UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIFECORE FITNESS, INC. d/b/a ASSAULT FITNESS
Petitioner,

v.

WOODWAY USA, INC.
Patent Owner.

IPR2023-00849
Patent 10,799,745

# Patent Owner's Mandatory Notices Under 37 C.F.R. § 42.8

Pursuant to 37 C.F.R. § 42.8, Patent Owner Woodway USA, Inc. ("Woodway") provides these Mandatory Notices. These Notices are timely, having been filed within 21 days of service of the Petition (Paper 1) on Woodway's litigation counsel of record via email on April 14, 2023, which per the Petitioner was also sent via overnight courier to the designated correspondence address for Patent Owner.

## I. Real Party-in-Interest Pursuant to 37 C.F.R. § 42.8 (b)(1):

Woodway is the sole assignee of U.S. Patent 10,799,745 ("the '745 patent").

## II. Related Matters Pursuant to 37 C.F.R. § 42.8 (b)(2):

The '745 patent is the subject of ongoing litigation in *Woodway USA, Inc. v. LifeCore Fitness, Inc. d/b/a Assault Fitness*, Case No. 3:22-cv-00492-JO-BLM (S.D. Cal.).

## III. Lead and Back-Up Counsel Pursuant to 37 C.F.R. § 42.8(b)(3):

Woodway designates the following Lead and Back-up Counsel:

| Lead Counsel | Back-up Counsel |
|---|---|
| Richard J. McKenna<br>Foley & Lardner LLP<br>777 East Wisconsin Avenue<br>Milwaukee, WI 53202<br>Direct Line: 414-297-5723<br>Fax: 414-297-4900<br>Email: rmckenna@foley.com<br>USPTO Reg. No. 35,610 | Kadie M. Jelenchick<br>Foley & Lardner LLP<br>777 East Wisconsin Avenue<br>Milwaukee, WI 53202<br>Direct Line: 414-319-7324<br>Fax: 414-297-4900<br>Email: kjelenchick@foley.com<br>(*pro hac vice* admission to be requested) |

## IV. Service Information Pursuant to 37 C.F.R. § 42.8(b)(4):

Please address all correspondence to the lead counsel at the address shown above. Woodway consents to electronic service by email at:

rmckenna@foley.com

kjelenchick@foley.com

Any questions concerning this paper may be directed to lead counsel.

| | |
|---|---|
| Dated: May 2, 2023 | Respectfully submitted,<br><br>/R.J. McKenna/<br>Richard J. McKenna<br>Registration No. 35,610<br>Counsel for Patent Owner |

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Patent Owner's Mandatory Notices Under 37 C.F.R. § 42.8** was served on May 2, 2023, by email to Petitioner's counsel of record:

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Dated: May 2, 2023

/R.J. McKenna/
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