

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

RFCyber CORP.,

Plaintiff,

v.

VISA U.S.A. Inc.,

Defendant.

CASE NO.: 6:22-cv-00697-ADA

JOINT STIPULATION TO STAY LITIGATION OF U.S. PATENT NO. 9,240,009

WHEREAS, in July 2022, the Patent Trial and Appeal Board (“PTAB”) instituted *inter partes* review (“IPR”) on two of the four asserted patents in this case. *See Apple Inc. v. RFCyber Corp.*, IPR2022-00412 (IPR of U.S. Patent No. 9,189,787 (“’787 Patent”)); *Apple Inc. v. RFCyber Corp.*, IPR2022-00413 (IPR of U.S. Patent No. 9,240,009 (“’009 Patent”)).

WHEREAS, on June 8, 2023, Defendant Visa U.S.A. Inc. (“Visa”) filed its Motion to Stay Pending *Inter Partes* Review (Dkt. No. 22), requesting that the Court stay litigation of this action pending a decision from the PTAB on the IPR proceedings.

WHEREAS, on July 18, 2023, the PTAB found all claims of the ’009 Patent unpatentable under 35 U.S.C. § 103(a).

WHEREAS, on July 18, 2023, the PTAB held that petitioner Apple Inc. did not meet its burden to demonstrate that claims of the ’787 Patent were unpatentable.

WHEREAS, Plaintiff RFCyber Corp. (“RFCyber”) intends to appeal to the Federal Circuit the PTAB’s decision finding the ’009 Patent unpatentable.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, as follows:

1. Litigation of the '009 Patent is hereby stayed pending RFCyber's appeal to the Federal Circuit of the PTAB's July 18, 2023 decision finding the '009 Patent unpatentable.
2. Conditioned on the parties' agreement to stay litigation of the '009 Patent pending appeal, Visa withdraws its pending Motion to Stay (Dkt. No. 22).

Dated: August 31, 2023

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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Dated: August 31, 2023

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Attorneys for Plaintiff RFCyber Corp.

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2023, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses of those registered.

Dated: August 31, 2023

WILSON SONSINI GOODRICH & ROSATI
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Attorneys for Defendant VISA U.S.A. INC.