

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

T-REX PROPERTY AB,	)	
	)	
Plaintiff,	)	Judge Joan H. Lefkow
	)	Magistrate Judge Maria Valdez
v.	)	
	)	
CONTEXTMEDIA, INC. AND	)	Civil Action No. 16-4826
CONTEXTMEDIA HEALTH, LLC,	)	
	)	<i>Document electronically filed.</i>
Defendants.	)	
	)	

**DEFENDANTS’ MOTION TO STAY PENDING  
INTER PARTES REVIEW OF THE PATENTS-IN-SUIT**

Defendants ContextMedia, Inc. and ContextMedia Health, LLC (“ContextMedia”), by and through their attorneys, respectfully move this Court to stay this case pending final written decisions on third party Barco, Inc.’s petitions for *inter partes* review (“IPR”), IPR2017-01909, IPR2017-01911, and IPR2017-01915, which challenge the validity of every asserted claim the patents-in-suit, i.e., U.S. Patent Nos. RE39,470, 7,382,334, and 6,430,603. ContextMedia further requests that discovery be immediately stayed under Federal Rule of Civil Procedure 26(c) in order to avoid mooting the saving of substantial discovery expenses that would otherwise be unnecessarily incurred.

As explained in the accompanying memorandum of law, filed contemporaneously herewith, a stay pending final written decisions in the IPRs is warranted because (1) the petitions specifically address the PTAB-identified deficiencies in BroadSign International, LLC’s prior PTAB petitions on the patents-in-suit, (2) the petitions collectively challenge the validity of every asserted claim in this suit, (3) discovery is in its infancy so a stay would conserve the party and Court resources that may be unnecessary, or altered, in light of the PTAB’s decision, and (4)

Plaintiff is a non-practicing entity that will not be unduly prejudiced or tactically disadvantaged by a stay because discovery has barely begun, the parties are not competitors, and Plaintiff delayed at least eight years in filing suit on two of the three patents-in-suit.

WHEREFORE, ContextMedia respectfully requests this Court grant ContextMedia's Motion and stay this case, as well as immediately stay discovery, pending final written decisions on Barco, Inc.'s petitions for IPR of the patents-in-suit.

Dated: September 8, 2017

Respectfully submitted,

/s/ Katherine E. Ramlose

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**Certification Pursuant to Local Rule 37.2**

During an telephone conference on September 1, 2017, between Ted Chiacchio (counsel for Plaintiff T-Rex Property AB) and Katherine Ramlose (counsel for Defendants ContextMedia, Inc. and Contextmedia Health, LLC), counsel for Defendants inquired as to whether the Plaintiff would agree to a stay of the case pending resolution of Barco, Inc.'s petitions for *inter partes* review challenging U.S. Patent Nos. RE39,470, 7,382,334, and 6,430,603. As discussed in Defendants' Memorandum in Support of Their Motion to Stay Pending *Inter Partes* Review of the Patents-in-Suit, Ted Chiacchio (counsel for Plaintiff) wrote to counsel for Defendants on September 6, 2017, and September 7, 2017, indicating that Plaintiff would not agree to a stay of the case pending resolution of the IPR petitions unless Defendants agreed to be bound by a higher level of estoppel than was applied during the previous stay and is normally applied to defendants not involved with the IPRs. *See* Declaration of Katherine E. Ramlose, Exs. 1, 2. Despite Defendants statement that it would agree to be bound by the scope of estoppel applied during the previous stay, and request that Plaintiff propose an alternative scope of estoppel appropriate for defendants not involved in the IPRs, Plaintiff would not change its position. *See id.* at Exs. 9, 2.

/s/ Katherine E. Ramlose

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 8, 2017 a copy of the foregoing was served on counsel of record by electronic means pursuant to the court's Electronic Case Filing (ECF) system:

*/s/ Katherine E. Ramlose* \_\_\_\_\_