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Voip-Pal.com, Inc.

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10
 11 VOIP-PAL.COM, INC., a Nevada corporation,
 12 Plaintiff,

13 v.

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 15 CELLCO PARTNERSHIP d/b/a VERIZON
 WIRELESS., a Delaware corporation; AT&T
 16 CORP., a Delaware corporation; and DOES I
 through X, inclusive,

17 Defendants.
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CASE NO.: 2:16-cv-00271-RCJ-VCF

**STIPULATION AND ORDER TO
 EXTEND DEADLINE TO FILE
 JOINT STATUS REPORT**

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 20 Plaintiff Voip-Pal.com, Inc. (“Plaintiff” or “Voip-Pal”) and Cellco Partnership d/b/a Verizon
 21 Wireless (“Verizon”) and AT&T Corp. (“AT&T”, and together with Verizon, “Defendants”),
 22 through undersigned counsel, stipulate and request the Court to continue the deadline to file a Joint
 23 Status Report from January 12, 2018 to January 26, 2018.

24 1. VoIP-Pal filed this action on February 10, 2016, against Defendants, alleging
 25 infringement of U.S. Patent Nos. 8,542,815 (the “’815 patent”) and 9,179,005 (the “’005 patent”).
 26 (ECF No. 1);

27 2. On May 24, 2016, this Court entered an order extending the time for Defendants to
 28 answer the complaint until July 29, 2016. (ECF No. 12);

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3. On June 15, 2016, an unrelated third party to this action, Apple, Inc. (“Apple”), filed a petition for *inter partes* review (“IPR”) by the Patent Trial and Appeal Board (“PTAB”) concerning the ‘815 patent (the “Apple ’815 IPR petition”). Apple also petitioned the PTAB to conduct IPR on the ‘005 patent (the “Apple ’005 IPR petition”);

4. On July 28, 2016, the parties filed a stipulation and proposed order seeking a stay of this litigation pending the PTAB’s decisions on whether to institute IPR on the ’815 and ’005 patents. (ECF No. 29);

5. On July 29, 2016, this Court granted the parties’ stipulation, ordering a stay of this litigation pending the Court’s review of a Joint Status Report outlining the parties’ respective positions on how the case should proceed in light of the PTAB’s institution decisions. (ECF No. 31);

6. On November 21, 2016, the PTAB instituted IPR on all asserted claims of the ’815 patent. (Decision, Institution of *Inter Partes* Review of United States Patent No. 8,542,815, *Apple Inc. v. VoIP-Pal.com, Inc.*, IPR2016-01201 (P.T.A.B. Nov. 21, 2016) at 32);

7. Likewise, on November 21, 2016, the PTAB instituted IPR on all asserted claims of the ’005 patent. (Decision, Institution of *Inter Partes* Review of United States Patent No. 9,179,005, *Apple Inc. v. VoIP-Pal.com, Inc.*, IPR2016-01198 (P.T.A.B. Nov. 21, 2016) at 31);

8. By statute, the PTAB was to issue final written decisions in the ’815 patent and ’005 patent IPR proceedings no later than November 21, 2017. 35 U.S.C. § 316(a)(11);

9. On November 20, 2017, the PTAB issued final written decisions denying Apple’s challenged claims in the ’815 patent and ’005 patent IPR proceedings (IPR2016-01201 and IPR2016-01198). Additionally, the PTAB denied institution of IPRs for five other petitions filed against the ‘815 and ‘005 patents, namely, three IPR petitions filed by AT&T (IPR2017-01382, IPR2017-01383, and IPR2017-01384), and two follow-on petitions filed by Apple (IPR2017-01398 and IPR2017-01399).

10. On December 20, 2017 Apple filed a motion for sanctions in the PTAB requesting entry of judgment against Voip-Pal. Apple’s motion describes a series of ex parte letters sent to the PTAB by Dr. Sawyer, former CEO of Voip-Pal, referencing the IPR proceeding. Apple argues that

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these ex parte communications tainted the IPR proceeding and violated PTAB regulations, the Administrative Procedure Act, and Apple’s due process rights. Voip-Pal’s opposition is due January 12, 2018 and Apple’s reply is due January 26, 2018.

11. A joint status report is due in two similar cases before the Honorable Richard F. Boulware, II in *Voip-Pal.com, Inc., v. Twitter, Inc.*, Case No. 2:16-cv-2338 and *Voip-Pal.com, Inc. v. Apple, Inc.*, Case No. 2:16-cv-00260 on January 26, 2017. Because of the similarity of issues and procedural history involving these cases, the parties desire to extend the deadline to file their joint status report in this matter to correlate with the current deadlines in *Voip-Pal.com, Inc., v. Twitter, Inc.* and *Voip-Pal.com, Inc. v. Apple, Inc.* The parties intend to meet and confer and jointly prepare a joint status report. There is good cause to continue the deadline to file a joint status report until January 26, 2018.

DATED the 2nd day of January, 2018.

IT IS SO AGREED AND STIPULATED:

<p>ALVERSON, TAYLOR, MORTENSEN & SANDERS</p> <p><u>/s/ Adam R. Knecht</u> KURT R. BONDS, ESQ. Nevada Bar No. 6228 ADAM R. KNECHT, ESQ. Nevada Bar No. 13166 6605 Grand Montecito Pkwy, Ste. 200 Las Vegas, NV 89149 (702) 384-7000 efile@alversontaylor.com</p> <p><i>Attorneys for Plaintiff</i></p>	<p>BAKER BOTTS L.L.P.</p> <p><u>/s/ Samir Bhavsar</u> Bryant C. Boren, Jr. bryant.c.boren@bakerbotts.com May Eaton may.eaton@bakerbotts.com 1001 Page Mill Road, Bldg. One, St. 200 Palo Alto, CA 94304 (650) 739-7500</p> <p>Samir Bhavsar samir.bhavsar@bakerbotts.com Susan Kennedy</p>
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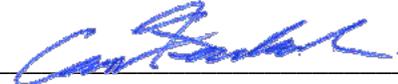
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Attorneys for Defendant AT&T Corp.

IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

Dated: 1-8-2018