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WESTERN DIGITAL CORPORATION and WESTERN DIGITAL TECHNOLOGIES, INC.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

POLARIS POWERLED TECHNOLOGIES, LLC, Plaintiff, v. WESTERN DIGITAL CORPORATION, WESTERN DIGITAL TECHNOLOGIES, INC., NEWEGG, INC., ZONES, LLC, AND PRIVATE LABEL PC, LLC, Defendants,	CASE NO. 2:24-cv-02864-ODW-MAR **NOTICE OF SOTERA STIPULATION OF WESTERN DIGITAL** Hon. Otis D. Wright

On January 23, 24, and 29, 2025, Western Digital Technologies Inc. ("Western Digital") and Sandisk Technologies Inc. ("Sandisk") together as co-petitioners filed petitions for *Inter Partes* Review ("IPR") of the patents asserted in this lawsuit – U.S. Patent Nos. 9,183,085, 8,601,346, and 8,554,968 – with the Patent Trial and Appeal Board of the United States Patent and Trademark Office (the "PTAB"). Western Digital and Sandisk ("Petitioners") were listed as real parties-in-interest in each IPR proceeding. The table below indicates the IPR number, challenged patent number, and challenged claims of the respective petitions filed before the PTAB.

IPR No.	**Asserted Patent**	**Challenged Claims**
IPR2025-00515	9,183,085	1-2, 4-7, 14-18, 22-25, and 29-33
IPR2025-00516	8,601,346	1-11 and 13-18
IPR2025-00517	8,554,968	1-18

The claims challenged in these IPR petitions include all the claims of the above respective asserted patents that Plaintiff Polaris PowerLED Technologies, LLC ("Plaintiff") has asserted against Defendant Western Digital in this litigation.

Defendant Western Digital hereby notifies the Court and Plaintiff that Defendant Western Digital is submitting the following "*Sotera* stipulations" in connection with the petitions in IPR2025-00515, IPR2025-00516, and IPR2025-00517. *See Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020- 01019, Paper 12 at 18–19 (PTAB Dec. 1, 2020) ("*Sotera*"). Defendant Western Digital Corp., who is not a named petitioner, also agrees to be bound by the following stipulations. Further, co-petitioner Sandisk agrees that, if added as a party to this litigation, it will also abide by the terms of the following stipulations.

Defendant Western Digital hereby stipulates, consistent with the stipulation made by the Petitioner in *Sotera* that, if the PTAB institutes an IPR in response to

Defendant's petition against Plaintiff's U.S. Patent No. 9,183,085 (IPR2025-00515), Defendant will not pursue in this litigation against the claims challenged in IPR2025-00515, (i) the specific grounds raised in IPR2025-00515, or (ii) any other grounds that could have reasonably been raised before the PTAB in that instituted proceeding (*i.e.*, any ground that could have reasonably been raised under §§ 102 or 103 on the basis of prior art patents or printed publications).

Defendant Western Digital hereby stipulates, consistent with the stipulation made by the Petitioner in *Sotera* that, if the PTAB institutes an IPR in response to Defendant's petition against Plaintiff's U.S. Patent No. 8,601,346 (IPR2025-00516), Defendant will not pursue in this litigation against the claims challenged in IPR2025-00516, (i) the specific grounds raised in IPR2025-00516, or (ii) any other grounds that could have reasonably been raised before the PTAB in that instituted proceeding (*i.e.*, any ground that could have reasonably been raised under §§ 102 or 103 on the basis of prior art patents or printed publications).

Defendant Western Digital hereby stipulates, consistent with the stipulation made by the Petitioner in *Sotera* that, if the PTAB institutes an IPR in response to Defendant's petition against Plaintiff's U.S. Patent No. 8,554,968 (IPR2025-00517), Defendant will not pursue in this litigation against the claims challenged in IPR2025-00517, (i) the specific grounds raised in IPR2025-00517, or (ii) any other grounds that could have reasonably been raised before the PTAB in that instituted proceeding (*i.e.*, any ground that could have reasonably been raised under §§ 102 or 103 on the basis of prior art patents or printed publications).

However, if the PTAB declines institution as to any ground in any of these IPR proceedings, or if institution is denied through Rehearing or Director Review, Petitioners reserve the right to pursue any non-instituted ground in this action.

Defendant's *Sotera* stipulations above are not intended and should not be construed to limit Defendant's ability to assert invalidity of any claims of the patents-at-issue in this lawsuit based on any other ground.

Date: April 28, 2025

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WESTERN DIGITAL CORPORATION and WESTERN DIGITAL TECHNOLOGIES, INC.

CERTIFICATE OF SERVICE

I hereby certify pursuant to the Federal Rules of Civil Procedure and LR 5-3 and 5-4 that the above document was served upon the attorney(s) of record for each party through the ECF system.

/s/David B. Clark

David B. Clark