

JONES DAY

110 NORTH WACKER DRIVE • SUITE 4800 • CHICAGO, ILLINOIS 60606
TELEPHONE: +1.312.782.3939 • JONESDAY.COM

DIRECT NUMBER: +1.312.269.4369
MSBLACKMAN@JONESDAY.COM

August 29, 2024

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.)

We write regarding the above-captioned litigations (the “District Court Cases”), and the related petition for *inter partes* review (IPR) in IPR2024-01372 that was filed today against certain claims of U.S. Patent No. 8,451,339.

Petitioners Olympus Corporation (“Olympus”), OM Digital Solutions Corporation (“OMDS”), FUJIFILM Corporation, FUJIFILM North America Corporation (collectively “FUJIFILM”), Nikon Corporation (“Nikon”), and 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 each party respectively 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 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. 8,451,339
1(a)	Niikawa	§ 103	1, 3, and 5
1(b)	Niikawa + Enomoto	§ 103	1-3, 5, 14-15 and 17-18
2(a)	Niikawa + Ito	§ 103	4
2(b)	Niikawa + Enomoto + Ito	§ 103	4 and 16
3	Matsutani + Shiomi	§ 103	1-2, 14-15 and 17
4	Matsutani + Shiomi + Enomoto II	§ 103	3, 5 and 18
5	Matsutani + Shiomi + Ito	§ 103	4 and 16

August 29, 2024
Page 2

Sincerely,

/s/ Marc S. Blackman

Marc S. Blackman for Nikon

/s/ Alexander B. Stein

Alexander B. Stein for Olympus and OMDS

/s/ T. Vann Pearce

T. Vann Pearce for FUJIFILM

/s/ Joseph M. Casino

Joseph M. Casino for Panasonic