

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**ADVANCED MARKETING SYSTEMS,
LLC**

v.

CVS PHARMACY, INC., et al.

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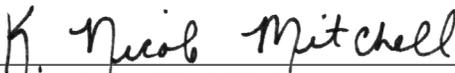
**CIVIL ACTION NO. 6:15-CV-134
LEAD CASE**

ORDER

On August 4, 2015, Defendants filed an Unopposed Motion to Stay Discovery and Continue All Deadlines Pending Resolution of Statutory Subject Matter Issues (ECF 24). Defendants filed a letter brief on July 23, 2015, requesting permission to file a Motion for Judgment on the Pleadings for invalidity of the patents in suit under 35 U.S.C. § 101. Defendants assert that a stay of this case pending resolution of the § 101 issues will avoid unnecessary expense and resources if they are permitted to file their motion and it is granted. Notably, however, the dispositive motion has not yet been filed. Stopping the forward progress of this case before the motion is even filed or considered is counterproductive. The statutory subject matter issues Defendants seek to raise will be considered in due course. It is

ORDERED that the Unopposed Motion to Stay Discovery and Continue All Deadlines Pending Resolution of Statutory Subject Matter Issues (ECF 24) is **DENIED**.

So **ORDERED** and **SIGNED** this 19th day of August, 2015.



K. NICOLE MITCHELL
UNITED STATES MAGISTRATE JUDGE