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

RAVENWHITE LICENSING LLC, Plaintiff, v. THE HOME DEPOT, INC., et al., Defendants.	Case No. 2:24-cv-00688-JRG-RSP (Lead Case) **JURY TRIAL DEMANDED** **REDACTED COPY**

PLAINTIFF'S OPPOSITION TO HOME DEPOT DEFENDANTS' MOTION TO STAY PENDING *INTER PARTES* REVIEW (DKT. 65)

TABLE OF CONTENTS

I. INTRODUCTION 1

II. BACKGROUND 2

A. Procedural History and Case Timeline 2

B. The Asserted Patents and Technology 4

III. LEGAL STANDARD 5

IV. ARGUMENT 6

A. A Stay Would Unduly Prejudice RavenWhite and Concede a Tactical Advantage to Defendants Due to the Significant Investments Already Made in This Advanced Litigation. 6

1. Due to RavenWhite's April 7 Request for Director Review in View of Recent Changes in Patent Office Policy, There Is a High Likelihood of the Director Overturning the PTAB's Institution Decisions, Underscoring the Prejudice to RavenWhite if a Stay Were Granted. 6

2. The Potential for the PTAB to Extend the Final Written Decision Deadline Significantly Increases the Risk of Undue Prejudice to RavenWhite. 8

3. RavenWhite has Already Invested Substantial Resources in this Litigation, Including Extensive Source Code Analysis. 10

4. The Potential for Protracted Delay, Including Appeals of the IPR Decisions, Further Exacerbates the Prejudice to RavenWhite. 11

5. Delay in Enforcing Patent Rights Constitutes Undue Prejudice, Even for Non-Practicing Entities. 12

B. A Stay Will Not Necessarily Result in the Simplification of this Case. 12

1. The PTAB's Focus on Patentability Does Not Necessarily Resolve or Streamline Invalidity Issues Due to Defendants' Reliance on Prior Art System References in this Case, which the PTAB Cannot Consider. 12

2. Claim Construction Remains a Critical Issue for This Court. 14

3. PTAB Decisions Are Subject to Appeal, Potentially Prolonging Uncertainty and Delay. 14

C. The Case is at an Advanced Stage with Substantial Discovery Completed and a Trial Date Set 14

1. The Case Has Progressed Significantly, with Substantial Discovery Undertaken and Key Deadlines Approaching 14

2. Staying the Case at this Stage Would Waste Judicial Resources and the Parties' Investments 15

V. CONCLUSION 15

TABLE OF AUTHORITIES

Cases

Apple Inc. v. Fintiv, Inc.,
No. IPR2020-00019, 2020 WL 2126495 (P.T.A.B. Mar. 20, 2020) ..... passim

Chrimar Sys., Inc. v. Adtran, Inc.,
No. 6:15-cv-00618-JRG-JDL, 2016 WL 4080802 (E.D. Tex. Aug. 1, 2016) 11

Clinton v. Jones,
520 U.S. 681 (1997)..... 5

Comcast Cable Commc'ns Corp., LLC v. Finisar Corp.,
No. C 06-04206 WHA, 2007 WL 1052883 (N.D. Cal. Apr. 5, 2007)..... 15

Intell. Ventures II LLC v. Kemper Corp.,
No. 6:16-cv-0081-RWG, 2016 WL 7634422 (E.D. Tex. Nov. 7, 2016) 13

Kerr Mach. Co. v. Vulcan Indus. Holdings, LLC,
No. 6-20-cv-00200-ADA, 2021 WL 1298932 (W.D. Tex. Apr. 7, 2021) 13

Landis v. N. Am. Co.,
299 U.S. 248 (1936)..... 5

Motorola Sols., Inc. v. Stellar, LLC,
No. IPR2024-01205, 2025 WL 947070 (P.T.A.B. Mar. 28, 2025) 7, 8

Network-1 Sec. Sols., Inc. v. Alcatel-Lucent USA Inc.,
No. 6:11-cv-492, 2015 WL 11439060 (E.D. Tex. Jan. 5, 2015) 11

Realtime Data, LLC v. Rackspace US, Inc.,
No. 6:16-cv-00961-RWS-JDL, 2017 WL 772654 (E.D. Tex. Feb. 28, 2017) 5

Rembrandt Wireless Techs., LP v. Samsung Elecs. Co.,
No. 2:13-cv-213-JRG-RSP, 2015 WL 627887 (E.D. Tex. Jan. 29, 2015) 12

Sonrai Memory Ltd. v. LG Elecs. Inc.,
No. 6:21-cv-00168-ADA, 2022 WL 2307475 (W.D. Tex. June 27, 2022) 13

Soverain Software LLC v. Amazon.com, Inc.,
356 F. Supp. 2d 660 (E.D. Tex. 2005)..... 5

Stellar, LLC v. Motorola Sols., Inc.,
No. 4:23-cv-00750-SJD (E.D. Tex.)..... 7

TQ Delta, LLC v. CommScope Holding Co., Inc.,
No. 2:21-cv-00309-JRG, 2022 WL 16720195 (E.D. Tex. Nov. 4, 2022) 10

Statutes

35 U.S.C. § 316(a)(11)..... 2, 8, 9

Rules

37 C.F.R. § 42.100(c)..... 2, 8, 9

I. INTRODUCTION

The Court should deny Defendants Home Depot's and Walmart's[1] premature motions to stay because they have failed to meet their substantial burden of demonstrating that a stay is warranted.

First, the Director of the Patent Office recently adopted new policies and is currently reviewing whether the Patent Trial and Appeal Board ("PTAB") should exercise what it refers to as *Fintiv* discretion and deny institution of Defendants' IPRs. As the Director will consider, Defendants delayed filing these IPRs until the second-to-last day, a full year after RavenWhite filed its district court cases. As a result, the jury trial and a final decision in the IPRs would occur within a few weeks of each other, although the IPR decision may get delayed and occur 6 months after the jury trial. As the Director is currently considering, it would be inefficient for the PTAB to conduct these IPRs where the petitioner's invalidity defenses will be fully litigated in these district court cases and the PTAB's final decision would be issued within a few weeks of a jury trial in these cases. Here, RavenWhite has requested that the Director of the Patent Office deny institution of Defendants' IPRs, and the Acting Director is set to issue a final decision on whether to institute these IPRs in the coming months. Accordingly, the procedural posture of Defendants' present motion to stay these district court cases is the same as when defendants move this Court to stay before there is a final decision on whether to institute an IPR, which this Court routinely denies without prejudice. Notably, the Acting Director recently vacated and reversed a PTAB panel decision granting IPR institution because of the advanced state of parallel litigation in this district, despite the fact that the case was stayed shortly after the original PTAB panel's decision. Given the uncertainty surrounding the Director's decision timeline, granting a stay carries a

[1] The Walmart Defendants filed a Motion Joining Home Depot's Motion to Stay on April 7, 2025 (Dkt. 66). RavenWhite reserves the right to file a timely separate response to Walmart's Motion.

significant risk of prejudice to RavenWhite. A swift denial of institution would render any stay an unnecessary disruption to the case's progress, requiring a later restart. Conversely, a prolonged stay pending the Director's ruling would unduly delay RavenWhite's right to a jury trial and a prompt, fair resolution of its claims.

Second, granting a stay would not simplify issues, as Defendants' reliance on prior art not before the PTAB ensures this Court's role in resolving validity remains critical. Proceeding with these cases, and denying the stay, preserves judicial efficiency and RavenWhite's substantial investment, ensuring a timely and fair adjudication of its claims.

Third, RavenWhite would suffer undue prejudice from a stay, given the advanced stage of this case, the significant resources RavenWhite has invested, and the uncertainty surrounding the PTAB's timeline for its final written decisions ("FWDs") in the related IPR proceedings.

This litigation has progressed significantly since its refiling in August 2024, with extensive discovery—including over 1,100 hours of expensive and time intensive source code analysis by RavenWhite's experts—and a trial date set for April 2026. A stay risks delaying RavenWhite's right to timely enforce its patents, particularly as the PTAB's projected FWD date of March 2026, just a few weeks from the jury trial, could be extended up to six months later due to potential administrative delays, likely pushing resolution of the IPRs well past the jury trial date. *See* 35 U.S.C. § 316(a)(11); 37 C.F.R. § 42.100(c).

II. BACKGROUND

A. Procedural History and Case Timeline

On September 18, 2023, RavenWhite filed a lawsuit, Case No. 2:23-cv-00423-JRG-RSP (E.D. Tex.), accusing Home Depot of infringing U.S. Patent Nos. 10,594,823 ("the '823 patent") and 11,562,402 ("the '402 patent") (collectively, "Asserted Patents"), which relate to online

customer tracking technologies. On September 15, 2023, it also filed a case in this Court, Case No. Case No. 2:23-cv-00418-JRG-RSP, accusing Walmart of infringing these same patents.

These cases were voluntarily dismissed in August 2024 (Dkt. 76, 77) to address a potential standing issue concerning patent ownership, and refiled on August 21, 2024 asserting the same patents against the same defendants after resolving the standing concern.

The consolidated cases against Walmart and Home Depot are proceeding on the same schedule. The parties are briefing claim construction this summer, and the Court has scheduled a claim construction hearing for October 8, 2025, and the trial on April 20, 2026. Fact discovery closes on November 14, 2025, and opening expert reports will be served on November 21, 2025.

Since the filing of the 2023 complaints, the parties have engaged in substantial discovery. RavenWhite has actively pursued this litigation, serving comprehensive infringement contentions in November 2024 (Dkt. 46) and supplemental infringement contentions in February 2025 (Walmart) and March 2025 (Home Depot). These contentions were developed through an extensive review and analysis of Home Depot's and Walmart's source code, based on RavenWhite's significant investment of time and resources to prove its infringement claims.

On September 17, 2024—the second-to-last day permitted for doing so and a year after RavenWhite filed the district court cases—Home Depot filed IPR petitions with the PTAB, challenging all asserted claims of the '823 and '402 Patents. The PTAB issued an order, albeit not yet final, instituting IPR proceedings on March 24, 2025. Walmart filed IPR petitions copying and joining in Home Depot's IPR petitions on March 28, 2025.

RavenWhite filed its Patent Owner's Request for Director Review papers ("Director Review Requests") on April 7, 2025, arguing the PTAB wrongly instituted Home Depot's IPRs by misapplying *Fintiv* factors and overlooking the advanced parallel district court litigation. Given

the March 2025 procedural changes elevating the Director's role in discretionary denials and mandating strict *Fintiv* adherence, RavenWhite's request seeks the Director's intervention to reverse the PTAB's decision. The Director Review process allows appeal of PTAB institution decisions, and with the recent emphasis on discretionary denial and PTAB workload management. RavenWhite believes the Director will find the PTAB's initial decision to be an erroneous exercise of discretion, warranting reversal, such that there will not be institution of these IPRs.

B. The Asserted Patents and Technology

RavenWhite's infringement allegations against Home Depot focus on its integrated sales and advertising ecosystem, encompassing its physical stores, computer networks, websites, mobile apps, Orange Apron Media platform, and supporting software, hardware, data, processes, and infrastructure, including edge servers and data centers. Similarly, the claims against Walmart focus on its comparable infrastructure, particularly Walmart Connect, a platform enabling advertisers and vendors to display ads to Walmart customers across multiple touchpoints. Due to the technical complexity of these claims, discovery has heavily involved in-depth source code analysis.

Both patents relate to the Defendants' techniques of tracking and targeting customers online. The '823 patent, titled "Method and Apparatus for Storing Information in a Browser Storage Area of a Client Device" and issued on March 17, 2020, describes methods and systems for storing data in a client device's web browser storage area. The patent addresses the privacy risks associated with traditional browser cookies, which, while enabling website personalization and user identification, can be blocked or deleted, hindering customization. The '823 patent offers an alternative approach where a server causes a web browser to store a different type of cookie in response to a network resource request from the browser. This method facilitates personalization without the need to install additional software on the user's computer and without relying solely on traditional cookies, thereby mitigating privacy concerns.

The ’402 patent, titled “Advertising Model” and issued on January 24, 2023, introduces a tiered advertisement bidding system. Unlike conventional models that prioritize the highest monetary bids, this method assesses user profile quality metrics to select from tiered ad bids. By emphasizing user relevance, the system aims to enhance the efficiency and effectiveness of online advertising, addressing the limitations of conventional bid prioritization.

III. LEGAL STANDARD

A district court possesses the inherent authority to manage its own docket, including the discretion to stay proceedings pending the outcome of USPTO administrative proceedings such as *inter partes* review. *Clinton v. Jones*, 520 U.S. 681, 706 (1997) (“The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.”). However, a stay pending IPR is not automatically granted and must be determined on a case-by-case basis, considering the specific circumstances before the court. The party seeking the stay bears the burden of demonstrating that a stay is warranted. *Landis v. N. Am. Co.*, 299 U.S. 248, 255 (1936).

Courts in the Eastern District of Texas typically consider three primary factors when deciding whether to grant a stay pending IPR: “(1) whether the stay will unduly prejudice or present a clear tactical disadvantage to the non-moving party; (2) whether the stay will simplify the issues in question and trial of the case; and (3) whether discovery is complete and whether a trial date has been set.” *Soverain Software LLC v. Amazon.com, Inc.*, 356 F. Supp. 2d 660, 662 (E.D. Tex. 2005). These factors are not exhaustive, and the ultimate decision rests within the sound discretion of the Court, weighing the “competing interests and maintain[ing] an even balance.” *Landis*, 299 U.S. at 254-55. “[T]here is no per se rule that patent cases should be stayed pending [IPR] proceedings, because such a rule ‘would invite parties to unilaterally derail’ litigation.” *Realtime Data, LLC v. Rackspace US, Inc.*, No. 6:16-cv-00961-RWS-JDL, 2017 WL 772654, at *2 (E.D. Tex. Feb. 28, 2017), citing *Soverain Software* 356 F. Supp. 2d at 662.

IV. ARGUMENT

Defendants have failed to satisfy their substantial burden of demonstrating that a stay is warranted. Each of the core factors considered by this Court weighs against granting its Motion.

A. A Stay Would Unduly Prejudice RavenWhite and Concede a Tactical Advantage to Defendants Due to the Significant Investments Already Made in This Advanced Litigation.

1. Due to RavenWhite's April 7 Request for Director Review in View of Recent Changes in Patent Office Policy, There Is a High Likelihood of the Director Overturning the PTAB's Institution Decisions, Underscoring the Prejudice to RavenWhite if a Stay Were Granted.

The recent fundamental shifts in Patent Office protocol, which elevate the role of the Director in evaluating discretionary denials, create a strong likelihood that the PTAB's institution decisions will be overturned. These changes directly undermine Defendants' rationale for seeking a stay. On April 7, 2025, RavenWhite filed its Director Review Requests of Home Depot's IPR petitions, arguing that the PTAB's institution decisions were flawed due to a misapplication of the critical factors outlined in *Apple Inc. v. Fintiv, Inc.*, No. IPR2020-00019, 2020 WL 2126495 (P.T.A.B. Mar. 20, 2020), Paper 11 ("*Fintiv*"), thereby disregarding clear evidence warranting discretionary denial. *See* Exs. A[2] and B. The probability of Director Review reversing this error is substantial, particularly following Chief Administrative Patent Judge Scott R. Boalick's March 24, 2025 memorandum entitled, "Guidance on USPTO's Rescission of 'Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation.'" *See* Ex. C. This directive mandates strict adherence to the *Fintiv* factors, and RavenWhite's request for Director Review meticulously details the PTAB's improper application of *Fintiv*, presenting a compelling case for why the IPRs never should have been instituted.

[2] Lettered Exhibits A through I are attached to the Declaration of Robert F. Kramer filed herewith.

Acting USPTO Director Coke Morgan Stewart's March 26, 2025 memorandum, "Interim Processes for PTAB Workload Management," further jeopardizes the PTAB's flawed institution decision by overhauling the approach to IPR institution proceedings. *See* Ex. D. By adopting a bifurcated framework separating discretionary considerations from merits-based factors, the Director now possesses significant authority to deny institution based on discretionary grounds, such as the strength of the unpatentability challenge and the PTAB's workload. With impending PTAB judge layoffs threatening to worsen existing backlogs, the Director has a clear incentive to deny more IPR petitions to manage the PTAB's strained resources. *See* Ex. E. This policy shift strongly supports RavenWhite's contention that the PTAB's institution of Home Depot's IPRs is highly susceptible to reversal.

The Acting Director's March 28, 2025 Order in *Motorola Sols.* further demonstrates the high likelihood that institution of Home Depot's IPRs will be reversed and that its motion to stay is premature. *Motorola Sols., Inc. v. Stellar, LLC*, No. IPR2024-01205, 2025 WL 947070 (P.T.A.B. Mar. 28, 2025), Paper 19 (Granting Director Review). On February 13, 2025, a PTAB panel instituted review of Motorola's IPR petitions despite the advanced state of the parallel litigation in the District Court case. (*Stellar, LLC v. Motorola Sols., Inc.*, No. 4:23-cv-00750-SJD (E.D. Tex.)). Citing (1) the advanced state of the parallel litigation, and (2) that IPRs would not be a "true alternative" to the litigation because the defendant had alleged invalidity based on combinations of system and publication prior art, the Acting Director reversed the PTAB panel's decision and denied institution. *Motorola Sols.*, 2025 WL 947070, at *2.

As detailed in RavenWhite's April 7 Director Review Requests, the *Fintiv* factors unequivocally favor denying institution when, as here, a parallel district court proceeding is well-advanced. Yet, the PTAB panel inexplicably minimized this progress, asserting that "significant

effort… remains to be expended" in this district court case. Dkt. Nos. 65-1 at 12; 65-2 at 45. To the contrary, discovery is at an advanced stage after having started during the 2023 cases, and both infringement and invalidity contentions have been exchanged. The PTAB's dismissive view of the trial's proximity to the PTAB's projected statutory deadline for an FWD constitutes a clear misapplication of *Fintiv*. Moreover, the PTAB failed to consider the expansive scope of Home Depot's invalidity contentions in this litigation, which extend far beyond the prior art cited in the IPR petitions, encompassing numerous prior art systems detailed in hundreds of pages of invalidity claim charts, including unpublished system prior art combined with the IPR prior art. Consequently, even if RavenWhite prevails in the IPRs, this Court will still need to address this broader system prior art, rendering the IPR proceedings a wasteful duplication of effort. RavenWhite's position aligns with the reasoning in *Motorola Sols.*, 2025 WL 947070, at *2, where similar failures to properly weigh parallel litigation led to reversal.

The parties are uncertain about when the PTO Director will decide whether to institute these IPRs. A stay would prejudice RavenWhite either way: If the Director's decision comes quickly, a stay would unnecessarily disrupt the case's progress without any benefit, requiring a restart later. Conversely, if a stay extends for months awaiting the Director's ruling, it will delay RavenWhite's right to a jury trial and a prompt, fair resolution. Thus, the stay should be denied.

2. The Potential for the PTAB to Extend the Final Written Decision Deadline Significantly Increases the Risk of Undue Prejudice to RavenWhite.

Defendants' stay argument rests on the premise that the projected PTAB FWD dates precede the scheduled trial date. However, this timeline is far from certain. In addition to the Director's potential to overturn institution decisions due to RavenWhite's April 7 Director Review Requests discussed above, 35 U.S.C. § 316(a)(11) and 37 C.F.R. § 42.100(c) independently authorizes the PTAB to extend the FWD deadline by up to six months for good cause. Should such

an extension be granted in either or both IPRs, the FWDs could be issued after the April 20, 2026 trial date. This outcome would negate Defendants' justification for a stay—the timely resolution of validity issues by the PTAB—and further protract the resolution of this infringement action, thereby substantially prejudicing RavenWhite.

The current PTAB schedule anticipates FWDs by March 25, 2026, approximately one month before the April 20, 2026 trial. But this timeline is precarious due to ongoing administrative changes and potential backlogs within the PTAB. Based on communications from PTAB Chief Judge Boalick reported in Law360 on March 21, 2025, layoffs of PTAB judges are imminent. *See* Ex. E. These reductions in personnel could severely impair the PTAB's ability to meet its statutory deadlines and increase the likelihood of the PTAB invoking its authority under 35 U.S.C. § 316(a)(11) and 37 C.F.R. § 42.100(c) to postpone FWD issuance by up to six months.

A six-month postponement of the FWDs would push their issuance to September 25, 2026, a full five months after the scheduled trial. Such a significant delay would severely prejudice RavenWhite's right to a timely adjudication of its infringement claims. A stay extending beyond the trial date is particularly disfavored as it effectively relinquishes control of this Court's docket to the PTAB's administrative processes, especially amidst potential disruptions to those processes.

Moreover, even if the PTAB issues its FWDs before trial, the prospect of a Federal Circuit appeal introduces further potential for delay, potentially lasting months or even years. Staying this litigation for such a potentially lengthy and indefinite period, encompassing both the IPR proceedings and any subsequent appeals, would inflict substantial prejudice upon RavenWhite. The inherent uncertainty surrounding the FWD dates strongly militates against granting a stay. While institution has occurred, the significant risk of extension creates a comparable uncertainty regarding the PTAB's timely resolution of validity.

3. RavenWhite has Already Invested Substantial Resources in this Litigation, Including Extensive Source Code Analysis.

RavenWhite has diligently prosecuted this case, providing detailed infringement contentions supported by a comprehensive analysis of Home Depot and Walmart's source code obtained through discovery. RavenWhite's experts and consultants dedicated over 1,132 hours to a costly and time-intensive review of Defendants' source code and technical materials. The coordination required to establish the code-review rooms spanned weeks, demonstrating a significant resource commitment from all parties involved.

Despite the fact that this litigation was refiled in August 2024 upon voluntary dismissal of the original 2023 cases, discovery has progressed substantially and at an accelerated pace due to an agreement among the parties allowing the use of discovery from the previously dismissed litigation in the current litigation. Extensive document production has already occurred: RavenWhite produced 8,933 pages, Home Depot 41,978 pages, and Walmart 63,066 pages. Furthermore, Defendants and RavenWhite have conducted significant third-party discovery, with entities such as Adobe, Amazon, Dunnhumby, Innervate, Kantar, Kevel, Macy's, MetaRouter, and Vantage producing documents in response to subpoenas.

Courts routinely consider the stage of litigation, and the resources expended when evaluating stay motions. For instance, in *TQ Delta, LLC v. CommScope Holding Co., Inc.*, No. 2:21-cv-00309-JRG, 2022 WL 16720195, at *3 (E.D. Tex. Nov. 4, 2022), the court denied a stay, emphasizing that the parties had "already invested considerable time and expense" and "utilized significant resources" to meet discovery deadlines.

[redacted]

[redacted]

Granting a stay at this juncture would undermine RavenWhite's substantial prior investment, as the continuous software updates for new features and privacy compliance would necessitate a complete re-review of the source code and technical materials. This would unfairly burden RavenWhite, which has diligently advanced the case during discovery.

4. The Potential for Protracted Delay, Including Appeals of the IPR Decisions, Further Exacerbates the Prejudice to RavenWhite.

Even if the PTAB issues final written decisions before the current trial date, those decisions remain subject to appeal to the Federal Circuit. This appellate process can be lengthy, potentially extending well beyond the current trial date. *Chrimar Sys., Inc. v. Adtran, Inc.*, No. 6:15-cv-00618-JRG-JDL, 2016 WL 4080802, at *2 (E.D. Tex. Aug. 1, 2016) ("The delay could be further exacerbated if Defendants invoke their right to appeal the PTAB's decision to the Federal Circuit") (citing 35 U.S.C § 141(c)); *Network-1 Sec. Sols., Inc. v. Alcatel-Lucent USA Inc.*, No. 6:11-cv-492, 2015 WL 11439060, at *5, n.8 (E.D. Tex. Jan. 5, 2015) (noting that the additional delay imposed by appeals is considerable and that maintaining a stay through such appeals would be very costly). Here, a stay pending the outcome of any such appeal would lead to a significantly longer and potentially indefinite delay, further prejudicing RavenWhite's right to a timely

resolution of its infringement claims. The prospect of such a protracted delay weighs heavily against granting the requested stay.

5. Delay in Enforcing Patent Rights Constitutes Undue Prejudice, Even for Non-Practicing Entities.

Despite Home Depot's characterization of RavenWhite as a non-practicing entity seeking only monetary damages, this does not negate the inherent prejudice resulting from delaying a patentee's right to enforce its patents. Courts in this district have consistently affirmed this principle. *Rembrandt Wireless Techs., LP v. Samsung Elecs. Co.*, No. 2:13-cv-213-JRG-RSP, 2015 WL 627887, at *2 (E.D. Tex. Jan. 29, 2015) ("the mere fact that [a plaintiff] is not currently practicing the patents does not mean that, as a matter of law, it is not prejudiced by a substantial delay of an imminent trial date"). While Home Depot argues that monetary relief can fully compensate RavenWhite, the delay itself inflicts prejudice by postponing that compensation and potentially diminishing the value of the patents over their finite lifespan. The focus is on *undue* prejudice, and a significant delay in realizing those damages can indeed be undue, particularly when the litigation is already well underway, as is the case here.

B. A Stay Will Not Necessarily Result in the Simplification of this Case.

1. The PTAB's Focus on Patentability Does Not Necessarily Resolve or Streamline Invalidity Issues Due to Defendants' Reliance on Prior Art System References in this Case, which the PTAB Cannot Consider.

Defendants overstate the role the IPRs may have in potentially simplifying this litigation, undermining their rationale for a stay. In their invalidity contentions for the '823 patent, Defendants allege that four different prior-art systems anticipate the claims and additionally render the claims obvious in combination with any of 70+ additional references, including the very references that form the basis for the IPRs. Ex. F at 8-9, 12-16. Similarly, for the '402 patent, Defendants allege that five different prior-art systems are anticipatory and also render the claims obvious in combination with any of 70+ references, including the references that form the basis

for the IPRs. *Id*. at 29-30, 33-39. Thus, Defendants' invalidity contentions seek to preserve thousands of prior-art combinations that may be unaffected by IPR estoppel.

Despite the IPR institution decisions, this Court and others have recognized that a defendant's reliance on system prior art references in the district court case that are not presented in the IPR proceedings fails to sufficiently simplify and streamline the issues to warrant a stay. *See, e.g.*, *Intell. Ventures II LLC v. Kemper Corp.*, No. 6:16-cv-0081-RWG, 2016 WL 7634422, at *3 (E.D. Tex. Nov. 7, 2016) ("The absence of a full statutory estoppel not only increases the ability of litigants to 'game the system' and devise an unfair second bite at the apple, it also has the potential to increase rather than reduce the complexity of the validity issues . . . ."); *Sonrai Memory Ltd. v. LG Elecs. Inc.*, No. 6:21-cv-00168-ADA, 2022 WL 2307475, at *3 (W.D. Tex. June 27, 2022) ("This Action is slated to resolve all the patent disputes separating the parties—either at the summary judgment stage or trial—before the PTAB adjudicates *only* invalidity based *only* on prior-art publications. The Court sees little sense in putting off trial (and the plaintiff's potential recovery) in favor of a lagging, limited adjudication that may not ultimately obviate the need for a jury trial.") (emphasis in original); *Kerr Mach. Co. v. Vulcan Indus. Holdings, LLC*, No. 6-20-cv-00200-ADA, 2021 WL 1298932, at *2 (W.D. Tex. Apr. 7, 2021) ("[A]llowing this case to proceed to completion in this Court will provide a more complete resolution of the issues including infringement, all potential grounds of invalidity, and damages, all without a PGR.").

The same rationale applies in the RavenWhite cases where Defendants assert substantial prior art references in this Court but they are not references being considered by the PTAB in the IPR proceedings. If some claims survive the IPR, the litigation on those claims, including infringement, will continue, and the IPR may not lead to the ultimate simplification of issues.

2. Claim Construction Remains a Critical Issue for This Court.

While the PTAB's analysis of prior art may be informative, this Court is ultimately responsible for construing the claims in the context of the infringement allegations and the full evidentiary record before it. This Court has scheduled a claim construction hearing for October 8, 2025. Staying the case before claim construction would delay this essential step and could lead to inefficiencies if the PTAB's interpretations differ from this Court's construction. Proceeding with claim construction allows the parties to focus their efforts and potentially narrow the scope of dispute, which could ultimately streamline the litigation regardless of the IPR outcome.

3. PTAB Decisions Are Subject to Appeal, Potentially Prolonging Uncertainty and Delay.

If one or both parties appeal the PTAB's decisions, the ultimate resolution of patent validity could be delayed for a significant period, potentially extending beyond the timeframe of this district court litigation. Staying this case pending the outcome of any such appeal would lead to further substantial delay and uncertainty. The most efficient option is for this Court to maintain this litigation on its current course, particularly given the current uncertainty in the protocols and backlog at the PTAB under new administration.

C. The Case is at an Advanced Stage with Substantial Discovery Completed and a Trial Date Set

1. The Case Has Progressed Significantly, with Substantial Discovery Undertaken and Key Deadlines Approaching

As detailed in the background, RavenWhite has already served infringement contentions and subsequently served amended contentions based on a comprehensive review of Home Depot's source code and technical documents. This represents a substantial amount of work and progress in the case. Additionally, a claim construction hearing is scheduled for October 8, 2025, and a trial date is set for April 20, 2026. While fact and expert discovery remain, the setting of these key dates indicates that the Court intends for this case to proceed towards resolution on its current schedule.

Staying the case now would disrupt this established schedule and potentially lead to inefficiencies upon lifting the stay, as the parties and the Court would need to revisit the status of discovery and other pre-trial matters.

2. Staying the Case at this Stage Would Waste Judicial Resources and the Parties' Investments

Granting a stay after the parties have invested considerable resources in discovery and the Court has set a schedule for pre-trial proceedings and trial would be inefficient and could waste the resources already expended. The Court has an interest in managing its docket efficiently and moving cases towards a timely resolution. "If litigation were stayed every time a claim in suit undergoes reexamination, federal infringement actions would be dogged by fits and starts. Federal court calendars should not be hijacked in this manner. From a case management perspective, the possible benefits must be weighed in each instance against the possible drawbacks." *Comcast Cable Commc'ns Corp., LLC v. Finisar Corp.*, No. C 06-04206 WHA, 2007 WL 1052883, at *1 (N.D. Cal. Apr. 5, 2007). Staying a case that is progressing according to schedule—particularly when the outcome of the parallel PTO proceedings is uncertain in its timing and dispositive effect—does not serve this interest.

V. CONCLUSION

For the foregoing reasons, RavenWhite respectfully requests that Defendants' motion to stay the case be denied.

Dated: April 14, 2025

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CERTIFICATE OF SERVICE

The undersigned certifies that on April 14, 2025, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3), and all confidential versions of this filing will be served upon all counsel of record by electronic mail.

/s/ Robert F. Kramer
Robert F. Kramer

CERTIFICATE OF AUTHORIZATION TO FILE UNDER SEAL

Pursuant to Local Rule CV-5(a)(7), the undersigned counsel hereby certifies that authorization for filing under seal has been previously granted by the Court in the Protective Order (Dkt. 51) entered in this case on December 10, 2024.

/s/ *Robert F. Kramer*
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