

petitions challenging all claims of the Asserted Patents.² The Patent Trial and Appeal Board (“PTAB”) has not yet decided whether to institute IPR of the Asserted Patents.

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

² *Samsung Elecs. Co., Ltd. et al. v. Mullen Indus. LLC*, IPR2024-01472, Paper No. 3 (P.T.A.B. Sept. 30, 2024) (challenging the ’633 Patent); *Google LLC et al. v. Mullen Indus. LLC*, IPR2025-00018, Paper No. 4 (P.T.A.B. Oct. 7, 2024) (challenging the ’418 Patent); *Google LLC et al. v. Mullen Indus. LLC*, IPR2025-00019, Paper No. 4 (P.T.A.B. Oct. 7, 2024) (challenging the ’283 Patent); *Google LLC et al. v. Mullen Indus. LLC*, IPR2025-00021, Paper No. 4 (P.T.A.B. Oct. 8, 2024) (challenging the ’039 Patent); *Google LLC et al. v. Mullen Indus. LLC*, IPR2025-00124, Paper No. 4 (P.T.A.B. Nov. 1, 2024) (challenging the ’575 Patent); *Google LLC et al. v. Mullen Indus. LLC*, IPR2025-00197, Paper No. 4 (P.T.A.B. Nov. 15, 2024) (challenging the ’218 Patent); *Google LLC et al. v. Mullen Indus. LLC*, IPR2025-00365, Paper No. 4 (P.T.A.B. Dec. 30, 2024) (challenging the ’117 Patent); *Google LLC et al. v. Mullen Indus. LLC*, IPR2025-00366, Paper No. 4 (P.T.A.B. Dec. 30, 2024) (challenging the ’117 Patent); *Google LLC et al. v. Mullen Indus. LLC*, IPR2025-00367, Paper No. 4 (P.T.A.B. Dec. 30, 2024) (challenging the ’117 Patent); *Google LLC et al. v. Mullen Indus. LLC*, IPR2025-00368, Paper No. 4 (P.T.A.B. Dec. 30, 2024) (challenging the ’024 Patent); *Google LLC et al. v. Mullen Indus. LLC*, IPR2025-00369, Paper No. 4 (P.T.A.B. Dec. 30, 2024) (challenging the ’024 Patent).

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.”); *see also Secure Wi-Fi LLC v. Samsung Electronics Co. Ltd. et al.*, No. 2:24-cv-00047-JRG, Dkt. No. 39 (E.D. Tex. Oct. 16, 2024).

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 22nd day of January, 2025.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE