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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MAYBORN (UK) LIMITED, MAYBORN USA, INC., MAYBORN GROUP LIMITED,

Plaintiffs,

v.

COMOTOMO INC., COMOTOMO CORPORATION,

Defendants.

Case No. 5:23-cv-00134-EJD

NOTICE OF WITHDRAWAL OF MOTION (ECF 83) AND STIPULATION AND ~~[PROPOSED]~~ ORDER TO STAY THE CASE PENDING RESOLUTION OF *INTER PARTES* REVIEW

Hearing Date:	August 24, 2023
Time:	9:00 a.m.
Dept:	Ctrm. 4 – 5th Floor
Judge:	Hon. Edward J. Davila

JURY TRIAL DEMANDED

Plaintiffs Mayborn (UK) Limited, Mayborn USA, Inc., Mayborn Group Limited ("Mayborn") and Defendants Comotomo Inc. and Comotomo Corporation ("Comotomo") (collectively, "the parties") hereby stipulate and request that the Court stay this case pending resolution of the pending *inter partes* review ("IPR") proceedings at the U.S. Patent and Trademark Office ("PTO"). Comotomo previously filed a Motion to Stay Litigation Pending *Inter Partes* Review (ECF 83) that is set for hearing on August 24, 2023. In light of Mayborn's subsequent agreement to stay the case, Comotomo respectfully withdraws that Motion pursuant to L.R. 7-7.

WHEREAS, on June 16, 2023, the Patent Trial and Appeal Board granted institution of IPR of both of the patents-in-suit, U.S. Patent No. 10,952,930 (IPR2023-00467) and U.S. Patent No. 11,207,244 (IPR2023-00465), filed by a third party, Nanobebe US Inc.;

WHEREAS, the parties agree that a stay of this action pending resolution of the instituted IPRs at the PTO would conserve both judicial and party resources;

WHEREAS, the parties agree that, notwithstanding the stay, the settlement conference currently scheduled for September 27, 2023 (ECF 81) and all associated deadlines will remain on calendar;

IT IS HEREBY AGREED AND STIPULATED by and between the parties, through their respective counsel, subject to Court approval, THAT:

1. This case shall immediately be stayed subject to the Court's approval of this stipulation pending resolution of the *inter partes* review proceedings at the PTO.

2. Comotomo's pending Motion to Stay Litigation Pending *Inter Partes* Review (ECF 83) is withdrawn.

3. The settlement conference currently scheduled for September 27, 2023 (ECF 81) and all related deadlines shall remain on calendar and proceed as scheduled.

4. The parties shall file a joint status report within fourteen (14) days of the resolution of the proceedings listed above. The stay shall remain in effect absent further order from this Court.

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Dated: July 27, 2023

FISH & RICHARDSON P.C.

By: */s/ Matthew A. Colvin*

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Dated: July 27, 2023

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 27, 2023

HONORABLE EDWARD J. DAVILA
United States District Judge

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ECF ATTESTATION

I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories hereto.

Dated: July 27, 2023

/s/ *Michael J. Sacksteder*
Michael J. Sacksteder

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