

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

NETWORK SYSTEM TECHNOLOGIES,
LLC,

Plaintiff.

v.

QUALCOMM INCORPORATED,
QUALCOMM TECHNOLOGIES, INC., and
ARTERIS, INC.

Defendants.

Civil Action No. 1:22-cv-1331-DAE

JURY TRIAL DEMANDED

QUALCOMM'S OPPOSED MOTION TO STAY PENDING *INTER PARTES* REVIEW

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	FACTUAL BACKGROUND	2
	A. Case Summary and Status.....	2
	B. The PTAB Has Instituted Review of All Asserted Claims of the '449 and '052 Patents	2
III.	THE COURT SHOULD STAY THIS CASE WHILE THE PTAB DETERMINES THE VALIDITY OF THE '052 AND '449 PATENTS	3
	A. Factor No. 1: A Stay Will Not Unduly Prejudice NST	4
	B. Factor No. 2: A Stay will Greatly Simplify or Eliminate Issues in This Case	6
	C. Factor No. 3: This Case Is Still in its Early Stages	9
IV.	CONCLUSION.....	10

Table of Authorities

Cases

<i>Aylus Networks, Inc. v. Apple Inc.</i> , 856 F.3d 1353 (Fed. Cir. 2017)	8
<i>Bell Semiconductor, LLC v. NXP Semiconductors, N.V.</i> , No. 1:20-CV-611-LY, 2022 U.S. Dist. LEXIS 82938 (W.D. Tex. Feb. 7, 2022)	4
<i>Canon Inc. v. Avigilon USA Corp.</i> , No. 3:17-CV-2733-N, 2019 U.S. Dist. LEXIS 241863 (N.D. Tex. Jan. 3, 2019)	4
<i>Clinton v. Jones</i> , 520 U.S. 681, 706 (1997)	3
<i>Crossroads Sys. v. DOT Hill Sys. Corp.</i> , No. A-13-CA-800-SS, 2015 U.S. Dist. LEXIS 77526 (W.D. Tex. June 15, 2015)	5
<i>Cywee Grp. Ltd. v. Samsung Elecs. Co.</i> , No. 2:17-CV-00140-WCB-RSP, 2019 U.S. Dist. LEXIS 144149 (E.D. Tex. Feb. 14, 2019)	8, 10
<i>Destination Maternity Corp. v. Target Corp.</i> , 12 F. Supp. 3d 762 (E.D. Pa. 2014)	9
<i>e-Watch, Inc. v. ACTi Corp.</i> , No. SA-12-CA-695-FB, 2013 U.S. Dist. LEXIS 172928 (W.D. Tex. Aug. 9, 2013)	4
<i>IOENGINE, LLC v. PayPal Holdings, Inc.</i> , No. 18-452-WCB, 2019 U.S. Dist. LEXIS 141545 (D. Del. Aug. 21, 2019)	10
<i>Kirsch Research & Dev., LLC v. Tarco Specialty Prods.</i> , No. 6:20-cv-00318-ADA, 2021 U.S. Dist. LEXIS 191689 (W.D. Tex. Oct. 4, 2021)	4
<i>Micrografx, LLC v. Google, Inc.</i> , No. 3:13-CV-3595-N, 2014 U.S. Dist. LEXIS 182401 (N.D. Tex. Jul. 9, 2014)	4
<i>Network-1 Techs. v. Hewlett-Packard Co.</i> , 976 F.3d 1301 (Fed. Cir. 2020)	8
<i>Oxygenator Water Techs., Inc. v. Tennant Co.</i> , No. 20-cv-0358 (ECT/HB), 2021 U.S. Dist. LEXIS 193974 (D. Minn. Oct. 7, 2021)	7
<i>Pers. Audio LLC v. Google, Inc.</i> , No. 1:15-cv-350, 2015 U.S. Dist. LEXIS 192627 (E.D. Tex. Nov. 3, 2015)	5
<i>Shaw Indus. Grp., Inc. v. Automated Creel Sys., Inc.</i> , 817 F.3d 1293 (Fed. Cir. 2016)	8
<i>Sonrai Memory, Ltd. v. Western Digital Technologies, Inc.</i> , No. 6:21-cv-01168-ADA, 2022 U.S. Dist. LEXIS 138603 (W.D. Tex. Aug. 4, 2022)	6
<i>TC Tech. LLC v. T-Mobile USA, Inc.</i> , No. 6-20-CV-00899-ADA, 2021 U.S. Dist. LEXIS 256992 (W.D. Tex. Dec. 7, 2021)	4
<i>Versata Software, Inc. v. Callidus Software, Inc.</i> , 771 F.3d 1368 (Fed. Cir. 2014)	10
<i>Xylon Licensing LLC v. Lone Star Nat'l Bancshares-Tex., Inc.</i> , No. 6:21-CV-00302-ADA, 2022 U.S. Dist. LEXIS 103060 (W.D. Tex. June 8, 2022)	3

Other Authorities

35 U.S.C. § 315(c)	3
35 U.S.C. § 315(e)(2)	7
35 U.S.C. § 316(a)(11)	3
37 C.F.R. § 42.122(b)	3, 5

I. INTRODUCTION

Defendants Qualcomm Incorporated and Qualcomm Technologies, Inc. (collectively “Qualcomm”) hereby move for a stay of this case pending resolution of *inter partes* review (“IPR”) proceedings before the U.S. Patent Office’s Patent and Trial Appeal Board (“PTAB”).¹ The PTAB has instituted IPRs on all asserted claims of Patent Nos. 7,594,052 (the “’052 patent”) and 7,373,449 (the “’449 patent”). In doing so, the PTAB found there is a reasonable likelihood that all asserted claims of both patents are invalid on multiple grounds.

The three stay factors weigh strongly in favor of granting a stay. First, any potential prejudice to Plaintiff Network System Technologies, LLC (“NST”) is small, particularly considering that NST is a non-practicing entity who, if appropriate, can be compensated for any delay with prejudgment interest. Second, the instituted IPRs are likely to eliminate two of the remaining five patents in this case. And even if that does not happen, the Court is likely to gain valuable insights from the PTAB’s expertise in interpreting and explaining the technology, the patents, and the prior art. Indeed, as explained further below, this has already happened relative to a third patent-in-suit, Patent No. 8,072,893 (the “’2893 patent”). Third, this case remains in its early stages. A motion to dismiss is pending, such that Qualcomm is yet to answer the operative complaint. Fact discovery remains open for at least another 4 months. Expert discovery does not even begin for at least another 5 months. No trial date is set. The Court has not issued a Claim Construction Order. The most burdensome stages of the case all lie in the future. Judicial economy is best served by staying this case pending the outcome of the IPRs.

¹ This motion is made by the Qualcomm defendants only. NST and the other defendant in this case, Arteris, Inc., recently notified the Court that they have reached a settlement in principle and asked the Court to stay the case as to Arteris except for a motion to compel against Arteris. Dkt. 112. The Court granted that motion to stay. Dkt. 113.

II. FACTUAL BACKGROUND

A. Case Summary and Status

NST filed its original complaint on December 19, 2022 and an amended complaint on August 7, 2023 asserting infringement of six patents by Qualcomm and Arteris, Inc. Dkt. 1; Dkt. 57. NST recently dropped its assertion as to one patent (Patent No. 8,086,800), leaving five patents in suit. Dkt. 121.

Qualcomm moved to dismiss the amended complaint on September 5, 2023 (Dkt. 63) and has not answered the amended complaint. The Court held a *Markman* hearing on December 21, 2023 and a supplemental *Markman* hearing on February 21, 2024, but has not yet issued a *Markman* order. Dkt. 94; Dkt. 99. Because much of the scheduling order is tied to the Claim Construction Order, the remaining deadlines are both uncertain and well in the future. Fact discovery is set to close 120 days after the Claim Construction Order, expert discovery begins 150 days after the Claim Construction Order, and the deadline for filing dispositive motions is 250 days after the Claim Construction Order. *See* Dkt. 80 at ¶¶10, 12, 16, 13. The Court has not yet set a trial date. *Id.* at ¶18.

B. The PTAB Has Instituted Review of All Asserted Claims of the '449 and '052 Patents

On December 19, 2023, Qualcomm and Samsung Electronics Co., Ltd. (“Samsung”) timely filed an IPR petition challenging the patentability of claims 1-7 of the '052 patent.² The PTAB instituted review of the '052 patent on June 21, 2024, finding that Qualcomm has “demonstrated a reasonable likelihood of proving” that each of claims 1-7 is unpatentable on multiple grounds. Ex. 1 at 36-37, 44. Absent unusual circumstances, the PTAB will issue its final

² Only claim 6 of the '052 patent has been asserted against Qualcomm.

written decision on the patentability of these claims no later than June 21, 2025. 35 U.S.C. § 316(a)(11).

On December 18, 2023, Samsung filed an IPR petition challenging the patentability of claims 1-6 and 9-16 of the '449 patent.³ In response, NST disclaimed claims 1, 3, 4, and 5 of the '449 patent. Ex. 5. On June 21, 2024, the PTAB instituted review of the '449 patent, finding that the IPR petition “demonstrate[d] a reasonable likelihood of proving” each of the remaining challenged claims (2, 6, and 9-16) is unpatentable on multiple grounds. Ex. 2 at 66-67, 85-86. On the same day the PTAB instituted review on the '449 patent, Qualcomm filed a petition and moved to join the instituted '449 IPR under 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b). Exs. 6, 7. The PTAB’s final written decision is currently due on or before June 21, 2025.⁴

III. THE COURT SHOULD STAY THIS CASE WHILE THE PTAB DETERMINES THE VALIDITY OF THE '052 AND '449 PATENTS

A district court has “broad discretion to stay proceedings as an incident to its power to control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706 (1997). “A stay is particularly justified when ‘the outcome of a PTO proceeding is likely to assist the court in determining patent validity or eliminate the need to try infringement issues.’” *Xylon Licensing LLC v. Lone Star Nat’l Bancshares-Tex., Inc.*, No. 6:21-CV-00302-ADA, 2022 U.S. Dist. LEXIS 103060, at *2-3 (W.D. Tex. June 8, 2022).

³ Only claims 10-16 of the '449 patent are asserted against Qualcomm.

⁴ In requesting joinder, Qualcomm agreed to take an understudy role so long as Samsung remains in the proceeding. Ex. 7 at 2. NST and Samsung recently moved to dismiss the district court lawsuit against Samsung in light of a settlement between them, suggesting that Samsung may drop out of the '449 IPR. Ex. 8. However, the most common reason for IPR joinder is precisely so that the joining party can take over the IPR if the original petitioner drops out due to settlement. In the event Samsung drops out prior to the PTAB’s ruling on Qualcomm’s motion to join, the PTAB will likely adjust the IPR schedule to allow time to decide Qualcomm’s motion, and the final written decision may be pushed back a few months, as permitted by the statute in the event of joinder. *See* 35 U.S.C. § 316(a)(11).

When deciding whether to stay a case pending IPR, courts generally consider three factors: “(1) whether a stay would unduly prejudice or present a clear tactical disadvantage to the nonmoving party; (2) whether a stay will simplify the issues in question; and (3) the status of the litigation at the time a stay is requested.” *Bell Semiconductor, LLC v. NXP Semiconductors, N.V.*, No. 1:20-CV-611-LY, 2022 U.S. Dist. LEXIS 82938, at *3-4 (W.D. Tex. Feb. 7, 2022). “[T]he most important factor bearing on whether to grant a stay in this case is the prospect that the *inter partes* review proceeding will result in simplification of the issues before the Court.” *Kirsch Research & Dev., LLC v. Tarco Specialty Prods.*, No. 6:20-cv-00318-ADA, 2021 U.S. Dist. LEXIS 191689, at *6-7 (W.D. Tex. Oct. 4, 2021).

Here, all three factors strongly favor a stay.

A. Factor No. 1: A Stay Will Not Unduly Prejudice NST

Any prejudice to NST is small. As a non-practicing entity, NST’s interest in timely enforcement of its patents is not, on its own, enough to defeat a motion to stay. *TC Tech. LLC v. T-Mobile USA, Inc.*, No. 6-20-CV-00899-ADA, 2021 U.S. Dist. LEXIS 256992, at *5 (W.D. Tex. Dec. 7, 2021) (“because that interest is present in every case where a patent owner resists a stay, that alone is insufficient to defeat a motion to stay”); *e-Watch, Inc. v. ACTi Corp.*, No. SA-12-CA-695-FB, 2013 U.S. Dist. LEXIS 172928, at *30 (W.D. Tex. Aug. 9, 2013) (“the mere fact and length of any delay...does not demonstrate prejudice sufficient to deny [a] request for a stay”); *Micrografx, LLC v. Google, Inc.*, No. 3:13-CV-3595-N, 2014 U.S. Dist. LEXIS 182401, at *3 (N.D. Tex. Jul. 9, 2014) (“A delay caused by the inter partes review process, without more, does not justify denial of a stay.”). In the unlikely event Qualcomm is found to infringe NST’s asserted patents, any delay caused by the stay can, if appropriate, be compensated for with prejudgment interest. *See Canon Inc. v. Avigilon USA Corp.*, No. 3:17-CV-2733-N, 2019 U.S. Dist. LEXIS 241863, at *7 (N.D. Tex. Jan. 3, 2019). Moreover, Qualcomm began selling

products accused of infringement in this case well more than 15 years before this suit was filed. Such delay in enforcement belies a claim of prejudice. *E.g., Pers. Audio LLC v. Google, Inc.*, No. 1:15-cv-350, 2015 U.S. Dist. LEXIS 192627, at *5 (E.D. Tex. Nov. 3, 2015) (twenty month delay in filing suit “weighs against a finding of undue prejudice in the granting of a stay”).

Courts often consider the following subfactors in determining undue prejudice: “(1) the timing of the review request; (2) the timing of the request for stay; (3) the status of the review proceedings; and (4) the relationship of the parties.” *Crossroads Sys. v. DOT Hill Sys. Corp.*, No. A-13-CA-800-SS, 2015 U.S. Dist. LEXIS 77526, at *10-11 (W.D. Tex. June 15, 2015).

First, Qualcomm did not unreasonably delay in filing the IPR petitions, nor did Qualcomm seek or obtain a tactical advantage by doing so. Qualcomm filed within the time allowed by statute (within one year of service of the complaint) and moved to join an already instituted petition. 35 U.S.C. § 315(b); 37 C.F.R. § 42.122(b). Courts have found this to be reasonable. *See Canon*, 2019 U.S. Dist. LEXIS 241863, at *7-8. Moreover, NST’s initial infringement charts failed to reasonably identify how NST was reading the claims on Qualcomm’s products. Thus, Qualcomm was not fully aware of just how broadly NST was interpreting those claims. Under such circumstances, it is not unreasonable to wait until the parties’ positions on claim scope are clarified through claim construction disclosures and briefing. *Id.* at *8 (“The mere fact that [Defendant] chose not to file its IPRs until after considering [Plaintiff’s] contentions in its claim construction brief does not amount to unreasonable delay.”).

Second, Qualcomm was diligent in seeking a stay. The PTAB instituted review of the ’052 and ’449 patents on June 21, 2024. Qualcomm moved to join the ’449 IPR the same day. It

then promptly met and conferred with NST and filed this motion a mere 11 days after receiving the institution decisions.

Third, the PTAB instituted as to all asserted claims of the '449 and '052 patents. The PTAB is scheduled to issue final written decisions by June 21, 2025. Trial in the present case has not yet been set (Dkt. 80 at ¶18) but will almost certainly be after the final written decisions.

Fourth, NST is *not* a competitor of Qualcomm's and does not practice the asserted patents. As discussed above, courts in this district have recognized that in such circumstances, a plaintiff's interest in timely enforcement "is diminished" as a stay would only delay any recovery to the patentee. *Kirsch*, 2021 U.S. Dist. LEXIS 191684, at *6-7; *Sonrai Memory, Ltd. v. Western Digital Technologies, Inc.*, No. 6:21-cv-01168-ADA, 2022 U.S. Dist. LEXIS 138603, at *6 (W.D. Tex. Aug. 4, 2022); *Crossroads*, 2015 U.S. Dist. LEXIS 77526, at *10. That is particularly so here, where NST is pursuing infringement that allegedly began more than 15 years before suit was filed.

B. Factor No. 2: A Stay will Greatly Simplify or Eliminate Issues in This Case

The second factor—whether a stay will simplify the issues in question—strongly favors a stay. A stay may simplify the issues in the case by "rendering some or all of Plaintiff's infringement claims moot, estopping Defendant from asserting any arguments it raised or reasonably could have raised in the IPR, and providing the Court with PTAB's expert opinion on the claims at issue." *Canon*, 2019 U.S. Dist. LEXIS 241863, at *8.

Statistics show that there is a strong possibility the IPRs will fully resolve all of the asserted claims in two of the five asserted patents left in this case. PTAB data from FY23 (Oct. 2022 to Sept. 30 2023) shows that 78.9% of claims that reach a final written decision are invalidated. *See* Ex. 9 at 12. And of the IPRs that reach a final written decision, 67.5% invalidate all challenged claims and 82.9% invalidate at least some challenged claims. *See id.* at 10.

Moreover, the PTAB's institution decisions for the '052 and '449 patents suggest an even higher-than-usual likelihood that all asserted claims will be invalidated. In order to institute, the PTAB only needs to find a reasonable likelihood of invalidity of a single claim based on a single ground. 35 U.S.C. § 314(a). Here, however, the PTAB found there was "a reasonable likelihood of proving" invalidity as to *all* challenged claims of the '052 and '449 patents based on *multiple* grounds. Ex. 1 at 36-37, 44; Ex. 2 at 66-67, 85-86. This shows that the PTAB is highly likely to invalidate all of the asserted claims of both patents. *See Sonrai*, 2022 U.S. Dist. LEXIS 138603, at *10-12 (concluding the PTAB's finding in its institution decision that the petitioner showed a reasonable likelihood of success as to all challenged claims on multiple grounds indicated a strong petition that weighed in favor of a stay). This likely outcome would significantly reduce the number of claims that proceed to trial.

Courts often grant stays even when, as here, not all patents in suit are in IPR. For example, in *Bell*, the court granted a stay where three of the seven patents had instituted IPRs, and the other four patents were unrelated to patents subject to IPRs. *Bell Semiconductor*, 2022 U.S. Dist. LEXIS 82938, at *5-6. Similarly, in *Canon*, the court granted a stay where only two of the five asserted patents were subject to IPR petitions (and neither had been instituted at that point). *Canon*, 2019 U.S. Dist. LEXIS 241863, at *6, 8; *see also Oxygenator Water Techs., Inc. v. Tennant Co.*, No. 20-cv-0358 (ECT/HB), 2021 U.S. Dist. LEXIS 193974 (D. Minn. Oct. 7, 2021) (staying case with 1 of 3 patents subject to an IPR at the close of fact discovery).

Even in the event that the PTAB does not invalidate all of the asserted claims in the two patents subject to IPRs, simplification will still occur. Qualcomm will be estopped from arguing that the '052 patent is invalid on any ground that it "raised or reasonably could have raised during that inter partes review." 35 U.S.C. § 315(e)(2); *Shaw Indus. Grp., Inc. v. Automated*

Creel Sys., Inc., 817 F.3d 1293, 1300 (Fed. Cir. 2016). And (if joined) Qualcomm will be estopped from arguing the grounds asserted in the '449 IPR. *Network-1 Techs. v. Hewlett-Packard Co.*, 976 F.3d 1301, 1314 (Fed. Cir. 2020) (finding that parties joined to IPRs are estopped from asserting the grounds of the joined IPR in district court).

A stay would also allow the Court to consider the impact of arguments advanced before the PTAB, and give the Court the benefit of the PTAB's expertise in analyzing the complex technology at issue in this case. *See Aylus Networks, Inc. v. Apple Inc.*, 856 F.3d 1353, 1364 (Fed. Cir. 2017) ("[S]tatements made by a patent owner during an IPR proceeding, whether before or after an institution decision, can be relied upon to support a finding of prosecution disclaimer."); *Canon*, 2019 U.S. Dist. LEXIS 241863, at *8 (noting that one of the benefits of a stay is providing the Court with the "PTAB's expert opinion on the claims at issue"); *Cywee Grp. Ltd. v. Samsung Elecs. Co.*, No. 2:17-CV-00140-WCB-RSP, 2019 U.S. Dist. LEXIS 144149, at *28 (E.D. Tex. Feb. 14, 2019) ("even if the PTAB does not invalidate any of the claims in the pending IPR proceedings, the expertise of the PTAB judges in this field of art is likely to be of considerable assistance to the Court in this complex case.").

Indeed, an example of how the PTAB's expertise can assist the Court has already occurred. Qualcomm also filed an IPR petition against another patent-in-suit, the '2893 patent. While the PTAB denied institution of that IPR petition, it did so in an 80-page opinion that, among other things, construed a key term of the patent ("each data package comprising N data elements") that is currently under consideration by this Court. Ex. 3 at 23-28. The PTAB agreed with Qualcomm that this claim term requires that "every data package communicated by the network stations has a fixed size of N data elements" and that N could not vary. *Id.* Since NST's infringement charts show that it is relying on the variable-length packets in Qualcomm's accused

products to meet this limitation (*see* Ex. 4 at 13-18), the PTAB’s construction should be dispositive of NST’s claim for infringement of the ’2893 patent in this case.

Similar statements to the PTAB or determinations by the PTAB could be made with respect to the ’449 and ’052 patents. Moreover, there is substantial overlap of terminology in all five of the patents in suit, and two of the other patents in suit (Patent Nos. 7,366,818 and 7,769,893) claim priority to the same foreign application as the ’449 patent. Thus, it is possible that the PTAB’s analysis of claim language or prior art in the ’449 and ’052 patents may have relevance to one or more of the other patents in suit. Rather than requesting additional claim construction briefing from the Court each time such statements or decisions are made, it would be most efficient for the Court to stay the entire case until the IPRs are resolved and deal with all such statements or decisions of the PTAB at once.

C. Factor No. 3: This Case Is Still in its Early Stages

This factor favors a stay. “A case need not be in its infancy to warrant a stay. Courts often find the stage of the litigation weighs in favor of a stay if there remains a significant amount of work ahead of the parties and the court, even when the parties and/or the court have already devoted substantial resources to the litigation.” *Canon*, 2019 U.S. Dist. LEXIS 241863, at *8-9 (quoting *Destination Maternity Corp. v. Target Corp.*, 12 F. Supp. 3d 762, 770 (E.D. Pa. 2014)). This case remains in its early stages and a significant amount of work lies ahead for the parties and the Court. Qualcomm has yet to answer the operative complaint. *See* Dkt. 57. Though the Court has held a *Markman* hearing, it has not issued a *Markman* order.

“[T]he most burdensome stages of the case—completing discovery, preparing expert reports, filing and responding to pretrial motions, preparing for trial, going through the trial process, and engaging in post-trial motions—all lie in the future.” *IOENGINE, LLC v. PayPal Holdings, Inc.*, No. 18-452-WCB, 2019 U.S. Dist. LEXIS 141545, at *14 (D. Del. Aug. 21,

2019) (citing *Cywee Grp. Ltd. v. Samsung Elecs. Co.*, No. 2:17-CV-00140-WCB-RSP, 2019 U.S. Dist. LEXIS 144149, at *20 (E.D. Tex. Feb. 14, 2019)). Fact discovery has not closed and will remain open for at least another 4 months. Dkt. 80 at ¶10 (“The parties shall complete all fact discovery...120 days after the Court enters its Claim Construction Order”). NST has not expeditiously pursued discovery. It has not taken any depositions, and it has only made a single visit to review Qualcomm’s source code from this case. The single deposition to date was taken by Qualcomm of a third-party. Expert discovery is not set to begin for at least another 5 months. *Id.* at ¶12. Dispositive motions are not due for another 250 days. *Id.* at ¶16, ¶13. No trial date has been set (*id.* at ¶18), but it would likely not take place until well after the PTAB has come to a final written decision on the ’052 and ’449 IPRs, which are due by June 21, 2025.

Absent a stay, the parties and the Court will unnecessarily expend significant resources. *See, e.g., Versata Software, Inc. v. Callidus Software, Inc.*, 771 F.3d 1368, 1374 (Fed. Cir. 2014) (the court should be “mindful of the burden on the parties and the court in completing both fact and expert discovery, resolving summary judgment motions, completing the *Markman* process, and preparing for trial” and further finding that such circumstances weighed strongly in favor of a stay) (opinion vacated because the parties settled the case the day before the opinion issued). Without a stay, the parties will need to finish fact discovery, proceed to expert discovery, dispositive motions, pretrial motions and submissions, trial preparation, and the trial itself. And the Court will likely have to invest significant time and resources in resolving discovery disputes, dispositive and expert motions, and managing pre-trial and trial proceedings.

IV. CONCLUSION

For the foregoing reasons, Qualcomm requests the Court stay this case pending final resolution of the IPR proceedings.

Respectfully submitted,

Dated: July 2, 2024

s/ J. Derek Vandenburg

Deron R. Dacus (State Bar No. 00790553)

The Dacus Firm, P.C.

821 ESE Loop 323, Suite 430

Tyler, Texas 75701

Telephone: (903) 705-1117

Facsimile: (903) 581-2543

ddacus@dacusfirm.com

J. Derek Vandenburg (*pro hac vice*)

Joseph W. Winkels (*pro hac vice*)

Nathan D. Louwagie (*pro hac vice*)

Caroline Marsili (*pro hac vice*)

**CARLSON, CASPERS, VANDENBURGH &
LINDQUIST, P.A.**

225 South Sixth Street, Suite 4200

Minneapolis, MN 55402

(612) 436-9600

dvandenburg@carlsoncaspers.com

jwinkels@carlsoncaspers.com

nlouwagie@carlsoncaspers.com

cmarsili@carlsoncaspers.com

*Counsel for Defendants Qualcomm
Incorporated and Qualcomm Technologies,
Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 2, 2024, 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. Any other counsel of record will be served by electronic mail on this same date.

s/ J. Derek Vandenburg
J. Derek Vandenburg