

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

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March 27, 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. 10,327,607 (the “’607 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 ’607 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:

- Liddell (U.K. Patent Publication GB2,399,780A)
- Organ (U.K. Patent Publication GB2,372,434A)
- Simpson (U.S. Patent No. 1,940,609)

KIRKLAND & ELLIS LLP

Brian Rosenthal
March 27, 2024
Page 2

- Dyson DC14 Owner's Manual
- Lim (U.S. Patent Publication US2004/0237482A1)
- Soler (U.S. Patent 5,267,371)

The IPR grounds are as follows:

Grounds	Claims	Basis
1	1, 3-4, 6-13	§102; Liddell
2	1, 3-13	§103; Liddell alone or combined with Organ
3	10	§103; Liddell combined with Organ and DC14Manual
4	14	§103; Liddell combined with Lim; and Liddell combined with Organ and Lim
5	1-4, 6-13	§103; Simpson combined with Liddell
6	1-13	§103; Simpson combined with Liddell and Organ
7	10	§103; Simpson combined with Liddell and DC14Manual; and Simpson combined with Liddell, Organ, and DC14Manual
8	14	§103; Simpson combined with Liddell and Lim; Simpson combined with Liddell, Organ, and Lim
9	1-4, 6-9, 11-13	§103; Soler combined with Liddell
10	4-5	§103; Soler combined with Liddell and Organ

KIRKLAND & ELLIS LLP

Brian Rosenthal
March 27, 2024
Page 3

11	14	§103; Soler combined with Liddell and Lim
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Sincerely,

/s/ Jay Emerick
Jay Emerick