

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

NOKIA CORPORATION,)	
INTELLISYNC CORPORATION,)	
)	
Plaintiffs,)	
)	C.A. No. 11-259-GMS
v.)	
)	
APPLE INC.,)	
)	
Defendant.)	

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

Defendant Apple Inc. (“Apple”) respectfully requests that the Court stay this case pursuant to 28 U.S.C. § 1659(a) until the determination of the United States International Trade Commission (“ITC”) becomes final in a related case involving each of the same six patents. Plaintiff has indicated it will not oppose this Motion.

On March 28, 2011, the same day Plaintiffs filed their complaint in this case, Plaintiffs also 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 United States Patent Nos. 7,209,911 (“the ’911 Patent”), 6,212,529 (“the ’529 Patent”), 6,141,664 (“the ’664 Patent”), 6,445,932 (“the ’932 Patent”), 5,898,740 (“the ’740 Patent”), and 7,319,874 (“the ’874 Patent”) (collectively, the “Asserted Patents”).¹ 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:

¹ The ITC Complaint also alleges infringement of U.S. Patent No. 7,558,696 (“the ’696 Patent”). Apple has filed a separate motion for stay of the ’696 Patent in Case No. 11-15, in which the ’696 Patent is asserted.

(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 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
1013404 / 35035

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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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