

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner

v.

ZENTIAN LIMITED,

Patent Owner

Case No. IPR2023-00037
U.S. Patent No. 10,971,140 B2

NOTICE OF PETITIONER STIPULATION

Responsive to the Board's April 14, 2023, email authorization to file this Notice, Petitioner Apple Inc. hereby submits the following "*Sotera*" stipulation in view of Director Vidal's *Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation*, Dated June 21, 2022 (Interim Guidance):

If the instant IPR is instituted, Petitioner will not pursue in the parallel district court proceeding the same grounds as in the Petition or any grounds that could have reasonably been raised in the pending Petition.

In view of this stipulation and given Director Vidal's Interim Guidance, Petitioner respectfully submits the Board should not discretionarily deny institution of the present IPR under § 314(a) based on the *Fintiv* factors. *See Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, 2-3, 6 (PTAB Mar. 20, 2020) (precedential). Specifically, one component of the Interim Guidance clarifies that "the PTAB will not discretionarily deny institution of an IPR or PGR in view of parallel district court litigation where a petitioner stipulates not to pursue in a parallel district court proceeding the same grounds as in the petition or any grounds that could have reasonably been raised in the petition." Interim Guidance, 7.

Respectfully submitted,

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COUNSEL FOR PETITIONER

CERTIFICATE OF SERVICE ON PATENT OWNER
UNDER 37 C.F.R. § 42.6

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on April 17, 2023, the foregoing *Notice of Petitioner Stipulation* was served via electronic filing with the Board and via Electronic Mail on the following practitioners of record for Patent Owner:

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