

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

|                         |   |                      |
|-------------------------|---|----------------------|
| ORCKIT CORPORATION,     | ) |                      |
|                         | ) |                      |
| Plaintiff,              | ) |                      |
|                         | ) |                      |
| v.                      | ) | C.A. No. 23-822 (MN) |
|                         | ) |                      |
| JUNIPER NETWORKS, INC., | ) |                      |
|                         | ) |                      |
| Defendant.              | ) |                      |

**STIPULATION AND ORDER TO STAY ACTION**

WHEREAS, Plaintiff Orckit Corporation (“Plaintiff”) filed this lawsuit on July 31, 2023 asserting infringement of U.S. Patent Nos. 7,545,740 (“the ’740 Patent”), 8,830,821 (“the ’821 Patent”), and 10,652,111 (“the ’111 Patent”) (collectively, the “patents-in-suit”) (D.I. 1);

WHEREAS, Plaintiff filed a lawsuit asserting the same three patents-in-suit against Cisco Systems, Inc. (“Cisco”) in the Eastern District of Texas in the case styled *Orckit Corp. v. Cisco Systems, Inc.*, C.A. No. 2:22-cv-00276-JRG-RSP;

WHEREAS, Cisco filed petitions for *inter partes* review (“IPR”) on all three patents-in-suit (the “Cisco Petitions”), each of which the Patent Trial and Appeal Board (“PTAB”) instituted, as follows:

| Patent Number | IPR Case Number | Date Instituted    |
|---------------|-----------------|--------------------|
| ’740 Patent   | IPR2023-00401   | September 11, 2023 |
| ’821 Patent   | IPR2023-00402   | September 12, 2023 |
| ’111 Patent   | IPR2023-00554   | September 20, 2023 |

WHEREAS, Defendant Juniper Networks, Inc. (“Defendant”) filed a petition for IPR (IPR2024-00026) on October 10, 2023 in connection with the ’740 Patent, and a motion for joinder with Cisco’s instituted petition for IPR, case number IPR2023-00401;

WHEREAS, Defendant filed a petition for IPR (IPR2024-00034) on October 11, 2023 in connection with the '821 Patent, and a motion for joinder with Cisco's instituted petition for IPR, case number IPR2023-00402;

WHEREAS, Defendant filed a petition for IPR (IPR2024-00037) on October 11, 2023 in connection with the '111 Patent, and a motion for joinder with Cisco's instituted petition for IPR, case number IPR2023-00554;

NOW THEREFORE, it is hereby stipulated and agreed, subject to the approval of the Court, that:

1. This case is stayed pending the issuance of the last final written decision from the PTAB in the above-listed IPR proceedings.

2. Within 30 days after the issuance of the last of the final written decisions from the PTAB, the parties shall submit a joint status report with the Court advising of the status of the case.

3. Defendant agrees that it shall not file new petitions for IPR against the patents-in-suit after the passage of six months from the date of this stipulation.

4. Pursuant to 35 U.S.C. § 315(e), upon issuance of the last final written decision in the above-listed IPR proceedings, Defendant agrees that it is hereby estopped from raising at trial any validity challenges against the patents-in-suit under 35 U.S.C. §§ 102-103 based on: (i) the prior art identified in the Cisco Petitions (the "Cisco Prior Art") and (ii) any system or product prior art reasonably related to the Cisco Prior Art. In the event Defendant files additional petitions for IPR against the patents-in-suit and any of those IPRs reaches a final written decision, Defendant agrees that it is also estopped from raising at trial any validity challenges against the patents-in-

suit based on any prior art in addition to the Cisco Prior Art that Defendant raised or reasonably could have raised in the IPRs that reach a final written decision.

KOBRE & KIM LLP

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Jacob R. Kirkham*

*/s/ Jennifer Ying*

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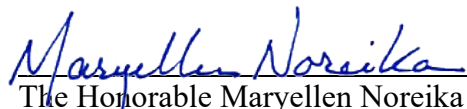
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*Attorneys for Plaintiff Orckit Corporation*

*Attorneys for Defendant Juniper Networks, Inc.*

November 6, 2023

SO ORDERED this 6th day of November 2023.

  
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The Honorable Maryellen Noreika  
United States District Judge