

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CARVANA, LLC,

Plaintiff and
Counterclaim Defendant,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant and
Counterclaim Plaintiff.

Case No. 7:23-cv-8616 (KMK) (VR)

JURY TRIAL DEMANDED

NOTICE REGARDING PARTIES' UNSUCCESSFUL MEDIATION

Pursuant to the Court's request at the November 20, 2024 Markman Hearing, Defendant and Counterclaim Plaintiff International Business Machines Corporation hereby reports that the parties have completed their mediation and did ***not*** reach a resolution.

Specifically, the parties had an in-person private mediation on December 12, 2024. The parties were not successful in resolving this litigation.

There are currently no deadlines in this litigation because all remaining case deadlines will be triggered by the Court's claim construction order.

Dated: December 20, 2024

Respectfully submitted,

By /s/ Jordan N. Malz

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CERTIFICATE OF SERVICE

I hereby certify that that on December 20, 2024, I electrically filed a true and correct copy of the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

Dated: December 20, 2024

Respectfully submitted,

By: /s/ Jordan N. Malz