

1 H. Arnold Shokouhi (CA Bar No. 284144)
 arnolds@mccathernlaw.com
 2 Everett S. Hinchcliffe (Ca Bar No. 61508)
 ehinchcliffe@mccathernlaw.com
 3 MCCATHERN, PLLC
 3710 Rawlins, Suite 1600
 4 Dallas, Texas 75219
 Telephone: 214.741.2662
 5 Facsimile: 214.741.4717

6 William H. Mandir (*pro hac vice*)
 wmandir@sughrue.com
 7 Chandran Iyer (*pro hac vice*)
 cbiyer@sughrue.com
 8 SUGHRUE MION, PLLC
 2100 Pennsylvania Ave, N.W.
 9 Washington, DC 20037
 Telephone: 202.293.7060
 10 Facsimile: 202.293.7860

11 *Counsel for Plaintiff LoganTree, LP*

12
 13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15

16 LOGANTREE LP,
 17 Plaintiff,
 18 v.
 19 FITBIT INC.
 20 Defendant.

Civil Action No. 16-cv-02443-RS

**STIPULATED REQUEST TO
 VACATE SCHEDULING ORDER
 AND STAY PROCEEDINGS
 PENDING DISMISSAL AND
~~PROPOSED~~ ORDER**

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1 WHEREAS on October 2, 2015, Plaintiff Logantree L.P. (“Logantree”) filed this case in the
2 United States District Court for the Eastern District of Texas seeking damages, injunctive, and other
3 relief, and alleging that Defendant Fitbit Inc. (“Fitbit”) directly or indirectly infringed U.S. Patent
4 No. 6,059,576 (“‘576 patent”);

5 WHEREAS on March 18, 2016, Fitbit filed its Counterclaims and Answer to Logantree’s
6 Complaint asserting counterclaims of non-infringement and invalidity for each of the asserted patent;

7 WHEREAS on May 6, 2016, Judge Rodney Gilstrap of the United States District Court for
8 the Eastern District of Texas granted Fitbit’s motion to transfer this litigation to the Northern District
9 of California;

10 WHEREAS on August 4, 2016, this Court entered a Case Management Scheduling Order
11 [Docket No. 61] in this case;

12 WHEREAS Fitbit filed petitions for *inter partes review* (“IPR”) of the ‘576 patent with the
13 Patent Trial and Appeal Board (“PTAB”) of the United States Patent and Trademark Office on
14 November 11, 2016 (IPR2017-00256) and November 12, 2016 (IPR2017-00258);

15 WHEREAS Plaintiff and Defendant settled this matter on November 16, 2016;

16 WHEREAS pursuant to the parties’ settlement, the parties have agreed to dismiss this action
17 with prejudice and to terminate IPR proceedings before the PTAB;

18 WHEREAS on December 13, 2016, the parties jointly requested authorization from the
19 PTAB to file papers terminating the IPR;

20 WHEREAS the parties are awaiting assignment of a PTAB panel to FitBit’s IPR in order to
21 file papers terminating the IPR;

22 THEREFORE IT IS HEREBY STIPULATED by Plaintiff and Defendant, through their
23 designated counsel, that the Case Management and Scheduling Order should be vacated and that all
24 proceedings in this action should be stayed until such time as the parties are able to dismiss this
25 action and to terminate the IPR pursuant to the terms of their settlement.

26 Dated: January 11, 2017

/s/ H. Arnold Shokouhi
MCCATHERN, PLLC
H. Arnold Shokouhi (CA Bar No. 284144)
arnolds@mccathernlaw.com
Everett S. Hinchcliffe (CA Bar No. 61508)

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Dallas, Texas 75219
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SUGHRUE MION, PLLC
William H. Mandir (*pro hac vice*)
wmandir@sughrue.com
Chandran Iyer (*pro hac vice*)
cbiyer@sughrue.com
2100 Pennsylvania Ave, N.W.
Washington, DC 20037
Telephone: 202.293.7060
Facsimile: 202.293.7860

Attorneys for Plaintiff Logantree, L.P.

Dated: January 11, 2017

/s/ Clement S. Roberts
DURIE TANGRI LLP
Clement S. Roberts (CA Bar No. 209203)
croberts@durietangri.com
Timothy C. Saulsbury (CA Bar No. 281434)
tsaulsbury@durietangri.com
James S. Tsuei (CA Bar No. 285530)
jtsuei@durietangrui.com
217 Leidesdorff Street
San Francisco, California 94111
Telephone: 415.362.6666
Facsimile: 415.236.6300

Attorneys for Defendant Fitbit, Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 1/12/17


Honorable Richard Seeborg
United States District Court Judge
Northern District of California