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Sent: Wednesday, March 26, 2025 6:16 PM
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Cc: Melissa Smith; travis@gillamsmithlaw.com; Böll, Brooke S; Mendicino, Morgan R.; Chen, Richard M.; Selina Kyle; Watkins, Andrew; Horsley, Christie; Tyson, Christopher J.; Baird, John M.
Subject: Edge Networking v Microsoft - IPRs

Counsel,

As you are aware from service emails from Microsoft’s counsel at Duane Morris, on February 17, 2025, Microsoft filed *inter partes* review (IPR) petitions (IPR2025-00617, -00618, -00619) with the Patent Trial and Appeal Board (PTAB) to address the validity of claims 1-2, 4-7 and 9 of the ’871 Patent, claims 1-2, 6-8, 10-13 and 15 of the ’095 Patent, and claims 1-5, 7-8, 12-15 and 18-19 of the ’823 Patent.

I write to inform you that Microsoft hereby stipulates that, if the PTAB institutes these IPRs (IPR2025-00617, -00618, -00619), Microsoft will not pursue in this district court litigation the specific invalidity grounds that it raised in these IPR petitions, nor any other invalidity ground that Microsoft raised or could have reasonably raised in these IPR petitions under §§ 102 or 103, against the asserted claims of the patents-in-suit. *Sotera Wireless, Inc. v. Masimo Corp.*, Case IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020) (precedential).

In so stipulating, Microsoft seeks to avoid a situation in which multiple proceedings address the validity of the asserted claims based on the same grounds. Instead, through this stipulation, Microsoft expresses its preference that only the PTAB address the grounds of §§ 102 or 103 invalidity raised or that could have been reasonably raised in these IPR petitions for these claims.

Notwithstanding the above, Microsoft reserves the right to assert in this district court litigation any invalidity grounds or claims other than the grounds that it raised or that it could have reasonably raised in these IPR petitions for these claims (*i.e.*, other than §§ 102 or 103 invalidity on the basis of prior art patents or printed publications). Moreover, if the PTAB declines to institute these IPRs (IPR2025-00617, -00618, -00619), Microsoft reserves the right to assert any grounds of invalidity against the asserted claims of the patents-in-suit in this district court litigation.

Regards,

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