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March 23, 2026

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Sarah E. Spires
Skiermont Derby LLP
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Re: Pogona, LLC v. Merck Sharp & Dohme LLC, No. 25-cv-15294 (D.N.J).

Dear Sarah:

We write regarding IPR2026-00221, in which petitioner Merck Sharp & Dohme LLC ("Merck") challenges the patentability of claims 1-19 of U.S. Patent No. 11,058,757. Merck hereby stipulates that if the Patent Trial and Appeal Board ("PTAB") institutes IPR2026-00221, then Merck will not pursue in the related district court case styled *Pogona, LLC v. Merck Sharp & Dohme LLC*, No. 25-cv-15294 (D.N.J) any invalidity ground raised or that could have been reasonably raised in the IPR. See *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 at 16-19 (PTAB Dec. 1, 2020).

Merck will additionally seek to file this stipulation as an exhibit in the IPR proceeding.

Sincerely,

/s/ Ben Haber

Ben Haber
Partner
of O'MELVENY & MYERS LLP