

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

RFCYBER CORP.,	§	Case No. 6:21-cv-00916-ADA
	§	
Plaintiff,	§	<u>JURY TRIAL DEMANDED</u>
	§	
v.	§	
	§	
APPLE, INC.,	§	
	§	
Defendant.	§	
	§	

CASE READINESS STATUS REPORT

Plaintiff RFCyber Corp. (“RFCyber” or “Plaintiff”) and Apple, Inc. (“Apple” or “Defendant”) hereby provide the following status report:

FILING AND EXTENSIONS

Plaintiff’s Complaint was filed on September 7, 2021. There has been one extension for a total of 45 days on Apple’s response to the Complaint. Plaintiff filed an Amended Complaint on December 2, 2021 which alleged infringement of an additional asserted patent. There has been one extension for a total of 45 days on Apple’s response to the Amended Complaint

RESPONSE TO THE COMPLAINT

Defendant responded to the original Complaint on November 18, 2021 by filing a Motion to Dismiss Plaintiff RFCyber’s Indirect and Willful Infringement Claims (Dkt. No. 8). Defendant has not filed any counterclaims at the present time. Defendant has not yet responded to the Amended Complaint.

PENDING MOTIONS

There are no pending motions. Apple's Motion to Dismiss Plaintiff RFCyber's Indirect and Willful Infringement Claims (Dkt. 8), dated November 18, 2021, was mooted by Plaintiff's Amended Complaint.

RELATED CASES IN THIS JUDICIAL DISTRICT

None.

IPR, CBM, AND OTHER PGR FILINGS

PGR2022-00003, against U.S. Patent No. 10,600,046, was filed on October 20, 2021 and docketed on November 8, 2021. An institution decision is expected on or before May 8, 2022.

PGR2021-00028, against U.S. Patent No. 10,600,046, was filed on December 23, 2020, and docketed on January 25, 2021. Trial was instituted on July 23, 2021. A Final Written Decision was expected on or before July 23, 2022, however, a Joint Motion to Terminate was filed on October 19, 2021 and remains pending.

IPR2021-00978, against U.S. Patent No. 8,448,855, was filed on June 8, 2021 and docketed on June 16, 2021. An institution decision is expected on or before December 16, 2021.

IPR2021-00979, against U.S. Patent No. 8,118,218, was filed on June 8, 2021 and docketed on June 16, 2021. An institution decision is expected on or before December 16, 2021.

IPR2021-00980, against U.S. Patent No. 9,189,787, was filed on June 8, 2021 and docketed on June 16, 2021. An institution decision is expected on or before December 16, 2021.

IPR2021-00981, against U.S. Patent No. 9,240,009, was filed on June 15, 2021 and docketed on June 21, 2021. An institution decision is expected on or before December 21, 2021.

There are no other known pending IPR, CBM, or other PGR filings.

NUMBER OF ASSERTED PATENTS AND CLAIMS

Plaintiff has asserted six (6) patents. The asserted patents are U.S. Patent Nos. 8,118,218; 8,448,855; 9,189,787; 9,240,009; 10,600,046; and 11,018,724. Plaintiff is preparing its Preliminary Infringement Contentions which will set out the number of claims.

APPOINTMENT OF TECHNICAL ADVISER

The parties do not request a technical advisor be appointed at this time.

MEET AND CONFER STATUS

Plaintiff and Defendant met and conferred and dispute whether there should be an overall extension to the case schedule (as Apple contends there should be) due to the filing of the Amended Complaint, which alleged infringement of an additional asserted patent. RFCyber contends that no overall extension is necessary or appropriate, as the additional asserted patent is related to the other patents in suit and accuses the same products.

Dated: December 14, 2021

Respectfully submitted,

/s/ Raymond W. Mort, III

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CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing via electronic mail to all counsel of record. Any other counsel of record will be served by first class U.S. mail.

/s/ Raymond W. Mort, III

Raymond W. Mort, III