UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COLLEGE PRODUCTS, INC.,

Petitioner,

v.

INTIRION CORPORATION,

Patent Owner.

Case No. PGR2024-00004

Patent No. 11,674,746

PATENT OWNER'S OBJECTIONS TO PETITIONER'S UPDATED EXHIBIT LIST

Exhibit #	Objection
1025	37 C.F.R. §§ 42.24(a) and 42.6(a)(3); 37 C.F.R. §42.51(b) Through submission of this order, Petitioner attempts to improperly incorporate claim construction arguments that it chose not to raise to the Board. It is not mandatory to submit this claim construction order because Petitioner deliberately chose to raise a different set of indefiniteness grounds in its Petition, and therefore waived these indefiniteness grounds that it chose not to raise. 37 C.F.R. §§ 42.123, 42.223; Trial Practice Guide II.B.6 Petitioner's submission is untimely. To the extent Petitioner thought the claim construction ruling was relevant, it should have been submitted in May, prior to the Patent Owner's Response. FRE 106, 402, 403, Trial Practice Guide II.B.6, 37 C.F.R. §§ 42.123, 42.223 Petitioner does not contend the claim construction portions are relevant to this proceeding. Additionally, the indefiniteness portions relate to patents and/or grounds not in this proceeding, which have been waived. To the extent they are marginally relevant, their probative value is outweighed by the danger of causing unfair prejudice and confusing the issues because it should have been filed by Petitioner before the Patent Owner's Response. Additionally, there is a pending motion for reconsideration in the District Court proceeding. The District Court has stayed determination of that motion for reconsideration and the entire district case pending the Board's final determination.

Dated: August 21, 2024

/R. Scott Johnson/
R. Scott Johnson
Reg. No. 45,792

Counsel for Patent Owner Intirion Corporation

CERTIFICATE OF SERVICE

Per agreement of the parties and pursuant to 37 C.F.R. ¶ 42.105(b), the undersigned certifies that a copy of this Patent Owner's Objections to Petitioner's Updated Exhibit List was served on August 21, 2024, by email on the following:

Domingo M. LLagostera
Russell T. Wong
BLANK ROME LLP
717 Texas Avenue, Suite 1400
Houston, TX 77002
Telephone: (713) 632-8682
Fax: (713) 228-6605
domingo.llagostera@blankrome.com
russell.wong@blankrome.com

Megan R. Wood
Alexander S. Perry
Walter D. Davis, Jr.
BLANK ROME LLP
1825 Eye Street NW
Washington, DC 20006
Telephone: (202) 420-2753
Fax: (202) 420-2201
megan.wood@blankrome.com
alex.perry@blankrome.com
walter.davis@blankrome.com

Dated: August 21, 2024

/R. Scott Johnson/
R. Scott Johnson
Reg. No. 45,792

Counsel for Patent Owner Intirion Corporation