

In the United States Court of Federal Claims

No. 13-419-C
(Filed November 19, 2013)

BLUE SPIKE, LLC,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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ORDER

Plaintiff, Blue Spike, LLC (“Blue Spike”), brings this suit alleging infringement of U.S. Patent Nos. 8,214,175, 7,949,494, 7,660,700 and 7,346,472 (the “patents-in-suit”) by various agencies of the United States (the “Government”). In lieu of an Answer, the Government filed the instant motion, wherein it moved this Court to stay proceedings pending the resolution of several cases now before the United States District Court for the Eastern District of Texas. Blue Spike opposes the stay or, in the alternative, requests that the Court order the Government to first file its Answer and any applicable motions under the Rules of the Court of Federal Claims (“RCFC”) 14(b)(3) for notice to applicable parties.

The Government’s motion to stay is DENIED, without prejudice. The Government’s Answer and any RCFC 14(b)(3) motions shall be filed by no later than December 20, 2013. After the Court has received the Government’s Answer and any third-party pleadings, the Government may renew its motion, paying special attention to the pressing need that necessitates a stay in this matter.

s/ Edward J. Damich _____
EDWARD J. DAMICH
Judge