IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ADVANCED INTEGRATED CIRCUIT PROCESS LLC, **Plaintiff,** **v.** **TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY LIMITED,** **Defendant.**	**Civil Action No.: 2:25-cv-324-JRG**

DEFENDANT TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY LIMITED'S MOTION TO STAY PENDING *INTER PARTES* REVIEW

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Ex.[1]	Document
1	AICP's July 16, 2025 Infringement Contentions
2	Petition for *Inter Partes* Review of U.S. Patent No. 7,632,751 (IPR2025-01210)
3	Petition for *Inter Partes* Review of U.S. Patent No. 8,329,572 (IPR2025-01305)
4	Petition for *Inter Partes* Review of U.S. Patent No. 8,884,373 (IPR2025-01302)
5	Petition for *Inter Partes* Review of U.S. Patent No. 7,439,623 (IPR2025-01211)
6	Petition for *Inter Partes* Review of U.S. Patent No. 7,439,623 (IPR2025-01212)
7	Lex Machina IPR Statistics for TSMC from September 16, 2012 through July 17, 2025
8	Texas Comptroller of Public Accounts Franchise Tax Details Webpage for AICP
9	July 30, 2024 Assignment Agreement from Nuvoton Technology Corporation Japan to AICP

[1] Exhibit numbers refer to the numbered exhibits attached to the declaration of James Quigley.

LIST OF COMMON ABBREVIATIONS IN THIS BRIEF

AICP	Plaintiff Advanced Integrated Circuit Process LLC
TSMC	Defendant Taiwan Semiconductor Manufacturing Company Limited
'751 patent	U.S. Patent No. 7,632,751
'623 patent	U.S. Patent No. 7,439,623
'572 patent	U.S. Patent No. 8,329,572
'373 patent	U.S. Patent No. 8,884,373
Asserted Patents	Collectively, the '751 patent, '623 patent, '572 patent, and '373 patent
IPR	*Inter partes* review
PTAB	Patent Trial and Appeal Board
PTO	Patent and Trademark Office

I. INTRODUCTION

Defendant Taiwan Semiconductor Manufacturing Company Limited ("TSMC") respectfully moves to stay this litigation until the conclusion of *inter partes* review of all four Asserted Patents in this case. TSMC diligently filed IPR petitions challenging all asserted claims of all Asserted Patents while this case is still in its early stages. Indeed, the Scheduling Conference recently took place on July 16, 2025; the *Markman* hearing is scheduled on May 14, 2026; fact and expert discovery do not close until June and August 2026; and the November 16, 2026 trial date is more than a year away. The IPRs will also have a substantial streamlining effect on this early-stage litigation by significantly narrowing the number of asserted patents, asserted claims, prior art references, and claim construction issues. In contrast, Plaintiff Advanced Integrated Circuit Process LLC ("AICP") faces no prejudice from a stay because it manufactures no products and is not a competitor of TSMC. If any part of this case remains after the conclusion of the IPRs, AICP would be able to proceed here with its claim for monetary damages. Accordingly, the traditional factors governing the propriety of a stay—the simplification of pending issues, state of the proceedings, and risk of undue prejudice to the plaintiff—all favor granting a stay.

II. FACTUAL BACKGROUND

On April 1, 2025, AICP filed its complaint in which it asserted four patents: U.S. Patent Nos. 7,632,751 (the "'751 patent"), 7,439,623 (the "'623 Patent"), 8,329,572 (the "'572 Patent"), and 8,884,373 (the "'373 Patent") (collectively, the "Asserted Patents"). Dkt. 1 ¶ 35. On the same day as the July 16, 2025 Scheduling Conference, AICP served its infringement contentions asserting:

- claims 1-3, 25, 28, 39, and 40 of the '623 patent,
- claims 1-9, 11, 13, 15, 18, and 20 of the '751 patent,
- claims 1, 4, and 5 of the '572 patent, and

- claims 1-2, 13, and 14 of the ’373 patent.

Ex. 1 at 2.

Until AICP served its infringement contentions, few substantive activities had occurred in this case. Specifically, TSMC filed a motion to dismiss AICP’s claims of willful and indirect infringement, Dkt. 10, and a motion to transfer to the Northern District of California, Dkt. 30. The Court has not ruled on either motion, and TSMC has not yet answered AICP’s complaint.

While these early activities were ongoing, TSMC was diligently preparing IPR petitions against AICP’s Asserted Patents. TSMC already filed three IPR petitions challenging all asserted claims of the ’751, ’572, and ’373 patents on July 15, 2025, ***before*** AICP served its infringement contentions on July 16, 2025. Less than ten days later, on July 25, 2025, TSMC filed two IPR petitions challenging all asserted claims of the ’623 patent. TSMC has thus challenged all asserted claims from all Asserted Patents. The following table summarizes these petitions, filing dates, and claims challenged:

IPR Case No.	Patent	Challenged Claims	Actual Filing Date
IPR2025-01210	’751	1-20 (All)	July 15, 2025
IPR2025-01305	’572	1-7 (All)	July 15, 2025
IPR2025-01302	’373	1-14 (All)	July 15, 2025
IPR2025-01211	’623	5-6, 10, 19-20, 23-24, 27, 29-31, 33-38, 41, 43-44, and 48	July 25, 2025
IPR2025-01212	’623	1-4, 7-9, 11-18, 21-22, 25-26, 28, 32, 39-40, 42, and 45-47	July 25, 2025

All five IPR petitions are attached as Exhibits 2-6. TSMC expects that the PTAB will begin issuing its institution decisions on TSMC’s petitions by February 2026, with final decisions in the five IPR proceedings expected to issue within one year of each petition’s institution date. 35 U.S.C. § 316(a)(11).

This case is still in its early stages. TSMC’s motions to dismiss and transfer are still pending, Dkts. 10 & 30, and TSMC has not yet answered AICP’s complaint. The September 10,

2025, deadline for serving TSMC's invalidity contentions is still weeks away. Dkt. 39. All of the major milestones in this case are many months away: the *Markman* hearing is set for May 14, 2026, which is months after the expected IPR institution decisions; fact discovery is set to close on June 29, 2026; expert discovery ends on August 3, 2026; dispositive motions are due August 10, 2026; and the November 16, 2026 trial start date is more than a year away. Dkt. 46 at 1-3.

III. LEGAL STANDARD

The Court "has the inherent power to control its own docket, including the power to stay proceedings before it." *Ericsson Inc. v. TCL Commc'n Tech. Holdings, Ltd.*, 2016 WL 1162162, at *1 (E.D. Tex. Mar. 23, 2016). In determining how to manage its docket, the district court "must weigh competing interests and maintain an even balance." *Customedia Techs. v. Dish Network Corp.*, 2017 WL 3836123, at *1 (E.D. Tex. Aug. 9, 2017).

This inherent authority to stay an action applies where issues presented can be resolved in a pending IPR. A stay pending IPR proceedings is especially justified where the outcome of the proceedings will likely simplify the case by helping the court determine validity issues or eliminating the need to try infringement issues. *See id.* at *2 (granting stay where the PTAB "instituted IPRs as to all but one of the asserted claims" because "a stay has the potential to decrease the burdens on the Court and the parties, and any potential costs, delay, or prejudice resulting from postponing the resolution of the case are outweighed by the benefits of a stay").

When deciding whether to stay a case pending IPR, the court will consider "(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." *NFC Tech. LLC v. HTC Am., Inc.*, 2015 WL 1069111, at *2 (E.D. Tex. Mar. 11, 2015). "Based on those

factors, courts determine whether the benefits of a stay outweigh the inherent costs of postponing resolution of the litigation." *Id.*

Other courts have granted stays while institution decisions from the PTAB are pending, particularly when the IPRs will clarify and streamline the issues. *See, e.g.*, *Netlist, Inc. v. Micron Tech., Inc.*, 2024 U.S. Dist. LEXIS 106857, at *5 (W.D. Tex. June 17, 2024) (indicating that defendant's stay pending IPR before institution was granted because "Micron's IPR petitions covered all asserted claims in each Asserted Patent in the two cases and thus, the PTAB's decisions would significantly streamline the issues before the Court" (internal quotation marks omitted)); *Finjan, Inc. v. Symantec Corp.*, 139 F. Supp. 3d 1032, 1037-38 (N.D. Cal. 2015) (granting stay "pending a decision by the PTO concerning whether to institute IPR" and noting "[w]ere the Court to deny the stay until a decision on institution is made, the parties and the Court would expend significant resources on issues that could eventually be mooted by the IPR decision"); *Wi-LAN, Inc. v. LG Elecs., Inc.*, 2018 WL 2392161, at *2 (S.D. Cal. May 22, 2018) (granting a stay "pending the PTO's decisions regarding institution of [Defendant's] IPR petitions" finding that a "stay would further promote the interest of justice and judicial economy").

IV. A STAY PENDING IPR AT THIS STAGE WILL SIGNIFICANTLY SIMPLIFY ISSUES WITHOUT CAUSING UNDUE PREJUDICE

The three factors governing this motion favor granting TSMC's stay request even before TSMC's IPR petitions have been instituted or finally decided. Granting a stay will simplify, if not completely dispose of, the issues before the Court, cause no prejudice to AICP, and conserve this Court's and the parties' resources given the early stage of the case.

A. A Stay Will Significantly Simplify or Eliminate the Issues

As this Court has explained, "***the most important factor*** bearing on whether to grant a stay in this case ***is the prospect*** that the inter partes review proceeding will result in simplification of

the issues before the Court." *NFC Tech.*, 2015 WL 1069111, at *4;[2] *see also Intellectual Ventures II LLC v. Bitco General Ins. Corp.*, 2016 WL 4394485, at *3 (E.D. Tex. May 12, 2016). "A stay is particularly justified when the outcome of a PTO proceeding is likely to assist the court in determining patent validity or eliminate the need to try infringement issues." *NFC Tech.*, 2015 WL 1069111 at *1 (internal quotations omitted); *see also Uniloc USA, Inc. v. Samsung Elecs. Am., Inc.*, 2017 WL 9885168, at *1 (E.D. Tex. June 13, 2017) ("[E]ven if the PTAB does not invalidate every claim on which it has instituted IPR, there is a significant likelihood that the outcome of the IPR proceedings will streamline the scope of this case to an appreciable extent."). A stay here may eliminate all the issues in this litigation.

The pending IPR petitions address every asserted claim in all Asserted Patents. *See supra* Part II. Thus, resolution of the IPR petitions will not only simplify the issues but may potentially dispose of this entire case. This is especially true here where TSMC has a stellar track record of institution in IPR proceedings. Of TSMC's IPR proceedings between September 16, 2012 and July 17, 2025, 67 IPR petitions[3] reached the institution stage, where the PTAB instituted 91% (61) of these petitions and only declined to institute 9% (6) of them. Ex. 7 at 1. All of the instituted petitions resulted in unpatentable claims, amended claims, patent owner disclaimer, settlement, or joinder with other trials, which also all resulted in unpatentable claims or settlement. *Id.* The frequency of settlement during the IPR process also increases the likelihood of streamlining this action. Even if rare, the Court should stay this case prior to institution in view of TSMC's proven track record of successful IPR petitions. Doing so would avoid unnecessarily litigating this case until the expected IPR institutions in February 2026 and would also preserve the Court's time spent

[2] All emphases have been added in this brief, unless otherwise noted.

[3] Of the remaining IPR petitions that have not yet or did not reach the institution stage, 16 petitions are still pending, and the other 34 have settled or otherwise been dismissed. Ex. 7 at 1.

on disputes raised by the parties until then. Thus, if the Court stays this case and the PTAB later invalidates the asserted claims of the Asserted Patents challenged in the IPR proceedings, the Court and the parties will have saved significant costs, time, and resources that they would otherwise expend in this case.

Even if only some of the claims are invalidated, the IPR proceedings will inform this Court on issues of claim construction that may impact infringement and invalidity. *See NFC Tech.*, 2015 WL 1069111, at *7 (determining that even where all claims were not reviewed during IPR proceedings, "any disposition by the PTAB is likely to simplify the proceedings before this Court"); *see also Aylus Networks, Inc. v. Apple Inc.*, 856 F.3d 1353, 1364 (Fed. Cir. 2017) (holding that "statements made by a patent owner during an IPR proceeding, whether before or after an institution decision, can be relied upon to support a finding of prosecution disclaimer"). By granting TSMC's motion to stay, the Court can avoid spending time on claim construction issues that may become moot if the PTAB finds certain claims invalid or that may require further analysis due to AICP's IPR-related arguments or amendments impacting claim scope.

And even in the unlikely event where TSMC's IPRs are instituted but ultimately unsuccessful, TSMC will be estopped from re-arguing invalidity to the jury based on grounds that TSMC raised, or reasonably could have raised, at the PTAB. *See NFC Tech.*, 2015 WL 1069111, at *4 ("If the proceedings before the PTAB result in confirmation of the patent claims being asserted in court, the defendant will be estopped from challenging the validity of the claims on any ground that was, or could reasonably have been, asserted in the inter partes proceeding."). Regardless of the IPRs' outcome, the scope of the case will be narrowed by TSMC's IPR petitions.

Given the streamlining effect of TSMC's IPR petitions, granting TSMC's motion to stay now would allow the parties and the Court to avoid the burden and expense of the claim construction briefing and hearing process, which has not yet begun.

B. AICP Will Not Suffer Undue Prejudice from a Stay

The second stay factor considers "whether the patentee will be unduly prejudiced by a stay in the district court proceedings [and] focuses on the patentee's need for an expeditious resolution of its claim." *VirtualAgility Inc. v. Salesforce.com, Inc.*, 759 F.3d 1307, 1318 (Fed. Cir. 2014). Here, AICP will not suffer undue prejudice if the Court stays the case.

Monetary relief would sufficiently compensate AICP, because it does not manufacture any integrated circuits itself and does not otherwise compete with TSMC in the semiconductor industry. *See NFC Tech.*, 2015 WL 1069111, at *3 (recognizing that plaintiff's concession it "does not compete with [defendant] and that monetary relief will be sufficient to compensate it for any injury to its patent rights" weighs against prejudice). For any purported damages, a "stay will not diminish the monetary damages to which [AICP] will be entitled if it succeeds in its infringement suit—it only delays realization of those damages . . . ." *VirtualAgility*, 759 F.3d at 1318. As this Court has determined, a delay of the vindication of patent rights alone cannot defeat a motion to stay. *E.g., NFC Tech.*, 2015 WL 1069111, at *2. This determination is even more true here because AICP has only existed since June 12, 2024, Ex. 8, about one month before it obtained the Asserted Patents on July 30, 2024, Ex. 9, about a month and a half before it filed its first complaint against TSMC, *AICP v. TSMC*, No. 2:24-cv-623 at Dkt. 1 (E.D. Tex.) (filed August 1, 2024), and less than a year before filing the instant complaint, Dkt. 1.

In contrast, TSMC will suffer undue prejudice without a stay. Without a stay, TSMC will incur the burden and significant cost of continuing to defend against infringement allegations based on 28 patent claims across four patents that the PTAB may ultimately invalidate.

Against the undue prejudice facing TSMC, AICP may argue that a stay could delay its possible recovery of monetary damages. But this argument ignores that the public too has a "paramount interest in seeing that patent monopolies are kept within their legitimate scope." *Oil States Energy Servs., LLC v. Greene's Energy Grp., LLC*, 584 U.S. 325, 336-37 (2018). The Supreme Court has, indeed, recognized the policy rationale of protecting the public's interest in giving the Patent Office a second look:

> Inter partes review is a second look at an earlier administrative grant of a patent. . . . So, like the PTO's initial review, the Board's inter partes review protects the public's paramount interest in seeing that patent monopolies are kept within their legitimate scope. Thus, inter partes review involves the same interests as the determination to grant a patent in the first instance.
>
> The primary distinction between inter partes review and the initial grant of a patent is that inter partes review occurs *after* the patent has issued. But that distinction does not make a difference here. Patent claims are granted subject to the qualification that the PTO has the authority to reexamine—and perhaps cancel—a patent claim in an inter partes review.

Id. (emphasis in original) (internal quotation marks and citations omitted). Just like it would be inefficient to begin litigation of patents that have yet to issue, it is similarly inefficient to continue litigating patents of a case in its early stages that the Patent Office has not double checked. When the Patent Office has time to take a second look at the invalidity of the Asserted Patents before this case begins in earnest, there is no ***undue*** prejudice to AICP in granting the stay to ensure it has not monopolized something already belonging to the public. *See VirtualAgility*, 759 F.3d at 1318 ("We conclude that the district court clearly erred in finding that the undue prejudice factor weighed heavily against a stay."); *Landmark Tech., LLC v. iRobot Corp.*, 2014 WL 486836, at *4 (E.D. Tex. Jan. 24, 2014) ("While a delay in proceeding with its case may be somewhat prejudicial to Landmark, it is not ***unduly*** prejudicial.").

A stay may well benefit both sides in this litigation. While TSMC may benefit from the asserted claims being invalidated in the IPR proceedings, AICP may benefit from IPR estoppel of

invalidity grounds if the claims are not invalidated. *NFC Tech.*, 2015 WL 1069111, at *4. Rather than cause prejudice, a stay will benefit both parties by allowing them to benefit from the IPR system that Congress intended to aid courts as an essential part of an "efficient and streamlined patent system that will improve patent quality and limit unnecessary and counterproductive litigation costs." *Changes to Implement Inter Partes Review Proceedings, Post-Grant Review Proceedings, and Transitional Program for Covered Business Method Patents*, 77 Fed. Reg. 48680 (Aug. 14, 2012) (codified at 37 C.F.R. pt. 42). This is particularly true here, where TSMC promptly filed its IPR petitions, well before the one-year statutory deadline.

C. The Stage of the Case Weighs in Favor of a Stay

TSMC has diligently pursued IPRs since the early stages of this case. TSMC filed three of its IPRs before AICP served its infringement contentions, and then filed the IPRs against the last patent just ten days later. And TSMC filed all of its IPRs more than a month before the deadline for serving its invalidity contentions.

The major milestones in this litigation therefore remain in the future. The claim construction hearing is not set until May 14, 2026, months after the anticipated February 2026 institution decisions in the IPR proceedings. Dkt. 46 at 3. The close of fact discovery is set for June of 2026, and expert discovery and summary judgment are both over a year away. *Id.* This case is therefore at an ideal stage for a stay. *See VirtualAgility*, 759 F.3d at 1317 (determining that a stay pending administrative review is proper where "there remained eight months of fact discovery, the joint claim construction statements had yet to be filed, and jury selection was a year away").

Further, the November 16, 2026 trial date is more than a year away. Because more than a year of work remains in this case before jury selection, this fact favors the grant of TSMC's request for a stay. *See, e.g.*, *Norman IP Holdings, LLC v. TP-Link Techs., Co.*, 2014 WL 5035718, at *3

(E.D. Tex. Oct. 8, 2014) ("Courts often find the stage of litigation weighs in favor of a stay if there remains a significant amount of work ahead for the parties and the court, even when the parties and/or the court have already devoted substantial resources to the litigation.").

In sum, at this point, "[t]he most burdensome parts of the case . . . all lie in the future." *Cywee Grp. Ltd. v. Samsung Elecs. Co.*, 2019 WL 11023976, at *6 (E.D. Tex. Feb. 14, 2019). A stay would avoid the undue expenses of litigating this case, including the risk of relitigating claim construction and engaging in unnecessary discovery, given that the PTAB's final decisions may dispose of the entire case.

V. CONCLUSION

For all the reasons above, TSMC respectfully requests that the Court grant its motion to stay this case until final decisions are rendered in the IPRs currently pending at the PTAB with respect to the Asserted Patents. In the alternative, should the Court decide that this case does not justify a stay at this time, TSMC respectfully requests that the Court deny this motion without prejudice and order expedited briefing on TSMC's anticipated post-institution stay motion after the PTAB issues its institution decisions.

Dated: July 28, 2025.

Respectfully Submitted,

/s/ *Jennifer Truelove*

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that the parties have complied with the meet and confer requirement of Local Rule CV-7(h). The parties' counsel met, conferred and confirmed an impasse as of July 23, 2025 as to the relief sought in this motion.

/s/ Jennifer Truelove
Jennifer Truelove

CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic services are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on July 28, 2025.

/s/ Jennifer Truelove
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