

O'Melveny & Myers LLP
400 South Hope Street
18th Floor
Los Angeles, CA 90071

T: +1 213 430 6000
F: +1 212 430 6407
omm.com

File Number: 0409095-00070

July 22, 2021

Clarence A. Rowland
D: +1 213 430 7245
crowland@omm.com

VIA E-MAIL

Michael Songer
Michael.songer@whitecase.com
White & Case LLP
701 Thirteenth Street, NW
Washington DC, 20005

Re: *StratosAudio, Inc. v. Hyundai Motor America, - Case No. 6:20-cv-01125-ADA*

Dear Michael:

We write to inform you that Hyundai Motor America ("HMA") hereby stipulates that if the PTAB institutes *inter partes* review for HMA's concurrently filed IPR petition challenging U.S. Patent 8,688,028 (the "'028 Patent"), then HMA will not pursue invalidity against StratosAudio's presently asserted claims of the '028 Patent in the District Court proceeding captioned above using any obviousness ground which includes the primary references in that petition, referred to therein as "Curtin" and "Alwadish." HMA reserves the right to present invalidity in the District Court proceeding on other bases.

To be clear, this stipulation does not encompass any arguments regarding the proper priority date or dates of alleged invention of the '028 Patent claims. Accordingly, HMA reserves the right to make arguments regarding the priority date of the '028 Patent. This stipulation does not apply to any claims other than the '028 Patent claims challenged in the above-captioned IPR that are also presently asserted in District Court, nor does it apply to any claims of any other patent. Additionally, the primary references identified above may be included in Hyundai's invalidity contentions to preserve its rights in the event that, for example, the above-captioned IPR does not go forward.

Sincerely,



Clarence A. Rowland
O'MELVENY & MYERS LLP