

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

UNILOC USA, INC., ET AL., <i>Plaintiffs,</i> v.	§ § § § § § §	§ 2:17-cv-00231-JRG (LEAD) § 2:17-cv-00214-JRG § 2:17-cv-00224-JRG § 2:17-cv-00465-JRG § 2:17-cv-00466-JRG § 2:17-cv-00467-JRG
<i>Defendant.</i>		

ORDER GRANTING MOTION TO STAY PENDING *INTER PARTES* REVIEW

Before the Court is Defendant Google, Inc.’s (“Google”) Opposed Motion to Stay Pending *Inter Partes* Review (Dkt. No. 23) (“the Motion”). Having considered the briefing and the relevant authorities, the Court is of the opinion that the Motion should be and hereby is **GRANTED**.

I. Background

This matter involves six consolidated cases. After these cases were consolidated, Defendant Google filed the instant Motion to Stay (Dkt. No. 23). With respect to three of the consolidated cases, this motion is unopposed. *See* (2:17-cv-00465, Dkt. No. 19; 2:17-cv-00466, Dkt. No. 17; 2:17-cv-00467, Dkt. No. 18).

II. Legal Standard

The district court has the inherent power to control its own docket, including the power to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706 (1997). “District courts typically consider

three factors when determining whether to grant a stay pending *inter partes* review of a patent in suit: (1) whether the stay will unduly prejudice the nonmoving party, (2) whether the proceedings before the court have reached an advanced stage . . . and (3) whether the stay will likely result in simplifying the case before the court.” *NFC Techs. LLC v. HTC Am., Inc.*, Case No. 2:13-cv-1058-WCB, 2015 WL 1069111, at *2 (E.D. Tex. Mar. 11, 2015) (Bryson, J.).

III. Discussion

All six consolidated cases involve a combination of either U.S. Patent Nos. 7,535,890 (the “’890 Patent”) and 8,995,433 (the “’433 Patent”) or U.S. Patent Nos. 8,199,747 (the “’747 Patent”) and 8,724,622 (the “’622 Patent”). These pairs of patents are asserted against three accused products across the six cases.

As Google explains in its Motion, the Patent Trial and Appeal Board (“PTAB”) has instituted *Inter Partes* Review (“IPR”) on the ’890 Patent and the ’433 Patent. (Dkt. No. 23 at 1–2.) Google also has pending requests for IPRs on the ’747 Patent and the ’622 Patent. (*Id.* at 6.)

Having considered the factors outlined above, the Court is persuaded that the benefits of a stay outweigh the costs of postponing resolution of these cases. No patent claims have been construed by the Court in these cases and discovery has barely begun. Moreover, there is a significant likelihood that the outcome of the IPR proceedings will streamline the scope and resolution of these cases because they all involve related patents and products. Indeed, the ’747 Patent and the ’622 Patent are continuations of the ’890 Patent and all the patents share a common specification as well as numerous overlapping terms. Thus, the Court finds that a stay is warranted under the particular facts and circumstances presented here.

Accordingly, Google's Motion to Stay (Dkt. No. 23) is **GRANTED**. It is therefore **ORDERED** that the following cases be **STAYED** until further order of this Court:

- Civil Action No. 2:17-cv-231-JRG
- Civil Action No. 2:17-cv-214-JRG
- Civil Action No. 2:17-cv-224-JRG
- Civil Action No. 2:17-cv-465-JRG
- Civil Action No. 2:17-cv-466-JRG
- Civil Action No. 2:17-cv-467-JRG

The Parties are further **ORDERED** to file a joint status report with the Court to inform the Court regarding the results of the pending IPRs or petitions for IPR with respect to the Asserted Patents. Such report shall be filed within fourteen (14) days of any decision from the PTAB with respect to the Asserted Patents. A courtesy copy of such joint status report shall be delivered to chambers within the above time period. Such report shall be joined in by lead counsel (and local counsel to the extent local counsel have appeared herein) for each party.

All pending motions not previously disposed of by the Court in this case, including motions pending in the above listed member cases, are hereby **DENIED WITHOUT PREJUDICE**. At such further date as the stay is lifted by the Court, within fourteen (14) days thereafter, the parties may re-urge any motion denied without prejudice herein.