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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 INTERNATIONAL BUSINESS
7 MACHINES CORPORATION,

8 Plaintiff,

9 v.

10 ZILLOW GROUP, INC.; and
11 ZILLOW, INC.,

12 Defendants.

C20-851 TSZ

13 INTERNATIONAL BUSINESS
14 MACHINES CORPORATION,

15 Plaintiff,

16 v.

17 ZILLOW GROUP, INC.; and
18 ZILLOW, INC.,

19 Defendants.

C20-1130 TSZ

MINUTE ORDER

20 The following Minute Order is made by direction of the Court, the Honorable
21 Thomas S. Zilly, United States District Judge:

22 (1) The parties are DIRECTED to meet and confer and to file a Joint Status
23 Report within fourteen (14) days of the date of this Minute Order addressing the
following issues:

(a) Whether the stay of these matters should be lifted with respect to
U.S. Patent No. 8,315,904 (“the ’904 Patent”) (Seventh Claim in Case No. C20-
851) and U.S. Patent No. 7,543,234 (“the ’234 Patent”) (Third Claim in Case
No. C20-1130);

1 (b) If the stay is lifted, what dates and deadlines the Court should set for
2 claim construction (if needed), completion of discovery, dispositive motions, and
trial;

3 (c) Whether plaintiff is bound by the decision in *International Business*
4 *Machines Corp. v. Zynga Inc.*, 642 F. Supp. 3d 481 (D. Del. 2022), declaring the
'904 Patent invalid pursuant to 35 U.S.C. § 101 and *Alice Corp. v. CLS Bank*
5 *International*, 573 U.S. 208 (2014);

6 (d) Whether plaintiff is bound by the Patent Trial and Appeal Board's
ruling that Claims 1, 3-6, 13, and 15-18 of the '234 Patent are unpatentable;

7 (e) Whether plaintiff alleges that defendants' systems infringe Claims 2,
8 7-12, and/or 14 of the '234 Patent; and

9 (f) Given that only one claim remains in Case No. C20-1130, whether it
should be consolidated into Case No. C20-851.

10 (2) The First, Second, and Sixth Claims in Case No. C20-851, relating to U.S.
Patents Nos. 7,072,849 ("the '849 Patent"), 7,631,346 ("the '346 Patent"), and 7,076,443
11 ("the '443 Patent"), respectively, remain stayed. The '849 and '443 Patents are the
subjects of an appeal pending before the United States Court of Appeals for the Federal
12 Circuit, *Chewy, Inc. v. Int'l Bus. Machs. Corp.*, No. 22-1756, in which oral argument was
heard on October 4, 2023, and the '346 Patent is involved in a different case before the
13 Federal Circuit, *Ebates Performance Mktg., Inc. d/b/a Rakuten Rewards v. Int'l Bus.*
Machs. Corp., Nos. 24-1170, 24-1238, & 24-1274 (consolidated). The parties are
14 DIRECTED to file a Joint Status Report within fourteen (14) days after the Federal
Circuit issues any substantive decision in either matter.

15 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of
16 record.

Dated this 5th day of March, 2024.

17
18 Ravi Subramanian
19 Clerk

20 s/Laurie Cuaresma
21 Deputy Clerk
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