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17 APPLE INC.

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 (SAN JOSE DIVISION)

21 CPC PATENT TECHNOLOGIES PTY LTD.,

22 Plaintiff,

23 v.

24 APPLE INC.,

25 Defendant.
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27
28

Case No. 5:22-cv-02553-EJD-NC

**DEFENDANT APPLE INC.’S NOTICE OF
MOTION AND MOTION TO STAY
PENDING *INTER PARTES* REVIEW**

Date: November 10, 2022

Time: 9:00 a.m.

Courtroom: 4

Judge: Hon. Edward J. Davila

APPLE INC.’S MOTION TO STAY
Case No. 5:22-cv-02553-EJD-NC

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NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on November 10, 2022 at 9:00 a.m., or as soon thereafter as the matter may be heard, in the courtroom of the Honorable Edward J. Davila located in the United States District Court for the Northern District of California, San Jose Courthouse, Courtroom 4, 5th Floor, 280 South First Street, San Jose, CA 95113, Apple will and hereby does move for an order staying all proceedings in this action pending final resolution of the pending *inter partes* review (“IPR”) proceedings relating to U.S. Patent Nos. 9,665,705 (“705 Patent”) and 8,620,039 (“039 Patent”) (collectively, the “Asserted Patents”) before the Patent Trial and Appeal Board, including any appeals therefrom. Apple has filed, concurrently herewith, an Administrative Motion to Shorten Time for Hearing of this Motion.

As set forth in the accompanying Memorandum of Points and Authorities, all factors weigh in favor of a stay – the case is still at an early stage, the two IPR petitions will likely significantly simplify or moot many issues before this Court, and a stay will not prejudice Plaintiff CPC Patent Technologies PTY Ltd. (“CPC”).

This Motion is based on this Notice, the accompanying Memorandum of Points and Authorities, the Declaration of Seth M. Sproul, and supporting documents, on such matters as may be judicially noticed, on any oral argument the Court may hear, and on such other and further information as the Court may consider.

Counsel for Apple has conferred with counsel for CPC with respect to the subject of this Motion. CPC opposes the relief sought by this Motion.

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