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Plaintiff AGIS Software Development LLC*

Additional counsel listed on signature page

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

LYFT, INC.

Plaintiff,

v.

AGIS SOFTWARE DEVELOPMENT LLC,

Defendant.

Case No. 5:21-cv-04653-BLF

PARTIES' JOINT STATUS UPDATE

Judge: Hon. Beth Labson Freeman
Trial Date: October 16, 2023
Courtroom: 3, Fifth Floor

Pursuant to the Court's May 19, 2022 Order staying this action pending disposition of the *ex parte* reexaminations ("EPR") before the United State Patent and Trademark Office ("USPTO") and the inter partes review ("IPR") proceedings before the Patent Trial and Appeals Board, Plaintiff Lyft, Inc. ("Lyft") and Defendant AGIS Software Development LLC ("AGIS") (collectively, the "Parties") submit this Joint Status Report regarding the status of the EPRs concerning U.S. Patent Nos. 7,031,728 (the "'728 Patent") and 7,630,724 (the "'724 Patent") and the IPR proceedings relating to U.S. Patent Nos. 10,299,100 (the "'100 Patent") and 10,341,838 (the "'838 Patent").

- 1 • The EPR concerning the '728 Patent (Serial No. 90/014,890) is currently pending,
2 awaiting a response from AGIS to the USPTO's latest office action. The USPTO
3 issued an Order Granting *Ex Parte* Reexamination on December 6, 2021 and,
4 subsequently, issued a Non-Final Office Action on September 1, 2022, rejecting
5 asserted claim 7 under 35 U.S.C. § 103. AGIS filed a Petition for Extension of Time
6 under 37 C.F.R. § 1.550(c) on September 30, 2022, which was granted by the USPTO
7 on October 25, 2022, resulting in an extension of AGIS's response date to January
8 3, 2023.
- 9 • The EPR concerning the '724 Patent (Serial No. 90/014,889) is currently pending,
10 awaiting a response from the USPTO to AGIS's latest actions. The USPTO issued
11 an Order Granting *Ex Parte* Reexamination on December 7, 2021 and, subsequently,
12 issued a Non-Final Office Action on July 7, 2022 rejecting asserted claims 9 and 12-
13 16 under 35 U.S.C. § 103.¹ AGIS filed a Petition for Extension of Time under 37
14 C.F.R. § 1.550(c) on August 23, 2022, which was granted by the USPTO on August
15 24, 2022, resulting in an extension of AGIS's response date to November 7, 2022.
16 On November 7, 2022, AGIS filed its Response to the July 7, 2022 Non-Final Office
17 Action, which included amendments to asserted independent claims 9 and 16 in
18 addition to remarks.
- 19 • The IPR petitions filed by Lyft challenging the '100 Patent (IPR2022-00514;
20 IPR2022-00515) were both instituted on June 2, 2022 with a final written decision
21 expected by June 2, 2023. AGIS filed its Patent Owner Response on October 12,
22 2022, and Lyft's deadline to file its Reply to AGIS's Patent Owner Response is
23 December 30, 2022. AGIS's deadline to file its Sur-Reply to Lyft's Reply is due on
24 February 13, 2023.
- 25 • The IPR petition filed by Lyft challenging the '838 Patent (IPR2022-00513) was
26 instituted on June 2, 2022 with a final written decision expected by June 2, 2023.
27 AGIS filed its Patent Owner Response on October 12, 2022, and Lyft's deadline to

¹ The Non-Final Office Action dated December 7, 2021 also rejects unasserted claim 10.

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file its Reply to AGIS’s Patent Owner Response is December 30, 2022. AGIS’s
deadline to file its Sur-Reply to Lyft’s Reply is due on February 13, 2023.

Dated: November 15, 2022

Respectfully submitted,

/s/ Vincent J. Rubino, III
Vincent J. Rubino, III

By: /s/ Jeremy J. Taylor
Jeremy J. Taylor

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ATTESTATION OF CONCURRENCE IN FILING

Pursuant to Northern District of California Local Rule 5-1(h)(3), I attest that concurrence
in the filing of this document has been obtained from the other Signatories to this document.

By: /s/ Jeremy J. Taylor
Jeremy J. Taylor