UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ENVIROTECH CHEMICAL SERVICES, INC.,

Plaintiff

v.

CLEAN CHEMISTRY, INC.,

Defendant

CASE NO. 1:24-CV-01313-ADA

JURY TRIAL DEMANDED

CLAIM CONSTRUCTION ORDER

Before the Court are the Parties' claim construction briefs and supplemental claim construction briefs. The Court held the *Markman* hearing on October 6, 2025. ECF No. 43. The Court provided preliminary constructions for the disputed terms before the hearing. During the *Markman* hearing, the Court informed the Parties of the final constructions for all of the disputed terms, except terms 1, 2, and 10. *Id.* This Order does not alter any of those final constructions, but this Order does provide final constructions for terms 1, 2, and 10. The Court issues this Order to memorialize the Court's final claim construction rulings for the parties, and to inform the parties that the Court plans to issue a more-detailed Order explaining its analysis in due course.

SIGNED this 12th day of November, 2025.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

Petitioner's Exhibit 1026
Clean Chemistry v. EnviroTech
IPR2025-01471 – Page 001

#	Term	Defendant's Proposed Construction	Plaintiff's Proposed Construction	Court's Construction
1	Arrangement; order of steps '449 Patent, Claim 1	Plain and ordinary meaning: "steps a to e must be performed sequentially in the same order in which they are recited in the claim"	Plain and ordinary meaning: the steps can be performed in any order.	Steps (a) to (e) must be performed sequentially in the same order in which they are recited in the claim or in the following order: (a), (b) and (d) simultaneously, (c), (e).
2	Arrangement; order of steps '997 Patent, Claim 1	Plain and ordinary meaning: "steps a to e must be performed sequentially in the same order in which they are recited in the claim"	Plain and ordinary meaning: the steps can be performed in any order.	Steps (a) to (e) must be performed sequentially in the same order in which they are recited in the claim or in the following order: (a), (b) and (d) simultaneously, (c), (e).
3	"[a] nonequilibrium solution [of peracetic acid]" '449 Patent, Claims 1 and 17; '997 Patent, Claim 1; '443 Patent, Claim 1	Indefinite; otherwise plain and ordinary meaning, but includes irreversibility.	Plain and ordinary meaning.	Plain and ordinary meaning.
4	"about [a numerical value]" '449 Patent, Claims 3, 7, 10, 12-13, 20, and 22-23; '997 Patent, Claims 7, 10-12; '443 Patent, Claims 2-3; '072 Patent, Claims 2-3.	Indefinite.	Plain and ordinary meaning: "approximately;" otherwise the numerical values provided for in Dkt. 35-5, ¶ 90, as guided by the use of significant figures.	Plain and ordinary meaning: "approximately."

Petitioner's Exhibit 1026
Clean Chemistry v. EnviroTech
IPR2025-01471 – Page 002

5	"Allowing the reaction medium sufficient time to maximize the conversion of the hydrogen peroxide triacetin into peracetic acid" '449 Patent, Claim 9.	"Allowing the reaction medium sufficient time to achieve the highest possible conversion of the hydrogen peroxide [and] the triacetin into peracetic acid;" otherwise indefinite.	Plain and ordinary meaning: "Allowing the reaction medium sufficient time to maximize the conversion of the hydrogen peroxide [-] triacetin [solution] into peracetic acid"	Plain and ordinary meaning. "Allowing the reaction medium sufficient time to maximize the conversion of the hydrogen peroxide [-] triacetin [solution] into peracetic acid."
6	". . .determine the time required to maximize the amount of hydrogen peroxide triacetin that are converted into peracetic acid." '449 Patent, Claim 11.	". . . determine the time required to achieve the highest possible conversion of the hydrogen peroxide [and] the triacetin into peracetic acid."	Plain and ordinary meaning: ". . . determine the time required to maximize the amount of hydrogen[-]peroxide triacetin [solution] that are converted into peracetic acid."	Plain and ordinary meaning: ". . . determine the time required to maximize the amount of hydrogen[-]peroxide triacetin [solution] that are converted into peracetic acid."
7	"allowing the reaction medium sufficient time to maximize the conversion of the hydrogen peroxide and the triacetin into peracetic acid." '997 Patent, Claim 9.	"Allowing the reaction medium sufficient time to achieve the highest possible conversion of the hydrogen peroxide and the triacetin into peracetic acid;" otherwise indefinite.	Plain and ordinary meaning: "allowing the reaction medium sufficient time to maximize the conversion of the hydrogen peroxide and the triacetin into peracetic acid."	Plain and ordinary meaning.

Petitioner's Exhibit 1026
Clean Chemistry v. EnviroTech
IPR2025-01471 – Page 003

8	"the time to maximize the conversion of the hydrogen peroxide triacetin into peracetic acid is about 30 seconds to about five minutes" '449 Patent, Claim 10.	Indefinite, otherwise should be construed as "the time to achieve the highest possible conversion of the hydrogen peroxide [and] the triacetin into peracetic acid is about 30 seconds to about five minutes"	Plain and ordinary meaning: "The time to maximize the conversion of the hydrogen peroxide[-]triacetin [solution] into peracetic acid is about 30 seconds to about five minutes"	Plain and ordinary meaning. The time to maximize the conversion of the hydrogen peroxide[-]triacetin [solution] into peracetic acid is about 30 seconds to about five minutes"
9	"the time to maximize the conversion of the hydrogen peroxide and the triacetin into peracetic acid is about 30 seconds to about five minutes" '997 Patent, Claim 10.	Indefinite, otherwise should be construed as "the time to achieve the highest possible conversion of the hydrogen peroxide and the triacetin into peracetic acid is about 30 seconds to about five minutes"	Plain and ordinary meaning: "The time to maximize the hydrogen peroxide and the triacetin into peracetic acid is about 30 seconds to about five minutes"	Plain and ordinary meaning.

Petitioner's Exhibit 1026
Clean Chemistry v. EnviroTech
IPR2025-01471 – Page 004

10	"The percent of triacetin that is converted into peracetic acid is about 40.9% to about 85.7%" '449 Patent, Claim 12; '997 Patent, Claim 11.	Plain and ordinary meaning: the formula for percent conversion should read as shown in the footnote 2. Triacetin does not have a specialized meaning within this claim term different from the parties' agreed upon construction for "triacetin."	Plain and ordinary meaning: the formula for percent conversion of triacetin into peracetic acid should read as shown in the footnote 1 to account for the conversion of triacetin's three acetyl groups, which necessarily includes conversion of triacetin's intermediates, diacetin and monoacetin, as acetyl-group-providing intermediates.	Plain and ordinary meaning: the formula for percent conversion of triacetin into peracetic acid should read as shown in the footnote 1 to account for the conversion of triacetin's three acetyl groups, which necessarily includes conversion of triacetin's intermediates, diacetin and monoacetin, as acetyl-group-providing intermediates.
11	"The liquid is triacetin defining a hydrogen peroxide-triacetin solution" '449 Patent, Claim 19.	Indefinite. Plaintiff concedes claim 19 is invalid and should be cancelled. Hence, any claim construction dispute regarding claim 19 is moot. No terms from either claims 20 and 21 were proposed for construction by Plaintiff. Plaintiff's untimely positions regarding claims 20 and 21 are not properly before the Court.	Plain and ordinary meaning: cancellation of claim 19, which follows from the prosecution history, should result in interpreting claims 20 and 21 as depending on claim 1.	Moot. Plaintiff's untimely positions regarding claims 20 and 21 are not properly before the Court.
12	"A non-equilibrium solution of peracetic acid, comprising:" '443 Patent, Claim 1.	Preamble is limiting.	Preamble is not limiting.	Preamble is limiting.

Petitioner's Exhibit 1026
Clean Chemistry v. EnviroTech
IPR2025-01471 – Page 005

13	"A hydrogen peroxide-acetyl precursor solution, comprising:" '072 Patent, Claim 1.	Preamble is limiting.	Preamble is not limiting.	Preamble is limiting.
14	"trace amount [of peracetic acid]" '072 Patent, Claim 1.	Indefinite.	Plain and ordinary meaning, wherein the plain and ordinary meaning is: "a small amount that is detectable with a test."	Plain and ordinary meaning: a non-zero amount that is detectable.

[1]

$$\%\ Triacetin\ conversion = 100 \times \left[\frac{{}^{1}/_{3} \times (moles\ of\ peracetic\ acid\ formed)}{(initial\ moles\ of\ triacetin)}\right]$$

[2]

$$\frac{(\text{initial amount of triacetin} - \text{remaining amount of triacetin})}{\text{initial amount of triacetin}} \times 100\%$$

Petitioner's Exhibit 1026
Clean Chemistry v. EnviroTech
IPR2025-01471 – Page 006