

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIANCE, LLC,
Petitioner
v.

KOPPERS PERFORMANCE CHEMICALS, INC.,
Patent Owner.

PGR No. 2026-00023
U.S. Patent No. 12,370,716
Issued: July 29, 2025
Application No. 19/072,608
Filed: March 6, 2025

TITLE: WOOD PRESERVATIVE COMPOSITION COMPRISING 4,5-DICHLORO-2-OCTYLISOTHIAZOL-3(2H)-ONE, A METHOD TREATING A WOOD SUBSTRATE THEREWITH, AND A WOOD PRODUCT PRODUCED THEREFROM

**DECLARATION OF BARBARA ALDINGER IN SUPPORT OF PETITION FOR POST
GRANT REVIEW OF U.S. PATENT NO. 12,370,716**

I, the undersigned, Barbara Aldinger, having been duly sworn, declare as follows:

I. Background

1. I am over the age of eighteen (18) and otherwise competent to make this declaration.

2. I have worked for Viance, LLC (“Viance”) since January 1, 2007. I held the position of Financial Accounting Manager until January 19, 2023. In the position of Financial Accounting Manager, I was generally responsible for Viance’s financial and accounting operations. I also oversaw the timely production and retention of sales records, including invoices, and payments. I currently hold the position of Supply Chain Manager, which I have held since January 2023. In the position of Supply Chain Manager, I am generally responsible for overseeing the production, storage, and delivery of Viance products.

3. All of the testimony provided in this declaration is based on my personal knowledge and recollection from having worked for Viance for over 18 years. I am not being compensated for any of the testimony provided herein, aside from the normal salary that I receive working for Viance. I understand that my declaration will be submitted to the United States Patent Trial and Appeal Board in support of a petition for post grant review of United States Patent No. 12,370,716.

4. I am generally familiar with the Viance UP-50 product (“UP-50”). This product is described in the Declaration of Kevin Archer, Ex1011.

II. Commercial Supply Agreement for the Sale of UP-50 Product

5. I was able to locate a business development and supply agreement for sale of the UP-50 product entered into by Viance with a third party, dated February 5, 2021 in Viance’s files. A true copy of the document is labeled Ex1027.

6. As the former Financial Accounting Manager and current Supply Chain Manager, I am familiar with our business records files and how they are generated and kept at Viance,

including Ex1027. Ex1027 was generated at or near the time of event, by persons with knowledge of the information contained therein—or from information transmitted by someone with knowledge of the information contained therein. Viance relies on these records, including Ex1027, for placement and confirmation of orders, and satisfaction of those orders through the manufacture and shipping of product to customers. Ex1027 was made and kept in the ordinary course of Viance’s business and in a consistent manner according to Viance’s procedures.

III. Sales of UP-50 Product

7. I was also able to locate numerous business records in Viance’s files showing sales of the UP-50 product prior to August 5, 2022. As the former Financial Accounting Manager and current Supply Chain Manager, I am familiar with our business records files and how they are generated and kept at Viance, including Ex1031, Ex1034, Ex1038-39, Ex1050, Ex1053, Ex1057, and Ex1059-61. These records, including Ex1031, Ex1034, Ex1038-39, Ex1050, Ex1053, Ex1057, and Ex1059-61, were generated at or near the time of the customer orders by Viance employees as part of their normal business duties by—or from information transmitted by—someone with knowledge of the information contained therein. Viance relies on these records, including Ex1031, Ex1034, Ex1038-39, Ex1050, Ex1053, Ex1057, and Ex1059-61, for placement and confirmation of orders, and satisfaction of those orders through the manufacture and shipping of the product to the customer. These records, including Ex1031, Ex1034, Ex1038-39, Ex1050, Ex1053, Ex1057, and Ex1059-61, were made and kept in the ordinary course of Viance’s business, and in a consistent manner according to Viance’s procedures.

8. I reviewed our electronic “Performance Data” file. This is a record of all sales and costs of sales that ties to our Profit and Loss account. I located sales to **REDACTED** and **REDACTED** before August 5, 2022. Performance data includes the sales invoice number and the order number. Using these numbers, I was able to pull the financial records to

support these sales. For each sale, Viance has the customer purchase order, Viance invoice to the customer, toll manufacturer invoice, invoice from the transportation company, and the bill of lading.

9. Customer orders are placed with a Viance representative who is restricted by the system to products and pricing approved by the Pricing Change Authorization (“PCA”). Once the customer places the order, the Supply Chain Manager places the order with the appropriate toll manufacturer and shipping company. Upon shipment, the customer invoice, the toll manufacturer invoice, and the shipping/transportation invoice are scanned into **REDACTED** which is Viance’s document management system. These documents complete the sales and approval process.

10. Absent any unique circumstances, for each sale, Viance typically retains copies of the (1) customer purchase order, (2) Viance invoice to customer, (3) toll manufacturer invoice, (4) transportation invoice, and (5) bill of lading.

11. I have located and identified business records of four sales and shipments of UP-50 product made prior to August 5, 2022, in Viance’s sales record system and outlined them in the table below:

Customer	Customer Purchase Order/Date	Viance Invoice to Customer/Date	Toll Manufacturer Invoice/Date	Bill of Lading/Date	Shipping Invoice/Date
REDACTED	May 18, 2022 Ex1032	May 27, 2022 Ex1059	May 20, 2022 Ex1045	May 27, 2022 Ex1033	June 8, 2022 Ex1062
REDACTED	May 20, 2022 Ex1046	June 24, 2022 Ex1060	June 24, 2022 Ex1047	June 24, 2022 Ex1049	July 6, 2022 Ex1048
REDACTED	June 17, 2022 Ex1058	June 29, 2022 Ex1034, Ex1038, Ex1039	June 29, 2022 Ex1051	June 29, 2022 Ex1037	June 29, 2022 Ex1036

Customer	Customer Purchase Order/Date	Viance Invoice to Customer/Date	Toll Manufacturer Invoice/Date	Bill of Lading/Date	Shipping Invoice/Date
REDACTED	July 26, 2022 Ex1052	August 5, 2022 Ex1061	August 5, 2022 Ex1054	August 5, 2022 Ex1055	August 24, 2022 Ex1056

A. Sale of UP-50 to REDACTED on May 27, 2022

12. I will now describe each of these sales in detail. First, I located Ex1031, which is a purchase order created by Viance and sent to its toll manufacturer, REDACTED REDACTED, located in REDACTED. Viance sends purchase orders to its toll manufacturer in the ordinary course of its business when Viance and a customer have agreed to the terms of a sale. Ex1031 indicates that Viance's UP-50 product should be shipped to the REDACTED REDACTED located in REDACTED. The purchase order number is KA 4-19-2022. The letters "KA" denote that this purchase order was created by the Viance employee Kevin Archer. The numbers "4-19-2022" denote that this purchase order was created on April-19-2022. Line 1 of this document describes that REDACTED ordered X drums REDACTED of UP-50. This document further describes that the "[p]roduct needs to be ready for pick up on May 20 for delivery to X based customer on or before June 1." Based on the date that this purchase order was created, April 19, 2022, this note indicates that the UP-50 order needed to be ready for pickup on May 20, 2022, for delivery to REDACTED where REDACTED has a location, on or before June 1, 2022.

13. I was also able to locate Ex1032, which is the purchase order created by REDACTED for the order described in Ex1031. This is a true and correct copy of this document as it was received and kept in Viance's records for this sale. This purchase order is dated May 18, 2022 and

indicates that the order should be shipped on the week of May 18, 2022. The order is summarized in the description box, line 1 as “DCOI BLOCKS UP50” and above the signature line as being **X** DRUMS ON **X** PALLETS.” These details match the details of the order in Ex1031. To ensure timely delivery of orders and mitigate delays at its manufacturer’s warehouses, it is routine business practice for Viance to issue a purchase order to its toll manufacturer as soon as Viance and a customer agree to the terms of a sale, even if the purchase order issued by Viance to its toll manufacturer is issued at a date before the customer itself issues its own purchase order to Viance.

14. I was also able to locate Ex1059, which is an invoice created by Viance and sent to **REDACTED** on May 27, 2022. This is a true and correct copy of this document as it was created in the ordinary course of business by a Viance employee and kept in Viance’s records for this sale. The “DESCRIPTION” section of this document describes that the invoice is for **X** DRUMS OF UP-50” and that the order should be billed and shipped to **REDACTED** in **REDACTED**.

15. As further evidence of this sale, I was able to locate Ex1045, which is the toll manufacturer invoice that was created by **REDACTED** for the order in Ex1031 on May 20, 2022 and received by Viance shortly thereafter. This is a true and correct copy of this document as it was received and kept in Viance’s records for this sale. This document lists the “P.O. Number,” or purchase order number, as KA-4-19-2022, which is the same number as the purchase order number described in Ex1031.

16. I was also able to locate Ex1033, which is the bill of lading that was created by **REDACTED** for the order described in Ex1031 on May 27, 2022. This is a true and correct copy of this document as it was received on May 31, 2022 and kept in Viance’s records for this sale. The section titled “CUSTOMER ORDER INFORMATION” describes that the associated customer order number is KA-4-19-2022, which is the same number as the purchase order number described

in Ex1031. The shipper signature found at the bottom of this bill of lading is also dated May 27, 2022.

17. I was also able to locate Ex1062, which is a shipping invoice created by **REDACTED** on June 8, 2022 and received by Viance shortly thereafter. It is routine business practice for Viance to receive shipping invoices after a shipment has been delivered from Viance's toll manufacturer's warehouse to Viance's customer. This is a true and correct copy of this document as it was received and kept in Viance's records for this sale. This document further describes that the ship date of the order was 05/27/2022 to **REDACTED** and that the delivery date was 05/31 /2022.

B. Sale of UP-50 to **REDACTED on June 24, 2022**

18. I was also able to locate Ex1057, which is a purchase order created by Viance and sent to **REDACTED**. As described above, Viance sends purchase orders to its toll manufacturer in the ordinary course of its business when Viance and a customer have agreed to the terms of a sale. Ex1057 is a blanket purchase order for which the specific shipping terms were later determined. The purpose of this blanket purchase order was for **REDACTED** to prepare sufficient inventory for future orders. The purchase order number is KA 5-12-2022. The letters "KA" denote that this purchase order was created by the Viance employee Kevin Archer. The numbers "5-12-2022" denote that this purchase order was created on May-12-2022. This document further describes that the "[p]roduct needs to be ready for pick up in June."

19. I was also able to locate Ex1046, which is a purchase order created by **REDACTED** on May 20, 2022 and received by Viance shortly thereafter. This is a true and correct copy of this document as it was received and kept in Viance's records for this sale. This purchase order has purchase order number 1250-00. In addition, this purchase order lists "Barb Aldinger" as the contact from Viance, which is my name. The order is summarized in the description box as being

for “DCOI BLOCKS UP50.” This document further describes that the order should be shipped to REDACTED in REDACTED. As noted above, to ensure timely delivery of orders and mitigate delays at its toll manufacturer’s warehouses, it is routine business practice for Viance to issue a purchase order to its toll manufacturer as soon as Viance and a customer agree to the terms of a sale, even if the purchase order issued by Viance to its toll manufacturer is issued at a date before the customer itself issues its own purchase order to Viance.

20. I was also able to locate Ex1060, which is an invoice created by Viance on June 24, 2022 and sent to REDACTED. This is a true and correct copy of this document as it was created in the ordinary course of business by a Viance employee and kept in Viance’s records for this sale. The “DESCRIPTION” section of this document describes that the invoice is for “UP50 - DRUMS” and that the order should be billed and shipped to REDACTED in REDACTED. This document further describes that the associated purchase order number is “1250-00” and that the order date is May 20, 2022 which is the same purchase order number and date described in Ex1046.

21. I was also able to locate Ex1047, which is a toll manufacturer invoice that was created by Polyventive on June 24, 2022 and received by Viance shortly thereafter. This is a true and correct copy of this document as it was received and kept in Viance’s records for this sale. This document lists the “P.O. Number,” or purchase order number, as KA-5-12-2022, which is the same purchase order number as the purchase order number described in Ex1057, the purchase order created by Viance and sent to REDACTED.

22. As further evidence of this sale, I was able to locate Ex1049, which is the bill of lading created by Polyventive on June 24, 2022 for this order and received by Viance shortly thereafter. This is a true and correct copy of this document as it was received and kept in Viance’s records for this sale. The section titled “CUSTOMER ORDER INFORMATION” describes that

the associated customer order number is KA-5-12-2022, which is the same number as the purchase order number described in Ex1057. The shipper signature found at the bottom of this bill of lading is also dated June 24, 2022.

23. I was also able to locate Ex1048, which is a shipping invoice created by REDACTED on July 6, 2022 and received by Viance shortly thereafter. It is routine business practice for Viance to receive shipping invoices after a shipment has been delivered from Viance's toll manufacturer's warehouse to Viance's customer. This is a true and correct copy of this document as it was received and kept in Viance's records for this sale. This document further describes that the ship date of the order was 06/24/2022 to REDACTED and that the delivery date was 06/30/2022.

C. Sale of UP-50 to REDACTED on June 29, 2022

24. I was able to locate Ex1058, which is an email received from REDACTED on June 17, 2022 ordering a single block of UP-50. This is a true and correct copy of this document as it was received and kept in Viance's records for this sale. In Ex1058, REDACTED states "Please use PO6481 for a single UP-50 block."

25. I was also able to locate Ex1050, which is a Viance sales order having purchase order number 6481 entered into REDACTED Viance's accounting system, by a Viance employee on June 20, 2022 for the purchase of one drum of Viance's UP-50 product by REDACTED located in REDACTED. Upon reviewing the documents for this order, I can attest that this order was placed by REDACTED on Friday, June 17, 2022 (Ex1058) and entered into REDACTED on Monday, June 20, 2022 (Ex1050). Viance employees enter orders into REDACTED in the ordinary course of business after Viance and a customer have agreed to the terms of a sale via email correspondence. Ex1050 is a true and correct copy of this document as it was originally created by a Viance sales employee. This document describes that the order is for **X** DRUM(S)"

of UP50 and has the numeration “6481,” which is the purchase order number that [REDACTED] [REDACTED] instructed Viance to use in Ex1058.

26. I was also able to locate Ex1034, which is an invoice created by Viance on June 29, 2022 and sent to [REDACTED] This is a true and correct copy of this document as it was created in the ordinary course of business by a Viance employee and kept in Viance’s records for this sale. The “DESCRIPTION” section of this document describes that the invoice is for “UP50 - DRUMS” and that the order should be billed and shipped to [REDACTED] in [REDACTED] This document further describes that the associated purchase order number is “6481” and that the order date is June 20, 2022 which is the same purchase order number and date described in Ex1050.

27. For this order, I also located Ex1035, which is a Sales Order Acknowledgement dated June 29, 2022 created by [REDACTED] and received by Viance shortly thereafter. Upon reviewing this document, I can attest that this is a true and correct copy of this document as it was received by Viance. As described above, Viance sends purchase orders to its toll manufacturer in the ordinary course of business when Viance and a customer have agreed to the terms of a sale.

28. Ex1036 is a shipping invoice created by [REDACTED] dated June 29, 2022. This is a true and correct copy of this document as it was received and kept in Viance’s records for this sale. This shipping invoice indicates that the order described in Ex1034 and Ex1050 shipped on June 29, 2022 from Viance’s toll manufacturer, [REDACTED] to [REDACTED] in [REDACTED]. Viance also has record of the bill of lading, Ex1037, created for this order by [REDACTED] and received by Viance shortly thereafter. This is a true and correct copy of this document as it was received and kept in Viance’s records for this sale. The bill of lading is

dated June 29, 2022. The shipper signature found at the bottom of this bill of lading is also dated June 29, 2022.

29. As further evidence of this sale, I was also able to locate Ex1051, which is a toll manufacturer invoice created by REDACTED on June 29, 2022 and received by Viance shortly thereafter. This is a true and correct copy of this document as it was received and kept in Viance's records for this sale. This document lists the "P.O. Number," or purchase order number, as A68231, which is the same number as the purchase order number described in Ex1034, Ex1035, Ex1037, Ex1038, and 1051.

30. I recall that around the time that the order described in Ex1034 was shipped, the Viance sales team noticed that the incorrect invoice amount had been entered into the original invoice, Ex1034. This resulted in Viance issuing a credit having Credit No. AC673 to REDACTED REDACTED Ex1038, which had the effect of applying a credit to the original invoice, Ex1034. Specifically, Ex1038 instructs to "PLEASE APPLY CREDIT AC 673 TO INVOICE A96380 THE PRICE ON THE INVOICE IS INCORRECT." Invoice A96380 refers to Ex1034 and Credit AC 673 refers to Ex1038. In addition, Ex1038 also describes that the associated purchase order number is 6481. Subsequently, a new invoice having Invoice No. A96459, Ex1039 was issued by Viance to REDACTED. Ex1039 which corrects the price entered in Ex1034. Ex1039 is dated July 07, 2022, and describes that the associated purchase order number is 6481.

D. Sale of UP-50 to REDACTED on August 5, 2022

31. I was also able to locate Ex1052, which is an email received by Viance from REDACTED REDACTED on July 26, 2022 requesting to place a third order for UP-50. This document lists "Aldinger, Barb" as the recipient, which is my name. Upon reviewing this email, I can attest that this is a true and correct copy of this document as it was received on July 26, 2022 by me and kept in Viance's

records for this sale. In Ex1052, [REDACTED] directed me to use PO#1250 for its third order of UP-50.

32. I was also able to locate Ex1053, which is a Viance sales order having purchase order number 1250 entered into [REDACTED] by a Viance employee on July 26, 2022 for the purchase of X drums of Viance's UP-50 product by [REDACTED] located in [REDACTED]. Upon reviewing the documents for this order, I can attest that this order was placed by [REDACTED] on July 26, 2022 (Ex1052) and entered into [REDACTED] the same day on July 26, 2022 (Ex1053). Viance employees enter sales orders into [REDACTED] in the ordinary course of business after Viance and a customer have agreed to the terms of a sale via email correspondence. Ex1053 is a true and correct copy of this document as it was originally created by a Viance sales employee and kept in Viance's records for this sale. This document describes that the order is for X DRUM(S) of UP50 and has the purchase order number "1250," which is the purchase order number that [REDACTED] instructed Viance to use in Ex1052.

33. I was also able to locate Ex1061, which is an invoice created by Viance on August 5, 2022 and sent to [REDACTED]. This is a true and correct copy of this document as it was created in the ordinary course of business by a Viance employee and kept in Viance's records for this sale. The "DESCRIPTION" section of this document describes that the invoice is for "UP50 - DRUMS" and that the order should be billed and shipped to [REDACTED] in [REDACTED]. This document further describes that the associated purchase order number is "1250," which is the same purchase order number in Ex1052 and Ex1053.

34. As further evidence of this sale, I was able to locate Ex1054, which is a toll manufacturer invoice created by [REDACTED] on August 5, 2022 and received by Viance shortly

thereafter. This is a true and correct copy of this document as it was received and kept in Viance's records for this sale.

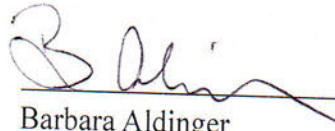
35. I was able to locate Ex1055, which is the bill of lading that was created by REDACTED on August 5, 2022 for the order in Ex1052 and Ex1053. This is a true and correct copy of this document as it was received and kept in Viance's records for this sale. The shipper signature found at the bottom of this bill of lading is also dated August 5, 2022. I was also able to locate Ex1056, which is a shipping invoice created by REDACTED on August 24, 2022 and received by Viance shortly thereafter. It is routine business practice for Viance to receive shipping invoices after a shipment has been delivered from Viance's toll manufacturer's warehouse to Viance's customer. This is a true and correct copy of this document as it was received and kept in Viance's records for this sale. This document further describes that the ship date was 08/05/2022 to REDACTED and that the delivery date was 08/15/2022.

IV. Closing Remarks

36. By signing this declaration, I consent to the submission of this declaration to the United States Patent and Trademark Office to support the petition for post grant review of U.S. Patent No. 12,370,716. I further understand that I may be subject to cross-examination in this case at a location within the United States. I further declare that any statements herein are based on my personal knowledge and belief developed in the ordinary course of business as the former Financial Accounting Manager and current Supply Chain Manager of Viance for over 18 years.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Date: January 15, 2026

A handwritten signature in blue ink, appearing to read 'B. Aldinger', is written over a horizontal line.

Barbara Aldinger
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