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

TRUESIGHT COMMUNICATIONS LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 2:23-CV-00643-JRG
	§	
SAMSUNG ELECTRONICS CO., LTD., and SAMSUNG ELECTRONICS AMERICA, INC.,	§	
	§	
Defendants.	§	

ORDER

Before the Court is the Motion to Stay Proceedings Pending *Inter Partes* Review (the "Motion") filed by Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Samsung" or "Defendants"). (Dkt. No. 60.) In the Motion, Defendants request that the Court stay this case pending final resolution of Defendants' petitions for *inter partes* review ("IPR") of the four asserted patents in this case. (*Id.* at 1.)

Plaintiff Truesight Communications, LLC ("Plaintiff") is asserting four patents against Defendants: U.S. Patent Nos. 8,949,879 (the "'879 Patent"), 8,898,803 (the "'803 Patent"), 9,595,300 (the "'300 Patent"), and 8,745,749 (the "'749 Patent") (collectively, the "Asserted Patents"). (*Id.*) Between September 27, 2024, and December 27, 2024, Samsung (and third party, Google LLC) filed IPR petitions challenging the Asserted Patents.[1] (Dkt. No. 60 at 1; Dkt. No. 66 at 2.) The Patent Trial and Appeal Board ("PTAB") has not yet decided whether to institute *inter partes*

[1] *Samsung Elecs. Co., Ltd., et al. v. Truesight Commc'ns LLC*, IPR2024-01477, Paper No. 3 (P.T.A.B. Sept. 27, 2024) (challenging the '803 Patent); *Samsung Elecs. Co., Ltd., et al. v. Truesight Commc'ns LLC*, IPR2025-00123, Paper No. 3 (P.T.A.B. Nov. 1, 2024) (challenging the '749 Patent); *Google LLC, et al. v. Truesight Commc'ns LLC*, IPR2025-00024, Paper No. 1 (P.T.A.B. Dec. 17, 2024) (challenging the '300 Patent); *Google LLC, et al. v. Truesight Commc'ns LLC*, IPR2025-00025, Paper No. 1 (P.T.A.B. Dec. 27, 2024) (challenging the '879 Patent).

review of the Asserted Patents. (Dkt. No. 66 at 1.) Institution decisions for the above-mentioned IPR petitions are expected between April 23, 2025, and July 14, 2025. (*Id.*)

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 those 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**.

So ORDERED and SIGNED this 25th day of March, 2025.

RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE