

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CORRIGENT CORPORATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 22-496 (RGA)
	)	
DELL TECHNOLOGIES INC. and DELL	)	JURY TRIAL DEMANDED
INC.,	)	
	)	
Defendants.	)	

**DEFENDANTS DELL TECHNOLOGIES INC. AND DELL INC.’S STIPULATION
REGARDING INVALIDITY CONTENTIONS FOR U.S. PATENT NO. 7,593,400**

On December 23, 2022, Defendants Dell Technologies Inc. and Dell Inc. (collectively, “Dell”) filed petition no. IPR2023-00370 with the Patent Trial and Appeal Board (“PTAB”), requesting *inter partes* review of U.S. Patent No. 7,593,400 (“the ’400 patent”).

The petition asserts five grounds of invalidity: (1) claims 1, 3, 6, 11, 13, and 16 of the ’400 patent would have been obvious over U.S. Patent Application Publication No. 2005/0198371 (“Smith”); (2) claims 1–3 and 11–13 would have been obvious over Smith in view of Japanese Patent Application No. 2005/086668 (“Ishimori”); (3) claims 1, 4–7, 10–11, 14–17, and 20 would have been obvious over Smith, in view of Ishimori, in further view of U.S. Patent No. 6,735,198 (“Edsall”); (4) claims 8–9 and 18–19 would have been obvious over Smith in view of Ishimori in further view of U.S. Patent Application Publication No. 2004/0133619 (“Zelig”); and (5) claims 9 and 19 would have been obvious over Smith in view of Ishimori in further view of Zelig and IEEE Standard 802.1Q, Virtual Bridged Local Area Networks, 1998 Edition (“802.1Q”).

Defendants stipulate that if the PTAB institutes IPR on the grounds presented in the petition, Petitioners will not pursue in this co-pending district court litigation the specific grounds asserted in the petition, or any other ground that was raised or could have been reasonably raised

in an IPR (*i.e.*, grounds that could have been raised under §§ 102 or 103 on the basis of prior art patent or printed publications). *See Sotera Wireless, Inc. v. Masimo Corp.*, No. IPR2020-00109, Paper 12 at 18–19 (P.T.A.B. Dec. 1, 2020).

In so stipulating, Dell seeks to avoid a situation in which multiple proceedings address the validity of the challenged claims based on the same grounds. Instead, through this Stipulation, Dell expresses its preference that only the PTAB address the grounds of invalidity raised or that could have been reasonably raised in the IPR for these claims.

Notwithstanding this Stipulation, Dell reserves the right to assert in this litigation any grounds or claims on which the Board declines to institute *inter partes* review. Dell also reserves the right to assert grounds other than the grounds raised or could have been reasonably raised in the IPR for these claims.

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June 19, 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 19, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on June 19, 2023, upon the following in the manner indicated:

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