

# Holland & Knight

10 St. James Avenue | Boston, MA 02116 | T 617.523.2700 | F 617.523.6850  
Holland & Knight LLP | [www.hklaw.com](http://www.hklaw.com)

Jacob K. Baron  
(617) 305-2102  
[jacob.baron@hklaw.com](mailto:jacob.baron@hklaw.com)

March 18, 2025

Via E-mail ([pat@nelbum.com](mailto:pat@nelbum.com))  
Patrick J. Conroy  
Nelson Bumgardner Conroy PC  
2727 N. Harwood St., Suite 250  
Dallas, TX 75201

Re: *Smart RF Inc. v. AT&T Mobility et al.*, 2:24-cv-00195-JRG-RSP;  
*Smart RF Inc. v. Cellco Partnership et al.*, 2:24-cv-00196-JRG-RSP; and  
*Smart RF Inc. v. T-Mobile US, Inc. et al.*, 2:24-cv-00197-JRG-RSP

Dear Patrick:

Defendants AT&T Mobility LLC, Cellco Partnership d/b/a/ Verizon Wireless, and T-Mobile USA, Inc. as well as Intervenor Defendants Ericsson Inc. (“Ericsson”) and Nokia of America Corp. (“Nokia”) (collectively, “Defendants”) in the above-referenced cases (the “Litigations”), hereby stipulate that if the Patent Trial and Appeal Board (“PTAB”) authorizes Defendants to enter this stipulation into evidence and institutes an IPR in response to Defendants’ petitions against Smart RF Inc.’s U.S. Patent Nos. 7,035,345, 8,078,561, 9,641,204 or 10,958,296 (the “Petitions”), then Defendants will not pursue the grounds raised, or grounds that could have reasonably been raised, in the instituted Petition before the PTAB in the Litigations. *See Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Pap. 12 at 13-20 (PTAB Dec. 1, 2020) (precedential) (“*Sotera*”).

For the sake of clarity and to avoid any doubt, if the PTAB declines to institute any of the Petitions, then Defendants reserve the right to assert any and all grounds of invalidity in the District Court proceedings against the patent challenged in any uninstituted petition. Also for the sake of clarity and to avoid any doubt, the stipulations herein do not apply to U.S. Patent No. 8,767,857, for which no IPR petition has been filed.

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Pursuant to *Sotera*, Defendants reserve their right to assert invalidity grounds in the Litigations based on system art, either alone, or in combination with other prior art. In addition, Defendants reserve the right to discuss at trial any and all prior art for purposes other than establishing invalidity of the patents-in-suit, including without limitation putting the patents-in-suit in technical or historical context in support of Defendants' damages case.

Sincerely,

Holland & Knight LLP



Jacob K. Baron