

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HYDRATION LABS, INC. D/B/A BEVI,  
Petitioner,

v.

SMART SODA HOLDINGS, INC.,  
Patent Owner.

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PGR2024-00002  
Patent 11,724,927 B2

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Before JEREMY M. PLENZLER, RICHARD H. MARSCHALL, and  
SEAN P. O'HANLON, *Administrative Patent Judges*.

PLENZLER, *Administrative Patent Judge*.

DECISION  
Granting Institution of Post-Grant Review  
*35 U.S.C. § 324*

## I. INTRODUCTION

### *A. Background and Summary*

Hydration Labs, Inc. d/b/a Bevi (“Petitioner”) filed a Petition requesting post-grant review of claims 1–20 of U.S. Patent No. 11,724,927 B2 (Ex. 1001, “the ’927 patent”). Paper 1 (“Pet.”). Smart Soda Holdings, Inc. (“Patent Owner”) did not file a Preliminary Response.

Under 35 U.S.C. § 324(a), a post-grant review may be instituted only if “the information presented in the petition . . . demonstrate[s] that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.” For the reasons stated below, we determine that Petitioner has established it is more likely than not that it would prevail with respect to at least one of the challenged claims. Thus, we institute a post-grant review in this proceeding. 37 C.F.R. § 42.208(a) (2022) (“When instituting post-grant review, the Board will authorize the review to proceed on all of the challenged claims and on all grounds of unpatentability asserted for each claim.”). Specifically, we grant Petitioner’s request to institute a post-grant review of claims 1–20 of the ’927 patent.

### *B. Related Matters*

The parties indicate there are no related matters that would be affected by this proceeding. Pet. 2; Paper 5, 1.

### *C. The ’927 Patent*

The ’927 patent “relates to a beverage dispenser and more particularly to [a] system for controlling a beverage dispenser by adding flavored products and functional products to a liquid.” Ex. 1001, 1:13–16. Figures 1, 2, and 4 are reproduced below, and illustrate an example of the beverage dispenser and its operation.

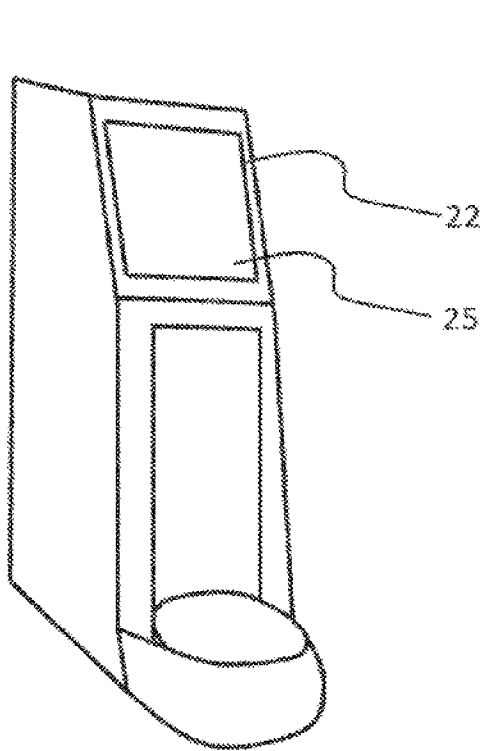


FIG. 1

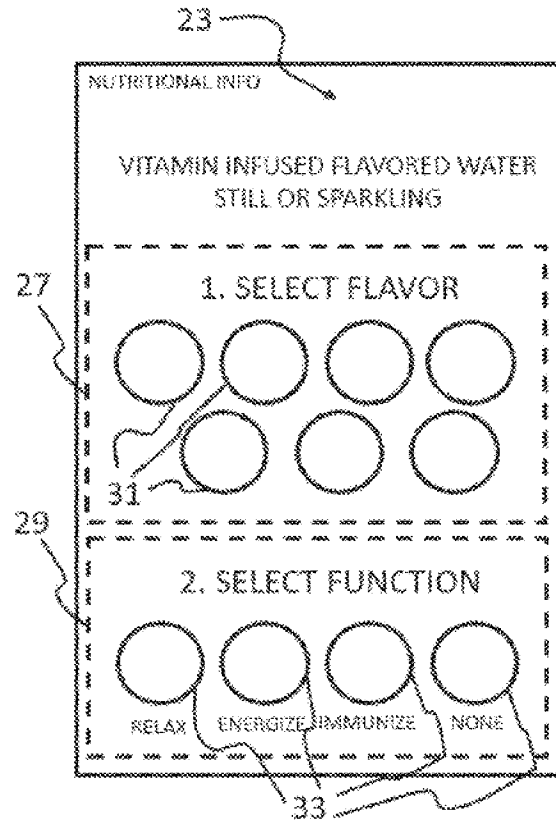


FIG. 2

Figure 1 is a schematic illustration of the beverage dispenser. Figure 2 is an illustration of an exemplary user interface for selecting flavor and function.

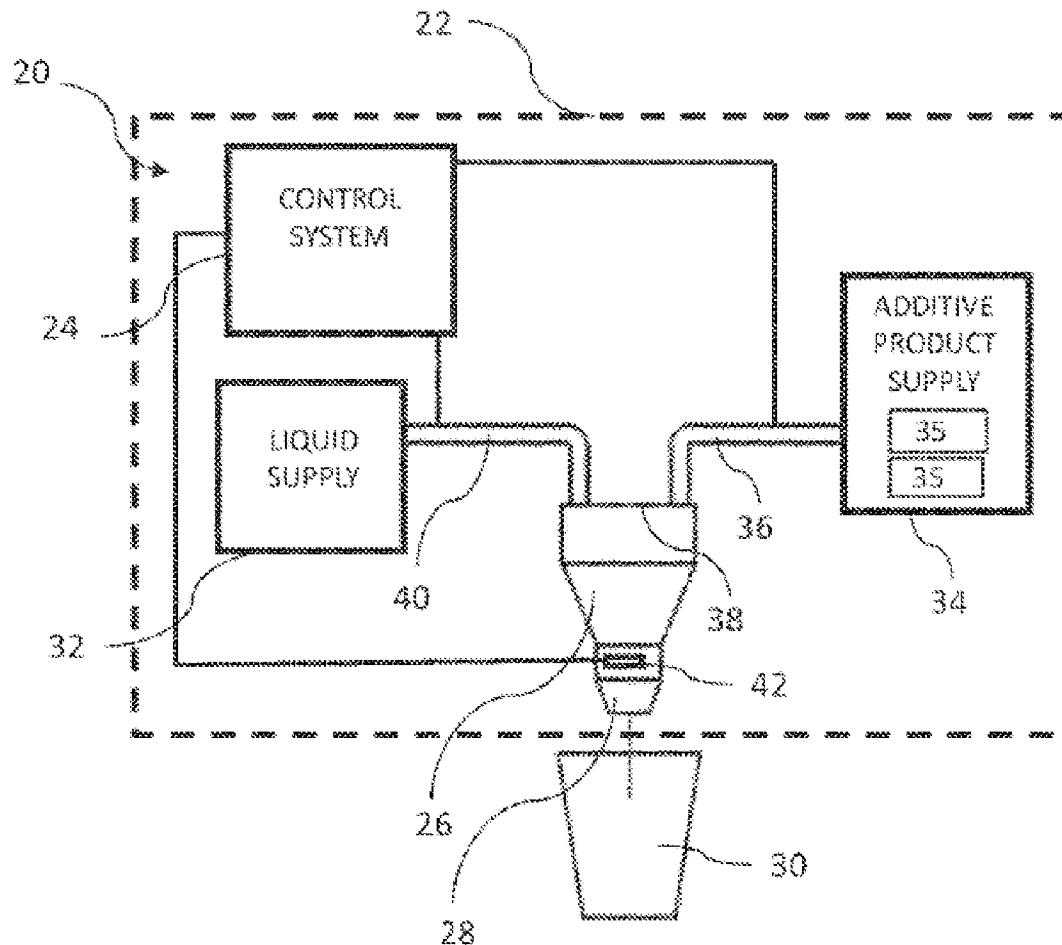


FIG. 4

Figure 4 illustrates “a schematic drawing showing an exemplary embodiment of a beverage dispenser and a control system.” Ex. 1001, 1:51–52.

The '927 patent explains that “user interface 23 has a flavor selection area 27 and a function selection area 29.” Ex. 1001, 3:34–35. “The flavor selection area 27 includes multiple selectable flavors 31” and “[t]he function selection area 29 includes multiple selectable functions 33.” *Id.* at 3:35–37. “A user inputs a requested flavor (i.e., the selected flavor) and a requested function (i.e., the selected function)” and the dispenser “then chooses from

the multiple selectable reservoirs 35 a flavor reservoir based on the selected flavor” and “also chooses from the multiple selectable reservoirs 35 a function reservoir based on the selected function.” *Id.* at 3:43–48.

The ’927 patent provides examples of “[d]ifferent flavored products (e.g., syrups) [that] may be suitable, including flavors such as cola, diet cola, root beer, ginger ale, lemon lime, orange, ginger beer, black cherry, raspberry, grapefruit, strawberry, etc.” Ex. 1001, 3:64–67. “[D]ifferent functions may be suitable,” such as “relax, energize, immunize, or muscle.” *Id.* at 3:67–4:2. The functions correspond to the addition of different dietary supplements. *Id.* at 4:5–27.

#### *D. Illustrative Claim*

1. A control system for a beverage dispenser for dispensing a flavored beverage and having a display and multiple selectable reservoirs, wherein the control system comprises circuitry configured to:
  - cause the display to display a user interface having a flavor selection area and a function selection area, wherein:
    - the flavor selection area includes multiple selectable flavors;
    - and
    - the function selection area includes multiple selectable functions;
  - receive user input identifying a selected flavor from the flavor selection area of the user interface;
  - receive user input identifying a selected function from the function selection area of the user interface;
  - choose from the multiple selectable reservoirs a flavor reservoir based on the selected flavor;
  - choose from the multiple selectable reservoirs a function reservoir based on the selected function;
  - cause the beverage dispenser to generate an enhanced flavored mixture by adding to a liquid the selected flavor from the

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