

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

PROCON ANALYTICS, LLC)	
)	
Plaintiff/ Counterclaim Defendant)	
v.)	No. 3:19-cv-00201
)	
SPIREON, INC.)	
)	
Defendant/ Counterclaimant)	

JOINT STATUS UPDATE

Plaintiff / Counter-Respondent Procon Analytics, LLC (“Procon”) and Defendant / Counter-Claimant Spireon, Inc. (“Spireon”) (collectively, “the Parties”), by and through the undersigned counsel and pursuant to the Court’s June 30 Notice [Doc. 83], jointly provide the following update regarding the status of the Court of Appeals for the Federal Circuit appeal of the Court’s April 6 Order [Doc. 66]. By way of update, the Parties advise the Court as follows:

1. The Federal Circuit on January 19, 2022, affirmed the Court’s April 6 Order [Doc. 66]. [Doc. 85].
2. The Federal Circuit issued the mandate for its judgment on February 25, 2022. [Doc. 86].
3. In accordance with the Court’s June 30 Notice [Doc. 83], Procon is also refiling the Bill of Costs. No changes have been made to the Bill of Costs

filed April 27, 2021 [Doc. 73]. Procon does not believe any update is needed for the Memorandum in Support of the Bill of Costs [Doc. 73-1] and herein incorporates by reference the previously filed memorandum and exhibits [Docs. 73-1, 73-2, 73-3] to the Bill of Costs [Doc. 73].

4. With regard to its objection, Spireon also believes no further briefing is necessary and herein incorporates by reference the previously filed Objection to the Bill of Costs [Doc. 81]. However, 90-day period during which a party may petition for writ of *certiorari* does not expire until April 19, 2022, and Spireon may file a petition for a writ of *certiorari*. Accordingly, Spireon reports that its appeal may still be pending under F(2)(ii) of this Court's Guidelines on Preparing Bills of Costs.

Respectfully submitted this 11th day of March 2022.

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been served via CM/ECF this 11th day of March 2022, upon the below-listed counsel at the following addresses:

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