

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

API TECHNOLOGIES, LLC,

Plaintiff

vs.

FACEBOOK, INC., et. al.

Defendants.

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NO. 2:09-cv-147

STIPULATED ORDER TO STAY LITIGATION PENDING REEXAMINATION

Before the Court is the parties’ Joint Motion To Stay Litigation Pending Reexamination. Having considered the Motion, the Court hereby **GRANTS** the motion and **ORDERS** that the case is stayed pending the final outcome, including any appeals, of the pending *inter partes* reexamination of U.S. Patent No. 6,859,699, filed by Google Inc. on April 1, 2010 with the United States Patent and Trademark Office. The following agreed and stipulated terms shall apply:

1. Any party may move the Court to lift the stay following the final outcome (which includes any appeals) of the reexamination request.
2. The time during which the litigation is stayed, and any factual developments occurring during that time, will not affect the Defendants’ pending Motion to Transfer Venue to the Northern District of California (Docket No. 174). Within 10 business days of a Court order lifting the stay, the parties will meet-and-confer to determine the appropriate way to complete the briefing associated with that motion, including whether and how the parties

will present to the Court any intervening case law and its application to the facts relevant to Defendants' Motion to Transfer Venue.