

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**SIPCO, LLC, and IP CO, LLC (d/b/a  
INTUS IQ),** §  
§

**Plaintiffs,** §

**v.** §

**EMERSON ELECTRIC CO.,  
EMERSON PROCESS MANAGEMENT  
LLLP, FISHER-ROSEMOUNT  
SYSTEMS, INC., ROSEMOUNT INC.,  
BP p.l.c., BP AMERICA, INC., and BP  
AMERICA PRODUCTION COMPANY,** §  
§

**Defendants.** §

**CIVIL ACTION NO. 6:15-cv-907**

**ORDER**

Before the Court is an Emergency Opposed Motion to Stay Pending Transfer (ECF 99) filed by Defendants Emerson Electric Co., Fisher-Rosemount Systems, Inc., and Rosemount Inc. Plaintiffs filed a response on July 8, 2016. Having considered the motion and response, the Court **DENIES** the motion to stay.

Finding a likelihood of substantial overlap, the Court entered an Order on July 1, 2016 granting Defendants' motion to transfer the claims against them to the United States District Court for the Northern District of Georgia pursuant to the first-to-file rule. Pursuant to Local Rule CV-83(b), absent an order to the contrary the Clerk may not transmit the case to the directed court until the twenty-first day after the transfer order is entered. Defendants assert that all upcoming deadlines in the case should be vacated pending the transfer. The parties' P.R. 4-3 Joint Claim Construction and Prehearing Statement were due on July 7, 2016. To allow time for Defendants to respond to the motion to stay, the Court entered an Order on July 6, 2016 ordering

that any response to the motion to stay be filed no later than July 8, 2016 and staying the current deadlines pending a ruling on the motion to stay.

In their response, Plaintiffs state that this case and the pending action in the Northern District of Georgia are on similar claim construction and discovery tracks. The parties are conducting discovery in parallel to conserve resources. Plaintiffs assert that the feasibility of maintaining the cases on the same track will be affected if the deadlines in this case are stayed. Defendants' motion recognizes that the Georgia court may consolidate the actions after the transfer is complete. Defendants do not show a compelling reason to vacate the deadlines in this case pending the transmission of the case to the transferee court.

The first-to-file rule is invoked to avoid duplicative litigation, which avoids varying outcomes and promotes efficiency. Efficiency will be best served if the parties proceed with the current deadlines in this case until the transferee court receives the case. After due consideration, it is

**ORDERED** that the Emergency Opposed Motion to Stay Pending Transfer (ECF 99) is **DENIED**. The P.R. 4-3 deadline originally due on July 7, 2016, is extended to July 14, 2016. The July 21, 2016 deadline for responding to amended pleadings is extended to July 28, 2016. All other deadlines in the case remain in effect until the case is received in the Northern District of Georgia and that Court enters an amended Docket Control Order or otherwise alters the deadlines.

So ORDERED and SIGNED this 12th day of July, 2016.

  
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K. NICOLE MITCHELL  
UNITED STATES MAGISTRATE JUDGE