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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Hotwire Development, LLC, et al.,

No. CV-09-02383-PHX-ROS

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Plaintiffs,

**ORDER**

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vs.

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Logitech International S.A., et al.,

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Defendants.

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Before the Court is Defendants’ Motion to Stay Case Pending Re-examination of U.S.

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Patent 6,527,241, which will be granted in part.

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The Court has the “inherent power to stay an action pending conclusion of [patent

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office] examination proceedings.” *Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1426 (Fed. Cir.

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1988). Courts often consider the following factors when deciding whether to impose such

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a stay: “(1) the state of the litigation, *i.e.*, whether discovery is almost complete and whether

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a trial date has been set; (2) whether a stay would cause undue prejudice or present a clear

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disadvantage to the non-moving party; (3) whether a stay would simplify the issues in

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question and trial of the case.” *In re Cygnus Telecomms. Tech., LLC*, 385 F. Supp. 2d 1022,

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1023 (N.D. Cal. 2005). A simple weighing of these factors is not dispositive, however, as

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a court must examine the totality of the circumstances. *Broad. Innovation, LLC v. Charter*

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*Comm’n, Inc.*, 2006 WL 1897165, at \*4 (D. Colo.).

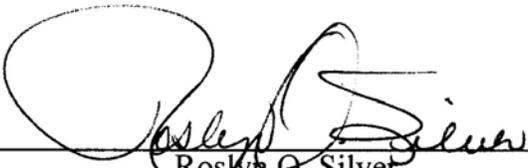
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1           In this case, the totality of the circumstances weighs in favor of granting a stay. The  
2 case is still in its early stages, with discovery only recently having begun. Defendants did not  
3 move for a stay at an unduly late stage of the proceedings. A stay could potentially avoid an  
4 enormous duplication of effort and judicial resources. In these circumstances, a stay is  
5 appropriate. Depending on other circumstances, however, a lengthy stay until the patent re-  
6 examination is finished may prove unnecessary. For this reason, the Court will begin by  
7 imposing a six-month stay. At the end of six months, the parties shall appear to discuss the  
8 status of the case and whether a continued stay is warranted.

9           Accordingly,

10           **IT IS ORDERED** the Motion to Stay (Doc. 32) is **GRANTED IN PART**. This case  
11 is stayed for six months. On **March 4, 2011 at 10:00 a.m.**, the parties shall appear for a  
12 status hearing. The parties shall file a status report no later than five days before the hearing.

13           DATED this 3<sup>rd</sup> day of September, 2010.

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19           Roslyn O. Silver  
20           United States District Judge  
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