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April 29, 2011

The Honorable Leonard P. Stark  
United States District Court  
844 N. King Street  
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *St. Clair Intellectual Property Consultants, Inc. v. Apple Inc.*,  
C.A. No. 09-804-LPS

Dear Judge Stark:

I am Delaware counsel for Apple Inc. in the above-referenced action, which involves the same patents-in-suit as C.A. Nos. 04-1436-LPS, 06-403-LPS, 06-404-LPS, and 08-371-LPS (the "Related Cases"). I write, pursuant to the Court's March 14, 2011 Order (D.I. 40), to respectfully request that the Court extend the current stay in this action, which has been in place since July 28, 2010 (D.I. 35). The parties have met and conferred, and St. Clair opposes this request.

During an April 19, 2011 status teleconference in the Related Cases, Your Honor ordered the parties to submit a schedule for summary judgment briefing on the issue of whether the defendants in the Related Cases are entitled to summary judgment of non-infringement as a result of the Federal Circuit's decision in the *St. Clair v. Fujifilm* appeal, which rejected critical aspects of the claim construction previously advanced by St. Clair. Because St. Clair's allegations against Apple are indistinguishable from its contentions against the defendants in the Related Cases, Apple believes that that the interests of the Court and the parties would best be served by extending the stay in this action until the Court decides the motions for summary judgment of non-infringement in the Related Cases.

St. Clair will not be prejudiced by such an extension of the current stay. Indeed, the patents-in-suit in this matter and the Related Cases have expired, so alleged past damages will be the only thing at stake. In contrast, if the parties begin to actively litigate this matter before the Court decides the summary judgment motions in the Related Cases, there is a very real risk that the Court will waste a great deal of time and judicial resources, and the parties a great deal of time and money, litigating issues that will likely be mooted by the Court's decision on such motions.

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Should the Court nevertheless wish to enter a schedule at this point, the parties will be separately filing a proposed scheduling order that sets forth their respective positions.

Respectfully,

*/s/ Tiffany Geyer Lydon*

Tiffany Geyer Lydon

TGL/dmf

cc: Patricia P. McGonigle, Esquire (via electronic mail)  
R. Terrance Rader, Esquire (via electronic mail)  
Victor Cole, Esquire (via electronic mail)