

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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MOSKOWITZ FAMILY LLC

*Plaintiff,*

v.

GLOBUS MEDICAL, INC.

*Defendant.*

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CIVIL ACTION

No. 20-3271

**ORDER**

AND NOW, this 25<sup>th</sup> day of September 2020, upon consideration of Defendant’s Motion to Stay Pending *Inter Partes* Review (Doc. No. 80) and Plaintiff’s Response (Doc. No. 82), it is hereby **ORDERED** that the Motion is **PRESENTLY GRANTED** and the case is **STAYED** until the Patent and Trademark Appeals Board (“PTAB”) issues a decision as to whether to institute *inter partes* review (“IPR”). Within **seven (7) days** of receipt of PTAB’s decision, Defendant shall inform the Court of that decision and, if IPR proceedings are instituted, Defendant may file a new motion to stay pending resolution of all IPR proceedings.<sup>1</sup>

**BY THE COURT:**

/s/ Mitchell S. Goldberg  
**MITCHELL S. GOLDBERG, J.**

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<sup>1</sup> In determining whether to grant a stay pending *inter partes* review of the patents in suit, district courts typically consider three factors: “(1) whether granting the stay will simplify the issues for trial; (2) the status of the litigation, particularly whether discovery is complete and a trial date has been set; and (3) whether a stay would cause the non-movant to suffer undue prejudice from any delay, or allow the movant to gain a clear tactical advantage.” Princeton Dig. Image Corp. v. Konami Dig. Entm’t Inc., No. 12-1461, 2014 WL 3819458, at \*2 (D. Del. Jan. 14, 2014) (citing cases). If the PTAB grants IPR review and Defendant moves to further stay the case pending that review, I will more fully address these factors.