

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TEMPUS AI, INC.,

Petitioner,

v.

GUARDANT HEALTH, INC.,

Patent Owner.

Case IPR2025-01434

U.S. Patent 11,149,306

PETITIONER'S STIPULATION

Petitioner hereby stipulates that, if the Board institutes *inter partes* review in this proceeding, IPR2025-01434, Petitioner will not pursue in the parallel litigation, *Guardant Health, Inc. v. Tempus AI, Inc.*, Case No. 1:24-cv-00687-GBW (D. Del.), any grounds of invalidity arising under 35 U.S.C. § 102 or § 103 involving only patent or printed publication prior art that could have reasonably been raised before the Board with respect to U.S. Pat. No. 11,149,306 (the '306 patent), including the same grounds in the Petition (Paper 1).¹

¹ On October 17, 2025, the United States Patent and Trademark Office issued a Notice of Proposed Rulemaking proposing that “[i]nter partes review shall not be instituted or maintained unless each petitioner files a stipulation with the Board and any other tribunal where it is litigating, or later litigates regarding the challenged patent, stating that if a trial is instituted, the petitioner and any real party in interest or privy of the petitioner will not raise grounds of invalidity or unpatentability with respect to the challenged patent under 35 U.S.C. 102 or 103 in any other proceeding.” 90 Fed. Reg. 48341, <https://www.govinfo.gov/content/pkg/FR-2025-10-17/pdf/2025-19580.pdf>. In the event these proposed rule changes are implemented, Petitioner reserves the right to modify its stipulation to conform to the regulations as ultimately implemented.

Date: November 7, 2025

/s/ James M. Glass

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, I hereby certify that on November 7, 2025 the foregoing document was served via email on the following counsel of record:

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