

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

FORAS TECHNOLOGIES Ltd.,

Plaintiff,

v.

TOYOTA MOTOR NORTH AMERICA, INC.
and DENSO CORPORATION,

Defendants.

Case No. 2:23-cv-00150-JRG
(Lead Case)

JURY TRIAL DEMANDED

FORAS TECHNOLOGIES LTD.,

Plaintiff,

v.

KIA CORPORATION and
KIA AMERICA, INC.,

Defendants.

Case No. 2:23-cv-00219-JRG
(Member Case)

JOINT MOTION TO STAY CLAIMS AGAINST KIA

Plaintiff Foras Technologies Ltd. (“Foras”) and Defendants Kia Corp. and Kia America Inc. (“Kia”) hereby jointly and respectfully move the Court to stay the claims against Kia in Case No. 2:23-cv-00219, for the reasons described herein.

On May 18, 2023, Foras filed a patent infringement complaint against Kia alleging that Kia infringes United States Patent No. 7,502,958 (“the ’958 Patent” or the “Asserted Patent”). D.I. 1 (Compl.). The Complaint alleges that Kia “is responsible for importing, making, marketing, distributing, offering for sale, and/or selling Kia-branded automobiles” that include certain components from HL Mando Corp. (“Mando”) and/or Hella Gmbh & Co. (“Hella”). Compl., ¶¶ 3-4. In particular, Foras alleges that certain Kia automobiles, including at least the Kia K5, Telluride, and Seltos, include an MRR-20 Mid-Range Radar (containing an Infineon SAK-

TC297TA chipset) and/or a Hella RS4 Lane Change Assist Radar (containing an Infineon SAK-TC264DA chipset) that directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the '958 Patent. Compl., ¶ 14.

Third-party HL Klemove Corp. ("Klemove") is Kia's supplier of the MRR-20 Mid-Range Radar and the Hella RS4 Lane Change Assist Radar. *See* Dkt. 57 (Kia's Motion to Stay) at 3. On December 11, 2023, after Foras served a third party subpoena from the EDTX court which Klemove objected to based on improper service, Klemove filed a declaratory judgment complaint against Foras in the Eastern District of Virginia "seek[ing] to enable the customer-suit-exception to pause all active litigation by Foras against Plaintiff's customer, Kia, for alleged infringement of the '958 Patent." Dkt. No. 1 at ¶ 12, No. 2:23-cv-00647-EWH-RJK (E.D. Va.). Klemove's complaint admits that it is the supplier of the MRR-20 Mid-Range Radar and the Hella RS4 Lane Change Assist Radar identified in Foras's infringement contentions against Kia. *Id.* at ¶ 8.

Thereafter, on January 11, 2024, Kia filed a motion to stay under the customer-suit exception to the first-to-file rule. *See* Dkt. 57. In light of these circumstances, the parties respectfully request this action be stayed pending resolution of the declaratory judgment action in the Eastern District of Virginia—i.e., until entry of final judgment and exhaustion of appeals.

Further, if the Court grants this motion, Kia agrees to be bound by any decisions on the issues of infringement, validity, and enforceability with respect to the '958 Patent from the Klemove action.

Accordingly, for the foregoing reasons, the parties jointly request that the Court stay this action pending resolution of the Eastern District of Virginia action—i.e., until entry of final judgment and exhaustion of appeals.

Dated: February 7, 2024

Respectfully submitted,

By: /s/ Brett Cooper

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CERTIFICATE OF CONFERENCE

The undersigned certifies that the parties have complied with the meet and confer requirement in Local Rule CV-7(h). The conference was conducted on February 7, 2024, and included Adam Greenfield of LATHAM & WATKINS LLP, counsel for Defendant, and Brett Cooper of BC LAW GROUP, P.C., counsel for Plaintiff. This motion is unopposed.

/s/ Brett Cooper
Brett Cooper

CERTIFICATE OF SERVICE

The undersigned certifies that on February 7, 2024, the foregoing document was filed electronically in compliance with Local Rule CV-5(a). This motion was served on all counsel by electronic filing.

/s/ Brett Cooper
Brett Cooper

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ORDER GRANTING JOINT MOTION TO STAY CLAIMS AGAINST KIA

Before the Court is Plaintiff Foras Technologies Limited's ("Foras") and Defendants Kia Corp. and Kia America Inc. ("Kia") (collectively, "the Parties"), Joint Motion to Stay Claims Against Kia.

The Court, having reviewed the motion, hereby **GRANTS** the Motion.

Accordingly, it is **ORDERED** that action No. 2:23-cv-00219-JRG is stayed pending resolution of the Eastern District of Virginia action (Case No. 2:23-cv-00647-EWH-RJK) – i.e., until entry of final judgment and exhaustion of appeals.