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 THOMAS M. PATTON

I, Thomas M. Patton, 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 Patent Owner Intirion Corporation ("Intirion") both in the Petitions for *inter partes* review identified above and in the related district court 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 "DJ Action").

3. Shortly after Intirion's Infringement Action was transferred to the United States District Court for the Northern District of Iowa, the parties scheduled a meet and confer to discuss case logistics.

4. On April 25, 2023, at 2:00 PM CT, the parties had an initial conference call wherein counsel for both parties discussed consolidation of Intirion's Infringement Action and the Declaratory Judgment Action, with CP arguing that it was the real plaintiff and that the Declaratory Judgment Action should be the lead case because it was the first case filed in an allegedly proper venue.

5. Near the end of the April 25, 2023, call, CP indicated that it would be amending its Complaint in the DJ Action later that day.

Date: October 27, 2023

/s/ Thomas M. Patton

Thomas M. Patton