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

SECURE WI-FI LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 2:24-CV-00047-JRG
	§	
SAMSUNG ELECTRONICS CO. LTD.,	§	
SAMSUNG ELECTRONICS AMERICA,	§	
INC.,	§	
	§	
Defendants.	§	
	§	

ORDER

Before the Court is Defendants Samsung Electronics Co., Ltd.'s and Samsung Electronics America, Inc.'s (collectively, "Defendants") Motion to Stay Proceedings Pending *Inter Partes* Review (the "Motion"). (Dkt. No. 34.) In the Motion, Defendants request the Court to stay the above-captioned case pending final resolution of Defendants' petitions for *inter partes* review ("IPR") of the three asserted patents in this case. (*Id.* at 1.)

Plaintiff Secure Wi-Fi LLC ("Plaintiff") is asserting three patents against Defendants: U.S. Patent Nos. 10,694,384 (the "'384 Patent"); 9,961,552 (the "'552 Patent"); and 9,717,005 (the "'005 Patent") (collectively, "Asserted Patents"). (Dkt. No. 1.) On September 4, 2024, Defendants filed four IPR petitions challenging all claims of the Asserted Patents.[1] (Dkt. No. 34 at 2.) The Patent Trial and Appeal Board ("PTAB") has not yet decided whether to institute *inter partes* review of the Asserted Patents. Institution decisions are expected by March 4, 2025.

[1] *Samsung Elecs. Co., Ltd. et al. v. Secure Wi-Fi LLC*, IPR2024-01367, Paper No. 1 (P.T.A.B. Sept. 4, 2024) (challenging the '384 Patent); *Samsung Elecs. Co., Ltd. et al. v. Secure Wi-Fi LLC*, IPR2024-01368, Paper No. 1 (P.T.A.B. Sept. 4, 2024) (challenging the '552 Patent); *Samsung Elecs. Co., Ltd. et al. v. Secure Wi-Fi LLC*, IPR2024-01369, Paper No. 1 (P.T.A.B. Sept. 4, 2024) (challenging the '552 Patent); and *Samsung Elecs. Co., Ltd. et al. v. Secure Wi-Fi LLC*, IPR2024-01366, Paper No. 1 (P.T.A.B. Sept. 4, 2024) (challenging the '005 Patent).

The district court has the inherent power to control its own docket, including the power to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706 (1997). 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).

"District courts typically consider three factors when determining whether to grant a stay pending inter partes review of a patent in suit: (1) whether the stay will unduly prejudice the nonmoving party, (2) whether the proceedings before the court have reached an advanced stage, including whether discovery is complete and a trial date has been set, and (3) whether the stay will likely result in simplifying the case before the court." *NFC Techs. LLC v. HTC Am., Inc.*, Case No. 2:13-cv-1058-WCB, 2015 WL 1069111, at *2 (E.D. Tex. Mar. 11, 2015) (Bryson, J.). "Based on th[ese] factors, courts determine whether the benefits of a stay outweigh the inherent costs of postponing resolution of the litigation." *Id.*

Where a motion to stay is filed before the PTAB institutes any proceeding, courts often withhold a ruling pending action on the petition by the PTAB or deny the motion without prejudice to refiling if the PTAB institutes a proceeding. *VirtualAgility Inc. v. Salesforce.com, Inc.*, 759 F.3d 1307, 1316 (Fed. Cir. 2014) (citing *Checkfree Corp. v. Metavante Corp.*, No. 12-cv-15, 2014 WL 466023, at *1 (M.D. Fla. Jan. 17, 2014)); *see also NFC Techs.*, 2015 WL 1069111, at *6. Indeed, this Court has a consistent practice of denying motions to stay when the PTAB has yet to institute post-grant proceedings. *Trover Grp., Inc. v. Dedicated Micros USA*, No. 2:13-cv-1047-WCB, 2015 WL 1069179, at *6 (E.D. Tex. Mar. 11, 2015) (Bryson, J.) ("This Court's survey of cases from the Eastern District of Texas shows that when the PTAB has not yet acted on a petition for inter partes review, the courts have uniformly denied motions for a stay.").

Considering these circumstances, the Court concludes that Defendants' Motion is premature, and a stay of these proceedings in advance of the PTAB's decision on whether or not to institute *inter partes review* of the Asserted Patents should be denied. Accordingly, the Motion is **DENIED WITHOUT PREJUDICE** to refiling of the same within fourteen (14) days following the PTAB's institution decision on the last of the pending IPRs.

So ORDERED and SIGNED this 16th day of October, 2024.

RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE