

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

APPLE INC., and NeXT SOFTWARE, INC.,) f/k/a NeXT COMPUTER, INC.,)) Plaintiffs,) v.)) HIGH TECH COMPUTER CORP., a/k/a) HTC CORP., HTC (B.V.I.) CORP., HTC) AMERICA, INC., and EXEDEEA, INC.,)) Defendants.))	C.A. No. 10-166-RK
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UNOPPOSED MOTION TO STAY LITIGATION

Defendants High Tech Computer Corp., a/k/a HTC Corp., HTC B.V.I Corp., HTC America, Inc., and Exedea, Inc. (collectively, “HTC Defendants”), hereby move the Court to stay the above-captioned matter. Plaintiffs Apple Inc. and NeXT Software Inc. (collectively “Apple”) have reviewed and will not oppose this Motion.

In support of the Motion to Stay, the HTC Defendants state the following::

WHEREAS, on March 2, 2010, Apple filed its Complaint in the present action alleging infringement of ten United States Patents;

WHEREAS, also on March 2, 2010, Apple filed a Complaint with the International Trade Commission (“ITC”) against Respondents High Tech Computer Corp., a/k/a HTC Corp., HTC America, Inc., and Exedea, Inc. (*In re Certain Personal Data and Mobile Communications Devices and Related Software*, Investigation No. 337-TA-710) alleging infringement of the same ten patents at issue in the present action;

WHEREAS, the HTC Defendants are not required to move, answer, or otherwise respond to the Complaint in the present action until May 21, 2010;

WHEREAS, the HTC Defendants named in the ITC Complaint may stay any infringement counts relating to patents asserted in the ITC as a matter of right pursuant to 28 U.S.C. § 1659 (“[A]t 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.”).

NOW THEREFORE, the HTC Defendants respectfully request that the Court enter an Order in the form attached hereto, directing that:

1. The present action shall be stayed as to the HTC Defendants, singly and collectively, pending resolution of all claims and defenses before the ITC in Investigation No. 337-TA-710, including any initial and final determinations of the Administrative Law Judge, the International Trade Commission, and appeals therefrom;

2. The May 21, 2010 deadline for HTC Defendants to move, answer, or otherwise respond to the Complaint shall be vacated; and

3. Following the expiration of the stay, the parties shall confer with each other and contact the Court for purposes of entry of a Scheduling Order, which shall include the setting of a new deadline for HTC Defendants to move, answer, or otherwise respond to Apple’s Complaint.

YOUNG CONAWAY STARGATT & TAYLOR LLP

/s/ Karen L. Pascale

April 23, 2010

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CERTIFICATE OF SERVICE

I, Karen L. Pascale, Esquire, hereby certify that on April 23, 2010, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification of such filing to the following counsel of record:

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I further certify that on April 23, 2010, I caused a copy of the foregoing document to be served by e-mail on the above-listed counsel and on the following non-registered participants in the manner indicated:

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