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Patrick J. Schlitz

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Motion to Stay Pending Inter Partes Review

Stay of Proceedings

- Factors Considered
- Simplification of Issues

The court granted in part plaintiff's motion to stay its declaratory relief action pending a third party's petitions for inter partes review. It will suspend domestic sales of its [accused] Catheter during the pendency of the stay and waive two of its remaining claims.

Motion to Stay Pending Inter Partes Review

Motion to Stay Pending CBM Review

Stay of Proceedings

- Factors Considered
- Prejudice From Stay/Tactical Advantage

Stay of Proceedings

- Factors Considered
- Reduction of Litigation Burden

Stay of Proceedings

- Factors Considered
- Simplification of Issues

Stay of Proceedings

- Factors Considered
- Stage of Litigation

The court granted defendant's motion to stay pending CBM review because the potential simplification of issues, stay of proceedings, and reduction of litigation burden follows: "Hey, let's use a computer to do this". . . Even in the unlikely event that the PTAB does not find that any claim is eligible for CBM review, the Supreme Court has recently granted certiorari in two cases that are relevant to this litigation . . . and it will be helpful to have the Supreme Court's guidance on this issue.

Stay of Proceedings

- Factors Considered
- Prejudice From Stay/Tactical Advantage

The court granted defendant's motion to stay pending CBM review and rejected plaintiff's claim of undue prejudice. Plaintiff's claim of undue prejudice is unavailing because plaintiff, as the party who has been charged with infringement, may seek CBM review. Therefore it will almost always be granted. As far as the Court is concerned, [defendant] did everything right."

Motion to Stay Pending Reexamination

District Court Procedural Issues

- Stay of Proceedings
- Conditions of Stay

District Court Procedural Issues

- Stay of Proceedings
- Lift of Stay

The court denied plaintiff's motion to modify the terms of a stay pending reexamination after proceedings for one of the patents-in-suit were commenced. Plaintiff may manage proceedings before the PTO, nor will the Court impose conditions that are, to some extent, prospective disclosure requirements.

Motion to Stay Pending Reexamination

Motion to Stay Pending Reexamination

Stay of Proceedings

- Factors Considered
- Likelihood Of Success (Stay)

"The fact that [defendant] has asked the PTO to reexamine [one of the patents-in-suit] proves nothing about the patentability of the claims. . . . In fact, because the PTO has determined that the request raises 'a substantial new question of patentability' in reexamining the claims, this means that the PTO has determined that the request raises 'a substantial new question of patentability'"

Motion to Stay Pending Reexamination

Stay of Proceedings