

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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NOUIS TECHNOLOGIES, INC.,

Plaintiff,

v.

OPINION & ORDER

14-cv-233-jdp

POLARIS INDUSTRIES, INC.;  
POLARIS INDUSTRIES, INC.;  
POLARIS INDUSTRIES  
MANUFACTURING, LLC,

Defendant.

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Defendants (which I will refer to as “Polaris”) have moved to stay this case pending inter partes review of the validity of U.S. Patent No. 6,346,056 before the Patent Trial and Appeal Board of the United States Patent and Trademark Office (PTAB). Polaris has just filed its petition for review (on September 26, 2014) and it expects a decision on whether the PTO will grant review within the next six months.

Polaris has also moved the court to expedite the briefing schedule for its motion to stay, in part because of other impending deadlines in the case. Plaintiff opposes the expedited briefing schedule, and it actually requests three weeks to respond Polaris’s motion to stay instead of the currently docketed one-week deadline.

This court will resolve this preliminary issue expeditiously. I will extend the deadline for Nouis’s opposition to the motion to stay by two days, from Monday, October 6, 2014 to Wednesday, October 8, 2014. Polaris’s motion for leave to reply in support of its motion to expedite briefing, Dkt. 54, is denied as moot. I will set a telephonic hearing on the motion to stay for Friday, October 10, 2014, at 9:00 a.m. to hear any new argument on the stay and to rule on the motion. The parties should also be prepared to address the fully-briefed motion to transfer at that hearing.

I provide this guidance on the motion to stay so the parties can address the court's concerns and avoid wasting their own time. I will not attempt on this calendar to divine whether Polaris's petition for inter partes review is meritorious, so neither side needs to address that issue at all. I am strongly inclined to deny Polaris's motion to stay, without prejudice to Polaris refiling the motion if the petition is granted. When and if the petition is granted, we can consider whether a stay would be efficient and fair.

In the meantime, all other case deadlines remain unchanged. The parties may agree to brief extensions of the exchange of infringement and invalidity contentions without court approval. Cooperation and reasonable accommodation between counsel is encouraged.

Counsel for Polaris is responsible for initiating the call to chambers at (608) 264-5504 for the hearing on Friday, October 10, 2014, at 9:00 a.m.

Dated this 2nd day of October, 2014.

BY THE COURT:

/s/  
JAMES D. PETERSON  
District Judge