

**VIA EMAIL**

June 17, 2020

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Re: *UPL NA Inc. v. Tide Int'l (USA), Inc. et al.*, Case No. 8:19-cv-1201-RSWL-KS

UPL Counsel:

I write regarding the pending litigation in the above-captioned case regarding U.S. Patent No. 7,473,685. On June 17, 2020, Tide filed a petition for *inter partes* review against the '685 patent. Tide hereby stipulates that, if Tide's petition is instituted, Tide will not challenge the validity of the '685 patent in this litigation based on the following grounds being advanced in the IPR petition:

Ground	'685 Patent Claims	Basis for Rejection
Ground 1	1-4, 7-12	§ 103 over Misselbrook and CN '588 in view of JP '902
Ground 2	1-4, 7-12	§ 103 over Misselbrook and Mayer in view of CN '588
Ground 3	1-4, 7-12	§ 103 over Misselbrook and JP '902 in view of Mayer

Misselbrook refers to U.S. Patent No. 6,387,388; CN '588 refers to Chinese Patent Publication No. 1127588A; JP '902 refers to Japanese Patent Publication No. 9-315902A, and Mayer refers to U.S. Patent No. 6,030,924.

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Tide also stipulates it will not pursue in the litigation any ground that utilizes, as a primary reference, Misselbrook, which is a primary reference in the grounds asserted in the IPR petition, or Lescota, which is a divisional application of Misselbrook.

In so stipulating, Tide seeks to avoid duplicative efforts and multiple proceedings addressing the validity of the '685 patent based on grounds having the same primary references. Rather, Tide expresses its intent to have the PTAB exclusively address the patentability of the '685 patent on such grounds should an IPR proceeding be instituted.

Sincerely,

*/s/ Thad Kodish*

Thad Kodish  
Attorney for Tide Defendants