



ENDLESS SURF

Endless Surf successfully asserts invalidity of AWM wave sequencing patent in IPR review

Endless Surf represents the evolution of WhiteWater's 40-year history of building hundreds of wave pools around the world, most of which are still in operation today. This legacy as a pneumatic wave system pioneer was disregarded by a number of AWM's patent applications, which should never have been granted because WhiteWater's wave technology predated and therefore invalidates the AWM claims. Now that it has been clearly established that AWM's sequential wave generation patents are invalid, no good faith basis exists for AWM to continue to threaten customers or the industry with such patents.

Endless Surf, with the backing of the pneumatics industry (Surf Loch, ADG, Murphys Waves), filed IPR petitions to the US Patent and Trademark Office to have certain AWM patents invalidated, in response to AWM's aggressive letters to our clients about alleged infringement. Endless Surf is therefore delighted to share that we successfully invalidated all of the independent claims of the AWM patent relating to sequential wave generation. The few dependent claims of the '966 Patent that survived are directed to a specific approach used to determine the timing of sequential activation of the valve structures in each of the chambers. The technology of current and future generations of Endless Surf lagoons has a more advanced system that does not rely on the older technology contained with these remaining dependent claims.

WhiteWater's 1985 Wave Sequencing Patent (U.S. Patent No. 4,999,860¹) remains industry standard

The US Patent office decision directs that the AWM patent claims were not new inventions and are invalid because they are based on WhiteWater's technology which predates the formation of AWM by 15 years. This decision confirms WhiteWater's legacy as one of the original wave pool innovators. This heritage is carried forward with Endless Surf's own technical innovations to shape the most advanced waves yet to be seen. The ongoing research, development and engineering evolving this technology are being rewarded by the granting of new patents in the US and around the world, confirming the revolutionary nature of Endless Surf technology.

Despite these findings AWM continues their campaign against Endless Surf, promoting a loop-hole in the IPR process which limits patent challenges to printed publications, preventing WhiteWater from relying upon its prior art wave pool installations in connection with its challenge of AWM's 263 Patent, which would be admissible in any other arena. Prior to challenging the AWM patents, Endless Surf offered to AWM an opportunity to review the Endless Surf technology to demonstrate non infringement, but AWM declined, instead pursuing a negative PR approach. These tactics are a form of competition reflecting the maturity stage of the industry, before multiple successful installations speak for themselves. Having successfully confirmed that WhiteWater's technology both predates and invalidates AWM's sequential wave generation patents, Endless Surf rededicates its focus on bringing the most technologically advanced waves to the world.

Endless Surf's focus is on supporting incredible surf venues in development around the world

Endless Surf's over a dozen confirmed projects across the globe already speak for the confidence surf entrepreneurs have in our technology. Investors and clients should not be alarmed by the AWM narrative; but look forward to the next generation of pneumatic waves Endless Surf delivers, which do not use the basis of the 263 patent. Endless Surf's ever-expanding patent portfolio provides robust protections for ES innovations, ensuring a bright future for ES and its growing customer base for years to come.

¹ The 860 Patent expired on March 8, 2008

