UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SA CV 17-00596-DOC-JDE Date: October 26, 2022

Title: XR COMMUNICATIONS, LLC V. D-LINK SYSTEMS, INC. ET AL.

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Karlen Dubon	Not Present
Courtroom Clerk	Court Reporter
ATTORNEYS PRESENT FOR PLAINTIFF: None Present	ATTORNEYS PRESENT FOR DEFENDANT: None Present

PROCEEDINGS (IN CHAMBERS): ORDER GRANTING MOTION TO STAY [394] [398]

Before the Court is Defendants Belkin International, Inc. and Netgear, Inc.'s (collectively, "Moving Defendants") Motion to Stay Case pending Inter Partes Review. ("Motion" or "Mot.") (Dkts. 394, 398). The Court finds this matter appropriate for resolution without oral argument. *See* Fed. R. Civ. P. 78; L.R. 7–15. Having considered the papers and the parties' arguments, the Court GRANTS the Motion and STAYS the action.

I. BACKGROUND

Moving Defendants filed the instant Motion on September 1, 2022 and corrected the Motion on September 2, 2022. (Dkts. 394, 398). Plaintiff XR Communications, LLC opposed on September 12, 2022 (Dkt. 481) and Moving Defendants replied on September 19, 2022 (Dkt. 511). On October 24, 2022, Moving Defendants filed a Notice of Pendency of Other Actions or Proceedings, informing the Court that the Inter Partes Review ("IPR") had been instituted. (Dkt. 543).

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II. LEGAL STANDARD

"A district court has inherent power to control the disposition of the causes on its docket in a manner which will promote economy of time and effort for itself, for counsel, and for litigants." *Landis v. N. Am. Co.*, 299 U.S. 248, 254–55 (1936). "A trial court may, with propriety, find it is efficient for its own docket and the fairest course for the parties to enter a stay of an action before it, pending resolution of independent proceedings which bear upon the case." *Leyva v. Certified Grocers of California, Ltd.*, 593 F.2d 857, 863 (9th Cir. 1979).

To determine whether to stay a case pending IPR, courts in this district typically consider three factors: "(1) whether discovery is complete and whether a trial date has been set; (2) whether a stay will simplify the issues in question and trial of the case; and (3) whether a stay would unduly prejudice or present a clear tactical disadvantage to the nonmoving party." *Universal Elecs., Inc. v. Universal Remote Control, Inc.*, 943 F. Supp. 2d 1028, 1030-31 (C.D. Cal. 2013). The three factors "are not exhaustive, however, as the decision whether to order a stay must be based on the totality of the circumstances." *Polaris Innovations Ltd. v. Kingston Tech. Co., Inc.*, No. 8:16-cv-00300-CJC-RAO, 2016 WL 7496740, at *1 (C.D. Cal. Nov. 17, 2016) (citing *Universal Elecs., Inc.*, 943 F. Supp. 2d at 1030-31).

III. DISCUSSION

Moving Defendants argue the Court should stay this matter pending petitions for IPRs covering the two remaining asserted patents in this case: U.S. Patent Nos. 10,594,376 and 8,289,939 ("the Asserted Patents"). Mot. at 1. The Patent Trial and Appeal board of the U.S. Patent and Trademark Office ("USPTO") has since instituted an IPR as to claims 1-34 of the '376 patent, which includes all asserted claims in this case. Notice (Dkt. 543) at 1. There is also an IPR filed for the '939 patent, which is not yet instituted. The deadline to institute the '939 IPR is December 6, 2022. Mot. at 4.

Here, fact discovery is complete and a trial date has been set. Opp'n at 3. Additionally, the Court recognizes that delaying trial raises the possibility of prejudice for the unmoving party, Plaintiff. *Id.* at 13.

However, the Court finds that a stay would greatly simplify the issues in question and trial of the case. Plaintiff asserts the '376 patent against all four remaining Defendants in this case. If any of the claims of the '376 patent are invalidated, the scope of this case narrows considerably.

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Although this matter has progressed to its later phases, there is still considerable work before the Court. The parties have filed multiple summary judgment motions and Daubert motions that are still pending before the Court. Mot. at 3. Therefore, the Court finds that a stay would simplify the issues, and that this factor outweighs the stage of litigation and possible prejudice to Plaintiff.

IV. DISPOSITION

The Motion to Stay is **GRANTED** and this action is **STAYED**. All hearings are vacated.

The parties shall file a status report every 90 days from the issuance of this Order and within 14 days of final adjudication of the ’376 IPR.

The Clerk shall serve this minute order on the parties.

Initials of Deputy Clerk: kdu

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