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Attorneys for Plaintiff
 EIT HOLDINGS LLC

16 IN THE UNITED STATES DISTRICT COURT
 17 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 18 SAN JOSE DIVISION

19 EIT HOLDINGS, LLC, a Delaware company
 20 Plaintiff and Counterclaim Defendant,
 21 v.
 22 LINKEDIN CORPORATION, a Delaware
 23 corporation
 24 Defendant and Counterclaim Plaintiff.

Case No. 5:11-cv-02465-PSG

**JOINT STIPULATION AND [PROPOSED]
 ORDER STAYING CASE PENDING APPEAL**

Ctrm: 5, 4th Floor
 Judge: Honorable Paul Singh Grewal

1 **JOINT STIPULATION**

2 On December 10, 2010, EIT filed a patent infringement action against multiple defendants in the
3 Northern District of California (C-10-05623-WHA) before the Honorable William H. Alsup. That action
4 alleged that each defendant infringed claims 40 and 41 of U.S. Patent No. 5,828,837. After the initial
5 case management conference, Judge Alsup held that the defendants, including LinkedIn Corporation
6 (“LinkedIn”), were improperly joined and dismissed all but the first-named defendant (Yelp! Inc.). EIT
7 thereafter filed this action against LinkedIn alleging infringement of the same claims.

8 At the initial case management conference in this action, the parties informed the Court that
9 Judge Alsup had set a claim construction hearing in the originally-filed Yelp case for early October 2011.
10 The parties accordingly asked the Court to continue the case management conference and to postpone
11 setting a schedule until Judge Alsup had had time to consider EIT and Yelp’s respective positions on what
12 the claims mean. The Court agreed and set another case management conference. At that subsequent
13 conference held on January 10, 2012, the parties explained the current proceedings before Judge Alsup,
14 including that Yelp had filed a motion for summary judgment of invalidity.

15 On January 20th, Judge Alsup issued an order on the summary judgment motion brought by Yelp,
16 holding that claims 40 and 41 are invalid. EIT already has filed a notice of appeal that indicates its intent
17 to appeal *inter alia* the summary judgment order entered in the Yelp case. If affirmed, however, there is
18 no dispute that that summary judgment order would completely resolve the case against LinkedIn
19 pending before this Court. The parties therefore respectfully request that the Court stay this case pending
20 the resolution of EIT’s appeal of the summary judgment order entered in *EIT Holdings, LLC v. Yelp! Inc.*,
21 case no. 3:10-cv-05623-WHA (N.D. Cal.).

22 NOW, THEREFORE, IT IS HEREBY AGREED AND STIPULATED THAT:

23 The undersigned parties agreed to stay this case, *EIT Holdings, LLC v. LinkedIn Corporation*,
24 case no. 5:11-cv-02465-PSG, until the fifth court day after EIT Holdings, LLC’s appeal of the summary
25 judgment order in *EIT Holdings, LLC v. Yelp! Inc.*, case no. 3:10-cv-05623-WHA (N.D. Cal.) has been
26 finally adjudicated, which shall be the date on which the last appeal or certiorari petition with respect to
27 the summary judgment order has been denied, dismissed, withdrawn, or otherwise determined.

1 Dated: January 25, 2012

GOLDSTEIN & LIPSKI, PLLC

2 */s/ Edward W. Goldstein*

3 By: _____

EDWARD W. GOLDSTEIN

4 Attorneys for Plaintiff and Counterclaim
5 Defendant EIT Holdings, LLC

6
7 Dated: January 25, 2012

DURIE TANGRI LLP

8 */s/ Ryan M. Kent*

9 By: _____

RYAN M. KENT

10 Attorneys for Defendant and Counterclaim
11 Plaintiff LinkedIn Corporation

12
13 **FILER'S ATTESTATION**

14 I, Ryan Kent, am the ECF User whose identification and password are being used to file this
15 document. Pursuant to General Order 45.X.B, I hereby attest that counsel for Plaintiff and Counterclaim
16 Defendant EIT Holdings, LLC has concurred in this filing.

17 */s/ Ryan M. Kent*

18 _____

RYAN M. KENT

1 **[PROPOSED] ORDER**

2 WHEREAS, Plaintiff and Counterclaim Defendant EIT Holdings, LLC and Defendant and
3 Counterclaim Plaintiff LinkedIn Corporation have agreed to stay this case, *EIT Holdings, LLC v.*
4 *LinkedIn Corporation*, United States District Court, Northern District of California, case no. 5:11-cv-
5 02465-PSG until the fifth court day after EIT Holdings, LLC's appeal of the summary judgment order in
6 *EIT Holdings, LLC v. Yelp! Inc.*, case no. 3:10-cv-05623-WHA (N.D. Cal.) has been finally adjudicated,
7 which shall be the date on which the last appeal or certiorari petition with respect to the summary
8 judgment order has been denied, dismissed, withdrawn, or otherwise determined.

9 NOW, THEREFORE, IT IS SO ORDERED.

10
11 DATED: _____, 2012

12 HONORABLE PAUL S. GREWAL
13 United States Magistrate Judge