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

Shenzhen Shokz Co. Ltd.,	)	
	)	
Plaintiff,	)	
	)	No. 24 C 6717
v.	)	
	)	Judge Jorge L. Alonso
Shenzhen Wenming Tech. Co., Ltd. et al	)	
	)	
Defendants.	)	

ORDER

Defendant Suzhou Mojawa Intelligent Electronic Co., Ltd ("Defendant") has petitioned the United States Patent and Trademark Office ("PTO") for *inter partes* review ("IPR") of Plaintiff's asserted patents. The PTO has not yet instituted Defendant's IPR petitions. At issue below, Defendant moves to stay the case pending resolution of the IPR proceedings. R. 59. For the reasons stated below, Defendant's motion is granted.

Discussion

"Whether to grant a stay of patent litigation pending an IPR petition is a matter for the discretion of the district court." *Ellenby Techs., Inc. v. Fireking Sec. Grp.*, 533 F. Supp. 3d 656, 662 (N.D. Ill. 2021). "[T]he factors to be considered in deciding a motion to stay patent litigation pending a not-yet-instituted IPR are: (1) whether the stay will unduly prejudice the nonmoving party, (2) whether the proceedings before the court have reached an advanced stage, including whether discovery is complete and a trial date has been set, and (3) whether the stay will likely result in simplifying the case before the court." *Id.* (citations omitted).

First, a stay will not unduly prejudice Plaintiff. Courts have "repeatedly found no undue prejudice unless the patentee makes a specific showing of prejudice beyond the delay necessarily inherent in any stay." *PersonalWeb Techs., LLC v. Apple Inc.*, 69 F. Supp. 3d 1022, 1029 (N.D. Cal. 2014). Plaintiff argues that Plaintiff will be unduly prejudiced because Plaintiff and Defendant are competitors in the marketplace. R. 69 at 16. But here, there are other competitors in the bone conduction headphone market. R. 72-1 ¶ 4. And the existence of other competitors in the market undermines an assertion of undue prejudice. *See Ignite USA, LLC v. Pac. Mkt. Int'l, LLC*, 2014 WL 2505166, at *3 (N.D. Ill. May 29, 2014) ("These competitors' existence undermines Ignite's argument that it will lose market share simply due to PMI's alleged infringement.").

Second, the proceedings have not reached an advanced stage sufficient to justify a stay. Close of fact discovery is not until over four months from now, and close of expert discovery is not until over eight months from now. R. 50. The parties' positions as to claim construction have not yet been fully briefed. *Id.* And the trial date has not yet been set.

Third, a stay may simplify the case. Defendant's IPR petitions challenge the validity of 17 of the total 20 asserted claims of the two asserted patents. R. 59 at 5. Thus, the IPR petitions have the potential to significantly streamline the case. Indeed, if PTO institutes IPR proceedings and rules even partially in Defendant's favor, such a ruling could render future work on this case—for example, the claim construction hearing—unnecessary and thus a needless tax on judicial resources.

Conclusion

For these reasons, the motion [59] to stay is granted. All deadlines in this case are stricken. The parties shall file a joint status report within 14 days of the PTO's ruling.

SO ORDERED.

ENTERED: September 17, 2025

HON. JORGE L. ALONSO
United States District Judge