

**SUPPLEMENTAL DECLARATION OF DAVID A. ROCKSTRAW, PH.D., P.E.**

**UNITED STATES PATENT NO. 8,962,059**

HYDRITE EXHIBIT 1025

Hydrite v. Solenis

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I, David A. Rockstraw, declare:

## **I. Scope Of Opinions**

1. This Supplemental Declaration supplements my previous declaration entitled “Declaration Of David A. Rockstraw, Ph.D., P.E., United States Patent No. 8,962,059,” Dated July 14, 2015 (Ex. 1005) (“Original Declaration”).
2. I have been asked to consider and supplement my opinions as to the invalidity of U.S. Patent No. 8,962,059 (“the ’059 Patent”) in view of the Patent Owner’s Response Under 37 C.F.R. § 42.120 (“Patent Owner’s Response”), the prior art relative to the ’059 Patent, and the degree to which the claimed invention would have been obvious to one skilled in the art, in light of the prior art at the time of the claimed invention.

## **II. Documents Particularly Relevant To This Supplemental Declaration**

**A. George R. Alther article, “Put the Breaks on: Removal of fats, oil, and greases is necessary to recycle water and meet discharge limits.” Chemical Engineering, Vol. 5, No. 3, March 1998 (“Alther”) (Ex. 1007)**

3. Alther appeared in the trade journal “Chemical Engineering” in 1998 and describes the use of various technologies to break emulsions. Alther provides an explanation of how demulsifying agents work, stating, “separation occurs when the agents insert themselves between the surfactant

molecules, increasing the intermolecular distance and weakening the binding forces constructed by the emulsifier.”

4. Alther identifies Polysorbate 80 as an emulsion breaker.
5. This article was described in more detail in my Original Declaration.

**B. U.S. Patent Application Publication No. 2008/0110577**

**(“Winsness”) May 15, 2008 (Ex. 1012)**

6. Winsness recognizes the need for more efficient and economical manners of recovering oil from byproducts created during the production of ethanol. Figure 2 and paragraphs [0043] and [0044] of Winsness describe an apparatus and method for recovering oil from byproducts created during the dry milling of corn to produce ethanol. The whole stillage leftover after deriving the ethanol can be mechanically separated into distillers wet grains and thin stillage using a centrifugal decanter. The resulting thin stillage is then introduced to an evaporator to create a syrup. The resulting syrup is delivered to a disk stack centrifuge which recovers some usable oil. The leftover syrup from the centrifuge is recombined with the distillers wet grains and dried.
7. This publication was described in more detail in my Original Declaration.

**C. The HLB System: a time-saving guide to emulsifier selection (ICI Americas, Inc.) 1980 (“ICI”) (Ex. 1008)**

8. This document prepared by ICI Americas, Inc. (manufacturer of the “TWEEN” brand line of surfactants) provides step-by-step training on the selection of an appropriate surfactant to form an emulsion. In doing so, the document also provides direct insight into methods that can be used to break an emulsion.
9. This article was described in more detail in my Original Declaration.

**D. Patent Owner’s Response Under 37 C.F.R. § 42.120 (“Patent Owner’s Response”)**

10. The Patent Owner’s Response was filed April 22, 2016. In addition to considering the Patent Owner’s Response (and its accompanying exhibits), I considered the deposition testimony of Patent Owner’s experts in Exhibits 1023 and 1024.

**E. “Surface Active Agents,” Atlas Powder Company (1950) (“Atlas”) (Ex. 1027)**

11. Atlas is a book prepared by Atlas Powder Company (manufacturer of the “TWEEN” brand line of surfactants at the time of publication) and provides

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