

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

ROSETTA-WIRELESS CORP., an Illinois Corporation, )

Plaintiff )

v. )

APPLE INC., a California Corporation, )

Defendant. )

ROSETTA-WIRELESS CORP., an Illinois Corporation, )

Plaintiff )

v. )

HIGH TECH COMPUTER CORP., a/k/a HTC CORP., a Foreign Corporation, and HTC AMERICA INC., a Washington Corporation, )

Defendants. )

ROSETTA-WIRELESS CORP., an Illinois Corporation, )

Plaintiff )

v. )

SAMSUNG ELECTRONICS CO. LTD., a Foreign Corporation, and SAMSUNG ELECTRONICS AMERICA, INC., a New York Corporation, )

Defendants. )

[additional parties on following page] )

Lead Civil Action No. 15-cv-00799

Honorable Judge Joan H. Lefkow

Civil Action No. 15-cv-10603

Judge Matthew F. Kennelly  
Judge Joan H. Lefkow for Pretrial

Civil Action No. 15-cv-10605

Judge Matthew F. Kennelly  
Judge Joan H. Lefkow for Pretrial

ROSETTA-WIRELESS CORP., an Illinois Corporation,	)	
	)	
Plaintiff	)	Civil Action No. 15-cv-10608
	)	
v.	)	Judge Edmond E. Chang
	)	Judge Joan H. Lefkow for Pretrial
LG ELECTRONICS CO., a Foreign Corporation, and LG ELECTRONICS USA INC., a Delaware Corporation,	)	
	)	
Defendants.	)	
<hr/>		
ROSETTA-WIRELESS CORP., an Illinois Corporation,	)	
	)	
Plaintiff	)	Civil Action No. 15-cv-10611
	)	
v.	)	Judge Robert M. Dow, Jr.
	)	Judge Joan H. Lefkow for Pretrial
MOTOROLA MOBILITY LLC, a Delaware Corporation,	)	
	)	
Defendants.	)	
<hr/>		

**DEFENDANTS’ MOTION TO STAY LITIGATION  
PENDING INTER PARTES REVIEW AND APPLE’S MOTION TO DISMISS**

Defendants Apple, Inc. (“Apple”), Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc. (“Samsung”), Motorola Mobility LLC (“Motorola”), LG Electronics, Inc. and LG Electronics U.S.A., Inc. (“LG”), and High Tech Computer Corp. and HTC America Inc. (“HTC”) (collectively, “Defendants”), by and through their undersigned counsel, hereby respectfully move to stay all proceedings in Case Nos. 15-cv-10603, 15-cv-10605, 15-cv-10608, and 15-cv-10611 (the “Related Cases”) pending final written decisions on *inter partes* review (“IPR”) of all asserted claims of U.S. Patent No. 7,149,511 (the “511 Patent”) by the United States Patent and Trademark Office ( “USPTO”) and a decision on Apple’s Motion for Judgment on the Pleadings for Failure to Claim Patent-Eligible Subject Matter

Pursuant to 35 U.S.C. § 101 (Dkt. 125), which is currently pending before this Court and could be dispositive for all of the above-captioned cases. In the alternative, Defendants request a limited stay until August 2016, when the PTAB's decisions to institute the requested IPRs will be issued. Defendants further request that discovery be immediately stayed during the pendency of any briefing of this Motion to save potentially unnecessary discovery costs that would otherwise be incurred.

Defendants submit herewith a Memorandum of Law in Support of this Motion, which is incorporated herein by reference.

WHEREFORE, Defendants respectfully request that the Court enter an order staying the Related Cases pending final written decisions on *inter partes* review of the '511 Patent by the USPTO and a decision on Apple's Motion for Judgment on the Pleadings for Failure to Claim Patent-Eligible Subject Matter Pursuant to 35 U.S.C. § 101.

Date: March 11, 2016

Respectfully submitted,

/s/ Richard T. McCaulley  
Richard T. McCaulley (Bar No. 6225506)  
**Ropes & Gray LLP**  
191 N. Wacker Drive  
32nd Floor  
Chicago, IL 60606  
(312) 845-1200  
[richard.mccaulley@ropesgray.com](mailto:richard.mccaulley@ropesgray.com)

Hassen A. Sayeed (*pro hac vice to be filed*)  
Julian Moore (*pro hac vice*)  
Seung Woo Hur (*pro hac vice*)  
**Ropes & Gray LLP**  
1211 Avenue of the Americas  
New York, NY 10036  
(212) 596-9000  
[hassen.sayeed@ropesgray.com](mailto:hassen.sayeed@ropesgray.com)  
[julian.moore@ropesgray.com](mailto:julian.moore@ropesgray.com)

[ben.hur@ropesgray.com](mailto:ben.hur@ropesgray.com)

Sharon Lee (*pro hac vice*)  
**Ropes & Gray LLP**  
2099 Pennsylvania Avenue, N.W.  
Washington, DC 20006-6807  
(202) 508-4728  
[sharon.lee@ropesgray.com](mailto:sharon.lee@ropesgray.com)

*Attorneys for Samsung Electronics Co. Ltd., a  
Foreign Corporation, and Samsung Electronics  
America, Inc.*

/s/ Martin R. Bader

Stephen S. Korniczky (*pro hac vice*)  
Martin R. Bader (*pro hac vice*)  
Ericka J. Schulz (*pro hac vice pending*)  
Ryan P. Cunningham (*pro hac vice*)  
Sheppard Mullin Richter & Hampton LLP  
12275 El Camino Real, Suite 200  
San Diego, CA 92130-2006  
858-720-8900  
[skorniczky@sheppardmullin.com](mailto:skorniczky@sheppardmullin.com)  
[mbader@sheppardmullin.com](mailto:mbader@sheppardmullin.com)  
[eschulz@sheppardmullin.com](mailto:eschulz@sheppardmullin.com)  
[rcunningham@sheppardmullin.com](mailto:rcunningham@sheppardmullin.com)

Bradley C. Graveline  
Sheppard Mullin Richter & Hampton LLP  
70 West Madison Street, 48th Floor  
Chicago, IL 60602  
312-499-6300  
[bgraveline@sheppardmullin.com](mailto:bgraveline@sheppardmullin.com)

*Counsel for Defendants HTC Corp. and HTC  
America, Inc.*

/s/ Matthew J. Rizzolo

Jeffrey J. Bushofsky  
**Ropes & Gray LLP**  
191 North Wacker Drive  
32nd Floor  
Chicago, IL 60606  
(312) 845-1200  
[jeffrey.bushofsky@ropesgray.com](mailto:jeffrey.bushofsky@ropesgray.com)

James R. Batchelder (*pro hac vice pending*)

**Ropes & Gray LLP**

1900 University Avenue

6th Floor

East Palo Alto, CA 94303

(650) 617-4000

[james.batchelder@ropesgray.com](mailto:james.batchelder@ropesgray.com)

Steven Pepe (*pro hac vice pending*)

Alexander E. Middleton (*pro hac vice pending*)

**Ropes & Gray LLP**

1211 Avenue of the Americas

New York, NY 10036

(212) 596-9000

[steven.pepe@ropesgray.com](mailto:steven.pepe@ropesgray.com)

[alexander.middleton@ropesgray.com](mailto:alexander.middleton@ropesgray.com)

Matthew J. Rizzolo (*pro hac vice pending*)

**Ropes & Gray LLP**

2099 Pennsylvania Ave, NW

Washington, DC 20006

(202) 508-4600

[matthew.rizzolo@ropesgray.com](mailto:matthew.rizzolo@ropesgray.com)

*Counsel for Defendant Motorola Mobility LLC*

/s/ Jenny Colgate

Steven Lieberman

Jenny Colgate

Brian A. Tollefson

Rothwell, Figg, Ernst & Manbeck, P.C.

607 14<sup>th</sup> Street, NW

Washington, District of Columbia 20005

+1 (202) 783-6040

[slieberman@rfem.com](mailto:slieberman@rfem.com)

[jcolgate@rfem.com](mailto:jcolgate@rfem.com)

[btollefson@rfem.com](mailto:btollefson@rfem.com)

James R. Figliulo

Lisa Michelle Mazzone

Thomas Daniel Warman

Figliulo & Silverman

10 South LaSalle Street

Suite 3600

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.