

# BLANKROME

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January 16, 2026

## VIA FEDEX

Attn: Legal Department  
Ephoca Inc.  
1111 Superior Ave. E, Suite 610  
Cleveland, Ohio 44114

Ephoca Inc.  
c/o Registered Agents Inc.  
6545 Market Ave. N, Suite 100  
North Canton, OH 44721

Ephoca Inc.  
c/o Harvard Business Services, Inc.  
16192 Coastal Hwy.  
Lewes, DE 19958

## **Re: Cease and Desist False and Disparaging Statements Re: Ice Air, LLC**

Dear Sir or Madam:

Blank Rome LLP represents Ice Air, LLC in connection with this matter. We are aware that Ephoca Inc. has issued false and damaging statements about Ice Air, including that it “lies,” “cheats,” and makes “fraudulent claims” about its products. The statements are false, as Ephoca well knows, because they are contradicted by publicly-accessible government filings confirming that Ice Air’s products are third-party tested and conform to regulatory standards.

Ice Air understands that Ephoca is concerned by its inability to fairly compete in the marketplace. Nevertheless, Ephoca’s attacks are an unlawful method of competition that have harmed Ice Air. By this letter, Ice Air demands that Ephoca ceases and desists its unlawful conduct and issues a public apology retracting its false statements.

Ephoca has publicly made a series of false and defamatory statements about Ice Air and its products. The below is only a sample of Ephoca’s outrageous claims:

- “[Ice Air] cheat[s] by publishing performance numbers that are not derived from any laboratory testing. [Its] ratings are fabricated, not measured, and therefore illegal.”
- “[Ice Air lacks] a valid AHRI heating certification, a valid NRTL heating test report, . . . or any published numbers that match the OEM’s actual performance”

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- “None of [Ice Air’s] units appear in DOE’s CCMS database”
- “None of [Ice Air’s] products has been tested in a real lab”
- Ice Air “fails SEER2 minimums” and “[f]ails HSPF2 minimums because numbers are fake”
- “Ice Air’s 8RSSXC09-DH [sic] is illegal to distribute, specify, install, or use because it does not meet the DOE energy efficiency requirements for a heat pump”

In a brazen attempt to intimidate Ice Air’s customers, Ephoca also insists that installing Ice Air’s products create civil and criminal liability for engineers, installers, and building owners.

Ephoca’s accusations have been escalating, with false statements repeated on its official LinkedIn page and by its General Manager, Mr. Yehuda Fulda. Ice Air also understands that Ephoca, including its Vice President, Mr. Yohai West are sponsoring multiple smear websites that double down on false claims that Ice Air’s “capacity and claimed SEER2 values are fabricated,” and again threatens Ice Air’s customers that they will be subject to criminal prosecution.

Ephoca’s attacks are false, as it knows. Ice Air’s products comply with federal and state law and are backed by third-party testing that verify its published energy efficiency ratings. Its iCool XC 8RSXC09-DH (the subject of Ephoca’s attacks):

- Is tested and certified by U.S. Nationally Recognized Testing Laboratory (NRTL)
- Meets federal Department of Energy standards, including those in Appendix M1 to Subpart B of Part 430, Title 10 of the U.S. Code of Federal Regulations, which incorporate the AHRI 210/240 standard
- Is listed in the U.S. Department of CCMS database<sup>1</sup>
- Meets the stringent California Energy Commission requirements under SEER2 and HSPF2, as demonstrated by the publicly available certification information at <https://cacertappliances.energy.ca.gov/Pages/Appliance/ApplianceDetail.aspx>

Since much of this information is publicly available, Ephoca knows its statements are false. Ephoca’s purpose in publishing this false information can only be to unlawfully harm a successful market rival. Notably, while Ephoca claims “we’ve tested these units. Their numbers are fake,” Ephoca has not published any test results. Nor could it. Ephoca’s slander is based on nothing more than a naked attempt to try to intimidate customers with threats of criminal liability. Ice Air has

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<sup>1</sup> See U.S. Department of Energy, Appliances & Equipment Standards Program, [https://www.regulations.doe.gov/certification-data/CCMS-4-Air\\_Conditioners\\_and\\_Heat\\_Pumps\\_-\\_Central.html#fq=modelNumber%3A%228RSXC09%5C-DH%22&fq=Basic\\_Model\\_Number\\_Number\\_Unique\\_to\\_the\\_Basic\\_Model\\_m%3A%228RSXC09%5C-DH%22&q=Product\\_Group\\_s%3A%22Air%20Conditioners%20and%20Heat%20Pumps%20-%20Central%22](https://www.regulations.doe.gov/certification-data/CCMS-4-Air_Conditioners_and_Heat_Pumps_-_Central.html#fq=modelNumber%3A%228RSXC09%5C-DH%22&fq=Basic_Model_Number_Number_Unique_to_the_Basic_Model_m%3A%228RSXC09%5C-DH%22&q=Product_Group_s%3A%22Air%20Conditioners%20and%20Heat%20Pumps%20-%20Central%22)

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already been harmed by these malicious statements. We also understand that Ephoca has privately repeated these falsehoods to Ice Air's actual and potential customers, causing it to lose business.

Ephoca, Mr. West, and Mr. Fulda's statements are false, harmful, and expose them to civil liability, including under state law defamation, commercial disparagement, and unfair competition laws, as well as the federal Lanham Act. Ephoca appears aware that its false statements expose it to defamation liability, further confirming that the statements are made knowingly and willfully.

Ice Air hereby demands that Ephoca, including its officers, employees and agents, including Mr. Fulda and Mr. West:

- Immediately take down the false public statements about Ice Air and its products, including on Ephoca's website, LinkedIn, and all other websites that it or its agents own or control
- Cease and desist from making further false and defamatory statements about Ice Air and its products
- Issue a public apology to Ice Air correcting its false statements

This letter also requires that you implement a "litigation hold" to ensure that Ephoca and its staff, employees, agents, and affiliates take every reasonable step to preserve and not to lose, or alter any documents or records in your possession or control from January 2023 to the present that may pertain in any way to Ice Air or its products. This applies to paper documents, physical items, electronic documents, all communications, and any data that may be relevant to this matter, including those stored on personal devices.

Please respond to the undersigned by no later than January 26, 2026 to confirm that Ephoca has complied with this demand.

The foregoing is not a complete recitation of all of Ice Air's rights and remedies, all of which it expressly reserves.

Very Truly Yours,



Erica R. Graves