UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

E-VISION OPTICS, LLC, and E VISION SMART OPTICS, INC., Plaintiffs, v. LUXOTTICA GROUP S.P.A., and LUXOTTICA OF AMERICA INC., Defendants.	Case No. 8:23-cv-02013 AB (SHKx) **ORDER DENYING DEFENDANTS' MOTION TO STAY [69]**

The Court has considered Defendants' Motion to Stay Action Pending Parallel Patent Office Proceedings and to Vacate Case Deadlines (Dkt. No. 69), Plaintiffs' opposition thereto, and Defendants' reply.

"A district court has the inherent power to stay its proceedings. The power to stay is 'incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.'" *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1360 (C.D. Cal. 1997) (*quoting Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)). A district court's inherent power includes authority to stay a patent case until an IPR proceeding has concluded. *Murata Mach. USA v. Daifuku Co.*, 830 F.3d 1357, 1361 (Fed. Cir. 2016).

The Court has considered the three factors often used to consider requests for stays pending U.S. Patent and Trademark Office reexamination proceedings, *see*

Universal Elecs., Inc. v. Universal Remote Control, Inc., 943 F. Supp. 2d 1028, 1030–31 (C.D. Cal. 2013) (listing factors), and that "the totality of the circumstances governs." *Allergan Inc. v. Cayman Chem. Co.*, No. 8:07-cv-01316 JVS (RNBx), 2009 WL 8591844, at *2 (C.D. Cal. Apr. 9, 2009).

The Court concludes that a stay is not sufficiently justified at this time. But it may be appropriate if the PTAB decides that the IPR will go forward.

Accordingly, the Motion is **DENIED** without prejudice to refiling should the PTAB institute an IPR.

IT IS SO ORDERED.

Dated: August 21, 2024

HONORABLE ANDRÉ BIROTTE JR.
UNITED STATES DISTRICT JUDGE