

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 JENNIFER BAILEY

I, Jennifer Bailey, hereby declare:

I. Background

1. I am currently the Global Strategic Product Director for Biorefining of Solenis Technologies L.P. (“Solenis”). This declaration is based on my personal knowledge.

2. Solenis, a Delaware based corporation, was formerly known as Ashland Water Technologies (“Ashland”), a commercial business unit of Ashland Inc.

3. I started at Ashland in June 2014 as the Global Strategic Product Director for Process Chemistry. Shortly thereafter, Ashland changed its name to Solenis. After that change, I moved into my current role as Global Strategic Product Director for Biorefining. My current responsibilities include establishing the global strategy for the product line, establishing pricing initiatives for the product line, leading product innovation, managing the product life cycle, planning both internal and external promotional strategies, supporting mergers and acquisitions activities, and launching new products.

II. Solenis’s Dimension Corn Oil Extraction Aids

4. Solenis manufactures and distributes, among other things, chemical solutions in the biorefining industry (Ex. 2007, Solenis Quick Facts Webpage at 1). Attached at Ex. 2007 is a true and correct copy of a printout of Solenis’s website titled “Quick Facts” available at <http://solenis.com/en/about-us/quick-facts/>.

5. Solenis offers a number of innovative solutions to assist biorefineries to stay competitive. One example is Solenis's DimensionTM corn oil extraction aids ("the DimensionTM products") that enable fuel ethanol plants to increase their corn oil yield (Ex. 2008, Solenis Biorefining Webpage at 1). Attached at Ex. 2008 is a true and correct copy of a printout of Solenis's website titled "Biorefining" available at <http://solenis.com/en/solutions/market-specific-solutions/biorefining>.

6. Solenis began developing the DimensionTM products in 2009, when the company operated as Ashland Water Technologies (Ex. 2009, Frequently Asked Questions About Solenis' Corn Oil Extraction Patent at 1). The DimensionTM products are designed and advertised for use in ethanol production processes (*id.*). The DimensionTM products increase corn oil yield by improving the release of oil during mechanical extraction (*id.*). Solenis offers the DimensionTM products in both standard formulations as well as custom-formulated products (*id.*). Attached at Ex. 2009 is a true and correct copy of Solenis's article, "Frequently Asked Questions About Solenis' Corn Oil Extraction Patent," available for download at <http://cdn-solenis.netdna-ssl.com/files/9614/4537/3204/CornOilExtractionPatentFAQ.pdf>.

7. The DimensionTM products improve the release of corn oil during centrifugation by modifying the surface chemistry of solids and oil micelles in the syrup of a corn-to-ethanol process stream (Ex. 2010, DimensionTM Corn Oil

Extraction Aids at 1). Thus, the oil in the treated syrup is more easily released.

The DimensionTM products provide a number of benefits including: increased corn oil yield, improved corn oil quality, reduced system deposition, and reduced downtime (*id.*). Attached at Ex. 2010 is a true and correct copy of a printout of Solenis's website titled "DimensionTM Corn Oil Extraction Aids."

8. The DimensionTM products include the following: Dimension COE2061K (previously PTV M-5309), Dimension COE2061 (previously DPI-461), Dimension COE8058K (previously DPI-428), Dimension COE8058 (previously DPI-458), Dimension COE8143 (previously DPI-543), Dimension COE8143K (previously DPI-543K), Dimension COE8144 (previously DPI-543S), and Dimension COE8144K (previously DPI-543S Kosher) (see Ex. 2013, Line Card). Solenis adopted the DimensionTM tradename subsequent to its commercial launch of the underlying products. [REDACTED]

III. The DimensionTM Products Have Been Commercially Successful

9. The DimensionTM products enabled the corn oil extraction industry to increase corn oil yield, in some cases, by as much as 200 percent (Ex. 2011, "DimensionTM Corn Oil Extraction Aid Increases Corn Oil Yield and Improves Corn Oil Quality" at 1). Attached at Ex. 2011 is a true and correct copy of a printout of Solenis's website titled "DimensionTM Corn Oil Extraction Aid

Increases Corn Oil Yield and Improves Corn Oil Quality” available at <http://solenis.com/en/industries/biorefining/customer-successes/422/>.

10. Prior to Solenis’s commercialization of the DimensionTM products in 2010, there was no other chemical additive being marketed and sold for increasing corn oil extraction during the corn to ethanol process. I asked my finance team to provide me with sales of the DimensionTM products (including Dimension COE2061K, Dimension COE2061, Dimension COE8058K, Dimension COE8058, Dimension COE8143, Dimension COE8143K, Dimension COE8144, and Dimension COE8144K) from inception to present; I have attached a document showing those sales as Ex. 2012. I have also attached, as Ex. 2013, a line card showing the developmental nomenclature (which Solenis uses to track sales) and the commercial product name of each of the DimensionTM products. Exhibits 2012 and 2013, sales data and line card information, contain information that is kept by Solenis in the ordinary course of business, and I regularly rely on this information in performing my functions in the normal course of Solenis’s business.

11. As shown in Ex. 2012, the DimensionTM products were successful from the beginning. Solenis introduced the DimensionTM products to the market in October 2010 (*id.* at 6). In the products’ first full year on the market, Solenis sold [REDACTED] or about [REDACTED] in total sales (*id.* at 8).

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