

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EVOLUTIONARY INTELLIGENCE,
LLC,

Plaintiff,

v.

SPRINT NEXTEL CORPORATION,
SPRINT COMMUNICATIONS
COMPANY L.P., SPRINT SPECTRUM
L.P., SPRINT SOLUTIONS INC.,

Defendants.

Case Nos. C-13-04513, C-13-04201, C-13-04202,
C-13-04203, C-13-04204, C-13-04205, C-13-
04206, C-13-04207, C-13-03587

ORDER CONFIRMING STAY

EVOLUTIONARY INTELLIGENCE,
LLC,

Plaintiff,

v.

APPLE, INC.,

Defendants.

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EVOLUTIONARY INTELLIGENCE,
LLC,

Plaintiff,

v.

FACEBOOK, INC.,

Defendants.

EVOLUTIONARY INTELLIGENCE,
LLC,

Plaintiff,

v.

FOURSQUARE LABS, INC.,

Defendants.

EVOLUTIONARY INTELLIGENCE,
LLC,

Plaintiff,

v.

GROUPON, INC.,

Defendants.

EVOLUTIONARY INTELLIGENCE,
LLC,

Plaintiff,

v.

LIVINGSOCIAL, INC.,

Defendants.

1 EVOLUTIONARY INTELLIGENCE,
2 LLC,

3 Plaintiff,

4 v.

5 TWITTER, INC.,

6 Defendants.

7 EVOLUTIONARY INTELLIGENCE,
8 LLC,

9 Plaintiff,

10 v.

11 YELP, INC.,

12 Defendants.

13 EVOLUTIONARY INTELLIGENCE,
14 LLC,

15 Plaintiff,

16 v.

17 MILLENNIAL MEDIA, INC.,

18 Defendants.

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21 On September 26, 2014 the court conditionally granted defendants' motion to maintain the
22 stay in the above-captioned cases. Dkt. No. 174. As a condition of its order granting defendants'
23 motion, the court ordered defendants not participating in the ongoing *inter partes* review ("IPR") of
24 the patents at suit to file a written commitment no later than October 7, 2014 agreeing to the
25 following limited estoppel:

26 [the non-participating party] will not assert the invalidity of any claim on
27 any ground raised in the IPR and on which a final written decision is
28 rendered under 35 U.S.C. § 318(a). Any dispute as to what is meant by
"final written decision" or "any ground raised" will be resolved by the
court.

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Dkt. No. 174 at 14.¹

Each non-participating defendant subsequently filed notice of their agreement to the above terms. *See* Dkt. Nos. 175, 176, 177, 178, 179, 181. Accordingly, the court hereby confirms that the related cases are stayed until final written decision in the pending IPR, the date by which a final decision is now due, or further order of the court, whichever occurs first. Dkt. No. 174, at 13–14.

Within one week of the written final decision in the IPR, the parties shall file a joint status report informing the court as to the outcome of the IPR.

Dated: October 17, 2014



RONALD M. WHYTE
United States District Judge

¹ The statutory estoppel of 35 U.S.C. § 315(e)(2) applies to IPR participants Apple, Yelp, and Twitter.