

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,

Plaintiff,

v.

LG ELECTRONICS, INC., et al.,

Defendants.

JURY TRIAL DEMANDED

(Consolidated Lead Case)
Civil Action No. 6:14-cv-982-KNM

**UNOPPOSED MOTION TO STAY ALL
CLAIMS AND ISSUES PERTAINING TO U.S. PATENT
NOS. 8,385,966 AND 8,868,060 PENDING *INTER PARTES* REVIEW**

Defendants LG Electronics, Inc., LG Electronics USA, Inc., AT&T Mobility LLC, Sprint Solutions, Inc., Sprint Spectrum L.P., Boost Mobile, LLC, T-Mobile USA, Inc., T-Mobile US, Inc., and Cellco Partnership d/b/a Verizon Wireless (collectively, “Defendants”) move the Court to stay all claims and issues of patent infringement pertaining to U.S. Patent Nos. 8,385,966 (the “’966 patent”) and 8,868,060 (the “’060 patent”) in Civil Action No. 6:14-cv-982-KNM (the “constituent 982 action”) at least until decisions related to the pending *inter partes* review of the ’966 patent and the ’060 patent are issued by the Patent Trial and Appeal Board (“PTAB”).¹

Plaintiff Cellular Communications Equipment, Inc. (“CCE”) does not oppose this motion subject to agreement between CCE and the Defendants that Defendants will not oppose CCE’s subsequent motion designed to move the ’060 and ’966 patents into another (or new) action if the asserted claims of these patents are found to be not unpatentable in the *inter partes* review proceedings.

¹ Decisions are expected to issue on the ’966 patent and the ’060 patent by March 28, 2017 and April 4, 2017, respectively.

At present, there are three asserted patents in the constituent 982 action. These include the '966 patent and the '060 patent, as well as U.S. Patent No. 8,848,556 (the "'556 patent").² The constituent 982 action is presently consolidated with Civil Action No. 6:13-cv-508 (the "constituent 508 action"), with the 982 action serving as the lead case. The constituent 508 action involves U.S. Patent No. 8,055,820 and U.S. Patent No. 7,941,174.³

By way of background, the following summarizes the *inter partes* review history for each patent in the constituent 982 action:

'966 patent

On March 28, 2016, the PTAB instituted *inter partes* review of all asserted claims of the '060 patent in *LG Electronics, Inc. v. Cellular Communications Equipment LLC*, No. IPR2016-00178 (P.T.A.B. filed Nov. 10, 2015). The final decision is expected to issue by March 28, 2017.

'060 patent

On April 4, 2016, the PTAB instituted *inter partes* review of all asserted claims of the '060 patent in *LG Electronics, Inc. v. Cellular Communications Equipment LLC*, No. IPR2016-00195 (P.T.A.B. filed Nov. 16, 2015). The final decision is expected to issue by April 4, 2017.

'556 patent

On April 29, 2016, the PTAB declined to institute *inter partes* review of the '556 patent in *LG Electronics, Inc. v. Cellular Communications Equipment LLC*, No. IPR2016-00197 (P.T.A.B. filed Nov. 17, 2015).

² The '556 patent is not asserted against defendants T-Mobile USA, Inc. and T-Mobile US, Inc.

³ LG Electronics, Inc. and LG Electronics USA, Inc. have already agreed to not oppose CCE's proposal with respect to moving U.S. Patent No. 7,941,174 to Case No. 6:16-cv-00365.

Given these results, to promote the most efficient resolution of their disputes, and to otherwise obviate time consuming briefing related to a motion to stay, CCE has agreed to not oppose this request to stay the case as it relates to the '966 patent and the '060 patent.

For the foregoing reasons, Defendants submit that good cause exists for staying all claims and issues pertaining to the '966 patent and the '060 patent and, accordingly, respectfully request that the Court grant this Motion.

DATED: May 27, 2016

Respectfully submitted,

/s/ Jamie B. Beaber

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CERTIFICATE OF CONFERENCE

In accordance with Local Rule CV-7(h), the undersigned certifies that counsel for CCE conferred with counsel for all Defendants. Counsel for CCE does not oppose this motion.

/s/ Allen F. Gardner

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