

December 12, 2022

VIA E-MAIL

J. Stephen Ravel
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Re: *Spacetime3D, Inc. v. Apple Inc., Case No. 6:22-cv-00149 (W.D. Tex.)*

Dear Counsel:

Apple Inc. (“**Apple**”) has filed an *inter partes* review (IPR) petition (IPR2023-00344) with the Patent Trial and Appeal Board (PTAB) to address the validity of claims 1-20 of U.S. Patent No. 9,696,868. The tables in attached Appendix A list all the grounds, challenged claims, and references asserted in IPR2023-00344.

I write to inform you that Apple hereby stipulates that if the PTAB institutes IPR2023-00344 based on the grounds and claims listed in the tables in Appendix A, Apple will not pursue in the District Court the specific grounds raised in IPR2023-00344 against claims 1-20 of U.S. Patent No. 9,696,868. *See Sand Revolution II, LLC v. Continental Intermodal Group – Trucking LLC*, IPR2019-01393, Paper No. 24 (PTAB June 16, 2020).

In so stipulating, Apple seeks to avoid multiple proceedings addressing the validity of the challenged claims based on the same grounds. 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 in the litigation. Apple also reserves its rights to continue to assert grounds other than the Instituted Grounds.

Sincerely,

/s/Brian Rosenthal

Attorney for Apple Inc.

cc: Counsel of record

Appendix A – Grounds and Prior Art References Used in IPR2023-00344

Ground	Claim(s)	§103 Combination
1A	1-5, 9-14, and 18-20	Anthony in view of Hanggie
1B	6-8, 15-17	Anthony in view of Hanggie and Matthews
1C	7	Anthony in view of Hanggie and Matthews and Robertson
2A	1-5, 9-14, and 18-20	Hanggie in view of Anthony
2B	6-8, 15-17	Hanggie in view of Anthony and Matthews
2C	7	Hanggie in view of Anthony and Matthews and Robertson

List of References

Reference Name	Details
Anthony	US Patent Pub. No. 2005/0091596
Hanggie	US Patent Pub. No. 2005/0088447
Matthews	US Patent Pub. No. 2006/0107229
Robertson	US Patent No. 6,414,677