

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CARY A. JARDIN,)	No. 08-CV-1462-IEG-RBB
)	
Plaintiff,)	ORDER ON PLAINTIFF’S MOTION TO
)	STAY
vs.)	
)	[Doc. Nos. 37, 56]
DATALLEGRO, INC. and STUART FROST,)	
)	
Defendants.)	
_____)	

NOW COME plaintiff Cary Jardin (“Plaintiff”) and defendants Stuart Frost and Datallegro, Inc. (“Defendants”) and, pursuant to the agreement of their counsel as indicated by their signatures below, hereby make and file this Joint Proposed Consent Order on Plaintiff’s Motion to Stay Proceedings. [Dk. No. 37].

WHEREAS, on August 12, 2008, Plaintiff filed this case against Defendants for infringement of Plaintiff’s U.S. Patent No. 7,177,874 (the “’874 Patent”);

WHEREAS, on August 25, 2008, Defendants filed a Request for Re-examination of the ’874 Patent with the United States Patent and Trademark Office;

WHEREAS, on December 19, 2008, Plaintiff filed a Motion to Stay Proceedings Pending Reexamination [Dk. No. 37]; and

WHEREAS on February 9, 2009, Defendants filed a Joint Response to Plaintiff’s Motion to Stay Proceedings Based on Pending Reexamination of Patent-in-Suit [Dk. No. 47], stating that they

1 did not oppose the proposed stay but wished to serve limited third party subpoenas seeking
2 documents prior to the stay.

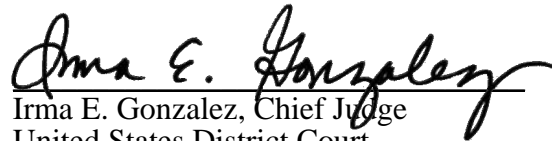
3 NOW THEREFORE, the COURT hereby ORDERS as follows:

4 Within twenty-one (21) days of entry of this Order, Defendants may serve up to eight (8)
5 third party subpoenas for the limited purpose of ensuring that the subpoenaed third parties produce
6 the requested documents pending the stay of these proceedings. Nothing herein shall serve to limit
7 any party's right to object to the subpoena on any ground, nor seek leave for good cause to serve
8 additional third party subpoenas.

9 The Court hereby GRANTS Plaintiff's Motion to Stay Proceedings. Accordingly, with the
10 exception of the limited subpoenas described above, all other litigation activities, deadlines
11 or obligations under the Federal Rules of Civil Procedure or the Local Rules are hereby stayed
12 pending the conclusion of the reexamination proceeding in the United States Patent and Trademark
13 Office.

14 IT IS SO ORDERED

15 Dated: February 20, 2009

16 
17 Irma E. Gonzalez, Chief Judge
18 United States District Court
19
20
21
22
23
24
25
26
27
28