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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

LIFESCAN, INC. and LIFESCAN
SCOTLAND, LTD.,

Plaintiffs,

v.

SHASTA TECHNOLOGIES, LLC,
DECISION DIAGNOSTICS CORP.,
PHARMATECH SOLUTIONS, INC., and
CONDUCTIVE TECHNOLOGIES, INC.,
Defendants.

Case No. CV11-04494-WHO

ORDER STAYING PROCEEDINGS

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NO. CV11-04494-WHO

1 Having reviewed the parties' Joint Statement Regarding Staying Causes of Action,
2 and pursuant to agreement by all parties and for good cause shown, and subject to the exceptions
3 set forth in this Order, all proceedings concerning Count III of the First Amended Complaint
4 (infringement of the '105 patent (Dkt. No. 170 ¶¶ 54-60)), and all proceedings concerning the
5 Third through Sixth Claims for Relief in the Amended Answer and Counterclaims of Defendants
6 PharmaTech Solutions, Inc. and Decision Diagnostics Corp. (Dkt. No. 346 ¶¶ 70-96), are hereby
7 stayed pending a final decision by the Patent Trials and Appeals Board ("PTAB") in the pending
8 *inter partes* review ("IPR") of U.S. Patent No. 7,250,105 (the "'105 Patent"). When the PTAB
9 issues a final decision in the IPR concerning the '105 Patent, the Court, on the request of any
10 party, may consider whether the stay provided in this paragraph should, or should not, continue
11 during the pendency of any appeals from that final decision.

12 If the Federal Circuit affirms the preliminary injunction in this case (Dkt. No.
13 246), this Court will consider, if requested by any party, whether this stay should, or should not,
14 extend to proceedings, if any, to enforce the preliminary injunction.


15 The stay that is the subject of this Order does not apply to the Order to Show
16 Cause Why LifeScan should not be held in contempt (Dkt. No. 336) or LifeScan's Motion to
17 Modify the Protective Order (Dkt. No. 368).

18 The stays previously ordered by this Court (Dkt. Nos. 245 and 294) are not
19 affected in any way by this Order.

20 Any party may move to modify or lift the stay ordered herein for good cause
21 shown.

22 IT IS SO ORDERED.

23 Dated: October 8, 2013

24
25 By: 
26 Honorable William H. Orrick
27 United States District Judge
28

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