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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DARITECH, INC.,

CASE NO. 1:11-CV-0156 BAM

Plaintiff,

**ORDER TO MAINTAIN STAY**

vs.

GREEN SOURCE AUTOMATION, LLC

Defendant.

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On July 8, 2011, the Court granted a Motion to Stay proceedings in this case pending the outcome of the re-examination process with the United States Patent and Trademark Office (“PTO”). (Doc. 32). On December 22, 2011, Plaintiff Daritech Inc., filed a Request for Order Setting Mandatory Scheduling Conference. (Doc. 37). Defendant Green Source Automation, LLC, filed opposition to the request stating intentions to file a second request for re-examination with the PTO– further requiring the stay to continue. (Doc. 39). Upon review of the pleadings, the Court finds that continued stay of this case is appropriate. As such, Plaintiff’s request to set a scheduling conference in this matter is DENIED.

The July 8, 2011 Order held that the stay of proceedings would remain in effect “until the proceedings at the United States Patent and Trademark Office are completed.” July 8, 2011 Order, 2:6. Defendants have stated that a second request for re-examination based on new information will be filed with the PTO and as such proceedings with the PTO are not complete. The Court finds that finalizing proceedings with the PTO will conserve the time and resources of the Court as well as the parties. It is

1 also likely that a determination of the second re-examination would reduce the complexity and length  
2 of this litigation, more easily define issues, defenses and evidence before trial, reduce litigation costs and  
3 discovery problems, and may further encourage a settlement without further court intervention. *GPAC,*  
4 *Inc. v. D.W.W. Enterprises, Inc.*, 144 F.R.D. 60, 65 (D.N.J. 1992) (stay granted pending the  
5 determination of a second request for re-examination with the PTO).

6 Defendant is responsible for notifying this Court whether the United States Patent and  
7 Trademark Office has granted or denied its second re-examination request. If Defendant's request is  
8 granted, Defendant is responsible for notifying this Court when the United States Patent and Trademark  
9 office has completed its second re-examination. Defendant is further advised that it shall file a status  
10 report every 90 days until the proceedings for the second re-examination at the United States Patent and  
11 Trademark Office are completed. Such notification shall include a report outlining how the results of  
12 those proceedings affect the instant action. Defendant shall file its first status report on or before April  
13 9, 2012.

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15 IT IS SO ORDERED.

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17 Dated: January 6, 2012

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE

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