

From: Daniel Leventhal daniel.leventhal@nortonrosefulbright.com
Subject: RE: Redstone Logics LLC v. NXP USA, Inc., Case No. 7:24-cv-00028-ADA-DG, in the United States District Court for the Western District of Texas
Date: April 20, 2025 at 3:48 PM
To: Joshua Scheufler jscheufler@raklaw.com, Eric Green eric.green@nortonrosefulbright.com
Cc: jma jma@raklaw.com, mafenster@raklaw.com, nrubin nrubin@raklaw.com, rak_redstone rak_redstone@raklaw.com, cconkle cconkle@raklaw.com, rmirzaie rmirzaie@raklaw.com, Richard S. Zembek richard.zembek@nortonrosefulbright.com, Brett McKean brett.mckean@nortonrosefulbright.com, Eagle Robinson eagle.robinson@nortonrosefulbright.com

DL

Josh,

The stipulation is intended to cover the full extent of estoppel that would exist under 35 U.S.C. 315(e)(2) upon entry of a Final Written Decision. The applicability of that statute to a specific item of system art in view of specific items or printed publication art is fact-specific, and what you have laid out below is too vague to be workable at this stage. Defendants commit to follow the standard that Judge Albright set forth in *Hafeman v. LG Electronics, Inc.*, 2023 U.S. Dist. LEXIS 119846, *3 (W.D. Tex. April 12, 2023) (citing *Bos. Sci. Corp. v. Cook Grp. Inc.*, No. 117-CV-03448-JRS-MJD, 653 F. Supp. 3d 541, 2023 WL 1452172, at *34 (S.D. Ind. Jan. 31, 2023)) that system art where “there is ‘no substantive difference’ between” a printed publication and the system art is included in 35 U.S.C. 315(e)(2) estoppel.

Thanks,
Daniel

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From: Joshua Scheufler <jscheufler@raklaw.com>
Sent: Monday, March 31, 2025 4:18 PM
To: Eric Green <eric.green@nortonrosefulbright.com>
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Subject: Re: Redstone Logics LLC v. NXP USA, Inc., Case No. 7:24-cv-00028-ADA-DG, in the United States District Court for the Western District of Texas

Counsel for Qualcomm and NXP,

Could you please clarify your stipulations? In particular, it is not clear to what extent Qualcomm and NXP's stipulations cover arguments under §§102/103 that would be cumulative of grounds that could have been brought before the PTAB. For example, "system" prior art may be described in printed publications. Do Qualcomm and NXP stipulate that systems described in printed publications will not be presented at trial if the IPR is instituted?

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On Mar 26, 2025, at 3:26 PM, Eric Green
<eric.green@nortonrosefulbright.com> wrote:

Counsel,

Defendant NXP USA, Inc. ("Defendant") hereby stipulates that if the Patent Trial and Appeal Board institutes IPR on IPR2025-00485, then Defendant will not pursue in this case the specific grounds that were raised in the IPR, or on any other ground that reasonably could have been raised in the IPR (i.e., under 35 U.S.C. §§ 102 or 103 on the basis of prior art patents or printed publications).

This stipulation is not intended, and should not be construed, to limit Defendant's ability to assert invalidity of the asserted claims of the '339 Patent in this case on any other ground (e.g., invalidity under 35 U.S.C. §§ 101, 112), regardless of whether *inter partes* review is instituted.

Thanks,
Eric

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