

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ANCORA TECHNOLOGIES, INC.,

Plaintiff,

v.

GOOGLE, LLC,

Defendants.

Civil Action No. 6:21-cv-00735-ADA

JURY TRIAL DEMANDED

**STIPULATION AND JOINT MOTION TO STAY PENDING
INTER PARTES REVIEW**

WHEREAS, on July 16, 2021, Ancora Technologies, Inc. (“Ancora”) filed a complaint against Google, LLC (“Google”) in this Court alleging infringement of U.S. Patent No. 6,411,941 (the “’941 Patent”);

WHEREAS, on August 10, 2021, Nintendo Co., Ltd. and Nintendo of America, Inc., filed an *inter partes* review (“IPR”) petition against the ’941 Patent including claims 1-3, 6-14, and 16 in IPR2021-01338 (the “Nintendo IPR”);

WHEREAS, on August 24, 2021, VIZIO, Inc., and Roku, Inc. jointly filed an IPR petition against the ’941 Patent in IPR2021-01406 (the “VIZIO/Roku IPR”), which remains pending with an institution deadline of March 17, 2022, wherein the Nintendo and VIZIO/Roku IPR petitions included the same grounds;

WHEREAS, on September 21, 2021, an *ex parte* reexamination request was filed by HTC Corp. against claims of the ’941 patent, having the control number 90/014,865 (the “HTC Reexam”), which includes the same prior art grounds as the Nintendo and VIZIO/Roku IPR petitions;

WHEREAS, on October 7, 2021, Ancora served its preliminary infringement contentions asserting claims 1, 2, 6, 7, 9, 10, 11, and 12 of the ’941 Patent (the “Asserted Claims”);

WHEREAS, on November 17, 2021, the PTO granted HTC's request to order *ex parte* reexamination of the Asserted Claims;

WHEREAS, on January 27, 2022, the U.S. Patent Trial and Appeal Board ("PTAB") instituted the Nintendo IPR for all challenged claims including the Asserted Claims, wherein the PTAB must issue a Final Written Decision in the Nintendo IPR by January 27, 2023 under 35 U.S.C. § 316(a)(11);

WHEREAS, Ancora has also reached agreements to stay pending inter partes review in other district court litigations involving the '941 Patent, including in Joint Stipulation Re Stay Pending Inter Partes Review, *Ancora Techs., Inc. v. VIZIO, Inc.*, No. 2:21-cv-08534-MCS (JEMx) (C.D. Cal. Feb. 7, 2022) (Dkt. 76);

WHEREAS, the parties have conferred and agree that a stay would promote judicial efficiency and preserve judicial resources as the PTAB's Final Written Decision will precede the scheduled trial date in this action and thus may avoid duplicative proceedings;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties, and the parties hereby JOINTLY MOVE THIS COURT to stay the proceedings, as follows:

1. The parties agree that the above-captioned case should be stayed until the PTAB has issued Final Written Decisions in both the Nintendo IPR and the VIZIO/Roku IPR, and respectfully request that this Court stay the proceedings.

2. The parties request this Court to order that the parties submit a joint status report within 10 days after the PTAB has issued Final Written Decisions in both the Nintendo IPR and the VIZIO/Roku IPR, or by March 10, 2023, whichever is earlier.

3. The parties request this Court to order that the parties file a joint request that the Court hold a status conference within 30 days after the PTAB has issued Final Written Decisions in both the Nintendo IPR and the VIZIO/Roku IPR. The parties may request that the Court re-open all or part of this case, or keep the stay in place (*e.g.*, pending any appeals to the Federal Circuit) at that time.

Dated: February 9, 2022

By: /s/ Steven M. Seigel
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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, and the forgoing was served via e-mail therefrom to all counsel of record.

/s/ Steven M. Seigel
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