

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Sanastar, Inc.,

Case No. 3:25 CV 418

Plaintiff,

ORDER RE: MOTION TO STAY

-vs-

JUDGE JACK ZOUHARY

Fresh Products LLC,

Defendant.

<p><i>Fresh Products, LLC v. Sanastar, Inc.</i> IPR2025-01339 <b>Fresh Products Exhibit 1028</b></p>
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**INTRODUCTION**

Plaintiff Sanastar, Inc. brought this Patent Infringement case claiming Defendant Fresh Products LLC infringed on its “Urinal Anti-Splash Device” -- Patent Nos. 10,036,154 and 10,294,649 (Doc. 1). In its Answer, Fresh Products counterclaimed that Sanastar’s patents were invalid (Doc. 22). Fresh Products now moves for a stay pending *Inter Partes* Review (IPR) (Doc. 26). Sanastar opposes (Docs. 27, 28).

**LAW**

“A decision to stay litigation lies within the sound discretion of the Court and represents an exercise [of] its ‘inherent [power] to control the disposition of the cases on its docket.’” *Procter & Gamble Co. v. Team Techs., Inc.*, 2013 WL 4830950, at \*1 (S.D. Ohio 2013) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)). *See also Horizon Glob. Ams., Inc. v. N. Stamping, Inc.*, 2021 WL 12303268, at \*1 (N.D. Ohio 2021).

The Sixth Circuit has cautioned, “a court must tread carefully in granting a stay of proceedings, since a party has a right to a determination of its rights and liabilities without undue delay.” *Ohio Env’t Council v. U.S. Dist. Court, S. Dist. Of Ohio, E. Div.*, 565 F.2d 393, 396 (6th Cir. 1977). In determining whether to stay a patent action pending IPR, courts generally weigh three factors: “(1) whether a stay would unduly prejudice or present a clear

tactical disadvantage to the non-moving party; (2) whether a stay will simplify the issues in question and trial of the case; and (3) whether discovery is complete and whether a trial date has been set.” *Procter & Gamble*, 2013 WL 4830950, at \*2. *See also Kirsch Rsch. & Dev., LLC v. Owens Corning Roofing & Asphalt LLC*, 2021 WL 4529280, at \*1 (N.D. Ohio 2021). These factors are not exclusive -- a court’s decision is based on the totality of the circumstances. *See Procter & Gamble*, 2013 WL 4830950, at \*2.

#### ANALYSIS

##### ***Undue Prejudice to Non-Moving Party***

There are four sub-factors courts examine to determine if a party will suffer undue prejudice: “(1) the timing of the request for IPR; (2) the timing of the request for stay; (3) the status of the IPR proceedings; and (4) the relationship of the parties.” *Horizon*, 2021 WL 12303268, at \*4. The fourth prong -- relationship of the parties -- is the most probative.

Fresh Products argues a stay would not prejudice Sanastar because Sanastar was advised of a similar art reference -- “Fushimi” Patent circa. 1985 (Doc. 26-1 at 7–10). Fresh Products argues Sanastar cannot be prejudiced because it knew of Fushimi, and Fresh Products expeditiously filed IPR petitions (*id.* at 10). Sanastar counters it would be prejudiced by a stay because Fresh Products and Sanastar are direct competitors (Doc. 27 at 5). “Courts routinely deny requests for stay during the pendency of PTO proceedings where the parties are direct competitors.” *Procter & Gamble*, 2013WL 4830950, at \*2. Sanastar argues damages would not be exclusively monetary in nature -- a stay would cause harm in the marketplace because the parties directly compete (Doc. 27 at 6).

##### ***Simplify the Issues***

Fresh Products argues IPR determinations will significantly simplify the issues before this Court. If the Patent Trial and Appeal Board (PTAB) invalidates the claims, there is no need for further litigation in this Court; if the PTAB validates the claims, Fresh Products could not assert invalidity grounds thereby simplifying the case (Doc. 26-1 at 11). Fresh Products cites *Noco Co., Inc. v. Shenzhen Lianfa Tong Tech. Co., Ltd.*, 2020 WL 13929894 (N.D. Ohio 2020). There, the court granted a stay pending two petitions for IPR:

If the review results in a determination that the Patent presently before the Court is no longer valid, [p]laintiff's cause of action disappears. In any event, the Court will have the benefit of the record before the USPTO and will have the benefit of its expertise on the validity of claims.

*Id.* at \*3.

Sanastar counters the growing trend in the United States Patent and Trademark Office (USPTO) is to exercise discretionary denials, which renders Fresh Products “hypothetical” scenario -- that the PTAB would invalidate the claims -- unlikely (*see* Doc. 27 at 6–10). Sanastar provides this Court with supplemental authority denying IPR to support this counterargument (Doc. 28). There is a trend of discretionary denials based on the length of time a patent has been in force. Sanastar’s patents have been in force since 2018 and 2019 -- some 6–7 years (Doc. 27 at 7). The patents featured in the supplemental authority were in force for some 7–13 years (Doc. 28). Additionally, Sanastar claims Fresh Product’s reliance on the Fushimi Patent is baseless and therefore no issues are likely to be simplified (*id.* at 9).

### ***Discovery and Trial***

Here, a CMC Order has not been issued, no dispositive motion practice has occurred, and a trial date has not yet been set.

Fresh Products cites *Automated Packaging Systems, Inc. v. Free-Flow Packaging International, Inc.*, 2016 WL 9782345 (N.D. Ohio 2016) to bolster its argument that this case is in such early stages that a stay is warranted. In that case, the court granted a stay, stating, “[d]iscovery is not complete in this case, no depositions have been taken, no dispositive motions have been filed, and no trial date has been set.” *Id.* at \*6. A stay is favorable when the most burdensome stages of the case are yet to occur. *See Horizon*, 2021 WL 12303268, at \*2.

Sanastar counters that it is actively prosecuting the case and initiated discovery two months ago (Doc. 27 at 10). To address any potential delay in a discovery exchange, Sanastar accurately points to Fresh Products’ delay in filing its IPRs. Fresh Products represented it would file its petitions by the end of June 2025 (Doc. 21), but the petitions were filed at the end of July 2025 (Doc. 27 at 10).

#### CONCLUSION

Based on the totality of the circumstances, this Court does not find an undefined stay is warranted. Defendant Fresh Products’ Motion (Doc. 26) is granted in part. This Court will move this case “cautiously,” requiring counsel to confer on a relaxed case schedule. Should the current Government shutdown have a sustained effect on the USPTO -- specifically the PTAB -- further relaxation may be requested. But for now, there is some discovery that can take place, which will allow for efficient case management while we wait for resolution of IPRs.

IT IS SO ORDERED.

s/ Jack Zouhary  
JACK ZOUHARY  
U. S. DISTRICT JUDGE

October 17, 2025