

v.

SONY CORPORATION, SONY  
CORPORATION OF AMERICA, SONY  
ELECTRONICS INC., SONY MOBILE  
COMMUNICATIONS AB, AND SONY  
MOBILE COMMUNICATIONS (USA) INC.,

*Defendants.*

**OPENING BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO STAY LITIGATION  
PENDING THE OUTCOME OF *INTER PARTES* REVIEW OF THE PATENTS-IN-SUIT**

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Dated: April 19, 2013

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**I. NATURE AND STAGE OF PROCEEDINGS**

On March 29, 2012, Plaintiff HumanEyes Technologies Ltd. (“Plaintiff” or “HumanEyes”) filed this action against Sony, alleging that certain Sony cameras and mobile devices having “3D Sweep” or “Sweep Multiangle” features infringe U.S. Patent No. 6,665,003 (“the ’003 patent”) and U.S. Patent No. 7,477,284 (“the ’284 patent”). D.I. 1. HumanEyes also filed a parallel complaint with the International Trade Commission (“ITC”) on March 28, 2012. Sony filed an unopposed motion to stay this litigation pending resolution of the ITC Investigation and the Court stayed the action on May 16, 2012. D.I. 9, 10.

On September 21, 2012, HumanEyes voluntarily moved to dismiss its ITC complaint and to terminate the Investigation after learning “[t]hrough depositions recently held in Tokyo, Japan, as well as through publicly available information, . . . that Sony intends to remove the accused features from its product lines at least by the [September 3, 2013] target date in this Investigation.” Exhibit A to Declaration of Iuliana Tanase (“Tanase Decl.”) at 1. The ITC Investigation was terminated on October 23, 2012.

The Court lifted the stay in this action on January 8, 2013. D.I. 16. Sony moved to dismiss the Complaint for failure to adequately plead contributory infringement, and HumanEyes filed a First Amended Supplemental Complaint in lieu of a response. D.I. 22, 27. Sony filed its

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