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4 **UNITED STATES DISTRICT COURT**
5 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
6 **OAKLAND DIVISION**

7 **IN RE: LITHIUM ION BATTERIES**
8 **ANTITRUST LITIGATION**

9 This Document Relates to:

10 Microsoft Mobile, Inc. et al. v. LG Chem
11 America Inc. et al.

Case No. 4:13-md-02420-YGR (MDL)

Case No. 4:15-cv-03443-YGR

**ORDER APPROVING STIPULATION
TO STAY PENDING ARBITRATION
BETWEEN MICROSOFT MOBILE AND
SAMSUNG SDI**

MDL Dkt. No. 1824

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14 Plaintiffs Microsoft Mobile Inc. and Microsoft Mobile Oy (together “Microsoft Mobile”)
15 and Defendants Samsung SDI Co., Ltd. (“Samsung SDI”) and Samsung SDI America, Inc., by
16 and through their undersigned counsel, stipulate and agree as follows:

17 WHEREAS, on June 26, 2015, Microsoft Mobile filed a complaint in this action against
18 Samsung SDI, Samsung SDI America, Inc., and others, seeking “only . . . damages related to
19 Lithium Ion Batteries shipped by Defendants to the United States” (“US Claims”). See Case No.
20 4:15-cv-03443-YGR, ECF No. 1, ¶ 5;

21 WHEREAS, on April 20, 2017, Microsoft Mobile commenced an arbitration proceeding
22 against Samsung SDI in Finland (FAI 28/2017), seeking “the resolution of all of its claims arising
23 out of or relating to Nokia’s global purchases of Batteries, save for the US purchases of Batteries,
24 against Samsung SDI” (“Non-US Claims”). See Case No. 4:15-cv-03443-YGR, ECF No. 63-2, ¶
25 26;

26 WHEREAS, on May 5, 2017, Samsung SDI filed a Motion to Stay the Action Pending
27 Arbitration seeking an order “staying [Microsoft Mobile’s] complaint against SDI in its entirety”
28

1 pending an arbitration proceeding that Microsoft Mobile “commenced against SDI in Finland . . .
2 on April 20, 2017.” See Case No. 4:15-cv-03443-YGR, ECF No. 62, p. 1;

3 WHEREAS, Microsoft Mobile’s US Claims are not currently in the arbitration in Finland,
4 Samsung SDI is asking the court to compel Microsoft Mobile to arbitrate the US claims in
5 Finland;

6 WHEREAS, Microsoft Mobile has previously argued to this Court that Microsoft
7 Mobile’s joint and several claims against Defendants Sanyo, Panasonic and Sony should remain
8 in this Court despite the Arbitration provision (Case No. 4:15-cv-03443-YGR, ECF Nos. 20, 40),
9 and the Court disagreed. Case No. 4:15-cv-03443-YGR, ECF Nos. 29, 52;

10 WHEREAS, the parties have since met and conferred, and given the prior rulings of this
11 Court, Microsoft Mobile has agreed that it will not contest Samsung SDI’s Motion to Stay the
12 Action Pending Arbitration, which will compel Microsoft Mobile to arbitrate its US Claims in
13 Finland;

14 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by Microsoft Mobile and
15 Samsung SDI, through their respective counsel of record, that Microsoft Mobile’s US Claims
16 against Samsung SDI, which are currently pending in this Court, shall be stayed pending the
17 arbitration of Microsoft Mobile’s US Claims in Finland.

18 **IT IS SO STIPULATED THIS 1ST DAY OF JUNE, 2017.**

19 /s/ Jacob S. Pultman

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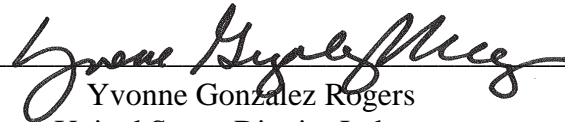
Attorneys for Plaintiffs Microsoft Mobile Inc.
and Microsoft Mobile Oy

8 **ORDER**

9 Pursuant to the stipulation of the parties, Microsoft Mobile's US Claims against Samsung
10 SDI, which are currently pending in this Court, are **STAYED** pending the arbitration of Microsoft
11 Mobile's US Claims in Finland.

12 **IT IS SO ORDERED.**

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14 Dated: June 1, 2017

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16 Yvonne Gonzalez Rogers
17 United States District Judge
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