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ACER INC. AND ACER AMERICA
CORPORATION

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**

14 BING XU PRECISION CO. LTD.,

15 Plaintiff,

16 v.

17 ACER INCORPORATED AND ACER
18 AMERICA CORPORATION, LUXSHARE
19 PRECISION INDUSTRY CO., LTD, AND
20 LUXSHARE-ICT, INC.,

21 Defendants.

Case No. 5:16-CV-02491-EJD

**DEFENDANTS' NOTICE OF MOTION
AND MOTION TO CONTINUE THE
STAY PENDING APPEAL**

Date: No Hearing Set (Dkt. No. 72)
Time: No Hearing Set (Dkt. No. 72)
Courtroom: 4, 5th Floor
Judge: Hon. Edward J. Davila

NOTICE OF MOTION

1
2 **PLEASE TAKE NOTICE** that Defendants Acer Inc. and Acer America Corporation
3 (together, “Acer”), and Defendants Luxshare Precision Industry Co., Ltd. and Luxshare-ICT, Inc.
4 (together, “Luxshare”), hereby move to continue the stay of this action pending resolution of the
5 appeals of the *inter partes* review (“IPR”) proceedings for the three patents-in-suit. The Court
6 authorized this Motion in its “Order Re Joint Status Report” on February 8, 2019, in which the
7 Court ruled that “Plaintiff shall respond on or before March 8, 2019,” and “[t]hereafter, the matter
8 will be taken under submission for decision [and] [n]o hearing will be set on this motion.” (Dkt.
9 No. 72.)

10 **RELIEF REQUESTED:** Defendants seek an Order continuing the stay of this case pending
11 resolution of the appeals of the U.S. Patent and Trademark Office’s Final Written Decisions in the
12 IPR proceedings for each of the three patents-in-suit.

13 The Motion is based upon this Notice of Motion, the following Memorandum of Points and
14 Authorities, the Declaration of Christopher Kao filed herewith and exhibits thereto, and the
15 pleadings and papers filed herein.

16
17 Dated: February 22, 2019

Respectfully submitted,
PILLSBURY WINTHROP SHAW PITTMAN LLP

18
19 /s/ Christopher Kao
20 Christopher Kao (SBN 237716)

21 *Attorneys for Defendants*
22 *Luxshare Precision Industry Co., Ltd. and*
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23
24 **TECHKNOWLEDGE LAW GROUP LLP**

25 /s/ Thomas J. Gray
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28 *Acer America Corporation*

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