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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 SUPERCELL OY,

10 Plaintiff,

11 v.

12 ROTHSCHILD DIGITAL MEDIA
13 INNOVATIONS, LLC,

14 Defendant.

CASE NO. C15-1119JLR

ORDER

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16 On July 28, 2016, the court granted Defendant Rothschild Digital Media
17 Innovations, LLC's ("RDMI") motion for a stay of this case pending final exhaustion of
18 *inter partes* review ("IPR") proceedings for U.S. Patent No. 6,101,534 ("the '534
19 Patent") before the U.S. Patent and Trademark Office's Patent Trial and Appeal Board
20 ("the PTAB"). (7/28/16 Order (Dkt. # 37) at 13.) At that time, the court ordered RDMI
21 to file a status report no more than five days after the PTAB completed IPR proceedings.
22 (*Id.*)

1 On October 3, 2016, RDMI filed a status report that informed the court that the
2 PTAB issued its final written decision on the '534 Patent on September 26, 2016.
3 (10/3/16 Rep. (Dkt. # 38) at 1.) In its status report, RDMI notified the court that it
4 “reserves all rights to request rehearing of the Final Written Decision, or appeal the same
5 to the United States Court of Appeals for the Federal Circuit.” (*Id.* at 2.) RDMI further
6 notified the court that it may request a rehearing within 30 days of the date on which the
7 PTAB issued its final written decision pursuant to 37 C.F.R. § 42.71 and that it may file a
8 Notice of Appeal to the United States Court of Appeals for the Federal Circuit within 63
9 days from the date of the PTAB’s final written decision or a decision on rehearing
10 pursuant to 37 C.F.R. § 90.3. (*Id.*) Accordingly, the court ordered RDMI to file a status
11 report no more than 90 days from October 14, 2016, advising the court of any rehearing
12 and/or appeal of the PTAB’s September 26, 2016, final written decision. (10/14/16 Order
13 (Dkt. # 39) at 2.) The court further ordered that the stay remain in effect unless and until
14 the court orders otherwise. (*Id.* at 3.)

15 On January 19, 2017, RDMI filed a status report consistent with the court’s
16 October 14, 2016, order. (1/19/17 Rep. (Dkt. # 40).) RDMI’s report informs the court
17 that “[o]n November 29, 2016[,] RDMI timely filed a Notice of Appeal in the United
18 States Court of Appeals for the Federal Circuit, seeking to reverse the PTAB’s Final
19 Written Decision” and that “RDMI’s [i]nitial [b]rief is due on March 10, 2017.” (*Id.* at
20 2.)

21 Based on the foregoing information, the court **ORDERS** that the stay in this case
22 (Dkt. # 37) remain in effect until the court orders otherwise. The court further **ORDERS**

1 RDMI to file a status report no more than ninety (90) days from the date of this order and
2 to file a status report every ninety (90) days until the court lifts the stay. The status report
3 shall inform the court of the status of the appeal before the Federal Circuit, the expected
4 timeline for resolution of this matter, and any other developments affecting resolution of
5 this matter. If this matter is resolved or there is any other significant change in the status
6 of this matter any time before ninety (90) days from the date of this order or any 90-day
7 interval at which RDMI must file a status report, the court ORDERS RDMI to file a
8 status report informing the court of the development no more than five (5) days after it
9 occurs.

10 Dated this 24th day of January, 2017.

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13 JAMES L. ROBART
14 United States District Judge
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