

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HYDRITE CHEMICAL CO.,
Petitioner,

v.

SOLENIS TECHNOLOGIES, L.P.,
Patent Owner.

Case IPR2015-01592
Patent No. 8,962,059

DECLARATION OF SCOTT D. KOHL, PH.D

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I. Introduction and Qualifications

I, Dr. Scott D. Kohl, declare as follows:

1. I have been retained by Solenis Technologies, L.P. (“Solenis”) to offer technical opinions regarding U.S. Patent No. 8,962,059 (“059 Patent,” Ex. 1001) and certain references relating to its subject matter. This Declaration contains my opinions on this matter and the reasons and bases therefor. I understand that this Declaration is being submitted together with a Patent Owner’s response to the Petition by Hydrite Chemical Co. (“Hydrite”) seeking *inter partes* review of claims 1-16 of the ‘059 patent, and a declaration by Jennifer Bailey, Solenis’s Global Strategic Product Director for Biorefining.

2. I have been asked to testify regarding the views expressed in Hydrite’s Petition and the accompanying declaration of Dr. David A. Rockstraw, Ph.D., P.E. (“Rockstraw Declaration”) (Ex. 1005). This declaration provides a rebuttal of the proposed grounds of rejection set forth in the Petition and Rockstraw Declaration. It further provides an analysis of the 059 Patent and its validity in light of the law of obviousness as it has been explained to me and in light of the references upon which the Petition and Dr. Rockstraw rely and information regarding Solenis products and their use in methods claimed in the 059 Patent.

3. I do not believe that the methods that are claimed in the 059 Patent would have been obvious to those of ordinary skill in the relevant technical field at the time that the 059 Patent was filed. Specifically, I do not believe that the claimed methods would have been obvious in view of the prior publications that Hydrite and Dr. Rockstaw have identified. In my view, the modifications to those publications that Hydrite and Dr. Rockstraw have proposed are ones that a person of ordinary skill either would not have had a reason to make or that would have led such a person to a method that was different than those claimed. This declaration provides the opinions that I have formed to date. I may modify my opinions, if necessary, based on further review and analysis of information provided to me subsequent to the filing of this declaration.

II. Materials Reviewed

4. I have reviewed the Petition, the Rockstraw Declaration (Ex. 1005), the Rockstraw deposition transcript (Ex. 2005), and each exhibit cited therein. I have also reviewed the Declaration of Jennifer Bailey (Ex. 2004) and certain exhibits cited therein.

III. Background and Qualifications

5. I hold a Bachelor of Science degree in chemistry from South Dakota State University, which I earned in 1994. I also earned a Ph.D in chemistry

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