

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CONTROLTEC LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 24-883 (JLH) (CJB)
	)	
ANTHONY, INC. and	)	
HILL PHOENIX, INC.,	)	
	)	
Defendants.	)	

STIPULATION AND [PROPOSED] ORDER TO STAY PROCEEDINGS

WHEREAS, Plaintiff ControlTec (“Plaintiff”) filed a Complaint on July 26, 2024, asserting that Defendants Anthony, Inc. and Hill Phoenix, Inc. (“Defendants”) infringe U.S. Patent Nos. 7,207,181 (the “’181 Patent”) and 7,421,847 (the “’847 Patent”) (the “Litigation”);

WHEREAS, during conferences between the parties on October 22, 2024 and October 25, 2024, Defendants represented to Plaintiff that they intend to file petitions for *inter partes* review (“IPR”) with the Patent Trial and Appeal Board (“PTAB”) on each of the ’181 and ’847 Patents, and that they intend to file those petitions by the end of January 2025;

WHEREAS, the pleadings have just closed in the Litigation, such that neither party has conducted any discovery, and no schedule has been set;

WHEREAS, the scope of the Litigation may be substantially impacted based on the outcome of the IPR;

WHEREAS to preserve the resources of the parties and the Court, the parties have agreed that a stay of the Litigation is appropriate at least until the PTAB renders its decision on IPR institution; and

WHEREAS, the parties agree that no party's right to argue any position concerning whether the stay should or should not be lifted at any time following the PTAB rendering its decision on IPR institution shall be prejudiced in any way by agreeing to this Stipulation.

NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, subject to the Court's approval, that the Litigation is stayed until further Order of the Court.

The Parties are ordered to proceed as follows:

- A first joint status report must be filed on or before February 28, 2025, informing the Court of whether Defendants have filed IPR Petitions. If IPR Petitions have been filed by this date, the stay shall continue at least through the institution decisions on the Petitions. If IPR Petitions have not been filed by this date, the stay will be lifted and the parties shall submit a proposed case schedule on or before March 14, 2025; and
- If the stay is maintained following the February 28, 2025 joint status report, a second joint status report must be filed within fourteen (14) days of any institution decision from the PTAB, informing the Court of (a) the status of the IPR Proceedings; and (b) the parties' positions on whether the stay should be lifted.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

FISH & RICHARDSON P.C.

*/s/ Brian P. Egan**/s/ Susan E. Morrison*

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November 6, 2024

SO ORDERED, this ____ day of _____, 2024.

United States District Magistrate Judge