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7 Attorneys for Plaintiffs
8 ZEP SOLAR, INC.; TRINA SOLAR (U.S.), INC.; and
9 CHANGZHOU TRINA SOLAR ENERGY CO., LTD.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

14 ZEP SOLAR, INC., a California corporation;
15 TRINA SOLAR (U.S.), INC., a Delaware
16 corporation; and CHANGZHOU TRINA
17 SOLAR ENERGY CO., LTD., a People's
18 Republic of China Corporation,

19 Plaintiffs,

20 vs.

21 WESTINGHOUSE SOLAR, INC., (formerly
22 known as AKEENA SOLAR, INC.), a
23 Delaware corporation; and ANDALAY
24 SOLAR, INC., a California corporation,

25 Defendants.

Case No. 3:11-CV-03800-JSW

**STIPULATION AND ~~PROPOSED~~
ORDER TO STAY PROCEEDINGS
PENDING REEXAMINATION OF U.S.
PATENT NO. 7,987,641**

23 Pursuant to Civil Local Rule 7-12, Plaintiffs Zep Solar, Inc., Trina Solar (U.S.), Inc., and
24 Changzhou Trina Solar Energy Co., Ltd. (collectively, "Plaintiffs"), and Defendants
25 Westinghouse Solar, Inc. (formerly known as Akeena Solar, Inc.), and Andalay Solar, Inc.
26 (collectively, "Defendants"), hereby stipulate as follows:
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STIPULATION AND ~~PROPOSED~~ ORDER
FOR STAY / CASE NO. 3:11-CV-03800 JSW

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STIPULATION

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WHEREAS, on August 2, 2011, Plaintiffs filed this action seeking a declaratory judgment of non-infringement and invalidity of U.S. Patent No. 7,987,641 (the “‘641 Patent”) (Dkt. 1);

WHEREAS, on August 5, 2011, Plaintiffs filed with the United States Patent and Trademark Office (“PTO”) a request for *inter partes* reexamination of the ‘641 Patent with proposed rejections of all claims of the ‘641 Patent in view of certain prior art (App. Num. 95/001,704);

WHEREAS, on September 23, 2011, the PTO granted Plaintiffs’ request for *inter partes* reexamination and issued a first office action with non-final rejections of all claims of the ‘641 Patent;

WHEREAS, this Court has stayed other litigation involving Plaintiff Zep Solar and Defendants pending *inter partes* reexamination of a patent related to the ‘641 Patent and has ordered the parties to submit a joint status report regarding the status of those reexamination proceedings every 120 days, or sooner if the PTO issues a final decision, until that stay is lifted (Case 3:09-cv-05040-JSW, Dkt. 75, pp. 7-8 (involving U.S. Patent No. 7,406,800));

NOW, THEREFORE, IT IS HEREBY STIPULATED, by all parties to this action, through their counsel of record, that,

1. This action be stayed pending conclusion of reexamination proceedings for the ‘641 Patent;
2. All case deadlines, including Defendants’ time to respond to the Complaint, the Case Management Conference set for October 28, 2011 and related deadlines, and any other deadlines, be taken off calendar (Dkts. 20 & 22); and
3. The parties shall submit a joint status report regarding the status of reexamination proceedings every 120 days, or sooner if the PTO issues a final decision, until the stay is lifted.

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Dated: September 30, 2011

FARELLA BRAUN + MARTEL LLP

By: /s/ Jeffrey M. Fisher
Jeffrey M. Fisher

Attorneys for Plaintiffs
ZEP SOLAR, INC.; TRINA SOLAR
(U.S.), INC.; and CHANGZHOU TRINA
SOLAR ENERGY CO., LTD.

Dated: September 30, 2011

SNELL & WILMER LLP

By: /s/ J. Rick Taché
J. Rick Taché

Attorneys for Defendants
WESTINGHOUSE SOLAR, INC. and
ANDALAY SOLAR, INC.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED,

Dated: October 3, 2011



HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE