
From: Diaz, Michelle T (NYC - X73343)
Sent: Tuesday, March 4, 2025 4:42 PM
To: rak_headwater@raklaw.com; Kristopher Davis
Cc: Client Team Headwater Litigation; 'ddacus@dacusfirm.com'
Subject: Headwater Partners v T-Mobile USA et al (24-cv-015; 016; 07): Correspondence
Attachments: 2025-03-04_ Letter from JSchneider to Headwater Counsel re Sotera Stipulation.pdf

Counsel,

On behalf of Defendants, please see attached in connection to above case reference matters.

Regards,

Michelle T. Diaz | [Holland & Knight](#)

IP Litigation Paralegal

Holland & Knight LLP

787 Seventh Avenue, 31st Floor | New York, New York 10019

Phone 212.513.3343 | Mobile 646.642.5123

michelle.diaz@hklaw.com | www.hklaw.com

Holland & Knight

10 St. James Avenue | Boston, MA 02116 | T 617.523.2700 | F 617.523.6850
Holland & Knight LLP | www.hklaw.com

Jacob W. S. Schneider
+1 617-305-2025
Jacob.Schneider@hklaw.com

March 4, 2025

Via E-mail (kdavis@raklaw.com)

Kristopher Davis
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025

Re: *Headwater Partners II LLC v. Verizon Wireless et al.*, 2:24-cv-00007-JRG-RSP;
Headwater Partners II LLC v. T-Mobile USA, Inc. et al., 2:24-cv-00015-JRG-RSP;
and *Headwater Partners II LLC v. AT&T Corp. et al.*, 2:24-cv-00016-JRG-RSP

Dear Kris:

Defendants T-Mobile USA, Inc. and Sprint LLC (“T-Mobile”), AT&T Services, Inc., AT&T Mobility LLC and AT&T Corp. (“AT&T”), and Celco Partnership d/b/a Verizon Wireless and Verizon Corporate Services Group Inc. (“Verizon”) as well as Intervenor Defendants Ericsson Inc. (“Ericsson”) and Nokia of America Corp. (“Nokia”) (collectively, “Defendants”) in the above-referenced cases (the “Litigations”), hereby stipulate that if the Patent Trial and Appeal Board (“PTAB”) authorizes Defendants to enter this stipulation into evidence and institutes an IPR in response to Defendants’ petition against Headwater Partners II LLC’s U.S. Patent No. 9,094,868 (IPR2024-01468) (“Petition”), then Defendants will not pursue grounds raised in the Petition or any other grounds that could have reasonably been raised before the PTAB in the Litigations. *See Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Pap. 12 at 13-20 (PTAB Dec. 1, 2020) (precedential) (“*Sotera*”). For the sake of clarity and to avoid any doubt, if the PTAB declines to institute IPR2024-01468, Defendants reserve the right to assert any and all grounds of invalidity in the District Court proceedings against the ’868 Patent.

Pursuant to *Sotera*, Defendants reserve their right to assert invalidity grounds in the Litigations based on system art, either alone, or in combination with other prior art. In addition, Defendants reserve the right to discuss at trial any and all prior art for purposes other than establishing invalidity of the ’868 Patent, including without limitation putting the ’868 Patent in technical or historical context in support of Defendants’ damages case.

* * *

Kristopher Davis
March 4, 2025
Page 2

Sincerely,

A handwritten signature in blue ink, appearing to read "Jacob W. S. Schneider". The signature is fluid and cursive, with the first name "Jacob" being the most prominent.

Jacob W. S. Schneider