

September 27, 2024

VIA E-MAIL

Alfred R. Fabricant
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Re: *Truesight Communications, LLC v. Samsung Elecs. Co., Ltd., et al.*,
Case No. 2:23-cv-00643-JRG (E.D. Tex.)

Dear Fred:

We write regarding the petition for *inter partes* review (IPR) that is being filed against U.S. Patent No. 8,898,803 (“the ’803 patent”). Samsung hereby stipulates that, if the Patent Trial and Appeal Board (“PTAB”) institutes this IPR petition on the grounds presented (a table of which is included below), then Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung”) will not pursue in the above-captioned litigation any grounds that were raised or reasonably could have been raised in the IPR.

In so stipulating, Samsung seeks to avoid multiple proceedings addressing the validity of the ’803 patent based on the grounds that were raised or reasonably could have been raised in this IPR. Rather, consistent with Congressional intent, Samsung wishes the patentability of this patent over those grounds to be addressed at the PTAB. But, for the sake of clarity and to avoid any doubt, if the PTAB either declines institution or later vacates institution of this IPR, Samsung reserves the right to pursue in this litigation any ground that was raised or reasonably could have been raised in the IPR.

The IPR petition relies on the following prior art references:

Samsung v. Truesight
IPR2024-01477
Exhibit 1016

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Reference	Date
US20080263634 ("Kirkland")	10/23/2008 (published)
US20090083412 ("Olaiya")	03/26/2009 (published) 09/20/2007 (filed)
US20090049464 ("Kang")	01/19/2009 (published) 01/12/2008 (filed)
JP2009048715A ("Hasegawa")	03/05/2009 (published)
US20090187654 ("Raja")	07/23/2009 (published) 09/23/2008 (filed)
US20090117846 ("Mavrakakis")	05/07/2009 (published) 11/05/2007 (filed)
US20100005492 ("Takano")	01/07/2010 (published) 03/18/2009 (filed)
US20050033855 ("Hodecker")	02/22/2007 (published)

The IPR grounds are as follows:

Ground	Claims	Basis ¹
1	1-13	§103: Kirkland-Olaiya-Kang-Hasegawa

¹ Petitioners' obviousness grounds do not require the bodily incorporation of components from one reference into another, but instead are directed to the application of the teachings of one reference to another.

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Ground	Claims	Basis ¹
2	4	§103: Kirkland-Olaiya-Kang-Hasegawa-Mavrakakis
3	10	§103: Kirkland-Olaiya-Kang-Hasegawa-Hodecker
4	14	§103: Kirkland-Olaiya-Kang-Hasegawa-Takano
5	1-4, 9-13	§103: Olaiya-Raja-Hasegawa
6	5, 14	§103: Olaiya-Raja-Hasegawa-Takano
7	6-8	§103: Olaiya-Raja-Hasegawa-Kirkland
8	10	§103: Olaiya-Raja-Hasegawa-Hodecker

Sincerely,

/s/ Ryan Nishimoto
Ryan M. Nishimoto