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**Via E-Mail**

April 29, 2025

MAYER BROWN LLP  
Two Palo Alto Square, Suite 300  
3000 El Camino Real  
Palo Alto, CA 94306

**Re: *ImberaTek LLC v. Apple Inc., 3-25-cv-02206 (N.D. Cal.)***

Counsel:

Apple Inc. (“Apple”) has filed a petition for *inter partes* review (IPR2025-00582) with the Patent Trial and Appeal Board (PTAB) to address the patentability of claims in U.S. Patent 9,107,324 challenged in this proceeding.

Apple hereby stipulates that, in the above captioned litigation, if the PTAB institutes review in this proceeding, Apple will not pursue in District Court litigation the specific grounds asserted in *inter partes* review in this proceeding, or any other ground that could have been reasonably raised in this proceeding (i.e., any ground that could have been raised under §§ 102 or 103 on the basis of prior art patents or printed publications). *See Sotera Wireless, Inc. v. Masimo Corporation*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020). Apple also stipulates that, in the above captioned litigation, if the PTAB institutes review in this proceeding, Apple will not pursue in District Court litigation combinations of the prior art references asserted as part of a ground in this proceeding, as listed below, with unpublished system prior art or any other type of prior art. *Motorola Solutions, Inc. v. Stellar, LLC*, IPR2024-01205, IPR2024-01206, IPR2024-01207 & IPR2024-01208, Paper 19 (PTAB Mar. 28, 2025). Accordingly, Apple hereby stipulates that, in the above captioned litigation, if the PTAB institutes review in this proceeding, Apple will not pursue in District Court litigation the combinations of any of the Sakamoto, Eichelberger, Chang, Ito, Lee, and Tuominen references asserted as part of the ground of the proceeding with unpublished system prior art or any other type of prior art.

In so stipulating, Apple seeks to avoid multiple proceedings in different forums addressing the validity of the instituted claims based on the same grounds or prior art. The tables in attached Appendix A lists the grounds and references asserted in IPR2025-00582.

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For the sake of clarity and to avoid any doubt, if the PTAB declines to institute IPR2025-00582, Apple reserves the right to assert any grounds of invalidity in the District Court proceedings against the '324 Patent.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger A. Denning". The signature is fluid and cursive, with the first name "Roger" and the last name "Denning" clearly distinguishable.

Roger A. Denning  
Managing Principal

## Appendix A – Grounds and Prior Art References

Ground	'324 Patent Claims	Basis for Rejection
<b>1A-102, 1A-103</b>	<b>1-2, 4-11, 13-15, 17, 19</b>	§102, §103 – Sakamoto (US 2004/0168825)
<b>1B</b>	<b>3, 9-11</b>	§103 – Sakamoto, Eichelberger (US 6,396,148)
<b>1C</b>	<b>9-11</b>	§103 – Sakamoto, Chang (“ <i>Integrated Electrochemical Deposition of Copper Metallization for Ultralarge-Scale Integrated Circuits</i> ”)
<b>1D</b>	<b>12, 13, 15</b>	§103 – Sakamoto, Ito (US 2007/0126030)
<b>1E</b>	<b>15-16, 18, 20</b>	§103 – Sakamoto, Tuominen (WO 2006/056643)
<b>2A</b>	<b>1-2, 4, 6-8, 10-12, 15-20</b>	§103 – Lee (US 2008/0032447)
<b>2B</b>	<b>1-2, 4-12, 14-20</b>	§103 – Lee, Sakamoto
<b>2C</b>	<b>3</b>	§103 – Lee, Eichelberger
<b>2D</b>	<b>13, 15</b>	§103 – Lee, Ito
<b>2E</b>	<b>15-16, 18, 20</b>	§103 – Lee, Tuominen

Reference	Date	Prior Art Under
Sakamoto (APPLE-1005) (US2004/0168825)	9/2/2004 (published)	§102(b)
Eichelberger (APPLE-1006) (US6,396,148)	5/28/2002 (published)	§102(b)
Chang (APPLE-1008) (“ <i>Integrated electrochemical deposition of copper metallization for ultralarge-scale integrated circuits</i> ”)	01/2004 (published)	§102(b)
Ito (APPLE-1012) (US2007/0126030)	6/7/2007 (published) 11/18/2006 (filed)	§102(a) §102(e)

Lee (APPLE-1015) (US2008/0032447)	2/7/2008 (published) 8/31/2006 (filed)	§102(a) §102(e)
Tuominen (APPLE-1014) (WO2006/056643)	6/1/2006 (published)	§102(b)