UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COLLEGE PRODUCTS, INC.,

Petitioner,

v.

INTIRION CORPORATION,

Patent Owner.

Case Nos. IPR2023-01041; IPR2023-01042; IPR2023-01043

Patent Nos. 9,791,206; 11,274,876; 10,495,374

DECLARATION OF R. SCOTT JOHNSON

I, R. Scott Johnson, hereby declare and state as follows:

1. I am an attorney with Fredrikson & Byron, P.A. I am competent to testify and make this declaration of my personal knowledge.

2. I am one of the attorneys of record for the for Patent Owner Intirion Corporation ("Intirion") both in this (and related) Petition for *inter partes* review and in the related actions, *Intirion Corporation v. College Products, Inc*., Case No. 5:23-cv-04023-KEM (N.D. Iowa) ("Intirion's Infringement Action") and *College Products, Inc. v. Intirion Corporation*, Case No. 5:23-cv-04002-KEM (N.D. Iowa) (the "Declaratory Judgment Action").

3. Shortly after Intirion's infringement action was transferred to the District Court for the Northern District of Iowa, attorneys for Intirion contacted attorneys for College Products, Inc. ("CP") to discuss potential consolidation of the Declaratory Judgment Action into Intirion's Infringement Action.

4. CP indicated that it opposed consolidation of the Declaratory Judgment Action into Intirion's Infringement Action. CP asserted that CP was properly the plaintiff in the patent litigation, due to its invalidity Declaratory Judgment Action, and that its Declaratory Judgment Action should be the lead case, with Intirion's Infringement Action being consolidated therein.

5. During meet and confers and email exchanges after a May 4, 2023, conference call with the Northern District of Iowa, CP voluntarily agreed to consolidate its Declaratory Judgment Action into Intirion's Infringement Action.

Date: September 14, 2023

*R. Scott Johnson*_____
R. Scott Johnson