UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.:	2:24-cv-03951-AB-RAO	Date:	June 24, 2025

Title: *Sandpiper CDN, LLC v. Google LLC*

Present: The Honorable	**ANDRÉ BIROTTE JR., United States District Judge**
Evelyn Chun Deputy Clerk	N/A Court Reporter
Attorney(s) Present for Plaintiff(s): None Appearing	Attorney(s) Present for Defendant(s): None Appearing

Proceedings: [In Chambers] Order Vacating Hearing, Granting-In-Part Motion to Stay (Dkt. 75), and Continuing Certain Interim Deadlines

I. Introduction

Before the Court is Defendant Google LLC's motion to stay pending IPR proceedings (Dkt. 75). Plaintiff Sandpiper CDN, LLC filed an opposition (Dkt. 77) and notice of supplemental authority (Dkt. 78). Google filed a reply (Dkt. 80).

The Court finds this matter appropriate for resolution without oral argument. *See* Fed. R. Civ. P. 78; Local Rule 7-15. The Court **VACATES** the hearing set for June 27, 2025. For the reasons stated below, Google's motion is **GRANTED-IN-PART**.

II. Background

In May 2024, Sandpiper brought this patent infringement action against Google, asserting infringement of six patents relating to content delivery networks. Dkt. 1. The Court dismissed the infringement counts regarding two of the patents

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under 35 U.S.C. § 101. Dkt. 28. In early 2025, Sandpiper amended its Complaint to assert one additional patent. Dkt. 57. The Court entered a schedule and appointed a special master to assist the Court. Dkts. 54, 55, 62. Under the scheduling order, the parties have exchanged infringement and invalidity contentions and proposed terms for claim construction. *See* Dkt. 62. On the same day the parties exchanged preliminary constructions and extrinsic evidence, Google filed its motion to stay pending IPR. Dkt. 75.[1]

III. Legal Standards

"A district court has the inherent power to stay its proceedings. The power to stay is 'incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.'" *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1360 (C.D. Cal. 1997) (*quoting Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)).

In deciding whether to grant a stay pending inter partes review proceedings, courts consider three factors: "(1) whether discovery is complete and whether a trial date has been set; (2) whether a stay will simplify the issues in question and trial of the case; and (3) whether a stay would unduly prejudice or present a clear tactical disadvantage to the nonmoving party." *Universal Elecs., Inc. v. Universal Remote Control, Inc.*, 943 F. Supp. 2d 1028, 1030–31 (C.D. Cal. 2013). While these factors are important, ultimately "the totality of the circumstances governs." *Allergan Inc. v. Cayman Chem. Co.*, No. 8:07-cv-01316 JVS (RNBx), 2009 WL 8591844, at *2 (C.D. Cal. Apr. 9, 2009).

IV. Discussion

Upon balancing the relevant factors and considering the totality of the circumstances in this case, the Court concludes that the motion should be granted in part and a short pause entered as to certain aspects of the case.

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[1] The Court notes that Google did not conduct its meet and confer with Sandpiper at least seven days before filing the motion, as required by Local Rule 7-3. Google's notice of motion states that Sandpiper "agreed to waive the remainder of the seven-day period." Mot. at 1. Nothing in the Rule supports the contention that parties may agree to waive or alter the rule's requirements. The Court admonishes Google to fully comply with L.R. 7-3 in future filings, including the amendments to the rule effective June 1, 2025.

First, the parties generally agree that, although some work has been done, this case remains in the relatively early stages with "more work ahead of the parties and the Court than behind." *Realtime Data LLC v. Teradata Operations, Inc.*, No. 2:16-cv-02743 AG (FFMx), 2017 WL 3453295, at *2 (C.D. Cal. Feb. 27, 2017; *compare* Mot. at 4 (some discovery exchanged but significant fact discovery remaining) *with* Opp. at 8 (discovery progress and contentions exchanged). Where none of the IPRs has been instituted, the Court concludes this factor is neutral.

Second, the parties primarily dispute whether a stay will simplify the issues in this case. Google's IPR petitions address all asserted claims, so if the PTAB institutes proceedings, such proceedings could simplify the issues in this case. This is true even if all claims survive the IPRs because the parties' claim construction positions before the PTAB could streamline claim construction proceedings before this Court, the Court will have the benefit of the PTAB's expert review, and Google will be estopped from raising certain invalidity grounds that were (or could have been) raised in the IPRs, narrowing the issues before the Court. *See* Mot. at 4-6. On the other hand, Sandpiper avers that, under the PTAB's recent Memorandum, entitled "Interim Process for PTAB Workload Management" ("Memo"),[2] the Director is likely to issue discretionary denials and decline to institute proceedings, creating a months-long delay that will not simplify any issues and instead disrupt the parties' agreed upon schedule. Opp. at 10-12.

The following table depicts the upcoming expected PTAB milestones with respect to each IPR.

Patent	IPR	Discretionary Denial	Institution
8,645,517	2025-00806	9/13/2025	11/13/2025
9,021,112	2025-00826	9/13/2025	11/13/2025
10,924,573	2025-00860	10/6/2025	12/6/2025
8,478,903	2005-00969	10/9/2025	12/9/2025
10,057,322	2025-01010	10/23/2025	12/23/2025

Given these dates, the parties and Court will know relatively soon if discretionary denials are issued. Assuming discretionary denials, this case could proceed as normal in a few months. Assuming no discretionary denials, the parties

[2] The Memo is available at: https://www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf.

and the Court will know by the end of the year whether the PTAB will institute proceedings on any or all IPRs. Notably, Sandpiper states if "the PTAB rejects discretionary denial and institutes all of Google's petitions on the merits, the likelihood of resource conservation and issue simplification would be far more crystalized," therefore, "Sandpiper would stipulate to a stay at that time." Opp. at 7.

Given the evolving circumstances unfolding at the PTAB this year, the Court finds this factor weighs in favor of a short pause to understand whether a traditional stay would preserve Court and party resources. *See Nike, Inc. v. Skechers U.S.A., Inc.*, No. CV 23-09346-AB (PVCX), 2025 WL 439935, at *3 (C.D. Cal. Feb. 4, 2025) ("'the risk of delay attending an unnecessary stay is minimal relative to the risk of unnecessary expenditure of resources should the stay be denied and an IPR subsequently commence'") (quoting *Wonderland Nurserygoods Co. v. Baby Trend, Inc.*, No. ED CV 14-01153-VAP (SPx), 2015 WL 1809309, at *3 (C.D. Cal. Apr. 20, 2015)).

Third, the parties generally agree that no undue prejudice would arise from a post-institution stay. *See* Opp. at 7 (Sandpiper will agree to a stay at that time). The parties disagree whether undue prejudice would arise in the short term. Sandpiper avers that, if this Court enters a stay and vacates the scheduling order, the PTAB would likely conclude that IPR final written decisions will issue before any trial commences here, so the IPRs should proceed. Sandpiper suggests that Google waited until the last minute to file its petitions to create this scenario, which "weaken[s] Sandpiper's argument for discretionary denial at the PTAB," and creates "a clear tactical disadvantage to Sandpiper through no fault of its own." *See* Opp. at 15-16. On the other hand, Google states that it filed its petitions as soon as practicable, after receiving Sandpiper's infringement contentions, which revealed the asserted claims, and after receiving Sandpiper's conception and reduction to practice evidence, which informed prior art selection. Mot. at 7; Reply at 7.

The record supports Google's contention that it timely filed the IPRs, both as to the one-year deadline and as supported by the timing of Sandpiper's disclosures under the scheduling order. The Court does not ascribe a dilatory motive to the timing of Google's petitions. But the Court is mindful of evolving circumstances at the PTAB, including the new bifurcated procedures arising from the "current workload and needs of the PTAB" cited in the Memo. The Court does not want to put a thumb on the scale in the new bifurcated procedures. This concern is temporary, reflects current events, and is distinct from the delay inherent in any stay. Given this temporary concern, this factor weighs in favor of a short pause rather than a full stay. This will allow the PTAB to conduct its analyses while at the same time

preserve the trial date in this case. *See* Memo at 2-3 (setting forth relevant considerations the parties may address in their discretionary denial briefs).

Considering the totality of the circumstances, including striking a balance between preserving Court and party resources and preserving the case schedule in view of the current increase in discretionary denials at the PTAB, the Court concludes that a short pause rather than a full stay is warranted. Where the parties agreed to a lengthier case schedule than the Court would have typically entered, the Court concludes that moving certain interim dates provides a short-term workable solution.

Based on the foregoing, the Court continues certain interim case deadlines as noted below. After the close of claim construction discovery, which will be useful to both this case and any hypothetical PTAB proceedings, the Court orders a pause on claim construction and discovery work until the PTAB issues its discretionary denial decisions.

Event	Current Date	New Date
Completion of Claim Construction Discovery	7/18/25	No change
Opening claim construction briefs	8/8/25	11/21/25
Responsive claim construction briefs	8/22/25	12/19/25
Technology Tutorial	8/29/25	1/9/26 at 10:00 a.m.
Claim construction hearing	9/12/25	1/23/26 at 10:00 a.m.
Fact discovery cutoff	1/30/26	3/27/26
Opening expert reports	2/20/26	4/10/26
Rebuttal expert reports	3/27/26	5/8/26
Close of expert discovery	4/17/26	5/22/26
Last day to hear motions	6/26/26	No change
Settlement conference deadline	7/10/26	No change
Trial filings (first round)	7/31/26	No change
Trial filings (second round)	8/14/26	No change
Final Pretrial conference	9/11/26 at 11:00 a.m.	No change
Jury trial	9/28/26	No change

Within five days of each decision concerning discretionary denial, Google shall file a notice of PTAB ruling attaching the relevant decision.

Within seven days of the PTAB's discretionary denial decision for the last-filed IPR, the parties shall file a joint status report as follows:

- If the PTAB issues discretionary denials in all IPRs, the joint status report should reflect the parties' plan for expeditiously resuming work in this case and advise the Court of any case management deadline issues.
- If the PTAB does not issue discretionary denials, the joint status report should reflect the parties' position(s) on whether the case pause should be continued until the PTAB issues institution decisions.

If the parties have logistical questions or concerns about this case during the pause, the Court encourages the parties to confer with the special master.

V. Conclusion

For the foregoing reasons, the Court **GRANTS-IN-PART** Google's motion to stay pending IPR. Dkt. 75. The Court issues a pause as stated above and **ORDERS** the parties to file notices of decision and a status report as noted. The Court **CONTINUES** certain interim case deadlines (*see* Dkt. 62). The trial date remains unchanged.

The Court retains jurisdiction over this action and this Order shall not prejudice any party to this action.

IT IS SO ORDERED.