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Kyocera International, Inc. and Kyocera Wireless Corp.

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Plaintiff,

v.

KYOCERA INTERNATIONAL, INC., a California corporation; KYOCERA WIRELESS CORP., a Delaware corporation; and DOES 1-100,

Defendants.

KYOCERA INTERNATIONAL, INC., a California corporation; KYOCERA WIRELESS CORP., a Delaware corporation,

Counterclaimants,

v.

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Counterdefendant.

Case No.: 08 CV 0411 BTM (CAB)

NOTICE OF MOTION AND MOTION TO STAY PENDING OUTCOME OF REEXAMINATION PROCEEDINGS

Date: May 2, 2008
Time: 11:00 a.m.
Ctrm.: 15
Judge: Hon. Barry Ted Moskowitz

NO ORAL ARGUMENT UNLESS REQUESTED BY THE COURT

TO ALL PARTIES AND THEIR COUNSEL TO RECORD:

PLEASE TAKE NOTICE THAT on May 2, 2008, at 11:00 a..m., or as soon thereafter as counsel may be heard by the above-entitled Court, located at 940 Front Street, San Diego, CA 92101-8900 before the honorable Barry Ted Moskowitz, defendants and counter-claimants

Kyocera International, Inc. and Kyocera Wireless Corporation (collectively, "Kyocera") will and hereby do respectfully move for a stay of the above-captioned proceeding pending the ongoing United States Patent and Trademark Office ("PTO") two reexaminations of the patent-in-suit, U.S. Patent No. 4,935,184 (the "'184 Patent").

Kyocera's Motion is brought pursuant to the inherent power of the courts to stay patent litigation pending the conclusion of PTO reexamination proceedings. *Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1426-27 (Fed. Cir. 1988).

Kyocera's Motion will be based upon this Notice, the attached memorandum of points and authorities in support of the Motion, its supporting Notice of Lodgment and declaration of Victor M. Felix, any reply brief and supporting papers, the argument of counsel at the time of the hearing, the complete files and records of this action, and such other matters as the Court may consider.

DATED: March 24, 2008

PROCOPIO CORY HARGREAVES & SAVITCH LLP

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