

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Shenzhen Shokz Co., Ltd.,

Plaintiff,

v.

Shenzhen Wenming Technology Co., Ltd.;
guizhoushengxinhongshengshangmaoyouxian
ongsi; Shenzhen Youbo Technology Co., Ltd.;
Shanghai Kushi Information Technology Co.;
Ltd.; Suzhou Mojawa Intelligent Electronic
Co., Ltd.; and MRNEIO LLC

Defendants.

Case No. 1:24-CV-06717

JURY TRIAL DEMANDED

**OPPOSITION TO MOTION TO STAY
PENDING RESOLUTION OF IPR PROCEEDINGS**

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I. INTRODUCTION

Plaintiff Shenzhen Shokz Co., Ltd. (“Shokz”) respectfully requests that Defendant Suzhou Mojawa Intelligent Electronic Co., Ltd.’s (“Mojawa”) Motion to Stay Pending Resolution of *inter partes* review (“IPR”) Proceedings (“Motion”) be denied. Most importantly, Defendant’s motion is premature because there has not yet been an institution decision on either of the IPRs. IPRs are proceedings which challenge the validity of U.S. Patents at the U.S. Patent and Trademark Office (“USPTO”), but a key aspect of IPR proceedings is they must be *instituted* by the Patent Trial and Appeal Board (“PTAB” or “Board”) to proceed further, otherwise they have no effect.

Critically, most IPRs are now being denied institution after the PTAB recently implemented a new discretionary denial procedure which adds an additional preliminary hurdle for IPRs in order to be instituted. Even before the discretionary denial procedure was introduced a couple months ago, most courts around the country, including those in this District, typically denied stays for IPRs prior to institution because the potential for simplification—one of the three factors considered by courts in evaluating motions to stay pending IPR—is far too speculative from an IPR proceeding that has yet to be instituted. Now that fewer IPRs than ever are even reaching institution because they are failing to pass the discretionary denial stage, the potential simplification from a non-instituted IPR is even more speculative, and this factor alone warrants denial of a stay.

The other two factors also strongly weigh in favor of denying Mojawa’s motion to stay. First, the stage of the case is well beyond where it would make sense to consider a stay. The parties and the Court have already devoted significant resources to discovery. Multiple rounds of discovery requests and responses have been exchanged. Initial and final infringement contentions and noninfringement and invalidity contentions have been served. Claim construction is already underway, with claim terms and constructions due to be exchanged before this motion is heard.

Second, the requested stay would unduly prejudice Shokz. Shokz and Mojawa directly compete against each other in the bone conduction headphone industry, and Shokz has a strong interest in protecting its valuable intellectual property against its competitors' unlicensed use. Any delay in the enforcement of those rights will irreparably harm Shokz by allowing Mojawa to continue stealing valuable market share with Mojawa's infringing headphones for much longer while the IPRs—which may never be instituted—are considered. Courts around the country, including in this District, typically deny IPR stays in competitor cases precisely for this reason,

Because no factor weighs in favor of a stay based on these un-instituted IPRs, the Court should deny Mojawa's Motion.

II. BACKGROUND

On July 31, 2024, Shokz filed this suit against Mojawa, MRNEIO LLC ("MR.NEIO"), and the Defaulting Defendants¹ to stop the Defendants' infringement of Shokz's patents, U.S. Patent Nos. 11,197,084 (the "'084 Patent") and 11,310,582 (the "'582 Patent") (collectively, the "Asserted Patents"). Defendant Mojawa was served on August 29, 2024. Dkt. 19. The schedule for this case has already been entered. Dkt. 50.

This case has progressed significantly since its filing. On January 16, 2025, the Court entered default judgment against the Defaulting Defendants for their failure to answer or otherwise respond to the Complaint. Dkt. 43. On May 29, 2025, the Court granted in part and denied in part MRNEIO's motion to dismiss, effectively keeping MRNEIO as a party in this action. Dkt. 58. Fact discovery is well underway. Shokz has served both initial and final infringement contentions, totaling nearly 200 pages and supported by detailed product testing. Anderson Decl., ¶16. Mojawa

¹ The Defaulting Defendants, who each had default entered against them, refers to Shenzhen Wenming Technology Co., Ltd., guzihoushengxinhongshangmaoyouxiangongsi, Shenzhen Youbo Technology Co., Ltd., and Shanghai Kushi Information Technology Co., Ltd. (collectively "Defaulting Defendants").

has served both initial and final invalidity contentions and initial non-infringement contentions, which collectively span over 600 pages. *Id.*, ¶17. The parties have also exchanged multiple rounds of discovery requests, interrogatories, responses, and document productions. *Id.*, ¶¶18-20. By the time of the Court's scheduled hearing on this motion, the parties will have further exchanged final non-infringement and validity contentions on July 10, 2025, and begun claim construction proceedings by exchanging preliminary proposed claim constructions on July 24, 2025. Dkt. 50. Claim construction briefing begins on August 28, 2025, with the Markman hearing scheduled for November 6, 2025. *Id.* Fact discovery is scheduled to close shortly after that on January 29, 2026. *Id.*

More than eight months after being served with the Complaint, Mojawa filed two petitions for *inter partes* review, one for the '582 Patent and another for '084 Patent.² The PTAB has not yet issued institution decisions for either petition, which are not expected for five more months. The notice of filing date is April 30, 2025, for the '582 Patent and May 8, 2025, for the '084 Patent. Ex. A-B. Under 35 U.S.C. § 314(b), the Board must determine whether to institute a trial within six months of each respective filing date. Accordingly, institution decisions are expected by November 30, 2025, for the '582 Patent and December 8, 2025, for the '084 Patent. Should the IPRs be instituted, final written decisions will not be due for another year after that (November 30 and December 8, 2026, respectively).

III. LEGAL STANDARD

The decision to stay litigation pending patent review is within a district court's broad discretionary powers. *RR Donnelley & Sons Co. v. Xerox Corp.*, No. 12-CV-6198, 2013 WL 6645472, at *2 (N.D. Ill. Dec. 16, 2013) (*citing Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1426–27

² The '582 Patent IPR number is 2025-00843 and the '084 Patent IPR number is 2025-00842.

(Fed.Cir.1988)). However, “[t]here is no per se rule that patent cases be stayed pending actions before the USPTO because ‘such a rule would invite parties to derail litigation.’” *Ignite USA, LLC v. Pac. Mkt. Int’l, LLC*, No. 14 C 856, 2014 WL 2505166, at *2 (N.D. Ill. May 29, 2014) (quoting *Fujitsu Ltd. v. Tellabs Operations, Inc.*, Nos. 08-3379, 09-4530, 2012 WL 987272, at *4 (N.D. Ill. Mar. 21, 2012)). “[I]f litigation were stayed every time a claim in suit undergoes reexamination, federal infringement actions would be dogged by fits and starts.” *Black Hills Media, LLC v. Pioneer Elecs. (USA) Inc.*, No. CV 14-00471 SJO PJWX, 2014 WL 4638170, at *5 (C.D. Cal. May 8, 2014).

Courts typically analyze three factors in consideration of a request to stay litigation pending IPR: (1) the stage of litigation, including whether discovery is complete and a trial date has been set, (2) whether a stay will simplify the issues in question and streamline the trial, and (3) whether a stay will unduly prejudice or tactically disadvantage the nonmoving party. *See Black & Decker Inc. v. Positec USA, Inc.*, 13 C 3075, 2013 WL 5718460, at *1 (N.D. Ill. Oct. 1, 2013). “However, the inquiry is not limited to these three factors; rather, ‘the totality of the circumstances governs.’” *RR Donnelley*, 2013 WL 6645472, at *2. Courts may also consider whether a stay or denial of a stay would reduce the burden of litigation on the parties and the court. *See Ignite USA*, 2014 WL 2505166, at *2. Courts in this District—and others—typically deny stays for IPRs that have not yet been instituted because the potential for simplification is far too speculative at that point. *E.g., Baxter International, Inc. v. CareFusion Corporation et al*, 2016 WL 11739878, at *2 (N.D. Ill. Sep. 6, 2016) (“It is an overstatement to say that the IPRs will simplify the case because the Board could opt against instituting IPR.”).

IV. ARGUMENT

A. Because the PTAB Has Not Yet Instituted any IPRs, Mojawa's Argument that Their Petitions Will Simplify the Issues Is Entirely Speculative.

A large part of a court's analysis—if not the most important part—in determining whether to grant a motion to stay is the effect of said motion on the litigation. *See Black & Decker*, 2013 WL 5718460, at *1. Here, a stay is not warranted because Mojawa's petitions for *inter partes* review have not been instituted and may not be instituted at all. Courts in this District (and others) view requests for stays at this stage too speculative and routinely deny institution on that basis. “[A]t this point, any possible streamlining that could result from a final PTAB decision is purely speculative. . . . [I]t is an overstatement to say that the IPRs will simplify the case because the Board could opt against instituting IPRs.” *Ellenby Techs., Inc. v. Fireking Sec. Grp.*, No. 1:20-cv-02253, Dkt. 71 at 5, Ex. C (N.D. Ill. Mar. 26, 2021); *see also Shenzhen CARKU Technology Co., Ltd. v. Shenzhen Xinxing E-commerce Co., Ltd.*, No. 1:22-cv-03403, Dkt. 63 Ex. D (N.D. Ill. July 18, 2024) (“The IPR proceeding has not even been instituted yet. . . . There is no reason why these cases cannot proceed simultaneously at least through the discovery phase.”); *Riddell, Inc. v. Xenith, LLC*, 1:16-cv-04498, Dkt. 31, Ex. E (N.D. Ill. Oct. 7, 2016) (“The motion to stay is denied as premature, because the PTAB has not yet decided whether to institute IPR proceedings with respect to any of the patents in suit.”); *Baxter International, Inc. v. CareFusion Corporation et al*, 2016 WL 11739878, at *2 (N.D. Ill. Sep. 6, 2016) (“It is an overstatement to say that the IPRs will simplify the case because the Board could opt against instituting IPR.”); *National Steel Car Limited v. FreightCar America, Inc.*, No. 1:15-cv-03418, Dkt. 116, Ex. F (N.D. Ill. Aug. 5, 2016) (“Defendant's Motion to Stay Pending IPR is denied with leave to reinstate after the PTAB determines whether IPR will go forward.”). Here, the PTAB has not yet acted on either of Mojawa's IPR petitions. Because the PTAB has yet to act, whether Mojawa's petitions will

simplify any of the issues in this case is too speculative. Accordingly, the simplification of the issues factor weighs strongly against stay prior to any institution of IPRs.

Additionally, there have been recent changes at the USPTO and PTAB regarding discretionary denial, which have made it increasingly uncertain whether the PTAB will institute review in this case (although it is worth noting that all the cases cited above found simplification far too speculative even before the recent discretionary denial changes). On February 28, 2025, the USPTO reinstated the prior policy of relying on the PTAB's precedential decisions in *Fintiv* and *Sotera* to allow the PTAB to deny institution of IPRs purely on a discretionary basis independent of the merits of the petitions.³ On March 24, 2025, Chief Administrative Patent Judge Scott Boalick issued a memorandum providing guidance on the USPTO's "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation." See Ex. G. Subsequently, on March 26, 2025, acting PTAB Director Coke Stewart issued a memorandum titled "Interim Processes for PTAB Workload Management Memorandum." See Ex. H. This memorandum bifurcates the Patent Owner's Preliminary Response into two components: (1) discretionary considerations and merits-based considerations and (2) introduces a separate briefing for Patent Owner's Discretionary Denial. Ex. H at 1-2. Although this bifurcated process was only recently implemented, it is notable ***that more than half of the discretionary decisions, which include over 80 petitions, have been denied*** prior to any referral for consideration on the merits. Anderson Decl., Ex. ¶21

These recent developments at the PTAB have created an additional hurdle to IPR institution that fewer than half of all filed IPRs are able to overcome, which means fewer than half of all IPRs now even reach the stage to be considered for institution on the merits. These changes significantly

³ See *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) and *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020) for these decisions.

broaden the Commissioner’s discretion to deny IPR petitions prior to institution and rescind prior protocols that had previously limited such discretion in the context of parallel proceedings.⁴ For example, under the new procedures, patent owners are permitted to submit an additional 14,000-word brief specifically addressing discretionary denial (see Ex. H at 2). Further, recent guidance suggests that the rate of discretionary denials is expected to rise significantly. *See, e.g., In Re: Midwest Energy Emissions Corp. Patent Litigation*, Case No. 4:24-md-03132, Dkt. 131, Ex. I (S.D. Iowa May 22, 2025) (denying a stay because “[r]ecent 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,” citing the Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation).

As a result, any potential simplification of issues through IPR has become even more speculative and premature. This heightened uncertainty as to whether the PTAB will even consider the merits of Mojawa’s IPRs, much less institute IPR proceedings weighs against any finding that a stay would likely simplify the issues in this case.

Even if the PTAB institutes the IPRs over these long odds, a stay would not meaningfully simplify the issues for trial. As Mojawa admits, not all asserted claims in this case are subject to the pending IPR petitions, which is a reason courts frequently cite in denying a stay, because that significantly lessens the potential for simplification, if the IPRs cannot possibly result in mooted the case. Motion at 1, 5. *See Riddell, Inc. v. Xenith, LLC*, 1:16-cv-04498, Dkt. 47, Ex. J at 6 (N.D. Ill. Mar. 12, 2017) (“...a significant number of claims will remain for determination in this suit

⁴ *Sotera* stipulations are no longer dispositive in the discretionary denial decision. Ex. G at 2. Proximity of a court’s trial date under factor two of *Fintiv* should not alone outweigh other factors. *Id.* at 3. Compelling merits are no longer dispositive in the discretionary denial decision. *Id.*

irrespective of the outcome of the IPR.”). Given that it is undisputed that certain of the asserted claims will remain asserted in this case regardless of *any* outcome of the IPRs, a stay is not warranted here.

Additionally, even if the PTAB were to find all challenged claims unpatentable in a final written decision, and estoppel would then attach to prevent Mojawa from raising any publication prior art for its invalidity defense here, significant invalidity issues would remain due to the presence of system prior art and the continued participation of MRNEIO as a defendant. *Ingenico Inc. v. IOENGINE, LLC*, 136 F.4th 1354 (Fed. Cir. 2025). Under 35 U.S.C. § 311(b), IPRs are limited to anticipation or obviousness challenges based solely on patents or printed publications. System prior art—such as physical products or devices—cannot be raised in an IPR but remains fully available as a basis for invalidity in district court litigation. As the Federal Circuit recently clarified in *Ingenico*, IPR estoppel does not extend to invalidity grounds based on system prior art, even if related printed publications were or could have been raised in the IPR. *Ingenico*, 136 F.4th 1354 at 1366-67. The Court reasoned that grounds for estoppel purposes are distinct from the prior art evidence itself, and since system prior art cannot be raised in an IPR, it is not subject to estoppel. *Id.* at 1364-67. Here, Mojawa has included systems art in its recently asserted Final Invalidity Contentions (Ex. N), so Mojawa retains an invalidity defense in this case, including against the unchallenged claims, regardless of *any* outcome of the IPRs.

With respect to MRNEIO, even if the PTAB issues a final written decision upholding the challenged claims, MRNEIO may attempt to assert the exact same invalidity arguments in this case that were rejected by the PTAB. Under 35 U.S.C. § 315(e), IPR estoppel applies to “any ground that the *petitioner* raised or reasonably could have raised during that *inter partes* review” (emphasis added). Because Mojawa (and not MRNEIO) is the only petitioner to the pending IPRs,

it is uncertain whether § 315(e) is applicable to MRNEIO. *See Riddell*, 1:16-cv-04498, Dkt. 47, Ex. J at 4 (“The same [estoppel] will not apply to Xenith, which did not seek institution of IPR proceedings but which would benefit from favorable rulings in the IPR instituted by Kranos.”). MRNEIO may be similarly estopped as Mojawa *only if* it is found to be in privity with Mojawa. *See California Inst. of Tech. v. Broadcom Ltd.*, 25 F.4th 976, 991 (Fed. Cir. 2022) (“It is undisputed that Apple and Broadcom were aware of the prior art references that they sought to raise in the district court when Apple filed its IPR petitions. Despite not being included in any of Apple’s IPR petitions, the contested grounds reasonably could have been included in the petitions, and thus in the IPR.”). Whether MRNEIO is actually in privity with Mojawa is uncertain at this point, given the conflicting information uncovered in Shokz’ pre-filing investigation and alleged in MRNEIO’s cross-claim (Dkt. 1, ¶ 17; Dkt. 62, pp. 18-21), and would likely require additional motion practice.

Ultimately, Mojawa’s Motion is premature. The proper time for Defendants to seek this stay, if any, would be after institution of the second IPR, if the PTAB does in fact decide to institute both IPR proceedings.⁵ *See 454 Life Scis. Corp. v. Ion Torrent Sys., Inc.*, No. CV 15-595-LPS, 2016 WL 6594083, at *4 (D. Del. Nov. 7, 2016) (“[T]he ideal time” to file a motion to stay is “shortly after the PTAB issue[s] its decisions to proceed with a validity trial on all of the Asserted Claims.” (*emphasis added*)). The PTAB will not provide its decision as to whether the IPR petitions will simplify the issues at hand for five more months, which may be further frustrated by the recent changes that expand the scope of discretionary denials of IPR proceedings. Additionally, the presence of unchallenged claims, the continued availability of system prior art, and the risk of duplicative invalidity arguments all weigh against a stay. Granting a stay under

⁵ Shokz acknowledges that LPR 3.5 and Dkt. 50 required Mojawa to file a motion to stay the case pending PTAB proceedings by June 12, 2025. Although such a motion is premature at this pre-institution stage, denial without prejudice to any party (but with a permitted deadline to file a renewed motion if any IPRs are instituted) would be appropriate. *See Riddell*, 1:16-cv-04498, Dkt. 47, Ex. J at 6-7 (denying renewed motion to stay).

these circumstances would allow Defendants to take multiple bites at the apple—first before the PTAB and then here in district court—contrary to the goals that underlie the IPR process. Accordingly, this factor weighs strongly against a stay, and the Court should deny Mojawa’s Motion.

B. The Stage of the Litigation Does Not Favor a Stay

During the full year that this case has progressed before this Court, the parties and the Court have expended significant resources litigating this case. Shokz and MRNEIO briefed and the Court ruled on MRNEIO’s motion to dismiss. Dkt. Nos. 20, 25, 31. The pleadings are now closed. The parties have conducted their Rule 26(f) Conference and Shokz and Mojawa have filed their Initial Disclosures. The parties served preliminary contentions, and Shokz has now served final infringement contentions, and Mojawa has served final invalidity contentions and initial non-infringement contentions. The last set of final contentions is due by July 10 (Dkt. 50), before this motion will be heard. Discovery has been underway for almost seven months; in which time the parties have each served and responded to multiple rounds of written discovery requests and searched for and produced multiple sets of documents including technical documents and sales data from the accused products from Mojawa.

Discovery was stayed against MRNEIO while its motion to dismiss was pending before the Court. Although certain discovery deadlines for MRNEIO have been adjusted to allow some catch-up, MRNEIO will adhere to the same schedule as Shokz and Mojawa for expert discovery and the close of fact discovery. However, MRNEIO is not a party to the IPRs or the motion to stay in view of them.

The parties are in the process of beginning the claim construction process, exchanging terms and proposed constructions before the hearing on this motion. Given this significant progress in this case, Mojawa’s assertion that this case is “in its infancy” or at an “early stage” is

incorrect. Motion at 6. This district has denied motions to stay cases that are at a similar procedural stage as the present matter. *See Riddell*, 1:16-cv-04498, Dkt. 47, Ex. J at 7-9 (The court acknowledged “a reasonably advanced stage in terms of discovery” by noting the parties exchange of initial and final infringement and validity contentions, the set pretrial scheduling, the imminent claim construction briefing and expected ruling.”); *RR Donnelley*, 2013 WL 6645472, at *5 (The court recognized the significant discovery that had taken place including the exchange of infringement, non-infringement, invalidity, and validity contentions.). In light of the significant progress of the case and the resources already invested by all parties and the Court, this factor weighs against stay.

Indeed, the few courts that have granted pre-institution stays have *only* done so where a case has seen little or no discovery. For example, in *T-Rex*, cited by Mojawa in its Motion, the court granted a stay where “discovery has only just begun (only one set of initial disclosures and initial contentions have been exchanged . . . and a claim construction hearing date has not been set)” and “final contentions are not due for four more months.” *T-Rex Prop. AB v. Adaptive Micro Sys., LLC*, No. 16 C 5667, 2017 WL 372311, at *3 (N.D. Ill. Jan. 26, 2017). This case is long past the stage of the case in *T-Rex*, the contention deadlines have all passed (or will have by the time this motion is heard). Similarly, in *Ignite*, also cited by Mojawa in its Motion, the court noted that the stay was sought “at the earliest stage of litigation,” where discovery had not yet begun and “no deadlines for discovery have been set,” *Ignite*, 2014 WL 2505166, at *2, unlike here, where the case schedule was set long ago, discovery is ongoing, and significant written discovery has already occurred.

Accordingly, given the stage of this case in light of the fact that no IPRs have been instituted (and may never be as a result of the new discretionary denial procedure), this factor weighs strongly against a stay.

C. A Stay Would Unduly Prejudice Shokz Due to the Parties' Direct Competition

A stay will also prejudice Shokz because Shokz and Mojawa are direct competitors in the bone conduction headphone industry, and this lawsuit is directed towards stopping Defendants' unlicensed use of Shokz's intellectual property in this particular field. It is well known in the bone conduction headphone industry that Shokz's and Mojawa's products directly compete, with many online reviews providing direct comparisons of each of their products. Anderson Decl., Ex. K-M. As a result, Shokz faces especially high undue prejudice if a pre-institution stay is imposed because any relief would be delayed by a minimum of several months if institution is denied, to a year and a half or more (depending on appeals) if institution is granted. *See Cooper Notification, Inc. v. Twitter, Inc.*, No. CIV. 09-865-LPS, 2010 WL 5149351, at *4-5 (D. Del. Dec. 13, 2010) ("Courts are reluctant to stay proceedings where the parties are direct competitors."). Because this factor weighs strongly against granting a stay, the Court should deny Mojawa's Motion.

For example, in *Riddell*, the court acknowledged that "[c]ompetition between the parties can weigh in favor of a finding of undue prejudice," especially where the plaintiff alleges that the defendant's continued infringement allows it to remain relevant in the market at the plaintiff's expense. *See Riddell*, 1:16-cv-04498, Dkt. 47, Ex. J at 4 (citing *VirtualAgility Inc. v. Salesforce.com, Inc.*, 759 F.3d 1307, 1318 (Fed. Cir. 2014)). The court further noted that delay alone is not enough to establish prejudice, but where the parties are direct competitors, the risk of irreparable harm is heightened. *Id.* at 3. Here, as in *Riddell*, Shokz faces the prospect of losing market share and competitive position to Mojawa for the duration of a stay, which constitutes a form of prejudice that cannot be fully remedied by damages after the fact.

Similarly, in *Ellenby*, the court recognized a presumption of prejudice in cases between competitors, noting that “a stay in a case between competitors will harm the non-moving party in ways that are not easily compensable in money damages, such as by loss of good will.” *Ellenby*, No. 1:20-cv-02253, Dkt. 71 at 4, Ex. C. The court further found that even a relatively short stay could interfere with the plaintiff’s ability to obtain relevant discovery and protect its competitive interests. *Id.* at 5. Here, the potential delay is not merely a matter of months but could extend to a year and a half or more depending on the outcome of IPR proceedings and any subsequent appeals. Such a delay would amplify the competitive harm to Shokz, further supporting denial of a stay.

Mojawa criticizes Shokz for not yet filing a motion for a preliminary injunction, but that does not give Mojawa’s request for a stay any additional merit. To be clear: Shokz seeks a permanent injunction to stop the Defendants’ infringement of the asserted patents because Defendants’ infringement of Shokz’s patents threatens irreparable harm to Shokz, as explained in the Complaint. Dkt. 1, p. 38. The stay Mojawa seeks would certainly delay the injunction of Defendants’ infringement and exacerbate the harm to Shokz. Courts recognize that there are many reasons a patent plaintiff might not seek a preliminary injunction against a competitor, including the fact that “without substantial discovery” a litigant “cannot meet the high burden for such relief,” thus a plaintiff’s decision not to seek a preliminary injunction does not counsel in favor of a stay. *Cooper Notification*, 2010 WL 5149351 at *4-5; *see also Universal Elecs., Inc. v. Universal Remote Control, Inc.*, 943 F. Supp. 2d 1028, 1034 (C.D. Cal. 2013) (“on a motion to stay, the Court will not hold against the patentee its decision to spare the parties more litigation in the form of a motion for preliminary injunction”).

Because the prejudice to Shokz would be great if the stay was granted, this factor weighs against stay. Thus, the Court should deny Mojawa's Motion.

V. CONCLUSION

For the foregoing reasons, Shokz respectfully requests that Mojawa's motion to stay be denied.

Dated: July 1, 2025

Respectfully submitted,

By: /s/ Evan Day

John D. Esterhay (*pro hac vice*)

JEsterhay@perkinscoie.com

Evan Day, CA Bar No. 283896

eday@perkinscoie.com

Wei Yuan (*pro hac vice*)

WYuan@perkinscoie.com

Eric Maas (*pro hac vice*)

EMaas@perkinscoie.com

Sarah Anderson (*pro hac vice*)

SarahAnderson@perkinscoie.com

PERKINS COIE LLP

11452 El Camino Real, Ste 300

San Diego, California 92130-2080

Telephone: 858.720.5700

Attorneys for Plaintiff Shenzhen Shokz Co., Ltd.

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on July 1, 2025.

/s/ Evan Day

Evan Day