



LegalMetric Nationwide Report
Motions to Stay Pending Reexamination
As of February, 2009

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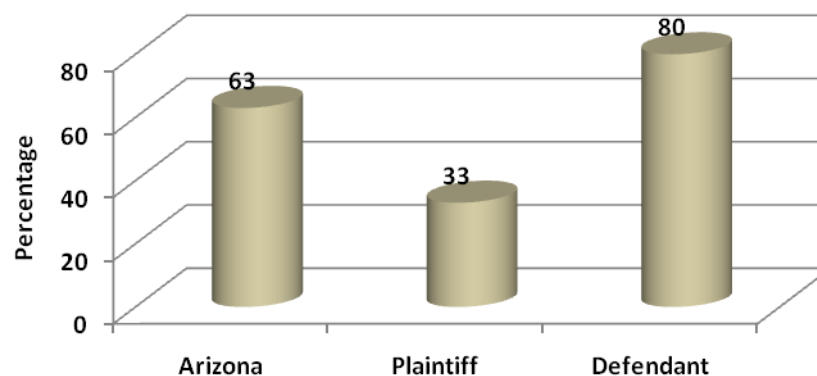
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Arizona District

The dockets of patent cases in the District of Arizona were examined to identify decisions on motions to stay pending reexamination in the Patent and Trademark Office. Nine (9) such decisions were found. Of those 6 were granted (1 uncontested), and 3 were denied.

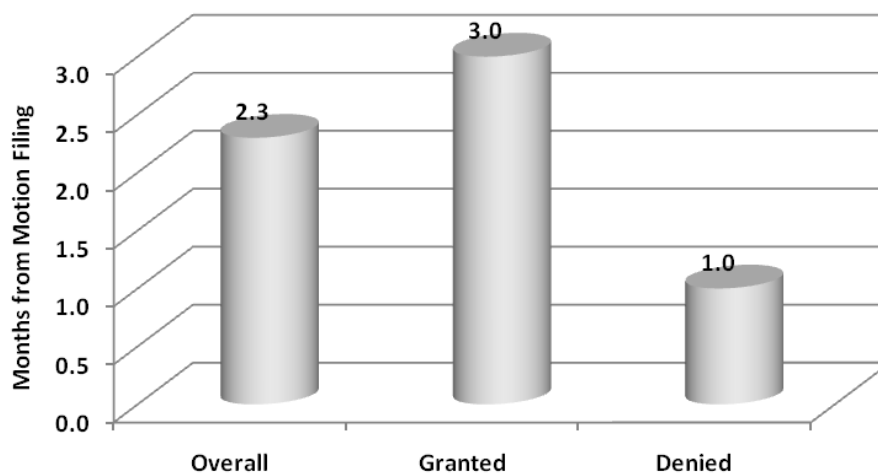
The contested win rate on these motions was 62.5% (5 of 8). The win rate on plaintiff's motions was 33.3% (1 of 3). The win rate on defendant's motions was 80% (4 of 5).

Win Rates on Contested Motions to Stay Pending Reexamination

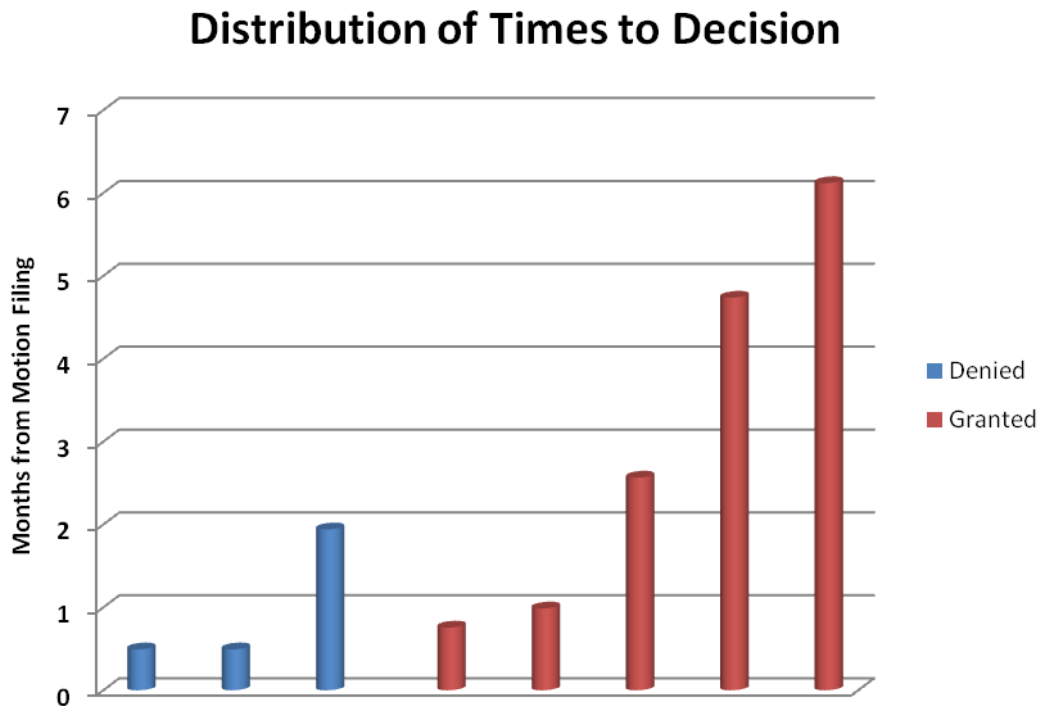


The average time from motion filing to decision was 2.3 months. For granted contested motions the average time to decision was 3.0 months. For denied motions, the average time to decision was 1.0 months.

Average Time to Decision



The distribution of times to decision for all contested motions is illustrated in the chart below in which the length of the column represents the amount of time in months from motion filing to decision.



The number of decisions, win rates, and time from motion to decision for each judge with at least one decision are illustrated in the table below.

Judge	Decisions	Win Rate	Time to Decision
Broomfield	1	100	0.8
Carroll	4	50	3.0
McNamee	2	50	2.3
Snow	1	100	1.0

The docket entries reflecting these rulings are contained in the table below:

Case Number	Movant	Decision	Pendency (days)	Decision Date	Docket Entry
2:92cv0055 9	Defendant	Granted	23	3/5/1993	CLERK'S MINUTES: Crt Rptr: n/a finding the motion to expedite hearing on motion to stay proceedings pending reexamination by dfts [34-1] moot.; granting motion to stay proceedings pending reexamination by dfts [34-1] except defts must provide response to all supplemental discovery, regardless of the form, and pltf may take depositions only upon leave of court otherwise all discovery is stayed; discovery ddl is due 60 days after and 42c is due 30 days after discovery ddl of the final determination of the Patent office and any appeals. cc counsel of record (bl)
2:98cv0203 2	Plaintiff	Denied	15	9/7/1999	ORDER by Judge Earl H. Carroll granting motion for expedited ruling on its motion to stay by defendant Medstat Group Inc [34-1]; granting motion to amend answer to amended complaint by defendant Medstat Group Inc [26-1]; denying motion to stay proceedings pending patent reexamination by plaintiff Symmetry Health Data [32-1] (cc: all counsel) (jw) [Entry date 09/07/99]
2:02cv0260 5	Defendant	Granted	144	7/24/2006	ORDER denying plaintiff's [173] Motion in Limine without prejudice; granting defendant's [184] Motion to Stay pending reexamination ; the parties are to advise the Court when reexamination proceedings have concluded; denying defendant's [197] Motion for Mandatory Settlement Conference. Signed by Judge Earl H Carroll on 7/21/2006. (LAD) (Entered: 07/24/2006)
2:05cv0345 8	Plaintiff	Granted	78	10/19/2006	ORDER granting [114] Medicis's Motion to Stay. FURTHER ORDERED that this case shall be stayed pending the final outcome of the PTO's reexamination of the '675 Patent. FURTHER ORDERED that Medicis shall continue to prosecute the reexamination proceeding as expeditiously as possible. FURTHER ORDERED that,

					during the pendency of this stay, the Court explicitly acknowledges its retention of jurisdiction over disputes regarding the Protective Order in this case (dkt. 61) . Signed by Judge Stephen M McNamee on 10/19/06. (LCF) (Entered: 10/19/2006)
2:05cv0345 9	Plaintiff	Denied	15	11/3/2006	ORDER denying Defendants' Motion to Dismiss for lack of Personal Jurisdiction, Defendants having consented to jurisdiction in this District [18]. IT IS FURTHER ORDERED granting [32] Motion to Stay the case for 180 days pending the final outcome of the reexamination of the patent-in-suit. IT IS FURTHER ORDERED setting a status hearing for 04/19/07 at 9:00 a.m. Stay Deadline set for 4/23/2007. Signed by Judge Earl H Carroll on 10/23/06. (DNH) (Entered: 11/03/2006)
2:06cv0098 6	Uncontested	Granted	197	2/27/2007	ORDER denying [11] Dft's Motion to Reassign Case. IT IS FURTHER ORDERED that the parties Motion to Stay [19] is GRANTED. The case shall be stayed until the US Patent & Trademark Office completes its reexamination proceedings. Once such proceedings are complete, the parties shall file a notice with the Court within 10 days or the case will be subject to dismissal.Signed by Judge Roslyn O Silver on 2/27/07.(LSP) (Entered: 02/27/2007)
2:05cv0339 2	Defendant	Granted	186	7/31/2007	ORDER granting [82] Defendants' Motion to Stay. The parties shall comply with the stipulated provisions set forth in this Order. ORDER that this case shall be stayed for all purposes pending the conclusion of the reexamination proceedings. ORDER that all prior case deadlines and court-ordered dates are hereby vacated. ORDER that Plaintiff shall advise the Court within ten days after the conclusion of the reexamination proceedings. ORDER that Plaintiff's discovery motions [86] and [90] are withdrawn without prejudice to being re-filed by Plaintiff at the conclusion of the stay. ORDER that Counsel shall file a Joint

					Status Report every three months. The first Joint Status Report shall be filed on 11/1/07. Signed by Judge Earl H Carroll on 7/30/07.(TLJ) (Entered: 07/31/2007)
2:07cv0032 3	Defendant	Denied	59	2/15/2008	ORDER denying Defendants' Motion to Stay Pending Reexamination of Patent [41] .IT IS FURTHER ORDERED directing the parties to notify the Court of any changed circumstances which arise from Defendants' request for reexamination of the '798 patent. Signed by Judge Stephen M McNamee on 2/15/08.(KMG) (Entered: 02/15/2008)
2:08cv0165 9	Defendant	Granted	30	11/20/2008	ORDER granting [18] Motion to Stay; staying this action until the date upon which the PTO issues the re-examination certificate at which time this matter will automatically resume. Vacating all currently scheduled deadlines and will be reset when this matter is resumed. That beginning on January 31, 2009 and every three months thereafter the parties will file with this court a joint written status report on the pendency of the re-examination. Signed by Judge G Murray Snow on 11/20/08.(DMT,) (Entered: 11/20/2008)