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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

THX LTD.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 3:13-CV-01161-JSW

STIPULATION AND ~~[PROPOSED]~~ ORDER TO STAY LITIGATION VACATING DEADLINES AND REQUIRING JOINT STATUS REPORTS

Pursuant to Local Rules 6-2 and 7-12, plaintiff THX, Ltd. ("THX") and defendant Apple Inc. ("Apple") jointly submit this stipulated request for an order staying the present litigation pending issuance of a final written decision by the United States Patent and Trademark Office on petitions that Apple intends to file for *inter partes review* of the U.S. Patent Nos. 7,433,483 and 8,457,340 (collectively, "the Patents-in-Suit");

WHEREAS, the Court held a Case Management Conference on October 11, 2013;

WHEREAS, counsel for Apple stated at the Case Management Conference that Apple intends to petition the United States Patent and Trademark Office for *inter partes review* of the Patents-In-Suit in November 2013 and that Apple intends to request that the Court stay the present litigation in view of Apple's petitions;

WHEREAS, on October 15, 2013, the Court issued a Civil Minute Order adopting the deadlines on page 9 line 3 through page 10 line 7 of the parties' Joint Case Management Statement except with respect to the claim construction tutorial and hearing dates (Dkt. No. 32);

WHEREAS, the parties wish to suspend the deadlines adopted by the Court and stay the present litigation pending issuance of a final written decision by the United States Patent and Trademark Office on Apple's forthcoming petitions for *inter partes review* of the Patents-in-Suit to mitigate burdens on the parties in the short period before Apple files its petitions;

WHEREAS, prior to the October 11, 2013 Case Management Conference, the parties have stipulated twice to continue the Case Management Conference and related deadlines, which were granted by the Court;

NOW THEREFORE IT IS HEREBY STIPULATED by the parties, through their respective counsel, that the present litigation is stayed pending issuance of a final written decision by the United States Patent and Trademark Office on Apple's petitions for *inter partes review* of the Patents-in-Suit.

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IT IS SO STIPULATED.

Dated: October 23, 2013

By: */s/ Eric L. Wesenberg*
Eric L. Wesenberg

Attorneys for Plaintiff
THX LTD.

Dated: October 23, 2013

By: */s/ Mark D. Selwyn*
Mark D. Selwyn

Attorneys for Defendant
APPLE INC.

Pursuant to Civil Local Rule 5-1(i)(3), counsel for THX has obtained the concurrence of Apple's counsel in the filing of this Stipulated Request.

Dated: October 23, 2013

By: */s/ Eric L. Wesenberg*
Eric L. Wesenberg

Attorneys for Plaintiff
THX LTD.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The Court VACATES all deadlines previously set.
The parties shall file joint status reports every 120 days until the stay is lifted.

DATED: October 24, 2013

Honorable Jeffrey S. White
United States District Judge