

# KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

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January 29, 2021

## Via E-mail

Theodore Stevenson, III  
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McKool Smith, P.C.  
300 Crescent Court, Suite 1500  
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Re: *Ericsson Inc. et al. v. Samsung Electronics Co., Ltd., et al.*, Civil Action  
No. 2:20-cv-00380-JRG (E.D. Tex.)

Dear Counsel:

We write regarding a petition for *inter partes* review (IPR) being filed with the Patent Trial and Appeal Board (PTAB) to address claims of U.S. Patent No. 9,532,355. We write to inform you that Samsung Electronics Co., Ltd. (“Samsung”) hereby stipulates that, if the PTAB institutes the IPR petition on the grounds presented (a table of which is reproduced below), then Samsung and its Samsung co-defendants will not pursue those same instituted grounds or grounds based on the same primary reference in the above-captioned litigation, 2:20-cv-00380-JRG (E.D. Tex.).

Ground	Claims	Prior Art Basis of Ground <sup>1</sup>
1A	1-2, 9-13, 15-17, 23-24, 29-36	Lee-746 in view of R2-072183
1B	3	Lee-746 in view of R2-072183 and R2-071911
1C	4, 14	Lee-746 in view of R2-072183 and Muhkerjee
1D	6, 7, 19-21, 26-27	Lee-746 in view of R2-072183 and Classon
1E	8, 22, 28	Lee-746 in view of R2-072183 and R2-

<sup>1</sup> See Appendix for abbreviations.

# KIRKLAND & ELLIS LLP

Theodore Stevenson, III  
January 29, 2021  
Page 2

Ground	Claims	Prior Art Basis of Ground <sup>1</sup>
		071762
1F	14	Lee-746 in view of R2-072183 and Lee-668

In so stipulating, Samsung seeks to avoid multiple proceedings addressing the validity of the challenged claims of the patent based on the same grounds. Rather, consistent with Congressional intent, Samsung wishes the patentability of this patent over those grounds to be addressed at the Board. But, for the sake of clarity and to avoid any doubt, if the PTAB declines institution, Samsung reserves the right to pursue the grounds of the IPR in this litigation.

Sincerely,

*/s/ Greg Arovas, P.C.*

Greg Arovas, P.C.  
Kirkland & Ellis LLP

cc: Counsel of record

## KIRKLAND & ELLIS LLP

Theodore Stevenson, III  
January 29, 2021  
Page 3

### Appendix – Prior Art References Used in the Listed Grounds

Reference Name	Details
Lee-746	U.S. Patent Application Publication No. 2010/0167746 to Lee et al.
Lee-668	U.S. Patent Application Publication No. 2008/0285668 to Lee et al.
Mukherjee	U.S. Patent Application Publication No. 2007/0263528 to Mukherjee
Classon	U.S. Patent Application Publication No. 2007/0064669 to Classon et al.
R2-072183	System Information, R2-072183, 3GPP TSG RAN WG2#58, 07-11 May 2007
R2-071911	System information structure (with TP), R2-071911, 3GPP TSG-RAN WG2 Meeting #58, 7-11 May 2007
R2-071762	Scheduling of D-BCH, R2-071762, 3GPP TSG-RAN WG2 #58, 7-11 May 2007