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BY CM/ECF

The Honorable Richard G. Andrews
United States District Court for the District of Delaware
844 North King Street
Wilmington, DE 19801

Re: *IPA Technologies Inc. v. Microsoft Corp.*, No. 1:18-cv-00001-RGA-SRF (D. Del.)
and *IPA Technologies Inc. v. Google LLC.*, No. 1:18-cv-00318-RGA-SRF (D. Del.)

Dear Judge Andrews,

Pursuant to the Court's July 23, 2021 Oral Order (D.I. 81), the parties submit the following joint status update concerning the above-captioned litigations.

On January 10, 2020, this Court stayed the present matters pending resolution of various IPR petitions filed by Microsoft and Google. (D.I. 77).

Specifically, pursuant to petitions filed by Microsoft, the PTAB instituted eight IPRs (IPR 2019-00810, -00811, -00812, -00813, -00814, -00835, -00836, and -00837) challenging all 144 issued claims of U.S. Patent Nos. 6,851,115 and 7,069,560. The PTAB denied institution of Microsoft's petitions directed to IPA's U.S. Patent No. 7,036,128. Between October 15 and November 22, 2020, the Board issued Final Written Decisions in all eight instituted IPRs, finding 109 of the challenged claims unpatentable and 35 claims not unpatentable.

Pursuant to petitions filed by Google, the PTAB instituted five IPRs (IPR 2019-00728, -00730, -00731, -00733, and -00734) challenging a subset of the issued claims of US. Patent Nos. 6,851,115; 7,069,560; and 7,036,128.¹ On September 2 and 16, 2020, the PTAB issued Final Written Decisions in IPR2019-00728, -00730, and -00731 determining that Google failed to show any of the challenged claims of the '115 and '560 patents were unpatentable. On October 15, 2020, the Board issued Final Written Decisions in IPR2019-00733 and -00734 finding that all of the challenged claims of the '128 were unpatentable.

All parties have filed appeals with the Federal Circuit challenging their respective losses. Google and Microsoft contend the challenged claims in the Google and Microsoft appeals are

¹ Google filed four other IPR petitions challenging the same patents, but the Board denied institution.



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fairly representative of all claims at issue as previously briefed in Google's Motion to Stay (No. 1:18-cv-00318-RGA-SRF, D.I. 74).

The current briefing schedule at the Federal Circuit is as follows:

Federal Circuit Case 2021-1412 relating to the Microsoft IPRs, (consolidated with No. 21-1413, 21-1414, 21-1415, 21-1416, 21-1417, 21-1418, 21-1419, 21-1420, 21-1421, 21-1422, 21-1423, 21-14, 24, 21-1440, and 21-1442)

Event	Current Deadline
Microsoft's Principal Brief	May 3, 2021 (filed)
IPA's Principal and Response Brief	July 1, 2021 (filed)
Microsoft's Response and Reply Brief	August 27, 2021
IPA's Reply Brief	September 3, 2021
Oral Argument	No date set at this time

Federal Circuit Case No. 2021-1179 relating to Google's '115 and 560 Patent IPRs (consolidated with Nos. 21-1180 and 21-1185)

Event	Current Deadline
Appellant's Brief	April 20, 2021 (filed)
Appellee's Brief	July 29, 2021
Appellant's Reply Brief	September 2, 2021
Oral Argument	No Date Set at this Time

Federal Circuit Case 2021-1438 relating to Google's '128 Patent IPRs (consolidated with No. 21-1439)

Event	Current Deadline
Appellant's Brief	June 1, 2021 (filed)
Appellee's Brief	September 9, 2021
Appellant's Reply Brief	October 14, 2021
Oral Argument	No date set at this time

On June 23, 2021, the Federal Circuit stayed all deadlines in Case Nos. 2021-1438 and 21-1439 (relating to Google's '128 Patent IPRs) to consider how to handle pending Appointments Clause challenges following the recent decision of the Supreme Court in *United States v. Arthrex, Inc.*, Nos. 19-1434 et al., 2021 WL 2519433 (U.S. June 21, 2021.) On July 7, 2021, IPA filed a notice withdrawing its Appointments Clause challenge raised in its Opening Brief.

Respectfully submitted,

/s/ Stephen B. Brauerman

Stephen B. Brauerman (#4952)

cc: All counsel of record