



July 6, 2023

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Via email and First Class Mail

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Re: Safe Haven / Meridian (Meridian's Patent Infringement Counterclaims)

Dear Counsel:

As you know, we represented Safe Haven in connection with the IPR petitions you filed on behalf of Meridian seeking to invalidate Safe Haven's U.S. Patent Nos. 10,251,374 ("374 Patent"), 10,729,108 ("108 Patent"), and 11,064,683 ("683 Patent"). In connection with the litigation pending in the Western District of Virginia, we understand that you have now filed counterclaims on behalf of Meridian asserting that Safe Haven is infringing Meridian's U.S. Patent Nos. 9,943,073 ("073 Patent") and U.S. Patent No. 10,154,663 ("663 Patent") ("Meridian's patents"). In view of Meridian's IPR petitions and arguments/prior art cited therein, we are writing to request that Meridian voluntarily dismiss its patent infringement counterclaims.

Specifically, Meridian's IPR petitions and prior art cited therein demonstrate the invalidity of Meridian's patents. I have attached a chart tracking the prior art and invalidity arguments contained in those petitions against the claims of Meridian's patents. The chart provides compelling evidence that Meridian's patents are invalid in view Meridian's own cited prior art and invalidity arguments (including sworn testimony from Meridian's expert, Dr. Chamberlain). Based on same, we believe that Meridian's counterclaims for patent infringement are being made in bad faith and for improper purposes. See, e.g., *Eltech Sys. Corp. v. PPG Indus., Inc.*, [903 F.2d 805, 811 \(Fed. Cir. 1990\)](#); *Hughes v. Novi American, Inc.*, [724 F.2d 122, 124-25 \(Fed. Cir. 1984\)](#) (inferring bad faith when the patent holder pursues an infringement action when it knew or should have known that the patent was invalid).

Safe Haven Wildlife Removal
Ex. 1015

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By July 10th, please let us know whether Meridian will agree to voluntarily dismiss the patent infringement counterclaims. If Meridian refuses to do so, Safe Haven will: (1) file IPR petitions against Meridian's patents based primarily on Meridian's own cited prior art and invalidity arguments (and will ensure that the PTO is made aware of Meridian's prior representations and sworn testimony to the PTO in that regard); and (2) seek attorneys' fees in the pending litigation pursuant to 35 U.S.C. § 285.

We look forward to receiving Meridian's response. Safe Haven reserves all rights, claims and defenses in connection with the above.

Best regards,

Womble Bond Dickinson (US) LLP



John Morrow
Partner

cc: Andrew Fitzgerald, Esq.
Preston Heard, Esq.
James Dority, Esq.