

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

RFCYBER CORP.,	§	Case No. 2:20-cv-00274-JRG
	§	(LEAD CASE)
Plaintiff,	§	
	§	
v.	§	<u>JURY TRIAL DEMANDED</u>
	§	
GOOGLE LLC and GOOGLE PAYMENT	§	
CORP.,	§	
	§	
Defendants.	§	

RFCYBER CORP.,	§	Case No. 2:20-cv-00335-JRG
	§	(MEMBER CASE)
Plaintiff,	§	
	§	
v.	§	<u>JURY TRIAL DEMANDED</u>
	§	
SAMSUNG ELECTRONICS CO. LTD and	§	
SAMSUNG ELECTRONICS AMERICA,	§	
INC.,	§	
	§	
Defendants.	§	

DEFENDANTS’ CONTINGENT ELECTION REGARDING INVALIDITY DEFENSES

Defendants Samsung Electronics America, Inc. (“SEA”) and Samsung Electronics Co., Ltd. (“SEC”) (collectively, “Samsung”) will file petitions for *inter partes* review (“IPR”) against U.S. Patent Nos. 8,118,218, 8,448,855, 9,189,787, and 9,240,009.

Samsung hereby stipulates that, unless a change of law allows otherwise (e.g., a Federal Circuit decision; an act of Congress), for those patents for which the United States Patent & Trademark Office Patent Trial and Appeal Board institutes an IPR, Samsung will not pursue in this litigation the specific grounds asserted in the instituted IPR or “any other ground ... that was raised or could have been reasonably raised in [that] IPR (i.e., any ground that could be raised

under §§ 102 or 103 on the basis of prior art patent or printed publications).” *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 at 18-19 (PTAB Dec. 1, 2020) (precedential).

Dated: June 8, 2021

/s/ Allan A. Kassenoff

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 8th day of June 2021, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3).

/s/ Melissa R. Smith

Melissa R. Smith