

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BAY MATERIALS, LLC,

Plaintiff,

v.

3M COMPANY,

Defendant.

C.A. No. 21-1610-RGA

STIPULATION AND ORDER STAYING CASE

WHEREAS, Plaintiff Bay Materials, LLC (“Bay Materials”) has filed a Complaint against Defendant 3M Company (“3M”) alleging infringement of U.S. Patent Nos. 10,870,263 and 10,946,630 (collectively, the “patents-in-suit”);

WHEREAS, 3M has filed petitions for *inter partes* review (“IPR”) challenging all asserted claims of the patents-in-suit (IPR2022-01214 and IPR2022-01215) and will be filing IPR2023-00043 further challenging the asserted claims of the ’263 patent (the “IPR Proceedings”);

WHEREAS, 3M has indicated its intent to move to stay this case pending completion of the IPR Proceedings;

WHEREAS, in the interest of avoiding unnecessary motion practice, and to conserve judicial resources, the parties have agreed to stay this case now, without awaiting determinations from the PTAB as to whether review will be instituted, and if instituted, to continue the stay so long as a patent-in-suit is still asserted in this case and remains pending in an ongoing IPR Proceeding, i.e., until the last remaining Final Written Decision involving such a patent-in-suit has been issued; and

WHEREAS, each party reserves the right to request that the stay be lifted or modified due to changed circumstances; now therefore,

IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, that this case is stayed as long as an asserted patent-in-suit remains pending in an IPR Proceeding i.e., until the last remaining Final Written Decision involving such a patent-in-suit has been issued, up to the last to issue Final Written Decision. Within ten (10) days after decisions have issued regarding institution with respect to all IPR Proceedings, the parties will file a joint status report advising the Court whether review has been instituted with respect to any patent-in-suit. If one or more proceedings have been instituted, then within ten (10) days after the last to issue Final Written Decision has been issued regarding a patent-in-suit, the parties will file a joint status report concerning their respective positions as to the appropriate way to proceed.

Dated: October 28, 2022

/s/ Steven J. Balick

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Attorneys for Defendant 3M Company

SO ORDERED this 1st day of November, 2022

/s/ Richard G. Andrews

The Honorable Richard G. Andrews
United States District Judge