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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRIC TOOLS, INC.,

Plaintiff,

vs.

**TT TECHNOLOGIES, INC. AND TRACTO-
TECHNIK GMBH & CO., KG, et al.,**

Defendants.

Case No.: 12-CV-3490 YGR

**ORDER GRANTING REQUEST FOR
RECONSIDERATION AND DENYING
RENEWED MOTION FOR STAY**

Defendant TT Technologies, Inc. (“TT”) filed its Motion for Leave to File Motion for Reconsideration on October 26, 2012. (Dkt. No. 39.) The Court set a briefing schedule and the parties submitted additional briefing, which the Court has now considered. The parties were also permitted to make brief arguments on the motion at the previously scheduled case management conference on December 3, 2012.


The request for reconsideration is **GRANTED**. The Court finds its Order of October 25, 2012 Denying Motion to Stay Litigation Pending Patent Reexamination (Dkt No. 38) appropriate for reconsideration in light of new facts occurring after the time of its Order, namely that the United States Patent and Trademark Office (“PTO”) granted all four of its petitions for reexamination of the patents at issue.

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However, the motion for stay is **DENIED**. The Court does not find those additional facts sufficient to warrant granting a stay under the circumstances here. It is not certain that the PTO's reexamination will limit or simplify the issues before the Court in this action. Defendant TT would still be free to raise all the same invalidity contentions here once the reexamination was concluded. *See AT&T Intellectual Prop. I v. Tivo, Inc.*, 774 F. Supp. 2d 1049, 1053 (N.D. Cal. 2011). Moreover, the evidence indicates that a stay, and delay in resolution of the litigation could result in undue prejudice to Plaintiff Tric Tools. *See Telemac Corp. v. Teledigital, Inc.*, 450 F.Supp.2d 1107, 1111 (N.D.Cal. 2006).

IT IS SO ORDERED.

Date: December 6, 2012



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE