

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION – DETROIT

CISCO SYSTEMS, INC.	)	Civil Action No. 2:15-cv-10817-AC-RSW
	)	
Plaintiff,	)	Honorable Avern Cohn
	)	
v.	)	
	)	
CHRIMAR SYSTEMS INC.	)	
d/b/a CMS TECHNOLOGIES,	)	
	)	
Defendant.	)	

**F I L E D**  
**APR 24 2015**  
 CLERK'S OFFICE  
 U.S. DISTRICT COURT  
 EASTERN MICHIGAN

**STIPULATED ORDER TEMPORARILY STAYING CASE**

The Court takes judicial notice of the pendency of Civil Action No. 4:13-cv-01300-JSW in the Northern District of California (“California Action”), a patent infringement action in which all parties in this case are also parties, which has been pending since 2011 and involves assertion of a patent that is related to the patents-in-suit in this action. The Court has further been advised by the parties that resolution of the California Action is likely to assist the parties in resolving this case, thereby potentially conserving judicial and party resources. Further, this Court has already issued a Stay in Civil Action No. 2:14-cv-10290-AC-RSW involving the same parties. The present Stipulation is consistent with the Stay in that Civil Action. Accordingly, upon the below stipulation of the parties, IT IS HEREBY ORDERED that:

1. This case is Stayed until further order of the Court.
2. Defendant's Response (by way of Motion, Answer or otherwise to plead) to the Complaint is hereby deferred until further order of the Court after the stay is lifted.

3. During the Stay, any party may petition the Court for a status conference to discuss lifting the Stay or to set a briefing schedule regarding any request to lift the Stay.

4. The parties shall jointly keep the Court informed as to events in the California Action impacting the Stay in this case including through joint filings to be submitted to the Court no less frequently than every ninety (90) days and at the same time that it informs the Court pursuant to the Stay Order entered in Civil Action No. 2:14-cv-10290-AC-RSW. Furthermore, and to the extent it is not lifted earlier, unless the parties specifically agree or this Court orders otherwise, the Stay will be lifted when a decision, order or judgment from which an appeal lies is given in the California Action, at the time at which an immediate right to appeal exists.

5. Neither the below stipulation, the entry of this order, nor the Stay themselves, individually or collectively, may be used against Plaintiff in any way, including but not limited to in support of an argument that the Court does not have Declaratory Judgment jurisdiction over this case or in support of any request to transfer this action to any other court.

6. Neither the below stipulation, the entry of this order, nor the Stay themselves, individually or collectively, may be used against Defendant in any way, including but not limited to in support of any argument that the Court has Declaratory Judgment jurisdiction over this case, or in support of or in opposition to any request to transfer this action to any other court; and the stipulation, the entry of this order and the Stay shall not themselves, individually or collectively, constitute an acknowledgment by Defendant that the Court has Declaratory Judgment jurisdiction over this case or that venue is appropriate in the Eastern District of Michigan.

SO ORDERED.



UNITED STATES DISTRICT COURT JUDGE

Dated: 4/24/15

SO STIPULATED:

Dated: April 23, 2015

By: /s/Fred K. Herrmann  
FRED K. HERRMANN (P49519)  
ANNA VALK (P77578)  
Kerr, Russell And Weber, PLC  
500 Woodward Avenue, Suite 2500  
Detroit, Michigan 48226  
Telephone: 313.961.0200  
Facsimile: 313.961.0388  
E-mail: fherrmann@kerr-russell.com

By: /s/Richard W. Hoffmann  
RICHARD W. HOFFMANN (P42352)  
Reising Ethington PC  
755 W. Big Beaver Road, Suite 1850  
Troy, Michigan 48084  
Telephone: 248.689.3500  
Facsimile: 248.689.4071  
E-mail: hoffmann@reising.com

MICHAEL W. DE VRIES  
Kirkland & Ellis LLP  
333 South Hope Street  
Los Angeles, California 90071  
Telephone: 213.680.8400  
Facsimile: 213.680.8500  
E-mail: michael.devries@kirkland.com

*Attorneys for Defendant ChriMar Systems, Inc.  
d/b/a CMS Technologies*

STEVEN CHERNY  
JAMES E. MARINA  
BRIAN PAUL GEARING  
Kirkland & Ellis LLP  
601 Lexington Avenue  
New York, New York 10022  
Telephone: 212.446.4800  
Facsimile: 212.446.4900  
E-mail: steven.cherny@kirkland.com  
james.marina@kirkland.com

*Attorneys for Plaintiff Cisco Systems, Inc.*