

June 7, 2024

VIA E-MAIL

185628 - DLA Piper LLP (US)/Pittsburgh
1650 Market Street, Suite 5000
Philadelphia, PA 19103

Paul Steadman
DLA Piper
444 West Lake Street; Suite 900
Chicago, Illinois 60606-0089

Re: *SharkNinja Operating LLC et al. v. Dyson, Inc. et al.*, No. 1:23-cv-11277-ADB (D. Mass.)

Dear Counsel:

We write regarding a petition for *inter partes* review (IPR) being filed to address claims 1–32 (the “Challenged Claims”) of U.S. Patent No. 11,044,979 (“the ’979 Patent”). The ’979 patent is currently asserted in *SharkNinja Operating LLC et al. v. Dyson, Inc. et al.*, No. 1:23-cv-11277-ADB (D. Mass.) (the “District Court Action”).

Petitioners SharkNinja, Inc., SharkNinja Operating LLC, SharkNinja Management LLC, and SharkNinja Sales Company (collectively, “Petitioners”) hereby stipulate that if the Patent Trial and Appeal Board (PTAB) institutes IPR of the ’979 Patent on the grounds presented (a table of which is included below), then Petitioners will not pursue in the District Court Action invalidity of the Challenged Claims on any ground raised or that could have been reasonably raised in an IPR. This stipulation is not intended, and should not be construed, to limit in any way Petitioners’ ability to assert invalidity of any claim of the ’979 Patent in the District Court Action on any other ground (e.g., invalidity under 35 U.S.C. §§ 101, 112 or with respect to prior art grounds that could not reasonably have been raised in IPR), regardless of whether *inter partes* review is instituted.

The table below lists grounds asserted by Petitioners in the petition for IPR of the ’979 Patent, along with the implicated claims against which each ground is asserted.

Ground	Claims	Basis for Rejection
1	1–9 and 12–14	Obviousness over Saito in view of Lindsey
2	10 and 11	Obviousness over Saito in view of Lindsey and Schepisi

Ground	Claims	Basis for Rejection
3	15 and 16	Obviousness over Saito in view of Lindsey and Nicolas
4	17–25, 27, and 29–32	Obviousness over Saito in view of Lindsey and Shoemaker
5	26 and 28	Obviousness over Saito in view of Lindsey, Schepisi, and Shoemaker

Sincerely,

GIBSON, DUNN & CRUTCHER LLP



Brian M. Buroker

BMB