"/> A check in the amount of the fee is enclosed. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. <u>10-0435</u> .	
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>	
Signed at <u>Evansville</u> , State of <u>Indiana</u> , this <u>22</u> day of <u>March</u> , 20 <u>16</u> .	
 Signature <b>Jason Humphrey</b> Vice President Tax - Berry Plastics Corporation	Registration Number, if applicable <u>(812) 306-2635</u> Telephone Number
Typed or printed name of patentee/ attorney or agent of record <b>101 Oakley Street</b> Address <b>Evansville, Indiana 47710</b> City, State, Zip Code or Foreign Country as applicable	

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	13491327			
<b>Filing Date:</b>	07-Jun-2012			
<b>Title of Invention:</b>	POLYMERIC MATERIAL FOR AN INSULATED CONTAINER			
<b>First Named Inventor/Applicant Name:</b>	Chris K. Leser			
<b>Filer:</b>	Brian K. Jarman/Darla Hofheins			
<b>Attorney Docket Number:</b>	5723-221135			
Filed as Large Entity				
<b>Filing Fees for Utility under 35 USC 111(a)</b>				
<b>Description</b>	<b>Fee Code</b>	<b>Quantity</b>	<b>Amount</b>	<b>Sub-Total in USD(\$)</b>
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				

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