

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

SLYDE ANALYTICS LLC,

*Plaintiff,*

v.

SAMSUNG ELECTRONICS CO., LTD. and  
SAMSUNG ELECTRONICS AMERICA,  
INC.,

*Defendants.*

Case No. 2:23-cv-00083-RWS-RSP

**JURY TRIAL DEMANDED**

**DEFENDANTS SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG  
ELECTRONICS AMERICA, INC.'S, STIPULATION REGARDING INVALIDITY  
CHALLENGES**

Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.  
(collectively “Samsung”) hereby stipulate as follows.

WHEREAS, on October 9, 2023, Samsung filed a petition with the Patent Trial and Appeal Board (“PTAB”) requesting inter partes review (“IPR”) of all claims of U.S. Patent No. 9,651,922 (the “’922 Patent”), IPR2024-00002;

WHEREAS, on October 16, 2023, Samsung filed a petition with the Patent Trial and Appeal Board (“PTAB”) requesting IPR of all claims of U.S. Patent No. 8,588,033 (the “’033 Patent”), IPR2024-00006;

WHEREAS, on November 2, 2023, Samsung filed a petition with the Patent Trial and Appeal Board (“PTAB”) requesting IPR of all claims of U.S. Patent No. 9,804,678 (the “’678 Patent”), IPR2024-00040;

WHEREAS, on November 2, 2023, Samsung filed a petition with the Patent Trial and

Appeal Board (“PTAB”) requesting IPR of all claims of U.S. Patent No. 10,198,085 (the “’085 Patent”), IPR2024-00041;

WHEREAS, Plaintiff Slyde Analytics, LLC (“Slyde”) has argued in Patent Owner Preliminary Responses in at least the IPR2024-0002 and IPR2024-0006 proceedings that the PTAB should exercise its discretion under 35 U.S.C. § 314 to deny institution of the requested IPRs, *see, e.g.*, IPR2024-0002, Paper 7 at 25-31.

THEREFORE, Samsung hereby stipulates as follows:

If the PTAB institutes the pending IPR in IPR2024-00002 challenging the patentability of all claims of the ’922 patent, then Samsung will not pursue as to the challenged claims any ground raised or that could have been reasonably raised in the IPR in the above-captioned district court Case 2:23-cv-00083-RWS-RSP. *See Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 at 16-19 (PTAB Dec. 1, 2020).

If the PTAB institutes the pending IPR in IPR2024-00006 challenging the patentability of all claims of the ’033 patent, then Samsung will not pursue as to the challenged claims any ground raised or that could have been reasonably raised in the IPR in the above-captioned district court Case 2:23-cv-00083-RWS-RSP. *See Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 at 16-19 (PTAB Dec. 1, 2020).

If the PTAB institutes the pending IPR in IPR2024-00040 challenging the patentability of all claims of the ’678 patent, then Samsung will not pursue as to the challenged claims any ground raised or that could have been reasonably raised in the IPR in the above-captioned district court Case 2:23-cv-00083-RWS-RSP. *See Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 at 16-19 (PTAB Dec. 1, 2020).

If the PTAB institutes the pending IPR in IPR2024-00041 challenging the patentability of all claims of the ’085 patent, then Samsung will not pursue as to the challenged claims any ground

raised or that could have been reasonably raised in the IPR in the above-captioned district court Case 2:23-cv-00083-RWS-RSP. *See Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 at 16-19 (PTAB Dec. 1, 2020).

This stipulation is not intended, and should not be construed, to limit Samsung's ability to assert invalidity of the asserted claims of the '922, '033, '678, or '085 patents on any other ground (e.g., invalidity under 35 U.S.C. §§ 102 and 103 not available in IPR and under 35 U.S.C. §§ 101 and 112), regardless of whether IPRs are instituted. Further, Samsung reserves the right to pursue invalidity grounds encompassed by this stipulation in the district court litigation if the PTAB declines institution of the requested IPRs.

Dated: January 31, 2024

Respectfully submitted,

/s/ Ryan Yagura

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*Attorneys for Defendants Samsung  
Electronics Co., Ltd. and Samsung  
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**CERTIFICATE OF SERVICE**

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that, on January 31, 2024, all counsel of record who have appeared in this case are being served with a copy of the foregoing via the Court's CM/ECF system.

Dated: January 31, 2024

/s/ Ryan K. Yagura

Ryan K. Yagura  
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