

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OMEGA LINER COMPANY, INC.,

Petitioner

v.

BUERGOFOL GmbH,

Patent Owner.

IPR2023-01372

Patent 9,657,882 B2

DECLARATION OF IRINA HINRICHS

I, Irina Hinrichs, hereby declare as follows:

1. I am a holder of a Master's degree in Anglistics and Germanistics, obtained in 2005 at the Faculty of Philosophy, University of Niš, English Department.
2. I am fluent in both the German and English languages.
3. I am a professional translator of German into English.
4. I translated WO2011157356A1 from German to English. My translation was submitted in this *Inter Partes* Review proceeding (IPR2023-01372) as EX1005 by the Petitioner Omega Liner Company, Inc. EX1005 is a true, correct and complete translation of the source document (WO2011157356A1).
5. I have reviewed the Declaration of David Clayberg dated June 1, 2024 and submitted as Exhibit 2009 by Buergofol GmbH in this proceeding regarding my translation of WO2011157356A1 (EX1005). The following paragraphs of this declaration address Mr. Clayberg's statements and complaints in his declaration about my translation of WO2011157356A1 (EX1005).
6. Regarding "peeling off" versus "withdrawing/removing" in the context of WO2011157356A1 there is a thin film (or foil) which is removed from the cured resin. The complaint by Mr. Clayberg is that

“withdraw/remove” is better than “peel off” (translation of “abziehen/abgezogen”). In my professional opinion, it is better to use “peel off a film from a surface” than to use “withdraw a film from a surface” for the translation of “abziehen/abgezogen.”

7. The German verb “abziehen” is a complex verb, which means that it’s derived by adding the prefix “ab-” to another German verb “ziehen” which in German literally means “to pull” and can be used in many contexts. For instance, the German word for “train” is “Zug”, which is also derived from this verb “ziehen”, as a train is literally a composition where a machine “pulls” the wagons. The prefix “ab-” is a preposition which in German means “off” or “(away) from.”
8. Combining “ab-” with “ziehen” literally means “pull (something) off (of something else).” However, when translated into English, the phrase “pull off” is colloquially a phrasal verb, or an idiomatic expression that also means something else (to succeed in doing something difficult or unexpected). In other words, “pull off” in English is ambiguous, and can have a literal meaning and a colloquial meaning. In translating technical documents, precision and accuracy is of utmost importance, therefore, using a verb or word that can have two or more meanings should be avoided and the more accurate definition used. Therefore, the

literal translation “pull off” as a translation of “abziehen” in this particular context should not be used.

9. Other possible translations of this verb “abziehen” include remove, deduct, subtract, strip (away), flay, skin, peel away, peel off, etc. So, when translating “abziehen” (past tense: abgezogen), consideration must be given to the how the word is used and in what context.
10. In WO2011157356A1, there is a “film” that should be removed from a surface of the cured resin without adhesion of the film to the cured resin or tearing of film apart. “Peel off” is the most accurate and, therefore, appropriate translation in the context of WO2011157356A1 and conveys the meaning of the verb “abziehen” accurately and without ambiguity.
11. Defining “abziehen” as “withdraw/remove” is far less specific than “peel off” and less applicable. For instance, the verb “withdraw” is translated into German as, e.g., zurücktreten, zurückziehen, entziehen, entnehmen. This shows that “withdraw” in German is translated using verbs with the prefix—zurück (meaning “back”) rather than a prefix “ab-” (meaning “off” or “from”) to literally indicate “taking a step back from something.” E.g., to withdraw from public life (sich aus dem öffentlichen Leben zurückziehen), or: withdraw from a contract (von

einem Vertrag zurücktreten). That is not the context conveyed by WO2011157356A1.

12. Additionally, “to remove a film from a surface” would also be better than “withdraw a film from a surface.” “To withdraw” in English means “to remove something from a certain place or position or take away or take (something) out, e.g. money from an account”, and it’s much more general than “abziehen” in German (in this particular context). The film described in WO2011157356A1 is not taken away from a certain place or position, it’s not that simple. This film must be removed from the cured resin to which it is literally adhered or glued. It is not a “sleeve” or “glove”, but more like skin. And even sleeves and gloves are not “withdrawn” or even “removed” but taken off. For instance, we “withdraw” an item from a place disconnected from the item; e.g., withdraw an item from a drawer or other place. This is not what is happening in WO2011157356A1, therefore, the word “withdraw” should not be used in this context.
13. The word “abziehen” in the particular context of WO2011157356A1 can be translated as either “remove” (to remove the film safely from a surface) or as “peel off” (to peel off the film safely from a surface). In German, “peel off” (“abziehen”) is also used to describe the act of

removing the skin from an orange or banana or apple. Therefore, the more accurate translation here is "peel off" since this context is identical to that in WO2011157356A1.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I understand that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001).

Executed on August 28, 2024.


Irina Hinrichs