

EXHIBIT 5

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15
16 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

17
18 VOIP-PAL.COM, INC.,
19 Plaintiff,
20 v.
21 APPLE INC.,
22 Defendant.
23

Case No. 2:18-cv-00953-RFB-GWF

STIPULATION AND ORDER
TRANSFERRING THE CASE TO
THE NORTHERN DISTRICT OF
CALIFORNIA

24 Plaintiff VoIP-Pal.com, Inc. (“VoIP-Pal”) and Defendant Apple Inc. (“Apple”) agree and
25 stipulate as follows:

26 WHEREAS VoIP-Pal filed a separate lawsuit against Cellco Partnership d/b/a Verizon
27 Wireless (“Verizon”) in this District asserting similar patents as are asserted in this litigation. *Voip-*

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1 *Pal.com, Inc. v. Cellco Partnership d/b/a Verizon Wireless*, No. 2:16-cv-00271-RCJ-VCF (D. Nev.)
2 (the “*Verizon case*”);

3 WHEREAS Verizon filed on August 17, 2018 a Motion to Transfer Venue to the Northern
4 District of California Pursuant to 28 U.S.C. § 1404(a), Dkt. No. 72 in the *Verizon case*. The Motion
5 to Transfer is fully briefed as of September 11, 2018. VoIP-Pal no longer opposes Verizon’s Motion
6 to Transfer and the *Verizon case* was transferred to the Northern District of California on October 1,
7 2018;

8 WHEREAS VoIP-Pal filed a separate lawsuit against Twitter, Inc. in this District asserting
9 similar patents as this litigation. *Voip-Pal.com, Inc. v. Twitter, Inc.*, No. 2:16-cv-02338-RFB-CWH
10 (D. Nev.). The *Voip-Pal v. Twitter* case was transferred to the Northern District of California on July
11 23, 2018;

12 WHEREAS Voip-Pal has also filed this lawsuit against Apple and separate lawsuits against
13 Apple, AT&T Corp. and Amazon.com, Inc. in this District. *VoIP-Pal.com, Inc. v. Apple, Inc.*, Case
14 No. 2:18-cv-00953-RFB-GWF (D. Nev.); *VoIP-Pal.com, Inc. v. Apple, Inc.*, Case No. 2:16-cv-
15 00260-RFB-VCF (D. Nev.) (“2016 *Apple case*”); *VoIP-Pal.com, Inc. v. AT&T, Inc.*, No. 2:18-cv-
16 01129-RCJ (D. Nev.); *Voip-Pal.com, Inc. v. Amazon.com, Inc. et al.*, No. 2:18-cv-01076-MMD-
17 VCF (D. Nev.). The cases involve similar allegations as this case. Voip-Pal consents to transfer of
18 this case, and has consented to transfer of the 2016 *Apple case* and the *AT&T Corp.* and
19 *Amazon.com, Inc.* cases, to the Northern District of California.

20 IT IS HEREBY STIPULATED that this case is transferred to the United States District Court
21 for the Northern District of California. The Clerk of Court shall close this case in this District.

22 This Stipulation is filed in good faith and is not intended to cause unnecessary delay. The
23 convenience of the parties and witnesses favors transfer to the Northern District of California. And
24 because the *Twitter* and *Verizon* cases were transferred to California, and Voip-Pal consents to
25 transfer of the 2016 *Apple case* and the *AT&T Corp.* and *Amazon.com, Inc.* cases, it would be

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1 efficient for the parties and the Court to also transfer this case. There is thus good cause to transfer
2 the case to the Northern District of California.

3
4 Dated: October 4, 2018

Dated: October 4, 2018

5 ALVERSON, TAYLOR,
6 MORTENSEN & SANDERS

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22 **IT IS SO ORDERED:**

23 

24 _____
RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

25
26 DATED: _____ October 5, 2018