

VIA FedEx

Roger Bates, CEO - President
Lifecore Fitness, Inc.
5803 Newton Dr. Ste B
Calrsbad CA 92008-7380

Re: Infringement of Woodway USA, Inc. Patent Nos. 9039580
and 10561884

Dear Mr. Bates:

I am contacting you regarding Lifecore's manufacture, promotion, distribution and sale of the Assault AirRunner in light of Woodway's patent rights covering its line of Curve® treadmills. I suspect that you are not surprised to be hearing from me on this topic.

Woodway is the pioneer in bringing non-motorized treadmills to the market and has been extremely proactive in patenting its innovations and enforcing these patents against infringers. Based upon the structure of the AirRunner units which we have inspected, it is clear that you are aware of our patents and have attempted to design-around the patents. Unfortunately, your design-around was not successful in avoiding the scope of our existing patents. We also have pending applications claiming priority back to 2009 which gives us the ability to continue to secure new and different patent protection directed toward the AirRunner.

Specifically, we believe that your promotion and sale of the AirRunner infringes our issued U.S. Pat. Nos. 9039580 and 10561884. I have attached charts which detail some, but not all, of our patent infringement assertions related to these two patents. You will see that there are several other patents in this family covering various aspects and features of a non-planar manual treadmill.

The courts obviously provide us with one possible forum for protecting and enforcing Woodway's valuable patent rights and unfortunately, we are no stranger to the court system as we have been forced to use this forum to protect our patent rights against infringers such as the TrueForm Runner sold by Samsara. In that case, the Court expressly held that Samsara's TrueForm Runner literally infringes several of the claims of Woodway's '580 Patent.

I trust that you would agree with me that the only winners in a lawsuit are the lawyers. So, as I consider my options in response to the infringement of at least two of our Curve® treadmill patents by the AirRunner, I would prefer to avoid going through this time consuming and costly legal exercise once again. However, I will go to such lengths if necessary to protect Woodway's valuable patent rights.



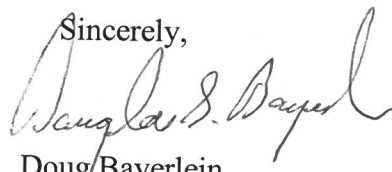
WOODWAY WORLD HEADQUARTERS
W229 N591 Foster Court, Waukesha, WI 53186
PHONE (800) 966-3929 | FAX (262) 522-6235
WOODWAY.COM

MANUFACTURING AND SERVICE FACILITY
W234 N700 Busse Road, Waukesha, WI 53186
PHONE (800) 966-3929 | FAX (262) 522-6235
WOODWAY.COM

I have three goals for this letter. First, to formally put Lifecore on notice of our patent rights so that Woodway is in the best possible position to successfully enforce its patent rights against Lifecore, should that be necessary. Second, to ensure that you are aware that Woodway, as the pioneer in commercializing non-motorized treadmills, holds successfully enforced patents for these products and will not hesitate to once again enforce these patents against Lifecore. Third, to explore a business to business conversation about a resolution to this dispute and thereby minimize the involvement of our lawyers.

Please call me after you have had an opportunity to consider these issues if you are interested in exploring a resolution outside of the courtroom. I would appreciate your response on or before August 17, 2020. Thank you.

Sincerely,



Doug Bayerlein

Enclosures



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