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APPLE INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DH INTERNATIONAL LTD.,

Plaintiff,

v.

APPLE INC.,

Defendant.

CASE NO. 3:24-cv-06185-TLT

JOINT STIPULATION AND ~~[PROPOSED]~~ ORDER TO DISMISS WITHOUT PREJUDICE AND TO TOLL 35 U.S.C. § 286 DAMAGES PERIOD

Judge: Hon. Trina L. Thompson

On December 5, 2024, Plaintiff DH International Ltd. ("DH International") and Defendant Apple Inc. ("Apple") (collectively the "Parties") attended an Initial Case Management Conference where the Parties discussed staying this case pending resolution of four *Inter Partes* Review proceedings pending before the Patent Trial and Appeal Board at the U.S. Patent Office. Upon receiving feedback from Judge Thompson regarding compliance with the Federal Judiciary Act, the Parties submit pursuant to Civil L.R. 7.12 and the Court's Minute Entry for Proceedings (Dkt. No. 87, directing the Parties to request to dismiss the litigation without prejudice) this Joint Stipulation to Dismiss Without Prejudice and to Toll 35 U.S.C. § 286 Damages Period.

IT IS HEREBY AGREED AND STIPULATED by and between the Parties, through their respective counsel, subject to the Court's approval, as follows:

1. DH International dismisses the above-captioned action without prejudice.

2. DH International agrees not to re-assert claims of alleged infringement of U.S. Patent Nos. 7,628,333 and 9,022,294 (collectively the "Asserted Patents") against Apple before final resolution of the *inter partes* review proceedings before the Patent Trial and Appeal Board related to the Asserted Patents (IPR2025-00172 and IPR2025-00173).

3. Should DH International re-assert the Asserted Patents against Apple in the future: (a) DH International will file any such subsequent lawsuit in the Northern District of California; (b) the statutory period of recovery under 35 U.S.C. § 286 is hereby tolled as of the September 15, 2023 filing date of this lawsuit with respect to the Asserted Patents such that, in any subsequent lawsuit, Apple will not assert 35 U.S.C. § 286 as a defense to DH International's claims for damages for any alleged infringement of the Asserted Patents occurring on or after September 15, 2017; (c) Apple will not assert any other defense or argument in any subsequent lawsuit involving the Asserted Patents that DH International is barred from seeking damages for any alleged infringement of the Asserted Patents occurring on or after September 15, 2017; and (d) in the event of any judicial order or decision that DH International is barred from seeking damages for any alleged infringement of the Asserted Patents occurring on or after September 15, 2017, the Parties will resolve any such damages claim in a private arbitration proceeding based on the same evidence, expert reports and testimony used in any subsequent lawsuit

involving the Asserted Patents.

4. This dismissal without prejudice does not constitute any admission with respect to the merits of the Parties' claims or defenses in this litigation.

5. Each Party will bear its own costs and attorneys' fees with respect to any claim or defense that is dismissed without prejudice pursuant to this Stipulation.

IT IS SO STIPULATED.

Dated: January 8, 2025

ADDYHART P.C.

By: /s/ *Robert Hart*

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1

Pursuant to Civil L.R. 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from each of the above signatories.

/s/ Peter Maggiore
Peter Maggiore

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The Clerk of the Court shall terminate and close the case.

Dated: January 8, 2025

Honorable Trina L. Thompson
United States District Court Judge