

	:	Case No. 6:10-cv-636
Plaintiffs,	:	PATENT CASE
	:	
v.	:	
	:	
BMC SOFTWARE, INC., ET AL.,	:	
	:	
Defendants.	X	
	:	
UNILOC USA, INC., ET AL.,	:	
	:	Case No. 6:10-cv-691
Plaintiffs,	:	PATENT CASE
	:	
v.	:	
	:	
FOXIT CORPORATION, ET AL.,	:	
	:	
Defendants.	X	
	:	
SYMANTEC CORPORATION, ET AL.,	:	
	:	Case No. 6:11-cv-33
Plaintiffs.	:	PATENT CASE
	:	
v.	:	
	:	
UNILOC USA, INC., ET AL.,	:	
	:	
Defendants.	X	

JOINT MOTION TO STAY ALL ABOVE ACTIONS

Plaintiffs Uniloc USA, Inc. and Uniloc Singapore Limited ("Uniloc"), together with all remaining Defendants ("Defendants," and collectively with Plaintiffs, the "Parties"), move the Court for the entry of an Order, a copy of which is submitted herewith, staying the above-captioned actions, including all discovery (except as discussed in Paragraphs 5 and 6 herein), pending the resolution of a recently-filed California state court action to determine whether Uniloc, or another entity, has exclusive rights to the Patent-In-Suit, U.S. Patent No. 5,490,216 ("the '216 Patent"). In support of this Motion, the Parties state as follows:

1. On November 3, 2011, Uniloc USA, Inc., Uniloc Corporation Pty. Ltd., and Uniloc Luxembourg S.A. filed suit in the Superior Court of the State of California against Sureloc, Inc., Patrick Rooney, and Does 1-100 (the "California Action"), seeking, *inter alia*, declaratory relief that Uniloc USA, and not Sureloc, Inc., is the exclusive licensee of the '216 Patent. (See Exhibit A hereto.)

2. On November 10, 2011, counsel for Sureloc, Inc. wrote to counsel for Defendants contending that Sureloc, Inc. has exclusive rights to the '216 Patent under a patent license agreement with Uniloc Corporation, Pty, Ltd. (See Exhibit B hereto.)

3. The Parties have agreed that, based on the current proceedings before the Superior Court of the State of California initiated by Uniloc seeking a declaration of exclusive rights to enforce the '216 Patent, it would best serve judicial economy and efficiency to stay the proceedings before this Court pending the outcome of the California Action. The outcome of the California Action could affect the standing of Uniloc to assert the '216 Patent against Defendants in the above-captioned actions. The Parties have agreed that it would be most efficient for all Parties and the Court to stay the present actions while the court in the California Action rules on ownership and any exclusive rights under the '216 Patent.

4. In the present above-captioned actions, discovery remains open and post-*Markman* dates are yet to be scheduled. As such, the Parties maintain that a stay is reasonable at this stage in the cases and would not unduly prejudice any Party. (*See, e.g.*, Dkt. 134 from Case No. 6:10-CV-373 (*Uniloc v. Sony et al.*), which notes with an asterisk (*) the dates to be set after the Parties' post-*Markman* case management conference.)

5. Defendant McAfee does not oppose a stay of Uniloc's cases against the other Defendants. However, McAfee believes that briefing and consideration of McAfee's pending

Motion to Dismiss ("McAfee's Motion") [Dkt 219 in Case No. 6:10-CV-373 (*Uniloc v. Sony et al.*)] should continue as normal, and thus opposes a stay as to McAfee to the extent such a stay would impact briefing and resolution of McAfee's Motion. With respect to McAfee's Motion, Uniloc believes that, at a minimum, it should be permitted to submit its brief(s) opposing McAfee's Motion, irrespective of the stay.

6. Notwithstanding the proposed stay of the above-captioned actions, Uniloc has agreed to keep all Defendants reasonably apprised of litigation involving the '216 Patent, including, but not limited to, the California Action and Uniloc's litigation against Microsoft Corporation. To this end, Uniloc will provide Defendants with electronic copies of all documents filed in such litigation as they become available.

7. In view of the foregoing, the Parties jointly move that the Court enter the attached Order staying this litigation.

Dated: November 18, 2011

Respectfully submitted by,

/s/ Mark A. Flagel
(with permission by Michael E. Jones)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on November 18, 2011.

/s/ Michael E. Jones _____