IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:23-cv-00493-FL

INTERDIGITAL, INC., INTERDIGITAL VC HOLDINGS, INC., INTERDIGITAL PATENT HOLDINGS, INC., and INTERDIGITAL MADISON PATENT HOLDINGS SAS, Plaintiffs, v. LENOVO (UNITED STATES) INC., MOTOROLA MOBILITY LLC, and LENOVO PC HK LIMITED, Defendants.	**JURY TRIAL DEMANDED**

LENOVO'S SUPPLEMENTAL NOTICE REGARDING PRIOR ART INVALIDITY GROUNDS

On April 5, 2024, Defendants Lenovo (United States) Inc., Motorola Mobility LLC, and Lenovo PC HK Limited (collectively, "Lenovo") advised the Court of the following four pending *inter partes* review ("IPR") proceedings: *Microsoft Corp. v. InterDigital Patent Holdings, Inc.*, Case Nos. IPR2024-00305, IPR2024-00306, IPR2024-00537, and IPR2024-00538. ECF No. 83. Because these proceedings involve U.S. Patent Nos. 8,737,933 ("'933 patent") and 9,173,054 ("'054 patent"), which are also asserted against Lenovo in this litigation, Lenovo stipulated that:

MICROSOFT EXHIBIT 1081
Microsoft v. InterDigital
IPR2024-00305

- should the PTAB institute IPR in IPR2024-00305 and IPR2024-00306, then Lenovo will not pursue the same grounds in district court litigation as are presented in IPR2024-00305 and IPR2024-00306; and
- should the PTAB institute IPR in IPR2024-00537 and IPR2024-00538, then Lenovo will not pursue the same grounds in district court litigation as are presented in IPR2024-00537 and IPR2024-00538.

Lenovo further clarifies and stipulates as follows:

- should the PTAB institute IPR in IPR2024-00305, then Lenovo will not pursue the same grounds in district court litigation for the '933 patent as are presented in IPR2024-00305;
- should the PTAB institute IPR in IPR2024-00306, then Lenovo will not pursue the same grounds in district court litigation for the '054 patent as are presented in IPR2024-00306;
- should the PTAB institute IPR in IPR2024-00537, then Lenovo will not pursue the same grounds in district court litigation for the '933 patent as are presented in IPR2024-00537; and
- should the PTAB institute IPR in IPR2024-00538, then Lenovo will not pursue the same grounds in district court litigation for the '054 patent as are presented in IPR2024-00538.

See, e.g., *Sand Revolution II, LLC v. Cont'l Intermodal Group-Trucking LLC*, IPR2019-01393, Paper 24 at 12 (PTAB June 16, 2020) (designated "Informative") (granting institution of IPR based in part on a similar stipulation and noting that the stipulation "mitigate[d] to some degree the concerns of duplicative efforts between the district court and the Board, as well as concerns of potentially conflicting decisions").

Lenovo reserves the right to pursue the same invalidity grounds in this litigation if the PTAB declines to institute the IPRs identified above. Further, regardless of the PTAB's institution decisions, Lenovo reserves the right to pursue all other invalidity grounds disclosed in its invalidity contentions. Finally, this stipulation does not modify or alter Lenovo's pending Motion for Judgment on the Pleadings. ECF No. 69.

Date: April 22, 2024

/s/Raymond M. Bennett

Raymond M. Bennett (NC Bar No. 36341)
WOMBLE BOND DICKINSON (US) LLP
555 Fayetteville Street, Suite 1100
Raleigh, NC 27601
Telephone: 919-755-2158
Facsimile: 919-755-6068
Ray.Bennett@wbd-us.com

Jacob S. Wharton (NC Bar No. 37421)
WOMBLE BOND DICKINSON (US) LLP
One West 4th St.
Winston-Salem, NC 27601
Telephone: 919-747-6609
Jacob.Wharton@wbd-us.com

Adam Shartzer
FISH & RICHARDSON P.C.
1000 Maine Ave SW
Washington, D.C. 20024
Telephone: 202-626-6380
shartzer@fr.com
Special Appearance Pursuant to L.R. 83.1

Jack R. Wilson IV
FISH & RICHARDSON P.C.
1000 Maine Ave SW
Washington, D.C. 20024
Telephone: 202-626-6415
jwilson@fr.com
Special Appearance Pursuant to L.R. 83.1
Forthcoming

Attorneys for Defendants
Lenovo (United States) Inc.,
Lenovo PC HK Limited, and
Motorola Mobility LLC