

# Morgan Lewis

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## VIA E-MAIL

Re: *Optimum Imaging Techs. LLC v. Olympus Corp., et al.*, Civ. No. 4-23-cv-00924 (E.D. Tex.); *Optimum Imaging Techs. LLC v. Nikon Corp.*, Case No. 4-23-cv-00923 (E.D. Tex.); *Optimum Imaging Techs. LLC v. Panasonic Corp., et al.*, Case No. 4-23-cv-00926 (E.D. Tex.); *Optimum Imaging Technologies LLC v. FUJIFILM Corporation*, Case No. 4-23-cv-00922 (E.D. Tex.)

Dear Counsel:

We write regarding the above-captioned litigations (the “District Court Cases”), and the related petition for *inter partes* review (IPR) in IPR2024-01220 that was filed today against certain claims of U.S. Patent No. 10,873,685.

Petitioners Olympus Corporation (“Olympus”), OM Digital Solutions Corporation (“OMDS”), FUJIFILM North America Corporation (“FNAC”), FUJIFILM Corporation (“FUJIFILM”), Nikon Corporation (“Nikon”), Panasonic Entertainment & Communication Co., Ltd. (“Panasonic”) (collectively “Petitioners”) hereby stipulate that if the Patent Trial and Appeal Board (PTAB) institutes an IPR based on the grounds identified below, then it will (i) not pursue the grounds identified below in the respective District Court Case, and (ii) not pursue any other ground that reasonably could have been raised during the IPR (should it be instituted) in the respective District Court Case.

The grounds presented in the IPR petition are reproduced below for convenience:

| Ground | Prior Art               | Statutory Basis | Claims Challenged from U.S. Patent No. 10,873,685 |
|--------|-------------------------|-----------------|---------------------------------------------------|
| 1      | Iwasawa                 | § 103           | 1, 3, 6, 11-14, 17, and 19                        |
| 2      | Iwasawa + Enomoto       | § 103           | 1-3, 5-7, 10-15, 17-19, 23, 24, 27, 28, and 30    |
| 3      | Iwasawa + Ito           | § 103           | 4, 8, 9, and 16                                   |
| 4      | Iwasawa + Enomoto + Ito | § 103           | 4, 8, 9, and 16                                   |

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|    |                                  |       |                    |
|----|----------------------------------|-------|--------------------|
| 5  | Iwasawa + Prilutsky              | § 103 | 20                 |
| 6  | Iwasawa + Enomoto +<br>Prilutsky | § 103 | 20                 |
| 7  | Iwasawa + Miyazawa               | § 103 | 21                 |
| 8  | Iwasawa + Enomoto +<br>Miyazawa  | § 103 | 21                 |
| 9  | Iwasawa + Matsutani              | § 103 | 22, 25, 26, and 29 |
| 10 | Iwasawa + Enomoto +<br>Matsutani | § 103 | 22, 25, 26 and 29  |

Sincerely,

/ Alexander B. Stein /

Alexander B. Stein for Olympus and OMDS

/ Marc S. Blackman /

Marc S. Blackman for Nikon

/ T. Vann Pearce, Jr /

T. Vann Pearce, Jr for FUJIFILM and FNAC

/ Joseph M. Casino /

Joseph M. Casino for Panasonic