

I, Kerry Azelton, declare:

1. I am currently Associate Research Fellow for The Clorox Company (“Clorox”). This declaration is based upon my personal knowledge and, if called as a witness, I could and would testify to these facts. This declaration is in support of Clorox’s petition for *inter partes* review (the “Petition”) of Auto-Kaps Patent No. 7,490,743 (the “’743 Patent”). Although I work for Clorox, the opinions herein are my own, and I have no stake in the outcome of the review proceeding. My compensation does not depend in any way on the success of this petition.
2. I have been with Clorox since 2007. At Clorox, I have served as a design engineer, the senior design engineer, and the project leader on teams to develop new products. Prior to 2007, I was employed at Logitech, where I was also a design engineer working to develop new products. Many of the projects I have worked on relate to packaging and in particular, the development of new containers that can be used for the storage, transportation and dispensing of liquid products such as cleaners. For example, for several years, I was senior design engineer on the design of Clorox’s current “Smart Tube” spray bottle, a dispensing container Clorox uses for many of its liquid cleaner products. Attached hereto as Exhibit A is a true and correct copy of my Curriculum Vitae describing my background and experience.
3. I am familiar with the background and training of people who participate in the design and development of new product containers at Clorox and in similar positions at other companies. Typically, at least a bachelor’s degree in mechanical engineering or a closely

that I know, those who only have bachelor's degrees and no experience would need to work with more experienced people on the development of a new dispensing container project.) I therefore believe that a person of ordinary skill in the development of new commercial dispensing containers would have, at a minimum, a bachelors degree in mechanical engineering or its equivalent.

4. In the design of spray bottles used for cleaning solutions, we typically look for ideas in the designs used for manually dispensing other liquids, whether cleaning products or non-cleaning products (e.g. perfumes or cosmetic/personal care products). Among the features to be considered are whether to mount a pump or spray trigger on the cap, how such a cap should be mounted to the container, and how to ensure a reliable fluid conduit from the container reservoir to the pump. I have interpreted the content of the prior art references described below the way a person of ordinary skill in the art would have interpreted the prior art references at the time of the assumed effective filing date of the '743 Patent – October 22, 2004 (the "Priority Date").
5. I am familiar with the patents to Guss and Bartimes referred to in the Petition. Both disclose spray bottles for dispensing liquid solutions. Both have certain limitations in the design. Guss requires a significant molded projection in the container and corresponding receptacle for that projection in the cap in order to ensure alignment of the fluid paths. Bartimes places downward projecting tabs on the cap that fit into correspondingly shaped cavities in the container and then a complex system of rings, washers and conduits for the same purpose. These mechanisms are complex, somewhat bulky, are

6. A person of skill in the art looking to improve the design of either of Guss or Bartimes would look at other spray bottle or pump dispenser designs such as Ho, Campagnolo, Barriac, Gardner, Battegazore, Bonneyrat, Densler and Bacheller for ideas as to how to improve the connections between the various fluid passages required to transport liquid from the container to the pump or spray trigger and how to couple the cap to the container in a manner that ensured that the pump mechanism had reliable access to the liquid in the container. This is especially true as between references that incorporate an integral container dip-tube, such as Ho, Gardner and Campagnolo. In addition, Barriac and Battegazore teach generic components of spray bottles (a flexible fluid path connector and a cap coupling design, respectively) that one of skill in the art would recognize as having application to a spray bottle with an integrated container dip-tube design such as the Guss or Bartimes designs.
7. I agree with the following constructions of claim terms in Auto-Kaps Patent No. 7,490,743 set forth in the Petition:
8. The term “coupling arrangement” means: any non-circular mechanism, device, construction, and/or shape on a pump cap body that permits the pump cap to detachably couple to the container only if a container passageway is aligned with a pump passageway.
9. The term “mating arrangement” means: any non-circular mechanism, device, construction, and/or shape on a container that permits the pump cap to detachably couple to the container only if a container passageway is aligned with a pump passageway.

10. The term “pump passageway is non-axial with respect to the pump mechanism” means: the axis of the pump passageway is radially offset from the vertical center axis of the pump mechanism axis at the plane where the cap meets the container.
11. I believe the following combinations of references as set forth in the Petition are obvious, with reference to the Grounds in the Petition:
12. Ground 3. One of ordinary skill in the art would have considered the Campagnolo design in attempting to modify the Guss design to eliminate the projection 34 of Guss, used to prevent misalignment. Guss relates to “containers and pump assemblies for liquids such as liquid cleaners and the like” (1:10-12) and Campagnolo describes a perfume bottle. These uses are similar.
13. Further, both Guss and Campagnolo teach integral dip tubes and both relate to providing a mechanism to attach the pump cap in a limited orientation, as discussed above. For all these reasons, it is obvious to combine Guss and Campagnolo. In combination, Guss and Campagnolo teach every element of claim 1, even with the narrower definition of “non-circular” described above.
14. Campagnolo deals with pump alignment by providing an oval-shaped container mouth and a dip tube protruding above the top of the container. The dispensing head couples to the container with an interference fit. This geometry ensures the pump connection always aligns with the dip tube. The person of ordinary skill would have found it obvious to use an oval-shaped container mouth and protruding dip tube as in Campagnolo and to interference-fit an adapted Guss pump assembly onto the oval-shaped container

15. Ground 4. A skilled artisan would look to the press fit mechanism of Ho for details of connecting the pump passageway to the container passageway, since Ho, like Guss and Campagnolo, is directed to a container for pumping liquids. All three are also directed to containers having integral dip tubes as part of the container, requiring the attachment.
16. Ground 5. One of skill in the art would look to Ho's simple funnel connection as a way to provide an inexpensive junction of the two pump passageway 58 and container passageway 36 in Bartimes that avoids the necessity of the backup disk and gasket structures of Bartimes. It would be a matter of design choice to reverse which is wider. Both Bartimes and Ho are referenced in the '743 Patent; both relate to containers with dip tubes. One of ordinary skill would look to both to develop an optimum design.
17. Ground 6. Barriac teaches a flexible delivery tube 41 in a spray bottle cap that connects to a narrower, rigid dip tube 66 that extends into the container. It would be obvious to combine Barriac with Guss or Ho since all relate to dispenser containers with dip tubes. Barriac provides the design details left out of Guss and Ho regarding how the connection can be made. It is obvious to use a flexible tube to provide a press-fit connection with a rigid tube.
18. Ground 7. As discussed above, Barriac discloses a coupling between fluid passageways that uses a resilient, flexible material. It would have been obvious to use the resilient materials of Barriac in the coupling between the container passageway to the pump passageway in the combination of Bartimes and Ho for the same reasons it would be obvious to combine with Guss, discussed above.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.