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

ASUS TECHNOLOGY LICENSING INC., et al,	§	
	§	
Plaintiffs,	§	
	§	CASE NO. 2:23-CV-00486-JRG-RSP
v.	§	(Lead Case)
	§	
AT&T CORP., et al,	§	
	§	
Defendants.	§	

MEMORANDUM ORDER

Before the Court is Plaintiffs' Opposed Motion to Expedite Briefing on their Motion to Lift Stay. **Dkt. No. 330.** Plaintiffs argue that "[e]xpedited briefing on the motion to lift the stay is necessary because Defendants have made it clear they plan to use the present stay to impose significant delays on the entire infringement case for purely tactical purposes." *Id.* at 1. For example, Defendants are refusing to agree to schedule depositions," even though Plaintiffs have announced they are dismissing some of the claims in the anti-trust case. *Id.* at 1, 2. Plaintiffs claim that they are doing "everything they can to keep this case on track," including filing their claim construction briefs. *Id.* at 2. Plaintiffs' arguments are misplaced.

As the Court explained in its Order staying the case, Plaintiffs have clearly not done "everything they can to keep this case on track." *See* Dkt. No. 328. The Court understands that Plaintiffs have filed a Motion in the Antitrust case, purporting to dismiss "with prejudice all claims that are subject to the pending Motion to Dismiss in that action, including the antitrust claims, tortious interference claims, and unfair competition claims." Dkt. No. 329 at 1. At this time, the Court cannot accept Plaintiffs' representations about the effect of their motion without considering the briefing and argument from the Defendants.

The Court reminds Plaintiffs that the case is stayed pending further order of the Court, not when Plaintiffs unilaterally decide that the stay should be lifted. Dkt. No. 328. Defendants are acting appropriately in not scheduling depositions while the case is stayed.

Defendants are entitled to a full and fair opportunity to brief their positions and not be required to brief this important issue on an expedited schedule. The Court will hear oral argument about lifting the stay. Accordingly, Plaintiffs' Motion is **DENIED.**

It is **ORDERED** that the briefing on Plaintiff's Motion to Lift Stay (Dkt. No. 329) will proceed according to the deadlines provided in the Local Rules.

It is **FURTHER ORDERED** that the Parties appear for **oral argument** on Dkt. No. 329 on **January 23, 2025 at 1:30 pm**.

SIGNED this 18th day of December, 2024.

ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE