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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 May 18, 2023 Order Directing Parties to Submit 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 Patent”),

1 and the IPR proceedings relating to U.S. Patent Nos. 10,299,100 (the “100 Patent”) and 10,341,838
2 (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 claims 9
10 and 12-16 under 35 U.S.C. § 103.¹ On November 7, 2022, AGIS filed its Response
11 to the July 7, 2022 Non-Final Office Action, which included amendments to
12 independent claims 9 and 16 and added new dependent claims 17-18, in addition to
13 remarks. The USPTO subsequently issued a Final Office Action on December 22,
14 2022, rejecting claims 9 and 12-16 under 35 U.S.C. § 112 and 35 U.S.C. § 103.²
15 Claims 16 and 18 were further rejected under 35 U.S.C. § 305 as enlarging the scope
16 of the claims being reexamined. On April 24, 2023, AGIS filed its Response to the
17 December 22, 2022 Final Office Action, which included amendments to independent
18 claims 9 and 16, in addition to remarks. On May 3, 2023, the USPTO issued an
19 Advisory Action stating that AGIS’s proposed amendments from its April 24, 2023
20 Response would not be entered. On June 20, 2023, AGIS filed a Supplemental
21 Response, cancelling dependent claims 17 and 18 in response to the May 3, 2023
22 Advisory Action stating they raised new issues. On June 22, 2023, AGIS filed a
23 Notice of Appeal. On June 29, 2023, the USPTO issued an Advisory Action
24 indicating that AGIS overcame some of the rejections but that claims 9-10 and 12-
25 16 remain rejected under 35 U.S.C. § 112 and 35 U.S.C. § 103. On August 14, 2023,
26 AGIS submitted a petition for a two-month extension of time to file an Appeal Brief
27

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

² The Final Office Action dated December 22, 2022 also rejects claim 10 and newly added claims 17-18.

1 associated with the Notice of Appeal. On August 15, 2023, the USPTO granted
2 AGIS's request to extend the time to file the Appeal Brief. On October 23, 2023,
3 AGIS filed its Appeal Brief.

- 4 • The IPR petitions filed by Lyft challenging the '100 Patent (IPR2022-00514;
5 IPR2022-00515) were both instituted on June 2, 2022. On May 25, 2023, the PTAB
6 issued a Final Written Decision, ordering that all claims of the '100 Patent are
7 unpatentable. On July 27, 2023 (CAFC-23-2237), AGIS filed a Notice of Appeal of
8 the Final Written Decision. On August 24, 2023, the Federal Circuit ordered that the
9 appeals for the IPRs involving the '100 and '838 Patents be consolidated. On
10 October 5, AGIS filed a motion to extend the time to file Appellant's Brief to January
11 12, 2024. On October 6, 2023, the Federal Circuit granted this motion.
- 12 • The IPR petition filed by Lyft challenging the '838 Patent (IPR2022-00513) was
13 instituted on June 2, 2022. On May 25, 2023, the PTAB issued a Final Written
14 Decision, ordering that all claims of the '838 Patent are unpatentable. On July 27,
15 2023 (CAFC-23-2237), AGIS filed a Notice of Appeal of the Final Written Decision.
16 On August 24, 2023, the Federal Circuit ordered that the appeals for the IPRs
17 involving the '100 and '838 Patents be consolidated. On October 5, AGIS filed a
18 motion to extend the time to file Appellant's Brief to January 12, 2024. On October
19 6, 2023, the Federal Circuit granted this motion.
- 20 • The "'970 Patent" is not subject to any EPRs or IPR proceedings.
- 21 • The EPR concerning the '970 Patent (Serial No. 90/014,507) is concluded with
22 amendments to the challenged claims. A Reexamination Certificate issued on
23 December 12, 2021.

24 Dated: November 14, 2023

Respectfully submitted,

25
26 /s/ Vincent J. Rubino, III

Vincent J. Rubino, III

By: /s/ Jeremy J. Taylor

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ATTESTATION OF CONCURRENCE IN FILING

Pursuant to Northern District of California Local Rule 5-1(i)(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

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