

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 13-cv-00840-PAB-KLM

FIBER, LLC, a Wyoming limited liability company,

Plaintiff,

v.

CIENA CORPORATION, a Delaware corporation, and
CIENA COMMUNICATIONS, INC., a Delaware corporation,

Defendants.

ORDER

This matter is before the Court on the Joint Motion to Stay Proceedings Pending *Inter Partes* Review of the Patents-in-Suit [Docket No. 29] filed by plaintiff Fiber, LLC and defendants Ciena Corporation and Ciena Communications, Inc. The case arises from plaintiff's claims that defendants are infringing United States Patent No. 7,095,917 (the "917 Patent") and United States Patent No. 6,430,332 (the "332 Patent"). In early June 2013, a third party with no involvement in this litigation petitioned the United States Patent and Trademark Office ("PTO") for *Inter Partes* review of the subject patents. Docket Nos. 30 and 30-1.

The parties agree that a stay pending the outcome of this review is warranted because the review will simplify the issues remaining for litigation, will not prejudice either party, will reduce the burden of this litigation on the parties and the Court, and will not interfere with ongoing discovery or a pending trial. Docket No. 29 at 2, ¶¶ 5-6 (citing

Edisync Sys., Inc. v. Centra Software Inc., No. 03-cv-01587-WYD-MEH, 2013 WL 1461484, at *2 (D. Colo. Apr. 10, 2013)). The Court concurs with this reasoning.

Pursuant to the Local Rules, the Court may “direct the clerk to close a civil case administratively subject to reopening for good cause.” D.C.Colo.LCivR 41.2.

Administrative closure is appropriate in this instance given the potential for a lengthy review process before the PTO. Such closure accords with the parties’ request that they be able to reinstate proceedings upon a showing of good cause, including the conclusion of the review process. Docket No. 29 at 3. Wherefore, it is

ORDERED that the Joint Motion to Stay Proceedings Pending *Inter Partes* Review of the Patents-in-Suit [Docket No. 29] filed by plaintiff Fiber, LLC and defendants Ciena Corporation and Ciena Communications, Inc. is GRANTED. It is further

ORDERED that this case is ADMINISTRATIVELY CLOSED pending a showing by either party of good cause in accordance with D.C.Colo.LCivR 41.2.

DATED July 18, 2013.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge