

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HYPER ICE INC.,
Petitioner,
v.
THERABODY, INC.,
Patent Owner.

Case No. PGR2026-00051

U.S. Patent No. 12,396,919

PETITIONER'S STIPULATION

Hyper Ice, Inc. (“Hyperice”) has filed a petition for post grant review (PGR2026-00051) with the Patent Trial and Appeal Board (“PTAB”) challenging the patentability of all claims of U.S. Patent No. 12,396,919 (the “’919 Patent”).

The ’919 Patent challenged in PGR2026-00051 has been asserted against Hyperice in *Therabody, Inc. v. Hyper Ice, Inc.*, 8:26-cv-00003 (C.D. Cal.), filed on January 2, 2026 (the “co-pending litigation”).

Hyperice hereby stipulates that, if the PTAB institutes trial in PGR2026-00051 and does not subsequently vacate, reverse, or withdraw institution or otherwise deinstitution the proceeding, Hyperice will not pursue in the co-pending litigation the specific grounds asserted in PGR2026-00051 or any other ground that could have been reasonably raised in PGR2026-00051 (*i.e.*, any ground that could have been raised under paragraph (2) or (3) of 35 U.S.C. §282(b)). *See Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12, *13-14 (Dec. 1, 2020) (precedential as to § II.A); 35 U.S.C. § 321(b).

By this stipulation, Hyperice seeks to avoid multiple proceedings in different forums addressing the validity of the challenged claims. For the sake of clarity, and to avoid any doubt, if the PTAB declines to institute or if the PTAB or the Director subsequently withdraws institution in PGR2026-00051, the conditions supporting this stipulation will be unmet, and this stipulation shall be considered null and void.

Respectfully submitted,

Dated: July 7, 2026

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above document was served on July 7, 2026, by filing this document through the Patent Trial and Appeal Board P-TACTS System and by e-mail service to the following email addresses.

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