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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

LARGE AUDIENCE DISPLAY SYSTEMS, LLC,	)	CASE NO. CV 11-3398-R
	)	
Plaintiff,	)	ORDER LIFTING THE STAY IN THIS
	)	ACTION, MOOTING PLAINTIFF'S
v.	)	MOTION TO LIFT THE STAY, AND
	)	DISMISSING THE CASE WITH
	)	PREJUDICE
TENNMAN PRODUCTIONS, LLC, et al.,	)	
	)	
Defendants.	)	
	)	

Before the Court is Plaintiff's Motion for Reinstatement of Action, which was filed on April 22, 2015. (Dkt. No. 212). Having been thoroughly briefed by both parties, this Court took the matter under submission on June 9, 2015. (Dkt. No. 221).

"Whether to issue or lift a stay pending the reexamination of a patent by the PTO is within the discretion of the district court." *j2 Global Commc'ns, Inc. v. Venali, Inc.*, 2009 WL 8236041, at \*2 (C.D. Cal. Apr. 23, 2009) (citing *Viskase Corp. v. Am. Nat'l Can Co.*, 261 F.3d 1316, 1327-28 (Fed. Cir. 2001)). "When circumstances have changed such that the court's reasons for imposing the stay no longer exist or are inappropriate, the court may lift the stay." *Akeena Solar Inc. v. Zep Solar Inc.*, 2011 WL 2669453, at \*2 (N.D. Cal. July 7, 2011) (quoting *Canady v. Erbe*

1 *Elektromedizin GmbH*, 271 F. Supp. 2d 64, 74 (D.D.C. 2002)).

2 This action was originally brought in the Eastern District of Texas. (*See* Dkt. No. 1). At  
3 that time, Plaintiff served its first set of Infringement Contentions on Defendants. (*See* Dkt. No.  
4 93; *see also*, Dkt. No. 217-2). The action was then transferred to the Central District of California  
5 to Judge A. Howard Matz. (*See* Dkt. Nos. 95, 97). Judge Matz ordered Plaintiff to again file the  
6 Infringement Contentions, which Plaintiff did. (*See* Dkt. No. 143; *see also*, Dkt. No. 217-3). Both  
7 sets of Infringement Contentions asserted thirteen specific original claims of the Patent as having  
8 been infringed by the Defendants (“Asserted Claims”).

9 Defendants filed a Motion for Stay pending an *inter partes* Reexamination of the Patent  
10 before the United States Patent & Trademark Office (“USPTO”). (*See* Dkt. No. 146). The Court  
11 granted Defendants’ request and stayed this case pending the *inter partes* Reexamination of the  
12 Patent before the USPTO. (*See* Dkt. Nos. 183, 184). The Defendants submitted to the USPTO for  
13 reexamination each and every one of the Asserted Claims. (*See* Dkt. Nos. 202-1, 203, 204, 205).

14 The Court previously granted a stay in this case “for the duration of the Request for  
15 Reexamination.” (*See* Dkt. No. 183 at 6-7). As reported in Defendants’ most recent Status Report  
16 dated February 20, 2015, the Reexamination was completed on February 11, 2015. (Dkt. No.  
17 204). On March 23, 2015, the U.S. Patent Office issued the final Reexamination Certificate and  
18 terminated the proceedings thereon. Thus, the Reexamination proceedings are complete.  
19 Accordingly, the Court, at its own discretion, hereby lifts the stay in this case. *See Akeena Solar*  
20 *Inc.*, 2011 WL 2669453, at \*2. Thus, Plaintiff’s Motion for Reinstatement of Action is moot.

21 In light of the final decision of the Patent Trial and Appeals Board of the United States  
22 Patent and Trademark Office to cancel as invalid, upon reexamination, all of the claims in Patent  
23 No. 6,669,346, alleged by Plaintiff to have been infringed by Defendants, there remain no viable  
24 claims in this case. Accordingly, the case is dismissed with prejudice.

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**IT IS HEREBY ORDERED** that the Court *sua sponte* lifts the stay and the Case is dismissed with prejudice.

**IT IS ALSO HEREBY ORDERED** that Plaintiff's Motion for Reinstatement of Action is MOOT. (Dkt. No. 212).

Dated: June 16, 2015.



MANUEL L. REAL  
UNITED STATES DISTRICT JUDGE