



Paul J. Linden

Partner

513.651.6135 (t)

513.651.6981 (f)

plinden@fbtlaw.com

September 9, 2025

VIA ELECTRONIC MAIL

Brandon H. Brown, Esq.
Kirkland & Ellis LLP
555 California Street, Suite 2700
San Francisco, CA 94104
brandon.brown@kirkland.com

Re: Brook + Whittle LTD v. Nestle USA, Inc. et al, Case No. 2-24-cv-00735 (E.D. Tex.)

Dear Counsel:

American Fuji Seal, Inc. ("AFS") stipulates, consistent with the stipulation made by the petitioner in *Sotera Wireless Inc. v. Masimo Corp.*, IPR2020-01019, that if the Patent Trial and Appeal Board ("PTAB") institutes inter partes review ("IPR") in response to American Fuji Seal, Inc.'s petition challenging the patentability of Brook + Whittle LTD's U.S. Patent No. 11,961,422 (IPR2025-01176), then AFS, if it is ever named as a party in the above-referenced litigation, will not pursue in that litigation any grounds raised or any grounds that reasonably could have been raised before the PTAB in the instituted IPR proceeding.

For the sake of clarity and to avoid any doubt, if the PTAB declines to institute IPR2025-01176, AFS, if it is ever named as a party, reserves the right to assert any grounds of invalidity for the '422 Patent in the above litigation, including those that were raised or reasonably could have been raised in the petition for IPR.

Sincerely,

Paul J. Linden

cc: Counsel of record
W. Todd Baker, Esq. (todd.baker@kirkland.com)