| 1 | Eric B. Fastiff (State Bar No. 182260) | | | | |
|----|---|---|--|--|--|
| 2 | (efastiff@lchb.com) David T. Rudolph (State Bar No. 233457) | | | | |
| 3 | (drudolph@lchb.com) Melissa A. Gardner (State Bar No. 289096) | | | | |
| 4 | (mgardner@lchb.com) LIEFF CABRASER HEIMANN & BERNSTEIN, LLP 275 Battery Street, 29th Floor San Francisco, California 94111-3339 | | | | |
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| 6 | Telephone: (415) 956-1000 Facsimile: (415) 956-1008 | | | | |
| 7 | Attorneys for Plaintiff CopyTele, Inc. | | | | |
| 8 | UNITED STATES DISTRICT COURT | | | | |
| 9 | NORTHERN DISTR | RICT OF CALIFORNIA | | | |
| 10 | SAN FRANC | ISCO DIVISION | | | |
| 11 | - | | | | |
| 12 | COPYTELE, INC., a Delaware Corporation, | Case No. 3:13-cv-00380-EMC | | | |
| 13 | Plaintiff, | STIPULATION AND [PROPOSED] ORDER WITHDRAWING MOTION TO | | | |
| 14 | V. | COMPEL ARBITRATION (DOCKET NO. 54) AND STAYING CLAIMS PENDING | | | |
| 15 | AU OPTRONICS CORPORATION, a | ARBITRATION | | | |
| 16 | Taiwanese corporation; E INK HOLDINGS, INC., a Taiwanese | Date: June 27, 2013 Time: 1:30 p.m. | | | |
| 17 | corporation; and E INK CORPORATION, a Delaware corporation, | Dept: Courtroom 5, 17th Floor Judge: The Honorable Edward M. Chen | | | |
| 18 | Defendants. | | | | |
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| | | STIP. AND PROPOSED ORDER TO WITHDRAW | | | |

| 1 | WHEREAS, on January 28, 2013, Plaintiff CopyTele, Inc. ("CopyTele") filed the | |
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| 2 | Complaint ("Complaint") in the above-captioned action against Defendants and AU Optronics | |
| 3 | Corporation ("AUO"), a Taiwanese corporation, and E Ink Holdings, Inc., a Taiwanese | |
| 4 | corporation, E Ink Corporation, a Delaware corporation (collectively "E Ink"); | |
| 5 | WHEREAS, on April 29, 2013, AUO filed a motion to stay litigation and compel | |
| 6 | arbitration (Docket No. 54); | |
| 7 | WHEREAS, CopyTele has agreed to arbitrate the claims pled in its Complaint against | |
| 8 | AUO, and has agreed to stay the claims against AUO; | |
| 9 | WHEREAS, CopyTele has not agreed to stay its claims against E Ink; | |
| 10 | WHEREAS, in light of CopyTele's agreement to arbitrate its claims against AUO and in | |
| 11 | the interest of judicial economy, AUO stipulates to withdraw its motion to stay litigation and | |
| 12 | compel arbitration; | |
| 13 | IT IS HEREBY STIPULATED AND AGREED that: | |
| 14 | 1. AUO hereby withdraws its motion to compel arbitration (Docket No. 54) in light | |
| 15 | of the parties' agreement to arbitrate all claims pled in the Complaint against | |
| 16 | AUO; | |
| 17 | 2. The claims against AUO shall be stayed pending the outcome of the arbitration; | |
| 18 | 3. The parties shall file quarterly status reports informing the Court of the status of | |
| 19 | the arbitration. | |
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| 1 | Dated: June 26, 2013 | LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP |
|----|---|---|
| 2 | | |
| 3 | | By: /s/ Eric B. Fastiff |
| 4 | | By: /s/ Eric B. Fastiff Eric B. Fastiff |
| 5 | | Eric B. Fastiff David T. Rudolf |
| 6 | | Melissa Gardner 275 Battery Street, 29th Floor |
| 7 | | San Francisco, CA 94111-3339 Telephone: (415) 956-1000 |
| 8 | | Facsimile: (415) 956-1008 efastiff@lchb.com |
| 9 | | drudolph@lchb.com mgardner@lchb.com |
| 10 | | - |
| 11 | D 1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 | Attorneys for Plaintiff COPYTELE, INC. |
| 12 | Dated: June 26, 2013 | LATHAM & WATKINS LLP |
| 13 | | By: /s/ Matthew Rawlinson Matthew Rawlinson |
| 14 | | Matthew Rawlinson |
| 15 | | Matthew Rawlinson 140 Scott Drive |
| 16 | | Menlo Park, CA 94025 Telephone: (650) 328-4600 |
| 17 | | Facsimile: (650) 463-2600 matt.rawlinson@lw.com |
| 18 | | |
| 19 | | Attorneys for Defendant AU OPTRONICS CORPORATION |
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| 1 | ATTESTATION | | |
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| 2 | Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the | | |
| 3 | filing of this document has been obtained from the other signatories. | | |
| 4 | DATED: June 26, 2013 | /s/ <i>David T. Rudolph</i> David T. Rudolph | |
| 5 | | David 1. Rudolph | |
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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. For good cause shown:

- 1. AUO's motion to compel arbitration (Docket No. 54) is withdrawn;
- 2. The claims against AUO shall be stayed pending the outcome of the arbitration;
- 3. The parties shall file quarterly status reports informing the Court of the status of the arbitration.

| Dated: | 6/27 | , 2013 |
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| Daicu. | | , 2013 |

