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Re: *Proxense LLC v. Microsoft Corp.,* Case No. 6:23-cv-00319-ADA (W.D. Tex.)

Dear Counsel:

Microsoft Corporation ("Microsoft") has filed an *inter partes* review (IPR) petition (IPR2024-00407) with the Patent Trial and Appeal Board (PTAB) to address the validity of claims 1-20 of U.S. Patent No. 9,679,289 ("**the '289 Patent**"). The tables in attached Appendix A list all the grounds and references asserted in IPR2024-00407 against the challenged claims.

I write to inform you that Microsoft hereby stipulates that if the PTAB institutes IPR2024-00407, Microsoft agrees not to pursue any grounds raised in the petition, or any grounds Microsoft could have reasonably raised in the petition, against all claims of the '289 Patent in this District Court proceeding. *Sotera Wireless, Inc. v. Masimo Corp.,* Case IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020). For the sake of clarity and to avoid any doubt, if the PTAB declines to institute IPR2024-00407, Microsoft reserves the right to assert any grounds of invalidity against the '289 Patent in the District Court proceedings.

Sincerely,

Betty Chen
Attorney for Microsoft

Exhibit 1018
Microsoft v. Proxense
IPR2024-00407

Appendix A – Grounds and Prior Art References Used in IPR2024-00407

Ground	Claim(s)	35 U.S.C. § 103
1A	1-20	Giobbi-157 in view of Giobbi-139
1B	1-20	Giobbi-157 in view of Giobbi-139 and Dua
2A	1-8, 10-11, and 14-19	Broadcom
2B	1-20	Broadcom in view of Giobbi-157

Reference Name	Details
Giobbi-157	U.S. Patent Publication No. 2007/0245157 A1
Giobbi-139	U.S. Patent Publication No. 2004/0255139 A1
Dua	U.S. Patent No. 9,042,819
Broadcom	European Patent No. EP 1 536 306 A1