

O'Melveny & Myers LLP  
610 Newport Center Drive  
17<sup>th</sup> Floor  
Newport Beach, CA 92660-6429

T: +1 949 823 6900  
F: +1 949 823 6994  
omm.com

April 18, 2022

**John Kappos**  
D: +1 949 823 6954  
jkappos@omm.com

**VIA EMAIL**

RE: *Scramoge Technology Ltd. v. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.*, Case No. 6:21-cv-00454-ADA (W.D. Tex.) and IPR2022-00284.

Counsel for Scramoge:

We represent Samsung in the above referenced matters. We write to inform you that Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively “Samsung” or “Petitioner”), hereby stipulates that if the PTAB institutes *inter partes* review no. IPR2022-00284 challenging U.S. Patent No. 9,997,962 (“’962 patent”), then Petitioner will not pursue invalidity against the asserted claims of the ’962 patent in the District Court proceeding captioned above using any obvious ground that includes the primary reference in that IPR petition referred to therein as “Suzuki.” Petitioner reserves the right to present invalidity in the District Court 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 ’962 patent claims. Accordingly, Petitioner reserves the right to make arguments regarding the priority date of the ’962 patent. This stipulation does not apply to any claims other than the claims challenged in the above-captioned IPR, nor does it apply to any claims of any other patent. Additionally, the primary references identified above may be included in Samsung’s invalidity contentions to preserve its rights in the event that the above-captioned IPR does not go forward.

Thank you for your attention to these matters.

Sincerely,

*/s/ John Kappos*

John Kappos, Counsel for Samsung