

# Exhibit 4

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

Enterprise Systems Technologies S.a.r.l.

v.

Motorola Mobility Holdings, Inc.,  
Motorola Mobility LLC,  
Samsung Electronics Co., Ltd.,  
Samsung Electronics America, Inc.,  
Samsung Telecommunications America, LLC,  
HTC Corporation,  
HTC America, Inc.,  
LG Electronics, Inc.  
LG Electronics U.S.A., Inc., and  
LG Electronics MobileComm U.S.A., Inc.

Case No. 6:14-cv-553-MHS  
Consolidated Lead Case

**ORDER GRANTING MOTIONS FOR STAY PENDING  
FINAL DISPOSITION OF RELATED PROCEEDING BEFORE THE  
UNITED STATES INTERNATIONAL TRADE COMMISSION**

Before the Court is a Motion by Samsung, HTC, and LG to Stay All Claims Against Them Pending Final Disposition of Related Proceeding Before the United States International Trade Commission (ITC) relating to three of the four patents at issue in this case (Doc. No. 38). Motorola—not a respondent in the ITC proceedings—also filed a Motion to Stay (Doc. No. 39). Having considered the parties' arguments and applicable law, the Court finds that both motions should be **GRANTED**.

Plaintiff Enterprise Systems Technologies S.a.r.l. (EST) alleges that Defendants have infringed four EST patents: U.S. Patent Nos. 5,870,610 (the '610 Patent), 5,995,594 (the '594 Patent), 6,691,302 (the '302 Patent), and 7,454,201 (the '201 Patent). Of those four patents, EST has asserted the '610, '302, and '201 Patents (the ITC patents) against Samsung, HTC, and LG (collectively, ITC Defendants) in ITC Investigation Number 337-TA-925. The ITC instituted its

investigation on August 15, 2014, and the ITC Defendants' motion to stay was filed September 12, 2014, within the 30-day allotted time for request for a mandatory stay.

With respect to the ITC Patents, this Court must stay proceedings as to ITC Defendants. 28 U.S.C. § 1659 (a). Whether to stay the remainder of the case, however, is a matter within the Court's discretion. *See Landis v. N. Am. Co.*, 299 U.S. 248, 249–58 (1936). In considering whether to stay the remainder of the case, the Court considers (1) whether a stay would unduly prejudice or present a clear tactical disadvantage to the nonmoving party; (2) whether a stay will simplify the issues in question and trial of the case; and (3) whether discovery is complete and whether a trial date has been set. *Saxon Innovations, LLC v. Palm, Inc.*, No. 6:09-cv-272, 2009 WL 3755041, at \*2 (E.D. Tex. Nov. 4, 2009) (applying factors for discretionary stay); *Black Hills Media, LLC v. Samsung Electronics Co. Ltd.*, Case No. 2:13-cv-379 (E.D. Tex. Mar. 17, 2014), Doc. No. 63 at 2 (same). “The proponent of a stay bears the burden of establishing its need.” *Clinton v. Jones*, 520 U.S. 681, 706 (1997).

Though the '594 Patent and Motorola are not part of the ITC proceedings, judicial efficiency favors a stay.

First, there is no significant prejudice visited upon Plaintiff by staying the entire case. EST does not compete with Defendants in the consumer electronics field. Plaintiff brought these circumstances on itself by filing its ITC complaint on the same day it sued HTC and LG (July 16, 2014) and filing amended complaints against Samsung and Motorola within the same week. Further, Plaintiff should have anticipated the possibility (if not the probability) of Defendants' seeking to stay the non-ITC portion of this case. *See Black Hills Media*, Case No. 2:13-cv-379, Doc. No. 63 at 2.

Second, EST accuses each Defendant of infringing both the '594 Patent and the ITC Patents, and provides nearly identical description of the accused products:

communications or computing devices, or components thereof, including for example but without limitation, smartphone handsets, tablet computers, laptop computers, and other communication- and/or computing-capable consumer electronic devices, such as [Individual Defendant]'s [device model name] device and other similar devices embodying [one of the patents-in-suit].<sup>1</sup>


Thus, the Court finds that it is likely that this case will present common issues of both law and fact that are best considered in a single proceeding.

Finally, formal discovery has not begun in this case, and the Court has not even entered a scheduling order yet. This weighs in favor of a stay.

Accordingly, the Court finds that this action should be stayed pending resolution of the ITC investigation. Such stay shall encompass the entire case, i.e., all Defendants and both the ITC Patents and the '594 Patent. It is therefore **ORDERED** that Case Numbers 6:14-cv-553-MHS (LEAD), 6:14-cv-554-MHS (Motorola); 6:14-cv-555-MHS (Samsung); 6:14-cv-614-MHS (HTC Corp.); and 6:14-cv-615-MHS (LG) are **STAYED** and **ADMINISTRATIVELY CLOSED**. The parties may move to reopen the case after disposition of the ITC investigation.

**It is SO ORDERED.**

**SIGNED this 4th day of November, 2014.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE

<sup>1</sup> Compare Case No. 6:14-cv-614; Doc. No. 1 at ¶ 40 (Compl. Against HTC); Case No. 6:14-cv-553, Doc. No. 9 at ¶ 33 (Am. Compl. Against Samsung); Case No. 6:14-cv-553, Doc. No. 11 at ¶ 40 (Am. Compl. Against Motorola); and Case No. 6:14-cv-615, Doc. No. 1 at ¶ 41 (Compl. Against LG).