

hardship and inequity to the movant if the action is not stayed; and (3) the judicial resources that would be saved by avoiding duplicative litigation. *Hernandez v. ASNI, Inc.*, 2015 WL 3932415 (D. Nev. 2015) (staying proceedings pending resolution of a request to transfer to a MDL).

In the instant action, Plaintiffs have initiated a second action in which they assert numerous patents from the same two patent families already at issue in the Northern District of Georgia, the first-filed action (Action No. 1:15-cv-00319-AT). Given the substantial overlap of issues presented in these two cases, Emerson has moved this Court to dismiss or transfer the allegations brought by Plaintiffs in this action. *See* Emerson's Motion to Dismiss or Stay, filed concurrently. This action should be stayed while that motion is pending. A stay at this early junction will conserve the resources of this Court and the parties and will not prejudice Plaintiffs. The Plaintiffs have it within their own power to shorten any delay by expediting their response to the motion to dismiss or stay. Further, Plaintiffs cannot be heard to complain any delay that might be occasioned by resolution of that motion as it was the Plaintiffs who created the problem by filing related infringement claims in two different forums.

For the foregoing reasons, Emerson respectfully requests that this Court stay this action pending resolution of the Emerson's motion to dismiss or transfer.

Dated: December 10, 2015

Respectfully submitted,

/s/ Melissa R. Smith

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 10th day of December, 2015, a true and correct copy of the foregoing document has been served via the Court's ECF system to all counsel of record.

/s/ Melissa R. Smith

Melissa R. Smith

CERTIFICATE OF CONFERENCE

Pursuant to L.R. CV-7(i), the undersigned hereby certifies that counsel for Defendants met and conferred on December 10, 2015 and have complied with L.R. CV- 7(h). Plaintiff opposes the motion, conclusively leaving the parties at an impasse, and an open issue for the Court to resolve.

/s/ Melissa Smith

Melissa Smith