IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

INTELLECTUAL VENTURES II LLC, Plaintiff, v. TOYOTA MOTOR CORPORATION, TOYOTA MOTOR NORTH AMERICA, INC., TOYOTA MOTOR SALES, U.S.A., INC., TOYOTA MOTOR ENGINEERING & MANUFACTURING NORTH AMERICA, INC., TOYOTA MOTOR MANUFACTURING, INDIANA, INC., AND TOYOTA MOTOR MANUFACTURING, KENTUCKY, INC. Defendants.	)	C.A. No. 17-300-LPS-CJB JURY TRIAL DEMANDED

JOINT STIPULATION AND ORDER TO STAY
PENDING RESOLUTION OF PARALLEL ITC PROCEEDINGS

WHEREAS, Plaintiff Intellectual Ventures II LLC ("IV") and Defendants Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A., Inc., Toyota Motor Engineering & Manufacturing North America, Inc., Toyota Motor Manufacturing, Indiana, Inc., and Toyota Motor Manufacturing, Kentucky, Inc. (collectively, "Defendants")[1] are also parties to a proceeding before the United States International Trade Commission ("ITC") under section 337 of the Tariff Act of 1930 in the matter titled *In the Matter of Certain Thermoplastic-*

[1] Toyota Motor Corporation is a party in the ITC action, but has not been served and has not appeared in this case.

Encapsulated Electric Motors, Components Thereof, and Products and Vehicles Containing Same, Inv. No 337-TA-1052 (Copy of Complaint attached)[2];

WHEREAS, on April 28, 2017, the ITC issued a Notice of Institution of Investigation naming IV as complainant and Defendants (among others) as respondents;

WHEREAS, under 28 U.S.C. § 1659, the district court shall stay any infringement proceedings pending parallel proceedings in the ITC when three factual prerequisites are met: (1) the civil action involves the parties that are also parties to a proceeding before the ITC; (2) the civil action involves the same issues as proceedings before the ITC; and (3) the request for a stay is made within 30 days of the ITC's institution of an investigation. 28 U.S.C. § 1659; *see also In re Princo Corp.*, 486 F.3d 1365, 1368 (Fed. Cir. 2007) ("The purpose of § 1659 is to prevent separate proceedings on the same issues occurring at the same time.");

WHEREAS, both this case and the ITC case involve the same issues of infringement of the same five patents, U.S. Patents Nos. 7,067,944; 7,067,952; 7,154,200; 7,683,509 and 7,928,348;

WHEREAS, Defendants seek and IV does not oppose a stay in the above-captioned action until the determination of the ITC becomes final under 28 U.S.C. § 1659;

IT IS HEREBY STIPULATED AND AGREED BY AND AMONG Defendants and IV, subject to the approval and order of the Court, that the above-captioned action be stayed until 30 days after the determination of the ITC becomes final under 28 U.S.C. § 1659, after which responses to the complaint shall be due within five (5) business days.

[2] The exhibits to the ITC complaint are voluminous and are not attached. However, we can provide the exhibits to the Court if the Court wishes to have them.

Dated: May 9, 2017

/s/ Michael J. Farnan

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Attorneys for Defendants Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A.,Inc., Toyota Motor Engineering & Manufacturing North America, Inc., Toyota Motor Manufacturing, Indiana, Inc., and Toyota Motor Manufacturing, Kentucky, Inc.

SO ORDERED this _____ day of _____, 2017

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THE HONORABLE CHRISTOPHER J. BURKE