

1 Andrew G. DiNovo. PHV Pending
 2 Victor G. Hardy. PHV Pending
 3 adinovo@dpelaw.com
 4 vhardy@dpelaw.com
 5 DINOVO PRICE ELLWANGER & HARDY
 6 7000 N. MoPac Expressway, Suite 350
 7 Austin, Texas 78731
 8 Telephone: 512.539.2626
 9 Facsimile: 512.539.2627

6 William Paul Schuck, CSB No. 203717
 7 pschuck@bzbm.com
 8 BARTKO ZANKEL BUNZEL & MILLER
 9 One Embarcadero Center, Suite 800
 10 San Francisco, CA 94111
 11 Telephone: 415.956.1900
 12 Facsimile: 415.956.1152

10 Attorneys for Plaintiffs
 11 VIA VADIS, LLC and AC
 12 TECHNOLOGIES, S.A.

Ryan R. Smith, CSB No. 229323
 rsmith@wsgr.com
 WILSON SONSINI GOODRICH & ROSATI
 650 Page Mill Road
 Palo Alto, CA 94304
 Telephone: 650.493.9300
 Facsimile: 650.493.6811

Attorneys for Defendant
 NETGEAR INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

VIA VADIS, LLC, et al.,
 Plaintiffs,
 v.
 NETGEAR INC.,
 Defendant.

Case No. 3:15-cv-03573-RS

**STIPULATION AND ~~PROPOSED~~
 ORDER FOR STAY PENDING *INTER*
 PARTES REVIEW**

Honorable Richard Seeborg

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1 WHEREAS, Plaintiffs Via Vadis, LLC and AC Technologies, S.A. (collectively,
2 “Plaintiffs”) allege that Defendant NETGEAR, Inc. (“NETGEAR”) infringes various claims of
3 U.S. Patent Nos. 8,656,125; 7,904,680; and RE 40,521 (collectively, “patents-in-suit”). On
4 August 25, 2015, Amazon.com, Inc. and Blizzard Entertainment, defendants in cases currently
5 pending in the Western District of Texas, filed four *Inter Partes* Review Petitions with the U.S.
6 Patent and Trial Appeal Board (“PTAB”), having case numbers IPR2015-1802, IPR2015-1803,
7 IPR2015-1804, and IPR2015-1805 (collectively, “IPRs”), alleging that all claims of the patents-in-
8 suit are invalid.

9 WHEREAS, the Parties anticipate expending significant resources on this litigation,
10 including discovery, claim construction, and potentially trial, during the pendency of the IPRs;

11 WHEREAS, NETGEAR has agreed to be estopped from alleging invalidity on the grounds
12 actually raised in the IPRs, upon which the PTAB issues a final written decision, which become
13 non-appealable;

14 WHEREAS, the Parties agree that resolution of the pending IPRs will streamline this
15 litigation and may assist in the Parties’ efforts to reach a settlement agreement. For example, the
16 IPRs could impact the intrinsic record of the patents-in-suit, which could, in turn, impact claim
17 construction issues. The IPRs could also result in all the claims of the patents-in-suit being
18 invalidated. A stay would, therefore, result in substantial saving for the Parties and would
19 conserve judicial resources;

20 IT IS HEREBY STIPULATED AND AGREED, by the Parties, through their respective
21 counsel, that the Court should vacate all deadlines in the above-captioned matter and enter a stay
22 of all proceedings in this matter pursuant to the agreement of the Parties described herein pending
23 the PTAB’s final non-appealable decision on the IPRs. Within thirty-days of the PTAB’s decision
24 to institute the IPRs, the Parties shall submit a joint status report to the Court. To the extent that
25 the PTAB institutes any of the IPRs, the parties shall submit an additional joint status report to the
26 Court within thirty-days of issuance of the PTAB’s final decision on the IPRs, once such decision
27 becomes non-appealable.

28 IT IS SO STIPULATED.

1 Dated: October 30, 2015

BARTKO ZANKEL BUNZEL & MILLER

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By: /s/ William Paul Schuck
William Paul Schuck

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Attorneys for Plaintiffs
Via Vadis, LLC and AC Technologies, S.A.

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WILSON SONSINI GOODRICH & ROSATI

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By: /s/ Ryan R. Smith
Ryan R. Smith

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Attorneys for Defendant
NETGEAR INC.

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ORDER

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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DATED: 11/2/15

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The Honorable Richard Seeborg
United States District Judge

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