

O'Melveny & Myers LLP
400 South Hope Street
Suite 1900
Los Angeles, CA 90071-2811

T: +1 213 430 6000
F: +1 213 430 6407
omm.com

June 18, 2026

Ben Haber
D: +1 213 430 8212
bhaber@omm.com

Michael F. Heim
Heim, Payne & Chorush, LLP
609 Main St, Suite 3200
Houston, TX 77002
mheim@hpcllp.com

Re: Whirlpool Corp. v. Samsung Electronics Co., Ltd., No. 2:25-cv-01042 (E.D. Tex.)

Dear Michael:

We write regarding IPR2026-00336, in which petitioners Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively "Samsung") challenges the patentability of claims 14–16 and 19 of U.S. Patent No. 12,232,681. Samsung hereby stipulates that if the Patent Trial and Appeal Board ("PTAB") institutes IPR2026-00336, then Samsung will not pursue in the related district court case, styled *Whirlpool Corp. v. Samsung Electronics Co., Ltd.*, No. 2:25-cv-01042 (E.D. Tex.), any invalidity ground that reasonably could have been raised in an *inter partes* review ("IPR") and any other ground based on a combination of system art with any prior art reference asserted as the basis of a ground in each IPR. *See Tesla, Inc. v. Bulletproof Property Management, LLC*, IPR2026-00204, Paper 14 at 2 (PTAB June 15, 2026) (informative).

To be clear, during the pendency of any instituted IPR, Samsung may continue to assert that that no injunction of any sort should issue in the related district court case because the existence of the ongoing IPR "raises a substantial question concerning either infringement or validity" of the asserted patent. *LifeScan Scotland, Ltd. v. Shasta Techs., LLC*, 734 F.3d 1361, 1366 (Fed. Cir. 2013).

Samsung 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