

**Motion To Stay In Light Of Reexamination Denied Notwithstanding Final Rejection Of All Claims in USPTO And Appeal Taken To Board Of Patent Appeals And Interferences. (Robinson, J.)**

*Oracle Corp. v. Parallel Networks, LLP*

In *Oracle Corp. v. Parallel Networks, LLP*, No. 06-414-SLR, 2010 U.S. Dist. LEXIS 93164 (D. Del. September 8, 2010), Judge Robinson declined to stay a patent infringement litigation despite a pending reexamination of the patent-in-suit, citing the status of the litigation and the lack of complete overlap between the issues in the litigation compared with the issues in the reexamination. Notably, Judge Robinson was not swayed by the status of the reexamination, which had proceeded through final rejection of the claims, and had been docketed for appeal at the Board of Patent Appeals and Interferences.

On this point, the Court noted that “the docketing of the appeal to the BPAI [is] an appropriate (minimal) benchmark that would weigh in favor of a stay.” *Id.* at \*9 n5. However, the Court cautioned that the docketing “should not be considered the strongest factor” in determining whether to grant a stay. *Id.*