

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TEMPUS AI, INC.,

Petitioner,

v.

GUARDANT HEALTH, INC.,

Patent Owner.

Case IPR2025-01435

U.S. Patent 10,793,916

PETITIONER'S STIPULATION

Petitioner hereby stipulates that, if the Board institutes *inter partes* review in this proceeding, IPR2025-01435, 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. 10,793,916 (the '916 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

James M. Glass
Registration No. 46,729
Quinn Emanuel Urquhart & Sullivan LLP
295 5th Avenue, 9th Floor
New York, New York 10016
Tel: (212) 849-7142
Fax (212) 849-7100

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:

Jordan R. Jaffe
Wendy L. Devine
WILSON SONSINI GOODRICH & ROSATI
One Market Plaza,
Spear Tower, Suite 3300
San Francisco, CA 94105
jjaffe@wsgr.com
wdevine@wsgr.com

Michael T. Rosato
Eric P. Tuttle
WILSON SONSINI GOODRICH & ROSATI
701 Fifth Avenue, Suite 5100
Seattle, WA 98104
mrosato@wsgr.com
eric.tuttle@wsgr.com

David E. Moore
Bindu A. Palapura
POTTER ANDERSON & CORROON LLP
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
dmoore@potteranderson.com
bpalapura@potteranderson.com

Jennifer L. Keller
Chase Scolnick
Gregory M. Sergi
Akhil Sheth
KELLER ANDERLE SCOLNICK LLP
18300 Von Karman, Ave., Suite 930
jkeller@kelleranderle.com
cscolnick@kelleranderle.com

gsergi@kelleranderle.com
asheth@kelleranderle.com

/s/ James M. Glass

James M. Glass
Registration No. 46,729