

**SENT VIA E-MAIL**

June 16, 2022

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**Re: *XR Communications, LLC v. Apple Inc., Case No. 6:21-cv-00620 (W.D. Tex.)***

Dear Counsel:

Apple Inc. ("**Apple**") is filing an *inter partes* review (IPR) petition (IPR2022-01155) with the Patent Trial and Appeal Board (PTAB) to address the validity of claims 1-7, 15, and 16 of U.S. Patent No. 10,715,235. The tables in attached Appendix A list all the grounds, challenged claims, and references asserted in IPR2022-01155.

I write to inform you that Apple hereby stipulates that:

- if the PTAB institutes IPR2022-01155 based on the grounds and claims listed in the tables in Appendix A, Apple will not pursue in the District Court any ground asserted in IPR2022-01155 or any other ground using U.S. Patent No. 6,031,877 ("Saunders") as a primary reference against claims 1-7, 15, and 16.

In so stipulating, Apple seeks to minimize the overlap of issues and avoid multiple proceedings addressing the validity of the challenged claims based on grounds involving Saunders as a primary reference. Rather, through this stipulation, Apple expresses its intention to have only the PTAB address the Instituted Grounds of invalidity of these claims. But, for the sake of clarity and to avoid any doubt, if the PTAB declines to institute any of the grounds identified herein, Apple reserves the right to assert the denied grounds and any other grounds (including grounds using Saunders as a primary reference) in the litigation.

Sincerely,



Michael Pieja

cc: Counsel of record

**Appendix A – Grounds and Prior Art References Used in IPR2022-01155**

Ground	Claim(s)	35 U.S.C. § 103
1	1-5, 15, 16	Saunders in view of Hottinen
2	6, 7	Saunders in view of Hottinen and Shull

**List of References**

Reference Name	Details
Saunders	U.S. Patent No. 6,031,877
Hottinen	PCT Application Publication No. WO 02/47286
Shull	U.S. Patent No. 6,006,077