IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

IN RE: MIDWEST ENERGY EMISSIONS CORP. PATENT LITIGATION	MDL CASE NO. 4:24-md-03132-SHL-WPK **ORDER DENYING MOTIONS TO STAY AND MOTION TO COMPEL**

In this multidistrict patent infringement case, most Defendants move to stay because they have filed, or plan to file, applications with the Patent Trial and Appeal Board ("PTAB") for *inter partes* review of the validity of the patents-in-suit. The Court will not, however, impose a stay before the PTAB has decided whether to institute review proceedings. Accordingly, Defendants' Motions to Stay (ECF[1] 117; ECF 127) are DENIED WITHOUT PREJUDICE.

Defendants also ask the Court to order Plaintiff Midwest Energy Emissions Corp. ("ME2C") to file amended initial infringement contentions, arguing that ME2C's contentions are too numerous, lack specificity, and rely too heavily on vague cross-references and attachments. The Court disagrees and concludes that ME2C has done enough for now to provide notice of the nature and basis of its infringement claims. The Court expects those claims to be whittled down and clarified during the discovery process, but it will not order ME2C to do more at this time. The Court therefore DENIES Defendants' Joint Motion to Compel Supplemental Infringement Contentions and Joint Motion to Extend the Deadline for Defendants' Invalidity Contentions. (ECF 106.) The Court DENIES AS MOOT the Unresisted Motion to Expedite. (ECF 122.)

I. BACKGROUND.

ME2C has sued, collectively, more than a dozen defendants in various judicial districts for allegedly infringing ME2C's patents related to processes for capturing mercury emissions from coal-fired power plants. (ECF 1; ECF 34; ECF 39; ECF 114.) The cases have been consolidated in this district by the Judicial Panel on Multidistrict Litigation pursuant to 28 U.S.C. § 1407. ME2C

[1] Unless otherwise noted, all references to "ECF" are to the electronic case filing docket in Case No. 4:24-md-03132-SHL-WPK (S.D. Iowa). All references to page numbers are to the numbers in the upper righthand corner of each page, as populated by the ECF system. These page numbers may be different from the numbering placed by the parties at the bottom of each page.

has settled with some defendants, and a few others have been dismissed. (See, e.g., ECF 25; ECF 94.) Nine remain.[2]

Each of the consolidated cases involves claims of infringement of five patents: Patent No. 10,343,114 (the "'114 Patent"); Patent No. 10,596,517 (the "'517 Patent"); Patent No. 10,589,225 (the "'225 Patent"); Patent No. 10,668,430 (the "'430 Patent"); and Patent No. 10,933,370 (the "'370 Patent"). In addition, the cases against the following Defendants involve claims of infringement of a sixth patent, Patent No. 10,926,218 (the "'218 Patent"): MidAmerican Energy Company ("MidAmerican"); PacifiCorp; Evergy Metro, Inc. ("Evergy Metro"); Evergy Missouri West, Inc. ("Evergy Missouri West"); and Evergy Kansas Central, Inc. ("Evergy Kansas Central").

A. Relevant Background Regarding Motions to Stay.

Six of the nine remaining Defendants have filed or intend to file petitions for *inter partes* review of the relevant patents in the PTAB. (ECF 117, p. 1; ECF 127, p. 1.) Specifically, Defendants MidAmerican, PacifiCorp, Wisconsin Power and Light Company ("WPL"), and Interstate Power and Light Company ("IPL") have already filed petitions for *inter partes* review of all six patents, starting with two petitions for review of the '114 Patent filed on January 17, 2025, and concluding with two petitions for review of the '218 Patent filed on April 8, 2025. (ECF 117-1, p. 21.) In between those two dates, these Defendants filed petitions relating to the other four patents on roughly two-week intervals. (Id.) Defendants Ameren Corp. ("Ameren") and Union Electric Co. ("Union Electric") report that they, too, intend to file petitions for *inter partes* review of the five patents (all but the '218 Patent) they are accused of having infringed. (ECF 127, p. 1.) The PTAB has up to six months from the date of each petition to decide whether to institute *inter partes* review proceedings. *See Guntert & Zimmerman Constr. Div., Inc. v. Gomaco Corp.*, No. 20-CV-4007-CJW-KEM, 2021 WL 7185089, at *2 (N.D. Iowa Jan. 13, 2021), *objections overruled by* 2021 WL 9682165 (N.D. Iowa Feb. 22, 2021).

[2] Defendant Evergy, Inc., was dismissed from Case No. 4:25-cv-0046 by stipulation of the parties on March 31, 2025. (ECF 94.) Nonetheless, Evergy, Inc., has sometimes been included in the list of parties seeking joint relief. (E.g., ECF 104 (Unresisted Motion for Leave to File Under Seal); ECF 106 (Joint Motion to Compel).) The Court assumes this is happening through inadvertence and not because Evergy, Inc., is truly still a party. If this assumption is mistaken, there are ten remaining defendants, not nine. This discrepancy is not material to this ruling. For avoidance of confusion, however, the parties should either stop including Evergy, Inc., in requests for relief or advise the Court if Evergy, Inc., *is* still a party so that appropriate corrections can be made to the docket.

B. Relevant Background Regarding Joint Motion to Compel Supplemental Infringement Contentions and to Extend Deadline for Defendants' Invalidity Contentions.

On March 18, 2025, ME2C served its Initial Infringement Contentions and Accompanying Disclosures (the "Initial Infringement Contentions"). (ECF 106-3, p. 5.) The parties' Proposed Scheduling Order required ME2C to include the following:

> (A) the patent claims the plaintiff alleges are being and/or have been infringed;
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> (B) the defendant's specific products/processes which the plaintiff alleges infringe each patent claim described in (A) and each method or process must be identified by name, if known, or by any product, device, or apparatus which, when used, allegedly results in the practice of the claimed method or process;
>
> (C) a complete and detailed explanation on a claim-by-claim and element-by-element basis showing how each such product/process identified in (B) infringes the asserted claims;
>
> (D) whether each element of each asserted claim is claimed to be literally present or present under the doctrine of equivalents; and
>
> (E) for any patent that claims priority to an earlier application, the priority date to which each asserted claim allegedly is entitled.

(ECF 56-1, pp. 3–4.)

In its Initial Infringement Contentions, ME2C prepared a claim chart asserting 116 claims of patent infringement spread over the six patents-in-suit. (ECF 106-3.) ME2C did not, however, prepare a separate claim chart for each Defendant or each plant where infringement allegedly occurs, although it did include an Attachment A that is cited repeatedly in the Initial Infringement Contentions and provides some level of plant-by-plant information derived from forms filed with the U.S. Energy Information Administration. (Id., pp. 47–48.) Attachment A also has a section entitled "Additional Evidence of Infringement" that includes excerpts from what appear to be discovery responses regarding mercury emissions and other environmental controls at the power plants where ME2C's patents are allegedly being infringed. (Id., pp. 49–58.) Additional facts will be provided where relevant below.

II. LEGAL ANALYSIS: MOTIONS TO STAY.

A. Legal Background.

"Courts have 'broad discretion to determine whether a stay is appropriate' pending *inter partes* review." *Serv. Sols. U.S., L.L.C. v. Autel.US Inc.*, No. 13-10534, 2015 WL 401009, at *1

(E.D. Mich. Jan. 28, 2015) (quoting *Regents of Univ. of Mich. v. St. Jude Med., Inc.*, No. 12-12908, 2013 WL 2393340, at *2 (E.D. Mich. May 31, 2013)). "The party seeking a stay has the 'burden of showing that the circumstances justify the exercise of that discretion.'" *Id.* (quoting *Everlight Elecs. Co. Ltd. v. Nichia Corp.*, No. 12-cv-11758, 2013 WL 1821512, at *6 (E.D. Mich. Apr. 30, 2013)). Courts generally consider three factors: (1) the stage of the proceedings; (2) whether and to what extent a stay will simplify the issues and facilitate trial; and (3) whether a stay would unduly prejudice the non-moving party by, for example, placing the party at a severe tactical disadvantage. *Guntert & Zimmerman Constr. Div., Inc.*, 2021 WL 7185089, at *2.

B. The Court Will Not Impose a Stay Before the PTAB Has Decided Whether to Institute Inter Partes *Review Proceedings.*

In deciding whether to exercise its "broad discretion" to grant or deny a stay, one fact stands out to the Court: the PTAB has not decided whether to institute *inter partes* review proceedings. (ECF 117, p. 1; ECF 127, p. 1.) Indeed, the PTAB is likely still several months away from making that decision. (ECF 117, p. 1.) In these circumstances, "the weight of authority favors denying [motions for stay] without prejudice during the time frame before the PTAB's decision on [*inter partes* review.]" *Ellenby Techs., Inc. v. Fireking Sec. Grp.*, 533 F. Supp. 3d 656, 664–65 (N.D. Ill. 2021). The Court agrees with the "weight of authority" and will follow it. Simply put, the Court cannot determine whether issuing a stay will simplify the issues for trial, as any such determination depends on uncertain future events. *See Multimedia Content Mgmt. LLC v. Dish Network L.L.C.*, No. 6:18-CV-00207-ADA, 2019 WL 11706231, at *3 (W.D. Tex. May 30, 2019) (denying motion to stay because PTAB had not yet decided whether to institute *inter partes* review). The moving Defendants "can argue nothing more than that there is a *potential* simplification of issues that favors granting a stay." *Id.*

In urging the Court to conclude otherwise, some of the moving Defendants assert that the likelihood of the PTAB instituting *inter partes* review is high given: (a) the number of patents and asserted claims being challenged; (b) recent PTAB statistics showing an overall institution rate of sixty-eight percent and even higher institution rate for chemistry and mechanical patents; and (c) the PTAB's decision in the recent past to institute *inter partes* review proceedings on one of the six patents-in-suit and a "parent" to the remaining five patents-in-suit. (ECF 117-1, pp. 11–12.) Recent guidance from the United States Patent and Trademark Office ("PTO") suggests, however, that the institution rate will not remain at such high levels, particularly given reductions in staffing among PTAB judges and elsewhere in the PTO. *See, e.g.*, Scott R. Boalick, *Guidance on USPTO's*

rescission of "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation", United States Patent and Trademark Office (March 24, 2025), https://www.uspto.gov/sites/default/files/documents/guidance_memo_on_interim_procedure_rescission_20250324.pdf; Coke Morgan Stewart, *Interim Processes for PTAB Workload Management*, United States Patent and Trademark Office (March 26, 2025), https://www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf. Moreover, the number of patents and claims at issue is a double-edged sword for the moving Defendants because the PTAB may end up instituting *inter partes* review of some patents but not others, in which case ME2C would have a stronger argument for allowing litigation to continue. *See, e.g.*, *Buergofol GmbH v. Omega Liner Co., Inc.*, No. 4:22-CV-04112-KES, 2024 WL 2805362, at *3 (D.S.D. May 31, 2024) (denying stay where, *inter alia*, *inter partes* review was only instituted on one of two asserted patents); *Headwater Rsch. LLC v. Samsung Elecs. Co., Ltd.*, No. 2:22-CV-00422-JRG-RSP, 2024 WL 2723870, at *3 (E.D. Tex. May 27, 2024) (denying stay where, *inter alia*, institution of *inter partes* review was denied on three of the nine asserted patents).

The moving Defendants' arguments also fail to recognize the efficiency advantages that come with proceeding with litigation until the PTAB decides whether to institute *inter partes* review. Thus far, litigation has revolved largely around procedural issues like venue and personal jurisdiction and substantive issues like the viability of ME2C's infringement claims against parent entities. These issues are separate and apart from the questions of patent validity that the PTAB will address if it institutes *inter partes* review. Through a combination of Court rulings (ECF 19) and party stipulations (ECF 93), substantial progress already has been made on these procedural and substantive questions, including, for example, a reduction in the overall number of defendants from thirteen to nine (exclusive of defendants who were dismissed following settlement) and a reduction in the number of defendants in the Southern District of Iowa case from seven to two. If the Court issues a stay before even knowing whether the PTAB intends to institute *inter partes* review, it will prevent the case from being streamlined any further.

The bottom line is that the simplification-of-litigation factor weighs heavily against staying litigation before the PTAB has decided whether to institute *inter partes* review. (The Court offers no view on how it would evaluate a motion to stay if the PTAB grants *inter partes* review, as this

would depend, among other things, on which patents and claims the PTAB decided to review.) For this reason alone, the Court would deny the Motions to Stay.

The other two factors are, in any event, essentially neutral and do not counsel otherwise. As to the stage-of-proceedings factor, the litigation is at a relatively early stage, but the Court and parties already have worked through important issues regarding personal jurisdiction, venue, and the viability of joint and willful infringement claims, among others. (ECF 19; ECF 93; ECF 94.) Moreover, the parties have commenced discovery, and early indications are that they will need significant Court involvement to resolve disputes. (E.g., ECF 56; ECF 72; ECF 106; ECF 122.) In these circumstances, there is no persuasive reason to delay the litigation just to find out whether the PTAB will institute *inter partes* review.

Similarly, the undue-prejudice factor is essentially neutral or weighs against granting a stay. True, if the PTAB institutes *inter partes* review <u>and</u> invalidates all relevant patents, the moving Defendants will end up having litigated a case they did not need to litigate. The moving Defendants did not, however, petition for *inter partes* review until roughly six months after ME2C filed suit, during which time they filed lengthy and time-consuming motions to dismiss, sever, and/or transfer venue on issues that are not directly related to patent validity. (See Case No. 4:24-cv-00243-SHL-WPK, at ECF 84; ECF 87; ECF 88; ECF 89; ECF 90; ECF 91; ECF 92.) This delay weighs against a stay. *See Dane Techs., Inc. v. Gatekeeper Sys., Inc.*, No. 12-2730 ADM/AJB, 2013 WL 4483355, at *2 (D. Minn. Aug. 20, 2013) (denying motion to stay where, *inter alia*, defendant waited seven months to seek *inter partes* review). This is particularly true now that ME2C has filed its own partial motions to dismiss that include issues not directly related to patent invalidity. (ECF 57; ECF 108.) There is no persuasive reason to stop ME2C from obtaining rulings on these issues. *See Ellenby Techs., Inc.*, 533 F. Supp. 3d at 663 (denying motion to stay in light of, *inter alia*, "Plaintiff's interest in moving this matter closer to a determination of patent rights").

In sum, the moving Defendants have not satisfied their burden of establishing that a stay is appropriate pending the PTAB's decision on whether to institute *inter partes* review. The Court therefore DENIES WITHOUT PREJUDICE the Motions to Stay. (ECF 117; ECF 127.)

III. LEGAL ANALYSIS: MOTION TO COMPEL.

A. Legal Standards.

District courts have "broad discretion" to manage the discovery process and decide discovery-related motions. *Williams v. TESCO Servs., Inc.*, 719 F.3d 968, 976 (8th Cir. 2013); *see*

also Lee v. Armontrout, 991 F.2d 487, 489 (8th Cir. 1993) (per curiam). This discretion extends just as far in patent cases as any others. *See, e.g.*, *Beckman Coulter, Inc. v. Sysmex Am., Inc.*, No. 18-CV-6563, 2019 WL 1875356, at *1 (N.D. Ill. Apr. 26, 2019). Like the local patent rules that have been adopted in other districts, this Court's Case Management Order is designed to streamline the discovery process and help the parties "move efficiently toward claim construction and the eventual resolution of their dispute." *Presidio Components, Inc. v. Am. Tech. Ceramics Corp.*, No. 14CV2061-H (BGS), 2015 WL 12843185, at *1 (S.D. Cal. Aug. 26, 2015) (quoting *Am. Video Graphics, L.P. v. Elec. Arts, Inc*, 359 F. Supp. 2d 558, 560 (E.D. Tex. 2005)).

B. The Court Denies Defendants' Joint Motion to Compel Supplemental Infringement Contentions.

The Joint Motion to Compel revolves around the sufficiency of ME2C's Initial Infringement Contentions, which identify 116 patent claims across six patents that allegedly have been infringed. Defendants[3] argue that ME2C has identified too many claims and has not supported each claim with sufficient specificity on a plant-by-plant basis. (ECF 106-1, pp. 6–8, 16–17.) They also take issue with other aspects of the Initial Infringement Contentions, such as: (a) ME2C citing to the patents-in-suit in the "Accused Conduct" portion of its Contentions instead of explaining what each Defendant allegedly does to *infringe* each patent (id., p. 9); (b) ME2C citing generically to Mercury and Air Toxics Standards ("MATS") without identifying any particular regulation or version of MATS regulations (id., pp. 9–10); and (c) ME2C including descriptions of "Accused Conduct" that sometimes arguably do not match the patent claim that was allegedly infringed (id., pp. 12–15). Defendants ask the Court to compel ME2C to serve revised infringement contentions that correct these deficiencies and reduce the number of infringement claims. (ECF 106, p. 1.)

The Court will not order ME2C to revise its Initial Infringement Contentions. "'The purpose of infringement contentions is to provide notice of a plaintiff's specific theories of infringement,' which in turn 'streamlines discovery and narrows the issues for trial.'" *Midwest Athletics & Sports All. LLC v. Xerox Corp.*, 631 F. Supp. 3d 13, 32 (W.D.N.Y. 2022) (quoting *CommScope Techs. LLC v. Dali Wireless, Inc.*, No. 3:16-cv-0477-M, 2018 WL 4566130, at *1 (N.D. Tex. Sept. 21, 2018)), *aff'd*, 2024 WL 2145756 (Fed. Cir. May 14, 2024) (per curiam). Here,

[3] Technically, Defendant Evergy Kansas Central is not a party to the Motion to Compel because ME2C's case against that entity had not yet been transferred to this Court on the date the Motion to Compel was filed. (ECF 106.) The Court assumes Evergy Kansas Central would have joined the Motion to Compel and seeks the same relief.

although ME2C's Initial Infringement Contentions only move the ball modestly toward that goal, they are not so deficient as to make it necessary to start over. ME2C has identified each patent claim it alleges was infringed, as well as providing some plant-specific evidence to support many of these allegations. (E.g., ECF 106-3, pp. 45, 47.) In addition, ME2C has confirmed that it is not relying on the doctrine of equivalents. (ECF 115, p. 18.) Accordingly, it has done enough to start the process of defining and narrowing the issues in dispute.

In arguing otherwise, Defendants complain that ME2C has lumped all plants together as to each alleged instance of infringement instead of delineating on a plant-by-plant basis whether and how the infringement occurred. (ECF 106-1, pp. 6–8.) This is not exactly true given that ME2C has provided some plant-specific evidence. (See generally ECF 106-3, pp. 45–58.) Even setting that evidence aside, however, Defendants' complaints often appear to be more in the nature of factual disputes than an inability to understand ME2C's Initial Infringement Contentions. For example, Defendants argue that Attachment A to ME2C's Initial Infringement Contentions states in some places that the plant operator "may" or "is allowed [to]" treat coal with certain chemicals but is not required to do so. (ECF 106-1, p. 10 (citing ECF 106-3, pp. 51–53).) As the use (or non-use) of those chemicals is directly relevant to whether an infringing method has been used, the moving Defendants want the Court to force ME2C to say definitively whether the coal is being treated with those chemicals. (Id., pp. 10–11.)

The Court will not force ME2C to go further than it already has. "Infringement contentions may not rely on vague, conclusory language, but are also not meant to require a party to prove its case of infringement or provide a forum for litigation of the substantive issues." *CommScope Techs. LLC*, 2018 WL 4566130, at *2. Here, ME2C has essentially alleged in good faith, and based on publicly available information, that it believes Defendants are using the relevant chemicals to treat the coal at the relevant plants. If this is incorrect, the relevant Defendant[s] should have little trouble prevailing against ME2C's infringement claim. In the meantime, there is no need to force ME2C to amend its Initial Infringement Contentions.

Indeed, forcing ME2C to do so might harm the very efficiency Defendants say they want to achieve. Suppose the Court ordered ME2C to say more definitively whether each plant in question used the chemicals at issue, and ME2C responded by withdrawing some of its contentions. If ME2C were to learn later through discovery that the chemicals indeed were used at the relevant plants, it likely would seek leave to amend its Initial Infringement Contentions to add

those claims back in. *See, e.g.*, *Apple Inc. v. Samsung Elecs. Co. Ltd.*, No. 12-CV-0630-LHK (PSG), 2013 WL 3246094, at *1 (N.D. Cal. June 26, 2013) (describing circumstances in which courts might permit amendment of infringement contentions, including discovery of nonpublic information about the alleged infringer's processes or products). If so, the case would end up taking the shape of an inverted funnel, with the infringement allegations getting *broader* as discovery proceeds. It should be the opposite. *See id.*, at *3 ("As with other forms of pleadings, the infringement contentions should become more specific and fine-tuned as the case progresses, not more sprawling and encompassing.").

For essentially the same reasons, the Court does not take issue—at this stage—with how ME2C cross-cites to other claims or claim elements. Defendants complain that ME2C's use of cross-citations sometimes results in ME2C not describing the "Accused Conduct" in a way that meets head-on the claim element that is allegedly infringed. (ECF 106-1, pp. 12–15.) For example, Claim Element No. 12 for the '114 Patent states that the "activated carbon comprises powdered activated carbon, granular activated carbon, or a combination thereof." (ECF 106-3, p. 10.) To describe the alleged infringement of this Claim Element, ME2C cites to Accused Conduct No. 1d, which states: "The Accused Coal Plants inject a sorbent material comprising activated carbon into the mercury-containing gas downstream of the combustion chamber." (Id., pp. 7, 10.) This description does not, however, specify whether the activated carbon is in "powdered" or "granular" form. (Id.)

Defendants do not say whether power plants are likely to have "activated carbon" in forms other than "powdered" or "granular," and thus the Court cannot tell whether their complaint about the interplay between Claim Element No. 12 of the '114 Patent and Accused Conduct No. 1d is material or mere nit-picking. Either way, it would serve little purpose to require ME2C to amend the Initial Infringement Contentions because if a plant does not use "powdered" or "granular" activated carbon, the relevant Defendant(s) can simply say so and defeat this infringement allegation. There is no reason to force ME2C to amend the Initial Infringement Contentions now (possibly by temporarily withdrawing some of them) only to have an amendment filed later if discovery confirms what ME2C already essentially has alleged; i.e., that the relevant plants are using either powdered or granular activated carbon (or both).

Defendants come slightly closer to the mark when they point out that ME2C's cross-citations sometimes result in an arguable mismatch between the Accused Conduct and Claim

Element. (Id., pp. 13–15.) For example, Claim Element No. 4 of the '114 Patent describes the amount of "halogen or halide promoter" in the sorbent (ECF 106-3, p. 9), whereas Claim Element No. 29 describes the amount of "bromine" therein (id., p. 15). Yet, ME2C's Initial Infringement Contentions include "Accused Conduct" for both Claim Element Nos. 4 and 29 of the '114 Patent that reference only the amount of "bromine" and "CaBr" (which the Court understands to be Calcium Bromide) in the sorbent, not the amount of "halogen or halide promoter." (Id., pp. 9, 15.) This language is a little unclear.

The problem for Defendants, however, is twofold. First, it does not appear that they raised this issue in their meet-and-confer with ME2C's counsel, and thus it is premature for resolution. (ECF 115, p. 17 n.8.) Second, even if ripe, this is again not the type of discrepancy that would cause the Court to force ME2C to start over with its Initial Infringement Contentions. Indeed, although the Court is not yet fully up to speed on the relevant chemistry, it understands a "halide" to be a compound that often includes bromine, with Calcium Bromide being an example. Accordingly, there may not be any inconsistency in what ME2C has alleged in the Accused Conduct sections of Claim Element Nos. 4 and 29 of the '114 Patent. To the extent there is an inconsistency—or, more importantly, to the extent any of the relevant plants do not use bromine, Calcium Bromide, or any other halogen or halide promoter in the amounts alleged—this can be fleshed out during discovery and may result in ME2C failing to prove its infringement claims. It is not a reason to grant the Motion to Compel.

Defendants also complain about the large number (116) of alleged claims of infringement in ME2C's Initial Infringement Contentions. (ECF 106-1, pp. 16–17.) The Court agrees that this number seems large and expects ME2C to work to reduce it to something more reasonable as discovery proceeds. *See Apple Inc.*, 2013 WL 3246094, at *3 (explaining that infringement contentions should become more "specific and fine-tuned" as the case proceeds). Moreover, by including so many infringement claims, ME2C has increased the likelihood of Defendants being granted leave to exceed the discovery limits set out in the Case Management Order. The Court will not, however, require ME2C to reduce the number of contentions at this early stage, as any reduced number the Court might select would be arbitrary. Instead, as to this argument and all others raised by Defendants, the Court again concludes that ME2C has done enough in its Initial Infringement Contentions to provide notice of the claims at issue and nature of the allegedly infringing activity. *See Karmagreen, LLC v. MRSS Inc.*, No. 1:21-cv-00674-WMR, 2021 WL 7709160, at *2 (N.D.

Ga. Nov. 26, 2021) ("[I]nfringement contentions are typically supplied very early in discovery and do not require patentees to present lengthy dissertations of all evidence that will be developed through fact and expert discovery or used as evidence at trial.").

IV. CONCLUSION.

The Court will not stay the case before the PTAB has decided whether to institute *inter partes* review proceedings. Accordingly, the Court DENIES WITHOUT PREJUDICE Defendants' Motions to Stay. (ECF 117; ECF 127.)

Further, ME2C's Initial Infringement Contentions contain sufficient information to place Defendants on notice of the nature and basis of ME2C's infringement claims. The Court therefore DENIES Defendants' Joint Motion to Compel Supplemental Infringement Contentions and Joint Motion to Extend the Deadline for Defendants' Invalidity Contentions. (ECF 106.) The Court DENIES AS MOOT the Unresisted Motion to Expedite. (ECF 122.)

IT IS SO ORDERED.

Dated this 22nd day of May, 2025

Stephen H. Locher
United States District Judge