Supplemental Translation Declaration

I, Doris Molitor, do hereby declare as follows:

1. I am a fluent in both German and English languages and have worked as a German-English translator for over 30 years.

2. Attached hereto as Exhibit A is a true and accurate copy of my current C.V., which truthfully and accurately details my qualifications and experience as a German-English translator.

3. I prepared the translation, attached hereto as Exhibit B, while located within the United States. I regularly conduct such activities on behalf of Sun IP LLC within the United States.

4. I certify that the attached translation in Exhibit B is a true, full and accurate German to English translation of the document of Exhibit C.

5. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under the laws of the United States, including 18 U.S.C. § 1001.

6. Additionally, I further declare under penalty of perjury that the foregoing is true and correct.

Signature: 

Name: Doris Molitor

Title: Translator, Sun IP, LLC

Date Executed: September 23, 2024

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EXHIBIT A

to the Declaration of
Doris Molitor

DORIS MOLITOR, ASSESSOR OF LAW (JD)
EXPERIENCED GERMAN <> ENGLISH LEGAL & TECHNICAL TRANSLATOR/ INTERPRETER

LANGUAGES Native Language: **German** Second Language: **English**
All services offered: **Ger <> Eng**

EDUCATION University of Bayreuth, Germany: Law/ Economic Sciences

Degree: 'Assessorin' (Assessor of Law, ability to work in any legal profession)
Equivalent: **Juris Doctorate JD**

WORK EXPERIENCE

1991 – present	Free lance translator Ger <> Eng Translation, editing, proofreading, teaching, conference interpreting, cross cultural training
1990-1991	Law Offices Bohnet, Bayreuth Germany; Position: Attorney at Law

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PROFESSIONAL MEMBERSHIPS ATA NCTA NOTA

SPECIALTY FIELDS legal (contract, summons, tort, corporate, patent), pharmaceutical, technical, engineering, business, financial

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SECURITY CLEARANCE 2011 Public Trust (moderate risk) Approval from the Department of Justice

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REGISTERED INTERPRETER, THE SUPREME COURT of OHIO # 1720118

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Services offered	Translation, editing, proofreading, interpreting (conference, court, and depositions), teaching I proofread and spell-check my work, and pay meticulous attention to detail, accuracy, consistency of style, terminology and timely delivery. I enjoy working as part of a team. Translation volume: average of 10,000 words/ week; week – end work welcome.
Languages	Native German, fluent English
Fields of Specialization	Legal, financial, patent, technical manuals, management, pharmaceutical
Skills	Law degree from the University of Bayreuth, Germany Bilingual German and English +20 years translation experience
Education	• Educated in Germany; lived in the U.S. since 1991; U.S. Citizen May 2005 • Attorney at Law (1990 - 1991) in the law offices of Bernd Bohnet, Bayreuth, Germany. Legal assistant for the German Government (1987 - 1990). • College degree in Economical Science, University of Bayreuth • Bilingual (German and English) • 3 summer semesters language training in Cambridge, UK • Knowledge of French (6 years German Grammar School education) and Spanish (3 years German Grammar School education).
Equipment	• Duden, Oxford, Großwörterbuch Englisch • Dietl, Dictionary of Legal, Commercial and Political Terms • Hamblock/Wessels, Wörterbuch Wirtschaftsenglisch • Siemens Technological Dictionaries • Langenscheidt, Fachwörterbuch Technik, Deutsch - Englisch • Polytechnisches Wörterbuch, Englisch - Deutsch • Wahrig, Deutsches Wörterbuch • Webster's New Collegiate Dictionary • Langenscheidt's Wörterbuch Englisch/ Dictionary English • McGraw-Hill's Dictionary of American Slang and Colloquial Expressions • Pschyrembel, Klinisches Wörterbuch (Clinical Dictionary) • Winkler, Fachwörterbuch der EDV Begriffe • Management & Marketing Dictionary, Beck • Financial Dictionary, Fachwörterbuch Banken, Börse, Beck • Duden, Die neue deutsche Rechtschreibung • Pagenberg/Geissler, Lizenzverträge / License Agreements • German Business Dictionary, American and German Business Terms for the Internet Age

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- Langenscheidt, Fachwörterbuch Technik und angewandte Wissenschaften, 2004, Ger-Eng
- Hentschel/Wagner, Zoologisches Wörterbuch
- Online dictionaries and glossaries
- HP PC; OfficeJet 600 printer/ scanner/ fax; CD writer; video phone
- Microsoft Office; MS Word 2010; MS PowerPoint 2010; MS Excel 2010; MS Proofing Tools; MS FrontPage, 2010; Adobe Acrobat XPro and FrameMaker 4.0; anti-virus software; web browsers; file compression; absolute FTP; instant messenger; OCR software; Skype

Credentials

UNIVERSITY OF BAYREUTH, GERMANY
Courses of studies: Law, Economic Science (1982 - 1990).
DEGREE: "Assessorin" (Qualification to work in all possible legal professions).
First (1987) and second (1990) state examination (equivalent to Bar exam).

Professional Affiliations

ATA (American Translator Association)
NCTA (Northern California Translators Association)
NOTA (Northeast Ohio Translator Association)

Translation Experience

Agencies

Academy of Legal and Technical Translations, Skokie, IL
E – G: document on transmission control and the mechatronics trend; memorandum agreement in labor law; manual for a meat stuffer machine
G – E: audit on a company dealing with porcelain enamel systems and thermal oxidation; translation of an invitation of tenders for supplies regarding an electronic dip enameling device with revolving transfer automatic unit; patent search report; patent action hearing; brochure on an Open Data Interface for the German Bundespost

Alpha Translation Canada,
G – E: Corporation agreements and registration into Commercial Register; Maintenance Contract for software; railway contracts
E – G: non performance in railway law: software maintenance contract

American Language Services, Los Angeles, CA
G – E: patent claims for a heat transfer tube bundle for cooling of gases from thermal cracking plants

American Translation Partners, Raynham, MA
E – G: semi-constrained tri-compartmental total knee replacement for cemented and uncemented applications

Around The World, Inc., Pickerington, OH, Brussels, Belgium
G – E: promotional document about distillation of Kentucky Bourbon; test and inspection records (60 000 words) about a modulator for Airsys Navigation Systems; divorce decree; 40000 word web survey on advertising of the Intel Pentium 4 processor; Absolute Maximum Guarantee;
E – G: web survey on advertising of technological companies; 25000 words legal and technical Operator Manual, 1224 Series Press, Sirius CE Controller (setup, warranty, packaging, safety & operation)

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ASET Int. Services Corp., Arlington, VA
E-G: Holocaust Victims Assets litigation; Hotel Booking Software (10000 words)

Attorneys Process Service, Minnesota
E–G: legal summons and complaints (injunctive relief, tort and unlawful conduct, antitrust laws, patent infringement, trademark litigations, petitions to expunge patent registration records) of 850 000 words; 18000 word patent on a screening method for protein inhibitors and activators (Pharmaceuticals);
E-G: wrongful death and survival action – Asbestos (25000 words)
E-G: legal summons and complaints of 25000 words with respect to a pharmaceutical case regarding oral contraceptives
E-G: legal summons and complaint of 20000 words regarding mortgage foreclosure, promissory notes and mortgage modification
E-G: 25000 words, statement of claim – Delayed Coker Unit explosion and fire, tort law
E-G: 20000 words, complaint, corporation law, tort law
E-G: 10000 words – Class Action Lawsuit against VW (diesel engine software manipulation)
E-G: 150,000 words class action litigation re. defective airbags

Attorney Translation Services, CT
E - G: Brochure on Global Financing and asset management; packaging industry presentation; terms and conditions of membership in group's councils
E – G: Situation Analysis & Recommendations for avoidance of a Chapter 11 Bankruptcy Proceeding

Bays Translations, CA
G – E: purchase order for grinding machinery

Bowne Translation Services, New York, NY
E – G: European Growth Portfolio; proofreading of approximately 70000 words of Global Investment Portfolios; proofreading of approximately 30000 words of an account by the Board of Directors on a company merger; combined financial statements of a development stage enterprise for medical research (highly financial); web site for investment funds; FAQ concerning a Global Growth Portfolio; slide show regarding managing expectations of investments in mutual funds, global stock funds, treasuries, government bonds; Entomology of Insects

Burg Translations, Chicago, IL
E-G: Dapagliflozin Versus Glipizide as Add-on Therapy in Patients With Type 2 Diabetes Who Have Inadequate Glycemic Control With Metformin

Calderon Language Translations, OK
E – G: manual on a dry coating thickness gauge; Leadership Character Assessment report (30 000 words)

Cincilingua, Cincinnati, OH
E-G: Separation agreement and release of claims; Situation Analysis & Recommendations on Chapter 11 Bankruptcy proceedings; Annual Financial Statements (10000 words); International Stock Ownership Plan (20000 words)
G-E: editing 30000 words of documents containing insolvency hearings and financial balance sheet statements; translation/ editing of 15000 words annual financial statements

Continental Translation Service, NY
G - E: dental tools and billing; web site production contract; various religious documents
E - G: Resolution regarding co-existence of trademarks and domain names: public versus private international registration systems

Consortra, NY
G-E: Liability insurance contract - property damage

Conversa Language Center, Cincinnati, OH
G – E: divorce case; passports; identification and accreditation documents

E – G: last will and testament case; complaint for injunctive relief and damages; credit agreement; brochure about surgical masks; web sites

Counterpoint Language Consultants, Inc., NJ
E – G: document dealing with the Xaloy production system based on the Toyota production system; document explaining the compliance of a wireless communications systems' emissions with international science based guidelines (ionization); technical information on insulin drugs
G – E: study on the possible role of radio-frequency radiation in the development of uveal melanoma; 50000 words pharmaceutical document on research about allergy drugs; 10000 word document on anticholineric acting drugs

Crowe Foreign Services, OR
E-G: Translation of a patent for crystal forms of azithromycin (10000 words)

Crown Translations, WI
G – E: Patent Disclosure regarding a process and apparatus for performance amplification of solid state actuators pursuant to the electro mechanical working principle, especially for piezo actuators.

Digitext Traducciones, Spain
G – E: 20000 word user manual regarding a device to analyze gases and gas mixtures

Global Language Solutions, Newport Beach, CA
E - G: Optimization of community water supply and waste water disposal in the context of a durable water policy - final report prepared for the Federal Ministry of Agriculture and Forestry, the Environment and Water Resource Management - Vienna, Austria

Horiozon Translating, Inc. UT
G – E: Distribution and marketing folder for future printing markets, profile, strategy, technology, user material; Finance Accounting Software (10000 words); Software for Human resources and Finances (10000 words);
G-E: surgery account - Lumbalgia s/p, BS prosthesis L4/5 (neurosurgery) and decompression L2/3 with instability, facet arthrosis; 15000 words design specification nuclear power plant;

Inlingua, Redondo Beach, CA
E-G: request for extradition; notice of privacy practices for a large hospital chain; medical documents; ECG Investigator manual; Invention Disclosure Form; randomized double blind phase III study plus best supportive care versus placebo in treatment of patients with advanced pancreatic neuroendocrine tumors; 10000 word doc. regarding Avian Influenza

Inlingua, Boston
E-G: 15000 word work instruction on an inventory adjustment computer program

Interlingua, CA
E-G: 8000 words avian influenza

Interlingua, Texas
G-E: 50000 words of complaints and summons regarding tort law (pharmaceutical); service and maintenance agreements on gas turbo generator sets

International Language Plus, Cincinnati, OH
E <> G: advertisements; separation agreements (legal); substantial technical brochures and manuals (dealing with electronics, physics, chemistry, controlled atmosphere braze system); technical documents for Clarion Electronics; a 240 page (ca. 96000 words) operator computer manual (neural networks) for NCR Inc.; technical documents for Multifold International (guides and troubleshooting manuals for Uni-Feeder & Uni-Packer machines); patent specification for a tea warmer; birth certificates; W-2 forms; passports; Guide to Greater Cincinnati, Northern Kentucky Airport; licensing and technical assistance agreement; brochure on automobile trim development;
E - G: Stock Options Web-based training (WBT) course for P&G employers; performance management process software

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G – E: 30000 words Standard Operating Procedure regarding methods for analysis of organic volatile impurities, documentation and validation of analytical processes for a Chemical Company

International Translation Bureau, Southfield, MI
G – E: controversial media discussion about the genuineness of various paintings by Salvadore Dali. Audit of a financial statement;
E – G: brochure on welding

Intex Translations & Audiovisuals, Los Angeles, CA
G – E: Annual Financial Statement; editing of an accounting program for the movie industry

Kern Global Language Services, San Francisco
E-G: Application of maintenance (support) agreement pursuant to California Family Code
G-E: Private International law with respect to child support, concurring jurisdiction USA/Switzerland

Language Connections, Brighton, MA
G – E: patent: Electrically driven single stage or multilevel radial fan
G – E: Pharmacokinetics and Pharmacodynamics of various Insulin Preparations and Insulin Analogues
G – E: A new absolute measuring coulometer for chloride determination
G – E: Micro-determination of Creatine
G – E: Simplified photometric methods for determination of bilirubin blood
G – E: results of the evaluation of reagent xylidyl blue for magnesium determination
G – E: Determination of iron by means of the guanidinium chloride/ ferrozine method
G – E: Kinetic method to determine the pseudocholine esterase activity in serum (acylcholine acylhydrolase)

Larrass Translations, Ontario, CA
E-G: Catheter-based renal denervation for drug-resistant hypertension by using a standard electrophysiology catheter
E-G: 20k word Patent Infringement Litigation, Patent Opposition Proceedings
E-G: Doctoral Thesis on efficient vector quantization of LP{C parameter

Legal Advanatge, Atlanta, GA
G-E: Translation and editing of mechanical and chemical patents; 12k words Patent Opposition Proceedings, Art. 100 EPC

Morningside Translation, NY
E-G: Multi-Center, Dosing Study of the CytoSorbents CytoSorb™ Hemoperfusion Device as an Adjunctive Therapy in Subjects with Acute Respiratory Distress Syndrome (ARDS) or Acute Lung Injury (ALI) in the Setting of Sepsis
E-G: opinions of international patent search authorities; On the Use of Stable Organic Nitroxyl Radicals for the Oxidation of Primary and Secondary Alcohols; Action for fraud, negligent misrepresentation, and conspiracy regarding the drug Vioxx (pharmaceutical)

Multilingual Solutions, MD
G – E: Transition of profit and loss accounts from overall costs to cost of sales method within the reorganization of financial reporting to IFRS, a case study. (HGB, IFRS, US-GAAP)

Multilingual Services, Inc. OH
E – G: brochure on management and advertising in the trade business; translation of passenger safety demonstration demo

MultiLing Corp., UT
E – G: *Editing* 45000 words chemical patent regarding hard surface cleaning products including midchain branched surfactants; editing oppositions to patents regarding "Disposable absorbent article having hydrophobic topsheet and improved liquid handling performance"
G – E: *Editing* 20000 words opposition against European patents pursuant to Art 83 and 100 EPC regarding disposable absorbent articles and extrusion bonded nonwoven, elastic laminate. Editing 12000 words patent specification on p-diaminobenzene derivates for coloring of keratine fibers.

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Translation of a patent specification regarding a carrier body for controlled release of volatile substances; translation of 16 patent claims regarding a coffee machine with a removable drawer for coffee pads; translation of a patent specification regarding a container including a valve for storage and release of hair care products; opposition to patent applications for deodorant sticks; patent application regarding a transparent/ translucent liquid composition in clear bottles comprising dye or UV absorber
E-G: Last revision editing of P&G patents (25000 words)

Park Translation, NY
E – G: High field asymmetric waveform ion mobility spectrometry patent; induction of immune response using different CpG sequences, patent; edited 10000 words patent for stereo vision system for side vision detection of obstacles for vehicles; Clinical Study Agreement
E – G: Editing 10000 words of auto mechanical patent documents
E – G: Translation of 10000 words patent: AUTOMATED SYSTEM AND METHOD FOR IDENTIFYING AND MEASURING PACKAGES TRANSPORTED THROUGH A LASER SCANNING TUNNEL, dealing with mathematical, packaging, and optical terminology
E – G: 8000 word patent: multiple layered glass panel sheets made of poly(vinyl butyral) and surface treatment
E– G: 11000 words Information Security Policy document dealing with wireless communication technology
E – G: Clinical trial for a Biomarker Study, Michael J. Fox Foundation
E-G: Clinical study entitled "A Randomized Phase II Study of Imetelstat as Maintenance Therapy after Induction of Chemotherapy for Advanced Non-Small Cell Lung Cancer"
E-G: 14000 word patent, invention relating to protein chemistry, molecular biology and neurobiology
E-G: 15000 word patent, invention relating to the field of electrosurgery, more particularly to surgical systems and methods which employ high frequency electrical energy to resect, reduce and treat target tissues.
E-G: 35000 word chemical patent relating to methods, compounds, compositions and vehicles for delivering 3-amino-1-propanesulfonic acid (3APS) to a subject
E-G: 10k patent relating to a dosage regimen for a S1P receptor modulator or agonist
E-G: 8k patent relating to compounds and methods for assaying the presence of activity of enzymes

Performance Language, NY, NY
G-E/E-G: Translation of legal (shareholders' agreement, Bank GTC, contracts, framework contracts, patent nullity suits) and technical patent documents

Peritus Precision Translation, Inc., CA
G – E: communication strategy, converged network management, 10000 words

ProTrans, Inc., Barrington, RI
G – E: comparative law (American / German) regarding punitive damages

Schulz Sprachservice, Hünfeld, Germany
G – E: short story (crime thriller); brochure on fleet management; 20000 word document on telecommunications systems

technical translation services, Cleveland, OH
E – G: radiology survey;
G – E: framework agreement on delivery conditions between Coca-Cola and sub-contractor;
E – G: Ernst &Young's Structured Finance Services on asset-backed securities

The Translation Lab, Los Angeles, CA
E – G: contract regarding Motion Picture exploitation rights and definition of terminology

1-800 Translate, New York, NY
G – E: 15000 w Comprehensive Summary Report of the Federal Joint Committee regarding the amendment of the pharmaceutical guideline regarding the benefit assessment of pharmaceuticals with new active ingredients pursuant to § 35 A SBB X (Social Security Act, Book X) Emtricitabine Rilpivirine Tenofovir Disoproxil

Translation Company of New York, NY
E - G: revenue and earnings profile

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Transperfect, NY
E-G: Articles of Association for a Companies Act of a PLC

WorldLINK, Inc. MA
G-E: Trademark infringement litigation

Other Clients

Areva Energietechnik GmbH, Frankfurt, Germany
E – G: Technical Proposal Software description, explanation and comments (35000 words)

California Institute of Technology, Pasadena, CA
G – E: Brief on appeal, Superior Court Munich (30000 words)

Clopay Corporation/ Clopay Verpackungsfolien GmbH, Cincinnati, OH/ Düsseldorf, Germany
G – E: legal and technical documents dealing with business ventures and mergers in Germany: annual financial statements; extensive troubleshooting guide for a plastic film production machine; draft contracts; rental agreements; confidentiality agreements; purchase and security agreements; employment contracts; blanket assignment contracts; excerpts of Commercial Registers; security assignments; estimates; letters and paperwork in the banking business; trade software for the plastic manufacturing business; disclosure publication regarding a patent for a multi layered elastic surface form

East-West Holistic Institute, Cincinnati OH
E – G: translation of website dealing with hypnosis and hypnotherapy

Eaves Law Offices, Mississippi
E – G: tobacco litigation, civil actions for health related damages

Frost Brown & Todd LLC, Cincinnati, OH
E – G: Oral translation of ca. 800 patent related documents and emails (elevator software)

Jack Rouse Associates, Cincinnati, OH
G – E: documents dealing with construction of a media park in Germany; application for negotiation procedures to construct the "Potsdam Biosphere" for the federal garden show in Germany in 2001; translation of the reply E – G

Kneifel Law Offices, AZ
E – G: Custodianship agreement regarding securities in Luxembourg; Investment Management Agreement

MECS Inc. Technology, MO
G-E: Design of circulation apparatus for reaction kinetic measurements

US Army
G – E: legal documents (divorce cases)

ZF, Batavia, OH, Saarbrücken, Germany
G – E: project planning report on infinitely variable transmissions (marketing, economy, manufacturing, development); 100 000 word test specification and machine capability inspection (shaping, green machining, hard machining and finishing of parts for a plant manufacturing gear cutters); final test specification prior to start up of series production; Work instruction on proceedings of testing diamond dressing wheels

Interpreting experience

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Cincilingua, Cincinnati, OH
German <>English interpreting for a legal telephone deposition regarding insolvency and bankruptcy procedures
German <>English interpreting for a business meeting regarding plastic refinement for the beauty industry

Conversa Language Center, Cincinnati, OH
Consecutive interpreting German <> English in a divorce hearing.

Crawford County Courthouse, Meadville, PA
German <>English interpreting of a custody hearing

Federal State of Brandenburg, Germany, International Business Development, Branches, Cluster
German<>English Interpreting for Minster of State's visit to ADM Kentucky

Frost, Brown & Todd LLC, Attorneys at Law, Cincinnati OH
Consecutive interpreting German <> English regarding patent litigations.

Global Language Solutions, Newport Beach, CA
Interpretation German <> English in a deposition dealing with a patent infringement lawsuit regarding a non-open mold for an injection compression machine.

International Language Plus, Cincinnati, OH
Consecutive interpreting German <> English for a sightseeing tour through Cincinnati. Consecutive interpreting German <> English during a management meeting regarding the Senco Staple and Nail Gun machinery production process.

Mitsubishi Electric Manufacturing Cincinnati, INC., Cincinnati, OH
Interpretation German <> English on experiments dealing with a cam shaft production machine.

Saxony-Anhalt, Department for Land Development and Transportation, Ger <> Eng; Investment Strategy Meeting with UPS Louisville, KY and GLI Louisville, KY

Spilman, Thomas & Battle, PLLC, Attorneys at Law Charleston Virginia
Consecutive interpreting German <> English in an arbitration deposition

Stephen Dodd, ESQ, Cleveland OH
German <> English interpreting of a deposition on corporation and contract law

Steptoe & Johnson, Attorneys at Law, Huntington, WV
Consecutive interpreting Ger <> Eng in a trademark infringement deposition

Thompson& Hine, LLP, Attorneys at Law, Cincinnati, OH
Consecutive Interpreting German <> English in a deposition dealing with breach of a supply contract and questioning of a witness regarding the structure of a company group and respective responsible parties

Transperfect, NY
Consecutive interpreting GER <> Eng for depositions and arbitrations

UPS, Louisville KY
Consecutive interpreting GER <> Eng for Investment Strategy Meeting with Investment Marketing Corporation Saxony-Anhalt, Minister for Transportation and Development

Teaching Experience

Counterpoint Language Consultants, Inc., NJ

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Teaching individual and group lessons in German for adults and children; cross-cultural training for individuals and groups temporarily moving to Germany.

Telephone Interpreting

Pacific Interpreters, OR
Telephone Interpreting Ger <>Eng in the medical, social, general fields

Language Learning Enterprises, VA
Telephone Interpreting Ger <>Eng in the medical, social, computer, internet general fields

Other

Conversa Language Center, Cincinnati, OH
Audio - taping a marketing strategy for an international conference in German.

General information

Member of a German speaking group in Cincinnati, OH to educate the children in the German language;
travel to Germany twice a year; ability to work in a translation office in Germany; connections to German Universities and colleagues in the legal and technical (physics, chemistry) field; regularly read German news magazines and magazines in my fields of specialty.

References and sample translations will be furnished upon request.

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EXHIBIT B

to the Declaration of
Doris Molitor

Docusign Envelope ID: 40423978-3B5D-4F7D-98C9-17169DDBF75E

Declaration of Ansgar Lonnemann

I, Ansgar Lonnemann, do hereby declare as follows:

I. INTRODUCTION

1. I am the sales manager of Berky GmbH ("Berky"). I have been employed by Berky from November 1, 2015 to now.

2. Between February 1, 2011 to October 31, 2015, I was employed by Senwatec-Schröer Umwelt-& Gewässertechnologie GmbH & Co. KG ("SenwaTec"). While at SenwaTec, I was personally involved in the design, development, and production of SenwaTec's Amphi-King product and also was involved in marketing efforts related to this product.

3. I am not being compensated for my testimony or involvement in this matter. I have no financial interest in the outcome of this proceeding.

II. BACKGROUND

4. Prior to August 19, 2013, one purpose of SenwaTec's marketing materials and brochures was to generate public interest in its products. Prior to August 19, 2013, it was SenwaTec's standard business practice to make its marketing materials and brochures publicly accessible, for example, by distributing them to potential customers, distributing them at trade shows, and distributing them at customer demonstrations.

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5. One of SenwaTec's customers of the Amphi-King was a company called UD Umweltdienste GmbH ("UD Umweltdienste"). UD Umweltdienste used the Amphi-King for pumping manure and agitating manure lagoons.

6. SenwaTec's amphibious vehicle products and their associated manure pumping capabilities were the subject of news publications prior to August 19, 2013. *See e.g.*, Exhibit A (accessible at https://www.hna.de/lokales/rotenburg-bebra/frosch-vorbild-1376974.html). SenwaTec appreciated its products being published in news publications because they helped to raise awareness for SenwaTec's products.

7. The Amphi-King was also featured in its customers' advertisements, which showcased the amphibious and manure pumping and agitation capabilities of the Amphi-King. *See e.g.*, Exhibit B.

8. Prior to August 19, 2013, it was SenwaTec's standard business practice to provide its marketing materials and brochures, such as Exhibit C to members of the public who were interested in buying or learning more about its products.

9. Berky has since purchased SenwaTec and has taken over production of the Amphi-King.

10. One competing product to the Amphi-King is the Truxor DM 5000, manufactured and sold by Truxor Wetland Equipment AB (formerly known as

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Dorotea Mekaniska AB). The Truxor DM 5000 vehicle has been a competing product to the Amphi-King since before August 19, 2013.

11. The Amphi-King is highly analogous to the Truxor DM 5000 vehicle. Both vehicles are hydraulically powered amphibious vehicles used in hazardous environments and are equipped with dredging pumps.

III. AUTHENTICITY AND PUBLIC AVAILABILITY OF EXHIBIT A

12. Exhibit A is a newspaper article, dated August 25, 2011, that truthfully and accurately depicts and describes the Amphi-King with a roll bar attachment being used in manure.

13. Exhibit A was published and publicly available in 2011.

14. I recall seeing the article of Exhibit A within a week after its publication date when the owner of SenwaTec showed the article to me while expressing excitement to me about the article being published in a popular German newspaper.

IV. AUTHENTICITY AND PUBLIC AVAILABILITY OF EXHIBIT B

15. Exhibit B is a compilation of screenshots of a marketing video created by UD Umweltdienste that shows the Amphi-King pumping manure and agitating a manure lagoon.

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16. As shown below, the video of Exhibit B was created on or before May 3, 2012, as reflected in the screenshot of Berky's business records, detailing the saved date of a copy of the video.



Name	Modified	Modified By	File size	Sharing	Activity
UD_Umwelt_Dienste_Teichräumung.wmv	May 3, 2012	Felix Knoll	251 MB	Shared	

17. The video of Exhibit B truthfully and accurately portrays and describes the characteristics and functionality of the Amphi-King amphibious vehicle.

18. The video of Exhibit B was publicly accessible on the internet in 2012.

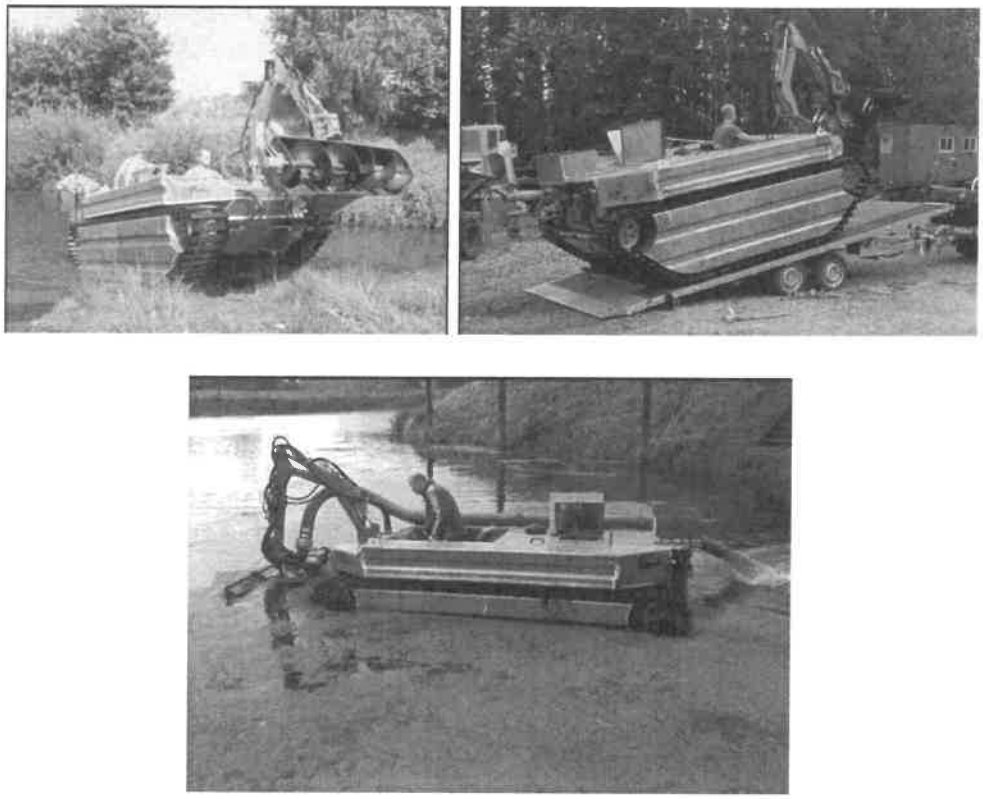
19. The video of Exhibit B was distributed by UD Umweltdienste to the public prior to August 19, 2013, including in 2012. For example, the video of Exhibit B was distributed by UD Umweltdienste to SenwaTec at least as early as May 3, 2012.

V. AUTHENTICITY AND PUBLIC AVAILABILITY OF EXHIBIT C

20. Exhibit C is a true and correct copy of SenwaTec's Amphi-King brochure.

21. The following pictures shown in Exhibit C depict me driving the Amphi-King vehicle:

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22. Prior to August 19, 2013, it was SenwaTec's standard business practice to provide its marketing materials and brochures, such as Exhibit C to members of the public who were interested in buying or learning more about its products.

23. Prior to August 19, 2013, Exhibit C was freely distributed to attendees at various trade shows, including, for example the Demo Park trade show in Eisenach, Germany in June 2013.

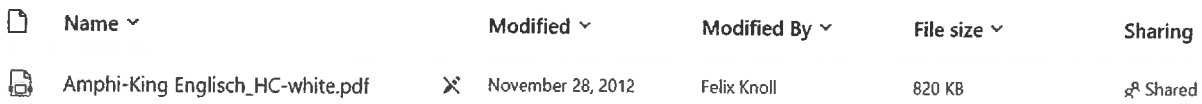
24. Prior to August 19, 2013, Exhibit C was distributed at a product demonstration tour for the Amphi-King in Austria.

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25. Prior to August 19, 2013, Exhibit C was distributed to potential clients visiting the SenwaTec factory in Haren, Germany.

26. Prior to August 19, 2013, Exhibit C was publicly distributed to members of the public who were interested in buying or learning more about SenwaTec's products.

27. As shown below, SenwaTec created Exhibit C at least as early as November 28, 2012, as reflected in the screenshot of Berky's business records, detailing the "Modified" date of Exhibit C.



28. Exhibit C truthfully and accurately portrays and describes the characteristics and functionality of the Amphi-King.

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VI. CERTIFICATION

29. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under the laws of the United States, including 18 U.S.C. § 1001.

Signature: Signed by: Ansgar Lonnemann 2081D560FDFC4B9...

Name: Ansgar Lonnemann

Title: Sales Manager, Berky GmbH

Date: 9/23/2024

EXHIBIT C

to the Declaration of
Doris Molitor

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Aussage des Ansgar Lonnemann

Ich, Ansgar Lonnemann, sage hiermit Nachstehendes aus:

I. EINLEITUNG

1. Ich bin der Verkaufsleiter der Berky GmbH („Berky“). Ich bin seit dem 1. November 2015 bis zum heutigen Tage bei Berky beschäftigt.

2. Im Zeitraum vom 1. Februar 2011 bis zum 31. Oktober 2015 war ich bei Senwatec-Schroer Umwelt-& Gewässertechnologie GmbH & Co. KG („SenwaTec“) beschäftigt. Während meiner Zeit bei SenwaTec war ich persönlich an der Konzipierung, Entwicklung und Herstellung von SenwaTecs Amphi-King Produkt beteiligt und war weiterhin an Vermarktungsbemühungen in Bezug auf dieses Produkt beteiligt.

3. Für meine Zeugenaussage oder Beteiligung an dieser Sache erhalte ich keine Entschädigung. Ich habe keine finanzielle Beteiligung am Ausgang dieses Verfahrens.

II. HINTERGRUND

4. Vor dem 19. August 2013 bestand ein Zweck der Vermarktungsmaterialien und Broschüren SenwaTecs in der Erzeugung des öffentlichen Interesses an ihren Produkten. Vor dem 19. August 2013 war es die übliche Geschäftspraxis SenwaTecs, ihre Vermarktungsmaterialien und Broschuren öffentlich zugänglich zu machen, beispielsweise durch Vertrieb an potentielle Kunden, Vertrieb anlässlich von Handelsmessen und Vertrieb anlässlich von Kundenvorführungen.

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5. Einer der Kunden des Amphi-King SenwaTecs war ein Unternehmen, das sich UD Umweltdienste GmbH („UD Umweltdienste“) nannte. UD Umweltdienste verwendete das Amphi-King, um Gülle zu pumpen und Güllelaugen zu rühren.

6. SenwaTecs anspruchsvolle Fahrzeugprodukte und deren zugehörige Güllepumpkapazitäten waren vor dem 19. August 2013 Gegenstand von Nachrichtenveröffentlichungen. Siehe z.B. Beweisstück A (abrufbar unter https://www.hna.de/lokales/rotenburg-bebra/frosch-vorbild-1376974.html). SenwaTec schätzte die Tatsache, dass ihre Produkte in Nachrichtenveröffentlichungen veröffentlicht wurden, weil sie dazu beitrugen, die Aufmerksamkeit für die Produkte SenwaTecs zu erhöhen.

7. Das Amphi-King wurde außerdem in ihren Kundenwerbungen in den Vordergrund gestellt, die die Amphibien- und Güllepump- sowie Rührkapazitäten des Amphi-King demonstrierten. Siehe z.B. Beweisstück B.

8. Vor dem 19. August 2013 war es die übliche Geschäftspraxis SenwaTecs, ihre Vermarktungsmaterialien und Broschüren, wie zum Beispiel Beweisstück C, an Mitglieder der Öffentlichkeit bereitzustellen, die am Kauf oder daran interessiert waren, mehr über ihre Produkte zu erfahren.

9. Berky hat inzwischen SenwaTec erworben und hat die Herstellung von Amphi-King übernommen.

10. Das Truxor DM 5000 ist ein Wettbewerbsprodukt des Amphi-King, hergestellt und verkauft durch Truxor Wetland Equipment AB (vormals bekannt unter der Firma

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Dorotea Mekaniska AB). Das Truxor DM 5000 Fahrzeug ist seit dem Zeitraum vor dem 19. August 2013 ein Wettbewerbsprodukt des Amphi-King.

11. Das Amphi-King ist dem Truxor DM 5000 Fahrzeug äußerst ähnlich. Beide Fahrzeuge sind hydraulisch angetriebene Amphibienfahrzeuge, die in gefährlicher Umgebung verwendet werden und mit Baggerpumpen ausgestattet sind.

III. AUTHENTIZITÄT UND ÖFFENTLICHE VERFÜGBARKEIT DES BEWEISSTÜCKS A

12. Beweisstück A ist ein Zeitungsartikel vom 25. August 2011, der das Amphi-King mit einem Überrollbügelaufsatz, das bei der Gülle zum Einsatz kommt, wahrheitsgemäß und genau darstellt und beschreibt.

13. Beweisstück A wurde im Jahr 2011 veröffentlicht und war zu diesem Zeitpunkt öffentlich verfügbar.

14. Ich erinnere mich daran, den Artikel des Beweisstücks A innerhalb einer Woche nach dessen Veröffentlichungsdatum gesehen zu haben, als mir der Eigentümer von SenwaTec den Artikel zeigte, wobei er mir gegenüber Begeisterung darüber zum Ausdruck brachte, dass der Artikel in einer beliebten deutschen Zeitung veröffentlicht wurde.

IV. AUTHENTIZITÄT UND ÖFFENTLICHE VERFÜGBARKEIT DES BEWEISSTÜCKS B

15. Beweisstück B ist eine Zusammenstellung von Bildschirmabdrucken eines Vermarktungsvideos, dass durch UD Umweltdienste erstellt wurde, das das Amphi-King beim Pumpen von Gülle und Rühren einer Güllelauge zeigt.

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16. Wie nachstehend gezeigt, wurde das Video von Beweisstück B am oder vor dem 3. Mai 2012 erstellt, wie durch den Bildschirmabdruck von Berkys Geschäftsunterlagen reflektiert, die das Speicherdatum einer Kopie des Videos ausführlich darlegen.



17. Das Video des Beweisstücks B beschreibt die Eigenschaften und Funktionalität des Amphi-King Amphibienfahrzeugs wahrheitsgemäß und genau.

18. Das Video des Beweisstücks B war im Jahr 2012 im Internet öffentlich zugreifbar.

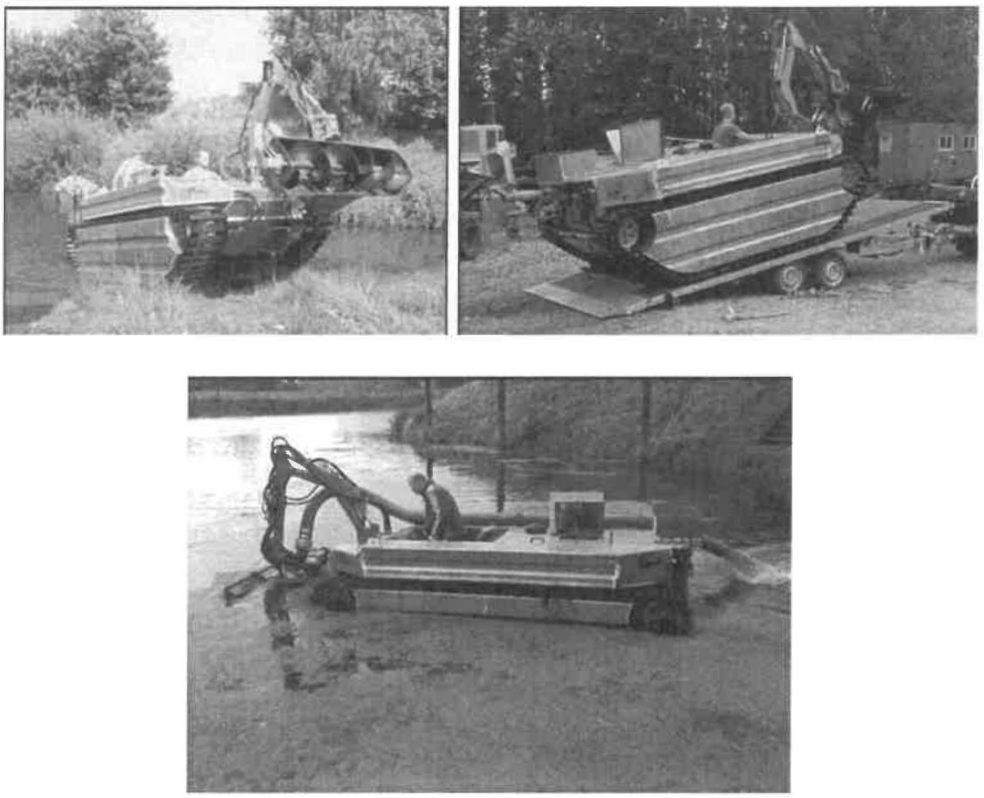
19. Das Video des Beweisstücks B wurde durch UD Umweltdienste vor dem 19. August 2013 an die Öffentlichkeit vertrieben, einschließlich im Jahr 2012. Das Video des Beweisstücks B wurde durch UD Umweltdienste mindestens bereits am 3. Mai 2012 beispielsweise an SenwaTec vertrieben.

V. AUTHENTIZITÄT UND ÖFFENTLICHE VERFÜGBARKEIT DES BEWEISSTÜCKS C

20. Beweisstück C ist eine wahre und gleichlautende Kopie der Amphi-King Broschüre SenwaTecs.

21. Die nachstehenden im Beweisstück C gezeigten Bilder stellen mich dar, wie ich das Amphi-King Fahrzeug fahre:

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22. Vor dem 19. August 2013 war es die übliche Geschäftspraxis SenwaTecs, ihre Vermarktungsmaterialien und Broschüren, wie zum Beispiel Beweisstück C, an Mitglieder der Öffentlichkeit bereitzustellen, die am Kauf oder daran interessiert waren, mehr über ihre Produkte zu erfahren.

23. Vor dem 19. August 2013 wurde das Beweisstück C an verschiedene Teilnehmer von Handelsmessen kostenlos vertrieben, einschließlich beispielsweise der Demo Park Handelsmesse in Eisenach, Deutschland, im Juni 2013.

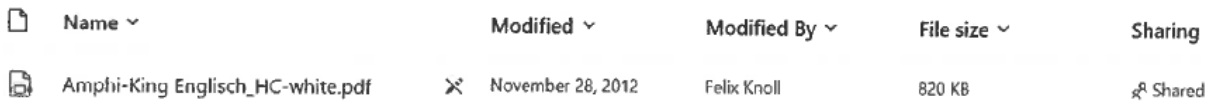
24. Vor dem 19. August 2013 wurde das Beweisstück C anlässlich einer Produktvorführungstour für das Amphi-King in Österreich vertrieben.

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25. Vor dem 19. August 2013 wurde das Beweisstück C an potentielle Kunden vertrieben, die die SenwaTec Fabrik in Haren, Deutschland, besuchten.

26. Vor dem 19. August 2013 wurde das Beweisstück C öffentlich an Mitglieder der Öffentlichkeit vertrieben, die am Kauf von SenwaTecs Produkten oder daran interessiert waren, mehr über sie zu erfahren.

27. Wie nachstehend gezeigt, erstellte SenwaTec das Beweisstück C mindestens bereits am 28. November 2012, wie durch den Bildschirmabdruck der Geschäftsunterlagen Berkys reflektiert, die das „abgeänderte" Datum des Beweisstücks C ausführlich darlegen.



28. Beweisstück C stellt die Eigenschaften und Funktionalität des Amphi-King wahrheitsgemäß und genau dar und beschreibt diese.

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VI. BEGLAUBIGUNG

29. Ich erkläre, dass alle vorliegend abgegebenen Erklärungen, die auf meiner eigenen Kenntnis beruhen, wahr sind und dass von allen Erklärungen, die nach bestem Wissen und Gewissen abgegeben wurden, angenommen wird, dass sie wahr sind; und dass alle diese Erklärungen in Kenntnis der Tatsache abgeben wurden, dass vorsätzlich fasch abgegebene Erklärungen und dergleichen derart abgegebene gemäß dem Recht der Vereinigten Staaten, einschließlich § 1001 Band 18 U.S.C. (amtl. Sammlung der US-Bundesgesetze), mit Geld- oder Freiheitsstrafe bedroht sind.

Unterschrift: Signiert von: Ansgar Lonnemann 2081D560FDFC4B9...

Name: Ansgar Lonnemann

Titel: Sales Manager, Berky GmbH

Datum: 9/23/2024