**IN THE UNITED STATES DISTRICT COURT**
**FOR THE EASTERN DISTRICT OF TEXAS**
**TEXARKANA DIVISION**

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| PANTECH CORPORATION and PANTECH WIRELESS, LLC,<br><br>Plaintiffs,<br><br>v.<br><br>ONEPLUS TECHNOLOGY (SHENZHEN) CO., LTD.,<br><br>Defendant. | C.A. No. 5:24-cv-00038-RWS-JBB<br><br>**JURY TRIAL DEMANDED** |

**ONEPLUS'S OPPOSED MOTION TO STAY DURING THE ITC INVESTIGATION**

# TABLE OF CONTENTS

I. INTRODUCTION ..... 1

II. BACKGROUND ..... 1

III. LEGAL STANDARD ..... 2

IV. ARGUMENT ..... 3

A. This Action Should Be Stayed Pursuant to Section 1659 ..... 3

1. Pantech's Breach of FRAND Claim Presents the Same Issues in Both Proceedings ..... 5

2. Pantech's Patent Infringement Claims Here and in the '1456 Investigation Share the Same Issues of Fact and Law ..... 7

3. Both Proceedings Will Involve at Least Some of the Same Defenses ..... 9

B. Alternatively, the Court Should Exercise its Discretion to Stay this Case ..... 11

V. CONCLUSION ..... 12

# TABLE OF AUTHORITIES

## Cases

. *Lemelson v. United States*,
752 F.2d 1538 (Fed. Cir. 1985) ..... 8

*AGIS Software Dev. LLC v. Samsung Elecs. Co., Ltd.*,
No. 2:22-cv-263-JRG-RSP, 2023 WL 5351963 (E.D. Tex. Aug. 21, 2023) ..... 4

*Black Hills Media, LLC v. Samsung Elecs. Co.*,
No. 2:13-cv-379-JRG-RSP, 2014 WL 12951780 (E.D. Tex. Mar. 17, 2014) ..... 3, 11, 12

*In re Katz Interactive Call Processing Pat. Litig.*,
639 F.3d 1303 (Fed. Cir. 2011) ..... 10

*In re Princo*,
478 F.3d 1345 (Fed. Cir. 2007) ..... 4, 5

*Maxell, Ltd. v. Samsung Elecs. Co., Ltd.*,
Civ. A. No. 5:23-cv-00092-RWS, Dkt. 251 (E.D. Tex. Mar. 21, 2025) ..... 4

*Pathfinder Oil & Gas, Inc. v. Great W. Drilling, Ltd.*,
574 S.W.3d 882 (Tex. 2019) ..... 6

*Sandisk Corp. v. Phison Elecs. Corp.*,
538 F. Supp. 2d 1060 (W.D. Wis. 2008) ..... 3, 4

*Saxon Innovations, LLC v. Palm, Inc.*,
No. 6:09-CV-272, 2009 WL 3755041 (E.D. Tex. Nov. 4, 2009) ..... 4

*Vicor Corp. v. FII USA Inc.*,
132 F.4th 1 (1st Cir. 2025) ..... passim

*VirtualAgility v. Salesforce.com*,
759 F.3d 1307 (Fed. Cir. 2014) ..... 11

## Statutes

28 U.S.C. § 1292(b) ..... 10

28 U.S.C. § 1659 ..... passim

## Regulations

19 C.F.R. § 210.3 ..... 2

## INDEX OF EXHIBITS

| Exhibit No. | Description |
|---|---|
| Exhibit A | Pantech's Corporation's Complaint and Statement Regarding the Public Interest (Public Version), *In the Matter of Certain Mobile Cellular Comm'cns Devices*, Inv. No. 337-TA-1456 (ITC) |
| Exhibit B | *Certain Mobile Cellular Comm'cns Devices*; Notice of Institution of Investigation, 90 Fed. Reg. 38177-78 (Aug. 7, 2025) |
| Exhibit C | Excerpt of Pantech's PR 3-1 and 3-2 Infringement Contentions |
| Exhibit D | Appendix 2 to Pantech's PR 3-1 and 3-2 Infringement Contentions |
| Exhibit E | Exhibit 38 to Pantech's Corporation's Complaint and Statement Regarding the Public Interest (Public Version), *In the Matter of Certain Mobile Cellular Comm'cns Devices*, Inv. No. 337-TA-1456 (ITC) |
| Exhibit F | Exhibit 39 to Pantech's Corporation's Complaint and Statement Regarding the Public Interest (Public Version), *In the Matter of Certain Mobile Cellular Comm'cns Devices*, Inv. No. 337-TA-1456 (ITC) |
| Exhibit G | U.S. Pat. No. 11,051,344 |
| Exhibit H | U.S. Pat. No. 12,267,876 |
| Exhibit I | Initial Determination Setting a 17-month Target Date and Setting Preliminary Conference, *Certain Mobile Cellular Comm'cns Devices*, Inv. No. 337-TA-1456 (USITC Aug. 19, 2025) |

## I. INTRODUCTION

Pursuant to 28 U.S.C. § 1659 ("Section 1659"), Defendant OnePlus Technology (Shenzhen) Co., Ltd. ("OnePlus") respectfully moves the Court to stay this proceeding until an investigation pending before the U.S. International Trade Commission ("ITC"), *In re Certain Mobile Cellular Communications Devices*, Inv. No. 337-TA-1456 ("the '1456 Investigation"), filed by Plaintiff Pantech Corporation ("Pantech") on July 2, 2025, and instituted by the ITC on August 4, 2025, has been resolved.

Section 1659 provides, in part, that a "district court shall stay, until the determination of the Commission becomes final, proceedings in the civil action with respect to any claim that involves the same issues involved in the proceeding before the Commission." A stay is therefore warranted here because this action and the ITC investigation involve the "same issues," including issues related to the parties' compliance with their FRAND obligations, patent infringement and invalidity, patent exhaustion, and Pantech's standing to assert the patents. *Vicor Corp. v. FII USA Inc.*, 132 F.4th 1, 6 (1st Cir. 2025). In addition, a discretionary stay is warranted under the Court's inherent authority in the interests of judicial economy and the avoidance of duplicative litigation.

## II. BACKGROUND

This case is the second of three serial lawsuits Pantech has filed in this district. In the first case, *Pantech Corp. v. OnePlus Tech. (Shenzhen) Co., Ltd.*, Civ. No. 5:22-cv-00069-RWS (E.D. Tex. filed June 3, 2022) ("*Pantech I*"), Pantech initially asserted eight patents (ultimately proceeding to trial on five). Following two jury trials, the Court entered final judgment that four of those patents were infringed and not invalid. *See Pantech I*, Dkt. 499. That case is now on appeal. On March 14, 2024, and just before the first trial, Pantech filed this case ("*Pantech II*") asserting another eight patents. *Pantech II*, Dkt. 1.

On July 2, 2025, Pantech filed its complaint with the ITC, and on July 3, 2025 filed a third action in this Court (Civ. No. 5:25-cv-00089) ("*Pantech III*"). Both the ITC complaint and *Pantech III* assert the same four patents, including U.S. Patent No. 9,548,839 patent previously asserted in *Pantech I*, U.S. Patent No. 11,659,503, which is related to U.S. Patent No. 11,012,954 (previously asserted in *Pantech I*), and U.S. Patent Nos. 11,051,344 and 12,267,876 ("the '344 and '876 patents, respectively), which are both related to U.S. Patent No. 9,288,824 asserted in this proceeding. *See Pantech III*, Dkt. 1; Ex. A, Pantech Corporation's Complaint and Public Interest Statement, Docket No. 337-3835 ("ITC Compl.") at ¶¶ 9–10. Pantech has agreed to a motion to stay *Pantech III*, which is filed concurrently with this motion.

As Pantech recently emphasized to the Court, this action involves claims relating to OnePlus's alleged "holdout" conduct in the context of the parties' license negotiations. *see Pantech II* Compl., Dkt. 1 at ¶¶ 39–46; ¶¶ 160–64 ("breach of FRAND"), ¶¶ 165–67 (unjust enrichment); Public Transcript of July 9, 2025 Hearing on Mot. to Compel at, *e.g.*, 19:7-16. Pantech's ITC complaint raises the same allegations. *See* Ex. A, ITC Compl. at, *e.g.*, ¶¶ 110–116, ¶¶ 117–137 at ¶¶ 126-28, ¶¶ 130–37.

## III. LEGAL STANDARD

If requested by a party to a civil action that is also named as a respondent in an ITC investigation, "the district court shall stay" the civil action with respect to "any claim that involves the same issues involved in the proceeding before the Commission." 28 U.S.C. § 1659(a). Such a request is timely within "30 days after the party is named as a respondent in the proceeding before the Commission" or "30 days after the district court action is filed, whichever is later." *Id*. at 28 U.S.C. § 1659(a)(1)-(2); 19 C.F.R. § 210.3 (defining "Respondent" in the context of the ITC as "any person named in a notice of investigation").

The plain language of Section 1659 requires a stay of "proceedings in the civil action with respect to any cause of action that involves the same fundamental factual and legal allegations involved in the proceeding before the Commission." *Vicor*, 132 F.4th at 6. The *Vicor* court considered and rejected an oft-cited prior district court decision that interpreted Section 1659 as applying only to patent infringement actions that allege infringement of the same patent asserted in an ITC proceeding. *Id.* at 9, n.4 (dismissing *Sandisk Corp. v. Phison Elecs. Corp.*, 538 F. Supp. 2d 1060 (W.D. Wis. 2008) as unpersuasive).

To the extent a stay is not mandatory, the Court has inherent authority to order a stay at its discretion. Courts in this district consider "(1) whether a stay would unduly prejudice or present a clear tactical disadvantage to the nonmoving party; (2) whether a 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." *Black Hills Media, LLC v. Samsung Elecs. Co.*, No. 2:13-cv-379-JRG-RSP, 2014 WL 12951780, at *1 (E.D. Tex. Mar. 17, 2014).

## IV. ARGUMENT

### A. This Action Should Be Stayed Pursuant to Section 1659

Every requirement to trigger the mandatory stay provision of 28 U.S.C. § 1659(a) is met here. OnePlus is a party to this action and is also "named as" a respondent in the ITC investigation, both the ITC investigation and this action involve the "same issues," and this request is made within 30 days of the August 4, 2025, institution of the ITC investigation. *See* 28 U.S.C. § 1659(a)(1); Ex. B, Notice of Institution, 90 Fed. Reg. 38177–78 (Aug. 7, 2025). A stay is therefore required.

Pantech is expected to argue that Section 1659 does not apply because the same patents are not at issue. This argument, however, runs headlong into the plain statutory language. *Vicor,* 132 F.4th at 6–9. Under a straightforward reading of Section 1659, proceedings in this civil action must

be stayed because Pantech's causes of action here involve the same allegations and issues (and OnePlus can raise the same defenses) as will be involved in proceedings in the '1456 Investigation. *Id*.; *see also In re Princo*, 478 F.3d 1345, 1356 (Fed. Cir. 2007) ("The statute is not limited to a stay of any district court determination of issues pending before the Commission; it extends to any district court 'proceedings' on a 'claim' involving issues pending before the Commission.").

The *Vicor* decision is the first and only appellate court decision to address whether the ITC action must be strictly parallel to a district court action for Section 1659 to apply. In its precedential decision, the First Circuit expressly rejected the argument that "Section 1659 would apply here only if [plaintiff] had sued [defendant] for infringing the same patents." *See Vicor*, 132 F.4th at 6. The First Circuit expressly rejected the reasoning relied upon by courts such as the Western District of Wisconsin in *Sandisk* requiring an identity of patents. *Id*. at 9 n.4. Rather, all that is required to satisfy the "same issues" requirement is that "a district court proceeding *shares issues* with an ITC proceeding." 132 F.4th at 7 (emphasis added). Requiring a strictly parallel action would necessitate "inserting the word 'all' into the statute, something we cannot do." *Id*. at 7; *see also id.* at 7 n.2 ("Vicor also argues in its brief that 'same' means 'identical.' But this proposed reading runs into the same problems."). This Court previously accepted the *Sandisk* reasoning, but those decisions should be reconsidered anew in view of *Vicor.*[1] The plain language of the statute itself, and not a narrowing interpretation that has been deemed "unpersuasive" by an appellate court, must control.

Here, Pantech's infringement claims before the district court, as well as its claims for breach of FRAND and unjust enrichment, unquestionably involve the same issues pending before

[1] *See Maxell, Ltd. v. Samsung Elecs. Co., Ltd.*, Civ. A. No. 5:23-cv-00092-RWS, Dkt. 251 at 4–6 (E.D. Tex. Mar. 21, 2025) (citing, *inter alia*, *AGIS Software Dev. LLC v. Samsung Elecs. Co., Ltd.*, No. 2:22-cv-263-JRG-RSP, 2023 WL 5351963, at *2 (E.D. Tex. Aug. 21, 2023) and *Saxon Innovations, LLC v. Palm, Inc.*, No. 6:09-CV-272, 2009 WL 3755041, at *2 (E.D. Tex. Nov. 4, 2009).

the ITC. A stay under Section 1659 therefore "serves the purpose of the statute which is designed to bar proceedings in two fora at the same time." *Princo*, 478 F.3d at 1356. This case and the '1456 Investigation readily meet the requirements of the statute, and a stay is required.

**1. Pantech's Breach of FRAND Claim Presents the Same Issues in Both Proceedings**

Pantech's "breach of FRAND" claim in this case alleges that OnePlus failed to negotiate in good faith for a license to Pantech's patent portfolio, which includes the asserted patents in this action and the patents asserted in the ITC investigation. *See* Compl., Dkt. 1 at ¶¶ 40–46; ¶¶ 160–67. When Pantech filed its ITC complaint, it substantially mirrored the same "breach of FRAND" allegations at issue in this action. It specifically asserted, "OnePlus has … engaged in holdout behavior, refusing to engage in good faith negotiations." *See* Ex. A, ITC Compl. at, *e.g.*, ¶¶ 126-28, ¶¶ 130–37. These allegations are without merit, but Pantech indisputably seeks a resolution of the "same issues" in both the ITC action and in every count of Pantech's Complaint here.[2] Pantech itself raised these issues in both proceedings, and this district court action must be stayed as a result. Pantech cannot force OnePlus to defend itself against duplicative litigation in both the ITC and this action. *Vicor*, 132 F.4th at 6–9.

Importantly, Pantech's breach of FRAND theory is necessarily premised on the parties' negotiations as to its entire portfolio of patents, which includes those in both proceedings. *See* Compl., Dkt. 1 at, *e.g.*, ¶¶ 41–43 (referring to Pantech's alleged efforts to offer OnePlus a "license [to] patents currently owned and/or managed by Pantech Corp.," and "provid[ing] details regarding [Pantech's] *portfolio* and/or licensing proposal"); Ex. A at, *e.g.*, ¶ 118 (alleging that "Pantech has negotiated in good faith and made substantial efforts to enter into license agreements with

[2] Pantech's breach of FRAND claim is subject to a pending motion to dismiss, Dkt. 23, but even if the Court dismisses that claim, other commonalities of issues exist and trigger the mandatory stay provision of Section 1659.

Respondents on FRAND terms . . . . Pantech has provided detailed information regarding its *patent portfolio*. . . ."), ¶ 131 (alleging "Pantech . . . offer[ed] to license patents owned and/or managed by Pantech, including those essential to cellular standards such as LTE and LTE-Advanced"), etc. (emphases added). Pantech therefore raised in the ITC the same FRAND issues that it raises here.

As explained in OnePlus's pending Motion to Dismiss (Dkt. 23), the legal basis for Pantech's "breach of FRAND" claim in this case is not clear. *See* Dkt. 23 at 6–10. To the extent it is premised on a contractual obligation allegedly arising out of the ETSI Rules of Procedure ("ETSI Policy"), Pantech will need to prove, among other things, the existence of a valid contract, performance by Pantech under that contract, the existence of a breach by OnePlus, and resulting damages. *See, e.g., Pathfinder Oil & Gas, Inc. v. Great W. Drilling, Ltd.*, 574 S.W.3d 882, 890 (Tex. 2019). Pantech apparently will seek to prove in both proceedings (1) whether the ETSI Policy gives rise to obligations, as Pantech asserts in its complaints here and in the ITC (Dkt. 1, ¶ 161; Ex. A, ¶¶ 112–115, 119–128); and (2) whether that conduct constitutes compliance with (or breach of) such obligations (*compare, e.g.,* Dkt. 1, ¶ 164 ("Pantech, which has complied with ETSI's intellectual property policy and has negotiated in good faith, has been harmed by Defendant's breach of its FRAND obligations") *and* Ex. A, at ¶ 118 ("Pantech has negotiated in good faith and made substantial efforts to enter into license agreements with Respondents on FRAND terms."); *see also* Ex. A at ¶¶ 112–115, 117–129, ¶¶ 130–137). Pantech's unjust enrichment count in this case—which, as pleaded, is premised on the same alleged "fail[ure] to negotiate in good faith and engag[ing] in holdout behavior" as is the "breach of FRAND" count (*compare* Dkt. 1, ¶ 163 *and* ¶ 166)—also will involve the same issues.

Pantech itself concedes in its Complaint in this action that "Plaintiffs' claims for breach of FRAND obligations and unjust enrichment (Counts IX and X) . . . ***are inextricably related*** to

Plaintiffs' claims for patent infringement (Counts I-VIII)." Dkt. 1 at ¶ 6 (emphasis added). Pantech's compliance (or lack thereof) with its FRAND obligations thus concerns at least every standards-essential patent in Pantech's portfolio, and resolution of these issues in either forum as they relate to Pantech's claims of infringement of any of the asserted patents will entail consideration of the same issues of fact and law. Pantech's failure to comply with its FRAND obligations raises identical issues—here and at the ITC—as to equitable estoppel, waiver, unenforceability, and whether Pantech's conduct is contrary to the public interest.

**2. Pantech's Patent Infringement Claims Here and in the '1456 Investigation Share the Same Issues of Fact and Law**

Pantech's asserted patent claims here and in the '1456 Investigation share overlapping issues of claim scope, claim construction, invalidity, and infringement. As explained above, Section 1659 does not require identity of patents or patent claims, or that "all issues" are shared between the two proceedings, but only that claims pending in each tribunal involve some of the same "fundamental factual and legal allegations." *Vicor*, 132 F.4th at 6–7. This standard is met here.

All of the asserted patents here and in the '1456 Investigation concern the same or similar technology, and as noted above, the '824 patent asserted in this case is a parent of U.S. Patent Nos. 11,051,344 and 12,267,876 asserted in the '1456 Investigation, which share its specification. *See* Appx. A (summarizing asserted patents, claims, and accused products). The claims of the '824 patent contain the same and similar limitations to the claims of the related '876 and '344 patents asserted in the '1456 Investigation. *See* Appx. A at 3 (comparing asserted claim 7 of '824 patent in *Pantech II* to asserted independent claims of the '344 and '876 patents in the '1456 Investigation). Common and overlapping limitations include, *inter alia*, that the products include "a processor . . .," "a transmitter . . .," and "adding an offset to a subframe number corresponding

to the end time of transmitting the random access preamble, and the offset equals three." *See id*. In both proceedings, Pantech "must show the presence of every element or its substantial equivalent in the accused device" in the accused products. *Lemelson v. United States*, 752 F.2d 1538, 1551 (Fed. Cir. 1985).

Furthermore, products accused of infringement in the '1456 Investigation (the OnePlus 12, OnePlus 12R, OnePlus Open, and OnePlus Nord N30) are also accused of infringement in this case. *See* Appx. A at 1–2; *see also* Ex. A at ¶ 169; Ex. C at 2–4. Issues related to their operation are common to both this action and the ITC. For example, Pantech must prove that these accused products satisfy each and every limitation of the asserted patents, including the common limitations found in the '824 patent and the '344 and '876 patents. Indeed, as for at least the '824 patent here and the '344 and '876 patents in the '1456 Investigation, Pantech contends that compliance with many of the same technological standards demonstrates infringement. *See* Ex. C, Excerpts of Pantech's Infringement Contentions, at 2 (listing standards allegedly applicable to alleged infringement of '824 patent); Ex. D, Appendix 2 to Pantech's Infringement Contentions, at 1 (purporting to identify "Exemplary Evidence of Infringement" of the '824 patent based on "compliance with LTE cellular communication protocols including at least ***3GPP TS 36.321, 3GPP TS 36.300, and 3GPP TS 36.331***"); Ex. E, Public Exhibit 38 to ITC Compl. at 1 (purporting to identify "Exemplary Evidence of Infringement" of the '344 patent based on "compliance with the LTE Release 8 or higher cellular communication standards, including ***3GPP TS 36.300***, ***3GPP TS 36.321, 3GPP TS 36.331***, 3GPPTS36.213, and/or ***3GPP TS 36.331***"); Ex. F, Public Exhibit 39 to ITC Compl. at 1 (purporting to identify "Exemplary Evidence of Infringement" of the '876 patent based on "compliance with the LTE Release 8 or higher cellular communication standards,

including ***3GPP TS 36.300, 3GPP TS 36.321***, 3GPPTS36.213, and/or 3GPP TS 36.101.") (emphases added to show overlap).

It is apparent that Pantech intends to rely, in both proceedings, on the same standards, in the same way, to demonstrate infringement of the same or similar claim limitations by, at least some of the same accused products. *Compare* Ex. D at, e.g., p. 15–16 (limitation 7.d), Ex. E, at, e.g., p. 22 (limitation 2.d), and Ex. F, at, e.g., pp. 22–23 (limitation 4.f) (mapping the same section (5.1.4) of the same standard (3GPP TS 36.321 v8.5.0) against substantially the same claim limitations across the '824, '344, and '876 patents). That Pantech's infringement claims here will therefore involve the "same issues" as is in the '1456 Investigation is beyond dispute.

**3. Both Proceedings Will Involve at Least Some of the Same Defenses**

OnePlus will raise common defenses to Pantech's infringement and breach of FRAND claims in both this and in the '1456 Investigation.[3] Just as with Pantech's infringement claims discussed above, OnePlus's non-infringement and invalidity defenses both here and in the '1456 Investigation will entail the "same issues" of fact and law. For example, with respect to at least the '824 patent asserted here and the '344 and '876 patents asserted in the '1456 Investigation, prior art-based defenses will overlap because, in addition to the similarity of the claim limitations, according to Pantech, these patents each purport to claim priority to the same U.S. Provisional Patent Application, filed on January 1, 2008. *Compare* Ex. A at ¶¶ 88, 98 *and* Ex. C at 31. Issues of claim construction, written description, and enablement likewise overlap at least because the '344 and '876 patents are ultimately continuations of the application that issued as the '824 patent, and thus share its specification. *See* Ex. G, '344 pat. at 1:9–24; Ex. H, '876 pat. at 1:9–28; *see also,*

[3] OnePlus anticipates filing an answer raising certain defenses and counterclaims after the Court resolves the pending motion to dismiss.

*e.g., In re Katz Interactive Call Processing Pat. Litig.*, 639 F.3d 1303, 1325 (Fed. Cir. 2011) ("[W]e ordinarily interpret claims consistently across patents having the same specification").

That these are defenses and not claims is irrelevant. The legislative history of Section 1659 confirms that "'defenses' shared between the proceedings . . . may give rise to a stay." *Vicor*, 132 F.4th at 8. In addition to non-infringement and invalidity, other overlapping defenses include Pantech's breach of its obligations to offer a license to its patents at a FRAND rate (i.e., its "holdup" behavior), Pantech's lack of Article III or statutory standing to assert its patent portfolio[4], the exhaustion of these patents based on Pantech's licenses to third parties, and the invalidity of the asserted patent claims. Adjudication of these defenses will require the ITC to engage in the same fact-finding and analysis as will be required for this Court.

For the foregoing reasons, the Court should stay this case until the results of the '1456 Investigation become final. Should the Court decline to stay this action in whole or in part, OnePlus respectfully requests the Court to (1) certify this issue for immediate appeal under 28 U.S.C. § 1292(b), as it "involves a controlling question of law as to which there is substantial ground for difference of opinion," and (2) provisionally stay this case until such a time as the Court of Appeals can rule on an appeal taken from such a ruling. *See* 28 U.S.C. § 1292(b) ("[A]pplication for an appeal hereunder shall not stay proceedings in the district court ***unless the district judge*** or the Court of Appeals or a judge thereof ***shall so order***.") (emphasis added). Such a provisional stay is warranted for the same reasons a discretionary stay is appropriate, as discussed below.

[4] This Court's decision in *Pantech Corp. v. OnePlus Technology (Shenzhen) Co., Ltd.*, No. 5:22-cv-00069, 2024 WL 5510402, at *2–5 (E.D. Tex. Aug. 20, 2024) finding that Pantech has Article III standing is the subject of a pending appeal to the Federal Circuit.

**B. Alternatively, the Court Should Exercise its Discretion to Stay this Case**

To the extent the Court declines to stay the claims in this case, in whole or in part, under Section 1659, a discretionary stay is warranted. Most importantly, judicial economy favors a stay in view of the redundancy of issues between the two proceedings, as set forth above. *Black Hills*, 2014 WL 12951780, at *1 ("[J]udicial efficiency favors a stay . . . . Eight of the nine patents-in-suit relate to the sharing of media across electronic devices on a network. Two of the patents not before the ITC are part of the same patent family as one of the patents at issue before the ITC investigation.").

Furthermore, a stay here would not "unduly prejudice or present a clear tactical disadvantage" to Pantech, which itself occasioned the duplicative proceedings at issue. *See id*. Pantech is not a competitor of OnePlus in the marketplace (*see id*.), and the Administrative Law Judge has set a 17-month target date for completion of the '1456 Investigation. *See generally* Ex. I, Initial Determination Setting a 17-month Trial Date, *Certain Mobile Cellular Comm'cns Devices*, Inv. No. 337-TA-1456 (USITC Aug. 19, 2025). As evidenced by Pantech's decision not to assert any of the patents asserted in this action in *Pantech I*, and its failure to seek injunctive relief in either *Pantech I* or this action, Pantech has shown no interest in, or need for, an expeditious resolution of its claims. *See VirtualAgility v. Salesforce.com*, 759 F.3d 1307, 1318-1319 (Fed. Cir. 2014) (holding decision not to seek a preliminary injunction and one-year delay in bringing suit "weigh against [patentee's] claims that it will be unduly prejudiced by a stay"). Rather, monetary relief will sufficiently compensate Pantech for any purported damages.

Finally, the stage of the case favors a stay. Discovery in this matter is not yet closed, no trial date is currently set, and indeed "significant discovery," including depositions and expert discovery, remains to be completed. *Black Hills*, 2014 WL 12951780, at *1–2. As in *Black Hills*, "it is likely that this case will present common issues of both law and fact that are best considered

in a single proceeding."[5] *Id*. Accordingly, the benefits of a discretionary stay of this case far outweigh any cost it would impose.

## V. CONCLUSION

For the foregoing reasons, OnePlus requests the Court to stay this case pending the outcome of the '1456 Investigation.

Date: August 20, 2025

Respectfully Submitted,

*/s/ G. Blake Thompson*

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[5] Indeed, as set forth above, it is more than "likely" that this case will involve the same issues as the '1456 Investigation – it is certain.

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on August 20, 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.

*/s/ G. Blake Thompson*
**G. Blake Thompson**

**CERTIFICATE OF CONFERENCE**

Pursuant to Local Rule CV-7(i), I hereby certify that Defendant OnePlus Technology (Shenzhen) Co., Ltd. ("OnePlus") has complied with the requirements of Local Rule CV-7(h). Specifically, OnePlus notified counsel for Plaintiffs Pantech Corporation and Pantech Wireless, LLC ("Pantech") of its intention to seek the relief sought in this Motion by email on July 8, 2025. Mr. David Airan, counsel for OnePlus, and Mr. Tripp Fussell, counsel for Pantech, discussed the matter before the Court in person on July 9, 2025, at which time counsel for Pantech confirmed that the relief sought in the Motion is opposed. *See* Public Transcript of July 9, 2025 Motion to Compel Hearing at 24:21–26:21. Mr. Airan contacted counsel for Pantech by email again on August 13, 2025 to confirm that Pantech's position, to which Mr. Fussell responded on August 13, 2025. Despite good faith efforts, the parties have reached an impasse, and Pantech opposes the relief sought.

*/s/ David M. Airan*
**David M. Airan**