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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Plaintiff,

v.

ZILLOW GROUP, INC.; and
ZILLOW, INC.,

Defendants.

C20-1130 TSZ

MINUTE ORDER

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

(1) In its response to defendants’ motion to dismiss the infringement claim involving U.S. Patent No. 10,115,168 (the “’168 Patent”), plaintiff cites “D.I. 36,” which the Court interprets as a declaration of an inventor to be found within docket entry 36, but no such document appears to exist within the 2,026 pages filed with the Amended Complaint, docket no. 36. Both parties discuss the patent examiner’s initial rejection pursuant to 35 U.S.C. § 101, followed by allowance of the ’168 Patent, *see* Def.’s Mot. at 19 (docket no. 59); Pl.’s Resp. at 22–23 (docket no. 62), but neither side appears to have provided copies of the patent examiner’s decisions. On or before February 25, 2022, counsel shall meet and confer and file a Joint Status Report, not to exceed eight (8) pages in length, addressing the following issues: (a) whether a declaration of an inventor listed on the ’168 Patent is already part of the record in this matter and, if so, in what docket entry; and/or (b) if a declaration of an inventor listed on the ’168 Patent was not previously filed, whether IBM should be permitted to supplement the record with such declaration, if one was prepared and signed on or before November 4, 2020, the date that the Amended Complaint was filed. If the parties disagree on any of these topics, they

1 shall state their respective views within the Joint Status Report; no separate reports or
2 briefs shall be filed. The following documents (in their entirety) shall be attached as
3 exhibits to the Joint Status Report: (i) any rejection of the '168 Patent by the patent
4 examiner; (ii) any response to any such rejection; (iii) the allowance of the '168 Patent by
5 the patent examiner; and (iv) the declaration of an inventor listed on the '168 Patent that
6 was signed on or before November 4, 2020, and would be proffered if one is not already
7 in the record.

8 (2) Defendants' motion to dismiss brought pursuant to Federal Rule of Civil
9 Procedure 12(b)(6), docket no. 59, is RENOTED to February 25, 2022.

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

12 Dated this 16th day of February, 2022.

13
14 Ravi Subramanian
15 Clerk

16
17 s/Gail Glass
18 Deputy Clerk