

October 15, 2021

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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 IPR2022-00040 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 IPR2022-00040 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. 5,919,149 (“Allum”) or U.S. Patent No. 5,803,740 (“Gesink”) against the claims listed in the table.

Patent No.	Proceeding No.	Claims	Ground
6,059,576	IPR2022-00040	1-5, 8-11, 20, 25, 30, 36, 39-42, 45-51, 61-63, 144, 147	Obvious (§ 103) over Allum in view of Raymond and Conlan
6,059,576	IPR2022-00040	31, 32	Obvious (§ 103) over Allum in view of Raymond, Conlan, and optionally de Remer
6,059,576	IPR2022-00040	64, 65	Obvious (§ 103) over Allum in view of Raymond, Conlan, and Gaudet
6,059,576	IPR2022-00040	20, 25	Obvious (§ 103) over Gesink in view of Raymond

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 Allum or Gesink 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 IPR2022-00040 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 and grounds in which Allum or Gesink 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
Allum	U.S. Patent No. 5,919,149
Raymond	U.S. Patent No. 5,778,882
Conlan	U.S. Patent No. 5,573,013
de Remer	U.S. Patent No. 5,412,801
Gaudet	U.S. Patent No. 6,018,705
Gesink	U.S. Patent No. 5,803,740