

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

WELLCOMEMAT, LLC,

Plaintiff,

v.

AYLO HOLDINGS S.à r.l., AYLO
FREESITES LTD, AYLO PREMIUM, LTD,
9219-1568 QUEBEC, INC., and JARROD
BELTRAN,

Defendants.

C.A. No. 2:23-cv-483-JRG-RSP

JURY TRIAL DEMANDED

DEFENDANTS' STIPULATION REGARDING INVALIDITY GROUNDS

WHEREAS on October 13, 2023 Plaintiff WellcomeMat, LLC (“Plaintiff”) filed a Complaint (Dkt. No. 1) alleging that Defendants Aylo Holdings S.à r.l., Aylo Freesites Ltd, Aylo Premium Ltd, 9219-1568 Quebec, Inc. (collectively, “Aylo”) infringe U.S. Patent No. 8,307,286 (the “Asserted Patent”);

WHEREAS, on March 11, 2024 Plaintiff asserted that Aylo infringed claims 13-15 and 18-20 of the Asserted Patent;

WHEREAS on March 29, 2024 Aylo filed a petition for *inter partes* review (IPR), assigned case number IPR2024-00710 (“-710 IPR”), challenging the validity of the Asserted Patent’s asserted claims 13-15 and 18-20;

WHEREAS on April 15, 2024 Aylo moved to stay this case pending IPR (Dkt. No. 44)—which is fully briefed and pending before this Court;

WHEREAS the Patent Trial and Appeal Board’s (“PTAB”) due date for determining whether to institute IPR in the -710 IPR is September 30, 2024;

IT IS HEREBY STIPULATED by Aylo that if the PTAB institutes IPR in the -710 IPR:

- i) Aylo will not pursue against asserted claims 13-15 and 18-20 of the Asserted Patent in this case any invalidity grounds advanced in the in the -710 IPR Petition, and
- ii) Upon the PTAB issuing a final written decision in the -710 IPR, Aylo will not assert either in a civil action arising in whole or in part under section 1338 of title 28 (including the above captioned case) or in a proceeding before the International Trade Commission under section 337 of the Tariff Act of 1930 that claims 13-15 and 18-20 of the Asserted Patent are invalid on any ground that Aylo raised or reasonably could have raised against claims 13-15 and 18-20 in the -710 IPR.

IT IS SO STIPULATED.

Dated: August 22, 2024

Respectfully submitted,

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*Attorneys for Defendants Aylo Holdings S.à r.l.,
Aylo Freesites Ltd, Aylo Premium Ltd, and
9219-1568 Quebec, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of the foregoing document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this August 22, 2024.

/s/ Melissa R. Smith
Melissa R. Smith