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WILLIAMS SIMONS & LANDIS PLLC - AUSTIN
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Re: Estech Systems, Inc. v. Target Corp. et al., Case No. 2:20-cv-00123-JRG-RSP (Lead Case) (the "EDTX Litigations") and Estech Systems, Inc. v. Regions Financial Corp., Case No. 6:20-cv-00322 (the "WDTX Litigation") - Stipulations Regarding Challenged Patents

Dear Counsel:

I write on behalf of the Defendants (as defined below) with regard to petitions for *Inter Partes* review ("IPR") that have been filed against U.S. Patent Nos. 8,391,298, 7,068,684, 6,067,349, and 7,123,699 (collectively, the "Challenged Patents") by Petitioner Cisco Systems, Inc. ("Cisco"). Specifically, the defendants in the Eastern District of Texas litigations filed by Estech Systems, Inc. against Target Corporation, PlainsCapital Bank, BOKF, N.A., Wells Fargo & Company and Wells Fargo Bank, N.A., and BBVA USA, (collectively, the "EDTX Defendants") and Regions Financial Corporation (the "WDTX Defendant", together with the EDTX Defendants, the "Defendants") in the WDTX Litigation (collectively, the "Litigation") stipulate as follows:

- If the Patent Trial and Appeal Board ("PTAB") institutes an IPR on the grounds presented in IPR2021-00329 (which challenges certain claims of U.S. Patent No. 8,391,298 and lists only the following as Real Parties-in-Interest: Cisco Systems, Inc., BBVA USA, BOKF, N.A., PlainsCapital Bank, Target Corp., Wells Fargo Bank, N.A., Wells Fargo & Co., and Regions Financial Corporation) and the proceeding has not been terminated before a final written decision, the Defendants will not present any ground of invalidity that was raised or reasonably could have been raised in the as-filed Petition.
- If the PTAB institutes an IPR on the grounds presented in IPR2021-00331 (which challenges certain claims of U.S. Patent No. 7,068,684 and lists only the following as Real Parties-in-Interest: Cisco Systems, Inc., BBVA USA, BOKF, N.A., PlainsCapital Bank, Target Corp., Wells Fargo Bank, N.A., Wells Fargo & Co., and

Regions Financial Corporation) and the proceeding has not been terminated before a final written decision, the Defendants will not present any ground of invalidity that was raised or reasonably could have been raised in the as-filed Petition.

- If the PTAB institutes an IPR on the grounds presented in IPR2021-00332 (which challenges certain claims of U.S. Patent No. 6,067,349 and lists only the following as Real Parties-in-Interest: Cisco Systems, Inc., BBVA USA, BOKF, N.A., PlainsCapital Bank, Target Corp., Wells Fargo Bank, N.A., Wells Fargo & Co., and Regions Financial Corporation) and the proceeding has not been terminated before a final written decision, the Defendants will not present any ground of invalidity that was raised or reasonably could have been raised in the as-filed Petition.
- If the PTAB institutes an IPR on the grounds presented in IPR2021-00333 (which challenges certain claims of U.S. Patent No. 7,123,699 and lists only the following as Real Parties-in-Interest: Cisco Systems, Inc., BBVA USA, BOKF, N.A., PlainsCapital Bank, Target Corp., Wells Fargo Bank, N.A., Wells Fargo & Co., and Regions Financial Corporation) and the proceeding has not been terminated before a final written decision, the Defendants will not present any ground of invalidity that was raised or reasonably could have been raised in the as-filed Petition.

In so stipulating, the Defendants seek to avoid multiple proceedings addressing the validity of the Challenged Patents based on grounds of invalidity that Cisco seeks to adjudicate before the PTAB. Rather, consistent with Congressional intent, the Defendants wish to avail themselves of the PTAB's analysis and decision regarding the prior art and patentability at issue in the above-referenced proceedings should such proceedings be instituted and non-party Petitioner Cisco Systems Inc. maintains such proceedings. For the sake of clarity and avoidance of doubt, if the PTAB declines to institute in any of the above-referenced four IPRs, the Defendants reserve their rights and remedies to pursue the grounds from such denied petition(s) in the Litigation, as well as any ground that reasonably could have been raised in such denied petition(s). For further sake of clarity, the Defendants reserve their rights to file requests for joinder to maintain any proceedings should non-party Petitioner Cisco Systems, Inc. seek to terminate any of the above-referenced proceedings.

Best regards,



Erik J. Halverson

CC: Counsel of Record