

CONFIDENTIAL

April 28, 2025

VIA EMAIL

Max L. Tribble, Jr.
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Re: Neural AI, LLC v. NVIDIA Corporation, No. 7:24-cv-00221 (W.D. Tex.)

Dear Counsel:

We write regarding two petitions for *inter partes* review (“IPR”) that will be filed to address claims 1–14, 16–33, and 40–54 (“the Challenged Claims”) of U.S. Patent No. RE48,438 (“the ’438 Patent”). The ’438 Patent is currently asserted in *Neural AI, LLC v. NVIDIA Corporation*, No. 7:24-cv-00221 (W.D. Tex.) (the “District Court Action”).

Petitioner NVIDIA Corporation hereby stipulates that if the Patent Trial and Appeal Board institutes IPR of the ’438 Patent on the grounds presented in either petition, then Petitioner will not pursue in the District Court Action invalidity of the Challenged Claims on any ground raised or that could have reasonably been raised in the IPR(s). This stipulation is not intended, and should not be construed, to limit in any way NVIDIA’s ability to assert invalidity of any claim of the ’438 Patent in the District Court Action on any other ground (*e.g.*, invalidity under 35 U.S.C. §§ 101, 112, or with respect to prior art grounds that could not reasonably have been raised in IPR), regardless of whether IPR is instituted.

Sincerely,



Brian M. Buroker
Gibson, Dunn & Crutcher LLP