

July 27, 2022

VIA E-MAIL

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THE MORT LAW FIRM, PLLC
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Re: *Jawbone Innovations, LLC v. Apple Inc.*, Case No. 6:21-cv-00984

Counsel:

We write regarding a petition for *inter partes* review (IPR) being filed with the Patent Trial and Appeal Board (PTAB) to address claims of U.S. Patent No. 11,122,357 (“the ’357 patent”). The table below lists grounds asserted by Apple Inc. (“Apple”) in the IPR2022-01321 petition challenging claims of this patent, along with the implicated claims against which the grounds are asserted.

We write to inform you that Apple hereby stipulates that in the event the PTAB institutes an *inter partes* review based on the IPR2022-01321 petition and including the grounds listed in the table below against the corresponding claims listed in the table for those grounds (“Instituted Grounds”), then Apple will not seek resolution in the above-captioned district court litigation (6:21-cv-00984) of the Instituted Grounds against the corresponding claims listed in the table for those same grounds.

Patent No.	Proceeding No.	Claim(s)	Ground
11,122,357	IPR2022-01321	1-20	Obvious (§ 103) over Kanamori, McCowen, and Elko

In so stipulating, Apple seeks to avoid multiple proceedings addressing the validity of the ’357 patent based on the same grounds. Rather, Apple wishes the patentability of this patent over the above-identified Grounds to be addressed at the PTAB. But, for the sake of clarity and to avoid any doubt, if the PTAB declines institution of Apple’s IPR petitions relating to the ’357 patent, Apple reserves the right to seek resolution of

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Exhibit 1026

the above-identified Grounds in the above-captioned district court litigation (6:21-cv-00984).

Sincerely,

/s/ Ricardo Bonilla

Ricardo Bonilla
Fish & Richardson P.C.
Counsel for Apple Inc.

List of Prior Art References

Reference Name	Details
Kanamori	U.S. Patent Publication No. 2004/0185804 to Kanamori <i>et al.</i> , filed November 18, 2003, and published September 23, 2004
McCowan	Iain A. McCowan <i>et al.</i> , <i>Near-field Adaptive Beamformer for Robust Speech Recognition</i> , 12 Digital Signal Processing 87-106 (2002); published in January 2002
Elko	U.S. Patent No. 8,942,387 to Elko <i>et al.</i> , claims priority to international application PCT/US2007/006093, filed March 9, 2007