

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE NEO WIRELESS, LLC
PATENT LITIG.

Case No. 2:22-md-03034-TGB
HON. TERRENCE G. BERG
JURY TRIAL DEMANDED

**JOINT STIPULATION AND MOTION TO
DISMISS CERTAIN OF DEFENDANTS' DEFENSES**

Plaintiff Neo Wireless, LLC (“Neo”) and the undersigned Defendants¹ jointly move to dismiss, or stipulate that Defendants will not assert, certain of Defendants’ pleaded affirmative defenses, with prejudice, as set forth in the stipulation below.

The parties jointly move and stipulate that:

- Defendants’ defense of inventorship or derivation (Dkt. 104 at ¶ 59, Dkt. 105 at ¶ 63, Dkt. 107 at ¶ 169, Dkt. 108 at ¶ 57, and Dkt. 109 at ¶¶ 67–74) is dismissed, and no Defendant will pursue such a defense in this case or any underlying case on remand;
- Defendants’ defense of implied waiver or equitable estoppel (Dkt. 104 at ¶¶ 64–83, Dkt. 105 at ¶¶ 68–87, Dkt. 107 at ¶¶ 120–122, 174–93, Dkt. 108

¹ The Defendants include Ford Motor Company; Tesla, Inc.; General Motors Company and General Motors LLC (collectively “GM”); FCA US LLC; Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A., Inc. and Toyota Motor Engineering & Manufacturing North America, Inc. and Toyota Motor Credit Corporation (collectively “Toyota”); American Honda Motor Co., Inc. and Honda Development & Manufacturing of America, LLC (collectively “Honda”); and Nissan North America Inc. and Nissan Motor Acceptance Corporation a/k/a Nissan Motor Acceptance Company LLC (collectively “Nissan”).

at ¶¶ 62–81, and Dkt. 109 at ¶¶ 99–106) is dismissed, and no Defendant will pursue such a defense in this case or any underlying case on remand;

- Defendants’ defense of breach of FRAND (Dkt. 104 at ¶¶ 84–91, Dkt. 105 at ¶¶ 88–95, Dkt. 107 at ¶¶ 194–201, Dkt. 108 at ¶¶ 63–89, and Dkt. 109 at ¶¶ 107–12) is dismissed, and no Defendant will pursue such a defense in this case or any underlying case on remand;
- Defendants’ defense of license or patent exhaustion (Dkt. 104 at ¶ 11, Dkt. 105 at ¶ 96, Dkt. 107 at ¶ 114, Dkt. 108 at ¶ 9, and Dkt. 109 at ¶¶ 77–79) is dismissed, and no Defendant will pursue such a defense in this case or any underlying case on remand;
- Defendants’ defense of fraudulent conveyance (Dkt. 104 at ¶¶ 60–61, Dkt. 105 at ¶¶ 64–65, Dkt. 107 at ¶¶ 170–71, Dkt. 108 at ¶¶ 58–59, and Dkt. 109 at ¶¶ 96–98) is dismissed, and no Defendant will pursue such a defense in this case or any underlying case on remand;
- Defendants’ defense of prosecution laches (Dkt. 104 at ¶¶ 64–83, Dkt. 105 at ¶ 10, Dkt. 107 at ¶ 174–93, Dkt. 108 at ¶¶ 62–81, and Dkt. 109 at ¶¶ 83–94) is dismissed, and no Defendant will pursue such a defense in this case or any underlying case on remand;
- Defendants’ defense of acquiescence (Dkt. 104 at ¶¶ 64–83, Dkt. 105 at ¶¶ 68–87, Dkt. 107 at ¶¶ 174–93, Dkt. 108 at ¶¶ 62–81, and Dkt. 109 at ¶¶ 99–

106) is dismissed, and no Defendant will pursue such a defense in this case or any underlying case on remand;

- Defendants' defense of patent misuse (Dkt. 104 at ¶¶ 64–83, Dkt. 105 at ¶¶ 68–87, Dkt. 107 at ¶¶ 174–93, Dkt. 108 at ¶¶ 62–81, and Dkt. 109 at ¶¶ 99–106) is dismissed, and no Defendant will pursue such a defense in this case or any underlying case on remand;
- Defendants' defense of federal use (Dkt. 105 at ¶ 15) is dismissed, and no Defendant will pursue such a defense in this case or any underlying case on remand; and
- Defendants' defense of lack of standing/lack of ownership (Dkt. 104 at ¶¶ 13, 62–63, Dkt. 105 at ¶¶ 66–67, Dkt. 107 at ¶¶ 172–73, Dkt. 108 at ¶¶ 60–61, and Dkt. 109 at ¶¶ 85–86) is dismissed, and no Defendant will pursue such a defense in this case or any underlying case on remand.

DATED: June 20, 2024

Respectfully submitted,

/s/ John S. LeRoy

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