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**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:  
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, and the Court’s November 15, 2022 Order directing parties to submit a further status update, 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”), 7,630,724 (the “724 Patent”), and 8,213,970 (the “970

1 Patent”), and the IPR proceedings relating to U.S. Patent Nos. 10,299,100 (the “100 Patent”) and  
2 10,341,838 (the “838 Patent”).

- 3 • The EPR concerning the ’728 Patent (Serial No. 90/014,890) is concluded with no  
4 amendments or cancellations to any challenged claims. A Reexamination Certificate  
5 issued on April 18, 2023.
- 6 • The EPR concerning the ’724 Patent (Serial No. 90/014,889) is currently pending,  
7 awaiting a response from AGIS to the USPTO’s Advisory Action. The USPTO  
8 issued an Order Granting *Ex Parte* Reexamination on December 7, 2021 and,  
9 subsequently, issued a Non-Final Office Action on July 7, 2022, rejecting asserted  
10 claims 9 and 12-16 under 35 U.S.C. § 103.<sup>1</sup> On November 7, 2022, AGIS filed its  
11 Response to the July 7, 2022 Non-Final Office Action, which included amendments  
12 to asserted independent claims 9 and 16 and added new dependent claims 17-18, in  
13 addition to remarks. The USPTO subsequently issued a Final Office Action on  
14 December 22, 2022, rejecting asserted claims 9 and 12-16 under 35 U.S.C. § 112 and  
15 35 U.S.C. § 103.<sup>2</sup> Claims 16 and 18 were further rejected under 35 U.S.C. § 305 as  
16 enlarging the scope of the claims being reexamined. On April 24, 2023, AGIS filed  
17 its Response to the December 22, 2022 Final Office Action, which included  
18 amendments to asserted independent claims 9 and 16, in addition to remarks. On  
19 May 3, 2023, the USPTO issued an Advisory Action stating that AGIS’s proposed  
20 amendments from its April 24, 2023 Response would not be entered.
- 21 • The IPR petitions filed by Lyft challenging the ’100 Patent (IPR2022-00514;  
22 IPR2022-00515) were both instituted on June 2, 2022, with a final written decision  
23 expected by June 2, 2023.
- 24 • The IPR petition filed by Lyft challenging the ’838 Patent (IPR2022-00513) was  
25 instituted on June 2, 2022, with a final written decision expected by June 2, 2023.

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27 <sup>1</sup> The Non-Final Office Action dated December 7, 2021 also rejects unasserted claim 10.

28 <sup>2</sup> The Final Office Action dated December 22, 2022 also rejects unasserted claim 10 and newly  
added claims 17-18

- The “’970 Patent” is not subject to any EPRs or IPR proceedings.
- The EPR concerning the ’970 Patent (Serial No. 90/014,507) is concluded with amendments to the challenged claims. A Reexamination Certificate issued on December 12, 2021.

Dated: May 15, 2023

Respectfully submitted,

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By: 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.

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