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

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| TEXTRON INNOVATIONS INC.,<br><br>Plaintiff,<br><br>v.<br><br>SZ DJI TECHNOLOGY CO., LTD., DJI EUROPE B.V., SZ DJI BAIWANG TECHNOLOGY CO. LTD., and IFLIGHT TECHNOLOGY COMPANY LTD.,<br><br>Defendants. | Case No. 2:22-cv-0351-RWS-RSP |

**NOTICE OF *SOTERA* STIPULATION OF DEFENDANTS SZ DJI TECHNOLOGY CO. LTD, DJI EUROPE B.V., SZ DJI BAIWANG TECHNOLOGY CO. LTD, AND IFLIGHT TECHNOLOGY COMPANY LTD.**

On July 27, July 28, and August 2023, Defendant DJI Europe B.V. filed IPR2023-01104, IPR2023-01105, IPR2023-01106, IPR2023-01107, and IPR2023-01227 with the Patent Trial and Appeal Board of the United States Patent and Trademark Office (the "PTAB"). Defendants SZ DJI Technology Co. Ltd., iFlight Technology Company Ltd., and SZ DJI Baiwang Technology Co. Ltd. were named as real parties-in-interest in each proceeding. DJI Europe B.V.'s petition in IPR2023-01104 requests *inter partes* review ("IPR") of claims 1–20 of U.S. Patent No. 8,682,505, in IPR2023-01105 requests IPR of claims 1–20 of U.S. Patent No. 8,332,082, in IPR2023-01106 requests IPR of claims 1–5 and 7–8 of U.S. Patent No. 10,275,950, in IPR2023-01107 requests IPR of U.S. Patent No. 10,275,950, and in IPR2023-01227 requests IPR of claims 1–20 of U.S. Patent No. 11,288,972. The claims challenged in these IPR petitions include all the claims that Plaintiff Textron Innovations Inc. ("Textron") has asserted against Defendants in this lawsuit.

Defendants hereby notify the Court and Textron that Defendant DJI Europe B.V. and its real parties-in-interest Defendants SZ DJI Technology Co. Ltd, iFlight Technology Company Ltd., and SZ DJI Baiwang Technology Co. Ltd. are submitting the following "*Sotera* stipulations" in support of the petitions in IPR2023-01104, IPR2023-01105, IPR2023-01106, IPR2023-01107, and IPR2023-01227. *See Sotera Wireless, Inc.* v. *Masimo Corp*., IPR2020-01019, Paper 12 at 18–19 (PTAB Dec. 1, 2020).

Defendants hereby stipulate, consistent with the stipulation made by the Petitioner in *Sotera Wireless, Inc.* v. *Masimo Corp*., IPR2020-01019, Paper 12 at 18–19 (PTAB Dec. 1, 2020), ("S*otera*") that if the PTAB institutes an IPR in response to DJI Europe B.V.'s petition against Textron's U.S. Patent No. 8,682,505 (IPR2023-01104), Defendants will not pursue in this litigation the grounds raised or any other grounds that could have reasonably been raised before

the PTAB in that instituted proceeding (i.e., any ground that could be raised under §§ 102 or 103 on the basis of prior art patents or printed publications).

Defendants herby stipulate, consistent with the stipulation made by the Petitioner in *Sotera*, that if the PTAB institutes an IPR in response to DJI Europe B.V.'s petition against Textron's U.S. Patent No. 8,332,082 (IPR2023-01105), Defendants will not pursue in this litigation the grounds raised or any other grounds that could have reasonably been raised before the PTAB in that instituted proceeding (i.e., any ground that could be raised under §§ 102 or 103 on the basis of prior art patents or printed publications).

Defendants hereby stipulate, consistent with the stipulation made by the Petitioner in *Sotera*, that if the PTAB institutes one or both IPRs in response to DJI Europe B.V.'s two petitions against Textron's U.S. Patent No. 10,275,950 (IPR2023-01106 and IPR2023-01107), Defendants will not pursue in this litigation the grounds raised or any other grounds that could have reasonably been raised before the PTAB in the instituted proceeding or proceedings (i.e., any ground that could be raised under §§ 102 or 103 on the basis of prior art patents or printed publications).

Defendants herby stipulate, consistent with the stipulation made by the Petitioner in *Sotera*, that if the PTAB institutes an IPR in response to DJI Europe B.V.'s petition against Textron's U.S. Patent No. 11,288,972 (IPR2023-01227), Defendants will not pursue in this litigation the grounds raised or any other grounds that could have reasonably been raised before the PTAB in that instituted proceeding (i.e., any ground that could be raised under §§ 102 or 103 on the basis of prior art patents or printed publications).

Defendants' *Sotera* stipulations above are not intended and should not be construed to limit Defendants' ability to assert invalidity of any claims of the patents-at-issue in this lawsuit based on any other ground.

Dated: January 22, 2024

Respectfully submitted,

*/s/ Catherine Nyarady*

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**CERTIFICATE OF SERVICE**

I certify that, on January 22, 2024, I caused a true and correct copy of the foregoing document to be served on all counsel of record, pursuant to Local Rule CV-5(a)(3), via the Court's Electronic Filing System.

Dated: January 22, 2024

*/s/ Andy Tindel*
Andy Tindel