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September 11, 2024

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VIA EMAIL

Joseph A. Hynds
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Washington, D.C. 20001

Re: *Unverferth Mfg. Co. Inc. v. Par-Kan Co., LLC*
- Civil Action No. 3:23-cv-00653-GSL-SJF

Dear Joe:

I write regarding the petitions for *inter partes* review (IPR) that Par-Kan is filing today against U.S. Patent Nos. 8,967,940 and 9,745,123, which Unverferth is asserting against Par-Kan in the above-captioned litigation. Par-Kan stipulates that if the Patent Trial and Appeal Board institutes the IPR petitions filed in IPR2024-01426 and IPR2024-01427, then Par-Kan will not seek resolution in the district court of the grounds set forth in the petitions or any grounds that Par-Kan could have reasonably raised in the petitions. *See Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020).

In so stipulating, Par-Kan seeks to avoid multiple proceedings in different fora addressing the validity of the '940 and '123 patents based on any grounds set forth in the petitions or any grounds that Par-Kan could have reasonably raised in the petitions. Rather, consistent with Congressional intent, Par-Kan wishes the Board to address the patentability of the '940 and '123 patents over the prior-art references raised (or any that could have reasonably been raised) in IPR2024-01426 and IPR2024-01427.

Sincerely,

Alexander M. Pechette

AAP/kal