

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

VASCULAR SOLUTIONS LLC; TELEFLEX
LLC; TELEFLEX LIFE SCIENCES
LIMITED; and ARROW INTERNATIONAL
LLC,

Case No. 19-CV-1760 (PJS/TNL)

Plaintiffs,

ORDER

v.

MEDTRONIC, INC. and MEDTRONIC
VASCULAR, INC.,

Defendants.

J. Derek Vandenburg, Tara C. Norgard, Joseph W. Winkels, Alexander S. Rinn, Shelleaha L. Jonas, and Megan E. Hingtgen, CARLSON, CASPERS, VANDENBURGH & LINDQUIST, P.A., for plaintiffs.

Kurt J. Niederluecke, Lora M. Friedemann, Laura L. Myers, and Anne E. Rondoni Tavernier, FREDRIKSON & BYRON, P.A., for defendants.

Plaintiffs Vascular Solutions, LLC, Teleflex LLC, Teleflex Life Sciences Limited, and Arrow International LLC (collectively "Teleflex") bring this patent-infringement action against defendants Medtronic, Inc. and Medtronic Vascular, Inc. (collectively "Medtronic"). This matter is before the Court on Teleflex's objection to the order of Magistrate Judge Tony N. Leung granting Medtronic's motion to stay the case pending the final resolution of *inter partes* review proceedings.

A magistrate judge's ruling on nondispositive matters may be reversed only if it is "clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a).

Teleflex contends that Judge Leung applied an incorrect legal standard in determining whether a stay would cause undue prejudice to Teleflex. According to Teleflex, where the parties are in direct competition, undue prejudice is established as a matter of law, and it is error to consider whether the non-moving party's damages are reparable.

The Court disagrees. Teleflex's argument takes the general guidelines that courts have developed to determine how to exercise their "broad discretion" to stay proceedings and mischaracterizes them as a rigid set of rules. *See Clinton v. Jones*, 520 U.S. 681, 706 (1997) ("The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket."); *Digital Ally, Inc. v. Taser Int'l, Inc.*, No. 16-CV-2032, 2017 WL 5517522, at *6 (D. Kan. Nov. 17, 2017) ("Courts are generally *reluctant* to stay proceedings where the parties are direct competitors." (emphasis added, citation and quotation marks omitted)); *Toshiba Tec Corp. v. Katun Corp.*, No. SA CV 15-01979, 2016 WL 9137646, at *2 (C.D. Cal. Sept. 21, 2016) ("The court's analysis [of a motion to stay], however, is not limited to the three factors; rather the totality of the circumstances governs." (cleaned up)); *Card-Monroe Corp. v. Tuftco Corp.*, No. 1:14-cv-292, 2015 WL 11109362, at *2 (E.D. Tenn. Feb. 19, 2015) ("none of these factors are

controlling and a court's decision to stay a case should be made after considering the totality of the circumstances" (citation and quotation marks omitted)).

Moreover, even in the cases on which Teleflex relies, courts consider whether the threatened harm to the non-moving party is reparable. *See, e.g., Becon Med., Ltd. v. Bartlett*, No. 18-4169, 2019 WL 6910130, at *2 (E.D. Penn. Dec. 18, 2019) (explaining that courts are "reluctant" to stay proceedings between direct competitors because the infringer may inflict irreparable injuries); *Toshiba Tec Corp.*, 2016 WL 9137646, at *4 (citing cases explaining that infringement among competitors can cause irreparable harm); *Card-Monroe Corp.*, 2015 WL 11109362, at *2 ("Courts are reluctant to stay proceedings where the parties are direct competitors because patent infringement in that situation may not be compensable by money damages." (citation and quotation marks omitted)); *Am. Med. Sys. v. Laser Peripherals, LLC*, No. 08-4798 (JNE/FLN), 2010 WL 11537576, at *2 (D. Minn. Feb. 23, 2010) ("the availability of monetary damages can ameliorate potential undue prejudice or tactical disadvantage in some situations").

True, some courts have cautioned against conflating "undue prejudice" with "irreparable harm." *United Pet Grp., Inc. v. MiracleCorp Prods.*, No. 4:12CV00440AGF, 2012 WL 2458539, at *3 (E.D. Mo. June 27, 2012) ("Irreparable harm, however, is not the standard in the present context; rather, the standard, as articulated above, requires only that the nonmoving party show 'prejudice,' which the Court believes Plaintiff has

done.”). In the Court’s view, however, this does not mean that the issue is irrelevant; rather, it is included in the totality of the circumstances that a court may consider in determining whether to grant a stay. Judge Leung did not commit legal error by considering whether Teleflex’s alleged damages are reparable, nor did he clearly err in concluding that the harm Teleflex may suffer is likely to be of the reparable variety.

Teleflex’s remaining arguments primarily focus on the claim that Judge Leung improperly weighed the relevant factors in determining that the totality of the circumstances warranted staying this case. Having reviewed the order and Teleflex’s objection, however, the Court sees nothing clearly erroneous or contrary to law. The order is therefore affirmed.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT plaintiffs’ objection [ECF No. 284] to the July 7, 2020 order of Magistrate Judge Tony N. Leung staying this matter pending the final resolution of *inter partes* review proceedings is OVERRULED and the order [ECF No. 276] is AFFIRMED.

Dated: September 3, 2020

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge