UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DELL TECHNOLOGIES INC. AND DELL INC.,
Petitioners

v.

CLOUD BYTE LLC,
Patent Owner

_____

Case IPR2025-01288
Patent No. 9,651,320

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NOTICE OF STIPULATION BY PETITIONERS

Petitioners Dell Technologies Inc. and Dell Inc. ("Petitioners") provide notice of the following stipulation with regard to the related litigation in *Cloud Byte LLC v. Dell Technologies Inc. and Dell Inc.*, Case No. 2:24-cv-00637-JRG (E.D. Tex.) (the "Related Lawsuit").

Petitioners hereby stipulate that if the Board institutes review in this proceeding, Petitioners will not pursue in the Related Lawsuit:

(i) the specific grounds raised in the petition (Paper 3);

(ii) any other grounds that could have reasonably been raised before the Board in this proceeding; and

(iii) any ground under 35 U.S.C. §§ 102 or 103 on the basis of system art corresponding to a reference asserted as part of a ground in the petition, as reflected in the Identification of Challenge section (Paper 3 at 2-3).

For the avoidance of doubt, this stipulation does not limit Petitioners' ability to use patents, printed publications, or systems as evidence to prove motivation to combine references. Nor does this stipulation limit Petitioners' ability to rely on any evidence in support of invalidity grounds under 35 U.S.C. § 102(f). Further, this stipulation does not limit Petitioners' ability to rely on their own products and systems to demonstrate that Petitioners invented the claimed subject matter first under 35 U.S.C. §102(g).

Respectfully submitted,

/*James L. Day*/

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