

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MAUREEN REDDY,

Plaintiff,

v.

LOWE'S COMPANIES, INC. and
EVOLUTION LIGHTING, LLC,

Defendants.

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Civil Action No. 13-cv-13016-IT

ORDER

April 22, 2016

TALWANI, D.J.

Defendants' Motion for Summary Judgment on Counterclaims of Invalidity and Unenforceability [#175] is pending before the court. On April 1, 2016, Defendants notified the court that the Patent Trial and Appeal Board ("PTAB") issued a final written decision pursuant to 35 U.S.C. § 318(a) finding the '423 patent unpatentable as obvious under 35 U.S.C. § 102(b). Under 35 U.S.C. § 318(b), any claim of a patent finally determined to be unpatentable is canceled once "the time for appeal has expired or any appeal has terminated." The parties were directed to report to the court their respective positions as to whether the court should stay this action until the time for appeal has expired or any appeal has terminated, or set hearing on the motion. Defendants request that the court enter a stay, but Plaintiff requests that the court hold a hearing on Defendants' motion.

This court has the "inherent power to manage its docket by staying its proceedings." Landis v. N. Am. Co., 299 U.S. 248 (1936). The court will enter a stay here. Although the litigation is in its late stages, with discovery complete and summary judgment briefs filed, a stay

would simplify the issue of patent validity and potentially obviate the need for any further litigation. Should the time for appeal of the PTAB decision expire or should that appeal terminate, the Plaintiff's patent claims would be cancelled, and there would be no need to continue litigation in this court as to whether those claims are valid. Should the court not enter a stay, judicial and party resources could be wasted in arguing and deciding Defendants' motion for summary judgment and potentially in preparing for trial on claims that could ultimately be cancelled, rendering this litigation moot.

Accordingly, this case is STAYED until the time for appeal of the PTAB decision has expired or any appeal has terminated. The parties are directed to file a joint status report no later than five days after either (i) the date on which Plaintiff appeals the PTAB decision or (ii) the time for appeal has expired.

IT IS SO ORDERED.

April 22, 2016

/s/ Indira Talwani
United States District Judge