FISH.
FISH & RICHARDSON

Fish & Richardson P.C.
1717 Main Street
Suite 5000
Dallas, TX 75201

214-747-5070 main

Ricardo Bonilla
Principal
rbonilla@fr.com
+1 214-292-4012 direct

April 5, 2024

VIA E-MAIL

Garteiser Honea, PLLC
119 W. Ferguson Street
Tyler, Texas 75702
Telephone: (903) 705-7420
Facsimile: (903) 284-5200

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 (IPR2024-00768) with the Patent Trial and Appeal Board (PTAB) to address the validity of claims 1-10 of U.S. Patent No. 11,234,121 ("**the '121 Patent**").

I write to inform you that TikTok hereby stipulates that if the PTAB institutes IPR2024-00768, 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 IPR2024-00768, TikTok reserves the right to assert any grounds of invalidity in the District Court proceedings against the '121 Patent.

Sincerely,

Ricardo Bonilla
Attorney for TikTok