

1 **ALVERSON, TAYLOR,**
2 **MORTENSEN & SANDERS**
3 KURT R. BONDS, ESQ.
4 Nevada Bar No. 6228
5 ADAM R. KNECHT, ESQ.
6 Nevada Bar No. 13166
7 6605 Grand Montecito Pkwy, Ste 200
8 Las Vegas, NV 89149
9 (702) 384-7000
10 efile@alversontaylor.com
11 *Attorneys for Plaintiff*
12 *Voip-Pal.com, Inc.*

13 UNITED STATES DISTRICT COURT

14 DISTRICT OF NEVADA

15 * * *

16 VOIP-PAL.COM, INC., a Nevada corporation,

CASE NO.: 2:16-cv-00260-RFB-VCF

17 Plaintiff,

18 v.

**STIPULATION AND ORDER TO
EXTEND DEADLINE TO FILE
JOINT STATUS REPORT**

19 APPLE, INC., a California corporation,

20 Defendants.

21 Plaintiff Voip-Pal.com, Inc. (“Plaintiff” or “Voip-Pal”) and Defendant Apple, Inc.
22 (“Defendant” or “Apple”), through undersigned counsel, stipulate and request the Court to continue
23 the deadline to file a Joint Status Report from December 12, 2017 to January 26, 2018.

24 1. On February 9, 2016, VoIP-Pal filed this action against Apple alleging infringement
25 of U.S. Patent Nos. 8,542,815 (the “’815 patent”) and 9,179,005 (the “’005 patent”). (ECF No. 1).

26 2. On May 5, 2016, this Court entered an order extending the time for Apple to answer
27 the complaint until July 29, 2016. (ECF No. 13);

28 3. On June 15, 2016, Apple filed a petition with the PTAB to institute IPR proceedings
on the asserted claims of the ’815 patent. (See ECF No. 24 at ¶ 3.) Apple also petitioned the PTAB
to institute IPR proceedings on the asserted claims of the ’005 patent. (See *id.*);

ALVERSON, TAYLOR, MORTENSEN & SANDERS

LAWYERS
6605 GRAND MONTECITO PKWY., STE 200
LAS VEGAS, NEVADA 89149
(702) 384-7000

ALVERSON, TAYLOR, MORTESEN & SANDERS

LAWYERS
6605 GRAND MONTECITO PKWY., STE 200
LAS VEGAS, NEVADA 89149
(702) 384-7000

1 4. On July 19, 2016, the parties filed a stipulation and proposed order seeking a stay of
2 this litigation pending the PTAB's decisions on whether to institute IPR on the '815 and '005
3 patents. (ECF No. 24);

4 5. On July 20, 2016, this Court granted the parties' stipulation, ordering a stay of this
5 litigation pending the Court's review of a Joint Status Report outlining the parties' respective
6 positions on how the case should proceed in light of the PTAB's institution decisions. (ECF No.
7 25);

8 6. On November 21, 2016, the PTAB instituted IPR on all asserted claims of the '815
9 patent. (Decision, Institution of *Inter Partes* Review of United States Patent No. 8,542,815, *Apple*
10 *Inc. v. VoIP-Pal.com, Inc.*, IPR2016-01201 (P.T.A.B. Nov. 21, 2016) at 32);

11 7. Likewise, on November 21, 2016, the PTAB instituted IPR on all asserted claims of
12 the '005 patent. (Decision, Institution of *Inter Partes* Review of United States Patent No. 9,179,005,
13 *Apple Inc. v. VoIP-Pal.com, Inc.*, IPR2016-01198 (P.T.A.B. Nov. 21, 2016) at 31);

14 8. By statute, the PTAB must issue final written decisions in the '815 patent and '005
15 patent IPR proceedings no later than November 21, 2017. 35 U.S.C. § 316(a)(11);

16 9. On November 20, 2017, the PTAB issued final written decisions denying Apple's
17 challenged claims in the '815 patent and '005 patent IPR proceedings (IPR2016-01201 and IPR2016-
18 01198). Additionally, the PTAB denied institution of IPRs for five other petitions filed against the
19 '815 and '005 patents, namely, three IPR petitions filed by AT&T (IPR2017-01382, IPR2017-01383,
20 and IPR2017-01384), and two follow-on petitions filed by Apple (IPR2017-01398 and IPR2017-
21 01399).

22 10. A joint status report is due in a similar case before this Court in *Voip-Pal.com, Inc., v.*
23 *Twitter, Inc.*, Case No. 2:16-cv-2338 on January 26, 2017. Because of the similarity of issues and
24 procedural history involving the two cases, the parties desire to extend the deadline to file their joint

25 ///

26 ///

27 ///

28 ///

1 status report in this matter to correlate with the current deadline in *Voip-Pal.com, Inc., v. Twitter,*
2 *Inc.* The parties intend to meet and confer and jointly prepare a joint status report. There is good
3 cause to continue the the deadline to file a joint status report until January 26, 2018.

4 DATED the 12th day of December, 2017.

5 **IT IS SO AGREED AND STIPULATED:**

6
7 ALVERSON, TAYLOR,
8 MORTENSEN & SANDERS

LEWIS ROCA ROTHGERBER
CHRISTIE LLP

9 /s/ Adam R. Knecht

/s/ Ameet Modi

10 Kurt R. Bonds
11 Nevada State Bar No. 6228
12 Adam R. Knecht
13 Nevada State Bar No. 13166
14 6605 Grand Montecito Pkwy, Ste. 200
15 Las Vegas, NV 89149
16 Tel: 702.384.7000
17 E-mail: kbonds@alversontaylor.com
18 E-mail: aknecht@alversontaylor.com

Jonathan W. Fountain
Nevada State Bar No. 10351
3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996
Tel: 702.949.8200
E-mail: jfountain@lrrc.com

19 *Attorneys for Plaintiff Voip-Pal.com, Inc.*

DESMARAIS LLP
John M. Desmarais, Pro hac vice
Michael P. Stadnick, Pro hac vice
Ameet Modi, Pro hac vice
Kerri-Ann Limbeek, Pro hac vice
230 Park Avenue
New York, New York 10169
Tel: 212.351.3400
E-mail: jdesmarais@desmaraisllp.com
E-mail: mstadnick@desmaraisllp.com
E-mail: amodi@desmaraisllp.com
E-mail: klimbeek@desmaraisllp.com

Attorneys for Defendant Apple, Inc.

22 **IT IS SO ORDERED:**

23 

24 UNITED STATES MAGISTRATE JUDGE

25 Dated: December 13, 2017

ALVERSON, TAYLOR, MORTENSEN & SANDERS
LAWYERS
6605 GRAND MONTECITO PKWY., STE 200
LAS VEGAS, NEVADA 89149
(702) 384-7000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28