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11 *Attorneys for Defendant Apple Inc.*

12  
13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15  
16 VOIP-PAL.COM INC.,

17 Plaintiff,

18 v.

19 APPLE INC.,

20 Defendant.  
21

Case No. 2:16-cv-00260-RFB-VCF

**STIPULATION AND ~~PROPOSED~~  
ORDER TO STAY PENDING  
A DECISION BY THE PATENT  
TRIAL AND APPEAL BOARD  
REGARDING INSTITUTION OF  
INTER PARTES REVIEW**

22 It is hereby STIPULATED and AGREED between Plaintiff Voip-Pal.com, Inc.  
23 (“Plaintiff” or “Voip-Pal”) and Defendant Apple Inc. (“Defendant” or “Apple”), to stay  
24 litigation in this matter until decisions by the Patent Trial and Appeal Board regarding whether  
25 to institute *inter partes* review of various petitions involving the subject patents in this action.  
26 Good cause exists for the requested stay:

27 1. VoIP-Pal filed this action on February 9, 2016, against Apple, alleging  
28 infringement of U.S. Patent Nos. 8,542,815 (the “815 patent”) and 9,179,005 (the “005

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1 patent”). (ECF No. 1);

2 2. On May 5, 2016, this Court entered an order extending the time for Apple to  
3 answer the complaint until July 29, 2016. (ECF No. 13);

4 3. On June 15, 2016, Apple filed a petition for *inter partes* review (“IPR”) by the  
5 Patent Trial and Appeal Board (“PTAB”) concerning the ‘815 patent on June 15, 2016 (the  
6 “Apple ‘815 IPR petition”). Apple also petitioned the PTAB to conduct IPR on the ‘005 patent  
7 (the “Apple ‘005 IPR petition”);

8 4. By statute, the PTAB must decide whether to institute review within six months  
9 of its notice granting the petition a filing date. *See* 37 C.F.R. 42.107(b) (2015); 35 U.S.C. §  
10 314(b). The PTAB provided notice on June 18, 2016 that Apple’s ‘815 IPR petition had been  
11 granted a filing date; accordingly, the PTAB must decide whether to institute review on or  
12 before December 18, 2016;

13 5. The PTAB must decide whether to institute Apple’s IPR on the ‘005 patent no  
14 later than December 21, 2016;

15 6. An unrelated third party, Unified Patents Inc., has also requested IPR review  
16 concerning the ‘815 patent (the “Unified Patents IPR petition”). By statute, the PTAB must  
17 decide whether to institute review on the Unified Patents petition by November 26, 2016. *See*  
18 37 C.F.R. 42.107(b) (2015); 35 U.S.C. § 314(b);

19 7. Apple filed a Motion to Stay Pending Resolution of *Inter Partes* Review by the  
20 Patent Trial and Appeal Board on July 8, 2016 in this matter, (ECF No. 23);

21 8. Discovery has not yet begun, and a trial date has not yet been set in this matter;  
22 and

23 9. District courts, pursuant to their inherent power to control and manage their own  
24 dockets, have discretion to stay an action pending the outcome of reexamination proceedings  
25 (including IPR) before the United States Patent and Trademark Office. *Unwired Planet, LLC v.*  
26 *Google Inc.*, No. 3:12-cv-00504-MMD-VPC, 2014 WL 301002, at \*5 (D. Nev. Jan. 27, 2014).

27 Based on the foregoing, the parties agree, with the Court’s permission, to stay this  
28 litigation pending the PTAB’s decisions on whether to institute IPR review on the patents-in-

1 suit. Specifically, the parties hereby agree to submit a status report (“Joint Status Report”) to  
2 the Court by January 11, 2017, outlining the parties’ respective positions on how the case  
3 should proceed in light of the PTAB’s institution decisions. The parties further agree and  
4 stipulate to an order staying litigation in this matter until the Court reviews the Joint Status  
5 Report and makes a decision on how to proceed.

6 Dated: this 19th day of July, 2016.

7 **IT IS SO AGREED AND STIPULATED:**

8 ALVERSON, TAYLOR,  
9 MORTENSEN & SANDERS

LEWIS ROCA ROTHGERBER  
CHRISTIE LLP

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16 *Attorneys for Defendant Apple Inc.*

17 IT IS HEREBY ORDERED that Defendant Apple Inc.'s Motion to Stay (ECF No. 23). is  
18 DENIED as MOOT.

19 **IT IS SO ORDERED:**

20 

21 UNITED STATES MAGISTRATE JUDGE

22 DATED: July 19, 2016

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