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February 22, 2022

**VIA EMAIL**

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RE: *iFIT Inc. v. Peloton Interactive, Inc.*  
Case No. 1:20-cv-01386-RGA (D. Del.)

Dear JP,

Defendant Peloton Interactive, Inc. (“Defendant”) hereby stipulates that, if the Patent Trial and Appeal Board (“PTAB”) institutes the pending *inter partes* review petition in IPR2021-01597 challenging the patentability of claims 1, 4-14, and 16-20 of U.S. Patent No. 10,293,211 (“’211 Patent”), then Defendant will not pursue the instituted invalidity grounds in *iFIT Inc. v. Peloton Interactive, Inc.*, Case No. 1:20-cv-01386-RGA (D. Del.) (the “Parallel Litigation”).

For convenient reference, the proposed invalidity grounds in IPR2021-01597 are:

- Claims 1, 4-9, 11-14, and 16-20 are unpatentable under 35 U.S.C. § 103 over U.S. Patent Appl. Pub. No. 2006/0135322 (“Rocker”) alone or in view of U.S. Patent No. 7,056,265 (“Shea”)
- Claim 10 is unpatentable under 35 U.S.C. § 103 over Rocker and Shea and in further view of U.S. Patent Appl. Pub. No. 2009/0017997 (“Piggins”)
- Claims 1, 4-9, 11-14, and 16-20 are unpatentable under 35 U.S.C. § 103 over Shea alone or in view of Rocker
- Claim 10 is unpatentable under 35 U.S.C. § 103 over Shea and Rocker and in further view of Piggins

Further, Defendant hereby stipulates that, if the PTAB institutes the pending *inter partes* review petition in IPR2022-00029 challenging the patentability of claims 1, 3-5, 8-11, 15-16, 21-23, 26-28, 30, 36, 38, 40, 45, 46, and 48 of U.S. Patent No. 7,166,062 (“’062 Patent”), then Defendant will not pursue the instituted invalidity grounds in the Parallel Litigation.

For convenient reference, the proposed invalidity grounds in IPR2022-00029 are:

- Claims 1, 3-5, 8-11, 15-16, 21-23, 26-28, 30, 36, 38, 40, 45, 46, and 48 are unpatentable under 35 U.S.C. § 103 over U.S. Patent No. 6,152,856 (“Studor”) alone or in view of the knowledge of a person of ordinary skill in the art
- Claims 1, 3-5, 8-11, 15-16, 21-23, 26-28, 30, 36, 38, 40, 45, 46, and 48 are unpatentable under 35 U.S.C. § 103 over U.S. Patent No. 6,053,844 (“Clem”) in view of the knowledge of a person of ordinary skill in the art or U.S. Patent No. 7,980,996 (“Hickman”)

Finally, Defendant hereby stipulates that, if the PTAB institutes the pending *inter partes* review petition in IPR2022-00030 challenging the patentability of claims 49-50, 52, 54, 56-57, 59, 61, 78-85, 87, 89-90, 92-95 of the '062 Patent, then Defendant will not pursue the instituted invalidity grounds in the Parallel Litigation.

For convenient reference, the proposed invalidity grounds in IPR2022-00030 are:

- Claims 49-50, 52, 54, 56-57, 59, 61, 78-85, 87, 89-90, 92-95 are unpatentable under 35 U.S.C. § 103 over Studor alone or in view of the knowledge of a person of ordinary skill in the art
- Claims 49-50, 52, 54, 56-57, 59, 61, 78-85, 87, 89-90, 92-95 are unpatentable under 35 U.S.C. § 103 over Clem in view of the knowledge of a person of ordinary skill in the art or Hickman

To avoid any doubt, if the PTAB declines institution in any of the above-referenced *inter partes* reviews, Defendant reserves the right to pursue the invalidity grounds asserted in that *inter partes* review in the Parallel Litigation.

Best regards,



Gabriel S. Gross  
of Latham & Watkins LLP