

Declaration of Benny D. Puck

I, Benny D. Puck, do hereby declare as follows:

1. I am over the age of 18. I currently reside in Manning, Iowa.
2. I am the Founder of Puck Custom Enterprises, Inc. (“Puck”). I started Puck in 1979. Since then, Puck has been designing and manufacturing pumps and pumping equipment for various industries, including firefighting, fuel transport, and agricultural industries. I have been working with pumps for 45 years.
3. I am the inventor listed on U.S. Patent Application Publication No. 2014/0112093; U.S. Patent No. 9,462,741; and U.S. Patent No. 9,572,297.
4. In 2012, I was employed by Puck and involved in new product development, including the design, development, production, public use, public display, and marketing efforts of the Puck agitation boat (“Puck Agitation Boat”), which was designed and built in 2011. An image of the Puck Agitation Boat, dated September 19, 2012, is shown below (*see Exhibit A*):



Puck Agitation Boat - 2012



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Puck Agitation Boat on a dairy lagoon. Three underwater nozzles create vertical agitation to bring solids on the bottom of the lagoon into suspension for pump-out. A nozzle above the surface of the water is used to clean up banks and remove thick crusts.

5. Prior to 2013, it was Puck's standard business practice to publicly post videos of its products to Puck's YouTube channel to generate public interest in its products.

6. The Puck Agitation Vehicle was the subject of numerous publicly posted videos on Puck's YouTube channel prior to 2013.

7. Exhibit A is a video that truthfully and accurately depicts and describes the Puck Agitation Boat. Exhibit A was uploaded to YouTube and publicly listed and available on September 19, 2012, at Puck Enterprises, Inc., *Puck Agitation Boat – 2012*, YOUTUBE (Sept. 19, 2012), <https://www.youtube.com/watch?v=1fRPrwGUyM0>. Since then, the video of Exhibit A has remained publicly searchable and available on YouTube. Included below is a true and accurate screenshot of Exhibit A.



Puck Agitation Boat - 2012



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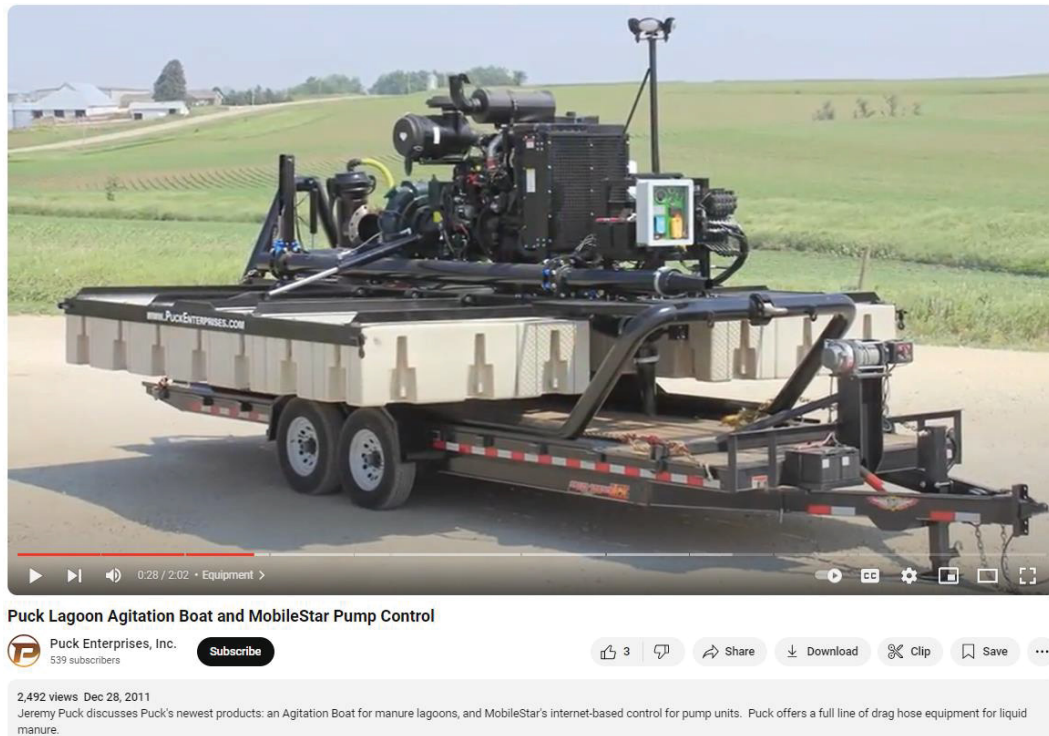
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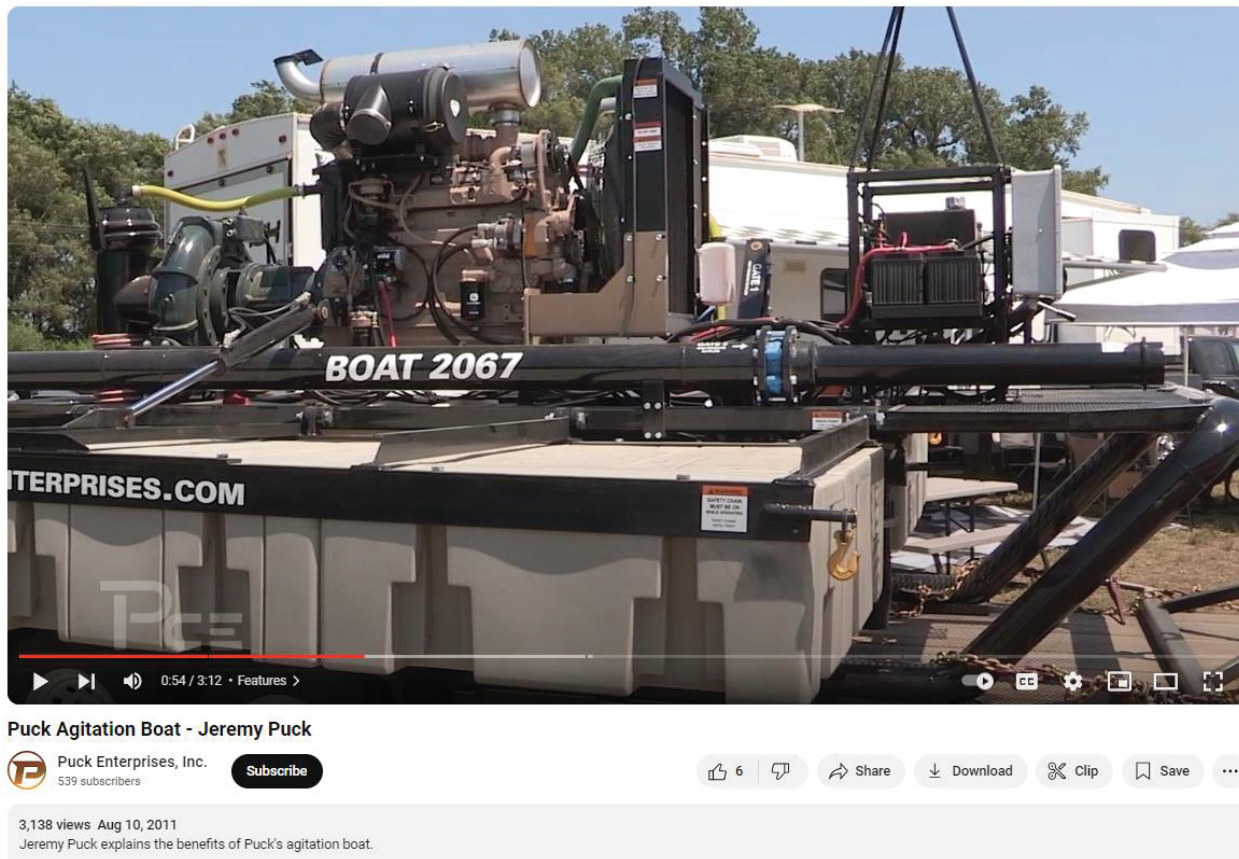
3,010 views Sep 19, 2012

Puck Agitation Boat on a dairy lagoon. Three underwater nozzles create vertical agitation to bring solids on the bottom of the lagoon into suspension for pump-out. A nozzle above the surface of the water is used to clean up banks and remove thick crusts.

8. Exhibit B is a video that truthfully and accurately depicts and describes the Puck Agitation Boat. Exhibit B was uploaded to YouTube and publicly listed and available on December 28, 2011, at Puck Enterprises, Inc., *Puck Lagoon Agitation Boat and MobileStar Pump Control*, YOUTUBE (Dec. 28, 2011), <https://www.youtube.com/watch?v=cMplzZ6lRYE>. Since then, the video of Exhibit B has remained publicly searchable and available on YouTube. Included below is a true and accurate screenshot of Exhibit B.



9. Exhibit C is a video that truthfully and accurately depicts and describes the Puck Agitation Boat. Exhibit C was uploaded to YouTube and publicly listed and available on August 10, 2011, at Puck Enterprises, Inc., *Puck Agitation Boat - Jeremy Puck*, YOUTUBE (Aug. 10, 2011), <https://www.youtube.com/watch?v=1MqPldkqOq4>. Since then, the video of Exhibit C has remained publicly searchable and available on YouTube. Included below is a true and accurate screenshot of Exhibit C.



10. Exhibit D is a video that truthfully and accurately depicts and describes the Puck Agitation Boat. Exhibit D was uploaded to YouTube and publicly listed and available on Jul. 29, 2011, at Puck Enterprises, Inc., *Puck Agitation Boat - Ben Puck*, YOUTUBE (Jul. 29, 2011), <https://www.youtube.com/watch?v=gfNO0bi0uk0>. Since then, the video of Exhibit D has remained publicly searchable and available on YouTube. Included below is a true and accurate screenshot of Exhibit D.



Puck Agitation Boat - Ben Puck



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2,524 views Jul 29, 2011

Ben Puck talks about Puck's lagoon agitation boat.

11. Exhibit E is a video that truthfully and accurately depicts and describes the Puck Agitation Boat. Exhibit E was uploaded to YouTube and publicly listed and available on Sep 9, 2011, at Puck Enterprises, Inc., *Puck Agitation Boat - Front Cannon 8.30.11*, YOUTUBE (Sep 9, 2011), <https://www.youtube.com/watch?v=4whiyZZ9N3s>. Since then, the video of Exhibit E has remained publicly searchable and available on YouTube. Included below is a true and accurate screenshot of Exhibit E.



Puck Agitation Boat - Front Cannon 8.30.11



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1,863 views Sep 9, 2011

Puck's agitation BOAT 2067 on a dairy lagoon using the front cannon.

12. As shown in the videos above, the Puck Agitation Boat included a pump that was arranged approximately along the centerline of the vehicle, forward of the rear end of the vehicle. This arrangement of the pump was beneficial as it positioned the pump at a location on the vehicle such that the center of gravity of the vehicle was located towards the center of the vehicle. This improved the stability of the vehicle while floating.

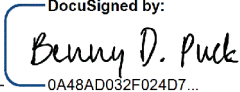
13. Similarly, the Puck Agitation Boat engine was arranged on the vehicle forward of the pump and rearward of the front nozzle. This arrangement of the engine, pump, and nozzle was beneficial as it caused these components to be positioned such that the weight of the engine and the pump could be more evenly distributed along the length of the vehicle, such that the center of gravity of the vehicle was located towards the center of the vehicle. This improved the stability of the vehicle while floating.

14. The Puck Agitation Boat also included a pump intake pipe with an inlet that was positioned along the underside of the vehicle. Positioning the inlet in this location was beneficial and efficient because it allowed for the pump to suck liquid manure supernatant from underneath the vehicle.

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

16. 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.

17. I declare under penalty of perjury that the foregoing is true and correct.

Signature:  0A48AD032F024D7...

Name: Benny D. Puck

Title: Owner, Puck Custom Enterprises, Inc.

Date: 8/28/2024