

1 Michael P. Sandonato (admitted *pro hac vice*)  
 2 [msandonato@venable.com](mailto:msandonato@venable.com)  
 3 John D. Carlin (admitted *pro hac vice*)  
 4 [jcarlin@venable.com](mailto:jcarlin@venable.com)  
 5 Natalie Lieber (admitted *pro hac vice*)  
 6 [ndlieber@venable.com](mailto:ndlieber@venable.com)  
 7 Christopher M. Gerson (admitted *pro hac vice*)  
 8 [cgerson@venable.com](mailto:cgerson@venable.com)  
 9 Jason M. Dorsky (admitted *pro hac vice*)  
 10 [jmdorsky@venable.com](mailto:jmdorsky@venable.com)  
 11 Jonathan M. Sharret (admitted *pro hac vice*)  
 12 [jsharret@venable.com](mailto:jsharret@venable.com)  
 13 Daniel A. Apgar (admitted *pro hac vice*)  
 14 [dapgar@venable.com](mailto:dapgar@venable.com)

Robert S. Pickens (admitted *pro hac vice*)  
[rspickens@venable.com](mailto:rspickens@venable.com)  
 Sean M. McCarthy (admitted *pro hac vice*)  
[smccarthy@venable.com](mailto:smccarthy@venable.com)  
 Joshua D. Calabro (admitted *pro hac vice*)  
[jdcabro@venable.com](mailto:jdcabro@venable.com)  
 Stephen Yam (admitted *pro hac vice*)  
[syam@venable.com](mailto:syam@venable.com)  
 Caitlyn N. Bingaman (admitted *pro hac vice*)  
[cnbingaman@venable.com](mailto:cnbingaman@venable.com)

VENABLE LLP  
 1290 Avenue of the Americas  
 New York, New York 10104-3800  
 Tel: (212) 218-2100  
 Fax: (212) 218-2200

Chris Holland (SBN 164053)  
[cholland@hollandlawllp.com](mailto:cholland@hollandlawllp.com)  
 Lori L. Holland (SBN 202309)  
[lholland@hollandlawllp.com](mailto:lholland@hollandlawllp.com)  
 Ethan Jacobs (SBN 291838)  
[ejacobs@hollandlawllp.com](mailto:ejacobs@hollandlawllp.com)

HOLLAND LAW LLP  
 220 Montgomery Street, Suite 800  
 San Francisco, CA 94104  
 Tel: (415) 200-4980  
 Fax: (415) 200-4989

*Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

IN RE KONINKLIJKE PHILIPS PATENT  
 LITIGATION

Case No. 4:18-cv-01885-HSG-EDL

**JOINT MOTION OF PHILIPS AND  
 YIFANG FOR FINAL STAY  
 PENDING COMPLETION OF  
 SETTLEMENT AGREEMENT  
 TERMS AND RESPONSE TO  
 OCTOBER 1, 2019 ORDER (DKT.  
 NO. 843); ORDER**

1 Plaintiffs Koninklijke Philips N.V. and U.S. Philips Corporation (collectively, “Philips”) and  
2 Defendant YiFang USA Inc. d/b/a/ E-Fun, Inc. (“YiFang”) have previously jointly moved the Court  
3 to stay the various pretrial preparation deadlines in these consolidated action solely as they pertained  
4 to the disputes between Philips and YiFang, for various lengths of time and various reasons  
5 pertaining to the parties’ settlement efforts, including in order to permit those parties to engage in  
6 settlement negotiations, and then preparation, completion, and ultimately execution of formal  
7 settlement documentation. The Court granted each of those joint motions. *See* Dkt. Nos. 647; 665;  
8 697.

9 The parties are happy to report that despite their need to extend the stay -- due the  
10 international nature of the entities, and the multiple levels of review and approval required on both  
11 sides -- the time was well spent: they have now executed a final, binding settlement agreement.

12 However, as Philips and YiFang anticipated in their past joint filings might happen, there are  
13 indeed some post-execution aspects of that binding settlement agreement which must be performed  
14 before the Philips/YiFang case can be formally dismissed. Notably, the parties believe in good faith  
15 that those performance provisions should all be completed in advance of the first trial in these  
16 consolidated actions (Philips v. Microsoft), meaning that the additional – and final – stay now  
17 requested should not impact the balance of these consolidated actions in any way.

18 As previously stated, it is well-settled that a district court has discretionary power to stay  
19 proceedings in its own court. *See Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1109 (9th Cir. 2005)  
20 (*citing Landis v. North American Co.*, 299 U.S. 248, 254 (1936)). In this instance, the parties  
21 believe in good faith that a further stay of proceedings is appropriate and in the interests of justice, in  
22 order to avoid unnecessary further litigation and to conserve judicial resources by permitting them to  
23 complete various terms required by the confidential settlement agreement without further  
24 involvement of, or burden upon, the Court, and without interference with any aspect of the  
25 remainder of these consolidated actions.

26 NOW, THEREFORE, Philips and YiFang hereby stipulate and respectfully request that the  
27 Court issue a final stay, and order that all remaining deadlines in these consolidated cases be stayed  
28

1 solely as they pertain to the Philips/YiFang matter for a period up to and including Friday, January  
2 24, 2020, in order for various terms of the confidential settlement to be completed, so that the  
3 Philips/YiFang case may be dismissed pursuant to stipulation. Should the parties for any reason fail  
4 to submit a stipulated dismissal of the claims at issue on or before January 24, 2020, counsel will  
5 meet and confer and approach the Court jointly for guidance and/or a further Case Management  
6 Conference at that time, if needed.

7 Dated: October 9, 2019

Respectfully submitted,

8 Chris Holland (SBN 164053)  
9 Lori L. Holland (SBN 202309)  
10 HOLLAND LAW LLP  
11 220 Montgomery Street, Suite 800  
12 San Francisco, CA 94104  
13 Telephone: (415) 200-4980  
14 Fax: (415) 200-4989  
15 cholland@hollandlawllp.com  
16 lholland@hollandlawllp.com

/s/ Michael P. Sandonato  
Michael P. Sandonato (admitted *pro hac vice*)  
John S. Carlin (admitted *pro hac vice*)  
Christopher S. Gerson (admitted *pro hac vice*)  
Natalie D. Lieber (admitted *pro hac vice*)  
Jonathan M. Sharret (admitted *pro hac vice*)  
Daniel A. Apgar (admitted *pro hac vice*)  
Sean M. McCarthy (admitted *pro hac vice*)  
Robert S. Pickens (admitted *pro hac vice*)  
Joyce L. Nadipuram (admitted *pro hac vice*)  
Caitlyn N. Bingaman (admitted *pro hac vice*)

14 VENABLE LLP  
15 1290 Avenue of the Americas  
16 New York, New York, 10104  
17 +1 (212) 218-2100  
18 +1 (212) 218-2200 facsimile  
19 philipsprosecutionbar@venable.com

20 *Attorneys for Plaintiffs Koninklijke Philips*  
21 *N.V. and U.S. Philips Corporation*

22 /s/ Lucian C. Chen  
23 Lucian C. Chen (*pro hac vice*)  
24 Wing K. Chiu (*pro hac vice*)  
25 LUCIAN C. CHEN, ESQ. PLLC  
26 One Grand Central Place  
60 East 42nd Street, Suite 4600  
New York, New York, 10165  
+1 (212) 710-3007  
+1 (212) 501-2004 facsimile  
lucianchen@lcclegal.com

Michael Song (Bar No. 243675)  
LTL ATTORNEYS LLP  
300 South Grand Avenue, 14th Floor  
Los Angeles, California, 90071  
+1 (213) 612-8900  
+1 (213) 612-3773 facsimile  
michael.song@ltmlaw.com

27 *Attorneys for Defendant YiFang USA, Inc. d/b/a E-Fun, Inc.*



**ORDER**

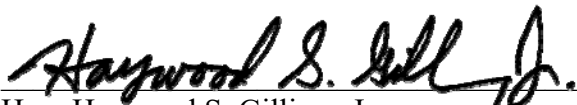
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2 Having reviewed Plaintiffs Koninklijke Philips N.V. and U.S. Philips Corporation  
3 (collectively, “Philips”) and Defendant YiFang USA Inc. d/b/a/ E-Fun, Inc.’s (“YiFang”) Joint  
4 Motion for Final Stay Pending Completion of Settlement Agreement Terms (“Motion for Stay”),  
5 and good cause being shown,

6 IT IS HEREBY ORDERED THAT:

7 The Motion for Stay is GRANTED. All remaining deadlines solely as they pertain to the  
8 disputes between Philips and YiFang are stayed for a period up to and including Friday, January 24,  
9 2020.

10  
11 **IT IS SO ORDERED.**

12  
13 DATED: October 9, 2019

  
14 Hon. Haywood S. Gilliam, Jr.  
15 United States District Judge