

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ALTRONIC LLC,	)	
	)	CASE NO. 4:24CV0118
Plaintiff,	)	
	)	
v.	)	JUDGE BENITA Y. PEARSON
	)	
MOTORTECH GMBH, <i>et al.</i> ,	)	
	)	<b>ORDER</b>
Defendants.	)	[Resolving <a href="#">ECF No. 10</a> ]

Pending is Defendant MOTORtech GmbH's ("MOTORtech") Motion to Stay Pursuant to [28 U.S.C. § 1659\(a\)](#) ([ECF No. 10](#)), filed on February 26, 2024. Counsel for Plaintiff Altronic LLC has informed MOTORtech that Plaintiff does not oppose a stay of all proceedings in the above-entitled action alleging patent infringement. *See* [ECF No. 10 at PageID #: 66-67, ¶ 7](#). For good cause shown, the motion is granted.

On January 10, 2024, Plaintiff filed a complaint with the United States International Trade Commission ("ITC") under section 337 of the Tariff Act of 1930, [19 U.S.C. § 1337](#), against MOTORtech and its affiliate MotorTech Americas, LLC, alleging they have infringed U.S. Patent No. 7,401,603 ("the Asserted Patent"). *See* [89 Fed. Reg. 11314-01, 2024 WL 582276 \(Feb. 14, 2024\)](#).

Nine days later, Plaintiff filed the Complaint ([ECF No. 1](#)) in the case at bar. As with its ITC complaint, Plaintiff alleges that MOTORtech has infringed the Asserted Patent. *See* [ECF No. 1 at PageID #: 1, ¶ 2](#). The Complaint also names as Defendants Jane or John Does,

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unidentified entities that Plaintiff “may add” after obtaining discovery. [ECF No. 1 at PageID #: 2, ¶ 5](#).<sup>1</sup> The Complaint’s claim of infringement of the Asserted Patent is the only count pleaded. *See* [ECF No. 1 at PageID #: 6-9, ¶¶ 31-37](#).

On February 8, 2024, the ITC instituted Investigation No. 337-TA-1390 (the “1390 Investigation”) based on Plaintiff’s complaint. The ITC’s Notice of Institution names MOTORtech as a Respondent in the 1390 Investigation.

Pursuant to [28 U.S.C. § 1659\(a\)](#), a stay of all proceedings in the case at bar is required. That statute provides that a party in a civil action that is also a party to a proceeding before the ITC under section 337 may request a mandatory stay of the civil action within “30 days after the party is named as a respondent” in the ITC proceeding. [28 U.S.C. § 1659\(a\)](#). Upon such a request, the district court must stay proceedings in the civil action “with respect to any claim that involves the same issues involved” in the ITC investigation until the ITC’s determination in the investigation “becomes final.” *Id.*

Accordingly Defendant MOTORtech GmbH’s Motion to Stay ([ECF No. 10](#)) is granted. All proceedings in the case at bar are stayed pursuant to [28 U.S.C. § 1659\(a\)](#) pending a final determination by the ITC as to the Asserted Patent, including as to any appeals. Within 14 days of when the ITC’s determination in the 1390 Investigation becomes final, the parties shall file a

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<sup>1</sup> The Court exercises its inherent authority to stay the proceedings as to these unidentified parties. *See DSM Desotech, Inc. v. Momentive Specialty Chemicals, Inc.*, [No. 2:15-cv-70, 2017 WL 11634919, at \\*2 \(S.D. Ohio Feb. 6, 2017\)](#) (staying civil action under [§ 1659\(a\)](#) and, as to party not named as a respondent in parallel ITC investigation, under the court’s inherent authority) (citing [Landis v. N. Am. Co.](#), 299 U.S. 248, 254-55 (1936)).

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Joint Status Report informing the Court of the result and the effect of the proceedings upon the claims in the present case. The case is administratively closed, subject to reopening upon written motion. No claims or defenses, including lack of personal jurisdiction and improper venue, are waived as a result of the stay. A written motion to reopen, preferably joint, shall set forth a proposed schedule for the case going forward.

IT IS SO ORDERED.

March 26, 2024  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge