

Via e-mail

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Re: *Kustom Signals, Inc. v. Applied Concepts, Inc.*, NDTX Case. No. 3:23-CV-01937-N

Counsel:

I write regarding the petition for *inter partes* review (“IPR”) that is being filed today on U.S. Patent No. 11,194,039 (“the ’039 Patent”), which Kustom Signals has asserted in the above-captioned litigation. Applied Concepts hereby stipulates that, if the Patent Trial and Appeal Board institutes an IPR proceeding against the ’039 Patent on the grounds presented within that petition, Applied Concepts will not, in the above-captioned litigation, pursue the same prior art grounds raised in the IPR petition (*see* Appendices A and B) or any prior art grounds that could have reasonably been raised in the petition. Regards,



Wasif Qureshi
Counsel for Applied Concepts

Appendix A – Prior Art Presented in the IPR Petition

Name	Description
Aker	U.S. Patent Pub. No. 2004/0257268
Thomas	United Kingdom Patent Pub. No. 2,334,700
Carmichael	U.S. Patent Pub. No. 2005/0146458
Aker '724	U.S. Patent No. 5,691,724
Shelton	U.S. Patent No. 6,023,236
Henderson	U.S. Patent No. 5,528,246

Appendix B – Grounds Presented in the IPR Petition

Ground	Challenged Claims	Basis for Rejection
1A	1-3, 6-11, 14, 15	Obviousness (§103) over Aker, Aker '724, and Thomas
1B	3-5, 11-13	Obviousness (§103) over Aker, Aker '724, Thomas, and Carmichael
2A	1-3, 6-11, 14, 15	Obviousness (§103) over Shelton, Henderson, and Thomas
2B	3-5, 11-13	Obviousness (§103) over Shelton, Henderson, Thomas, and Carmichael