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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MAKEMYTRIP (INDIA) PVT. LTD., a
Company organized under the laws of
India,

Plaintiff,

v.

TATA SONS LTD., a Company
organized under the laws of India,

Defendant.

No. C09-1261 TSZ

**STIPULATED MOTION AND ORDER
STAYING ALL PROCEEDINGS**

For the reasons described herein, Plaintiff MakeMyTrip (India) Pvt. Ltd. (“MakeMyTrip”) and Defendant Tata Sons Ltd. (“Tata Sons”) (collectively, “the parties”), through their respective counsel, stipulate and agree to a stay of all proceedings in this matter pending resolution of the parallel litigation proceeding between these parties in India. The parties therefore respectfully request that this Court enter the proposed order subjoined herein.

On August 11, 2009, the WIPO Arbitration and Mediation Center issued a Uniform Domain Name Dispute Resolution Policy decision ordering transfer of the domain name oktatabyebye.com to Tata Sons. In response and pursuant to clause 4(k) of the Uniform Domain Name Dispute Resolution Policy,¹ on September 4, 2009, Plaintiff MakeMyTrip filed this action (the “U.S. action”) against Tata Sons and eNom, Inc. (“eNom”) in order to prevent

¹ A copy of the Uniform Domain Name Dispute Resolution Policy is attached as Exhibit A to MakeMyTrip’s Complaint for Declaratory and Injunctive Relief filed in this action [Dkt No. 1].

1 the transfer of the oktatabyebye.com domain name. *See* Docket No. 1. Prior to the filing of
2 the U.S. action, MakeMyTrip filed an action in India against Tata Sons (the “India action”).
3 The India action is based on substantially similar facts as the U.S. action, and, like the U.S.
4 action, also seeks to prevent the transfer of the oktatabyebye.com domain name to Tata Sons.

5 On September 11, 2009, MakeMyTrip voluntarily dismissed eNom, the sole non-Indian
6 party to the U.S. action. *See* Docket No. 5. The only parties remaining in this action,
7 MakeMyTrip and Tata Sons, are both companies organized under the laws of India, with their
8 principal places of business located in India. (MakeMyTrip’s principal place of business is in
9 Gurgaon, Haryana, India and Tata Sons’ principal place of business is in Mumbai, India.)

10 In order to preserve the Court’s and the parties’ time and resources by avoiding
11 duplicative parallel court proceedings, which may otherwise produce conflicting results, and
12 to litigate this matter in the more appropriate forum, the parties seek a stay of this U.S. action
13 pending resolution of the India action. *See North Pac. Seafoods, Inc. v. Nat’l Union Fire Ins.*
14 *Co.*, No. C06-795RSM, 2008 WL 53180, *5-7 (W.D. Wash. Jan. 3, 2008) (granting a stay
15 pending parallel proceedings, the court emphasized the importance of preserving judicial
16 resources and avoiding piecemeal litigation).

17 Tata Sons has also agreed to waive service of summons in this action, in the event that
18 this action is stayed pending resolution of the India action.

19 For the foregoing reasons, Plaintiff MakeMyTrip and Defendant Tata Sons hereby
20 stipulate and agree as follows:

21 1. In the event that the U.S. action is stayed pending resolution of the India action,
22 Tata Sons will waive service of summons in the U.S. action. Pursuant to FED. R. CIV. P.
23 4(d)(5), said waiver is not intended to and may not be deemed to waive any defense, objection,
24 or claim whatsoever, as to the appropriateness of this venue or the Court’s jurisdiction over
25 the U.S. action or Tata Sons.

26 2. All proceedings in the U.S. action will be stayed during the pendency of the India
27 action.

1 3. The parties agree that, in the event the court presiding over the India action rules
2 or otherwise determines that one of the parties is entitled to the oktatabyebye.com domain
3 name, the parties will cooperate with one another and perform any other acts reasonably
4 necessary to secure that party's control of the oktatabyebye.com domain name and resolve this
5 action.

6 4. In the event that the India action is terminated prior to judgment, Tata Sons'
7 response to the Complaint in the U.S. action shall be due 60 days after termination of the India
8 action.

9 5. Upon entry of any judgment resolving the India action, or other termination of the
10 India action, the parties agree to promptly notify this Court of such judgment or other
11 termination of the India action.

12
13 Respectfully submitted,

14 DATED: March 15, 2010

FENWICK & WEST LLP

15
16 *s/ Kit W. Roth*

17 Kit W. Roth, WSBA No. 33059
18 1191 Second Avenue, 10th Floor
19 Seattle, WA 98101
20 Phone: (202)389-4522
21 Fax: (202) 389-4511
22 Email: kroth@fenwick.com

23
24 Attorneys for Defendant Tata Sons Limited
25
26
27

1 DATED: March 15, 2010

K&L GATES LLP

2
3 s/ Daniel H. Royalty (via written authorization)

4 Daniel H. Royalty, WSBA No. 31504

5 925 Fourth Avenue, Suite 2900

6 Seattle, WA 98104-1158

7 Phone: 202-623-7580

8 Fax: 202-623-7022

9 Email: dan.royalty@klgates.com

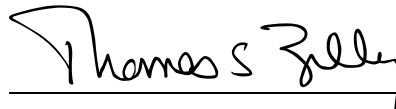
10 Attorneys for Plaintiff MakeMyTrip Pvt. Ltd.

11 **ORDER**

12 The parties' stipulated motion, docket no. 14, is GRANTED. This matter is STAYED
13 pending resolution of the related action in India. The parties shall file a joint status report
14 concerning the status of proceedings in India within six (6) months of the date of this Order.
15 The deadline for responding to the Minute Order to show cause, docket no. 13, is
16 STRICKEN.

17 IT IS SO ORDERED.

18 Dated this 18th day of March, 2010.

19
20 

21 Thomas S. Zilly

22 United States District Judge