

Showing Of Hardship and Inequity Generally Needed To Show That Balance Of Equities Favors A Stay Pending Reexamination. (Stark, J.)

Cooper Notification, Inc. v. Twitter, Inc.

In *Cooper Notification, Inc. v. Twitter, Inc.*, No. 09-865-LPS, 2010 U.S. Dist. LEXIS 131385 (D. Del. December 13, 2010), Judge Stark denied a motion to stay the case pending reexamination. In so ruling, Judge Stark addressed the plaintiff's argument that the party seeking to stay patent litigation must always show that denial of the stay would cause undue hardship in equity. In response to this argument, Judge Stark wrote: "... a showing of hardship or inequity is 'generally' needed to show that the balance of equities favors a stay. The competing interests of the parties, in seeking and opposing a stay of litigation, are always relevant considerations. No doubt, however, circumstances may arise in which the overall balance could be tipped in favor of a stay even if proceeding with the litigation will cause no undue hardship or prejudice to the party seeking a stay." *Id.* at *7.