Bright, Christopher

From: ded_nefreply@ded.uscourts.gov
Sent: Friday, October 17, 2025 11:52 AM
To: ded_ecf@ded.uscourts.gov
Subject: Activity in Case 1:24-cv-00245-JLH-SRF Cerebrum Sensor Technologies, Inc. et al v. Revvo Technologies, Inc. Oral Order

[EXTERNAL] ded_nefreply@ded.uscourts.gov

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.
*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.**

U.S. District Court

District of Delaware

Notice of Electronic Filing

The following transaction was entered on 10/17/2025 at 2:52 PM EDT and filed on 10/17/2025
Case Name: Cerebrum Sensor Technologies, Inc. et al v. Revvo Technologies, Inc.
Case Number: 1:24-cv-00245-JLH-SRF
Filer:
Document Number: 117(No document attached)

Docket Text:
ORAL ORDER- re [114] Motion to Stay All Deadlines Pending Resolution of *Inter Partes* Review ("IPR"). Having reviewed the parties' submissions, (D.I. 115; D.I. 116), IT IS ORDERED that Defendant's motion to stay the case pending resolution of IPR2025-00631 and IPR2025-00632 is DENIED without prejudice. On balance, the three stay factors do not weigh heavily for or against a stay pending IPR, thus, the decision is a close one. *See IOENGINE, LLC v. PayPal Holdings, Inc.*, C.A. No. 18-452-WCB *et al.*, 2019 WL 3943058, at *2, 4 (D. Del. Aug. 21, 2019) (emphasizing the discretionary nature of the stay inquiry and the need to consider each request on a case-by-case basis). Although a stay is likely to simplify some of the issues for trial based on the Patent Trial and Appeal Board's ("PTAB") institution of IPR proceedings on two of the three patents-in-suit, the fact remains that Defendant chose not to file an IPR petition for U.S. Patent No. 10,137,741 ("the ' 741 patent"). (D.I. 115 at 1) Thus, the asserted claims of the ' 741 patent will go forward in this case even if Defendant is successful in the IPRs. *See Tonal Sys., Inc. v. iFIT Inc.*, C.A. No. 20-1197-GBW-CJB, D.I. 188 (D. Del. Feb. 9, 2023) (D.I. 116, Ex. C). Defendant's submissions to the PTAB indicate that it intends to pursue

system prior art in different combinations in the district court litigation even if it is unsuccessful in the IPRs, and these limitations on estoppel further restrict the scope of any simplification. (D.I. 116, Ex. I at 14; Ex. J at 20; Ex. M at 1 n.1) Moreover, Defendant's invalidity contentions disclose Section 112 defenses that will not be addressed in the IPRs. For example, Defendant asserts indefiniteness, written description, and enablement defenses. (*Id.*, Ex. K at 14-26) Defendant also fails to directly address the impact on these proceedings of a related civil action asserting infringement of recently issued U.S. Patent No. 12,344,051 ("the ' 051 patent"). (D.I. 115 at 3) The record before the court confirms that the ' 051 patent raises overlapping issues and, to date, Defendant has not filed an IPR petition on the ' 051 patent. (D.I. 116, Ex. L at ¶ 4) Finally, the IPRs will not fully resolve the claim construction issues in this litigation. Defendant has adopted many of Plaintiffs' proposed claim constructions for purposes of the IPRs, with the exception of the term "cavity" in certain dependent claims of the challenged patents (which relate to tire sensor technology). (D.I. 116 at 3, Exs. G-H) But the ' 741 patent presents disputed claim terms, such as the "vulcanized to[gether]" term, which will not be addressed in the IPRs. (D.I. 116 at 3, Exs. G-H; D.I. 84, Ex. A at 2) Should the potential for inconsistent claim construction rulings arise from parallel IPR proceedings before the PTAB and *Markman* proceedings in this court, the court may address such issues through case management procedures at the appropriate time. Therefore, the simplification factor does not weigh heavily for or against a stay. (D.I. 116, Ex. C) Second, the status of the litigation is neutral or weighs slightly in favor of Defendant. The parties have conducted substantial fact discovery, although the *Markman* briefing and proceedings, expert discovery, case dispositive motions, and trial remain to be completed. (D.I. 116, Ex. C) Third, the undue prejudice factor weighs slightly against a stay. There is no dispute that Cerebrum Sensor Technologies, Inc. directly competes with Defendant, a point Defendant asserts in its answer and counterclaims. (D.I. 95 at ¶¶ 8, 11, 21, 97-98, 104, 114) Although Defendant presents attorney argument minimizing the amount of competition between the parties, it does not offer any evidence in support of these assertions despite carrying the burden on this motion. (D.I. 115 at 4; D.I. 116, Ex. C) When the parties are direct competitors, the delay caused by a stay gives rise to "outsized consequences to the party asserting infringement has occurred," even when there are other competitors in the market. *N. Atl. Imports, LLC v. LoCo-Crazy Good Cookers, Inc.*, C.A. No. 23-999-GBW-SRF, 2024 WL 4827250, at *4 (D. Del. Nov. 19, 2024) (citing cases). The prior stay in this case to facilitate settlement discussions does not weigh against Plaintiffs, who submitted a declaration supporting their position that their good faith settlement efforts were met with some resistance and delay. (D.I. 116, Ex. A at ¶¶ 16-17) The timing of Defendant's IPR petitions does not weigh against Defendant even though the petitions were filed near the end of the statutory deadline because it was reasonable for Defendant to wait for a decision on its motion to dismiss and the receipt of Plaintiffs' proposed claim constructions before submitting its IPR petitions. (D.I. 115 at 4) On balance, the stay factors are "close to neutral," and "a clear case for a stay has not been made." (D.I. 116, Ex. C) IT IS FURTHER ORDERED that, on or before October 30, 2025, the parties shall submit a joint proposed order amending the scheduling order at D.I. 38. The court will determine whether to set a Rule 16 scheduling conference upon review of the joint proposed amended order. Ordered by Judge Sherry R. Fallon on 10/17/2025. (lih)

1:24-cv-00245-JLH-SRF Notice has been electronically mailed to:

Karen Jacobs kjacobs@mnat.com, kjlefiling@mnat.com, mnat_IP_eFiling@morrisnichols.com

Kelly E. Farnan farnan@rlf.com, linda-loveless-5548@ecf.pacerpro.com, loveless@rlf.com

Christopher D. Bright cbright@swlaw.com, ocecf@swlaw.com

Morgan Povinelli mpovinelli@swlaw.com

Christopher Franich cfranich@swlaw.com, labraham@swlaw.com

Edward Paul Steingraber esteingraber@morrisnichols.com

1:24-cv-00245-JLH-SRF Filer will deliver document by other means to: