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April 1, 2024

VIA E-MAIL

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Re: ***Cellspin Soft Inc. v. ByteDance, Ltd. et al.,*** **Case No. 2:23-cv-496-JRG-RSP (E.D. Tex.)**

Dear Counsel:

TikTok Inc., ByteDance, Inc., ByteDance, Ltd., ByteDance PTE., Ltd., and TikTok PTE., Ltd. (collectively, "**TikTok**") has filed an *inter partes* review (IPR) petition (IPR2024-00757) with the Patent Trial and Appeal Board (PTAB) to address the validity of claims 1-5 of U.S. Patent No. 8,756,336 ("**the '336 Patent**").

I write to inform you that TikTok hereby stipulates that if the PTAB institutes IPR2024-00757, TikTok agrees not to pursue any grounds raised in the petition, or any grounds TikTok could have reasonably raised in the petition, in this district court litigation or any parallel 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 IPR2024-00757, TikTok reserves the right to assert any grounds of invalidity in the District Court proceedings against the '336 Patent.

Sincerely,

Ricardo Bonilla
Attorney for TikTok