

Declaration of Benny D. Puck

I, Benny D. Puck, do hereby declare as follows:

1. I am over the age of 18. I currently reside in Manning, Iowa.
2. I am the Founder of Puck Custom Enterprises, Inc. (“Puck”). I started Puck in 1979. Since then, Puck has been designing and manufacturing pumps and pumping equipment for various industries, including firefighting, fuel transport, and agricultural industries. I have been working with pumps for 45 years.
3. I am the inventor listed on U.S. Patent Application Publication No. 2014/0112093; U.S. Patent No. 9,462,741; and U.S. Patent No. 9,572,297.
4. In 2012, I was employed by Puck and involved in new product development, including the design, development, production, public use, public display, and marketing efforts of the Puck agitation boat (“Puck Agitation Boat”), which was designed and built in 2011. An image of the Puck Agitation Boat, dated September 19, 2012, is shown below (*see* Exhibit A):



Puck Agitation Boat - 2012



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Puck Agitation Boat on a dairy lagoon. Three underwater nozzles create vertical agitation to bring solids on the bottom of the lagoon into suspension for pump-out. A nozzle above the surface of the water is used to clean up banks and remove thick crusts.

5. Prior to 2013, it was Puck’s standard business practice to publicly post videos of its products to Puck’s YouTube channel to generate public interest in its products.

6. The Puck Agitation Vehicle was the subject of numerous publicly posted videos on Puck’s YouTube channel prior to 2013.

7. Exhibit A is a video that truthfully and accurately depicts and describes the Puck Agitation Boat. Exhibit A was uploaded to YouTube and publicly listed and available on September 19, 2012, at Puck Enterprises, Inc., *Puck Agitation Boat – 2012*, YOUTUBE (Sept. 19, 2012), <https://www.youtube.com/watch?v=1fRPrwGUyM0>. Since then, the video of Exhibit A has remained publicly searchable and available on YouTube. Included below is a true and accurate screenshot of Exhibit A.



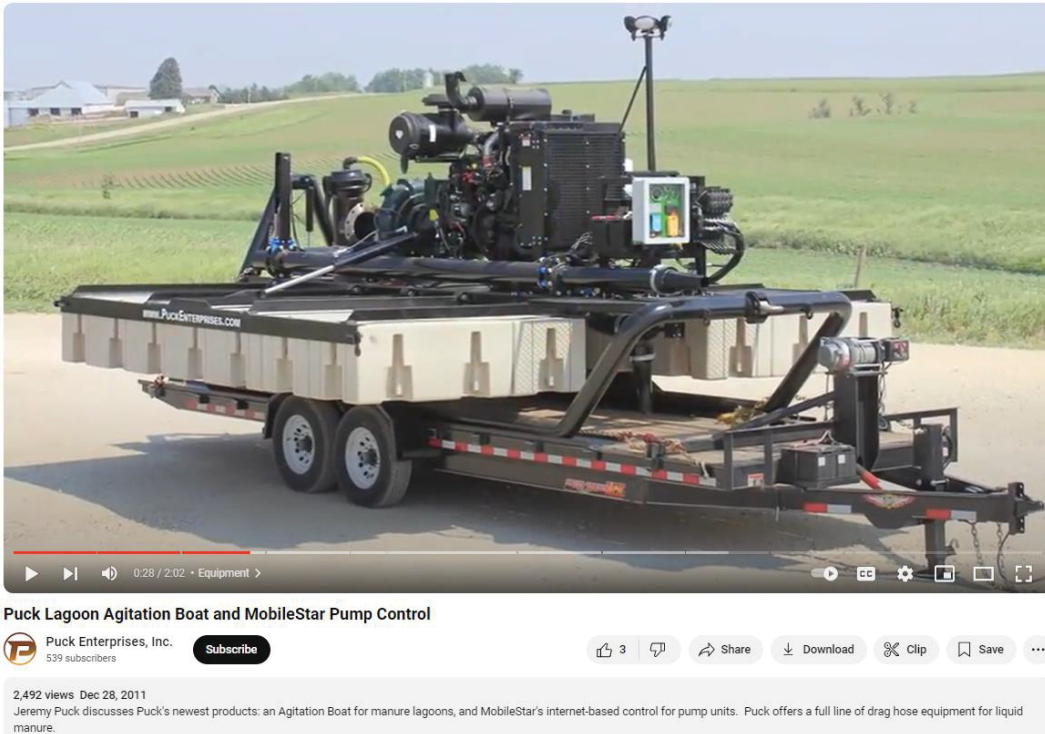
Puck Agitation Boat - 2012

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Puck Agitation Boat on a dairy lagoon. Three underwater nozzles create vertical agitation to bring solids on the bottom of the lagoon into suspension for pump-out. A nozzle above the surface of the water is used to clean up banks and remove thick crusts.

8. Exhibit B is a video that truthfully and accurately depicts and describes the Puck Agitation Boat. Exhibit B was uploaded to YouTube and publicly listed and available on December 28, 2011, at Puck Enterprises, Inc., *Puck Lagoon Agitation Boat and MobileStar Pump Control*, YOUTUBE (Dec. 28, 2011), <https://www.youtube.com/watch?v=cMplzZ6lRYE>. Since then, the video of Exhibit B has remained publicly searchable and available on YouTube. Included below is a true and accurate screenshot of Exhibit B.



9. Exhibit C is a video that truthfully and accurately depicts and describes the Puck Agitation Boat. Exhibit C was uploaded to YouTube and publicly listed and available on August 10, 2011, at Puck Enterprises, Inc., *Puck Agitation Boat - Jeremy Puck*, YOUTUBE (Aug. 10, 2011), <https://www.youtube.com/watch?v=1MqPldkqOq4>. Since then, the video of Exhibit C has remained publicly searchable and available on YouTube. Included below is a true and accurate screenshot of Exhibit C.



Puck Agitation Boat - Jeremy Puck



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3,138 views Aug 10, 2011

Jeremy Puck explains the benefits of Puck's agitation boat.

10. Exhibit D is a video that truthfully and accurately depicts and describes the Puck Agitation Boat. Exhibit D was uploaded to YouTube and publicly listed and available on Jul. 29, 2011, at Puck Enterprises, Inc., *Puck Agitation Boat - Ben Puck*, YOUTUBE (Jul. 29, 2011), <https://www.youtube.com/watch?v=gfNO0bi0uk0>. Since then, the video of Exhibit D has remained publicly searchable and available on YouTube. Included below is a true and accurate screenshot of Exhibit D.



Puck Agitation Boat - Ben Puck



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2,524 views Jul 29, 2011

Ben Puck talks about Puck's lagoon agitation boat.

11. Exhibit E is a video that truthfully and accurately depicts and describes the Puck Agitation Boat. Exhibit E was uploaded to YouTube and publicly listed and available on Sep 9, 2011, at Puck Enterprises, Inc., *Puck Agitation Boat - Front Cannon 8.30.11*, YOUTUBE (Sep 9, 2011), <https://www.youtube.com/watch?v=4whiyZZ9N3s>. Since then, the video of Exhibit E has remained publicly searchable and available on YouTube. Included below is a true and accurate screenshot of Exhibit E.

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