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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION
19

20 SARTORIUS BIOANALYTICAL
INSTRUMENTS, INC.,

21 Plaintiff,

22 v.
23

24 GATOR BIO, INC. and HONG TAN,

25 Defendants.
26

Case No. 5:22-cv-01417-EJD

**DEFENDANTS' NOTICE AND
STIPULATION RE:
CHALLENGED CLAIMS IN
IPR2025-00633**

27 GATOR-1060

28 Gator Bio v. Sartorius Bioanalytical Instruments
IPR2025-00633

Case No. 5:22-CV-01417-EJD

DEFENDANTS' NOTICE & STIPULATION RE CHALLENGED CLAIMS IN IPR2025-00633

On February 24, 2025, Defendants Gator Bio, Inc. and Hong Tan (collectively, the “Defendants”) filed a petition with the Patent Trial and Appeal Board (the “PTAB”) requesting *inter partes* review of U.S. Patent No. 8,647,588 (the “’588 patent”): *Gator Bio, Inc. v. Sartorius Bioanalytical Instruments, Inc.*, IPR2025-00633. The petition advances four grounds of unpatentability that collectively challenge all claims of the ’588 patent. A filing date was accorded to the petition on April 14, 2025, and a decision on institution is expected by October 14, 2025.

Defendants hereby stipulate and agree that if the PTAB institutes *inter partes* review in IPR2025-00633, then Defendants will not pursue in this case, against any of the ’588 patent claims the following grounds of invalidity: (a) the specific grounds advanced in the petition in IPR2025-00633; (b) any ground that reasonably could have been raised in the petition in IPR2025-00633 (i.e., any ground that could have been raised under 35 U.S.C. §§ 102 or 103 on the basis of only prior art patents or printed publications); and (c) any ground under §§ 102 or 103 on the basis of prior art patents, printed publications, products, or systems. This stipulation is not intended—and should not be construed—to limit Defendants’ ability to assert invalidity of any claims of the ’588 patent on any other ground regardless of whether *inter partes* review is instituted.

Dated: April 24, 2025

PERKINS COIE LLP

By: /s/ Hari Santhanam

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