

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NOKIA CORPORATION,)	
)	
Plaintiff,)	
)	C.A. No. 11-15-GMS
v.)	
)	JURY TRIAL DEMANDED
APPLE INC.,)	
)	
Defendant.)	

**DEFENDANT APPLE INC.’S UNOPPOSED
MOTION FOR STAY OF PROCEEDINGS PURSUANT TO 28 U.S.C. § 1659(a)**

Pursuant to 28 U.S.C. § 1659(a), Defendant Apple Inc. (“Apple”) respectfully requests that the Court stay this case with respect to U.S. Patent No. 7,558,696 (“the ’696 patent”), pending a final determination by the United States International Trade Commission (“ITC”) in a related case the involving the same patent. Plaintiff has indicated it will not oppose this Motion.

On March 28, 2011, Plaintiff filed a complaint with the ITC under section 337 of the Tariff Act of 1930, asking the ITC to institute an investigation. The ITC complaint alleges, *inter alia*, that Apple purportedly infringes the ’696 patent. On April 25, 2011, the ITC instituted an investigation (Inv. No. 337-TA-771) based on Plaintiffs’ complaint and naming Apple as a respondent. (*See Exhibit A attached hereto.*) Section 1659(a) provides, in part:

(a) Stay.--In a civil action involving parties that are also parties to a proceeding before the United States International Trade Commission under section 337 of the Tariff Act of 1930, at the request of a party to the civil action that is also a respondent in the proceeding before the Commission, the district court shall stay, until the determination of the Commission becomes final, proceedings in the civil action with respect to any claim that involves the same issues involved in the proceeding before the Commission, but only if such request is made within—

- (1) 30 days after the party is named as a respondent in the proceeding before the Commission, or
- (2) 30 days after the district court action is filed,

whichever is later.

28 U.S.C. § 1659(a). Thus, because the ITC investigation involves one of the same patents as this case, and Apple is both a defendant in this action and named as a respondent in the ITC investigation, Apple requests pursuant to 28 U.S.C. § 1659(a) that the Court stay proceedings until the determination of the Commission becomes final.

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Dated: May 18, 2011
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CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on May 18, 2011, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I hereby certify that on May 18, 2011, the attached document was electronically mailed to the following person(s)

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