

HON. JOHN H. CHUN

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SURFCAST INC.,

*Plaintiff,*

vs.

MICROSOFT CORPORATION,

*Defendant.*

Case No. 2:22-cv-01298-JHC

**STIPULATION AND ORDER  
REGARDING STAY**



1 WHEREAS, SurfCast Inc. has asserted claims in U.S. Patent Nos. 9,032,317; 9,043,712;  
2 9,363,338; and 9,946,434 (the “patents-in-suit”);

3 WHEREAS, Defendant Microsoft Corporation filed four petitions for *inter partes* review  
4 (“IPR”) on February 10, 2022 challenging all claims of the patents-in-suit;

5 WHEREAS, the Patent Trial and Appeal Board (“PTAB”) instituted those IPRs on  
6 October 7, 2022, and is expected to issue a final written decision within one year thereafter;

7 WHEREAS, Microsoft has indicated its intent to move to stay this case pending final  
8 resolution of the IPR proceedings and SurfCast does not oppose such a stay;

9 WHEREAS, this case is in an early stage, claim construction has not yet occurred, and  
10 courts in this district routinely stay patent litigation matters involving parallel PTAB proceedings,  
11 *see, e.g., O’Brien v. Microsoft Corporation*, No. C19-01625RAJ (W.D. Wash. Oct. 13, 2020); *SRC*  
12 *Labs, LLC v. Microsoft Corp.*, No. C18-0321JLR (W.D. Wash. Nov. 20, 2018); *Uniloc USA, Inc.*  
13 *v. HTC Am., Inc.*, No. C17-1558JLR (W.D. Wash. Aug. 23, 2018); *Recognicorp, LLC v. Nintendo*  
14 *Co. Ltd.*, No. C12-1873, 2013 WL 2099518, at \*3 (W.D. Wash. May 8, 2013);

15 WHEREAS, in the interest of avoiding unnecessary motion practice, and to conserve  
16 judicial resources, the parties have agreed to stay this case pending final resolution of the IPR  
17 proceedings;

18 IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, that  
19 this case is stayed pending final resolution, including any appeals, of the IPR proceedings on the  
20 patents-in-suit. Each party reserves the right to request that the stay be lifted or modified for good  
21 cause due to changed circumstances affecting the IPRs.

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23 DATED this 12th day of October, 2022.

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*Attorneys for Plaintiff SurfCast Inc.*



**ORDER**

IT IS SO ORDERED. This case is STAYED pending final resolution, including any appeals, of the IPR proceedings on the patents-in-suit. All case deadlines are VACATED.

The parties shall file a status report every six (6) months updating the Court as to the status of the IPR proceedings.

DATED this 12th day of October, 2022



THE HONORABLE JOHN H. CHUN  
UNITED STATES DISTRICT JUDGE

Presented by:

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