

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NINTENDO CO., LTD., and
NINTENDO OF AMERICA INC.,
Petitioners

v.

RESONANT SYSTEMS, INC.,
Patent Owner

Case No.: IPR2025-01098
U.S. Patent No. 8,860,337
Issue Date: October 14, 2014

Title: LINEAR VIBRATION MODULES AND LINEAR-RESONANT
VIBRATION MODULES

NOTICE OF PETITIONER'S *SOTERA* STIPULATION

In accordance with the Board’s precedential decision in *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 at 18-19 (PTAB Dec. 1, 2020), and Section I.D. of the Interim Director Discretionary Process,¹ Petitioners stipulate that if the Board institutes *inter partes* review (and that institution is not subsequently vacated) in IPR2025-01098 (“this Proceeding”), Petitioners will not pursue in *Resonant Sys., Inc. v. Nintendo Co., Ltd.*, No. 2:25-cv-90 (E.D. Tex.) (the “District Court Action”) (i) the specific grounds raised in this Proceeding, (ii) any other ground that could have reasonably been raised before the Board in this Proceeding (i.e., any other ground that could have reasonably been raised under §§ 102 or 103 on the basis of prior art patents or printed publications). Petitioners further stipulate not to rely in the District Court Action on any ground based on a combination of system prior art and the references asserted as part of a ground raised in IPR2025-01098, as reflected in the table summarizing the Statutory Grounds for Challenges on page 8 of the Petition.

¹ <https://www.uspto.gov/patents/ptab/interim-director-discretionary-process> (last accessed Sept. 5, 2025).

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: September 5, 2025

/s/ Jeremy Jason Lang

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CERTIFICATE OF SERVICE

The undersigned certifies that on September 5, 2025, a copy of the following was served in its entirety via electronic mail, upon the following attorneys of record for the Patent Owner:

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