

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASCEND UMWELT UND RECYCLINGTECHNIK GMBH,

Petitioner,

v.

DUESENFELD GMBH,

Patent Owner.

Case No. PGR2025-00037

U.S. Patent No: 12,119,463

DECLARATION OF JAN PLÖGER

I, Jan Plöger, of Braunschweig, Germany, declare and state as follows:

1. I am a patent attorney and a partner at the firm of Gramm, Lins & Partner, practicing out of Braunschweig, Germany. In that capacity, I prosecuted the German version of two patents owned by Patent Owner Duesenfeld GmbH (“Duesenfeld”). Unless otherwise stated, the matters contained in this declaration are of my own personal knowledge and, if called as a witness, I could and would competently testify to the matters set forth herein.

2. First, on behalf of Duesenfeld’s predecessor, Lion Engineering, on April 28, 2015, I submitted Patent Application DE 10 2015 207 843.4 to the German Patent and Trademark Office. Ex. 2014 (’097 patent file history) at 583.

3. Patent Application DE 10 2015 207 843.4 is noted on the face of U.S. Patent. No. 11,050,097 (“the ’097 patent”) as a prior foreign application. *See* Ex. 2013 (’097 patent), (30) (Foreign Application Priority Data).

4. In Patent Application DE 10 2015 207 843.4, a portion of the specification reads, in the original German, “Durch das Trocknen des Zerkleinerungsguts entsteht inaktiviertes Zerkleinerungsgut 42, das einer Abfüllvorrichtung 44 zugeführt wird.” Ex. 2014 (’097 patent file history) at 596-597/13:30-14:1.

5. In the '097 patent, the corresponding portion of the specification reads, in English translation, "The drying of the comminuted material results in inactivated comminuted material **42**, which is fed into a filling device **44**." Ex. 2013 ('097 patent), 8:54-56.

6. Second, on behalf of Duesenfeld, on October 20, 2016, I submitted Patent Application DE 10 2016 120 046.8 to the German Patent and Trademark Office. Ex. 1002 ('463 patent file history) at 386.

7. Patent Application DE 10 2016 120 046.8 is noted on the face of U.S. Patent No. 12,119,463 ("the '463 patent") as a prior foreign application. *See* Ex. 1001 ('463 patent), (30) (Foreign Application Priority Data). I understand that the '463 patent is the subject of this proceeding.

8. In Patent Application DE 10 2016 120 046.8, a portion of the specification reads, in the original German, "Durch das Trocknen des Zerkleinerungsguts entsteht inaktiviertes Zerkleinerungsgut 42, das einer Abfüllvorrichtung 44 zugeführt wird." Ex. 1002 ('463 patent file history) at 412/25:10-11. This is identical to the portion of Patent Application DE 10 2015 207 843.4 quoted above in Paragraph 4.

9. In the '463 patent, the corresponding portion of the specification reads, in English translation: "The drying of the comminuted material results in

deactivated comminuted material **42**, which is fed into a filling device **44**.” Ex.
1001, 13:56-58.

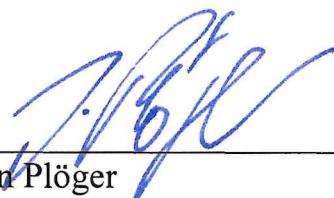
10. Thus, while the original German in both German patent applications is identical, the English translations in the United States patents differ. In particular, in the '097 patent, the word “inaktiviertes” is translated as “inactivated.” In the '463 patent, the same word, “inaktiviertes,” is translated as “deactivated.”

11. In my opinion, the word “inactivated” is the better translation of “inaktiviertes.”

12. Despite this difference in translation, the specifications in both documents were intended to provide the same teachings, as evidenced by the fact that they use identical language in the original German.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 12, 2025



Jan Plöger