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5 UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
7 OAKLAND DIVISION

8 SONICS, INC., a Delaware corporation,

9 Plaintiff,

10 vs.

11 ARTERIS, INC., a Delaware corporation,

12 Defendant.

Case No: C 11-05311 SBA

**ORDER REOPENING CASE**

13 AND RELATED COUNTERCLAIM.  
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15 Pursuant to the Court's order dated February 8, 2013 ("Order"), the instant patent  
16 infringement action has been stayed pending final exhaustion of all reexamination  
17 proceedings. Dkt. 78. On August 8, 2018, the parties filed a Joint Letter stating that all  
18 reexamination proceedings have concluded and all appeals have been exhausted. Dkt. 98.  
19 Sonics, Inc. ("Sonics") requests that the action be reopened. Id. Arteris, Inc. ("Arteris")  
20 "does not join in this request" for the reasons explained in the concurrently filed joint status  
21 report. Id. In the parties' Joint Status Report ("Report"), Arteris essentially argues that the  
22 request to reopen is untimely. Dkt. 97.

23 The Court's order staying the action directed as follows:

24 Upon final exhaustion of all pending reexamination proceedings, including  
25 any appeals, the parties shall jointly submit to the Court, within two weeks, a  
26 letter indicating that all appeals have been exhausted, and requesting that this  
action be reopened and a case management conference be scheduled.

27 Order at 7. The last reexamination certificate issued March 27, 2018. Report at 2. The  
28 joint letter required by the Order was therefore due by April 10, 2018. Id. According to

1 Arteris, “Sonics did nothing to reopen this case,” but instead, “sat idle for over four  
2 months[.]” Id. at 2-3. Arteris therefore asserts that Sonics failed to comply with this  
3 Court’s Order. Although not expressly stated, Arteris appears to take the position that the  
4 action should remain closed indefinitely.

5 As noted by Sonics, Arteris fails to make a showing of prejudice due to the four-  
6 month delay in filing the request to reopen the action. Moreover, the Court notes that its  
7 Order required the “parties” to “jointly submit” the requisite notice to the Court. If  
8 sanctions are warranted for the failure to timely file said notice, Arteris fails to explain why  
9 those sanctions should be imposed against Sonics only. Nor does Arteris attempt to justify  
10 what is, in effect, a terminating sanction. Accordingly,

11 IT IS HEREBY ORDERED THAT the instant action be REOPENED and restored  
12 to the Court’s active civil docket. The stay entered on February 8, 2013, is VACATED.  
13 The parties shall appear for a telephonic Case Management Conference on September 27,  
14 2018, at 2:45 p.m. At least seven (7) calendar days prior to the conference, the parties shall  
15 meet and confer and file a Joint Case Management Conference Statement in accordance  
16 with Civil Local Rule 16-9. Plaintiff’s counsel shall be responsible for filing the Joint Case  
17 Management Statement and setting up the conference call. At the date and time indicated  
18 above, Plaintiff’s counsel shall call (510) 879-3550 with all parties on the line. NO  
19 PARTY SHALL OTHERWISE CONTACT CHAMBERS DIRECTLY WITHOUT PRIOR  
20 AUTHORIZATION OF THE COURT.

21 IT IS SO ORDERED.

22 Dated: 08/27/2018

  
SAUNDRA BROWN ARMSTRONG  
Senior United States District Judge

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