

United States District Court
Northern District of California

ALEKSANDR L. YUFA,

Plaintiff,

v.

TSI INCORPORATED,

Defendant.

Case No.: CV 09-01315 KAW

ORDER DENYING DEFENDANT'S
MOTION TO STAY

I. BACKGROUND

Pro se Plaintiff Aleksandr Yufa filed this action against Defendant TSI Incorporated in 2009 alleging patent infringement. On September 25, 2012, Plaintiff filed another action against Defendant alleging the infringement of four other patents in the United States District Court for the Central District of California. See Case No. 12-01614-CJC-JCG (CD Cal., 2012).

On October 8, 2012, Defendant filed a motion to stay the current action pending the outcome of its motion to transfer in the case arising in the Central District. Dkt. No. 92. Defendant's intent is to transfer the 2012 action to the Northern District for consolidation with the above-captioned action, as the two separate actions allegedly involve the same products. Id. at 2. The hearing on the motion to transfer is set for November 5, 2012. See Case No. 12-01614-CJC-JCG, Dkt. No. 8.

On October 9, 2012, Defendant filed a motion to dismiss Plaintiff's First Amended Complaint in the instant action. Dkt. No. 94. The hearing on Defendant's Motion to Dismiss is set for November 15, 2012.

The Court finds the motion to stay suitable for resolution without oral argument pursuant to Civil L.R. 7-1(b).

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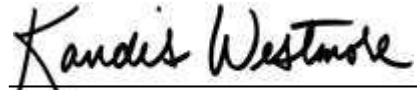
1 **II. ORDER**

2 The current action has been pending in the Northern District since 2009, and was stayed
3 for almost three years while the '983 Patent was undergoing reexamination at the U.S. Patent and
4 Trademark Office.

5 It has been long established that the District Court has broad discretion to stay proceedings
6 incident to its power to control its own docket. *Landis v. North American Co.*, 299 U.S. 248, 254
7 (1936); see also *Clinton v. Jones*, 520 U.S. 681, 706-07 (1997). Even if Defendant's motion to
8 transfer is granted on November 5, 2012, a motion to consolidate the cases is not likely to be
9 decided until well after the November 15, 2012 hearing date on the pending motion to dismiss.
10 There is no reason to delay resolving the pleadings in this case pending the outcome of
11 Defendant's pending and anticipated motions. Therefore, Defendant's motion to stay is DENIED.

12 IT IS SO ORDERED.

13 Dated: October 16, 2012

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15 KANDIS A. WESTMORE
16 United States Magistrate Judge
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