

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Oxygenator Water Technologies, Inc.,

Civil No. 0:20-cv-00358 ECT/HB

Plaintiff,

v.

Tennant Company,

Defendant.

**EXHIBIT A TO THE JOINT PATENT CASE STATUS REPORT AND
CLAIM CONSTRUCTION STATEMENT**

Pursuant to the Pretrial Case Management Order (ECF No. 43, as modified by ECF No. 62), Plaintiff Oxygenator Water Technologies, Inc. (“OWT”) hereby provides Exhibit A to the Parties Joint Patent Case Status Report and Claim Construction Statement. In this exhibit, OWT identifies: (1) all references from the specification or prosecution history it intends to use to support its constructions; (2) any extrinsic evidence it intends to use to support its proposed construction or oppose the other party’s proposed construction; and (3) every witness, including experts, it proposes to call to offer testimony relating to claim construction; and for each expert, a summary of the opinion to be offered in sufficient detail to permit a meaningful deposition of that expert. In addition to the below identified extrinsic evidence, OWT may offer expert testimony concerning general principles of electrolysis and the design, structure, and operation of electrolysis equipment.

OWT makes these disclosures based on all of the disclosures Defendant Tennant Company (“Tennant”) has provided in this lawsuit to date, and in particular based on (1) Tennant’s Interrogatory Responses; (2) Tennant’s Claim Chart (including all supplemental charts); (3) Tennant’s Prior Art Chart and Invalidity Statement, and specifically the charts included with the Prior Art Chart and Invalidity Statement (*see* OWT’s Amended Reduction of Asserted Claims and Responsive Prior Art Chart and Invalidity Statement at 1-2); and (4) Tennant’s Amended Proposed Claim Terms for Construction and Extrinsic Evidence. OWT reserves the right to modify or supplement its proposed constructions in connection with any new positions or contentions provided by Tennant during the course of this litigation, based upon information acquired during discovery, in response to Tennant’s proposed constructions, as a result of the meet and confer process, or where good cause otherwise exists.

OWT also reserves the right to propose constructions and identify responsive intrinsic and extrinsic evidence upon receiving more detail about Tennant’s proposed constructions and the arguments that support those constructions during claim construction briefing, in particular if those constructions and argument differ in any way from the ones identified by Tennant in its previous disclosures or during the meet and confer process. As one example, Tennant agreed not to request the Court find any claim terms indefinite during claim construction proceedings. (ECF No. 64 at 3 n. 1.) To the extent Tennant attempts to renege on that agreement, OWT will need to supplement these disclosures.

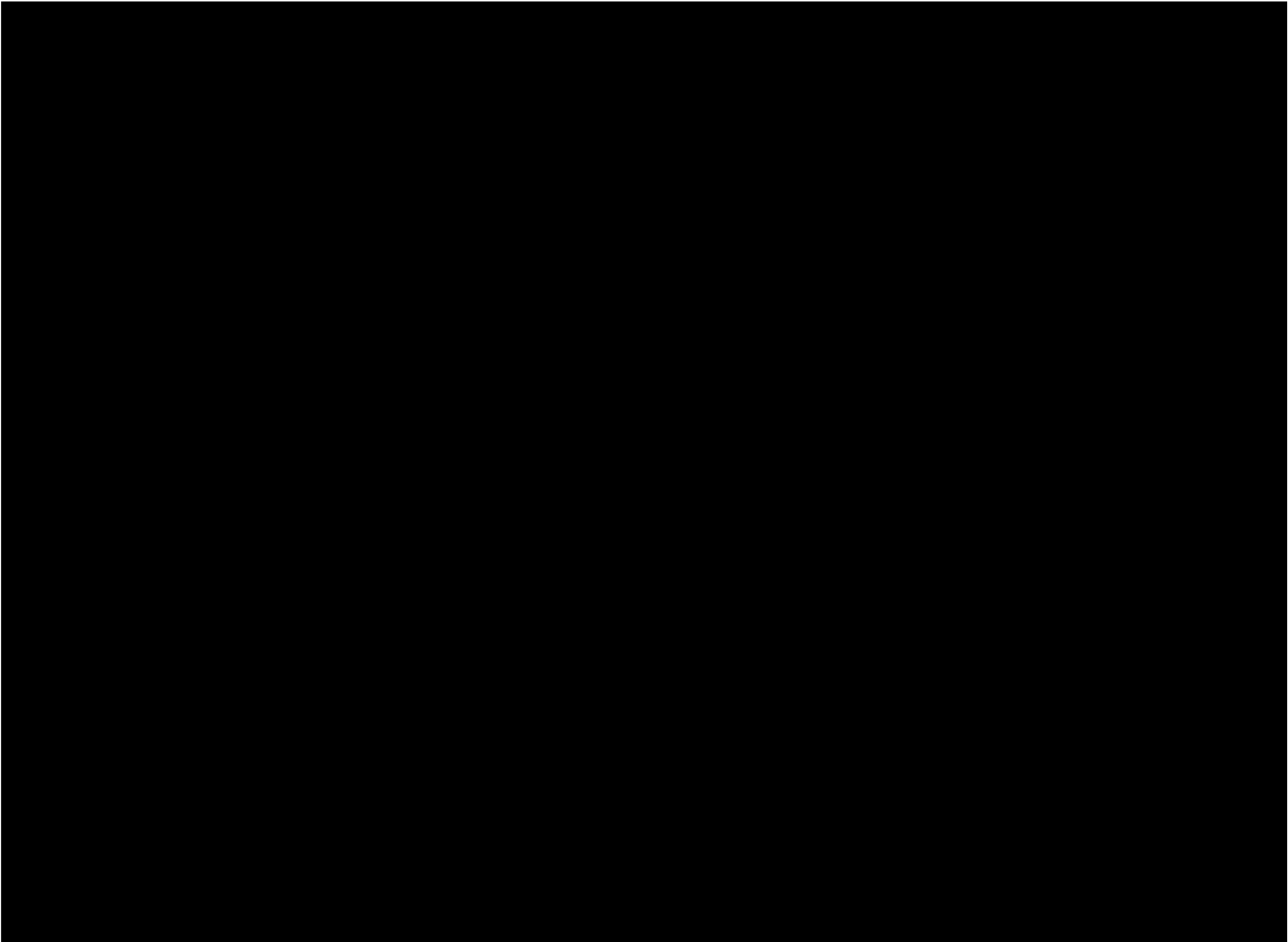
Finally, to the extent Tennant takes any additional positions in any Inter Partes Review proceeding that are in any way inconsistent from the positions it advances during Claim Construction proceedings in this Court, OWT reserves the right to rely on those inconsistent positions.

Date: April 13, 2021

/s/ Nathan D. Louwagie
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OWT's construction	Intrinsic Evidence	Extrinsic Evidence ¹
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