

THE HONORABLE JAMES L. ROBART

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

JOINT STATUS REPORT

HTC CORPORATION, and HTC AMERICA,
INC.,

Third-Party Plaintiffs,

v.

CYWEE MOTION GROUP LTD.,

Third-Party Defendant.

Pursuant to the Court's August 19, 2019, Order (ECF No. 146), Plaintiff CyWee Group Ltd. ("CyWee Group") and the parties' most recent 90-Day Joint Status Report (ECF No. 179), Defendants and Third-Party Plaintiffs HTC Corporation and HTC America, Inc., and Third-Party Defendant CyWee Motion Group Ltd. respectfully submit the following joint status report:

The Google IPRs:

On January 9, 2020, the PTAB held the following claims invalid in the two IPR proceedings filed by Google (the "Google IPRs"):

Asserted Patent	IPR Case No.	Original Claims Held Invalid	Proposed Contingent Amended Claims Held Invalid
8,441,438	IPR2018-01258	1, 3–5	20, 21
8,552,978	IPR2018-01257	10, 12	19, 20

CyWee appealed the PTAB's final written decisions in the Google IPRs. On February 8, 2023, the Federal Circuit finally affirmed PTAB's ruling.

The ZTE IPR:

On February 17, 2021, the PTAB held all challenged claims invalid in an *inter partes* review proceeding filed by ZTE and joined by LGE (the "ZTE IPR"):

Asserted Patent	IPR Case No.	Original Claims Held Invalid	Proposed Contingent Amended Claims Held Invalid
8,441,438	IPR2019-00143 IPR2019-01203	1, 4, 5, 14–17, 19	20-24

CyWee appealed the PTAB's final written decision in the ZTE IPR on April 8, 2021. On January 18, 2024, the Federal Circuit finally affirmed PTAB's ruling.

On May 20, 2024, the parties submitted a Joint Status Report in which the parties agreed to request a further stay of 30 days so that the parties may discuss and decide how to proceed with the case and to submit a further status report in 30 days instead of 90 days.

1 After careful consideration, CyWee will ask the Court to dismiss the patent infringement
2 claims invalidated in the IPRs. The IPR proceedings have mooted the proceedings for patent
3 infringement of the '438 and '978 patents. CyWee is investigating whether any of the
4 approximately four dozen patents granted since the case was stayed are infringed by the Defendant.
5 That analysis should be complete by August 15, 2024.
6

7 As to the non-patent claims, CyWee contends that they should not be dismissed because
8 the IPR results do not impact those claims. CyWee further contends that a new scheduling order
9 should be entered requiring CyWee to file a motion to amend the complaint on or before August
10 15, 2024. Defendants oppose CyWee's attempts to bring new patents or new claims into this
11 case—rather, any such patents or claims should be litigated in a separate action. After the Court
12 resolves this issue, the parties request that a new Scheduling Order be entered based upon any
13 remaining claims and defenses asserted in this action.
14

15 Dated: June 20, 2024

Respectfully submitted,

16 /s/ Carmen E. Bremer

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1 Dated: June 20, 2024

/s/ Ryan R. Smith

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

I hereby certify that on June 20, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Ryan R. Smith

Ryan R. Smith