



DR. LAKSMI ARUNACHALAM,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 14-373-RGA
	:	
CITIGROUP INC., et al.,	:	
	:	
Defendants.	:	

**ORDER DENYING MOTION TO LIFT STAY AND  
DISMISSING MOTION FOR LEAVE  
TO FILE AMENDED COMPLAINT**

Plaintiff Dr. Lakshmi Arunachalaman, proceeding *pro se*, has filed the same motion in each of the four above-captioned cases, seeking to lift the stays and for leave to file an amended complaint. (No. 12-355, D.I. 131, No. 13-1812, D.I. 48, No. 14-91, D.I. 56, No. 14-373, D.I. 48). Defendants filed a joint answering brief, to which Plaintiff filed a reply brief. Since the briefing in each case is the same, I will only cite the briefing filed in No. 12-355. By the proposed amended complaint, Plaintiff seeks to assert patent 7,340,506 against each Defendant.

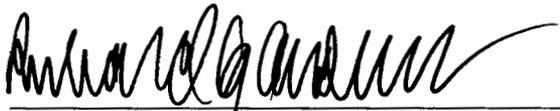
Defendants stated in their briefing that the stay should not be lifted because “it is likely that at least one party will be shortly petitioning for *inter partes* review (‘IPR’) or covered business method review (‘CBM Review’).” (D.I. 134 at 6). A status report in one of the cases later recited, “SAP filed a petition for CBM Review of the ‘506 patent’ on May 18, 2016. (D.I. 138 at 3). According to the PTAB’s website, a CBM trial was instituted on November 15, 2016.

Maintaining the stay while the PTAB decides the validity challenges raised in the CBM trial of the ‘506 claims represents the proper balancing of the four statutory factors that the court must consider. *See VirtualAgility Inc v. Salesforce.com, Inc.*, 759 F.3d 1307, 1309 (Fed. Cir.

2014). Since Plaintiff's other asserted patents have been invalidated,<sup>1</sup> the '506 patent is the only patent really at issue in these cases. Resolution of its validity before the PTAB (and Federal Circuit, if there is an appeal) will simplify the issues in the case, and reduce the burden of litigation on the parties and on the court.<sup>2</sup> There have been no proceedings in this case on the '506 patent. Thus, three of the four factors clearly favor maintaining the stay. The fourth factor is not so clear based on the present record, but even assuming it favors Plaintiff, the balancing of the factors overall is clearly in favor of maintaining the stay. Thus, Plaintiff's motion to lift the stay is **DENIED**. The motion for leave to file an amended complaint is **DISMISSED**, without prejudice, in view of the case being stayed.

Since it is likely there will be a PTAB decision on the '506 patent on or about November 15, 2017, the parties are each requested to file a status report, no more than two pages in length, on or before December 1, 2017.

IT IS SO ORDERED this 12 day of January 2017.

  
United States District Judge

---

<sup>1</sup> To be precise, all the patents previously asserted, to wit, the '500, '158, and '492 patents, in three of the four cases have been invalidated. In the 14-91 case, Plaintiff asserts the 8,244,833, and 8,346,894 patents in addition to two of the invalidated patents. It appears that the '894 patent was found invalid by the PTAB on August 17, 2015, in IPR2014-00413. I do not see any appeal from that decision, but I have not exhaustively searched for one. I do not immediately see anything suggesting that the '833 patent has been found invalid.

<sup>2</sup> I note that in some of Dr. Arunachalam's cases, she states that the burden of litigation is seriously damaging her health.