

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

THE TRUSTEES OF COLUMBIA )  
UNIVERSITY IN THE CITY OF )  
NEW YORK and QIAGEN )  
SCIENCES, LLC, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
ILLUMINA, INC., )  
 )  
Defendant. )

Civil Action No. 19-1681-CFC/SRF

**ORDER**

Plaintiffs The Trustees of Columbia University in the City of New York and QIAGEN Sciences, LLC have moved to stay this action pending the final resolution of the inter partes review (IPR) proceedings recently instituted for each of the five asserted patents. D.I. 81. Defendant Illumina, Inc. opposes the stay motion.

The parties agree that courts typically consider three factors when deciding whether to stay litigation pending an IPR: (1) whether a stay would unduly prejudice or present a clear tactical disadvantage to the nonmoving party; (2)

whether a stay will simplify the issues in question and trial of the case; and (3) whether discovery is complete and whether a trial date has been set.

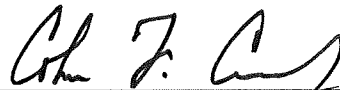
Here, a stay would unduly prejudice and present a clear tactical disadvantage to Illumina. Plaintiffs filed this lawsuit more than a year ago. Illumina is now days away from deposing the key inventors of the asserted patents. The inventions purportedly were made in 2000—more than 20 years ago. Memories fade, and Illumina’s desire to preserve this important evidence as soon as possible is more than reasonable. Further delay of the depositions is unfairly prejudicial and counsels against a stay.

Second, Plaintiffs have not met their burden of establishing that a stay will simplify the issues in question or trial. Most importantly in this regard, I am persuaded that my claim construction of a key term will result in § 112 invalidity and noninfringement theories that will not be resolved by the IPRs.

Third, although discovery is not complete, there has been substantial discovery already and, as just noted, important depositions have been scheduled for the coming weeks (and will proceed per the Magistrate Judge’s recent order). The fact that I have twice engaged in claim construction (because of Plaintiffs’ motion for reconsideration) strongly disfavors a stay.

In short, Plaintiffs have not established to my satisfaction that I should exercise my discretion and stay the case.

Now therefore, at Wilmington on this Eighteenth day of February in 2021,  
Plaintiffs' motion to stay (D.I. 81) is DENIED.

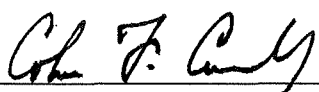


---

United States District Judge



2. Retailmenot's motion to stay (D.I. 148) is DENIED as moot.

  
United States District Judge

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.