Palmer, Erica

From: Wood, Megan <megan.wood@blankrome.com>
Sent: Thursday, June 8, 2023 5:57 PM
To: Patton, Thomas; LLagostera, Domingo M.
Cc: Jeana Goosmann; William Hale; Wong, Russell T.; Johnson, R. Scott; Donels, Cara; Palmer, Erica; Mike Frey
Subject: RE: Intirion v. College Products - notice of IPRs

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Counsel,

Further to the emails below, College Products filed three IPR petitions challenging the validity of U.S. Patent Nos. 9,791,206, 10,495,374, and 11,274,876 with the PTAB today. The PTAB case numbers are IPR2023-01041, IPR2023-01042, and IPR2023-01043.

Courtesy copies of the as-filed documents may be downloaded here: https://blankromellp.sharefile.com/d-sbf5b6c994e1d41a3b47fbf639b14d45b.

Regards,
Megan

Megan R. Wood | BLANKROME
1825 Eye Street NW | Washington, D.C. 20006
O: 202.420.2753 | F: 202.420.2201 | megan.wood@blankrome.com

From: Patton, Thomas <TPatton@fredlaw.com>
Sent: Tuesday, June 6, 2023 4:54 PM
To: LLagostera, Domingo M. <domingo.llagostera@blankrome.com>
Cc: Wood, Megan <megan.wood@blankrome.com>; Jeana Goosmann <GoosmannJ@Goosmannlaw.com>; William Hale <HaleW@goosmannlaw.com>; Wong, Russell T. <russell.wong@blankrome.com>; Johnson, R. Scott <RSJohnson@fredlaw.com>; Donels, Cara <CDonels@fredlaw.com>; Palmer, Erica <EPalmer@fredlaw.com>; Mike Frey <mfrey@maynelaw.com>
Subject: RE: Intirion v. College Products - notice of IPRs

Domingo,

College Products chose to file a declaratory judgment action challenging validity. The statute and case law are both clear that College Products is barred from filing any IPR Petitions under 35 U.S.C. § 315(a)(1). Should College Products proceed with filing an IPR Petition, Intirion reserves the right to seek fees and costs.

Regarding potential settlement discussions, Intirion is not currently interested in a settlement conference with College Products, but will consider any settlement proposal College Products would like to make.

Best,
Thomas

Thomas M. Patton | Fredrikson & Byron, P.A.

111 E. Grand Avenue, Suite 301 | Des Moines, Iowa 50309-1884
Main: 515.242.8900 | Direct: 515.242.8908 | Fax: 515.242.8950 | tpatton@fredlaw.com
Fredrikson

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From: LLagostera, Domingo M. <domingo.llagostera@blankrome.com>
Sent: Tuesday, May 30, 2023 8:31 PM
To: Patton, Thomas <TPatton@fredlaw.com>
Cc: Wood, Megan <megan.wood@blankrome.com>; Jeana Goosmann <GoosmannJ@Goosmannlaw.com>; William Hale <HaleW@goosmannlaw.com>; Wong, Russell T. <russell.wong@blankrome.com>; Johnson, R. Scott <RSJohnson@fredlaw.com>; Donels, Cara <CDonels@fredlaw.com>; Palmer, Erica <EPalmer@fredlaw.com>; Mike Frey <mfrey@maynelaw.com>
Subject: RE: Intirion v. College Products - notice of IPRs

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Thomas,

We are looking forward to your response on the settlement discussions.

We will address 315(a)(1) in the Petition, including that College Products' counts in the Iowa case are counterclaims excepted under 315(a)(3).

Thanks,

Domingo

From: Patton, Thomas <TPatton@fredlaw.com>
Sent: Tuesday, May 30, 2023 8:14 PM
To: LLagostera, Domingo M. <domingo.llagostera@blankrome.com>
Cc: Wood, Megan <megan.wood@blankrome.com>; Jeana Goosmann <GoosmannJ@Goosmannlaw.com>; William Hale <HaleW@goosmannlaw.com>; Wong, Russell T. <russell.wong@blankrome.com>; Johnson, R. Scott <RSJohnson@fredlaw.com>; Donels, Cara <CDonels@fredlaw.com>; Palmer, Erica <EPalmer@fredlaw.com>; Mike Frey <mfrey@maynelaw.com>
Subject: RE: Intirion v. College Products - notice of IPRs

Domingo,

We will get back to you on your proposed settlement discussions. To the extent College Products has an offer, we of course would convey it to Intirion.

However, in the meantime, we are confused by your expressed intent to file IPRs and your apparent belief that College Products is not barred from doing so. What is College Products's legal basis/authority supporting that it may file an IPR in light of at least 35 U.S.C. § 315(a)(1)?

Best,

Thomas

Thomas M. Patton | Fredrikson & Byron, P.A.
111 E. Grand Avenue, Suite 301 | Des Moines, Iowa 50309-1884
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Fredrikson

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From: LLagostera, Domingo M. <domingo.llagostera@blankrome.com>
Sent: Tuesday, May 30, 2023 4:27 PM
To: Patton, Thomas <TPatton@fredlaw.com>
Cc: Wood, Megan <megan.wood@blankrome.com>; Jeana Goosmann <GoosmannJ@Goosmannlaw.com>; William Hale <HaleW@goosmannlaw.com>; Wong, Russell T. <russell.wong@blankrome.com>; Johnson, R. Scott <RSJohnson@fredlaw.com>; Donels, Cara <CDonels@fredlaw.com>; Palmer, Erica <EPalmer@fredlaw.com>; Mike Frey <mfrey@maynelaw.com>
Subject: Intirion v. College Products - notice of IPRs

CAUTION: EXTERNAL E-MAIL

Thomas,

We write this email as a courtesy to notify Intirion that College Products will be filing IPR petitions on the asserted patents by June 8. As you know, once the petitions are on file, they will be published. I have mentioned in several past emails that College Products is still open to exploring an early resolution. If Intirion would like to explore a settlement opportunity before we file the IPRs, please let me know so we can start making arrangements.

Thank you,

Domingo M. LLagostera | Blank Rome LLP
717 Texas Ave., Suite 1400 | Houston, TX 77002
Phone: 713.632.8682 | Fax: 713.228.6605 | Email: DLLagostera@BlankRome.com

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