

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NKT PHOTONICS INC.  
and NKT PHOTONICS A/S  
Petitioners

v.

OMNI CONTINUUM LLC  
Patent Owner

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Case No. IPR2025-00839  
Patent 7,433,116

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**PETITIONERS' *SOTERA* STIPULATION**

NKT EXHIBIT 1028  
NKT v. Omni Continuum  
IPR2025-00839

Consistent with *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020) (precedential), Petitioners hereby stipulate that, if the Board institutes *inter partes* review in this proceeding, IPR2025-00839, Petitioners will not pursue in the related litigation, *Omni Continuum LLC v NKT Photonics Inc. and NKT Photonics A/S*, Civil Action No. 1:24-cv-11007 (D. Mass.), the specific grounds asserted in the Petition (Paper 3) or any ground that was raised or reasonably could have been raised in this *inter partes* review before the Board with respect to U.S. Patent No. 7,433,116. Thus, there will be no “overlap between issues raised in the petition and in the parallel proceeding.” *Apple v. Fintiv*, IPR2020-00019, Paper 11 at 6 (PTAB Mar. 20, 2020) (precedential).

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Respectfully submitted,  
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