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**From:** Thad Kodish  
**Sent:** Monday, November 15, 2021 12:37 PM  
**To:** kwallenberg@niro-mcandrews.com; Raymond P. Niro, Jr.  
**Cc:** Bailey Benedict; Joon Chung; Herman, David; Brian P. Lynch  
**Subject:** Apalone, Inc. v. Schutt Sports, LLC et al.  
**Attachments:** 167 patent Certor-Schutt Stipulation.pdf

Please see attached.

Regards,

Thad

**Thad Kodish** :: Managing Principal :: Fish & Richardson P.C.  
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November 15, 2021

**Thad C. Kodish**  
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**VIA E-MAIL [RNIROJR@NIRO-MCANDREWS.COM](mailto:RNIROJR@NIRO-MCANDREWS.COM)**  
**AND [KWALLENBERG@NIRO-MCANDREWS.COM](mailto:KWALLENBERG@NIRO-MCANDREWS.COM)**

Raymond P. Niro, Jr.  
Kyle D. Wallenberg  
Niro McAndrews, LLP  
155 North Wacker Drive, Suite 4250  
Chicago, Illinois 60606

**Re: *Apalone Inc. v. Schutt Sports LLC, et al. CDILL-3-21-cv-03186***

Dear Counsel:

We write regarding a petition for *inter partes* review (IPR) being filed with the Patent Trial and Appeal Board (PTAB) to address claims of U.S. Patent No. 10,617,167. The table below lists grounds asserted by Schutt Sports, LLC and Certor Sports, LLC (together, “Petitioner”) in an IPR petition challenging claims of this patent, along with the implicated claims against which the grounds are asserted. We write to inform you that Petitioner hereby stipulates that in the event the PTAB institutes an *inter partes* review including the grounds listed in the below table against the corresponding claims listed in the table for those grounds (“Instituted Grounds”), Petitioner will not assert the Instituted Grounds against the corresponding claims listed in the table for those grounds in the above-captioned litigation.

Patent No.	Proceeding No.	Claims	Ground
10,617,167	IPR2022-00196	7, 10	Anticipated by (§ 102) or Obvious (§ 103) based on Roth
10,617,167	IPR2022-00196	7, 10, 11	Anticipated (§ 102) by Princip
10,617,167	IPR2022-00196	1-6, 8-9, 18	Obvious (§ 103) based on Princip and Akamatsu
10,617,167	IPR2022-00196	3, 4, 18	Anticipated (§ 102) by Bedford
10,617,167	IPR2022-00196	7, 10	Obvious (§ 103) based on Liu

In so stipulating, Petitioner seeks to avoid multiple proceedings addressing the validity of these claims based on the Instituted Grounds. Rather, through this stipulation, Petitioner expresses its intention to have only the PTAB address the Instituted Grounds of invalidity of these claims. But,

Raymond P. Niro, Jr.  
Kyle D. Wallenberg  
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for the sake of clarity and to avoid any doubt, if the PTAB declines to institute any of the grounds identified herein, Petitioner reserves the right to assert such grounds in this litigation. Additionally, even in the event of institution, Petitioner reserves its rights to continue to assert all grounds other than the Instituted Grounds.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thad Kodish". The signature is fluid and cursive, with the first name "Thad" and last name "Kodish" clearly distinguishable.

Thad Kodish  
Fish & Richardson P.C.

cc: Counsel of record

**Appendix – Prior Art References Used in the Listed Grounds**

Reference Name	Details
Roth	U.S. Patent No. 2,625,683
Princip	U.S. Publication No. 2012/0017358
Akamatsu	Japanese Patent Application Publication No. 2005-273119
Bedford	U.S. Patent Application Publication No. US 2006/0005291
Liu	U.S. Patent No. 5,204,998