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Marc A. Fenster, SBN 181067
Email: mfenster@raklaw.com
Bruce D. Kuyper, SBN 144969
Email: bkuyper@raklaw.com
Andrew D. Weiss, SBN 232974
Email: aweiss@raklaw.com
12424 Wilshire Boulevard, 12th Floor
Los Angeles, California 90025
Tel: (310) 826-7474
Fax: (310) 826-6991

Attorneys for Plaintiff
Proxyconn, Inc.

KARIN G. PAGNANELLI (SBN
174763)

kgp@msk.com

MITCHELL SILBERBERG & KNUPP
LLP

11377 West Olympic Boulevard
Los Angeles, California 90064-1683
Telephone: (310) 312-2000
Facsimile: (310) 312-3100

STEPHEN J. JONCUS (*pro hac vice*)
stephen.joncus@klarquist.com

SALUMEH R. LOESCH (*pro hac vice*)
salumeh.loesch@klarquist.com

JOHN D. VANDENBERG (*pro hac vice*)
john.vandenberg@klarquist.com

KLARQUIST SPARKMAN, LLP
121 SW Salmon Street, Suite 1600
Portland, Oregon 97204
Telephone: (503) 595-5300

Attorneys for Defendants *Microsoft
Corporation, Hewlett-Packard Company,
Dell Inc., and Acer America Corporation*

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

PROXYCONN, INC.,
Plaintiff,
vs.
MICROSOFT CORPORATION, et
al.,
Defendants.

CASE NO. SACV11-1681 DOC
(JPRx)
CONSOLIDATED
**JOINT REQUEST FOR A STATUS
CONFERENCE AND REPORT**
The Honorable David O. Carter
Courtroom: 9D

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1 The Parties¹ hereby provide a report on the pending *inter partes* review
2 (“IPReview”) and request a status conference with the Court.

3 On September 18, 2012, Microsoft filed a Petition for IPReview with the
4 U.S. Patent and Trademark's Office Patent Trial and Appeal Board (“PTAB”)
5 seeking *inter partes* review of nine claims of the patent-in-suit. *Inter partes* review
6 is a new administrative procedure that first became available under the America
7 Invents Act (35 U.S.C. §§ 311-19) on September 16, 2012. (See Dkt. 90.)

8 On November 2, 2012, the Parties filed a Joint Stipulation Requesting Stay
9 of Case Pending Inter Partes Review (the “IPR Stay Stipulation”). (*Id.*)

10 On December 21, 2012, the PTAB agreed to institute an *inter partes* review
11 on claims 1, 3, 10, 22, 23, and 24 as requested by Microsoft but declined to
12 institute an *inter partes* review of claims 11, 12 and 14.

13 On January 3, 2013, Microsoft filed in the PTAB a motion for rehearing of
14 the PTAB’s decision denying *inter partes* review of claims 11, 12 and 14.

15 On January 11, 2013, Microsoft expects to file a new request for *inter partes*
16 review asserting prior art against claims 11, 12 and 14 as well as additional claims
17 6, 7, and 9. As part of that new request, Microsoft will move to consolidate the
18 new request for *inter partes* review with the original request.

19 The Parties continue to agree that a stay is still appropriate while the *inter*
20 *partes* review is pending and request that the Court enter the IPR Stay Stipulation.
21 The IPReview will simplify, or outright resolve, at least some of the issues in this
22 case. For example, the IPReview will likely resolve Defendants’ invalidity
23 allegations based on the prior art. Under 35 U.S.C. § 315(e)(2) (2011), after a final
24 written decision from an IPReview, a petitioner “may not assert...in a civil
25 action...that the claim is invalid on any ground that the petition raised or

26 _____
27 ¹ Plaintiff Proxyconn, Inc. (“Proxyconn”) and Defendants Microsoft Corporation
28 (“Microsoft”), Hewlett-Packard Company, Acer America Corporation, and Dell
Inc. (collectively, “Defendants”) (Proxyconn and Defendants collectively, the
“Parties”)

1 reasonably could have raised during the inter partes review.” In the IPR Stay
2 Stipulation, all Defendants have agreed to be estopped in this action to the same
3 extent that Microsoft becomes estopped by a PTAB written decision under 35
4 U.S.C. § 315(e)(2) (2011). Thus, the estoppel effect of the PTAB decision
5 resulting from the IPReview will apply to all parties thereby reducing the issues to
6 be addressed in the litigation.

7 In light of the proceedings in the PTAB, the Parties request a status
8 conference to discuss how best to proceed with the case in light of the proceedings
9 in the PTAB.

10 Dated: January 8, 2013

Respectfully submitted,

RUSS AUGUST & KABAT

By: /s/ Andrew D. Weiss (w/ permission)
Andrew D. Weiss

Marc A. Fenster, State Bar No. 181067
Andrew D. Weiss, State Bar No. 232974
12424 Wilshire Boulevard, 12th Floor
Los Angeles, California 90025
Tel: (310) 826-7474
Fax: (310) 826-6991
Email: mfenster@raklaw.com
Email: aweiss@raklaw.com

Attorneys for Plaintiff
Proxycorr, Inc.

By: /s/ Karin G. Pagnanelli
Karin G. Pagnanelli

KARIN G. PAGNANELLI
MITCHELL SILBERBERG & KNUPP LLP

STEPHEN J. JONCUS
SALUMEH R. LOESCH
JOHN D. VANDENBERG
KLARQUIST SPARKMAN, LLP

Attorneys for Defendants
Microsoft Corporation, Hewlett-Packard
Company, Dell Inc., and Acer America
Corporation

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Attestation Regarding Signatures

I, Karin G. Pagnanelli, attest that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

DATED: January 8, 2013

/s/ Karin G. Pagnanelli
Karin G. Pagnanelli

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