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Via E-Mail

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Re: ***Apex Beam Technologies LLC v. Apple Inc., 6:24-cv-00223 (WDTX)***

Counsel:

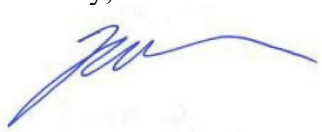
Apple Inc. ("Petitioner" or "Apple") filed a petition for *inter partes* review (IPR2025-00898) with the Patent Trial and Appeal Board (PTAB) to address the patentability of claims 1-20 of U.S. Patent 10,951,271.

I write to inform you that Apple hereby stipulates that, if the PTAB institutes and maintains institution of review in IPR2025-00898, Apple will not pursue in the above-captioned District Court litigation the specific invalidity grounds asserted in IPR2025-00898, or any other ground that could have been reasonably raised in IPR2025-00898 (i.e., any ground that could have been raised under §§ 102 or 103 on the basis of prior art patents or printed publications). *See Sotera Wireless, Inc. v. Masimo Corporation*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020). Apple also stipulates that, if the PTAB institutes and maintains institution of IPR2025-00898, Apple will not pursue in the above-captioned District Court litigation as invalidity grounds combinations of the prior art references asserted as part of a ground in this proceeding with unpublished system prior art or any other type of prior art. *Motorola Solutions, Inc. v. Stellar, LLC*, IPR2024-01205, IPR2024-01206, IPR2024-01207 & IPR2024-01208, Paper 19 (PTAB Mar. 28, 2025).

In so stipulating, Apple seeks to avoid multiple proceedings in different forums addressing the validity of the instituted claims based on the same grounds or prior art.

For the sake of clarity and to avoid any doubt, if the PTAB declines to institute (or withdraws institution of IPR2025-00898), the conditions supporting the above stipulations will be unmet and the stipulations null and void.

Sincerely,



Mark D. Selwyn
Attorney for Apple Inc.