

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TENNANT COMPANY
Petitioner

v.

OXYGENATOR WATER TECHNOLOGIES, INC.,
Patent Owner

Patent No. RE45,415

DECLARATION OF JANELLE BEITZ

Introduction

1. I have prepared this Declaration in connection with the Petition for Inter Partes Review of U.S. Patent No. RE45,415, which I understand will be filed concurrently with this Declaration.
2. I am a Research Librarian at Fredrikson & Byron, P.A., located at 200 South Sixth Street, Minneapolis, Minnesota 55402.
3. I am over eighteen years of age, and I am competent to make this Declaration. I make this Declaration based on my own personal knowledge and based on my knowledge of library science practices.
4. I earned a Master's degree in Library and Information Science in 2011 from St. Catherine University, a Master's degree in Public Policy from the University of Minnesota in 2000, and a law degree from the University of Minnesota in 1998. I have worked as a research librarian for over 13 years. I have been employed in the Research and Knowledge Management Department at Fredrikson & Byron since the summer of 2015.

Aquariums for Dummies

5. Exhibit 1014 to the petition is the book Aquariums for Dummies ("AFD)." The copyright page in AFD (the fourth page of the Exhibit) indicates that the book was published by IDS Books Worldwide, Inc. and distributed in the United States, Canada, United Kingdom and elsewhere. The book contains a 1999

copyright notice, has been assigned an ISBN number and has Library of Congress Catalog Card No. 99-64202.

6. Exhibit 1015 to the Petition includes information showing that first IDG Books Worldwide, and now Wiley, is a well-known commercial publisher of the popular “For Dummies” book series.

7. Exhibit 1016 contains several reviews of AFD from 2002 and earlier. I downloaded the reviews from Amazon.com and saved them in PDF form on December 10, 2020.

Wendt Textbook

8. Exhibit 1017 submitted with the Petition is the front matter information and chapter 5 of the Wendt textbook. The copyright page in the Wendt textbook bears a 1999 copyright date. The book was published by Springer, a well-known publisher.

9. In December 2020, I sent a public availability date request to the British Library. Exhibit 1018, the response from the British Library, indicates that the textbook was receipted on March 29, 1999 and was available to the public as of that date.

10. I conducted an ISBN search and saved the results in PDF on February 8, 2021, submitted with the Petition as Exhibit 1019. The ISBN Search reflects a published date of February 1999.

11. Exhibits 1020, 1021 and 1022 are three articles published in 2001 and 2002 that cite to the Wendt textbook:

- Zhimin Qiang, et al., *Electrochemical Generation of Hydrogen Peroxide from Dissolved Oxygen in Acidic Solutions*, 36 WATER RSCH. 85 (2002);
- L.J.J. Janssen & L. Koene, *The Role of Electrochemistry and Electrochemical Technology in Environmental Protection*, 85 CHEM. ENG'G J. 137 (2002); and
- Massimiliano Bestetti, et al., *Zinc Electrowinning with Gas Diffusion Anodes: State of the Art and Future Developments*, 40 CANADIAN METALLURGICAL Q. 459 (2001).

All three articles were published in periodical journals by identified and reputable publishers.

Glembotsky

12. Exhibit 1023 to the Petition is the Glembotsky article originally published in Russian, and Exhibit 1024 is a certified translation. On November 17, 2020, I contacted the Linda Hall Library regarding the Glembotsky article. I ordered the front matter information for the article from the Linda Hall Library and obtained it on November 18, 2020. The front matter information from Linda Hall Library is Exhibit 1025 and bears a stamp dated June 3, 1974.

13. In December 2020, I sent a public availability date request to the British Library for the Glembotsky article. Exhibit 1026, the response from the British Library, indicates that an English translation of article was receipted on April 29, 1975 and was available to the public as of that date.

14. The British Library provided a copy of the cover page, reflecting a stamp with the date “April 29, 1975,” Exhibit 1027. The cover page also indicates that the article was published in Russian in Volume No. 5 of *Electrochemistry in Industrial Processing & Biology* in September – October 1973.

15. Exhibits 1028, 1029 and 1030 are three articles published in 1995 and earlier that cite Glembotsky:

- Klaus Müller, *Electroflotation from the Double Layer to Troubled Waters*, in *ELECTROCHEMISTRY IN TRANSITION* 21 (J. Murphy et al., eds., 1992);
- S. Venkatachalam, *Electrogenerated Gas Bubbles in Flotation*, 8 *M. PROCESSING AND EXTRACTIVE METALLURGY* R. 47 (1992); and
- J.P.F. Koren & U. Syversen, *State-of-the-art Electroflocculation*, 32 *FILTRATION & SEPARATION* 153 (Feb. 1995).

The Müller article was published by Springer. The Koren article was published by Elsevier Science. The Venkatachalam article was published in a periodical journal by an identified and reputable publisher.

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