

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALBAUGH, LLC,

Petitioner,

v.

BASF SE,

Patent Owner.

Case: PGR2026-00026

U.S. Patent No. 12,305,206

DECLARATION OF STUART FELDSTEIN

EXHIBIT 1033

I, Stuart Feldstein, declare as follows:

1. I am the Executive Vice President/Deputy Chief Executive Officer and Chief Human Resources Officer of Albaugh, LLC (“Albaugh”). My roles and duties at Albaugh include overseeing and managing legal matters.

2. My qualifications and experience are described more fully in my curriculum vitae, which is attached as Exhibit 1034. I began working with Albaugh as external counsel in 1991 and have worked with Albaugh continuously in various capacities for over 35 years, for most of that time as an employee and officer of the company.

3. Dennis Albaugh founded Albaugh Chemical Corporation in Ankeny, Iowa in 1979. The company became Albaugh, Inc. on December 4, 1991, and on May 5, 2014 converted to a limited liability company. Albaugh remains headquartered in Ankeny, Iowa to this day.

4. Albaugh is governed by a Board of Managers. The Board of Managers consists of five members. Four of the five members are appointed by and represent Albaugh Family Holdings, Inc. (“AFH”), which holds an 80% majority ownership stake in Albaugh. One of the five members, is appointed by and represents Nutrichem USA, Inc. (“Nutrichem”), a 20% minority investor in Albaugh. From April 2018 to May 2025, the Nutrichem-appointed member was Mr. WANG Rong.

The current Nutrichem-appointed member is Mr. LIU Xiaoliang, who was appointed in May 2025.

5. The Board of Managers typically holds meetings three times each year to review the performance of the business and approve material items and matters of strategic importance, including such things as the audit report on the company's global business, material acquisitions and transactions, and the incurrence of material indebtedness.

6. Management of Albaugh's day-to-day business operations, including but not limited to marketing and product development, is delegated to the company's officers. The Chief Marketing Officer is responsible for oversight of all matters involving the development of strategies for enhancing the profitability of Albaugh's existing product lines and growing Albaugh's product portfolio. Specifically, decisions regarding product development, including consideration of proceedings before the United States Patent and Trademark Office (USPTO), are made in the ordinary course of the company's product development activities which are overseen by the Chief Marketing Officer.

7. The company officers, including the Chief Marketing Officer, do not require approval from the Board of Managers for the management decisions

delegated to them, unless the decision involves a material strategic transaction, investment or incurrence of indebtedness as mentioned above.

8. The decision to file the petition for post-grant review (PGR2026-00026) of U.S. Patent No. 12,305,206 was made by Albaugh's Chief Marketing Officer, Jens Thorsen. Mr. Thorsen did not and was not required to seek specific approval from the Board of Managers regarding the decision to file the PGR.

9. Albaugh is the sole entity responsible for directing, controlling, and funding the preparation and filing of the PGR. Albaugh is the sole entity that has paid and will pay any filing or legal fees associated with the PGR. Albaugh was solely responsible for engaging counsel for strategy regarding the PGR and for preparing and filing the PGR, and Albaugh was the sole entity listed on the engagement letters for both the lead counsel, Capuano IP PLLC, and back-up counsel, Medler Ferro Woodhouse & Mills PLLC. All invoices from Capuano IP PLLC and Medler Ferro Woodhouse & Mills PLLC are being directly sent to Albaugh and have been and will be paid by Albaugh.

10. The individuals responsible for the decision to file the PGR, i.e., Jens Thorsen and Albaugh's in-house support team, are employed by Albaugh and are not employed by the members of the company (AFH and Nutrichem).

11. The Board of Managers, including Mr. Wang and Mr. Liu, did not participate in the decision to file the PGR. The Board of Managers, including Mr. Wang and Mr. Liu, did not participate in the selection or engagement of outside counsel to represent Albaugh in the PGR. The Board of Managers, including Mr. Wang and Mr. Liu, did not co-author, review or edit the instant Petition. The Board of Managers, including Mr. Wang and Mr. Liu, did not exercise any control over the filing or content of the PGR. The content or funding of the PGR was not discussed at any meeting of the Board of Managers, including meetings attended by Mr. Wang or Mr. Liu.

12. Neither AFH nor Nutrichem USA provided, or will provide, funding or other compensation for the PGR.

13. The decision to file the PGR, which was solely made by Albaugh, is consistent with Albaugh's vision and mission to continue its long history of serving and supporting U.S. farmers by offering competitively priced solutions and increased choices for crop protection products. Albaugh seeks to enter the L-glufosinate ammonium (LGA) market as part of its goal to offer alternatives for U.S. farmers for their crop protection needs.

14. Albaugh has made numerous investments to support farmers in the U.S., which is its largest market globally, and to reinforce its commitment to U.S.

manufacturing. Most recently, in 2023, Albaugh completed a major expansion of its manufacturing facility in St. Joseph, Missouri to meet the growing demands of its U.S. farmer customers. Additionally in 2025, Albaugh joined the North Carolina Plant Sciences Initiative Innovation Hub to collaborate with researchers and students at North Carolina State University to address the challenges confronting U.S. agriculture. Albaugh's acquisition of Rotam AgroSciences Limited in 2022 was made to increase its product offerings available to its entire customer base, including U.S. farmers.

15. Albaugh's business and investment decisions are made solely to address its own market opportunities and the needs of its own customer base. Albaugh does not make decisions to serve the goals or objectives of any foreign entity, including but not limited to Nutrichem. Albaugh is not controlled by or under the direction of any foreign entity, including but not limited to Nutrichem.

16. I hereby 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 further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Respectfully submitted,



Stuart Feldstein

Executive Vice President/Deputy Chief Executive Officer
and Chief Human Resources Officer
Albaugh, LLC

Date: May 25, 2026