

October 15, 2021

Ryan J. Schletzbaum

2555 Grand Blvd.
Kansas City, Missouri 64108
t 816.474.6550
d 816.559.2693
f 816.421.5547
rschletzbaum@shb.com

VIA E-MAIL

Christopher Michael Barkley
James Eamonn Sherry
McCathern PLLC
523 West 6th Street, Suite 830
Los Angeles, CA 90014

Arnold Shokouhi
McCathern Mooty Grinke, LLP
3710 Rawlins, Suite 1600
Dallas, TX 75219

Re: LoganTree LP. v. Apple Inc., Case No. 6:21-cv-00397 (W.D. Tex.)

Dear Counsel:

I write regarding a petition for *inter partes* review (IPR) being filed today with the Patent Trial and Appeal Board (PTAB) to address claims of U.S. Patent No. 6,059,576. The table below lists grounds asserted by Apple Inc. (“Apple”) in the IPR2022-00037 petition challenging claims of this patent, along with the implicated claims against which the grounds are asserted. I write to inform you that Apple hereby stipulates that in the event the PTAB institutes an *inter partes* review based on the petition being filed today in IPR2022-00037 and including the grounds listed in the table below against the corresponding claims listed in the table for those grounds (“Instituted Grounds”), Apple will not assert in the above-captioned litigation (6:21-cv-00397) the Instituted Grounds against the corresponding claims listed in the table for those grounds, and will not assert in the above-captioned litigation (6:21-cv-00397) any ground of invalidity that utilizes, as a primary reference, U.S. Patent No. 4,962,469 (“Ono”) against the claims listed in the table.

Patent No.	Proceeding No.	Claims	Ground
6,059,576	IPR2022-00037	1, 3-5, 8, 10, 20, 25, 30, 39, 41, 42, 61-65	Obvious (§ 103) over Ono in view of Hutchings

Patent No.	Proceeding No.	Claims	Ground
6,059,576	IPR2022-00037	1, 3-5, 8-11, 20, 25, 30, 36, 39-42, 61-65	Obvious (§ 103) over Ono in view of Hutchings and Amano
6,059,576	IPR2022-00037	1-5, 8, 10, 20, 25, 30, 31, 39, 41, 42, 45-47, 49, 61-65	Obvious (§ 103) over Ono in view of Hutchings and Conlan
6,059,576	IPR2022-00037	48, 50, 51	Obvious (§ 103) over Ono in view of Hutchings, Conlan, and Hickman
6,059,576	IPR2022-00037	1, 3-5, 8, 10, 20, 25, 30, 39, 41, 42, 61-65, 144, 147	Obvious (§ 103) over Ono in view of Hutchings and Kaufman
6,059,576	IPR2022-00037	1-5, 8-11, 20, 25, 30-32, 36, 39-42, 45-47, 49, 61-65, 144, 147	Obvious (§ 103) over Ono in view of Hutchings, Amano, Conlan, and Kaufman
6,059,576	IPR2022-00037	48, 50, 51	Obvious (§ 103) over Ono in view of Hutchings, Amano, Conlan, Kaufman, and Hickman
6,059,576	IPR2022-00037	1-5, 8-11, 20, 25, 30, 31, 36, 39-42, 45-47, 49, 61-65	Obvious (§ 103) over Ono in view of Hutchings, Amano, and Conlan
6,059,576	IPR2022-00037	48, 50, 51	Obvious (§ 103) over Ono in view of Hutchings, Amano, Conlan, and Hickman

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6,059,576	IPR2022-00037	1, 3-5, 8-11, 20, 25, 30, 36, 39-42, 61-65, 144, 147	Obvious (§ 103) over Ono in view of Hutchings, Amano, and Kaufman
6,059,576	IPR2022-00037	1-5, 8, 10, 20, 25, 30, 31, 39, 41, 42, 45-47, 49, 61-65, 144, 147	Obvious (§ 103) over Ono in view of Hutchings, Conlan, and Kaufman
6,059,576	IPR2022-00037	48, 50, 51	Obvious (§ 103) over Ono in view of Hutchings, Conlan, Kaufman, and Hickman

In so stipulating, consistent with the precedentially designated *Fintiv* decision, Apple seeks to avoid multiple proceedings addressing the validity of the challenged claims based on the same grounds. Rather, Apple wishes the patentability of these claims over the Instituted Grounds or grounds in which Ono is the primary reference to be addressed at the PTAB. But, for the sake of clarity and to avoid any doubt, if the PTAB declines to institute the IPR2022-00037 petition, Apple reserves the right to assert any such grounds in the above-captioned litigation (6:21-cv-00397). Apple also reserves its rights to continue to assert, in the event of institution, grounds other than the Instituted Grounds or grounds in which Ono is the primary reference.

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Sincerely,



Ryan Schletzbaum
Attorney for Defendant
Apple Inc.

cc: Counsel of record

Appendix A – List of Prior Art References

Reference Name	Details
Ono	U.S. Patent No. 4,962,469
Hutchings	U.S. Patent No. 5,899,963
Amano	U.S. Patent No. 5,941,837
Conlan	U.S. Patent No. 5,573,013
Hickman	U.S. Patent No. 6,059,692
Kaufman	U.S. Patent No. 5,857,939