

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PPC BROADBAND, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 21-654 (VAC)
	)	
AMPHENOL CORPORATION and	)	
TIMES FIBER COMMUNICATIONS, INC.,	)	
	)	
Defendants.	)	

STIPULATION TO STAY LITIGATION

WHEREAS, on March 18, 2022, Defendant Amphenol Corporation filed petitions for inter partes review (“IPR”) of all asserted claims of the patents-in-suit in this litigation;

WHEREAS, the Patent Trial & Appeal Board (“PTAB”) has not yet decided whether to institute the IPR petitions;

WHEREAS, Defendants have asked Plaintiff to: (1) stipulate to staying this litigation at least pending the PTAB’s institution decisions; and (2) agree not to oppose a motion by Defendants to amend their answer to add new defenses of inequitable conduct and collateral estoppel;

WHEREAS, on April 1, 2022, the parties met and conferred on both issues;

WHEREAS, the parties have agreed that: (1) due to judicial economy, they will file this joint stipulation seeking to stay the litigation pending at least the PTAB’s institution decisions; and (2) if any asserted claims survive the IPRs, Plaintiff will not oppose a motion by Defendants to amend their answer to add new defenses after the stay is lifted, in substantially the same form as the draft discussed by the parties on April 1, 2022, as memorialized by email attaching a draft amended answer which was sent by counsel for Defendants and received by counsel for Plaintiff

on March 27, 2022, and which Plaintiff agreed in writing to the filing of that amended answer should this case resume after a stay; and

WHEREAS, the parties have further agreed that if all of the IPR petitions are instituted by the PTAB, the stay should continue until the PTAB has issued a final written decision on each IPR, and that if not all of the IPR petitions are instituted, Plaintiff may request that the Court lift the stay;

THE PARTIES HEREBY STIPULATE AND AGREE, subject to the approval of the Court, that:

1) the litigation is stayed pending at least a decision by the PTAB on institution of the IPR petitions;

2) if any of the IPR petitions are not instituted by the PTAB, the parties shall file a joint status report within seven (7) calendar days setting forth their joint or competing proposal(s) for resuming this litigation;

3) if the stay continues past the institution decisions by the PTAB, and if any asserted claims survive the final written decisions issued by the PTAB in the IPRs, the parties shall file a joint status report within seven (7) calendar days setting forth their joint or competing proposal(s) for resuming this litigation; and

4) within seven (7) calendar days of the lifting of the stay, Defendants may file an unopposed motion to amend their answer, if in substantially the same form as the draft discussed by the parties on April 1, 2022, to which Plaintiff will not oppose as agreed by counsel for Plaintiff in writing on April 6, 2022.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

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April 6, 2022

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*Attorney for Defendants Amphenol
Corporation and Times Fiber
Communications, Inc.*

SO ORDERED this 6th day of April, 2022.

Maryellen Norsika
J.