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19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA
 21 SAN FRANCISCO DIVISION

22 _____)
 23 FEENEY, INC.,)

24 Plaintiff,)

25 vs.)

26 THE CABLE CONNECTION and)
 27 ULTRA-TEC CORPORATION,)

28 Defendants.)
 _____)

Case No. 12-CV-01374 MMC

**JOINT STIPULATION AND
 PROPOSED ORDER
 STAYING LITIGATION; ORDER
 STAYING LITIGATION; DIRECTIONS
 TO PARTIES**

29 Pursuant to Local Rules 6-1 and 7-12 of the United States District Court for the Northern
 30 District of California, the parties, Plaintiff Feeney, Inc. (“Feeney”) and Defendants The Cable
 31 Connection and Ultra-Tec Corporation (collectively, “Cable Connection”), through their
 32 undersigned counsel, stipulate as follows:

33 JOINT STIPULATION AND PROPOSED
 34 ORDER STAYING LITIGATION

Feeney, Inc. v. The Cable Connection, et al.,
 Civ. No. 12-cv-01374 MMC

1 WHEREAS, Feeney filed, on March 19, 2012, its complaint in the above-captioned action
2 alleging infringement of U.S. Patent No. RE43,194 (“the ‘194 Patent”) [D.E. 1];

3 WHEREAS, Cable Connection filed its answer to Feeney’s complaint on August 3, 2012
4 [D.E. 18];

5 WHEREAS, on March 19, 2012, Magistrate Judge Corley entered an Order Setting Initial
6 Case Management Conference and ADR Deadlines [D.E. 3];

7 WHEREAS, on June 11, 2012, Magistrate Judge Corley granted Feeney’s *ex parte*
8 application to adjourn the deadlines set forth in the Court’s Order Setting Initial Case Management
9 Conference and ADR Deadlines [D.E. 6];

10 WHEREAS, on June 13, 2012, this case was reassigned to the Honorable Maxine M.
11 Chesney and all hearing dates scheduled before Magistrate Judge Corley were vacated [D.E. 9];

12 WHEREAS, on June 14, 2012, this Court entered a Case Management Conference Order
13 [D.E. 10];

14 WHEREAS, on June 20, 2012, this Court entered an Order re Plaintiff’s *Ex Parte*
15 Application to Reschedule Deadlines in Case Management Conference Order [D.E. 12], requiring
16 the parties to file a Case Management Statement by August 31, 2012, and setting an Initial Case
17 Management Conference for September 7, 2012;

18 WHEREAS, on July 30, 2012, Cable Connection filed with the United States Patent and
19 Trademark Office (“Patent Office”) a request seeking *inter partes* reexamination of the ‘194 Patent,
20 and that request is pending before the Patent Office;

21 WHEREAS, good cause exists for a stay of this litigation in its entirety as, *inter alia*: (1) a
22 stay would conserve the parties’ and the Court’s resources; (2) the results of the reexamination of the
23 ‘194 Patent would allow the Court and the parties to benefit from the Patent Office’s expertise in
24 addressing the validity of the ‘194 Patent and avoid simultaneous and duplicative proceedings before
25 this Court and the Patent Office; (3) a stay pending the Patent Office’s resolution of *inter partes*
26 reexamination proceedings is likely to simplify the issues in question and any trial in this litigation;

27 JOINT STIPULATION AND PROPOSED
28 ORDER STAYING LITIGATION

Feeney, Inc. v. The Cable Connection, et al.,
Civ. No. 12-cv-01374 MMC

1 and (4) the discovery in this litigation has not yet commenced (*see Research In Motion, Ltd. v. Visto.*
2 *Corp.*, 545 F. Supp. 2d 1011, 1012 (N.D. Cal. 2008));

3 NOW, THEREFORE, it is hereby stipulated by and between the parties, subject to the
4 approval of the Court:

5 1. The above-captioned litigation is stayed in its entirety: (1) until the Patent Office
6 denies Cable Connection's request for *inter partes* reexamination, or (2) if the Patent Office grants
7 Cable Connection's request for *inter partes* reexamination, until the Patent Office issues an *inter*
8 *partes* reexamination certificate pursuant to 35 U.S.C. §316(a).

9 2. Promptly after the occurrence of an event specified in paragraph 1 above, counsel
10 shall jointly or separately advise the Court of the outcome of the *inter partes* reexamination
11 proceeding and propose further proceedings herein in view thereof.

12
13 FEENEY, INC.

THE CABLE CONNECTION and
ULTRA-TEC CORPORATION

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PURSUANT TO STIPULATION, IT IS SO ORDERED, and it is further ordered that the deadline for the parties to file a Case Management Statement and the September 7, 2012 Initial Case Management Conference are adjourned *sine die*. The parties are DIRECTED to file, no later than one year from the date of this order and every 365 days thereafter, a Joint Status Report to apprise the Court of the status of the reexamination proceeding.

Dated: August 21, 2012


The Honorable Maxine M. Chesley
United States District Judge