

## PATENT ASSIGNMENT COVER SHEET

Electronic Version v1.1  
 Stylesheet Version v1.2

EPAS ID: PAT8204301

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT	
<b>NATURE OF CONVEYANCE:</b>	CORRECTION BY DECLARATION ERRONEOUSLY FILED AGAINST REEL/FRAAME:063722/0722	
<b>CONVEYING PARTY DATA</b>		
	<b>Name</b>	<b>Execution Date</b>
	BRISBEN WATER SOLUTIONS LLC	05/15/2019
<b>RECEIVING PARTY DATA</b>		
<b>Name:</b>	BRISBEN WATER SOLUTIONS LLC	
<b>Street Address:</b>	23 NORTH BEACH ROAD	
<b>City:</b>	JUPITER CITY	
<b>State/Country:</b>	FLORIDA	
<b>Postal Code:</b>	33455	
<b>PROPERTY NUMBERS Total: 14</b>		
<b>Property Type</b>	<b>Number</b>	
Patent Number:	7699988	
Patent Number:	7699994	
Patent Number:	7785470	
Patent Number:	7943087	
Patent Number:	8318027	
Patent Number:	8721898	
Patent Number:	8858064	
Patent Number:	8906242	
Patent Number:	8936392	
Patent Number:	8968577	
Patent Number:	8999154	
Patent Number:	9034180	
Patent Number:	9169146	
Patent Number:	9266752	
<b>CORRESPONDENCE DATA</b>		
<b>Fax Number:</b>	(214)764-8389	
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>		
<b>Phone:</b>	214-367-6000	
<b>Email:</b>	claudia.alvarado@klemchuk.com	

PATENT

<b>Correspondent Name:</b>	KLEMCHUK PLLC, C/O C. ALVARADO
<b>Address Line 1:</b>	8150 N CENTRAL EXPRESSWAY, 10TH FLOOR
<b>Address Line 4:</b>	DALLAS, TEXAS 75206

<b>ATTORNEY DOCKET NUMBER:</b>	3550.0001_2
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<b>NAME OF SUBMITTER:</b>	DARIN M. KLEMCHUK
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<b>SIGNATURE:</b>	/Darin M. Klemchuk/
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<b>DATE SIGNED:</b>	10/04/2023
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**Total Attachments: 12**

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**DECLARATION OF WILLIAM BRISBEN  
TO CORRECT ERRONEOUS PATENT ASSIGNMENTS  
PURSUANT TO MPEP § 323.01(C)**

**I. INTRODUCTION**

1. Brisben Water Solutions LLC ("Brisben"), the correct owner of U.S. Patents: 7,699,988; 7,699,994; 7,785,470; 7,943,087; 8,318,027; 8,721,898; 8,858,064; 8,906,242; 8,936,392; 8,968,577; 8,999,154; 9,034,180; 9,169,146; and 9,266,752, (collectively, the "Patents") files this declaration to correct an erroneous Security Interest recorded by Brett F. Miller of Ward, Smith & Hill, PLLC on behalf of RKB Hydrotech Professional, LLC ("Hydrotech"), under Reel 057538/Frame 0499, executed on March 17, 2021 (**Exhibit 1**), and the erroneously filed May 22, 2023, Release of Security Interest (**Exhibit 4**), also filed by Brett F. Miller on behalf of Hydrotech under Reel 063722/Frame 0722 purportedly releasing its non-existent security interest in the Patents back to Econonix, LLC ("Econonix").

2. A copy of each of the erroneous Cover Sheets is attached as **Exhibits 1 and 4**.

3. The erroneous filings affected the 14 U.S. Patents numbered above, all owned by Brisben.

**II. CHAIN OF TITLE OF THE PATENTS VESTS OWNERSHIP WITH BRISBEN**

4. A summary of the chain of title is as follows: The inventions were patented by one or more of the following inventors: Dennis McGuire, Dennis McGuire, JR., James T. Thomas, Anthony W. Baldwin, and Sanjeev Jakhete. The inventors all assigned their patents to Ecosphere Technologies, Inc., ("ETI"). While ETI licensed its patents, it never conveyed or assigned any of them. In 2018, ETI filed for Chapter 11 bankruptcy, and Brisben purchased ETI's patents in the bankruptcy, which included each of the 14 Patents listed above.

5. The assignment of the Patents from ETI to Brisben was recorded on May 31, 2019 under Reel 049326/Frame 0590. See **Exhibit 2**.

6. No individuals or entities other than the original inventors, ETI, and Brisben have ever had the right to assign the Patents or pledge them as security.

7. Ecozonix, as purported assignor, never held title to the Patents and so the purported assignment of the Patents to Hydrotech, was never valid.

### III. ERRONEOUS FILINGS BY BRETT MILLER ON BEHALF OF HYDROTECH

8. On September 17, 2021, Brett F. Miller on behalf of Hydrotech filed a Patent Assignment Cover Sheet (**Exhibit 1**) that stated it was a "New Assignment" of a "Security Interest" in the Patents. The Cover Sheet identified Ecozonix as the "Conveying Party" and Hydrotech as the "Receiving Party" of the purported Assignment. These statements are false because neither Ecozonix nor Hydrotech had ownership rights in the Patents at the time the Cover Sheet was filed and further neither party had the right to assign or file an assignment affecting the Patents at the time the Cover Sheet was filed.

9. On April 7, 2022, counsel for Brisben wrote to Brett F. Miller, counsel for Hydrotech, and established that the security interest filing was in error and requested Mr. Miller and his client to file a release of the security interest. See **Exhibit 3**. For over a year, Mr. Miller and his client Hydrotech refused to correct the erroneous filings and in fact, demanded concessions from Brisben before it would withdraw the false security interest filing.

10. On May 9, 2023, Mr. Miller on behalf of Hydrotech filed a "Release of Security Interest," releasing its non-existent security interest in the Patents back to Ecozonix. See **Exhibit 4**.

#### IV. CONCLUSION

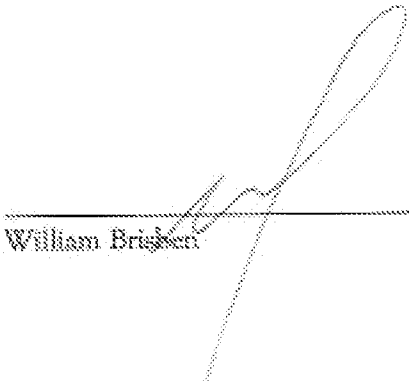
11. Ecozonix never held an ownership interest in the Patents that it could have assigned to Hydrotech. Thus, the subsequent recordation of those assignments by Brett Miller on behalf of Hydrotech are null and void, and the subsequent release of the security interest is similarly invalid and does not vest any such interest in the Patents with Ecozonix or Hydrotech.

12. Brieben was, and continues to be, the true owner of the Patents.

#### TRUTH STATEMENT FOR CORRECTION BY DECLARATION

I declare that, to the best of my knowledge and belief, the information herein is true and complete. I understand this statement is made for use as evidence in court and is subject to penalty for perjury.

Executed on June 30, 2023.

  
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William Brieben

Electronic Version v1.1  
 Stylesheet Version v1.2

EPAS ID: PAT6922742

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT
<b>NATURE OF CONVEYANCE:</b>	SECURITY INTEREST
<b>CONVEYING PARTY DATA</b>	
<b>Name</b>	<b>Execution Date</b>
ECOZONIX, LLC	03/17/2021
<b>RECEIVING PARTY DATA</b>	
<b>Name:</b>	RKB HYDROTECH PROFESSIONAL, LLC
<b>Street Address:</b>	302 WHALEY STREET
<b>City:</b>	LONGVIEW
<b>State/Country:</b>	TEXAS
<b>Postal Code:</b>	75605
<b>PROPERTY NUMBERS Total: 14</b>	
<b>Property Type</b>	<b>Number</b>
Patent Number:	7699994
Patent Number:	7699988
Patent Number:	7785470
Patent Number:	7943087
Patent Number:	8318027
Patent Number:	8721898
Patent Number:	9169146
Patent Number:	8906242
Patent Number:	9266752
Patent Number:	9034180
Patent Number:	8999154
Patent Number:	8968577
Patent Number:	8936392
Patent Number:	8858064
<b>CORRESPONDENCE DATA</b>	
<b>Fax Number:</b>	(903)757-2323
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>	
<b>Phone:</b>	9037576400
<b>Email:</b>	bmiller@wsfirm.com

506875920

**PATENT**  
 DECI - 065128 FRAME - 0100  
**PATENT**  
 REEL: 065128 FRAME: 0398

**Correspondent Name:** BRETT F. MILLER  
**Address Line 1:** 1507 BILL OWENS PARKWAY  
**Address Line 4:** LONGVIEW, TEXAS 75604

<b>NAME OF SUBMITTER:</b>	BRETT F. MILLER
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<b>SIGNATURE:</b>	/Brett F. Miller/
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<b>DATE SIGNED:</b>	09/17/2021
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**Total Attachments: 4**

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**PATENT ASSIGNMENT COVER SHEET**Electronic Version v1.1  
Stylesheet Version v1.2

EPAS ID: PAT5548740

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT	
<b>NATURE OF CONVEYANCE:</b>	ASSIGNMENT	
<b>CONVEYING PARTY DATA</b>		
<b>Name</b>		<b>Execution Date</b>
ECOSPHERE TECHNOLOGIES, INC		05/15/2019
<b>RECEIVING PARTY DATA</b>		
<b>Name:</b>	BRISBEN WATER SOLUTIONS LLC	
<b>Street Address:</b>	23 NORTH BEACH ROAD	
<b>City:</b>	JUPITER ISLAND	
<b>State/Country:</b>	FLORIDA	
<b>Postal Code:</b>	33455	
<b>PROPERTY NUMBERS Total: 19</b>		
<b>Property Type</b>	<b>Number</b>	
Application Number:	14950811	
Application Number:	15602976	
Patent Number:	7699994	
Patent Number:	7699988	
Patent Number:	7785470	
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Patent Number:	8593102	
Patent Number:	8721898	
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Patent Number:	8936392	
Patent Number:	8906242	
Patent Number:	8968577	
Patent Number:	8999154	
Patent Number:	9034180	
Patent Number:	9169146	
Patent Number:	9266752	
Patent Number:	9403697	
Patent Number:	9856568	



**CORRESPONDENCE DATA****Fax Number:** (617)542-2241*Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.***Phone:** 6175426000**Email:** IPDocketinBOS@mintz.com, arnegri@mintz.com**Correspondent Name:** NICHOLAS ZACHARIADES**Address Line 1:** ONE FINANCIAL CENTER**Address Line 4:** BOSTON, MASSACHUSETTS 02110

<b>NAME OF SUBMITTER:</b>	NICHOLAS A. ZACHARIADES
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<b>SIGNATURE:</b>	/Nicholas A. Zachariades/
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<b>DATE SIGNED:</b>	05/31/2019
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**Total Attachments: 4**

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*Legal Counsel.*

DINSMORE & SHOHL LLP  
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Jaci L. Overmann  
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Jaci.Overmann@Dinsmore.com

Dinsmore

April 7, 2022

**VIA FEDERAL EXPRESS & EMAIL**

Brett F. Miller  
Partner  
Counsel for RKB Hydrotech Professionals, LLC  
Ward, Smith & Hill, PLLC  
1507 Bill Owens Parkway  
Longview, Texas 75604

**RE:                   Infringement of Patents and Trademarks owned by Brisben  
Water Solutions LLC**

Dear Mr. Miller:

As you are aware, our firm represents Brisben Water Solutions LLC ("**Brisben**") in connection with its intellectual property and enforcement matters. We write in regards to your client, RKB Hydrotech Professionals, LLC ("**RKB**"), and its use of certain trademarks owned by Brisben to advertise and offer to sell products and services that are covered by one or more patents owned by Brisben.

From a review of RKB's website, we understand that RKB is using a trademark owned by Brisben (Ozonix®) and purporting to sell products and services that are covered by patents owned by Brisben. These same trademark and patents are licensed by Brisben to Ecozonix, LLC ("**Ecozonix**") for use in a specific field of use relating to energy produced from natural resources. We are not aware of any sublicense between Ecozonix and RKB or any other right or permission that would allow RKB to use Brisben's intellectual property. Based on this understanding and the facts currently known to us, this letter sets forth certain demands that our client has of RKB.

Brisben has spent valuable resources maintaining these patents and trademarks and the goodwill therein. As such, Brisben takes infringements of its intellectual property rights very seriously and will not allow any third party to exploit its patents without due compensation or damage its goodwill by encroaching upon its trademark rights and creating brand confusion or causing other irreparable harms to its business interests.

**Infringement of Brisben's Trademark OZONIX**

Brisben is the owner of all right, title and interest in and to the OZONIX mark, U.S. Reg. No. 4,245,979 ("**Brisben Mark**"), which is featured prominently on RKB's website. An example of RKB's use, as of the date of this letter, is shown in the screen shot of the RKB website's "Products" tab (<http://www.hydrotechpro.com/products/>). The screen shot is attached to this letter as Exhibit A.

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Page 2

RKB's use of the OZONIX mark is a clear violation of the Lanham Act, 15 U.S.C. § 1114(1)(a), which prohibits "any person . . . without consent of the registrant [from] us[ing] in commerce any reproduction, counterfeit, copy or colorable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive." Moreover, 15 U.S.C. § 1125(a)(1)(A) prohibits "any person . . . on or in connection with any goods or services, or any container for goods, [from] us[ing] in commerce any word, term, name, symbol, or device, or any combination thereof, or any false designation of origin . . . which is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of such person with another person, or as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person."

As you are aware, Brisben offers licenses of the Brisben Mark to other entities, including Ecozonix, as explained above. As a result, Brisben is particularly concerned that consumers will be confused by RKB's use of OZONIX for its goods and services and will mistakenly believe its goods and services are associated with or authorized by Brisben or its other legitimate licensees, when this is not the case.

Brisben hereby demands that RKB immediately cease and desist from all use of the OZONIX mark.

#### **Infringement of Brisben's Patents**

Brisben is the owner of more than 15 patents relating to technology for cleaning water ("**Brisben Patents**"). RKB's website offers water-cleaning services that use Brisben's patented Ozonix process, specifically listing 13 of the Brisben Patents on its website (<http://www.hydrotechpro.com/media/1104/approved-united-states-patents.pdf>, attached as Exhibit B to this letter). RKB's website seems to market these services in a variety of industries, including oil and gas and emergency / disaster preparedness, as shown in Exhibit B.

Such use of the Brisben Patents is a clear act of infringement under 35 U.S.C. § 271(a), which states that "whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefor, infringes the patent."

As explained above, Brisben offers licenses to the Brisben Patents to other entities. As a result, Brisben is particularly concerned with the negative business consequences of allowing unauthorized parties to use its patent rights, without permission from or accounting to Brisben for such use. In fact, your recording of a security interest with the United States Patent and Trademark Office ("**USPTO**") for several of the Brisben Patents has already negatively interfered with Brisben's license negotiations with another party. As my partner, Nicole Nan, mentioned to you on the phone, this recorded security interest is vague and does not explicitly state that the security interest attaches to a license right, rather than ownership rights, in these Brisben Patents.

Brisben hereby demands that RKB immediately cease and desist from all further activity that infringes the claims of the Brisben Patents and provide Brisben with sufficient information to determine the number of all infringing products and services made, used, offered for sale, sold or imported and all proceeds therefrom and pay suitable damages for the infringement. Additionally, Brisben demands that RKB record a release of the current security interest that is recorded with the USPTO and references any Brisben Patents as it is inaccurate and misleading and does not clearly describe the collateral.

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**Ecozonix Relationship**

We understand that there is some relationship between RKB and Ecozonix. We also acknowledge that it is entirely possible that Ecozonix may have sublicensed, or purported to have sublicensed, the Brisben Mark, Brisben Patents or other forms of Brisben's intellectual property to RKB. If that is the case, please provide us with a copy of the subject sublicense agreement.

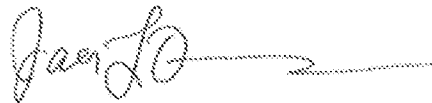
We understand that you do not have a copy of the license agreement between Brisben and Ecozonix. You should be aware that Ecozonix does not have the right to provide sublicenses in fields of use that are outside of the field of use granted under the license, which is specific to treating any product, waste, by-product or other items generated during the exploration, production, refining and distribution of energy from natural resources. Moreover, Ecozonix does not have the right to provide a sublicense to the Brisben Mark. Finally, Ecozonix cannot assign any of its rights under the license agreement with Brisben without Brisben's written consent, even if the license is pledged as collateral by Ecozonix.

Please provide us with written assurances by **April 15, 2022**, that RKB will comply with our demands, and explain the steps taken, as well as any further actions that must be completed.

This letter is written without prejudice to our client's rights and remedies, including the right to seek an injunction, disgorgement of profits and attorney's fees, or the enforcement of other forms of intellectual property owned by our client, such as trade secrets, all of which are expressly reserved.

We appreciate your cooperation in this matter and look forward to hearing from you. If you have any questions please do not hesitate to contact me at the contact information above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jaci L. Overmann', followed by a horizontal line extending to the right.

Jaci L. Overmann

Enclosures

Cc: Nicole S. Nan, Esq.

**PATENT ASSIGNMENT COVER SHEET**

Electronic Version v1.1

Stylesheet Version v1.2

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT
<b>NATURE OF CONVEYANCE:</b>	RELEASE OF SECURITY INTEREST
<b>CONVEYING PARTY DATA</b>	
<b>Name</b>	<b>Execution Date</b>
RKB HYDROTECH PROFESSIONAL, LLC	05/09/2023
<b>RECEIVING PARTY DATA</b>	
<b>Name:</b>	ECOZONIX, LLC
<b>Street Address:</b>	2200 ROSS AVENUE
<b>Internal Address:</b>	SUITE 3700 C/O KIRSTIE SIMMERMAN
<b>City:</b>	DALLAS
<b>State/Country:</b>	TEXAS
<b>Postal Code:</b>	75201
<b>PROPERTY NUMBERS Total: 14</b>	
<b>Property Type</b>	<b>Number</b>
<b>Patent Number:</b>	7699994
<b>Patent Number:</b>	7699988
<b>Patent Number:</b>	7785470
<b>Patent Number:</b>	7943087
<b>Patent Number:</b>	8318027
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<b>Patent Number:</b>	8936392
<b>Patent Number:</b>	8858064
<b>CORRESPONDENCE DATA</b>	

HYDROTECH 00000000

PATENT

REEL: 065128 FRAME: 0405

2023, 3:07 PM

**Fax Number:** (903)757-2323  
**Phone:** 903-757-6400  
**Email:** bmiller@wsfirm.com

*Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.*

**Correspondent Name:** BRETT F. MILLER  
**Address Line 1:** 1507 BILL OWENS PARKWAY  
**Address Line 4:** LONGVIEW, TEXAS 75604

<b>NAME OF SUBMITTER:</b>	BRETT F. MILLER
---------------------------	-----------------

<b>Signature:</b>	/Brett F. Miller/
-------------------	-------------------

<b>Date:</b>	05/22/2023
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**Total Attachments: 1**  
source=NOTICE OF RELEASE OF SECURITY INTEREST - signed for filing#page1.tif

**RECEIPT INFORMATION**

**EPAS ID:** PAT7966024  
**Receipt Date:** 05/22/2023

PATENT

RECORDED: 10/04/2023

REEL: 065128 FRAME: 0406