

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALEKSANDR L. YUFA

Plaintiff(s),

No. C 09-1388 PJH

v.

PARTICLE MEASURING SYSTEMS, INC.

**ORDER GRANTING MOTIONS TO
STAY AND FOR A MORE DEFINITE
STATEMENT AND VACATING
HEARING DATE**

Defendant(s).

Before the court are defendant Particle Measuring System Inc.'s ("defendant") motion to stay the action pending the Patent & Trademark Office's ex parte reexamination of the '983 patent, and motion for a more definite statement. Plaintiff Aleksandr Yufa ("plaintiff") does not oppose the motion to stay, but argues that the motion for a more definite statement should be denied. Because the court finds that oral argument is unnecessary and would not be helpful, the hearing date of July 29, 2009 is VACATED pursuant to Civil Local Rule 7-1(b), and defendant's motions are GRANTED, as follows:

1. Defendant's motion to stay is granted, in view of (1) plaintiff's non-opposition to the motion and (2) the fact that the requirements for a stay are easily met. See, e.g., Nanometrics, Inc. v. Nova Measuring Instruments, Ltd., 2007 WL 627920, *2 (N.D. Cal. Feb. 26, 2007); Telemac Corp. v. Teledigital, Inc., 450 F. Supp. 2d 1107, 1111 (N.D. Cal. 2006).

2. Defendant's motion for a more definite statement is also granted, for the reasons advanced by defendant. Plaintiff must accordingly amend his complaint. However, the amended complaint need not be filed now. It can be filed instead within 30

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1 days of the date the stay is lifted.

2 **IT IS SO ORDERED.**

3 Dated: August 21, 2009



PHYLLIS J. HAMILTON
United States District Judge

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