

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**BEDROCK COMPUTER,  
TECHNOLOGIES, LLC**

**Plaintiff,**

v.

**SOFTLAYER TECHNOLOGIES,  
INC., ET AL.**

**Defendants.**

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**No. 6:09cv269 LED-JDL**

**JURY DEMANDED**

**ORDER**

Before the Court is Defendants’ Motion to Stay this Action and Dismiss Amended Claims Pending Reexamination of U.S. Patent No. 5,893,120 (“the ‘120 patent”). (Doc. No. 347).

In light of the new and amended claims resulting from the ‘120 patent reexamination, there needs to be some resolution concerning how the case will proceed going forward. Therefore, the Court is of the tentative opinion that if it is Bedrock’s position that it should be permitted to proceed to trial on the current asserted claims of the ‘120 patent, Bedrock should stipulate that it will not commence any future lawsuits against the Defendants<sup>1</sup> as to infringement of the new and amended claims of the ‘120 patent.<sup>2</sup> This issue will be discussed at the hearing scheduled on February 16, 2011 at 9:30 a.m. Also, in light of the number of defendants in this case, there will be discussion pertaining to the scope of Defendants and issues to be tried in April. Should it be necessary, client representatives with the authority to agree/stipulate to any proposed agreements with regard to a trial

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<sup>1</sup> Defendants are Softlayer Technologies, Inc., Google Inc., Yahoo! Inc., MySpace Inc., Amazon.com Inc., Match.com LLC, and AOL Inc.

<sup>2</sup> The amended claims are independent Claims 3 and 7 and dependent claims 9-12. (Doc. No. 347) at 3-4.

plan should be present at the hearing so that any such stipulations or agreements may be binding and made on the record.

**So ORDERED and SIGNED this 28th day of January, 2011.**

  
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JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE