

1 SEAN K. ENOS, No. 023634  
2 **SCHMEISER, OLSEN & WATTS LLP**  
18 E. University Drive, Suite 101  
3 Mesa, AZ 85201-5946  
Telephone: (480) 655-0073  
4 Email: [kenos@iplawusa.com](mailto:kenos@iplawusa.com)

ERIC M. FRASER, No. 027241  
**OSBORN MALEDON, P.A.**  
2929 N. Central Avenue, Suite 2100  
Phoenix, Arizona 85012-2793  
Telephone: 602-640-9000  
Email: [efraser@omlaw.com](mailto:efraser@omlaw.com)

5 ERIC W. BUETHER (*pro hac vice*)  
6 CHRISTOPHER M. JOE (*pro hac vice*)  
7 KENNETH P. KULA (*pro hac vice*)  
8 MICHAEL C. POMEROY (*pro hac vice*)  
**BUETHER JOE & CARPENTER, LLC**  
1700 Pacific, Suite 4750  
9 Dallas, TX 75201  
Telephone: (214) 466-1271  
10 Email: [Eric.Buether@BJCIPLaw.com](mailto:Eric.Buether@BJCIPLaw.com)  
11 [Chris.Joe@BJCIPLaw.com](mailto:Chris.Joe@BJCIPLaw.com)  
12 [Ken.Kula@BJCIPLaw.com](mailto:Ken.Kula@BJCIPLaw.com)  
[Michael.Pomeroy@BJCIPLaw.com](mailto:Michael.Pomeroy@BJCIPLaw.com)

STEFANI E. SHANBERG (*pro hac vice*)  
JENNIFER J. SCHMIDT (*pro hac vice*)  
ROBIN L. BREWER (*pro hac vice*)  
MICHAEL J. GUO (*pro hac vice*)  
**MORRISON & FOERSTER LLP**  
425 Market Street  
San Francisco, California 94105  
Telephone: (415) 268-7000  
Email: [sshanberg@mofocom](mailto:sshanberg@mofocom)  
[jschmidt@mofocom](mailto:jschmidt@mofocom)  
[rbrewer@mofocom](mailto:rbrewer@mofocom)  
[mguo@mofocom](mailto:mguo@mofocom)

13 *Attorneys for Plaintiff*  
14 **ADVANCED VOICE RECOGNITION**  
15 **SYSTEMS, INC.**

*Attorneys for Defendant*  
**APPLE INC.**

16  
17 **IN THE UNITED STATES DISTRICT COURT**  
18 **FOR THE DISTRICT OF ARIZONA**

19 Advanced Voice Recognition Systems,  
20 Inc.,

21 Plaintiff/Counter-Defendant,

22 vs.

23 Apple Inc.,

24 Defendant/Counterclaimant.  
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Case No. CV-18-02083-PHX-DGC

**STIPULATION**

1 Plaintiff Advanced Voice Recognition Systems, Inc. (“AVRS”) and Apple Inc.  
2 (“Apple”), by and through their respective undersigned counsel, hereby stipulate and  
3 agree as follows:

4 WHEREAS, on July 3, 2018, AVRS filed a Complaint for Patent Infringement  
5 (Dkt. No. 1) against Apple in the District of Arizona alleging infringement of U.S.  
6 Patent No. 7,558,730 (“the ’730 patent”);

7 WHEREAS, on August 24, 2018, AVRS filed an Amended Complaint for Patent  
8 Infringement (Dkt. No. 19);

9 WHEREAS, in its Complaint and Amended Complaint, AVRS referenced  
10 communications between Dominion Harbor Group, LLC (“Dominion Harbor”), on  
11 behalf of AVRS, and Apple, including in relation to its notice, willfulness, and damages  
12 allegations;

13 WHEREAS, Dominion Harbor and Apple entered into an NDA for purposes of  
14 discussing a potential licensing agreement, including relating to the ’730 patent;

15 WHEREAS, in view of AVRS’s statements and allegations in the Amended  
16 Complaint relating to the discussions with Dominion Harbor, on behalf of AVRS, Apple  
17 filed a counterclaim for breach of contract relating to the NDA;

18 WHEREAS, AVRS has indicated it does not intend to rely on the  
19 communications between Dominion Harbor and Apple in support of its notice,  
20 willfulness, and damages allegations;

21 WHEREAS, the parties wish to resolve the breach of contract counterclaim; and

22 WHEREAS, each party agrees not to use the existence or substance of the  
23 communications between Dominion Harbor and Apple in support of any claim or  
24 defense;

25 NOW, THEREFORE, the parties hereby stipulate and agree not to use the  
26 existence or substance of the communications between Dominion Harbor and Apple in  
27 support of any claim or defense;

28

1 NOW, THEREFORE, the parties hereby stipulate and agree that reference to the  
2 communications between Dominion Harbor and Apple in AVRS's Amended  
3 Complaint, including paragraphs 37-39 in their entirety and portions of paragraph 40,  
4 specifically the phrase "and AVRS' notice to Apple that the Siri functionality enabled  
5 by the Accused Instrumentalities infringes that patent" in lines 10-12, should be struck  
6 from the Amended Complaint;

7 NOW, THEREFORE, the parties hereby stipulate and agree to the dismissal of  
8 Apple's breach of contract counterclaim without prejudice.

9 IT IS SO STIPULATED.

10  
11 Dated: January 4, 2019

**OSBORN MALEDON, P.A.**

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13 By /s/ Eric M. Fraser

Eric M. Fraser  
2929 N. Central Avenue, Suite 2100  
Phoenix, Arizona 85012-2793

14  
15  
16 *Attorney for Defendant*  
APPLE INC.

17  
18 STEFANI E. SHANBERG (*pro hac vice*)  
19 JENNIFER J. SCHMIDT (*pro hac vice*)  
20 ROBIN L. BREWER (*pro hac vice*)  
MICHAEL J. GUO (*pro hac vice*)  
21 **MORRISON & FOERSTER LLP**  
425 Market Street  
San Francisco, California 94105

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23 *Of Counsel*

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Dated: January 4, 2019

**SCHMEISER, OLSEN & WATTS LLP**

By /s/ Sean K. Enos (with permission)  
SEAN K. ENOS, No. 023634  
18 E. University Drive, Suite 101  
Mesa, AZ 85201-5946

*Attorneys for Plaintiff*

ADVANCED VOICE RECOGNITION  
SYSTEMS, INC.

ERIC W. BUETHER (*pro hac vice*)  
CHRISTOPHER M. JOE (*pro hac vice*)  
KENNETH P. KULA (*pro hac vice*)  
MICHAEL C. POMEROY (*pro hac vice*)  
**BUETHER JOE & CARPENTER, LLC**  
1700 Pacific, Suite 4750  
Dallas, TX 75201

*Of Counsel*

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 4, 2019, I electronically transmitted the attached document(s) to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the parties who are CM/ECF registrants.

s/ Brenda Wendt \_\_\_\_\_

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Advanced Voice Recognition Systems,  
Inc.,

Plaintiff/Counter-Defendant,

vs.

Apple Inc.,

Defendant/Counterclaimant.

No. CV-18-02083-PHX-DGC

**[PROPOSED] ORDER**

Having considered the parties Stipulation, and good cause appearing,

**IT IS HEREBY ORDERED** that the parties shall not use the existence or substance of the communications between Dominion Harbor and Apple in support of any claim or defense.

**IT IS FURTHER ORDERED** striking from AVRS’s Amended Complaint (Dkt. No. 19) the reference to the communications between Dominion Harbor and Apple, including paragraphs 37-39 in their entirety and portions of paragraph 40, specifically the phrase “and AVRS’ notice to Apple that the Siri functionality enabled by the Accused Instrumentalities infringes that patent” in lines 10-12.

**IT IS FURTHER ORDERED** dismissing without prejudice Apple’s breach of contract counterclaim.