

March 23, 2021

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**Re: *D3D Technologies, Inc. v. Microsoft Corporation* Case No. 6:20-cv-1699 (M.D. Fla.)**

Dear Counsel:

I 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. 9,349,183. The table below lists grounds asserted by Microsoft Corporation (“Microsoft”) in an IPR petition challenging claims of this patent, along with the implicated claims against which the grounds are asserted. I write to inform you that Microsoft hereby stipulates that in the event the PTAB institutes an *inter partes* review including the grounds listed in the table against the corresponding claims listed in the table for those grounds (“Instituted Grounds”), Microsoft will not assert the Instituted Grounds against the corresponding claims listed in the table for those grounds in the above-captioned litigation (6:20-cv-1699).

Patent No.	Proceeding No.	Claims	Ground
9,349,183	IPR2021-00648	1, 5-7, 11-13, 17, 18	§102 and/or §103 over Jones
9,349,183	IPR2021-00648	2-5, 8-10, 14-16	§103 over Jones in view of Schoolman
9,349,183	IPR2021-00648	1-18	§103 over Murphy in view of Guang

In so stipulating, Microsoft seeks to avoid multiple proceedings addressing the validity of these claims based on the Instituted Grounds. Rather, through this stipulation, Microsoft expresses its intention to have only the PTAB address the Instituted Grounds of invalidity of these claims. But, for the sake of clarity and to avoid any doubt, if the PTAB declines to institute any

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of the grounds identified herein, Microsoft reserves the right to assert such grounds in the above-captioned litigation (6:20-cv-1699). Additionally, even in the event of institution, Microsoft reserves its rights to continue to assert all grounds other than the Instituted Grounds.

Sincerely,

Alana Mannige



Attorney for Defendant  
Microsoft Corporation

cc: Counsel of record

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

Reference Name	Details
Jones	European Patent No. 1056049 A2 to Jones et al.
Schoolman	U.S. Patent No. 5,488,952 to Schoolman
Murphy	PCT Publication WO 2007/059477 to Murphy et al.
Guang	U.S. Pub. No. 2005/0148848 to Guang et al.