

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SEMROCK, INC.,

Plaintiff,

v.

EDMUND OPTICS, INC.,

Defendant.

ORDER

13-CV-6265


This is a case alleging infringement of two patents held by plaintiff. See Amended Complaint (Docket # 20). On April 15, 2014, at the joint request of the parties, this Court temporarily stayed litigation pending an *Inter Partes Review* (IPR) of the two patents by the United States Patent Trial and Appeal Board ("PTAB"). See Joint Stipulation and Order (Docket # 53). The PTAB issued decisions on September 9 and 16, 2015, finding both patents valid, however the parties jointly moved to extend the stay to October 2, 2015 for the purpose of settlement discussions. See Order (Docket # 63). This Court granted that request. See Joint Stipulation and Order (Docket # 64). Thereafter, plaintiff filed the instant motion to lift the stay on January 5, 2016, and defendant filed an opposition on January 20, 2016. See Docket # 65, 68. Defendant requested that the stay be extended during its appeal of the PTAB decision to the Federal Circuit. See Memorandum in Opposition (Docket # 68) at

1-2. The Court scheduled oral argument on the motion for February 12, 2016, and subsequently rescheduled the oral argument numerous times at the joint requests of the parties. See Docket # 67, 70, 71, 74, 75, 76. On June 1, 2016, defendant moved for voluntary dismissal of the appeal before the Federal Circuit, which was granted on June 2, 2016. See Notice (Docket # 72).

The Court has granted multiple adjournments to the oral argument to allow the parties the opportunity to settle the case. The parties have been unable to settle, and are now moving forward with litigation. The grounds for the initial stay – the IPR – having concluded, and the grounds for defendant’s objection to lifting the stay – the appeal to the Federal Circuit – having also concluded, it is hereby

ORDERED that plaintiff’s motion to lift the stay (Docket # 65) is **granted**. The Clerk of Court is directed to remove the stay designation for this case.

SO ORDERED.



JONATHAN W. FELDMAN
UNITED STATES MAGISTRATE JUDGE

Dated: January 13, 2017
Rochester, New York