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Innoscence America, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

INFINEON TECHNOLOGIES AUSTRIA AG,
INFINEON TECHNOLOGIES AMERICAS
CORP.,

Plaintiff,

v.

INNOSCIENCE (SUZHOU) TECHNOLOGY
COMPANY, LTD., INNOSCIENCE (ZHUHAI)
TECHNOLOGY COMPANY, LTD.,
INNOSCIENCE AMERICA, INC.,

Defendants.

CASE NO. 4:24-cv-01553-YGR

**JOINT STIPULATION TO STAY
PENDING ITC PROCEEDING;
[PROPOSED] ORDER**

Date:
Time:
Location: Courtroom 1, 4th Floor
Judge: Hon. Yvonne Gonzalez Rogers

Infineon Exhibit 2006
Innoscence v. Infineon
IPR2025-00010

1 Plaintiffs Infineon Technologies Austria AG and Infineon Technologies Americas Corp.
 2 (collectively “Plaintiffs”), and Defendants Innoscience (Suzhou) Technology Company, Ltd.,
 3 Innoscience (Zhuhai) Technology Company, Ltd. and Innoscience America, Inc. (collectively
 4 “Defendants”), by and through their respective counsel, stipulate as follows:

5 WHEREAS, pursuant to 28 U.S.C. § 1659(a) this Court has inherent power to control its
 6 docket and stay all proceedings when a respondent in an International Trade Commission proceeding
 7 requests a stay of this Court’s proceedings pending the final resolution of the proceeding before the
 8 Commission.

9 WHEREAS, on March 18, 2024, Infineon Austria filed a complaint in the present action
 10 alleging infringement of U.S. Patent No. 9,899,481 (“the ’481 Patent”) by all Defendants. Dkt. 1. On
 11 July 23, 2024, Plaintiffs filed the Amended Complaint in the present action alleging infringement of
 12 the ’481 Patent and U.S. Patent Nos. 8,686,562 (“the ’562 Patent”), 9,070,755 (“the ’755 Patent”),
 13 and 8,264,003 (“the ’003 Patent”) (collectively, the “Asserted Patents”) by all Defendants. Dkt. 49.

14 WHEREAS, on July 26, 2024, Plaintiffs also filed a complaint in the ITC alleging a violation
 15 of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”) based on
 16 alleged infringement of the same Asserted Patents by the same Defendants. *In the Matter of Certain*
 17 *Semiconductor Devices And Products Containing The Same*, Investigation No. 337-TA-1414 (the
 18 “1414 Investigation”). On August 27, 2024, the ITC instituted the 1414 Investigation. 89 Fed. Reg.
 19 No. 169 at 70667-68 (August 30, 2024). The ITC’s Notice of Institution named Defendants
 20 Innoscience (Suzhou) Technology Holding Company, Ltd., Innoscience (Zhuhai) Technology
 21 Company, Ltd., and Innoscience America, Inc. in this civil action as Respondents in the 1414
 22 Investigation. *Id.*

23 WHEREAS, pursuant to 28 U.S.C. § 1659, this Court must stay its proceedings at the request
 24 of a respondent to the ITC proceeding when the two proceedings involve the same issues.
 25 Specifically, 28 U.S.C. § 1659(a) provides as follows:

26 (a) Stay. In a civil action involving parties that are also parties to a proceeding
 27 before the United States International Trade Commission under section 337 of the
 28 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 involves the same issues involved in the proceeding before the commission, but only if such 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.”

28 U.S.C. § 1659(a). A stay issued under this statute remains in effect during any appeals and “until the Commission proceedings are no longer subject to judicial review.” *In re Princo Corp.*, 478 F.3d 1345, 1355 (Fed. Cir. 2007).

WHEREAS, Plaintiffs and Defendants are parties to both this action and the 1414 Investigation, and the two proceedings involve substantially the same issues, namely the alleged infringement of the Asserted Patents. *Compare* Dkt. 49 at ¶2 with 89 Fed. Reg. No. 169 at 70667-68 (August 30, 2024).

WHEREAS, this stipulation is timely under 28 U.S.C. § 1659(a)(1) because the ITC instituted the 1414 Investigation on August 27, 2024. A stay is, therefore, mandatory under § 1659(a). And this stipulation is made jointly by all parties to this civil action.

THEREFORE, the parties stipulate to a stay of this civil action in its entirety pending final resolution of the 1414 Investigation, including any and all appeals and until the Commission proceedings are no longer subject to judicial review. This stay extends the time for Defendants to respond to the Amended Complaint, including, without limitation, any defenses they may raise. Furthermore, upon dissolution of the stay of this civil action, Defendants request that they have thirty (30) days from the lifting of the stay to move against, answer, or otherwise respond to the complaint. Plaintiffs and Defendants shall jointly advise the Court of the final decision in the 1414 Investigation no more than 21 days after the determination of the 1414 Investigation becomes final.

1 For all of the foregoing reasons, the parties respectfully request that, pursuant to 28 U.S.C. § 1659
2 and the Court's inherent authority, the Court enter the attached proposed order staying all
3 proceedings in this action until the determination of the 1414 Investigation becomes final, including
4 any appeals and until the Commission proceedings are no longer subject to judicial review and
5 providing that Defendants have thirty (30) days move against, answer, or otherwise respond to the
6 complaint following dissolution of the stay, and otherwise vacating all deadlines in this action until
7 such time as the stay is lifted and new deadlines are established.

8 **IT IS SO STIPULATED.**
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Dated: August 30, 2024

Respectfully submitted,

/s/ Gregory F. Corbett

/s/ Jacob Schroeder

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Innoscence (Zhuhai) Technology Company, Ltd.
Innoscence America, Inc.

ATTESTATION

Counsel for Defendants hereby attests by his signature below that concurrence in the filing of this document was obtained from counsel for Plaintiffs, Infineon Technologies Austria AG and Infineon Technologies Americas Corp.

Dated: August 30, 2024

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

By: /s/ Jacob A. Schroeder
Jacob A. Schroeder
Attorneys for Defendants
Innoscence (Suzhou) Technology Company, Ltd.
Innoscence (Zhuhai) Technology Company, Ltd.
Innoscence America, Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:

Honorable Yvonne Gonzalez Rogers
United States District Judge