

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

REALTIME DATA LLC d/b/a IXO,

Plaintiff,

v.

ACRONIS, INC.,

Defendants.

C.A. No. 1:17-cv-11279-IT

(LEAD)

STIPULATION TO STAY ACTION PENDING APPEAL

WHEREAS in this action Plaintiff Realtime Data LLC (“Realtime”) asserts that Defendant Acronis, Inc. (“Acronis”) infringe U.S. Patent Nos. 7,415,530 (the “’530 patent”), 9,054,728 (the “’728 Patent”), and 9,116,908 (the “’908 Patent”).

WHEREAS, on August 23, 2021, the District of Delaware issued an memorandum order and order of dismissal invalidating each of the ’530 patent, the ’728 patent, and the ’908 patent in the following actions: *Realtime Data, LLC v. Array Networks, Inc.*, United States District Court for the District of Delaware, C.A. No. 17-800 (D.I. 104) (and various member cases) and *Realtime Data, LLC v. Spectra Logic, Inc.*, United States District Court for the District of Delaware, CA No. 17-cv-0925 (“the Orders”).

WHEREAS Realtime has appealed each of the Orders to the Federal Circuit (collectively the “Appeal”);

WHEREAS, Realtime and Acronis agree that the interests of efficiency are best served by staying this action pending resolution of the Appeals;

NOW THEREFORE, Realtime and Acronis stipulate and agree as follows, subject to approval and order of the Court:

Plaintiff Realtime and Defendant Acronis hereby stipulate and agree to stay all further proceedings in this matter pending the final resolution of the Appeals through a final unappealed and unappealable decision. No later than 14 days after the final resolution of the Appeals, the parties shall meet and confer and file a status report with the Court advising the Court of the outcome of the Appeals.

Dated: September 22, 2021

Respectfully submitted,

By: /s/ Paul A. Kroeger

Marc A. Fenster (CA SBN 181067)

Email: mfenster@raklaw.com

Brian D. Ledahl (CA SBN 186579)

Email: bledahl@raklaw.com

Reza Mirzaie (CA SBN 246953)

Email: rmirzaie@raklaw.com

Paul Kroeger (CA SBN 229074)

Email: pkroeger@raklaw.com

Philip X. Wang (CA SBN 262239)

Email: pwang@raklaw.com

RUSS AUGUST & KABAT

12424 Wilshire Boulevard, 12th Floor

Los Angeles, CA 90025

Telephone: 310/826-7474

Facsimile 310/826-6991

Attorneys for Plaintiff

REALTIME DATA LLC d/b/a IXO

/s/ Janine A. Carlan

Janine A. Carlan (*Pro Hac Vice*)

Jasjit S. Vidwan (*Pro Hac Vice*)

ARENT FOX LLP

1717 K Street, NW

Washington, DC 20036-5344

Telephone: (202) 857-6000

janine.carlan@arentfox.com

jasjit.vidwan@arentfox.com

Allen N. David, BBO #115000

Elizabeth A. Houlding, BBO #645981

PEABODY & ARNOLD LLP

Federal Reserve Plaza

600 Atlantic Avenue

Boston, MA 02210

Telephone: (617) 951-2100

adavid@peabodyarnold.com

ehoulding@peabodyarnold.com

Attorneys for Defendant Acronis, Inc.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on all counsel of record via electronic service on September 22, 2021.

/s/ Paul Kroeger