

HONORABLE RICHARD A. JONES

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

QUEST INTEGRITY USA, LLC,

Plaintiff,

v.

A.HAK INDUSTRIAL SERVICES US,
LLC,

Defendant.

Case No. C14-1971-RAJ

ORDER

This matter comes before the Court on the status reports of Plaintiff Quest Integrity USA, LLC’s (“Quest”) and Defendant A.Hak Industrial Services US, LLC (“A.Hak”). These reports concern the appropriate course of action following recent decisions by the U.S. District Court for the District of Delaware concerning US Patent No. 7,542,874, the patent at issue in the instant action. *Quest Integrity USA, LLC v. Clean Harbors Indus. Servs., Inc.*, --- F. Supp. 3d ---, No. CV 14-1482-SLR, 2017 WL 1155381 (D. Del. Mar. 28, 2017), *on reconsideration in part sub nom. Quest Integrity Usa, LLC v. Cokebusters USA Inc.*, No. CV 14-1483-SLR, 2017 WL 1365227 (D. Del. Apr. 7, 2017) (orders on summary judgment).

The parties agree that, as a consequence of these decisions, a *Markman* hearing will be unnecessary. They disagree, however, as to the manner in which the litigation should proceed. Quest requests a stay of this action pending its appeal of the Delaware District Court’s orders. A.Hak requests permission to file a motion for summary

1 judgment on the issue of whether Quest’s patent claims are precluded by the Delaware
2 District Court’s decision under the doctrine of collateral estoppel. A.Hak further requests
3 that summary judgment briefing occur on an expedited schedule.

4 Having reviewed the parties’ status reports, the Court finds that a stay of the
5 instant action would be inappropriate. *Tripati v. Henman*, 857 F.2d 1366, 1367 (9th Cir.
6 1988); *Pharmacia & Upjohn Co. v. Mylan Pharm., Inc.*, 170 F.3d 1373, 1381 (Fed. Cir.
7 1999) (“The law is well settled that the pendency of an appeal has no effect on the
8 finality or binding effect of a trial court’s holding. That rule is applicable to holdings of
9 patent invalidity as well.”) (citations and brackets omitted). Accordingly, the Court
10 adopts A.Hak’s position that this action should proceed to summary judgment on the
11 issue of collateral estoppel. The Court declines, however, to order briefing on an
12 expedited schedule.

13 DATED this 3rd day of May, 2017.

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17 The Honorable Richard A. Jones
18 United States District Judge