

# Even in Light of Reexam, Court Declines to Stay Brite-Strike Patent Litigation

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For defendants in patent infringement cases, the strategy of filing for reexamination of the patent-in-suit with the U.S. Patent Office is a common tactic to short-circuit costly litigation—as defendants typically request a stay of the litigation while the reexam proceeds. Such stays, however, are not automatic but instead left up to the court’s discretion. In one recent case, a Massachusetts court brightened the plaintiff’s day by denying the defendant’s motion to stay...