

Motion To Stay In Light Of Reexamination Denied, But Docketing Of Reexamination Appeal At Board Of Patent Appeals And Interferences Is A Factor Favoring A Stay. (Robinson, J.)

Belden Technologies, Inc., v. Superior Essex Communications LP

In *Belden Technologies, Inc., v. Superior Essex Communications LP*, 2010 U.S. Dist. LEXIS 90960 (Sept. 2, 2010), Judge Robinson denied defendant's motion to stay litigation pending reexamination of the patents at issue. The Court determined the propriety of the request to stay by adopting and applying a set of balancing factors concerning: 1) the status of the litigation; 2) the potential to simplify issues; and 3) prejudice to the non-moving party. *See id.* at *6. With respect to prejudice, the Court found, *inter alia*, that "the docketing of the reexamination appeal serves as a minimal benchmark that would weigh in favor of a stay." *Id.* at *11. On balance, the Court found the elicited factors to favor neither party and, accordingly, declined to impose a stay.