IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TELCORDIA TECHNOLOGIES, INC., *Plaintiff, Counterclaim-Defendant,* vs. ALCATEL USA, INC., *Defendant, Counterclaim-Plaintiff.*	Case No. 04-CV-874 GMS

ALCATEL USA, INC.'S MOTION FOR MANDATORY STAY OF PROCEEDINGS PURSUANT TO 28 U.S.C. § 1659(A)

Defendant Alcatel USA, Inc. ("Alcatel USA") hereby requests that the Court stay this case pursuant to 28 U.S.C. § 1659(a), pending a final determination in an investigation instituted by the United States International Trade Commission (the "ITC") based on a complaint filed by Plaintiff Telcordia Technologies, Inc. ("Telcordia").[1]

On May 15, 2006, Telcordia filed a complaint before the ITC alleging violations of § 337 of the Tariff act of 1930 by Alcatel USA, Alcatel S.A., Lucent Technologies, Inc., and Cisco Systems, Inc.[2] (*See* Ex. 1.) The ITC complaint asserts essentially the same allegations as Telcordia's First Amended Complaint in this case (D.I. 42), including that certain Alcatel USA

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[1] 28 U.S.C. § 1659(a) states: "In a civil action involving parties that are also parties to the proceeding before the United States International Trade Commission under section 337 of the Tariff Act of 1930, at the request of a party to the civil action that is also a respondent in the proceeding before the Commission, the district court shall stay, until the determination of the Commission becomes final, proceedings in the civil action with respect to any claim that involved the same issues involved in the proceedings before the Commission, but only if such a request is made within (1) 30 days after the party is named as a respondent in the proceeding before the Commission, or (2) 30 days after the district court action is filed, whichever is later.

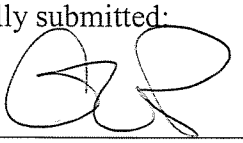
[2] On June 5, 2006, Telcordia amended its Complaint to add PMC-Sierra, Inc. as a proposed respondent.

products infringe United States Patent Nos. 4,893,306 and Re. 36,633. On June 9, 2006 the ITC instituted an investigation based on Telcordia's complaint and named Alcatel USA as one of the respondents. (*See* Ex. 2, Inv. No. 337-TA-574.)

As the ITC investigation involves the same parties and same issues as this case, Alcatel USA, as a respondent in the ITC investigation, respectfully requests, pursuant to 28 U.S.C. § 1659(a), that the Court stay proceedings in this case until the ITC issues a final determination.

Dated: July 10, 2006

Respectfully submitted:



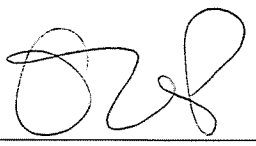
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RULE 7.1.1 CERTIFICATION

I hereby certify that counsel for Defendant has complied with Rule 7.1.1 of the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware



Adam W. Poff (No. 3990)

CERTIFICATE OF SERVICE

I, Adam W. Poff, Esquire, hereby certify that on July 10, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on July 10, 2006, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

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