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VIA EMAIL

Todd E. Landis

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 Cisco Systems, Inc. (“Cisco”), who has filed petitions for *Inter Partes* review (“IPR”) challenging the patentability of U.S. Patent Nos. 8,391,298, 7,068,684, 6,067,349, and 7,123,699 (collectively, the “Challenged Patents”) in IPR2021-00329, IPR2021-00331, IPR2021-00332, or IPR2021-00333 (collectively the “IPR Proceedings”).

Cisco is currently a non-party to any litigation filed by Estech Systems, Inc. However, for the avoidance of doubt, and in support of Cisco’s Petitions in the IPR Proceedings, Cisco stipulates that if Cisco should be sued for infringement of a challenged claim of a Challenged Patent in a district court in the United States or before the International Trade Commission at some point in the future, and an IPR Proceeding challenging that patent is instituted, Cisco will not seek resolution in such future litigation of any ground of invalidity with respect to the challenged claim of the Challenged Patent based on any reference used in the above referenced proceedings or that reasonably could have been raised in the above referenced proceedings. For the avoidance of doubt, if one or more of the IPR Proceedings are not instituted, Cisco reserves its right to raise any invalidity theories against the patent that the non-instituted IPR challenged.

Regards,

Buddy Toliver
Senior Counsel, IP Litigation