
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES – GENERAL

Case No. 8:24-cv-00974-FWS-ADS

Date: September 13, 2024

Title: Skyworks Solutions, Inc. v. Kangxi Communication Technologies Shanghai Co.,
Ltd., *et al.*

Present: **HONORABLE FRED W. SLAUGHTER, UNITED STATES DISTRICT JUDGE**

Melissa H. Kunig
Deputy Clerk

N/A
Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**PROCEEDINGS: ORDER GRANTING DEFENDANTS’ UNOPPOSED MOTION FOR
AUTOMATIC STAY UNDER 28 U.S.C. § 1659(A) [47]**

Plaintiff Skyworks Solutions, Inc. (“Skyworks”) brings this patent infringement case against Defendant Kangxi Communication Technologies (Shanghai) Co., Ltd.; Defendant Grand Chip Labs, Inc.; Defendant D-Link Corporation; Defendant D-Link Systems, Inc.; and Defendant Ruijie Networks Co., Ltd. (collectively, “Defendants”). (*See generally* Dkt. 25 (First Amended Complaint).) Before the court is Defendants’ “Unopposed Motion for Automatic Stay Under 28 U.S.C. § 1659(a).” (Dkt. 47 (“Motion”).) The court finds this matter appropriate for resolution without oral argument. *See* Fed. R. Civ. P. 78(b) (“By rule or order, the court may provide for submitting and determining motions on briefs, without oral hearings.”); C.D. Cal. L.R. 7-15 (authorizing courts to “dispense with oral argument on any motion except where an oral hearing is required by statute”). Accordingly, the hearing set for October 3, 2024, is **VACATED** and off calendar. Based on the state of the record, as applied to the applicable law, the Motion is **GRANTED**.

28 U.S.C. § 1659 provides that:

In a civil action involving parties that are also parties to a proceeding before the United States International Trade Commission under section 337 of the Tariff Act of 1930, at the request of a party to the

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civil action that is also a respondent in the proceeding before the Commission, the district court shall stay, until the determination of the Commission becomes final, proceedings in the civil action with respect to any claim that involves the same issues involved in the proceeding before the Commission, but only if such request is made within—

- (1) 30 days after the party is named as a respondent in the proceeding before the Commission, or
- (2) 30 days after the district court action is filed, whichever is later.

28 U.S.C. § 1659.

The parties agree that there are International Trade Commission (“ITC”) proceedings that trigger the mandatory stay of this case under Section 1659. (*See generally* Mot.; Dkt. 47-1 (ITC Notice of Institution of Investigation); Dkt. 55 at 5 (Skyworks representing in an *ex parte* application that “this case is subject to the statutory stay provision of 28 U.S.C. § 1659”).) And the court finds that a Section 1659 stay is appropriate. *See* 28 U.S.C. § 1659; *NXP USA, Inc. v. MediaTek Inc.*, 2021 WL 8893646, at *1 (C.D. Cal. Dec. 20, 2021) (granting motion to stay based on Section 1659’s mandatory stay provision); *Gatekeeper Sys., Inc. v. Rocateq USA, LLC*, 2023 WL 6190883, at *4 (C.D. Cal. May 17, 2023) (similar); *see also* C.D. Cal. L.R. 7-12 (explaining that failure to oppose a motion “may be deemed consent to the granting or denial of the motion”). Therefore, the court **GRANTS** the Motion and **STAYS** this case pending final resolution of the ITC proceedings, including any and all appeals and until the ITC proceedings are no longer subject to judicial review. *See In re Princo Corp.*, 478 F.3d 1345, 1355 (Fed. Cir. 2007) (“We thus conclude that § 1659 requires that the stay of district court proceedings continue until the Commission proceedings are no longer subject to judicial review.”).

The parties are **DIRECTED** to file a joint status report with the court **every ninety days** after the issuance of this Order updating the court on the progress made in the ITC proceedings, with the first such report to be filed on or before **December 16, 2024**. The parties shall also file

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a notice with the court **within seven days** after the ITC proceedings reach their final conclusion.

Initials of Deputy Clerk: mku