

HON. JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SURFCAST INC.,

Plaintiff,

vs.

MICROSOFT CORPORATION,

Defendant.

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

JOINT STATUS REPORT

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(2:22-cv-01298-JNW)

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BACKGROUND

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2 This is an action for patent infringement, in which Plaintiff SurfCast Inc. asserts
3 U.S. Patent Nos. 9,032,317; 9,043,712; 9,363,338; and 9,946,434 (collectively, the “Patents-
4 in-Suit”) against Defendant Microsoft Corporation. SurfCast brought this suit in the U.S.
5 District Court for the Western District of Texas, but it was transferred to this District in
6 September 2022. (Dkt. No. 58.) On October 12, 2022, the Court stayed this case pending final
7 resolution, including any appeals, of *inter partes* review (“IPR”) proceedings on the Patents-
8 in-Suit and requested that the parties file a status report every six months updating the Court
9 as to the status of the IPRs. (Dkt. No. 67 at 4.) Pursuant to that Order, the parties submit this
10 report.

IPR PROCEEDINGS

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12 IPRs on all claims of all Patents-in-Suit were instituted on October 7, 2022. *See*
13 Paper 9 in each of IPR2022-00423, IPR2022-00590, IPR2022-00591, and IPR2022-00592.
14 On October 2, 2023, Patent Trial and Appeal Board issued final written decisions in all four
15 IPRs finding all challenged claims unpatentable. *See* Paper 21 in IPR2022-00591 and
16 IPR2022-00592, and Paper 22 in IPR2022-00423 and IPR2022-00590.

17 The deadline for SurfCast to file a notice appeal from any of these final written
18 decisions is December 4, 2023. *See* 37 C.F.R. 90.3.

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DATED this 12th day of October, 2023.

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