

# KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

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March 26, 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. 10,193,600. 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 | Basis | Claims | Prior Art Basis of Ground <sup>1</sup>            |
|--------|-------|--------|---|
| 1      | § 103 | 1-28   | Novlan, or alternatively Novlan in view of 36.213 |

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.

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

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Theodore Stevenson, II  
March 26, 2021  
Page 2

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Sincerely,

/s/ Greg Arovas

Greg Arovas, P.C.  
Kirkland & Ellis LLP

cc: Counsel of record

Theodore Stevenson, II  
March 26, 2021  
Page 3

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

| Reference Name | Details  |
|----------------|--|
| Novlan         | U.S. Patent Application Publication No. 2014/0016549 to Novlan <i>et al.</i> |
| 36.213         | 3GPP TS 36.213, v12.3.0  |