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July 13, 2022

VIA E-MAIL

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MR. DAVID G. LISTON
LISTON ABRAMSON LLP
THE CHRYSLER BUILDING
405 LEXINGTON AVE, 46TH FLOOR
NEW YORK, NEW YORK 10174

Re: WAG Acquisition, LLC v. The Walt Disney Company et al, 2-21-cv-08230(CDCA)

Dear Mr. Liston:

I write regarding the petition for *inter partes* review (IPR) being filed with the Patent Trial and Appeal Board (PTAB) to challenge the validity of the claims in U.S. Patent No. 9,762,636. The table below lists the grounds of invalidity being asserted by The Walt Disney Company, Disney Streaming Services LLC, and Hulu LLC (collectively “Petitioner”) in the IPR.

Patent No.	Proceeding No.	Claims	Grounds
9,762,636	IPR2022-01227	1-12	§ 103(a) over <i>Carmel</i> .
9,762,636	IPR2022-01227	1-12	§ 103(a) over <i>Carmel</i> in view of <i>Shteyn</i> .

Petitioner hereby stipulates that in the event the PTAB institutes an *inter partes* review including the grounds listed in the table against the corresponding claims, Petitioner will not assert in the above-captioned litigation the same invalidity grounds asserted in the IPR, or any other ground that Petitioner reasonably could have raised in the IPR petition, against the corresponding claims.

In so stipulating, Petitioner seeks to avoid multiple proceedings addressing the validity of these claims based on the instituted grounds. Rather, through this stipulation, Petitioner 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, Petitioner reserves the right to assert such grounds in the above captioned litigation. Additionally, even in the event of institution, Petitioner reserves its rights to



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assert in the above-captioned litigation any invalidity theory that could not have been raised in an *inter partes* review proceeding.

Best regards,

A handwritten signature in black ink, appearing to read 'Larissa S. Bifano', enclosed in a light gray rectangular box.

Larissa S. Bifano

LSB: