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13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN FRANCISCO DIVISION**

17 AMERICAN NAVIGATION SYSTEMS,
 18 INC.,

19 Plaintiff,

20 v.

21 SAMSUNG ELECTRONICS CO., LTD.,
 22 SAMSUNG ELECTRONICS AMERICA,
 23 INC., and SAMSUNG
 TELECOMMUNICATIONS AMERICA,
 24 LLC,

25 Defendants.

Case No. 3:14-cv-05298-JST

STIPULATION AND ~~PROPOSED~~
ORDER STAYING CASE PENDING
INTER PARTES REVIEW
PROCEEDINGS

26
 27
 28 **STIPULATION AND ~~PROPOSED~~**
ORDER STAYING CASE PENDING
INTER PARTES REVIEW PROCEEDINGS
 NO. 3:14-CV-05298-JST

1 Plaintiff American Navigation Systems, Inc. (“AmNav”) and Defendants Samsung
2 Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively “Samsung”)¹
3 hereby submit this stipulation and proposed order.

4 WHEREAS, on March 6, 2015, Samsung, Apple Inc. (“Apple”), and non-party Google
5 Inc. filed two petitions with the U.S. Patent and Trademark Office (“PTO”) for administrative
6 *inter partes* review of asserted U.S. Patent No. 5,902,347 (“’347 Patent”), numbered
7 IPR2015-00849 and IPR2015-00851.

8 WHEREAS, “Courts have inherent power to manage their dockets and stay
9 proceedings, including the authority to order a stay pending conclusion of a PTO
10 reexamination.” *Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1426-27 (Fed. Cir. 1988) (internal
11 citations omitted); *Advanced Micro Devices, Inc. v. LG Elecs., Inc.*, No. 14-cv-01012-SI,
12 2015 WL 545534, at *2 (N.D. Cal. Feb. 9, 2015).

13 WHEREAS, Samsung urges that it is in the interests of the Parties and the Court to
14 stay the above-captioned case pending final resolution of the *inter partes* review petitions and
15 associated proceedings pertaining to the ’347 Patent.

16 WHEREAS, AmNav does not oppose a stay that would last until the PTO decides
17 whether to institute *inter partes* review (Dkt. No. 106).

18 IT IS HEREBY STIPULATED AND AGREED by and between AmNav and Samsung,
19 and subject to the approval of the Court, that:²

20 1. The entirety of this case shall be stayed pending the decision by the PTO
21 whether to institute *inter partes* review in response to the two petitions. If the PTO institutes
22 *inter partes* review, the stay will continue through final resolution; in the event that the PTO
23 has not instituted *inter partes* review within the timeframe set forth by 35 U.S.C. § 314(b),
24 the stay will expire without further action by the Court. All remaining hearings and deadlines

25 _____
26 ¹ Samsung Telecommunications America LLC merged into Defendant Samsung Electronics
27 America, Inc. as of January 1, 2015, and no longer exists as a separate entity. Dkt. No. 69.

28 ² Apple and AmNav are filing a substantively identical stipulation and proposed order in their
case.

1 set forth in the Initial Scheduling Order (Dkt. No. 102) are therefore hereby vacated.

2 2. In the event the PTO (i) denies *inter partes* review on all petitioned grounds for
3 any claim of the '347 Patent, or (ii) dismisses an *inter partes* review proceeding in whole or
4 in part following institution, AmNav intends to file a motion requesting that the Court lift this
5 stay. All briefing and argument pertaining to such a motion shall be conducted according to
6 the Federal Rules, Local Rules, and Standing Orders of this Court.

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Dated: March 25, 2015

By: /s/ Barry Barnett

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Dated: March 25, 2015

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ATTORNEY ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from each of its signatories.

Dated: March 25, 2015

By: /s/ David Almeling
David Almeling

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The above **STIPULATION AND ~~[PROPOSED]~~ ORDER STAYING CASE
PENDING INTER PARTES REVIEW PROCEEDINGS** is Approved and all parties shall
comply with its Provisions.

IT IS SO ORDERED.

Dated: March 27, 2015

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