

Hon. Marsha J. Pechman

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTERVAL LICENSING LLC,

Plaintiff,

v.

AOL, INC.,

Defendant.

Case No. 2:10-cv-01385-MJP

**NOTICE OF COMPLETION OF
REEXAMINATION ON PATENT
NO. 6,034,652**

INTERVAL LICENSING LLC,

Plaintiff,

v.

APPLE, INC.,

Defendant.

Case No. 2:11-cv-00708 MJP

Lead Case No. 2:10-cv-01385-MJP

INTERVAL LICENSING LLC,

Plaintiff,

v.

GOOGLE, INC.,

Defendant.

Case No. 2:11-cv-00711 MJP

Lead Case No. 2:10-cv-01385-MJP

INTERVAL LICENSING LLC,

Plaintiff,

v.

YAHOO! INC.,

Defendant.

Case No. 2:11-cv-00716 MJP

Lead Case No. 2:10-cv-01385-MJP

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**NOTICE OF COMPLETION OF REEXAMINATION
ON PATENT NO. 6,034,652**

On, June 16, 2011, the Court granted the Defendants' motion to stay the case pending reexamination of the four patents-in-suit. Dkt. # 253. In granting the motion to stay, the Court directed the parties to submit a status update on the reexaminations every six months and made clear that the Court "expects to be notified immediately upon resolution of the reexamination process of each individual patent, not just at the conclusion of all four reexaminations." *Id.* The parties filed a six-month status update on December 16, 2012 that provided an update on the status of the four reexaminations. Dkt. # 260. Plaintiff Interval Licensing LLC ("Interval") respectfully files this Notice to inform the Court that the Patent and Trademark Office finally resolved the reexamination of Patent No. 6,034,652 (the '652 patent).

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The PTO confirmed as patentable all claims of the '652 patent that Interval asserted in this litigation and thirty-three new dependent claims that Interval added during reexamination. On April 6, 2012, the PTO issued a Notice of Intent to Issue Ex Parte Reexamination Certificate ("NIRC"), which makes clear that "[p]rosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding" and that "[a] Certificate will be issued[.]" *See* Ex. 1 (NIRC at p. 3). Because the '652 reexamination is *ex parte*, Defendants have no right to appeal. Therefore, the prosecution on the merits has closed and all asserted claims have been confirmed as patentable.

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Concurrent with this Notice, Interval is filing a Motion to Lift the Stay on the '652 and '314 patent track.¹

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¹ As reported in the December 16, 2012 status report, the examiner confirmed as patentable all asserted claims of Patent No. 6,788,314 and issued an Action Closing Prosecution. Because the '314 patent is *inter partes*, defendants have the right to appeal the examiner's decision, a process that takes on average 32 months. *See* Interval's Motion to Lift Stay.

1 Dated: April 17, 2012

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CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record:

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