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Re: Inter Partes Review Proceeding Case No. 2021-00054; U.S. Patent No. 10,534,382

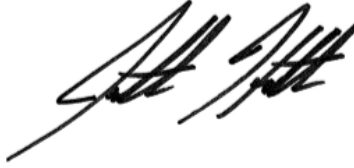
To Whom It May Concern,

I write on behalf of Defendant Vivint, Inc. (“Vivint”) regarding the matter of *Ecofactor, Inc. v. Vivint, Inc.*, No. 6:20-cv-00080-ADA (W.D. Tex.) (“the Texas Litigation”). Vivint is accused of infringing U.S. Patent No. 10,534,382 (“the ’382 Patent”) in the Texas Litigation.

This letter is in relation to Google LLC’s Petition for *Inter Partes* Review of the ’382 Patent (the “’382 IPR Petition”), IPR No. 2021-00054.

Vivint hereby stipulates not to present the combination of prior art references in the Ground of the ’382 IPR Petition before the District Court in the Litigation so long as (i) the Board institutes *inter partes* review, and (ii) at the time of trial in the Litigation, the ’382 IPR has not been terminated for reasons other than a decision on the merits.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Hardt', written in a cursive style.

Jonathan Hardt