UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INFINERA CORPORATION,
Petitioner

v.

ALEXANDER SOTO AND WALTER SOTO,
Patent Owners.

IPR2023-00834
U.S. Patent No. 9,887,795

PETITIONER'S AUTHORIZED *SOTERA* STIPULATION

Petitioner Infinera Corporation has filed a *Sotera* stipulation in the co-pending district court case involving the '795 Patent. As the Board authorized during the call of Wednesday, November 15, 2023, Petitioner submits this *Sotera* stipulation in this IPR proceeding. The following **Attachment A** is a true and correct copy of the stipulation filed by Infinera Corporation in 2:22-cv-00307 in the Eastern District of Texas.

Respectfully submitted,

Dated: November 15, 2023
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/Monté T. Squire/
Monté T. Squire
Lead Counsel for Petitioner
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CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), that service was made on Patent Owner as detailed below.

Date of service	November 15, 2023
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Documents served	**Petitioner's Authorized *Sotera* Stipulation**
Persons served	Qi (Peter) Tong Reg. No. 74,292 Russ August & Kabat 4925 Greenville Avenue, Suite 200 Dallas, TX 75206 Irene Y Lee (Reg. No. 54,259) Benjamin T. Wang Andrew D. Weiss Paul A. Kroeger Russ August & Kabat 12424 Wilshire Blvd., 12th Fl. Los Angeles, CA 90025

Respectfully submitted,

/Monté T. Squire/
Monté T. Squire
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ATTACHMENT A

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

NEXTGEN INNOVATIONS, LLC, Plaintiff, v. FUJITSU NETWORK COMMUNICATIONS, INC., et al, Defendants.	Case No. 2:22-cv-00307-JRG-RSP (Lead Case)
NEXTGEN INNOVATIONS, LLC, Plaintiff, v. INFINERA CORPORATION, Defendant.	Case No. 2:22-cv-00306-JRG-RSP (Member Case) **JURY TRIAL DEMANDED**

DEFENDANT INFINERA CORPORATION'S STIPULATION
REGARDING U.S. PATENT NO. 9,887,795

On April 14, 2023, Defendant Infinera Corporation ("Infinera") filed petition no. IPR2023-00834 with the Patent Trial and Appeal Board ("PTAB"), requesting *inter partes* review of U.S. Patent No. 9,887,795 ("the '795 patent"). The IPR2023-00834 petition asserts two grounds of unpatentability: (1) claims 1-3, 5, 10, 13, 14, and 16-21 would have been obvious over U.S. Patent Application Publication No. 2003/0020986 to Pang et. al. ("Pang") in view of U.S. Patent Application Publication No. 2002/0167693 to Vrazel et al. ("Vrazel"); and (2) claims 11 and 12 would have been obvious over Pang in view of Vrazel and U.S. Patent No. 7,146,103 to Yee.

Infinera stipulates that if the PTAB institutes *inter partes* review of claims on the grounds presented in the petition, Infinera will not pursue against such claims in the 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 *inter partes* review. *See Sotera Wireless, Inc. v. Masimo Corp.*, No. IPR2020-00109, Paper 12 at 18–19 (PTAB Dec. 1, 2020).

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

Dated: November 8, 2023

Respectfully submitted,

/s/ Holly Engelmann

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Counsel for Defendant Infinera Corporation

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Holly Engelmann
Holly Engelmann