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

CHIEN-MIN SUNG, *Plaintiff,* v. SAMSUNG ELECTRONICS CO. LTD., SAMSUNG ELECTRONICS AMERICA, INC., SAMSUNG SEMICONDUCTOR, INC., and SAMSUNG AUSTIN SEMICONDUCTOR LLC, *Defendants.*	Civil Action No. 4:23-cv-752-SDJ JURY TRIAL DEMANDED

PLAINTIFF DR. CHIEN-MIN SUNG'S OPPOSITION TO DEFENDANTS' MOTION TO STAY PENDING RESOLUTION OF TI'S MOTION FOR SUMMARY JUDGMENT

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Plaintiff Dr. Chien-Min Sung respectfully submits this Opposition to Defendants Samsung Electronics Co., Ltd.'s ("SEC"), Samsung Electronics America, Inc.'s ("SEA"), Samsung Semiconductor, Inc.'s ("SSI"), and Samsung Austin Semiconductor, LLC's ("SAS") (collectively, "Samsung") Motion to Stay Pending Resolution of TI's Motion for Summary Judgment. ("Motion"; Dkt. No. 56). For the reasons set forth below, the Court should deny Samsung's Motion.

I. INTRODUCTION

Samsung has requested that this Court take the highly unusual step of staying the instant proceedings in their entirety based on an unrelated party's dispositive motion in a separate case where no estoppel from that result would apply to Samsung here. (Dkt. No. 56.) Notwithstanding the unfair tactical advantage that Samsung would gain thereby, Dr. Sung offered a proposal, which Samsung rejected, that this case be stayed once the parties have completed their P.R. 4-5 claim construction briefing that is already underway. (*See* Dkt. No. 56-7 at 2; *see also* Dkt. No. 37 at 2 (setting P.R. 4-5 dates).) Samsung conceded in its Motion that there is "some merit" to that "convenient stopping point for the case." (Dkt. No. 56 at 12.) But to avoid "the expense of completing *Markman* briefing" and a few more weeks of discovery,[1] Samsung has chosen instead to seek an immediate halt to everything in this case. (*Id.* at 12–13.)

[1] While Samsung's briefing complains about the breadth and scope of Dr. Sung's discovery requests and the purported burden of "proceeding through burdensome discovery" if its requested stay is not granted (Dkt. 56 at 8–9, 12), Samsung did not identify discovery burdens as an issue during the meet-and-confer process, and only raised "avoid[ing] unnecessary expenses ***by not having to go through the full*** **Markman** ***briefing process***" in yet-another violation of L.R. CV-7(h). (*See* Dkt. 35 (order striking Samsung's Motion for Inter-District Transfer for violating L.R. CV-7(h)); *see also* Dkt. 56-7 at 1 (emphasis added).) Tellingly, Samsung did not raise ***any*** issues concerning responding to already-issued discovery during the meet-and-confer process or at any point prior to filing its Motion, never even requested any extensions for its responses to Dr. Sung's discovery requests, and in fact, has issued substantial party and third-party discovery of its own throughout this case, including during the last few weeks and as recently as ***today***. *See* Section IV(A)(1) *infra*; *see also* Chan Decl. at ¶ 9 & Ex. 7. Moreover,

In effect, Samsung seeks to evade its P.R. 4-5(b) obligation to prepare and file its Responsive Claim Construction brief three weeks after Dr. Sung files his opening claim construction brief tomorrow. Because this would extend an unfair tactical advantage to Samsung and would not be certain to simplify anything in this case, Samsung has failed to show good cause for the stay it seeks. Accordingly, the Court should deny Samsung's Motion and allow the parties to complete their claim construction briefing on July 17, 2024 before considering Samsung's Motion or entering a stay of this matter pending resolution of Texas Instruments Inc.'s ("TI") Motion for Summary Judgment ("MSJ").

II. ADDITIONAL BACKGROUND

Despite Samsung's efforts to dispose of this case (Dkt. No. 19) and move this case to the Northern District of California (Dkt. No. 38), discovery is well underway and has been ongoing for over four months. (*See* Dkt. No. 34.) Both parties have served substantial discovery, with Samsung having served more than 17 subpoenas on third parties over the past several months (and the 18th subpoena ***today***) and produced substantial amounts of responsive documents within the last two weeks, including third-party documents received from the subpoenaed third parties. *See* Chan. Decl. at ¶ 9 & Ex. 7. Claim construction discovery has already been completed, and claim construction briefing is well underway, with Dr. Sung's P.R. 4-5(a) opening claim construction brief being due tomorrow. (Dkt. No. 37.)

Based on the current schedule, Samsung's responsive claim construction brief is due on July 3, 2024, and Dr. Sung's reply claim construction brief is due on July 17, 2024. When approached by Samsung regarding its Motion, Dr. Sung offered a proposal, which Samsung

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Samsung's Motion is an inappropriate vehicle to raise (let alone seek to adjudicate *sub rosa*) the scope and specificity of Dr. Sung's discovery requests outside of the normal procedures for resolving such disputes outside the Federal Rules of Civil Procedure and this Court's Local Rules.

rejected, to stay all deadlines pending resolution of TI's MSJ once his reply claim construction brief has been filed. (Dkt. 56-7 at 2.)

III. LEGAL STANDARDS

A party seeking a stay bears the burden of showing that the stay is appropriate. *Cellular Communs. Equip., LLC v. Samsung Elecs. Co.*, No. 6:14-cv-759-JRG-KNM, 2015 U.S. Dist. LEXIS 179517, at *8 (E.D. Tex. Dec. 16, 2015) (citing *Landis v. N. Am. Co.*, 299 U.S. 248, 255 (1936)). Even when it is the party that has filed a dispositive motion who seeks a stay on that basis,"[i]t is not the Court's policy to stay actions pending decisions on potentially dispositive motions." *Danco, Inc. v. Fluidmaster, Inc.*, No. 5:16-cv-73-JRG-CMC, Dkt. No. 69, slip op. at 1, (E.D. Tex. June 6, 2017). That is because the mere fact that such a motion has been filed does not allow the court to "determine the ultimate merits" of that motion. *See H&R Block Tax Servs. v. Jackson Hewitt Tax Serv.*, No. 6:09-cv-37-JDL, Dkt. No. 66, slip op. at 1–2 (E.D. Tex. April 14, 2009) (denying defendant's opposed motion to stay proceedings pending its own motion for summary judgment of invalidity).

Even if reducing the need for future discovery may provide good cause for a stay, "the costs associated with adhering to routine discovery obligations do not uniformly impose an undue burden on the parties." *Uniloc USA, Inc., v. Kakao Corp.*, No. 2:16-cv-576-JRG, Dkt. No. 31, slip op. at 2 (E.D. Tex. Dec. 29, 2016). In this judicial district, "[a] stay is not justified merely because a party desires to save money." *Advanced Mktg. Sys., LLC v. CVS Pharmacy, Inc.*, No. 6:15-cv-134-JRG-KNM, Dkt. No. 61 at 1 n.1 (E.D. Tex. Sep. 3, 2015).

In considering the propriety of a motion to stay pending another proceeding's resolution of a challenge to the validity of a patent, courts in this judicial district "usually consider three factors: (1) whether a stay will unduly prejudice or ***present a clear tactical disadvantage to the nonmoving party***; (2) whether a stay ***will*** simplify the issues in question and trial of the case; and

(3) whether discovery is complete and whether a trial date has been set." *Rembrandt Wireless Techs., LP v. Samsung Elecs. Co.*, No. 2:13-cv-213-JRG-RSP, 2015 U.S. Dist. LEXIS 20303, at *7 (E.D. Tex. Jan. 29, 2015) (emphases added); *see Glob. Equity Mgmt. (SA) Pty. Ltd. v. Ericsson, Inc.*, No. 2:16-CV-00618, 2017 WL 365398, at *10 (E.D. Tex. Jan. 25, 2017) (same factors).

On ***the first factor***, patentee's right to timely enforcement of its patent right is entitled to weight, and a delay in enforcement "would certainly be prejudic[ial]" even if that consideration is not dispositive. *See Clear Imaging Rsch., LLC v. Samsung Elecs. Co., Ltd.*, No. 2:19-cv-00326-JRG, 2020 U.S. Dist. LEXIS 272527, at *3 (E.D. Tex. Dec. 18, 2020). Likewise, courts in this judicial district recognize that a stay based on other proceedings can impose a tactical disadvantage on the non-movant when no estoppel applies to the party seeking a stay. *Uniloc 2017 LLC v. Samsung Elecs. Am., Inc.*, No. 2:19-cv-00259-JRG-RSP, 2020 U.S. Dist. LEXIS 50354, at *16 & n.5 (E.D. Tex. Mar. 24, 2020) (denying Samsung's request for a stay in view of third-party IPR proceedings).

A lack of estoppel from third-party proceedings is also relevant to ***the second factor***, simplification of the issues. When no estoppel from the third-party proceedings applies to the party seeking a stay, that party can relitigate the same issues should an unfavorable decision be reached, which negate many of the benefits a stay could otherwise provide. *See id.* at *16, n.5. Without estoppel, simplification from a stay is hardly certain, and only a mere possibility.

On ***the third factor***, "the filing date of the motion is the proper time to measure the stage of litigation." *Uniloc USA v. Avaya*, No. 6:15-cv-1168-JRG, 2017 U.S. Dist. LEXIS 168855, at *8 (E.D. Tex. Apr. 19, 2017) (citing *VirtualAgility Inc. v. Salesforce.com, Inc.*, 759 F.3d 1307, 1316 (Fed. Cir. 2014)). In this judicial district, the timing weighs against granting a stay when the claim construction process has already begun. *See Promethean Insulation Tech. LLC v.*

Sealed Air Corp., No. 2:13-cv-1113, Dkt. No. 222, slip op. at 5 (E.D. Tex. July 22, 2015) ("Indeed, by the date of the filing on the instant motion, the claim construction process had already begun as between the parties. This weighs against granting a stay." (internal citations omitted)).

IV. ARGUMENT

Especially in view of Dr. Sung having already agreed to stay these proceedings on Samsung's requested basis at the completion of claim construction briefing in less than six weeks, Samsung has not met its burden to show good cause for the stay it seeks here, and the *Ericsson* factors do not favor Samsung. The parties should complete claim construction briefing, and Samsung should resolve any issues with the scope of discovery in this case through meeting and conferring, and if necessary, filing motions on those issues. Samsung's desire to avoid a round of briefing and to not respond to discovery (when it has not even requested any extension of time) hardly constitutes the good cause required to stay this case over Dr. Sung's opposition.

Moreover, the basis for Samsung's requested stay would prejudice Dr. Sung by delaying his ability to vindicate his patent rights and tactically disadvantage him by potentially requiring him to relitigate the validity of the Asserted Patents should TI's MSJ be decided in Dr. Sung's favor. While ignoring the probability that Dr. Sung would likely appeal any adverse judgment that may issue, that potential re-litigation also makes Samsung's purported simplification of the issues only a mere possibility—nothing prevents Samsung from raising those exact same arguments again here should Dr. Sung prevail against TI. Finally, the fact that the parties are in the middle of claim construction briefing—with (1) the P.R. 4-3 statement having been filed nearly a month ago; (2) the P.R. 4-4 claim construction discovery having been completed including the deposition of both parties' claim construction experts; and (3) Dr. Sung's P.R. 4-

5(a) opening claim construction brief being finalized for filing tomorrow—favors the parties completing the briefing before the stay.

A. The Mere Possibility that TI's MSJ Could Result in a Finding of Invalidity in Another Case Does Not Show Good Cause for a Stay *Here*.

That TI has moved for summary judgment of invalidity does not support Samsung's requested stay. All of Samsung's cited precedent involves cases where the party seeking a stay ***is the same party*** that has filed the dispositive motion on which the stay request is based. But there is no pending dispositive motion regarding invalidity on the docket ***in this case***. Tellingly, Samsung cites no precedent (and Dr. Sung has been unable to locate any) in which a pending dispositive motion in one litigation ***justifies a stay sought by a party in a separate litigation who is <u>not</u> bound by the outcome***. As discussed in more detail below, Samsung seeks to create a "Heads, I win; Tails, I don't lose" scenario over Dr. Sung's opposition.

Even so, Dr. Sung was willing to agree to a stay, so long as the parties had completed the claim construction briefing that had already begun when Samsung's counsel first raised the issue of the stay just over three weeks ago. (*See* Dkt. 56-7 at 2–3.) But that was not enough for Samsung, who rejected that reasonable compromise to avoid what it characterized as the "unnecessary expenses" of "having to go through the full *Markman* briefing process when the asserted claims may subsequently be found invalid." (*Id.*) While Samsung raised vague and overgeneralized concerns about the scope of discovery, their Motion is not the proper vehicle to resolve any such dispute, especially when Samsung has not met-and-conferred regarding those scope concerns or otherwise requested any extensions of time to respond to already propounded discovery.

1. Samsung's Purported Undue Burden Is Contrary to this District's Case Precedent and Undermined by Its Ongoing Discovery

Samsung's argument that "further discovery will impose ***undue burden*** on the Samsung Defendants" (Dkt. 56 at 9) flies in the face of precedent in this judicial district. In the Eastern District of Texas, "[a] stay is not justified merely because a party desires to save money." *Advanced Mktg. Sys., LLC v. CVS Pharmacy, Inc.*, No. 6:15-cv-134-JRG-KNM, Dkt. No. 61 at 1 n.1 (E.D. Tex. Sep. 3, 2015). But "avoid[ing] unnecessary expenses by not having to go through the full *Markman* briefing process" was the only justification that Samsung offered during the meet-and-confer process. (Dkt. 56-7 at 2.) That basis is facially insufficient here.

And although Samsung did not raise any discovery concerns during the meet-and-confer process,[2] Samsung contends for the first time that the nature of Dr. Sung's discovery requests somehow justifies a stay here. (Dkt. 56-7 at 8–9.) But again, "the costs associated with adhering to routine discovery obligations do not uniformly impose an undue burden on the parties." *Uniloc USA, Inc., v. Kakao Corp.*, No. 2:16-cv-576-JRG, Dkt. No. 31, slip op. at 2 (E.D. Tex. Dec. 29, 2016). And responding to those requests is not only just such a routine discovery obligation. Samsung has not only failed to identify anything about Dr. Sung's requests that is anything but "routine" and has belied its own characterizations by failing to resolve these issues through the by even raising them with opposing counsel, let alone meeting-and-conferring by raising them with opposing counsel, let alone meeting-and-conferring as required under L.R. CV-7 in preparation for a potential motion under Fed. R. Civ. P. 26(c).

[2] Although considering such complaints even implicitly in deciding Samsung's motion would be both premature and procedurally improper. To the extent that Samsung has any such complaints about the scope or nature of Dr. Sung's discovery requests, Samsung should seek to resolve them through standard procedures in the ordinary course of litigation. Samsung's failure to do so speaks volumes here.

Samsung's complaints about the expense and effort of routine discovery does not justify a stay, especially when the merits of Samsung's characterizations have not even been assessed. *See H&R Block Tax Servs. v. Jackson Hewitt Tax Serv.*, No. 6:09-cv-37-JDL, Dkt. No. 66, slip op. at 1–2 (E.D. Tex. April 14, 2009) (denying defendant's opposed motion to stay proceedings pending its own motion for summary judgment of invalidity because "[a]t this time, the Court cannot determine the ultimate merits of Jackson Hewitt's Motion for Summary Judgment. Thus, the Court finds that Jackson Hewitt has not offered adequate justification for a stay of all proceedings."); *GHJ Holdings, Inc. v. Plasticade Prods. Corp.*, No. 5:10-cv-220-DF, Dkt. No. 29 (E.D. Tex. May 31, 2011) (denying motion to stay where defendant argued it would be forced to "enter into the costly—and in the instant case, one sided—discovery ordeal").

Critically, as recent as ***today***, Samsung has served another set of third-party subpoenas—its 18th subpoena Samsung has served to date in this litigation. (*See* Chan Decl. at ¶ 9 & Ex. 7.) Samsung cannot have its cake and eat it too by arguing, on the one hand, that "further discovery will impose undue burden on the Samsung Defendants without affecting the resolution of TI's Motion for Summary Judgment" and, on the other hand, expanding the scope of discovery in this litigation by serving yet another third-party subpoena. Simply put, Samsung cannot have it both ways.

B. The *Ericsson* Factors Do Not Favor Samsung

Even if the Court were to consider the *Ericsson* factors in a request brought by a party uninvolved with (and not bound by) the proceedings on which the stay request is premised, those factors do not favor Samsung here. Again, especially when Dr. Sung has reasonably requested only that Samsung agree to complete the claim construction briefing already underway before the case is stayed, Samsung's request should be denied. Samsung's desire to slam on the brakes

in the middle of claim construction to the disadvantage of Dr. Sung and without any guarantee of simplification of the issues does not support a stay here, and Samsung offers nothing more.

1. Samsung's Requested Stay Will Create at Least a Tactical Disadvantage for Dr. Sung

Both parties have already served their respective expert declaration and deposed the other party's claim construction expert. By tomorrow, Dr. Sung also will have already filed his opening claim construction brief pursuant to P.R. 4-5(a). Even if Samsung were to obtain the stay it requested over Dr. Sung's opposition, it is unlikely that such an order would issue prior to the filing of Dr. Sung's opening claim construction brief (and in any event, the expense of preparing that briefing has already been incurred by Dr. Sung). Staying the proceedings as Samsung has now requested would effectively allot to Samsung far more than the three-week response time for Samsung's responsive claim construction brief allowed under P.R. 4-5(b) when the stay lifts, but Dr. Sung will again only have two weeks to prepare his reply brief. This is just one of the tactical disadvantages that would be produced by Samsung's requested stay, if granted.

In addition, Samsung's requested stay will create another tactical disadvantage for Dr. Sung should Dr. Sung prevail on TI's MSJ. Unlike some other cases where Samsung has sought a stay based on separate proceedings,[3] there is no estoppel from the outcome of those proceedings that would apply to Samsung here or bind it in any way. No statute or case precedent prevents Samsung from relitigating the exact same issues in the *Texas Instruments* case, using the exact same arguments, even if the outcome favors Dr. Sung.

Given its extensive history of patent litigation in the Eastern District of Texas, Samsung should know better. Tellingly—and not for the first time in seeking such a stay in the Eastern

[3] *E.g.*, *Cywee Grp. Ltd. v. Samsung Elecs. Co.*, No. 2:17-CV-00140-WCB-RSP, 2019 U.S. Dist. LEXIS 144149, at *27 & n.4 (E.D. Tex. Feb. 14, 2019).

District of Texas—Samsung did not even commit to be bound by the results of the proceedings on which it bases its request to stay the instant case. Samsung also attempted that "Heads, I win; tails, I don't lose" maneuver in *Uniloc 2017* where the Court rightly rejected Samsung's attempt to get a stay based on third-party proceedings that could only benefit Samsung without any possible downside. No. 2:19-cv-00259-JRG-RSP, 2020 U.S. Dist. LEXIS 50354 (E.D. Tex. Mar. 24, 2020). In *Uniloc 2017*, "Samsung never agree[d] to be estopped by decisions reached in those [third-party IPR] proceedings," and instead merely stated that it filed a petition seeking joinder to one IPR proceeding and that it would be filing a motion for joinder to another. *Id.* at *16. The Court elaborated that while it "is confident that Samsung would agree with a favorable result, it is more worried that Samsung would attempt to relitigate the same issues should a decision unfavorable to Samsung be reached in the IPRs since Samsung never committed to be estopped." *Id.* at *16, n.5. In that same vein, nothing binds Samsung here.

Those concerns about a duplicative relitigation are equally applicable here if Samsung's Motion were granted over Dr. Sung's opposition.[4] Samsung could benefit from the resolution of TI's MSJ of invalidity, in that Dr. Sung's patents would be invalidated (subject to appeal) in every case. *See Blonder-Tongue Labs., Inc. v. Univ. of Ill. Found.*, 402 U.S. 313, 349–50 (1971). But if Dr. Sung prevails against TI, there is nothing that would stop Samsung from relitigating invalidity in this case on ***any*** grounds—even using the exact same arguments word-for-word on which Dr. Sung had already prevailed. The possibility that Samsung would seek to force its opponent to relitigate the same issue, as it had done in *Uniloc 2017*, is precisely the sort of resultant tactical disadvantage to the non-movant that warrants denial of the requested stay.

[4] Although Dr. Sung has already agreed in principle to stay these proceedings following the completion of claim construction briefing on July 17, Dr. Sung requests that any such order that this Court may issue in the future staying these proceedings in view of the pending summary judgment motion in the TI matter estop Samsung at least from arguing invalidity on the grounds advanced by Texas Instruments in that motion for summary judgment.

2. Not Only is Samsung's Requested Stay Hardly Certain to Simplify the Issues, It May Duplicate Them If Dr. Sung Prevails

Uniloc 2017 also applies to the second *Ericsson* factor. The issue, again, is that Samsung's contentions regarding simplification of the issues assume that Dr. Sung will not prevail. Even ignoring the fact that such a ruling would not be the last word, as Dr. Sung would likely appeal any adverse ruling on the validity of his patents that might result in the TI matter, Samsung fails to account for or even consider what could occur if TI ***loses*** its MSJ. As in *Uniloc 2017*, Samsung would likely take another bite at the same apple, seeking to relitigate the invalidity argument on which it is so confident that TI will prevail against Dr. Sung. In *Uniloc 2017*, the court rejected Samsung's requested stay because the lack of estoppel "d[id] not provide enough assurances to the Court to prove that the stay pending the [third-party proceedings], without more, would help simplify issues in this case." 2020 U.S. Dist. LEXIS 50354, at *16. "This additional litigation would negate many of the benefits Samsung argues the stay would provide" regarding simplification. *Id.* at *16, n.5.

3. A Stay Is Not Warranted in the Midst of Claim Construction Briefing

The pacing of this case relative to that of the TI case is of limited (if any) relevance to this *Ericsson* factor. Rather, "when considering a motion to stay, the filing date of the motion is the proper time to measure the stage of litigation." *Avaya*, 2017 U.S. Dist. LEXIS 168855, at *8 (citing *VirtualAgility Inc. v. Salesforce.com, Inc.*, 759 F.3d 1307, 1316 (Fed. Cir. 2014)). Here, the filing date of the motion was May 21, 2024—nearly a week ***after*** the P.R. 4-3 joint claim construction statement and mere days before the close of claim construction discovery. (*See* Dkt. 37 at 2.)

The fact that the parties are in the midst of claim construction is reason enough to deny Samsung's requested stay. *Promethean Insulation Tech. LLC v. Sealed Air Corp.*, No. 2:13-cv-1113-JRG-RSP, Dkt. No. 222, slip op. at 5 (E.D. Tex. July 22, 2015) ("Indeed, by the date of

the filing on the instant motion, the claim construction process had already begun as between the parties. ***This weighs against granting a stay***." (emphasis added)). And that is why—as Dr. Sung has already informed Samsung, and as Samsung has disclosed to the Court (*see* Dkt. No 56-7 at 2)—Dr. Sung has agreed to stay these proceedings once the claim construction briefing is complete, less than six weeks from now. Samsung should complete preparation and filing of its responsive claim construction brief on July 3, 2024, and Dr. Sung his reply brief on July 17, 2024, before any stay is entered by this Court. Dr. Sung is not opposed to staying these proceedings at the right time, even prior to the *Markman* hearing, but believes that the proper stopping point is at the completion of claim construction briefing—"a convenient stopping point for the case" that even Samsung concedes has "certainly some merit." (Dkt. 56 at 11.)

V. CONCLUSION

For the reasons set forth above, Dr. Sung respectfully requests that this Court deny Samsung's motion to stay all proceedings in this case pending resolution of TI's MSJ. While Dr. Sung has agreed to stay of these proceedings once claim construction briefing has completed in less than six weeks, any stay of these proceedings based on TI's MSJ should also estop Samsung from litigating invalidity on the grounds advanced in that motion.

Dated: June 11, 2024

/s/ Alex Chan

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on June 11, 2024

/s/ Alex Chan
Alex Chan

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

CHIEN-MIN SUNG, Plaintiff, v. SAMSUNG ELECTRONICS CO. LTD., SAMSUNG ELECTRONICS AMERICA, INC., SAMSUNG SEMICONDUCTOR, INC., and SAMSUNG AUSTIN SEMICONDUCTOR LLC, Defendant.	Civil Action No. 4:23-cv-752-SDJ **JURY TRIAL DEMANDED**

DECLARATION OF ALEX CHAN IN SUPPORT OF PLAINTIFF CHIEN-MIN SUNG'S OPPOSITION TO DEFENDANTS' MOTION TO STAY

I, Alex Chan, Esq., declare as follows:

1. I am a partner at the Devlin Law Firm LLC. I am currently in good standing and licensed to practice in the State of Texas and before the U.S. District Court for the Eastern District of Texas.

2. I am counsel of record for Plaintiff Dr. Chien-Min Sung ("Dr. Sung") in this action and make this Declaration in support of Dr. Sung's Opposition to the Motion to Stay Pending Resolution of TI's Motion for Summary Judgment filed by Defendants Samsung Electronics Co., Ltd. ("SEC"), Samsung Electronics America, Inc. ("SEA"), Samsung Semiconductor, Inc. ("SSI"), and Samsung Austin Semiconductor, LLC ("SAS") (collectively, "Samsung").

3. The facts set forth herein are true to my personal knowledge, and if called upon to testify thereto, I could and would competently do so under oath.

Attached as Exhibit 1 to this Declaration is a true and correct copy of *Advanced Mktg. Sys., LLC v. CVS Pharmacy, Inc.*, No. 6:15-cv-134, Dkt. No. 61 (E.D. Tex. Sep. 3, 2015).

4. Attached as Exhibit 2 to this Declaration is a true and correct copy of *Danco, Inc. v. Fluidmaster, Inc.*, No. 5:16-cv-73, Dkt. No. 69 (E.D. Tex. June 6, 2017).

5. Attached as Exhibit 3 to this Declaration is a true and correct copy of *GHJ Holdings, Inc. v. Plasticade Prods. Corp.*, No. 5:10-cv-220-DF, Dkt. No. 29 (E.D. Tex. May 31, 2011)

6. Attached as Exhibit 4 to this Declaration is a true and correct copy of *H&R Block Tax Servs. v. Jackson Hewitt Tax Serv.*, No. 6:09-cv-37, Dkt. No. 66 (E.D. Tex. April 14, 2009).

7. Attached as Exhibit 5 to this Declaration is a true and correct copy of *Promethean Insulation Tech. LLC v. Sealed Air Corp.*, No. 2:13-cv-1113, Dkt. No. 222 (E.D. Tex. July 22, 2015).

8. Attached as Exhibit 6 to this Declaration is a true and correct copy of *Uniloc USA, Inc., v. Kakao Corp.*, No. 2:16-cv-576-JRG, Dkt. No. 31 (E.D. Tex. Dec. 28, 2016).

9. Attached as Exhibit 7 to this Declaration is a true and correct copy of an email dated June 11, 2024 from counsel for Samsung to counsel for Dr. Sung.

I declare under penalty of perjury under the laws of the United States that to the best of my knowledge and recollection the foregoing is true and correct.

Executed this 11th day of June, 2024.

/s/ Alex Chan
Alex Chan

EXHIBIT 1

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

ADVANCED MARKETING SYSTEMS, LLC	§	
	§	
	§	
	§	
	§	**CIVIL ACTION NO. 6:15-CV-134**
v.	§	**LEAD CASE**
	§	
	§	
CVS PHARMACY, INC., *et al.*	§	
	§	

ORDER

The parties in this case appeared for a Scheduling Conference on July 30, 2015. Days later, on August 4, 2015, Defendants CVS Pharmacy, Inc., Walgreen Co., and Brookshire Grocery Company filed an Unopposed Motion to Stay Discovery and Continue All Deadlines Pending Resolution of Statutory Subject Matter Issues (ECF 24). Defendants did not request a stay or raise the issue at the Scheduling Conference when the Court discussed deadlines in the case.

In their motion to stay, Defendants sought a stay of discovery and all deadlines on the basis that a letter brief was filed 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 asserted that a stay of this case pending resolution of the § 101 issues would avoid unnecessary expense and resources. [1] The Court granted the parties' request to file a Motion for Judgment on the Pleadings, but noting that the motion had not yet even been filed, the Court denied the motion to stay.

[1] A stay is not justified merely because a party desires to save money. Though the Court always strives to avoid wasting the Court and the parties' resources, that desire must be balanced with a credible showing that the dispositive motion is likely to succeed such that any intervening discovery would be wasted if and when the case is disposed of on motion.

Two weeks have passed and Defendants still have not filed their motion for judgment on the pleadings. Instead, Defendant Brookshire Grocery Company ("BGC") filed Objections to Magistrate Judge's Order Regarding Stay (ECF 60). BGC argues that staying the case pending resolution of its dispositive motion will conserve resources because its motion has a high probability of success on the merits. At this stage, however, the Court only has the benefit of a letter brief because BGC has not filed its motion for judgment on the pleadings. Though Defendants assert that the Court's denial of the stay for this reason puts form over substance, a letter brief is merely a truncated preview of the dispositive motion. It does not present the full scope of the argument.

It is therefore

ORDERED that Defendants shall file their motion for judgment on the pleadings, referred to in the Order filed on August 19, 2015 (ECF 36), **within 5 days** of entry of this Order. After the motion is filed and all parties have had an opportunity to brief the issues raised, the Court will re-evaluate Defendants' request to stay the case.

So ORDERED and SIGNED this 3rd day of September, 2015.

K. Nicole Mitchell

K. NICOLE MITCHELL
UNITED STATES MAGISTRATE JUDGE

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

DANCO, INC.	§	
	§	
v	§	**No. 5:16CV73-JRG-CMC**
	§	
FLUIDMASTER, INC.	§	

ORDER

The above-referenced case was referred to the undersigned United States Magistrate Judge for pre-trial purposes in accordance with 28 U.S.C. § 636. Before the Court is the following pending motion:

> **Agreed Motion to Stay Pending Ruling on Defendant Fluidmaster, Inc.'s Motion to Dismiss, or in the Alternative, Transfer Venue (Docket Entry # 68).**

The Court, having reviewed the motion, is of the opinion the motion should be **DENIED**.

Defendant Fluidmaster, Inc. ("Defendant") files this agreed motion, requesting the Court stay this action pending a decision on Defendant's Motion to Dismiss, or in the Alternative, Transfer Venue, filed June 5, 2017. While Plaintiff Danco, Inc. ("Plaintiff") opposes any dismissal or transfer of this case to the Central District of California, it agrees a stay pending the Court's decision on the venue issue is appropriate.

A motion to stay requires the weighing of competing interests, making each motion's determination dependent upon the facts and procedural history unique to a particular case. The Court has considered the competing interests here and in this instance finds a stay of the proceeding would not be beneficial. It is not the Court's policy to stay actions pending decisions on potentially dispositive motions. However, the Court advises the parties it will rule on Defendant's motion to

dismiss or transfer as soon as practicable once it is ripe.

In the meantime, to remove the immediate pressure of some of the upcoming deadlines dealing with the claim construction hearing scheduled August 15, 2017,[1] contemporaneously with this Order the Court is entering a Third Amended Docket Control Order with modified deadlines dealing with claim construction. Accordingly, it is

ORDERED that Agreed Motion to Stay Pending Ruling on Defendant Fluidmaster, Inc.'s Motion to Dismiss, or in the Alternative, Transfer Venue (Docket Entry # 68) is hereby **DENIED**.

SIGNED this 6th day of June, 2017.

CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE

[1] On May 25, 2017, the Court granted the parties' Joint Motion to Amend First Amended Docket Control Order, extending the parties' deadlines to file their Joint Claim Construction Statement, complete claim construction discovery, submit technical tutorials (if any), and file claim construction briefing and the Joint Claim Construction Chart.

EXHIBIT 3

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

GHJ HOLDINGS, INC.,	§	
Plaintiff,	§	
	§	
v.	§	**CIVIL ACTION NO. 5:10-CV-220**
	§	
PLASTICADE PRODUCTS	§	
CORPORATION,	§	
Defendant.	§	

O R D E R

Before the Court is Defendant's Motion for a Protective Order to Stay Discovery. Dkt. No. 26. Also before the Court is Defendant's Motion for Expedited Briefing on its Motion to Stay Discovery. Dkt. No. 27. As the basis for its request for expedited briefing, Defendant notes that the parties have agreed upon a "June 15[, 2011] deadline for responding to initial discovery requests." *Id.* at 1.

Defendant requests a stay of discovery until the Court rules on Defendant's Motion to Dismiss. Although filed three months ago and fully briefed by the parties, that motion is not yet fully ripe because the United States has moved to intervene "for the limited purpose of defending the constitutionality of 35 U.S.C. § 292." Dkt. No. 25.[1] That motion to intervene is ruled upon by separate Order.

Local Rule CV-26(a), which provides:

> **No Excuses.** Absent court order to the contrary, a party is not excused from responding to discovery because there are pending motions to dismiss, to remand, or to change venue. Parties asserting the defense of qualified immunity may

[1] Although the Court has been awaiting action by the United States pursuant to a 30-day extension of time for intervention (*see* Dkt. No. 18), the Court does not here pass on whether it must await a brief by the United States before ruling on Defendant's Motion to Dismiss.

> submit a motion to limit discovery to those materials necessary to decide the issue of qualified immunity.

For justification of a stay, Defendant relies on its pending motion to dismiss, but under Local Rule CV-26(a), such motions are specifically identified as not warranting a stay of discovery, regardless of the ground asserted therein (with the exception of qualified immunity, which is not at issue in this case). Defendant's reliance on Rule 9(b) and *In re BP Lubricants USA Inc.* is therefore unavailing. *See* Dkt. No. 26 at 6-7 (discussing 637 F.3d 1307 (Fed. Cir. 2011)); *see also Main Hastings v. Halliburton Co., et al.*, C.A. No. 2:10-CV-562, Dkt. No. 31 (E.D. Tex. May 27, 2011) (granting in part and denying in part a motion to dismiss).

Defendant also urges the Court to take into account that Plaintiff's discovery requests are "overly broad and burdensome" and "go beyond the scope of the issues in the current case." Dkt. No. 26 at 4. A more proper vehicle for these arguments would be an appropriate motion (such as a motion for protective order or motion to quash) as to specific discovery requests.

In sum, Defendant's Motion for a Protective Order to Stay Discovery (Dkt. No. 26) is hereby **DENIED**.

Defendant's Motion for Expedited Briefing (Dkt. No. 27) is accordingly hereby **DENIED AS MOOT**.

IT IS SO ORDERED.

SIGNED this 31st day of May, 2011.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE

EXHIBIT 4

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

H&R BLOCK TAX SERVICES, INC.	§	
	§	
V.	§	**CIVIL ACTION NO. 6:08-CV-37**
	§	
JACKSON HEWITT TAX	§	
SERVICE, INC.	§	

ORDER

On March 13, 2009, Defendant Jackson Hewitt Tax Service, Inc. ("Jackson Hewitt") filed a Motion for Summary Judgment based on the recent Federal Circuit decision *In re Bilski*, 545 F.3d 943, (Fed. Cir. 2008). (Doc. No. 53.) On that same date, Jackson Hewitt also filed a Motion to Stay Proceedings Pending Resolution of its Motion for Summary Judgment. (Doc. No. 55.) On April 13, 2009, Plaintiff H&R Block Tax Services, Inc. ("H&R Block") filed a Response to the Motion for Summary Judgment, (Doc. No. 65), and a Response to the Motion to Stay, (Doc. No. 64).

Jackson Hewitt argues that a stay is appropriate to prevent unnecessary and wasteful discovery efforts. It argues that the Court will likely grant its Motion for Summary Judgment, in part or in its entirety, which will render at least some discovery unnecessary. H&R Block argues that the Court will likely deny the Motion for Summary Judgment, which will render a stay unnecessary and wasteful.

District courts have the inherent power to manage their dockets, and this includes the power to stay proceedings. *Soverain Software LLC v. Amazon.com, Inc.*, 356 F. Supp. 2d 660, 662 (E.D. Tex. 2005); *see also Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) ("The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants."). At

this time, the Court cannot determine the ultimate merits of Jackson Hewitt's Motion for Summary Judgment. Thus, the Court finds that Jackson Hewitt has not offered adequate justification for a stay of all proceedings. Jackson Hewitt's Motion to Stay Proceedings, (Doc. No. 55), is **DENIED**.

So ORDERED and SIGNED this 14th day of April, 2009.

JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE

EXHIBIT 5

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

PROMETHEAN INSULATION TECHNOLOGY LLC	§	
	§	
v.	§	Case No. 2:13-CV-1113-JRG-RSP
	§	
SEALED AIR CORPORATION, ET AL.	§	

ORDER DENYING RETAILER DEFENDANTS' MOTION TO STAY

Before the Court is Retailer Defendants' Motion to Stay (Dkt. No. 82, "Motion to Stay"). In their Motion to Stay, the moving parties[1] request the Court stay the case against them pending resolution of the claims against Reflectix Inc., SOPREMA, Inc. (U.S.), SOPREMA, Inc. (Canada), and SOPREMA U.S.A., Inc. (collectively, "Manufacturing Defendants") (Mot. at 1). In the alternative, the Moving Defendants request the Court bifurcate liability and validity from damages in this case, and stay the case against the Retailer Defendants until liability and validity determinations are reached for the Manufacturing Defendants. (*Id.*) The Manufacturing Defendants oppose. (Opp. at 1.) For the following reasons, Defendants' Motion to Stay (Dkt. No. 82) is **DENIED**.

BACKGROUND

In their motion, the Retailer Defendants argue the Manufacturing Defendants are the "true defendants" in this case and that the Retailer Defendants "do not make any of the products accused of infringement" as set forth in Plaintiff's infringement contentions. (Mot. at 1.) The Retailer Defendants further argue they do not use the accused products in any of the allegedly infringing manners but instead, "merely purchase the Accused Products from the Manufacturing

[1] Here, the remaining moving parties include TVM Building Products, Inc. and Energy Efficient Solutions, LLC (collectively, "Retailer Defendants").

Defendants and resell [them] to third parties." (*Id*. at 1–2.) The Retailer Defendants conclude, "[a]llowing the case to proceed against the Manufacturing Defendants alone will decrease costs by avoiding peripheral or duplicative issues and will increase efficiency by focusing efforts on those defendants with knowledge of the substantive issues in this case." (*Id*. at 6.) The Court disagrees and hereby denies the motion.

ANALYSIS

This Court has the inherent authority to manage its docket, including the power to stay proceedings. *See Clinton v. Jones*, 520 U.S. 681, 706 (1997) ("The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket."). How to best manage the court's docket "calls for the exercise of judgment, which must weigh competing interests and maintain an even balance." *Landis v. N. Am. Co.*, 299 U.S. 248, 254–55 (1936). In deciding to whether to stay a given matter, Courts will typically consider three factors: (1) whether the stay will unduly prejudice or present a clear tactical disadvantage to the nonmoving party; (2) whether a stay will simplify the issues in question and trial of the case; and (3) whether discovery is complete and whether a trial date has been set. *See, e.g., Norman IP Holdings, LLC v. TP-Link Technologies, Co., No. 6:13-CV-384-JDL*, 2014 WL 5035718, at *2 (E.D. Tex. Oct. 8, 2014) (citing *Soverain Software LLC v. Amazon.com, Inc.*, 356 F. Supp. 2d 660, 662 (E.D. Tex. 2005)) (resolving the three factors in the context of an ongoing *inter partes* review proceeding at the United States Patent and Trademark Office).

I. Issue Simplification

Regarding the first factor, the Retailer Defendants liken their status as retailers to those of downstream customers in the context of a customer-suit exception analysis. (Mot. at 2.) Specifically, the Retailer Defendants argue the same general principles that govern the customer-

suit exception should apply here because they merely purchase the accused products from the Manufacturing Defendants and resell them to third parties. (*Id*. at 1–2.) The Retailer Defendants subsequently cite the factors the Court must consider in analyzing the customer-suit exception and conclude that their status in this case merits their requested stay. (*Id*. at 3.) Plaintiff argues the Retailer Defendants are more than mere resellers and, in fact, individually infringe as reflected in its indirect infringement claims against the Retailer Defendants. (*See* Opp. at 6) ("The majority of Promethean's claims against the Moving Defendants are for inducing infringing.").

Although the Court takes no position as to whether or not the customer-suit exception applies under these specific facts,[2] the Court concludes the Retailer Defendants have failed to show that a stay will simplify the issues in question and trial of the case. Specifically, throughout its briefing and supplemental briefing (e.g., Dkt. No. 106), Plaintiff sets forth plausible theories as to why the Retailer Defendants are more than mere resellers of the accused products. (*See, e.g.*, Opp. at 5–10) (discussing claims of induced infringement). Under these theories, discovery as it relates to these particular inducement claims would not be duplicative of the discovery taken on the Manufacturing Defendants. Therefore, a stay would not simplify the issues as least as to these particular issues of the case.

The Retailer Defendants' arguments as they relate to the alternative relief they seek are equally unavailing. (*See* Mot. at 10) (requesting the Court bifurcate liability and validity from

[2] Indeed, the Retailer Defendants do not even assert that customer-suit exception must apply under these facts. (*See* Mot. at 3) ("The Federal Circuit [recently observed] that, while circumstances may differ from the traditional application of the customer-suit exception, the same general principles ***can*** apply where claims against the manufacturer and retailer exist in the same case.") (citing *In re Nintendo of Am., Inc.*, 756 F.3d 1363, 1365 (Fed. Cir. 2014) (emphasis added).

damages and stay the case against the Retailer Defendants). As noted previously, a stay would not simplify the issues due to Plaintiff's independent claims of indirect infringement against the Retailer Defendants.[3]

Accordingly, the Court finds the first factor weighs against granting a stay.

II. Prejudice or Tactical Disadvantage

Regarding the second factor, the only arguments the Retailer Defendants offer regarding undue prejudice relates to the potential for an increase in costs and a decrease in efficiency by avoiding "peripheral or duplicative issues." (Mot. at 6, 8.) Plaintiff disagrees and offers reasons as to why it believes it would be unduly prejudiced were the Court to grant the requested stay. (*See, e.g.,* Opp. at 11–12) (arguing a stay would prevent Plaintiff from presenting a fully developed damages model based on its claims for inducement against the Retailer Defendants). Given Plaintiff's claims for inducement, the Court finds there is a risk of unduly prejudicing Plaintiff by granting a stay so as to prevent Plaintiff from taking discovery as to its indirect infringement claims. Accordingly, the Court finds this factor weighs against a stay as well.

III. Discovery and Trial Date

Regarding the third and final factor, the Court observes that at the time of filing of the Retailer Defendants' Motion to Stay, the Court had entered a Docket Control Order ("DCO") more than five months prior. (Dkt. No. 60, entered April 24, 2014). The DCO set a Sept. 8, 2015 trial setting and also set forth the parties' discovery schedule and claim

[3] The Retailer Defendants argue a stay under their alternative theory is warranted due to the "identical validity issues" and the likelihood of having "substantially similar liability issues" as compared to the Manufacturing Defendants. Consolidated actions such as this one commonly involve "substantially similar liability issues" and "identical validity issues" among the various parties. This alone is not sufficient to justify bifurcation of issues and a stay as the Retailer Defendants request.

construction briefing deadlines. (*Id*.) Indeed, by the date of the filing on the instant motion, the claim construction process had already begun as between the parties. (*See id*. at 3) (requiring an exchange of the parties' proposed claim terms and the parties' joint claim constructions on July 15, 2014 and September 1, 2014, respectively). This weighs against granting a stay.

In addition to the trial setting, the Retailer Defendants do not dispute that discovery was ongoing as of the date of the filing of their motion. (*See* Reply at 9) ("[L]imited discovery has taken place, including exchange of initial disclosures, technical and non-technical document productions, and responses to a first set of interrogatories."). Moreover, the Court observes that Plaintiffs' infringement contentions were due March 31, 2014. (*See* Dkt. No. 12) (setting Plaintiff's infringement contentions deadline as one week prior to the April 7, 2014 scheduling conference). Given the fact that the Retailer Defendants' motion is almost entirely premised on the accused products in this case, the Court strains to understand why the Retailer Defendants' waited nearly six months to file their motion as discovery continued. Evaluating this factor as a whole, the Court finds this factor, too, weighs against granting a stay.

CONCLUSION

For the foregoing reasons, and by finding all three factors weighing in against granting a stay, the Court hereby **DENIES** the Retailer Defendants' Motion to Stay (Dkt. No. 82).

SIGNED this 22nd day of July, 2015.

ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE

EXHIBIT 6

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

UNILOC USA, INC. and UNILOC Luxembourg, S.A., *Plaintiffs*, v. GOOGLE, INC.,	§ § § § § § § § §	Civil Action No. 2:16-CV-566-JRG LEAD CASE
KAKAO CORPORATION, *Defendants*.	§ § § § § §	Civil Action No. 2:16-CV-576-JRG CONSOLIDATED CASE

ORDER

Before the Court is Defendant Kakao Corporation's Motion to Stay Pending Resolution of Its Motion to Dismiss (Case No. 2:16-cv-576, Dkt. No. 28). Having considered the motion, the Court finds that there is no basis to grant a stay.

LEGAL STANDARD

A district court "has the inherent power to control its own docket, including the power to stay proceedings." *Souverain Software LLC v. Amazon.com, Inc.*, 356 F. Supp. 2d 660, 662 (E.D. Tex. 2005). In deciding whether to stay litigation, courts typically consider "(1) whether a stay will unduly prejudice or present a clear tactical advantage to the nonmoving party; (2) whether a stay will simplify the issues in question and trial of the case; and (3) whether discovery is complete and whether a trial date has been set." *Id.* These are not exclusive factors, and the Court ultimately must consider whether the benefits of a stay outweigh the costs. As a general matter, the Court

will not stay discovery merely because there is a pending motion to dismiss.

ANALYSIS

Kakao contends that a stay of these proceedings during the pendency of its motion to dismiss is necessary to prevent Kakao from "expending significant resources litigating a case in a jurisdiction where Uniloc should never have brought the case in the first place." (Mot. at 1.) Nearly every defendant seeking to postpose discovery pending the resolution of a motion to dismiss argues that the high cost of discovery warrants a stay. However, the costs associated with adhering to routine discovery obligations do not uniformly impose an undue burden on the parties. *See Advanced Mktg. Sys., LLC v. CVS Pharmacy, Inc.*, No. 6:15-cv-134, Dkt. No. 61 at 1 n.1 (E.D. Tex. Sep. 3, 2015) ("A stay is not justified merely because a party desires to save money."); *GHJ Holdings, Inc. v. Plasticade Prods. Corp.*, No. 5:10-cv-220, Dkt. No. 29 (E.D. Tex. May 31, 2011) (denying a motion to stay where defendant argued it would be forced to "enter into the costly—and in the instant case, one sided—discovery ordeal"). While the court is cognizant of the costs associated with litigation, the mere filing of a motion to dismiss under Federal Rule of Civil Procedure 12 does not justify a stay. To hold otherwise would invite meritless motions from defendants seeking the tactical advantages of a stay.

Having fully considered Kakao's arguments, the Court finds no basis to depart from the established standard set forth in Local Rule CV-26(a) and reaffirmed in the model discovery order: "a party is not excused from responding to discovery because there are pending motions to dismiss, to remand, or to change venue."

CONCLUSION

For the foregoing reasons, Kakao's Motion to Stay (Case No. 2:16-cv-576, Dkt. No. 28) is hereby **DENIED**.

So ORDERED and SIGNED this 28th day of December, 2016.

RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE

EXHIBIT 7

Lauren Mostrom

From: David Cho <DCho@desmaraisllp.com>
Sent: Tuesday, June 11, 2024 11:43 AM
To: Alex Chan; Peter Mazur; Neil Benchell; Timothy Devlin; Sung-Samsung-DLF_Intl
Cc: Mandy Nelson; Collin Maloney; Otis Carroll; Samsung Sung Service
Subject: Chien-Min Sung v. Samsung Elecs. Co. Ltd., No. 4:23-cv-00752 (E.D. Tex.) - Subpoenas
Attachments: 2024-06-11 Defendants Subpoena to TI for Production.pdf; 2024-06-11 Defendants Subpoena to TI for Testimony.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Counsel,

Defendants will serve the attached copies of subpoenas.

Regards,
David

David Cho
Desmarais LLP
1899 Pennsylvania Ave. NW, Suite 400
Washington, DC 20006
T: (202) 451-4922

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

CHIEN-MIN SUNG, Plaintiff, v. SAMSUNG ELECTRONICS CO. LTD., SAMSUNG ELECTRONICS AMERICA, INC., SAMSUNG SEMICONDUCTOR, INC., and SAMSUNG AUSTIN SEMICONDUCTOR LLC, Defendant.	Civil Action No. 4:23-cv-752-SDJ **JURY TRIAL DEMANDED**

[PROPOSED] ORDER DENYING DEFENDANTS' MOTION TO STAY

Before the Court is Defendants' Motion to Stay Pending Resolution of TI's Motion for Summary Judgment (Dkt. 56, the "Motion"). The Court, having considered the Motion and the parties' briefs, finds good cause does not exist for the entry of a stay, and that therefore the Motion should be DENIED in its entirety.

It is therefore **ORDERED**, that the Motion is DENIED with prejudice.