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

CARDWARE INC. Plaintiff**,** v. SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG ELECTRONICS AMERICA, INC., Defendants**.**	§ § § § § § § § § § § §	CASE No. 2:22-CV-00141-JRG-RSP

ORDER

Before the Court, defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. move to stay the case pending resolution of *inter partes* review ("IPR") and post-grant review ("PGR") proceedings before the USPTO. **Dkt. No. 61**. Notably, the petitions were filed between November of 2022 and January of 2023, meaning a decision to institute IPR and PGR has yet to occur. "In this district, courts usually deny motions for stay when the PTAB has not acted on a petition for *inter partes* review." *Perdiemco LLC v. Telular Corp.*, 2017 WL 2444736, at *2 (E.D. Tex. June 6, 2017) (citing *Trover Group, Inc. v. Dedicated Micros USA*, 2015 WL 1069179, at *6 (E.D. Tex. Mar. 11 2015) ("In this district, that is not just the majority rule; it is the universal practice.")).

Accordingly, the motion is **DENIED WITHOUT PREJUDICE** as premature.

SIGNED this 16th day of February, 2023.

ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE

Exhibit 1107
Samsung v. Cardware
IPR2023-00314