

Case:

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA *Link # 59*

Shenzhen Carku Technology Co., Ltd.,

Plaintiff and Counterclaim-
Defendant,

v.

Pilot, Inc.,

Defendant and Counterclaim-
Plaintiff.

Case No. 2:22-cv-08471-HDV-KS

**[PROPOSED] ORDER GRANTING
JOINT STIPULATION TO STAY
CASE PENDING RESOLUTION OF
INTER PARTES REVIEW OF THE
'971 PATENT**

Judge: Hon. Hernán D. Vera
Magistrate: Hon. Karen L. Stevenson

**[PROPOSED] ORDER
GRANTING STAY**

Case No. 2:22-cv-08471-HDV-KS

1 Plaintiff and Counterclaim-Defendant Shenzhen Carku Technology Co., Ltd.
2 (“Carku”) and Defendant and Counterclaim-Plaintiff Pilot, Inc. (“Pilot”)
3 (collectively, the “Parties”), filed a Joint Stipulation with this Court to stay this case
4 pending the resolution of inter parties review (“IPR”) proceedings against Pilot’s
5 U.S. Patent No. 11,376,971 (“’971 Patent”), and any appeals of such proceedings.

6 Having considered the papers on file and finding good cause for the stipulation
7 as agreed to by the Parties, IT IS HEREBY ORDERED that:

8 1. This case shall be stayed and all current case deadlines vacated pending
9 final decision in proceedings, including any appeals to the Federal Circuit, for *inter*
10 *partes* review of the ’971 Patent filed by non-party Shenzhen Chic Electronics Co.,
11 Ltd., (“Shenzhen Chic”), Case No. IPR2023-00810.

12 2. The parties will file a joint status report to the Court within fourteen (14)
13 days of final resolution of PTAB Case No. IPR2023-00810, including any appeals
14 therefrom.

15 3. Pilot (or any agent, person, or entity acting on its behalf) shall in no way
16 attempt to remove or interfere with Carku’s customers’ jump starter products by
17 asserting any claim of the ’971 Patent, whether on Amazon, or any other marketplace,
18 forum, store, or related selling place. Should Pilot (or any agent, person, or entity
19 acting on its behalf) attempt to remove or remove any of Carku’s customers’ products
20 by asserting the ’971 Patent in any forum, the stay may be lifted immediately upon
21 an *ex parte* motion to the Court by either party without additional meeting and
22 conferral.

23 4. Pilot shall not use the stay or the duration of the stay as a basis to
24 challenge or evidence in support of any challenge to Carku’s jurisdiction over its
25 claims in federal court, including, but not limited to any challenge over the Court’s
26 subject matter jurisdiction. Neither party shall use the stay or any related negotiations
27 as evidence or argument that Carku is or is not a related party to Shenzhen Chic, or
28 should be considered a related party in the IPR.

1 5. Carku shall be bound by the statutory estoppel provision 35 U.S.C. §
2 315(e)(2) as if Carku itself had filed the IPR petition.

3 6. Nothing in this Order shall be read or construed to limit or suspend either
4 party's ability to seek immediate relief from the Court under a temporary restraining
5 order or related procedure.

6
7 **IT IS SO ORDERED.**

8
9 Dated: 8/30/23


Hon. Hernán D. Vera
United States District Court Judge