

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHEEHAN GENETICS, LLC, et
al.,

Plaintiffs,

v.

JAKOV P. DULCICH AND
SONS, LLC et al.,

Defendants.

No. 2:14-cv-02227-KJM-DB

ORDER

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2 On September 3, 2015, the court stayed this action pending the resolution
3 of interference proceedings before the United States Patent and Trademark Office
4 Patent Trial and Appeal Board (PTAB). ECF No. 37. The court also directed
5 the parties to file a status report every sixty (60) days, apprising the court of the
6 status of the interference proceedings. *Id.* The parties' latest joint status report,
7 filed on August 24, 2016, informs the court that a decision was issued in the
8 interference proceeding on August 17, 2016. ECF No. 45 at 2. Following the
9 PTAB's ruling, plaintiff now requests the court to lift the stay on this action. *Id.*
10 Defendants Jakov P. Dulcich and Sons, LLC, Jakov P. Dulcich, Nick P.
11 Dulcich, and Peter Dulcich argue in the joint status report that the interference
12 proceeding is still pending, in that no judgment has been entered on priority.

13 The PTAB's order states that defendants are authorized to file a separate
14 motion on the patentability of plaintiff's claim after the priority motion. ECF
15 No. 45-2 at 2. Furthermore, the judgment on priority has not been entered
16 against defendant. ECF No. 45-1 at 19. Accordingly, this action remains

1 **stayed.** The parties are ordered to continue the filing of a status report every six-
2 ty days to inform the court of any updates in the interference proceeding.

IT IS SO ORDERED.

DATED: September 7, 2016


UNITED STATES DISTRICT JUDGE