

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CYWEE GROUP LTD.,

Plaintiff,

v.

HTC CORPORATION; and HTC AMERICA,
INC.,

Defendants.

CASE NO.: 2:17-cv-00932-JLR

JURY TRIAL DEMANDED

90-DAY JOINT STATUS REPORT

HTC CORPORATION, and HTC AMERICA,
INC.,

Third-Party Plaintiffs,

v.

CYWEE MOTION GROUP LTD.,

Third-Party Defendant.

1 Pursuant to the Court’s August 19, 2019 Order (ECF No. 146), Plaintiff CyWee Group
 2 Ltd. (“CyWee Group”), Defendants and Third-Party Plaintiffs HTC Corporation and HTC
 3 America, Inc., and Third-Party Defendant CyWeeMotion Group Ltd. respectfully submit the
 4 following joint status report:

5 As shown in the table below, on January 9, 2020, the PTAB held that the claims subject to
 6 two IPRs filed by Google (the “Google IPRs”) are invalid:

7 Asserted Patent	IPR Case No.	Claims Held Invalid
8 8,441,438 (“’438 patent”)	IPR2018-01258	1, 3–5
8 8,552,978 (“’978 patent”)	IPR2018-01257	10, 12

9 CyWee appealed the PTAB’s final written decisions in the Google IPRs to the Federal
 10 Circuit and those appeals (Case Nos. 2020-1565, 2020-1567) are currently pending.

11 In the instant case, CyWee asserts infringement of claims 1, 3–5, 14–17, and 19 of the ’438
 12 patent, and claims 10 and 12 of the ’978 patent. Asserted claims 14–17 and 19 of the ’438 patent
 13 are not subject to the Google IPRs.

14 Those claims are however subject to an IPR filed by ZTE (the “ZTE IPR”), as shown in
 15 the table below:

16 Asserted Patent	IPR Case No.	Instituted Claims
17 8,441,438	IPR2019-00143	1, 4, 5, 14–17, 19

18 Unlike the proposed amendments in the Google IPRs, the proposed amendments in the
 19 ZTE IPR are subject to the PTAB’s pilot program concerning motions to amend, as provided for
 20 in 84 Fed. Reg. 9,497 (Mar. 15, 2019). On December 5, 2019 the PTAB issued Preliminary
 21 Guidance on Patent Owner’s Motion to Amend (the “Guidance”). In the Guidance, the PTAB
 22 preliminarily held that proposed amended claims 20, 21, and 22 (corresponding to original claims
 23 1, 5, and 14) are valid. On December 20, 2019, CyWee filed a revised motion to amend, proposing
 24 amendments to claims 20, 21, 22, 23, and 24 (corresponding to original claims 1, 5, 14, 15, and
 25 19).

26 On May 12, 2020, the PTAB issued an order in the ZTE IPR, which adjusted the due date
 27 for it to issue a final written decision from May 17, 2020 to November 12, 2020.

1
2 Dated May 18, 2020

Respectfully submitted,

3 /s/ Carmen E. Bremer

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21 Dated: May 18, 2020

/s/ Albert Shih

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*Attorneys for Defendants and Third-Party Plaintiffs
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14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on May 18, 2020, I electronically filed the foregoing with the
16 Clerk of the Court using the CM/ECF system, which will send notification of such filing to all
17 counsel of record.

18 Dated: 5/18/2020

/s/Carmen E. Bremer

Carmen E. Bremer