

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

WOUND HEALING TECHNOLOGIES
CORP.,

Plaintiff,

v.

SOLVENTUM CORPORATION,

Defendant.

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6:24-CV-589-RP

ORDER

Before the Court is Defendant Solventum Corporation's ("Defendant") opposed motion to stay pending *inter partes* review. (Dkt. 25). Plaintiff Wound Healing Technologies Corp. ("Plaintiff") filed a response in opposition, (Dkt. 27), and Defendant filed a reply, (Dkt. 29). Having considered the parties' arguments, the Court will grant the motion to stay the case.

Plaintiff filed its complaint on November 11, 2024, alleging infringement by Defendant of U.S. Patent No. 10,639,404 ("404 patent"). (Compl., Dkt. 1). On June 13, 2025, Defendant filed a petition with the Patent Trial and Appeal Board ("PTAB") for *inter partes* review of all claims of the '404 patent. (Mot., Dkt. 25, at 6; Petition, Dkt. 25-3). Defendant moves to stay all proceedings in this case pending resolution of these proceedings before PTAB. District courts generally consider three factors when determining whether to stay a matter in light of *inter partes* proceedings: (1) whether a stay will simplify the issues raised; (2) whether a stay would unduly prejudice or present a clear tactical disadvantage to the nonmoving party; and (3) the status of the litigation at the time the stay is requested. *See Crossroads Sys. v. DOT Hill Sys. Corp.*, No. A-13-CA-1025-SS, 2015 WL 3773014, at *2 (W.D. Tex. Jun. 16, 2015).

Defendant asserts that (1) this case is in its early stages, as discovery has not begun and the Court has not entered a scheduling order; (2) a stay is likely to simplify the issues, as the *inter partes*

petition includes every patent claim at issue in the present case; and (3) a stay will not unduly prejudice Plaintiff because Plaintiff and Defendants are not direct competitors, Plaintiff has not expeditiously sought relief in this case, and a stay would cause only a short delay in the case. (Mot., Dkt. 25, at 3–8). Plaintiff responds that there is no evidence a stay will simplify the issues as PTAB has not yet instituted an *inter partes* review and statistics reveal that PTAB has refused *inter partes* petitions more frequently in 2025 than it has in the past. (Resp., Dkt. 27).

The Court finds that the factors weigh in favor of granting a stay. First, should PTAB decide to engage in *inter partes* review, the issues in this case could be greatly simplified, given that PTAB could find that all or some of the claims of the '404 patent, the sole patent asserted in this case, are unpatentable. If instead “some of the asserted claims survive that review, then statements and reasoning by the PTAB may be persuasive as this court construes the parties’ disputed claim terms.” *Anzqa Tech., Inc. v. Avant Tech., Inc.*, No. A-17-CV-01193-LY, 2018 WL 11314191, at *2 (W.D. Tex. Nov. 15, 2018). Plaintiff merely states summary PTAB statistics, without explaining how those statistics have any bearing on whether the IPR petition in this case is likely to be granted.

Second, the Court finds that—should PTAB decide not to initiate *inter partes* review—a short stay of the proceedings will not unduly prejudice Plaintiff. Because Plaintiff does not compete with Defendant, a stay will not unduly prejudice Plaintiff’s interests. *See Bell Semiconductor*, 2022 WL 1447948, at *2. And because an institution decision is expected by early January 2026, even if PTAB decides not to engage in review, the case will have been stayed only a matter of months and proceedings can begin again at that time. (Mot., Dkt. 25, at 11); *see Nobots, LLC v. Google, LLC*, No. 1:22-cv-585-RP, Dkt. 53 (W.D. Tex. July 13, 2022).

Finally, this case is at an early stage of litigation, as the Court has not entered a scheduling order and neither discovery nor claim construction has begun. Therefore, this early stage of litigation favors a stay. *See, e.g., Bell Semiconductor, LLC v. NXP Semiconductors, N.V.*, No. 1:20-CV-611-LY, 2022

WL 1447948, at *2 (W.D. Tex. Feb. 7, 2022); *Landmark Tech., LLC v. iRobot Corp.*, No. 6:13-cv-411-JDL, 2014 WL 486836, at *3 (E.D. Tex. Jan. 24, 2014) (“Staying a case at an early juncture can advance judicial efficiency and maximize the likelihood that neither the court nor the parties expend their assets addressing invalid claims.”) (internal quotation marks and citation omitted).

For these reasons, **IT IS ORDERED** that Defendant’s opposed motion to stay pending *inter partes* review, (Dkt. 25), is **GRANTED**. This action is **STAYED** pending further order.

IT IS FURTHER ORDERED that the parties shall file quarterly status reports apprising the Court of the status of the *inter partes* review, with the first status report due on or before **November 5, 2025**.

SIGNED on August 7, 2025.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE