KIRKLAND & ELLIS LLP
AND AFFILIATED PARTNERSHIPS

300 North LaSalle
Chicago, IL 60654
United States

+1 312 862 2000

www.kirkland.com

Jay Emerick
To Call Writer Directly:
+1 312 862 3772
jay.emerick@kirkland.com

Facsimile:
+1 312 862 2200

March 8, 2024

VIA ELECTRONIC MAIL

Brian Rosenthal
Gibson Dunn
200 Park Avenue,
New York, NY 10166
brosenthal@gibsondunn.com

Re: *SharkNinja Operating LLC et al. v. Dyson, Inc. et al.*, No. 1:23-cv-12372-ADB (D. Mass.)

Dear Brian:

I write regarding the petition for *inter partes* review (IPR) that is being filed against one of the asserted patents, U.S. Patent No. 8,607,407 (the "'407 patent"). Dyson, Inc. and Dyson Technology Limited (together, "Dyson") hereby stipulates that, if the Patent Trial and Appeal Board ("PTAB") institutes the IPR petition on the grounds presented (a table of which is included below), then Dyson will not pursue those same instituted grounds against the same patent claims in the above-captioned litigation, 1:23-cv-12372.

In so stipulating, Dyson seeks to avoid multiple proceedings addressing the validity of the '407 patent based on the same grounds. Rather, consistent with Congressional intent, Dyson wishes the patentability of this patent over those grounds to be addressed at the PTAB. But, for the sake of clarity and to avoid any doubt, if the PTAB declines institution of the IPR or later vacates institution of the IPR, Dyson reserves the right to pursue the grounds of that IPR in this litigation.

The IPR petition relies on the following prior art references:

- Martelliere (French Patent No. 1,094,603)
- Butler (PCT Publication No. 2007/084543)
- IPVG (U.K. Publication No. GB283,179)

- Conrad335 (U.S. Publication No. 2007/0209335)
- Jianan (Chinese Publication No. 101,061,932)
- Khalil (U.S. Publication No. 2006/0156508)

The IPR grounds are as follows:

Grounds	Claims	Basis
1	23-24	§102; Martelliere
2	23-24	§102; Butler
3	1-25	§103; IPVG and Conrad335
4	23-24	§103; Martelliere and IPVG
5	1-25	§103; Jianan and Khalil

Sincerely,

/s/ Jay Emerick

Jay Emerick