IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ROSEN TECHNOLOGIES LLC, Plaintiff, v. LENNOX INDUSTRIES INC., Defendant.	Civil Action No.: 3:22-cv-00732 **JURY TRIAL DEMANDED**

JOINT MOTION TO STAY PENDING *INTER PARTES* REVIEW

Plaintiff Rosen Technologies, LLC has reconsidered its position regarding a stay of this action pending resolution of the petitions for Inter-Partes Review filed against the patents in suit. Rosen Technologies now believes that judicial economy would best be served by staying this action until all petitions for *Inter Partes* Review filed against the patents in suit are resolved by the United States Patent Trial and Appeal Board (PTAB). A stay would prevent duplication of effort by the parties and by this Court and the PTAB. Defendant Lennox Industries, Inc. previously moved for a stay and is agreeable now to a stay.

However, this Court and the parties have expended resources on the issue of claim construction. The parties believe that a claim construction decision will likely be issued by this Court in the near future and that the claim construction decision may simplify issues to be addressed in the IPRs. Thus, while the parties are jointly requesting a stay, they also jointly request that the issuance of the Court's claim construction order be an exception to the stay.

Finally, Lennox has recently served a subpoena on Marc Hankin, a patent attorney who prosecuted some of the patents at issue in this matter. As a second exception to the stay, Lennox requests, and Rosen Technologies does not oppose, that Lennox be permitted to complete the

process of obtaining documents pursuant to its subpoena (including motion practice if necessary although that is not currently contemplated) because it is possible that Mr. Hankin may have documents that could be relevant in one or more of the IPRs. The deposition of Mr. Hankin pursuant to the subpoena would be postponed in accordance with the stay.

For the reasons set forth above, the parties respectfully request and jointly move for this Court to enter an order as follows:

1. Subject to the exceptions set forth below, this case is stayed until the final resolution of all petitions for *inter partes* review filed against any of the five patents currently at issue in this lawsuit. Within fourteen days of the final resolution of all petitions for *inter partes* review, the parties shall so notify the Court and jointly request a status conference.
2. As an exception to the stay set forth above, the Court will issue its claim construction order in due course as requested by the parties. No party is allowed to request reconsideration of any part of that order until the stay in this matter is lifted.
3. Lennox is permitted to complete the process of obtaining documents pursuant to its subpoena to Marc Hankin, including motion practice if necessary.

Dated: July 28, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2023, the foregoing was filed electronically in compliance with Local Rule CV-5(b)(1) and served via the Court's electronic filing system on all counsel who have consented to electronic service.

/s/ Hao Ni
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