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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 THE CHAMBERLAIN GROUP, INC.,
12 Plaintiff,
13 v.
14 NORTEK SECURITY & CONTROL
15 LLC f/k/a LINEAR LLC,
16 Defendant.

Case No.: 17-CV-2412 JLS (AGS)

**ORDER GRANTING MOTION TO
STAY AND STAYING CASE**

(ECF No. 39)

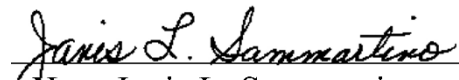
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18 Presently before the Court is Defendant Nortek Security & Control LLC's Motion
19 to Stay. (ECF No. 39.) Defendant moves the Court to stay all proceedings in this case
20 pending the resolution of an investigation by the U.S. International Trade Commission
21 ("ITC"). (ECF No. 39-2, at 2.) The motion is unopposed. Defendant explains that Plaintiff
22 The Chamberlain Group, Inc., filed a complaint pursuant to section 337 of the Tariff Act
23 of 1930, requesting the ITC to investigate the same asserted patents as are at issue in this
24 case. (*Id.* (citing Declaration of Joseph P. Reid ("Reid Decl."), ECF No. 39-3, ¶ 3).) On
25 June 6, 2018, the ITC formally opened an investigation against Defendant. (*Id.* (citing
26 Reid Decl. ¶ 4).)

27 28 U.S.C. § 1659(a) requires a district court, upon the request of a party who is also
28 a respondent in an ITC investigation, to stay proceedings in a civil action with respect to

1 any claim that involves the same issues before the ITC. The party's request must be made
2 within thirty days after the party is named as respondent in an ITC proceeding or thirty
3 days after the district court action is filed. § 1659(a)(1) & (2). Here, Defendant was named
4 as respondent in the ITC investigation involving the same asserted patents as this case. The
5 ITC opened its investigation on June 6, 2018 and Defendant filed the present motion the
6 same day, which clearly meets the thirty day requirement. Accordingly, the Court
7 **GRANTS** Defendant's Motion, (ECF No. 39), and **STAYS** litigation in this case until the
8 determination of the ITC becomes final. The Court **DENIES WITHOUT PREJUDICE**
9 Defendant's Motion to Dismiss, (ECF No. 24). The parties **SHALL** file a joint status
10 report with the Court within seven (7) days of the final determination.

11 **IT IS SO ORDERED.**

12 Dated: June 8, 2018


13 Janis L. Sammartino
14 Hon. Janis L. Sammartino
United States District Judge