
IN THE
**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

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US COURT OF APPEALS
FEDERAL CIRCUIT

i4i LIMITED PARTNERSHIP and
INFRASTRUCTURES FOR INFORMATION INC.,
Plaintiffs-Appellees,

v.

MICROSOFT CORPORATION,
Defendant-Appellant.

Appeal from the United States District Court for the Eastern District of
Texas in case no. 07-CV-113, Judge Leonard Davis.

**RESPONSE TO MOTION TO STAY ISSUANCE OF THE MANDATE
PENDING THE FILING AND DISPOSITION OF
A PETITION FOR WRIT OF CERTIORARI**

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April 8, 2010

i4i Limited Partnership and Infrastructures for Information Inc. (collectively “i4i”) do not oppose the Court’s stay of the mandate pending the filing and disposition of a petition for writ of certiorari. i4i disagrees, however, with Microsoft’s representations in support of its motion in a number of respects, including but not limited to the following:

1. Contrary to Microsoft’s contention (Motion at 9), while the injunction was stayed by this Court last September, the stay is no longer in effect and thus will not continue until issuance of the mandate. On the contrary, the Court affirmed the issuance of the permanent injunction (Original Slip Op. at 42-43; Revised Slip Op. at 45) and expressly stated in its opinion that, “The injunction’s effective date is now January 11, 2010” (Original Slip Op. at 47; Revised Slip Op. at 50). Accordingly, staying the mandate will have no effect on the injunction, its current applicability, or its enforcement.

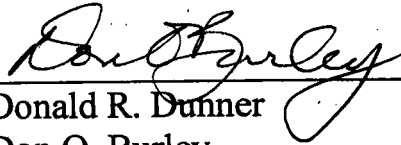
2. While Microsoft does not focus in its motion on the execution of the money judgment against Microsoft, the stay of the mandate pending the filing and disposition of a petition for certiorari will also have no effect on execution since the parties have entered into an agreement that i4i will not seek to execute on the judgment before the completion of all appeal and remand proceedings, including any proceedings before the Supreme Court of the United States.

Dated: April 8, 2010

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Respectfully submitted,



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CERTIFICATE OF INTEREST

Counsel for Plaintiffs-Appellees i4i Limited Partnership and Infrastructures for Information Inc. certify the following:

1. The full name of every party or amicus represented by us is:

i4i Limited Partnership and Infrastructures for Information Inc.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by us is:

N/A.

3. All parent corporations and any publicly held companies that own 10% or more of the stock of any party represented by us are:

None.

4. The names of all law firms and the partners or associates that appeared for the parties now represented by us in the trial court or are expected to appear in this Court are:

Mike McKool, Jr., Douglas A. Cawley, Jeffrey A. Carter,
Jill F. Lynch, Thomas G. Fasone III, Jennifer L. Henry,
Martin C. Robson III, J. Austin Curry, and Jonathan R. Yim
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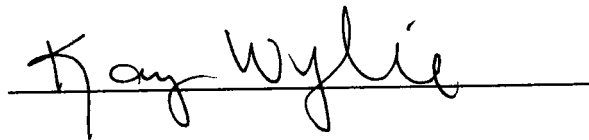
CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of April, 2010, two copies of the foregoing RESPONSE TO MOTION TO STAY ISSUANCE OF THE MANDATE PENDING THE FILING AND DISPOSITION OF A PETITION FOR WRIT OF CERTIORARI were served by overnight courier (with courtesy copies sent by e-mail) to:

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A handwritten signature in cursive script, reading "Kay Wylie", is written over a horizontal line.