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Re: *Proxense LLC v. Microsoft Corp.*, Case No. 6:23-cv-00319-ADA (W.D. Tex.)

Dear Counsel:

Microsoft Corporation ("Microsoft") has filed an *inter partes* review (IPR) petition (IPR2024-01328) with the Patent Trial and Appeal Board (PTAB) to address the validity of claims 1-7 and 9-18 of U.S. Patent No. 9,298,905 ("**the '905 Patent**"). The tables in attached Appendix A list all the grounds and references asserted in IPR2024-01328 against the challenged claims.

I write to inform you that Microsoft hereby stipulates that if the PTAB institutes IPR2024-01328, Microsoft agrees not to pursue, any grounds raised in the petition, or any grounds Microsoft could have reasonably raised in the petition, against all claims of the '905 Patent, in this District Court 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 IPR2024-01328 and IPR2024-00776, Microsoft's earlier filed '905 IPR petition,

Microsoft reserves the right to assert any grounds of invalidity against the ’905 Patent in the District Court proceedings.

Sincerely



Betty H. Chen
Attorney for Microsoft

Appendix A – Grounds and Prior Art References Used in IPR2024-01328

Ground	Claim(s)	35 U.S.C. § 103
1	1, 3-7, 9, 10, and 12-18	Ludtke
2	2 and 11	Ludtke in view of Kon

Reference	Filing Date	Publication Date
US 7,188,110 (Ludtke or Ex-1005)	Dec. 11, 2000	Mar. 6, 2007
US Pat Pub. No. 2002/0046336 (Kon or Ex-1006)	Aug. 30, 2001	Apr. 18, 2002