

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

SELECT BRANDS, INC.,)
Plaintiff,)
v.) Case No. 13-2108-KHV-GLR
SENSIO, INC.,)
Defendant.)

)

MEMORANDUM AND ORDER

At the phone scheduling conference of September 24, 2013, the Court granted Sensio Inc.'s Motion to Stay Pending Inter Partes Review (ECF 14), for the reasons stated in the supporting memoranda of Defendant. The stay will remain in place, pending any further motion by a party to lift it, after the Patent and Trademark Office has determined whether or not it will grant the petitions of Sensio, Inc. for Inter Partes review of the patents asserted in the amended complaint. This Memorandum and Order merely sets forth the essential reasons for the ruling upon the motion.

Defendant has filed with the Patent and Trademark Office petitions to seek Inter Partes Review of all three design patents involved in this action. If that review is granted, a substantial part of the issues in this action will probably be reviewed and may indeed be resolved. To now proceed further with this case could readily require the parties to engage unnecessarily in expensive, duplicated discovery and pretrial procedures.

This action remains in its early stages. Discovery has not yet started. The Court has not yet conducted its initial scheduling conference. No scheduling order has yet been issued. The

Court has not yet set this case for trial.

Cases cited by the parties provide amply authority for a stay of proceedings under these circumstances. Fed. R. Civ. P. 1, moreover, calls upon the Court to construe and administer the rules of civil procedure “to secure the just, speedy, and inexpensive determination of every action and proceeding.” Exercising its discretion, the Court believes and so finds that the requested stay better comports with Rule 1 than to proceed further with the litigation at this time.

IT IS SO ORDERED.

Dated: September 27, 2013.

S/Gerald L. Rushfelt
Gerald L. Rushfelt
UNITED STATES MAGISTRATE JUDGE