

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:16-CV-2-D

VALENCELL, INC., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 FITBIT, INC., )  
 )  
 Defendants. )

**ORDER**

On December 20, 2016, Fitbit, Inc., (“Fitbit”) moved to stay the above-captioned action pending resolution of Inter Partes Review (“IPR”) of U.S. Patent Nos. 8,923,941 (“the ‘941 patent”), 8,886,269 (“the ‘269 patent”), 8,929,965 (“the ‘965 patent”), and 8,989,830 (“the ‘830 patent”) before the Patent Trial and Appeal Board (“PTAB”) [D.E. 57] and filed a memorandum in support [D.E. 58]. On January 11, 2017, Valencell, Inc., (“Valencell”) responded in opposition [D.E. 60]. On January 25, 2017, Fitbit replied [D.E. 65].

For the reasons set forth in Fitbit’s memorandum in support and reply, as well as the PTAB’s institution of IPR for the patents [D.E. 106], a stay of this action is warranted. Thus, the court GRANTS Fitbit’s motion to stay [D.E. 57]. The action is STAYED pending completion of the IPR. Magistrate Judge Gates retains authority to resolve any pending discovery matters. Fitbit’s pending motion to transfer and to amend its answer [D.E.108] is DENIED without prejudice.

SO ORDERED. This 28 day of June 2017.

  
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JAMES C. DEVER III  
Chief United States District Judge