

**WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

INTELLECTUAL VENTURES I LLC AND )  
INTELLECTUAL VENTURES II LLC, )  
 )  
Plaintiffs/Counter-Defendants, ) Case No. 1:19-CV-01075-ADA  
 )  
v. ) **JURY TRIAL DEMANDED**  
 )  
VMWARE, INC., )  
 )  
Defendant/Counter-Plaintiff. )

**DEFENDANT VMWARE, INC.’S STIPULATION OF  
INVALIDITY CONTENTIONS FOR U.S. PATENT NO. 7,949,752**

On February 10, 2020, Defendant VMware, Inc. (“VMware”) filed petition no. IPR2020-00470 with the Patent Trial and Appeal Board requesting *inter partes* review of U.S. Patent No. 7,949,752 (“the ’752 patent”).

The petition asserted four grounds of invalidity:

- 1) claims 1–4, 9, 13–14, 22, and 24–26 of the ’752 patent would have been obvious under 35 U.S.C. § 103(a) over U.S. Patent No. 6,029,175 to Chow et al. (“Chow”);
- 2) claims 6, 10, 11, and 23 of the ’752 patent would have been obvious under 35 U.S.C. § 103(a) over Chow in view of U.S. Patent No. 5,367,635 to Bauer et al. (“Bauer”);
- 3) claims 1–4, 9, 13–14, 22, and 24–26 of the ’752 patent would have been obvious under 35 U.S.C. § 103(a) over Chow in view of U.S. Patent 5,603,031 to White et al. (“White”);
- 4) claims 6, 10, 11, and 23 of the ’752 patent would have been obvious under 35 U.S.C. § 103(a) over Chow in view of Bauer and further in view of White.

VMware hereby stipulates that if the Patent Trial and Appeal Board institutes *inter partes* review on IPR2020-00470, then VMware will not assert invalidity of claims 1–4, 6, 9–11, 13–14,

and 22–26 of the '752 patent in this case based on any of the four grounds listed above, or on any other ground involving the Chow, Bauer, or White references alone or in combination with any other reference.

This stipulation is not intended and should not be construed to limit VMware's ability to assert invalidity of the claims of the '752 patent in this case on any ground that does not involve the Chow, Bauer, or White references regardless of whether *inter partes* review is instituted.

Dated: June 3, 2020

Respectfully submitted,

**WINSTON & STRAWN LLP**

/s/ Katherine Vidal

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**ATTORNEYS FOR  
DEFENDANT VMWARE, INC.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 3, 2020 a true and correct copy of Defendant VMware, Inc.'s Stipulation of Invalidity Contentions for Us Patent No. 7,949,752 was electronically filed with the Clerk of Court using the CM/ECF system, which sends notifications of such filing to all counsel of record who have consented to accept service by electronic means.

*/s/ Katherine Vidal* \_\_\_\_\_