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March 22, 2024

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VIA EMAIL

David W. Higer
Winstead P.C.
2728 N. Harwood St.
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Dallas, Texas 75201

Re: *MOSAID Technologies Inc. v. MediaTek, Inc. and MediaTek USA, Inc.*, No. 2:23-cv-00129-JRG-RSP (E.D. Tex.)

Dear David:

I write regarding the petition for *inter partes* review (IPR) that is being filed today against U.S. Patent No. 8,253,438, which MOSAID has asserted against MediaTek in the above-captioned litigation. MediaTek hereby stipulates that if the Patent Trial and Appeal Board (PTAB) institutes the IPR petition filed in IPR2024-00720 on the grounds presented within that petition, then MediaTek will not seek resolution in the District Court of the same grounds as set forth in the petition or any grounds that MediaTek could have reasonably raised in the petition. *See Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020).

In so stipulating, MediaTek seeks to avoid multiple proceedings in different forums addressing the validity of the '438 patent based on any grounds set forth in the petition or any grounds that MediaTek could have reasonably raised in the petition.[1] Rather, consistent with Congressional intent, MediaTek wishes the patentability of the '438 patent over the prior art references applied (or any that could have reasonably been raised) in IPR2024-00720 to be addressed at the PTAB.

[1] For the avoidance of doubt, MediaTek reserves the right to assert any grounds of invalidity in the District Court proceedings against the '438 patent that it *could not* have reasonably raised in the petition (e.g., invalidity under 35 U.S.C. §§ 101 and 112, invalidity under 35 U.S.C. §§102-103 with respect to system art that is not eligible for PTAB consideration, and/or non-statutory obviousness-type double patenting).

For the sake of clarity and to avoid any doubt, if the PTAB declines to institute IPR2024-00720, MediaTek reserves the right to assert any grounds of invalidity in the District Court proceedings against the ’438 patent.

Regards,

Timothy W. Riffe