

From: [Herbert, Benjamin](#)
To: [Mark Johnson](#); ["Sarah Boone"](#)
Cc: [Jordan Raphael](#); [Kellar, Kyle W.](#)
Subject: RE: Therabody, Inc. v. Hyper Ice, Inc., Case No. 8:26-cv-00003-JWH-KES - Therabody's Proposed Terms for Construction
Date: Tuesday, August 11, 2026 6:01:10 PM
Attachments: [image003.png](#)

External (benjamin.herbert@procopio.com)

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Mark and Sarah,

As you may know, in the Hyperice v. Therabody litigation (8:24-cv-00390-JWH-DFM), Therabody moved to stay the litigation upon institution of one PGR and prior to the institution of the second. Hyperice joined Therabody's motion to stay upon institution of the second PGR, with the parties' joint submission to the Court noting that numerous factors supported a stay. See Dkt. 52. Without rehashing that record, those same factors that the parties agreed would support a stay in that litigation would be present here upon the PTAB instituting trial as to the asserted '919 patent.

As you know, the Board is scheduled to render its order instituting trial in the PGR no later than November 30th. If the Board institutes trial, Hyperice intends to promptly move to stay this litigation until the PGR trial concludes.

If the PTAB institutes trial in this PGR, will Therabody oppose Hyperice's contemplated motion to stay? If Therabody intends to oppose Hyperice's contemplated motion, please let us know your availability for a meet and confer pursuant to L.R. 7-3.

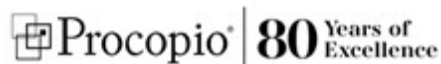
Best,

- Ben

Ben Herbert

PARTNER

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From: Sarah Boone <sboone@rennerotto.com>

Sent: Monday, August 10, 2026 5:17 PM

To: Herbert, Benjamin <Benjamin.Herbert@procopio.com>; kyle.kellar@wbd-us.com

Cc: Mark Johnson <mjohnson@rennerotto.com>; Jordan Raphael <jraphael@byronraphael.com>

Subject: Therabody, Inc. v. Hyper Ice, Inc., Case No. 8:26-cv-00003-JWH-KES - Therabody's Proposed Terms for Construction

*** EXTERNAL EMAIL - Please use Caution. ***

Dear Counsel,

Attached please find Therabody's proposed terms for construction.

Best regards,

Sarah



Sarah L. Boone | Attorney

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Tue Aug 11 2026 18:00:46

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