

# IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF IOWA

## WESTERN DIVISION

COLLEGE PRODUCTS, INC.,

Plaintiff(s)

vs.

INTIRION CORP.

Defendant(s)

INTIRION CORP.,

Plaintiff(s)

vs.

COLLEGE PRODUCTS, INC.,

Defendant(s)

**HEARING MINUTES** Sealed: No

Case No.: 23-CV-4002-KEM, 23-CV-4023-KEM

Presiding Judge: Kelly Mahoney, Magistrate Judge

Deputy Clerk: PEB

Official Court Record: FTR Gold

Contract? No

Contact Information: -----

|       |            |        |           |          |           |            |                        |
|-------|------------|--------|-----------|----------|-----------|------------|------------------------|
| Date: | 05/04/2023 | Start: | 2:03 p.m. | Adjourn: | 2:21 p.m. | Courtroom: | KEM conference/library |
|-------|------------|--------|-----------|----------|-----------|------------|------------------------|

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|-----------|-----|-------------------|-----|-------------|-----|
| Recesses: | N/A | Time in Chambers: | N/A | Telephonic? | Yes |
|-----------|-----|-------------------|-----|-------------|-----|

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| Appearances: | College Products: | Domingo Llagostera, Jeana Goosmann |
|--------------|-------------------|------------------------------------|

|           |                                                         |
|-----------|---------------------------------------------------------|
| Intirion: | Scott Johnson, Cara Donels, Thomas Patton, Michael Frey |
|-----------|---------------------------------------------------------|

|                     |                   |            |    |                                 |    |
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| TYPE OF PROCEEDING: | STATUS CONFERENCE | Contested? | No | Continued from a previous date? | No |
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| Motion(s): | N/A |
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| Ruling: | N/A |
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| Matters discussed: |  |
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- Intirion filed the -4023 case in Texas, alleging patent infringement. Ultimately, the court found Texas was not the proper venue for that case, and it was transferred here. Before it was transferred, College Products filed the -4002 case in this court, alleging defamation and unfair competition based on letters Intirion sent its customers about College Products' (alleged) patent infringement.
- The parties agree that the cases should be consolidated, but they dispute timing and which case should be the lead case. College Products requested a status conference to request the court's guidance on this matter.
- Intirion intends to move to dismiss for lack of personal jurisdiction in the -4002 case. It argues that the cases should not be consolidated until its motion to dismiss is resolved. College Products would like consolidation now.
- The parties dispute which case should be the "lead" case and which parties should therefore be the plaintiff/counter-defendant and which the defendant/counter-claimant. Intirion relies on the first-filed rule, but College Products argues that rule does not apply when a lawsuit is filed in the wrong venue and the plaintiff has engaged in forum shopping.
- The court provided the following informal guidance. The court declines to consolidate the cases at this time. The court notes that if the motion to dismiss is denied, it is the court's general practice to follow the first-filed rule.
- College Products asked if formal briefing of this issue was precluded. The court stated as no motion was before the court, the court provided guidance only and nothing was binding.
- Parties agree to extend the scheduling order submission deadlines. **Clerk of Court to docket an oral motion to extend scheduling order deadline (in both cases).** The court agreed to extend the scheduling-order deadlines in both cases based on the to-be-filed motion to dismiss. Separate order to follow.

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| Witness/Exhibit List is | N/A |
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The offering party must, within 3 days after the hearing, file in electronic form any exhibit that was not filed with a motion, resistance, or other filing related to this hearing. Pub. Admin. Order 09-AO-03-P (5/29/09) ¶7.

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| Miscellaneous: | N/A |
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Intirion Corporation Exhibit 2010  
College Products, Inc. v. Intirion Corporation  
IPR 2023-01043