UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

WOODWAY USA, INC.
Patent Owner.

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U.S. Patent No. 10,799,745 to Bayerlein et al.

Case No.: IPR2023-00849

PETITIONER'S UPDATED MANDATORY NOTICE

PETITIONER'S UPDATED EXHIBIT LIST

Exhibit #	Description
1001	U.S. Patent No. 10,799,745 ("the '745 Patent")
1002	U.S. Patent No. 10,799,745 File History ("the '745 Patent File History")
1003	Declaration of Robert Giachetti, Ph.D. P.E. ("Giachetti")
1004	Robert Giachetti, Ph.D. P.E. Curriculum Vitae ("Giachetti CV")
1005	Complaint, *Woodway USA, Inc., v. LifeCORE Fitness, Inc. d/b/a Assault Fitness*, Case No. 3:22-cv-00492-JO-BLM, Southern District of California, Filed April 11, 2022 ("Complaint") (Ex. 1005 at 1-8) Waiver of Service (April 13, 2022) (Ex. 1005 at 9-10)
1006	Amended Complaint, *Woodway USA, Inc., v. LifeCORE Fitness, Inc. d/b/a Assault Fitness*, Case No. 3:22-cv-00492-JO-BLM, Southern District of California, Filed October 24, 2022 ("Amended Complaint")
1007	Treadmills: Supplier Guide © 2010. Trade Practices (Consumer Product Safety Standard) (Treadmills) Regulations 2009 ("ACCC Product Safety Supplier Guide")
1008	U.S. Patent No. 641,424 to Ziebell ("Ziebell")
1009	U.S. Patent No. 1,211,765 to Schmidt ("Schmidt")
1010	U.S. Patent No. 4,614,337 to Schonenberger ("Schonenberger")
1011	U.S. Patent No. 5,897,461 to Socwell ("Socwell")
1012	U.S. Patent No. 5,538,489 to Magid ("Magid")
1013	U.S. Patent No. 3,637,206 to Chickering ("Chickering")
1014	U.S. Patent No. 3,642,279 to Cutter ("Cutter")
1015	U.S. Patent No. 6,042,514 to Abelbeck ("Abelbeck")
1016	Power Transmission Handbook, (Power Transmission Distributors Association 1993) ("PT Handbook") (available at https://cod.on.worldcat.org/oclc/49571648)
1017	Neil Sclater and Nicholas P. Chironis, Mechanisms & Mechanical Devices Sourcebook, Third Ed., (McGraw-Hill 2001) ("Sclater") (available at https://catalog.loc.gov/vwebv/holdingsInfo?searchId=26&recCount=25&recPointer=0&bibId=12308523)
1018	Mechanical Clutches and Torque Overload Devices, (Emerson Industrial Automation, 2001) ("Emerson")
1019	Standard Specification for Motorized Treadmills, (ASTM, 2005) ("ASTM Standard")

Exhibit #	Description
1020	Stationary Training Equipment – Part 6: Treadmills, additional specific safety requirements and test methods. (ISO, 2005) ("ISO Standard")
1021	U.S. Patent No. 8,986,169 File History ("the '169 Patent File History")
1022	Responsive Claim Constructions, *Woodway USA, Inc., v. LifeCORE Fitness, Inc. d/b/a Assault Fitness*, Case No. 3:22-cv-00492-JO-BLM, Southern District of California, Filed January 5, 2022
1023	United States District Courts – National Judicial Caseload Profile, December 2022
1024	Inhabitat, "HUMAN-POWERED GYMS in Hong Kong" (March 8, 2007) (available at https://inhabitat.com/human-powered-gyms-in-hong-kong/)
1025	Minute Order, *Woodway USA, Inc., v. LifeCORE Fitness, Inc. d/b/a Assault Fitness*, Case No. 3:22-cv-00492-JO-BLM, Southern District of California, March 30, 2023.
1026	U.S. Patent No. 10,561,884 File History ("the '884 File History")
1027	Claim Construction Brief, *Woodway USA, Inc., v. LifeCORE Fitness, Inc. d/b/a Assault Fitness*, Case No. 3:22-cv-00492-JO-BLM, Southern District of California, March 1, 2023
1028	Responsive Claim Construction Brief, *Woodway USA, Inc., v. LifeCORE Fitness, Inc. d/b/a Assault Fitness*, Case No. 3:22-cv-00492-JO-BLM, Southern District of California, March 14, 2023
1029	U.S. Patent No. 4,635,771 to Shoji ("Shoji")
1030	U.S. Patent No. 6,923,746 to Skowronski ("Skowronski")
1031	Intentionally left blank
1032	Intentionally left blank
1033	**[NEW]** Claim Construction Order *Woodway USA, Inc., v. LifeCORE Fitness, Inc. d/b/a Assault Fitness* No. 3:22-cv-00492-JO-BLM, Dkt. No. 59, Southern District of California, November 14, 2023

I. Mandatory Notice

Petitioner hereby files updated mandatory notices pursuant to 37 C.F.R. § 42.8(a)(2) to update the related matters section to reflect the recently issued Claim Construction Order.

A. Real Party-In-Interest (37 C.F.R. § 42.8(b)(1)) – unchanged

B. Related Matters (37 C.F.R. § 42.8(b)(2))

The present proceeding is co-pending with 3:22-cv-00492-JO-BLM. On November 14, 2023, the Court issued a Claim Construction Order construing certain terms of the '745 Patent. Petitioner herewith submits the Claim Construction Order as Ex. 1033.

C. Lead and Back-Up Counsel (37 C.F.R. § 42.8(b)(3)) – unchanged

D. Service Information – (37 C.F.R. § 42.8(b)(4)) - unchanged

Respectfully submitted,

Dated: December 13, 2023

/ Andrew B. Turner /

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Certificate of Service

The undersigned hereby certifies that on December 13, 2023, a complete and entire copy of **Petitioner's Updated Mandatory Notice and Exhibit**, was served via electronic mail to the attorneys listed below at rmckenna@foley.com and kjelenchick@foley.com.

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Dated: December 13, 2023

Respectfully submitted,

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