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

VALTRUS INNOVATIONS LTD., and KEY PATENT INNOVATIONS, LTD., *Plaintiffs*, v. SAP AMERICA, INC., and SAP, SE, *Defendants*.	§ § § § § § § § § §	CIVIL ACTION NO. 2:24-CV-00021-JRG (LEAD CASE)

VALTRUS INNOVATIONS LTD., and KEY PATENT INNOVATIONS, LTD., *Plaintiffs*, v. SAP AMERICA, INC., and SAP, SE, *Defendants*.	§ § § § § § § § § §	CIVIL ACTION NO. 2:24-CV-00533-JRG (MEMBER CASE)

ORDER

Before the Court is the Opposed Motion to Consolidate *Valtrus I* and *Valtrus II* (the "Motion") filed by Plaintiffs Valtrus Innovations, Ltd. and Key Patent Innovations, Ltd. (together, "Valtrus" or "Plaintiffs"). (Case No. 2:24-cv-00533, Dkt. No. 29.) In the Motion, Plaintiffs request that the Court order the consolidation of Civil Action No. 2:24-cv-00533 ("*Valtrus II*") with the Civil Action No. 2:24-cv-00021 ("*Valtrus I*"). (*Id.* at 1.) Defendants SAP America, Inc. and SAP SE (together, "SAP" or "Defendants") oppose consolidation. (Dkt. No. 32.)

Plaintiffs contend that the Court has broad discretion to consolidate cases when doing so will promote judicial efficiency and the fair administration of justice. (Dkt. No. 29 at 3.) Plaintiffs further contend that consolidation of *Valtrus II* into *Valtrus I* would promote efficiency because it

would moot SAP's ongoing standing challenges and allow the parties and the Court to focus on the substantive merits. (*Id.* at 6.) Plaintiffs point out that because both cases involve identical patents, accused products, and claims, both cases have complete overlap in questions of law and fact. (*Id.*) Defendants respond that consolidation is improper on procedural grounds, namely that Plaintiffs will receive a procedural benefit they otherwise would not have enjoyed: an alternative damages window pursuant to 35 U.S.C. § 286. (Dkt. No. 32 at 1-3.) Defendants also respond that no legal authority supports consolidation of Plaintiffs' identical cases, and that there is no procedural justification to maintain *Valtrus II* in violation of the rules against claim splitting and duplicative litigation. (*Id.* at 1.)

Having considered the Motion and the subsequent briefing, the Court finds that the Motion should be and hereby is **GRANTED** based on the fundamental principles of judicial economy and the Court's inherent authority to manage its own docket. Given that *Valtrus I* and *Valtrus II* involve the same counsel, the same patents, and the same Accused Products, the Court finds that there is substantial judicial economy in consolidating the two cases, which outweighs any associated prejudice. Accordingly, it is hereby **ORDERED** that Civil Action No. 2:24-cv-00533 (*Valtrus II*) shall be **CONSOLIDATED** for all pretrial purposes with Civil Action No. 2:24-cv-00021 (*Valtrus I*), which shall be the lead consolidated case.

All parties are instructed to file any future filings in the **LEAD CASE**. The Clerk is instructed to add the consolidated parties into the Lead Case and their corresponding Lead and Local Counsel only. Additional counsel may file a Notice of Appearance in the Lead Case if they wish to continue as counsel of record in the lead consolidated action. Counsel who have appeared *pro hac vice* in the member case may file a Notice of Appearance in the Lead Case without filing an additional application to appear *pro hac vice* in the Lead Case. Counsel who have not appeared

in the member case previously should file a Notice of Appearance only in the Lead Case, and such Notice should state the relevant member case.

So ORDERED and SIGNED this 24th day of February, 2025.

RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE