UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FUJIFILM CORPORATION, and FUJIFILM U.S.A., INC., Plaintiffs, v. PAPST LICENSING GMBH & CO. KG, Defendant.	Civil Action No. 1:07 CV 01118 Judge: Gladys Kessler

PAPST'S UNOPPOSED MOTION TO STAY PROCEEDINGS PENDING A CONSOLIDATION DETERMINATION BY THE MDL PANEL

Defendant, Papst Licensing GmbH & Co. KG ("Papst") respectfully seeks a stay of all proceedings in this case pending a determination by the Judicial Panel on Multidistrict Litigation ("MDL Panel") whether to consolidate this case with five other cases for pre-trial purposes.

In accordance with Local Rule 7(m), counsel for Papst conferred with opposing counsel and have been advised that Plaintiffs do *not* oppose this motion.

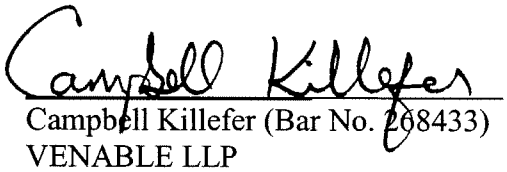
This case is one of six pending cases that concern whether the respectively accused digital cameras infringe the same two United States patents. In another one of those six cases, *Casio Inc. v. Papst Licensing GmbH & Co. KG*, Case Action No. 1:06cv1751, this Court stayed all proceedings pending a determination by the MDL Panel whether to consolidate the cases. (Casio Dkt. No. 77, 7/17/07 Order).

A proposed order and a memorandum in support of the motion accompany this motion.

For the foregoing reasons, Papst requests that the Court grant this motion to stay all proceedings pending a determination by the MDL Panel whether to consolidate this case with five other cases for pre-trial purposes.

Dated: August 23, 2007

Respectfully submitted,



Campbell Killefer (Bar No. 468433)
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Counsel for Papst Licensing GmbH & Co. KG

Of counsel:
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(312) 655-1500

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Papst's Unopposed Motion To Stay Proceedings Pending A Consolidation Determination By The MDL Panel** was served upon the following counsel for Plaintiffs Fujifilm Corporation and Fujifilm U.S.A., Inc. through the Court's ECF electronic service and by regular U.S. mail, postage prepaid, this 23rd day of August 2007:

HOGAN & HARTSON LLP

Steven J. Routh
Sten A. Jensen
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Campbell Killefer

UNITED STATES DISTRICT COURT
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FUJIFILM CORPORATION, and FUJIFILM U.S.A., INC., Plaintiffs, v. PAPST LICENSING GMBH & CO. KG, Defendant.	Civil Action No. 1:07 CV 01118 Judge: Gladys Kessler

PAPST'S MEMORANDUM IN SUPPORT OF ITS UNOPPOSED MOTION TO STAY PROCEEDINGS PENDING A CONSOLIDATION DETERMINATION BY THE MDL PANEL

Defendant, Papst Licensing GmbH & Co. KG ("Papst") respectfully seeks a stay of all proceedings in this case pending a determination by the Judicial Panel on Multidistrict Litigation ("MDL Panel") whether to consolidate this case with five other cases for pre-trial purposes. Plaintiffs do not oppose this motion.

This case is one of six pending cases that concern whether the respectively accused digital cameras infringe the same two United States patents (the Tasler patents) owned by Papst, and that concern the validity of those two patents. Three of the six cases are pending before this Court:

District of Columbia
Casio Inc. v. Papst Licensing GmbH & Co. KG, Case Action No. 1:06cv1751, Judge Kessler

District of Columbia
Fujifilm Corp., Fujifilm U.S.A., Inc. v. Papst Licensing GmbH & Co. KG, Case Action No. 1:07cv01118, Judge Kessler

District of Columbia
Matsushita Electric Industrial Co., Ltd., Victor Company of Japan, Ltd. v. Papst Licensing; Civil Action No. 07cv01222, Judge Kessler

Three of the six cases are pending before other courts:

Northern District of Illinois
Papst Licensing GmbH & Co. KG v. Fujifilm Corp., Fujifilm U.S.A. Inc., Case No. 07cv3401, Judge Holderman

Central District of California, Western Division
Papst Licensing GmbH & Co. KG v. Samsung Techwin Co., Samsung Opto-Electronics American, Inc.; Civil Action No. 07cv4249, Judge Anderson Assigned

District of Delaware
Papst Licensing GmbH & Co., KG v. Olympus Corp., Olympus Imaging America Inc., Civil Action No. 07cv0415, Vacant Judgeship

The purpose of seeking consolidation for pre-trial proceedings is to minimize duplicative litigation and inconsistent rulings. *See e.g. In re Triax Co. Patent Litigation*, 385 F.Supp. 590, 591 (J.P.M.L. 1974). The MDL Panel has assigned the Docket Number MDL-1880 and the caption *In re Papst Licensing Digital Camera Patent Litigation*. The consolidation motion is scheduled for oral argument before the MDL Panel on September 27, 2007.

In the related *Casio* case, this Court stayed all proceedings pending a determination by the MDL Panel whether to consolidate the cases. (Casio Dkt. No. 77, 7/17/07 Order).

At a hearing in the Northern District of Illinois on July 10, 2007 to transfer the related *Fujifilm* case under 28 U.S.C. §1404(a), Judge Holderman effectively stayed all proceedings in that case until a status conference on October 2, 2007. He did so specifically because that October date is shortly after the expected time of a decision by the MDL Panel. (**Ex. 1**, transcript of 7/10/07 hearing).

In the related *Samsung* case in the Central District of California, Samsung submitted an uncontested motion to stay all proceedings pending the determination by the MDL Panel. Judge Anderson has not yet ruled on that July 23, 2007 motion.

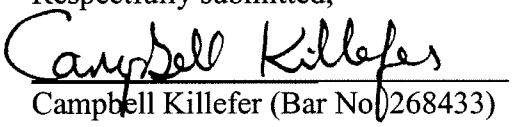
Papst has sought a stay of all proceedings in the related *Olympus* case in the District of Delaware and the related *Matsushita* case before this Court, pending the determination by the MDL Panel.

"[A] majority of courts have concluded that it is often appropriate to stay preliminary pretrial proceedings while a motion to transfer and consolidate is pending with the MDL Panel because of the judicial resources that are conserved." *Rivers v. Walt Disney Co.*, 980 F.Supp. 1358, 1362 (C.D.Calif. 1997) (citations omitted) (granting motion to stay pending decision by MDL Panel).

For the foregoing reasons, Papst requests that the Court grant this motion to stay all proceedings pending a determination by the MDL Panel whether to consolidate this case with five other cases for pre-trial purposes.

Date: August 23, 2007

Respectfully submitted,



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(312) 655-1500

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Papst's Memorandum In Support Of Its Unopposed Motion To Stay Proceedings Pending A Consolidation Determination By The MDL Panel** was served upon the following counsel for Plaintiffs Fujifilm Corporation and Fujifilm U.S.A., Inc. through the Court's ECF electronic service and by regular U.S. mail, postage prepaid, this 23rd day of August 2007:

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Campbell Killefer

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PABST LICENSING GmbH & Co. KG, Plaintiff, vs. FUJIFILM Corportion, and FUJIFILM U.S.A., Inc., Defendants.	Docket No. 07 C 3401 Chicago, Illinois July 10, 2007 10:00 a.m.

TRANSCRIPT OF PROCEEDINGS - Motion
BEFORE THE HONORABLE JAMES F. HOLDERMAN

APPEARANCES:

For the Plaintiff: WELSH & KATZ, LTD.
BY: MR. RICHARD W. McLAREN, JR.
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MR. JOHN ARON CARNAHAN
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For the Defendants: McDERMOTT, WILL & EMERY, LLP
BY: MR. MATTHEW JOSEPH GRYZLO
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Court Reporter: FRANCES WARD, CSR, RPR, FCRR
Official Court Reporter
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THE CLERK: 07 C 3401, Papst v. Fujifilm. Motion to dismiss.

MR. McLAREN: Your Honor, Richard McLaren, Jerold Schmayer, and Aron Carnahan on behalf of Papst Licensing.

THE COURT: Good morning.

MR. GRYZLO: Good morning, your Honor. Matthew Gryzlo on behalf of defendants Fujifilm Corporation and Fujifilm U.S.A.

THE COURT: Good morning.

This is up on defendants' motion to dismiss or, in the alternative, to transfer the action to the United States District Court for the District of Columbia.

How much time is desired by plaintiff to respond?

MR. McLAREN: Well, your Honor, we would ask that you reset it for a status on October 2nd for exactly the reason that you just discussed with the prior case.

Yesterday afternoon we filed a motion with the MDL panel as a result of five pending cases, five around the country -- L.A., Chicago, DC, et cetera -- all involving the same patents, different defendants, including this one, your Honor. The MDL panel oral schedule is set for July, as you just heard. There is none in August. And there will be one in September. It hasn't been scheduled yet.

THE COURT: So you are hoping to make the September date.

MR. McLAREN: Yes. We would expect we would. Where the MDL panel has been presented with multiple patent cases involving the same patent all over the country, they have very routinely granted multidistrict treatment.

I should add, your Honor, that our office had one of these a couple years ago, and the multidistrict panel sent it to New Orleans because their docket was smaller. There was no case pending in New Orleans. So I don't think anyone can predict where it will go, in answer to your Honor's question.

THE COURT: Okay.

MR. McLAREN: I have a copy for your Honor's chambers, if you want it, of the MDL filing.

THE COURT: If you do, if you could just -- you need not file it in the record, but I would like to review it.

MR. McLAREN: We overnighted it last night to the Clerk of Courts for the Northern District of Illinois as we did with all the other districts. So the Clerk of Court has got it downstairs already, but we didn't try to get it to you yesterday at 4:30.

THE COURT: That's all right.

What's the other side's position?

MR. GRYZLO: Well, your Honor, obviously it's entirely up to you. We would like to see this matter

resolved, but we know that something is going to happen with the MDL panel.

THE COURT: Why don't we do this then. I am going to take the motion to dismiss or, in the alternative, to transfer the action to the District of Columbia under advisement, and we will set the case for further status on October 2. Hopefully we will have a determination by the MDL panel.

Where are they sitting in September? Does anybody know?

MR. McLAREN: I don't know, your Honor.

THE COURT: They always like to pick locations that are --

MR. McLAREN: Do you know?

MR. GRYZLO: I have no idea.

THE COURT: -- that are comfortable.

(Laughter.)

THE COURT: All right. Well, come in on October 2 even if we don't get a ruling or haven't gotten a ruling and we can take things from there. But at least you will be able to apprise me, and I appreciate your keeping me attuned as to what's going on.

MR. McLAREN: We fullly expect it will be consolidated.

If it isn't, your Honor, we are going to need

preliminary discovery into the jurisdictional issue, but you don't need to do anything now. We can do that in October.

THE COURT: Okay.

MR. McLAREN: Thank you, your Honor.

MR. GRYZLO: Thank you, your Honor.

THE COURT: Thank you.

* * * * *

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

F Frances Ward July 10, 2007.
Official Court Reporter

UNITED STATES DISTRICT COURT
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[PROPOSED] ORDER GRANTING PAPST UNOPPOSED MOTION FOR STAY

Upon consideration of the unopposed motion of Defendant Papst Licensing Gmbh & Co. KG for a stay of all proceedings in this case pending a determination by the Judicial Panel on Multidistrict Litigation ("MDL Panel") whether to consolidate this case with five other cases for pre-trial purposes, it is hereby

ORDERED that all proceedings are stayed pending a determination by the MDL Panel of Papst's motion for consolidation that is currently pending before the MDL Panel.

Dated: August ___, 2007

_____
Gladys Kessler
United States District Judge