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1	RUSS AUGUST & KABAT Marc A. Fenster, SBN 181067
2	Email: mfenster@raklaw.com
3	Bruce D. Kuyper, SBN 144969 Email: bkuyper@raklaw.com
4	Andrew D. Weiss, SBN 232974
5	Email: aweiss@raklaw.com 12424 Wilshire Boulevard, 12 <sup>th</sup> Floor Los Angeles, California 90025
6	Tel: (310) 826-7474
7	Fax: (310) 826-6991
8	Attorneys for Plaintiff Proxyconn, Inc.
9	KARIN G. PAGNANELLI (SBN
10	174763)
11	kgp@msk.com
12	MITCHELL SILBERBERG & KNUPP LLP
13	11377 West Olympic Boulevard
14	Los Angeles, California 90064-1683 Telephone: (310) 312-2000
15	Facsimile: (310) 312-3100
16	STEPHEN J. JONCUS (pro hac vice)
17	stephen.joncus@klarquist.com
18	SALUMEH R. LOESCH ( <i>pro hac vice</i> ) salumeh.loesch@klarquist.com
19	JOHN D. VANDENBERG (pro hac vice)
20	john.vandenberg@klarquist.com KLARQUIST SPARKMAN, LLP
21	121 SW Salmon Street, Suite 1600
22	Portland, Oregon 97204 Telephone: (503) 595-5300
23	Attorneys for Defendants <i>Microsoft</i>
24	Corporation, Hewlett-Packard Company, Dell Inc., and Acer America Corporation
25	
26	
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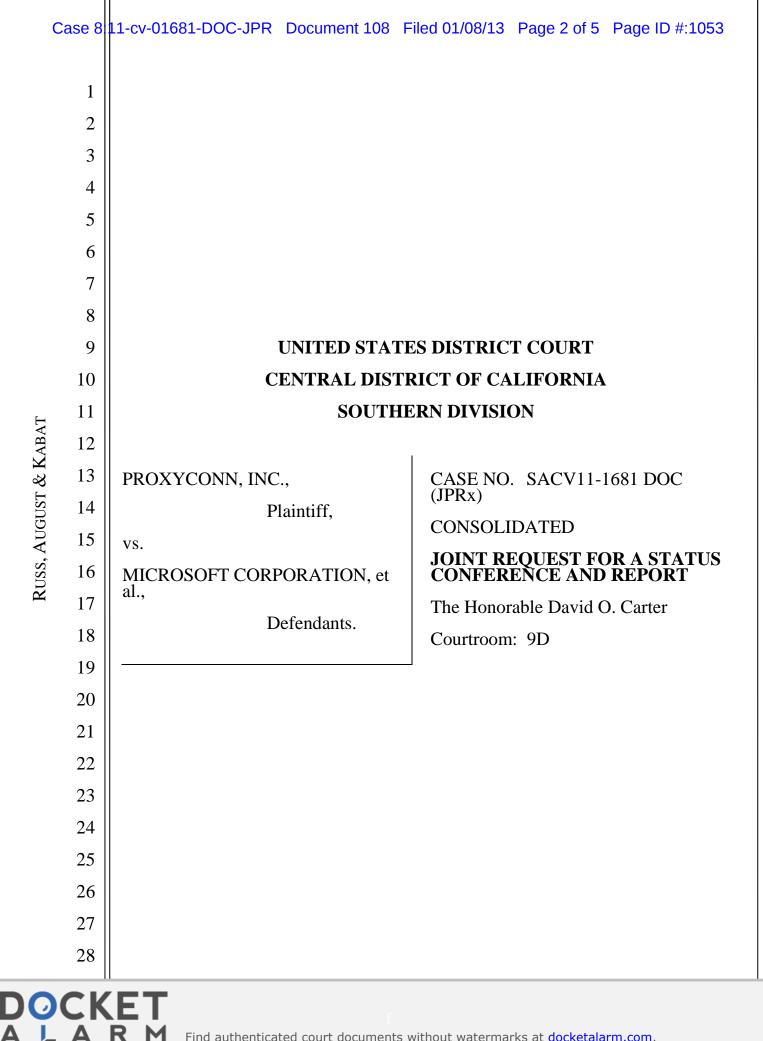
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The Parties<sup>1</sup> hereby provide a report on the pending *inter partes* review ("IPReview") and request a status conference with the Court.

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

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

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

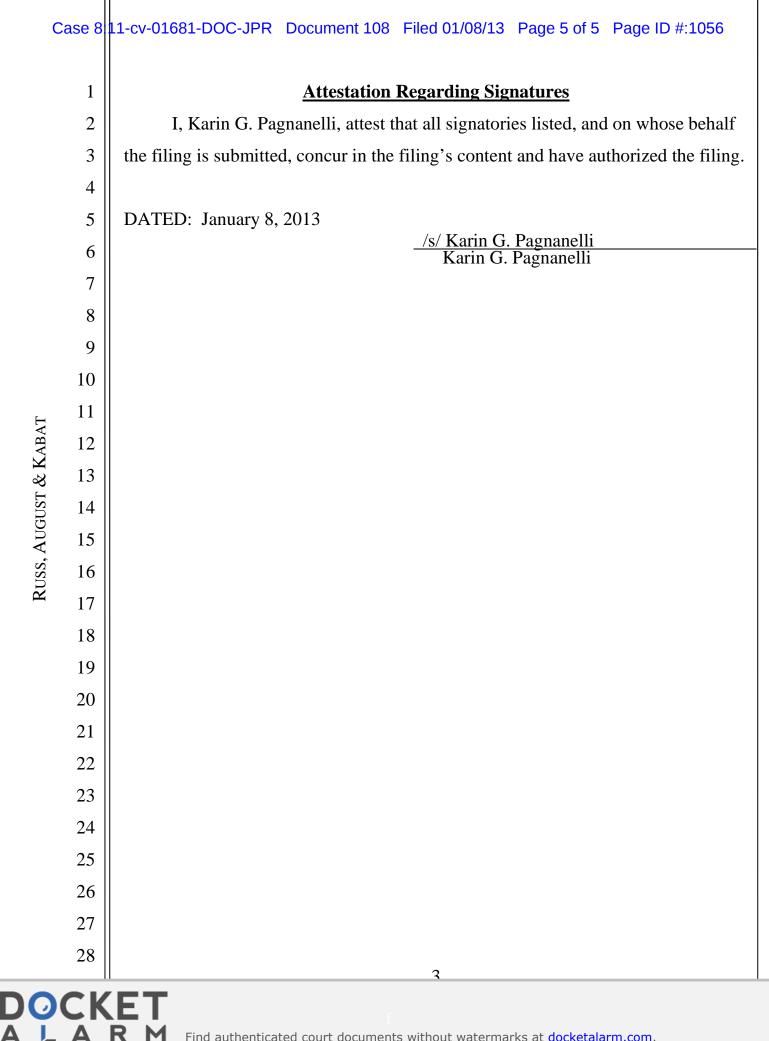
On January 3, 2013, Microsoft filed in the PTAB a motion for rehearing of the PTAB's decision denying *inter partes* review of claims 11, 12 and 14.

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

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

<sup>1</sup> Plaintiff Proxyconn, Inc. ("Proxyconn") and Defendants Microsoft Corporation ("Microsoft"), Hewlett-Packard Company, Acer America Corporation, and Dell Inc. (collectively, "Defendants") (Proxyconn and Defendants collectively, the "Parties")

reasonably could have raised during the inter partes review." In the IPR Stay 1 Stipulation, all Defendants have agreed to be estopped in this action to the same 2 3 extent that Microsoft becomes estopped by a PTAB written decision under 35 U.S.C. § 315(e)(2) (2011). Thus, the estoppel effect of the PTAB decision 4 5 resulting from the IPReview will apply to all parties thereby reducing the issues to be addressed in the litigation. 6 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, 11 **RUSS AUGUST & KABAT** 12 /s/ Andrew D. Weiss (*w*/*permission*) By: Andrew D. Weiss 13 Marc A. Fenster, State Bar No. 181067 14 Andrew D. Weiss, State Bar No. 232974 12424 Wilshire Boulevard, 12<sup>th</sup> Floor Los Angeles, California 90025 15 Tel: (310) 826-7474 16 Fax: (310) 826-6991 Email: mfenster@raklaw.com 17 Email: aweiss@raklaw.com 18 Attorneys for Plaintiff Proxyconn, Inc. 19 By:/s/ Karin G. Pagnanelli 20Karin G. Pagnanelli 21 KARIN G. PAGNANELLI 22 MITCHELL SILBERBERG & KNUPP LLP 23 **STEPHEN J. JONCUS** 24 SALUMEH R. LOESCH JOHN D. VANDENBERG 25 KLAROUIST SPARKMAN, LLP 26 Attorneys for Defendants Microsoft Corporation, Hewlett-Packard 27 Company, Dell Inc., and Acer America Corporation 28 2



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