

Exhibit B

From:	McQuillan, Paul <PMcQuillan@woodstream.com>
To:	Lubic, Marko <MLubic@woodstream.com>; Litwiller, Cody <clitwiller@woodstream.com>; Lorraine, Steven <slorraine@woodstream.com>; Palani, Sarath <spalani@woodstream.com>; Haney, Luke <lhane@woodstream.com>
CC:	Blair, Cory <cblair@woodstream.com>
Subject:	RE: Soft Flower patent violations
Sent:	2022/06/17 17:58:29 (UTC +00:00)
Task Status:	NotStarted
Priority:	Normal

REDACTED

Paul McQuillan

SVP Research, Development and Engineering

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✉ pmcquillan@woodstream.com

From: Lubic, Marko <MLubic@woodstream.com>

Sent: Thursday, April 14, 2022 11:30 AM

To: McQuillan, Paul <PMcQuillan@woodstream.com>; Litwiller, Cody <clitwiller@woodstream.com>; Lorraine, Steven <slorraine@woodstream.com>; Palani, Sarath <spalani@woodstream.com>; Haney, Luke <lhane@woodstream.com>

Cc: Blair, Cory <cblair@woodstream.com>

Subject: RE: Soft Flower patent violations

I have reviewed our patents in detail and have the following feedback.

Our Patent 8,763,556 is severely limiting. The claim calls out the specific design where the flowers are held on by a separate center plug and the flowers themselves have joining tab features. Therefore, the competitor's feeders in question do not violate this patent.

Equally, our patent 11,147,246 is limited to a separate plug center mounting design, so a unified flower like our competitor uses is not in violation of most of the claims. Our only hope with this patent is claim 11 which speaks to a feed port and plug. The "plug" could possibly be construed as a flower in this case. The flowers must also have a taper between 3 and 7 degrees to violate this claim.

Our patent, 11,033,007 talks about an ornamental elastomeric feed port, but in the context of an accessory mounting rib. Here the small mason jar feeder I examined might violate claim 1 and 9, however their two annular ribs on the flower have no spacing between them. It is a weak violation to me because even though the flowers have two annular rings (which is claimed in the patent) those rings have no spacing so they do not function well in respect to the accessory mounting or having two distinct mounting locations. The large feeder has only one rib on the flower, so it appears to get around this patent.

Are there any other patents you are aware of that should be reviewed against these feeders?

Thank you.

Regards,

Marko

Marko Lubic

Sr. Director, Product Design Engineering

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From: McQuillan, Paul <PMcQuillan@woodstream.com>

Sent: Thursday, April 14, 2022 10:59 AM

To: Litwiller, Cody <clitwiller@woodstream.com>; Lubic, Marko <MLubic@woodstream.com>; Lorraine, Steven <slorraine@woodstream.com>; Palani, Sarath <spalani@woodstream.com>; Haney, Luke <lhane@woodstream.com>

Cc: Blair, Cory <cblair@woodstream.com>

Subject: RE: Soft Flower patent violations

Cody,

Although we will be able to move forward with Cease and Desist letters for those feeders that are infringing, we will not have the ability to claim damages if the Patent No. is not included on our feeders.

Next steps, we need a sample of each of the infringing feeders sent to lab to create an official test report showing infringement. I will then send the reports to counsel to draft an infringement opinion. Once complete I will ask counsel to draft up Cease and Desist letters of which I will need to obtain Miguel's approval to send.

We need to prioritize this effort by feeders with the most sales to get those off of the market first. We do not have the resources to go after several companies at one time, but may be able to handle a couple at a time.

If you have any question, let me know.

Thank you,

Paul McQuillan

Vice President of Engineering

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From: Litwiller, Cody <clitwiller@woodstream.com>

Sent: Thursday, April 14, 2022 10:31 AM

To: Lubic, Marko <MLubic@woodstream.com>; Lorraine, Steven <slorraine@woodstream.com>; McQuillan, Paul <PMcQuillan@woodstream.com>; Palani, Sarath <spalani@woodstream.com>; Haney, Luke <lhane@woodstream.com>

Subject: RE: Soft Flower patent violations

Ok, what's our next step for the cease and desist on the soft flowers? We're happy to start sending out letters.

I can get a list of suspect companies etc, we don't have the patents listed on current product as an example yet.

Cody Litwiller

Global Product Manager Perky-Pet®

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From: Lubic, Marko <MLubic@woodstream.com>

Sent: Wednesday, April 6, 2022 1:24 PM

To: Lorraine, Steven <slorraine@woodstream.com>; Litwiller, Cody <clitwiller@woodstream.com>; McQuillan, Paul <PMcQuillan@woodstream.com>; Palani, Sarath <spalani@woodstream.com>; Haney, Luke <lhane@woodstream.com>

Subject: RE: Soft Flower patent violations

The large feeder has a measured flower durometer of 60A and the small mason feeder a durometer of around 25-30A.

Thank you.

Regards,

Marko

Marko Lubic

Sr. Director, Product Design Engineering

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From: Lubic, Marko

Sent: Wednesday, April 6, 2022 11:47 AM

To: Lorraine, Steven <slorraine@woodstream.com>; Haney, Luke <lhane@woodstream.com>

Cc: Litwiller, Cody <clitwiller@woodstream.com>; McQuillan, Paul <PMcQuillan@woodstream.com>; Palani, Sarath <spalani@woodstream.com>

Subject: RE: Soft Flower patent violations

Hi Steve,

We have a durometer gage and will report back once we get a solid measurement number on these flowers.

I was surprised that the patent calls out the durometer explicitly, but upon reflection realized that we probably needed to do that to describe a range of what "soft" is considered to be.

Thank you.

Regards,

Marko

Marko Lubic
Sr. Director, Product Design Engineering

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From: Lorraine, Steven <slorraine@woodstream.com>
Sent: Tuesday, April 5, 2022 4:17 PM
To: Haney, Luke <lhanev@woodstream.com>
Cc: Litwiller, Cody <clitwiller@woodstream.com>; Lubic, Marko <MLubic@woodstream.com>; McQuillan, Paul <PMcQuillan@woodstream.com>; Palani, Sarath <spalani@woodstream.com>
Subject: Re: Soft Flower patent violations

Aahhhhhhhh....tell me thats not true.

Best regards,
Steven Lorraine
mobile: 860-869-3695

On Apr 5, 2022, at 3:41 PM, Haney, Luke <lhanev@woodstream.com> wrote:

The down side to this patent is that it specifies durometer of the material as not exceeding 50A. The flowers on the larger feeder on Marko's desk are seemingly harder than 50A, probably near the 60-70 range. I was surprised they were that rigid, but that could opt either out of violation for this specific patent. There are durometer testers that could verify each competitor's soft flower.. part of the challenge of patent writing is keeping it specific but vague at the same time, I think this one got too specific.

I'm interested to see what Marko & Paul may have to say.

Thanks,

Luke Haney
Industrial Design Engineer II
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From: Litwiller, Cody <clitwiller@woodstream.com>
Sent: Tuesday, April 5, 2022 3:34 PM
To: Haney, Luke <lhanev@woodstream.com>; Lubic, Marko <MLubic@woodstream.com>; McQuillan, Paul <PMcQuillan@woodstream.com>
Cc: Lorraine, Steven <slorraine@woodstream.com>; Palani, Sarath <spalani@woodstream.com>
Subject: RE: Soft Flower patent violations

Here's the other one you mentioned that is also active until 2032:
<https://patents.google.com/patent/US8763556?q=hummingbird+soft+flower>

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From: Haney, Luke <lhanev@woodstream.com>
Sent: Tuesday, April 5, 2022 3:20 PM
To: Litwiller, Cody <clitwiller@woodstream.com>; Lubic, Marko <MLubic@woodstream.com>; McQuillan, Paul <PMcQuillan@woodstream.com>
Cc: Lorraine, Steven <slorraine@woodstream.com>; Palani, Sarath <spalani@woodstream.com>
Subject: RE: Soft Flower patent violations

Hey Cody,

Sorry I just saw this. I looked at the feeder you left in Marko's office and that is certainly near carbon copy of our design and patent, specifically this portion (*at least this portion*) of the one you have linked:

19. A hummingbird feeder comprising:
a nectar container having a lower end with a bottom opening;
a feeding basin removably coupled to the lower end of the nectar container and in liquid flow communication with said bottom opening, said feeding basin having a feed port opening therein;
a plug fitted within the feed port opening and having an elongated tapered passageway through which hummingbirds access nectar in the feeding basin, **the plug defining a rim proximate a first end thereof and a protruding ring defined about its outer circumference having a diameter greater than that of the feed port opening; and**
a flower body having a center opening, the plug inserted through the center opening **and the protruding ring inserted through the feed port opening for securing the flower body to the feed basin between the rim of the plug and an outer surface of the basin.**

Don't we also have the patent for soft touch flowers in general as well? I am not sure which patent number this would be also, but I do recall back when we were in Lititz that Bill and Judy always mentioned it being patented..

Thanks,

Luke Haney
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From: Litwiller, Cody <clitwiller@woodstream.com>
Sent: Tuesday, April 5, 2022 2:51 PM
To: Lubic, Marko <MLubic@woodstream.com>; McQuillan, Paul <PMcQuillan@woodstream.com>
Cc: Lorraine, Steven <slorraine@woodstream.com>; Palani, Sarath <spalani@woodstream.com>; Haney, Luke <lhanev@woodstream.com>
Subject: RE: Soft Flower patent violations

Here's an additional patent for the flowers:
<https://patents.google.com/patent/US11147246B2/en?q=11%2c147%2c246>

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From: Litwiller, Cody
Sent: Tuesday, April 5, 2022 2:42 PM
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Cc: Lorraine, Steven <slorraine@woodstream.com>; Palani, Sarath <spalani@woodstream.com>; Haney, Luke <lhanev@woodstream.com>
Subject: Soft Flower patent violations

Hi Marko, I dropped these 2 feeders on your desk to review for patent violation on the soft flowers. The one on the left is a new item at Lowes and the small one on the right is a top seller (\$1M+) that would be worth pursuing for the flower patent, both look to be in violation of the flower patents.

<https://patents.google.com/patent/US11033007B2/en?q=hummingbird+feeder+improved+flower+assembly&oq=hummingbird+feeder+with+improved+flower+assembly>



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