

**From:** [Heintz, James M.](#)  
**To:** [John Hughes](#); [Mieke Malmberg](#); [Colibri@bartlit-beck.com](mailto:Colibri@bartlit-beck.com)  
**Cc:** [Fowler, Mark](#); [Grasso, Kathryn Riley](#); [Ellison, Martin](#); [Davis, James L., Jr.](#); [Roth, Cassandra](#); [Sarah Spires](#); [Paul Skiermont](#)  
**Subject:** [EXTERNAL] Stipulation Regarding IPRs  
**Date:** Tuesday, December 22, 2020 2:46:38 PM

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## EXTERNAL

Counsel,

Medtronic stipulates that, if the Patent Trial and Appeal Board institutes inter partes review on IPR2020-01453, then Medtronic will not pursue in the corresponding district court case the specific grounds identified in the Petition in IPR2020-01453 in connection with the '294 patent claims challenged in the Petition, or on any other ground that was raised or could have been reasonably raised as to these claims in an IPR (i.e., any ground that was raised or could have been reasonably raised under Sections 102 or 103 on the basis of prior art patents or printed publications).

Medtronic stipulates that, if the Patent Trial and Appeal Board institutes inter partes review on IPR2020-01454, then Medtronic will not pursue in the corresponding district court case the specific grounds identified in the Petition in IPR2020-01454 in connection with the '739 patent claims challenged in the Petition, or on any other ground that was raised or could have been reasonably raised as to these claims in an IPR (i.e., any ground that was raised or could have been reasonably raised under Sections 102 or 103 on the basis of prior art patents or printed publications).

This stipulation is not intended, and should not be construed, to limit Medtronic's ability to assert invalidity of the asserted claims of the '294 Patent and '739 Patent in the district court case on any other ground, regardless of whether inter partes review is instituted.

Best wishes,

**James M. Heintz**

Partner

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T +1 703 773 4148  
F +1 703 773 5008  
M +1 202 997 7461  
[jim.heintz@us.dlapiper.com](mailto:jim.heintz@us.dlapiper.com)

**DLA Piper LLP (US)**  
[dlapiper.com](http://dlapiper.com)

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