

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HEWLETT-PACKARD CO.,)	Civil Action No. 2:14-cv-10292-AC-RSW
)	
Plaintiff,)	Honorable Avern Cohn
)	
v.)	
)	
CHRIMAR SYSTEMS INC. d/b/a CMS TECHNOLOGIES,)	
)	
Defendant.)	

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 patent-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. 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. Briefing and decision on Defendant's pending *Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1)* or, in the Alternative, *Motion to Stay* (Dkt. No. 12) (“Defendant’s Motion”) is hereby deferred until further order of the Court after the stay is lifted. Plaintiff need not file papers responding to Defendant’s Motion until further order of the Court.
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 90 days. 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 Defendant's Motion, 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.

Dated: September 5, 2014

s/Avern Cohn
HONORABLE AVERN COHN
UNITED STATES DISTRICT COURT JUDGE

SO STIPULATED:

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