UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COLLEGE PRODUCTS, INC.
Petitioner,

v.

INTIRION CORPORATION
Patent Owner

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Case IPR2023-01043
Patent No. 10,495,374

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DECLARATION OF DOMINGO M. LLAGOSTERA

I, Domingo M. LLagostera, declare as follows:

1. I am a Partner at Blank Rome LLP and lead counsel for Petitioner College Products, Inc. ("Petitioner") in (1) IPRs 2023-01041, -01042, and -01043, (2) *Intirion Corporation v. College Products, Inc.*, No. 5:23-cv-04023-KEM (N.D. Iowa) (the "Patent Owner Transferred Action"), (3) *College Products, Inc. v. Intirion Corporation*, No. 5:23-cv-04002-KEM (N.D. Iowa) (the "Iowa Action"), and (4) *Intirion Corporation v. College Products, Inc.*, No. 6:22-cv-00459-ADA (W.D. Tex.) (the "Waco Action"). I am licensed to practice before all courts in the State of Texas and the U.S. Patent & Trademark Office (Reg. No. 70,684). I have personal knowledge of the facts set forth in this declaration, and if called upon to testify as a witness, I could and would competently testify to the following facts.

2. I submit this declaration in support of Petitioner's Reply to Patent Owner's Preliminary Response.

3. On September 27, 2022, Petitioner moved to dismiss the Waco Action for improper venue. Ex. 1005. Petitioner did not file counterclaims in that action.

4. On January 5, 2023, as part of venue discovery in the Waco Action, Patent Owner Intirion Corporation ("Patent Owner") deposed Petitioner's CEO. After the deposition concluded, anticipating Patent Owner would re-file its patent infringement action in another improper venue, Petitioner filed the Iowa Action that same day.

5. On March 28, 2023, during the hearing on Petitioner's motion to dismiss, counsel for Patent Owner for the first time asked the Honorable Alan Albright of the WDTX court to transfer its patent infringement case to the Northern District of Iowa instead of dismissing the case for improper venue.

6. On April 25, 2023, I met with counsel for Patent Owner in the Iowa Action and Patent Owner Transferred Action to discuss consolidation of the two actions for the first time. The same day, Petitioner filed its Amended Complaint in the Iowa Action, to include numerous affirmative claims against Patent Owner. Ex. 2006, ¶¶150-160, 169-174, 181-190.

7. I declare that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code. I further declare under penalty of perjury that the foregoing is true and correct.

Executed on October 20, 2023, in Houston, Texas.

/Domingo M. LLagostera/
Domingo M. LLagostera
Reg. No. 70,684
Counsel for Petitioner