IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

DIVX, LLC, Plaintiff, v. AMAZON.COM, INC., and AMAZON WEB SERVICES, INC., Defendants.	Case No. 1:24-cv-02061-CMH-LRV **JURY TRIAL DEMANDED**

MEMORANDUM IN SUPPORT OF AMAZON'S
MOTION TO STAY PENDING *INTER PARTES* REVIEW

TABLE OF CONTENTS

Page

I. INTRODUCTION 1

II. BACKGROUND 2

III. ARGUMENT 5

A. This case is in its early stages, and neither the Court nor the parties have expended significant resources on it. 5

B. The PTAB's review of the asserted DivX patents will narrow this litigation. 6

C. DivX would suffer no cognizable prejudice from the short delay a stay would require. 7

IV. CONCLUSION 8

TABLE OF AUTHORITIES

Page(s)

CASES

Airspace Sys., Inc. v. Axon Enter., Inc.,
No. 1:24-cv-1625, Dkt. No. 61 (E.D. Va. Apr. 17, 2025) ..... *passim*

Audio MPEG, Inc. v. Hewlett-Packard Comp.,
No. 2:15-cv-73, 2015 WL 5567085 (E.D. Va. Sept. 21, 2015) 5, 8

Centripetal Networks, LLC v. Keysight Techs., Inc.,
No. 2:22-CV-00002, 2023 WL 5127163 (E.D. Va. Mar. 20, 2023).....5

Certain Video Processing Devices and Components Thereof,
Inv. No. 337-TA-1343 (U.S. Int'l Trade Comm'n) 3, 8

Certain Video Processing Devices, Components Thereof, and Digit. Smart Televisions Containing the Same II,
Inv. No. 337-TA-1297 (U.S. Int'l Trade Comm'n Nov. 24, 2021) 2, 3

Certain Video Processing Devices, Components Thereof, and Digit. Smart Televisions Containing the Same,
Inv. No. 337-TA-1222 (U.S. Int'l Trade Comm'n Sept. 10, 2020).....2, 3

DivX, LLC v. Amazon.com, Inc.,
No. 1:22-cv-1201 (E.D. Va. Oct. 24, 2022).....3, 8

DivX, LLC v. Amazon.com, Inc.,
No. 3:22-cv-687 (E.D. Va.) 8

DivX, LLC v. Hulu, LLC,
No. 2:21-cv-1615 (C.D. Cal. Feb. 22, 2021) 2, 7

DivX, LLC v. Int'l Trade Comm'n,
No. 2025-1143, 2024 WL 4836373 (Fed. Cir. Nov. 20, 2024) 3

DivX, LLC v. Samsung Elecs. Co.,
No. 2:21-cv-187 (E.D. Tex. May 28, 2021).....2, 7

DivX, LLC v. TCL Tech. Grp. Corp.,
No. 1:21-cv-1828 (D. Del. Dec. 28, 2021) 2, 7

DivX, LLC v. TCL Tech. Grp. Corp.,
No. 2:21-cv-264 (E.D. Tex. July 15, 2021) 2, 7

DivX, LLC v. VIZIO, Inc.,
No. 8:22-cv-1955 (C.D. Cal. Oct. 24, 2022).....2, 7

Health Diagnostic Lab'y, Inc. v. Bos. Heart Diagnostics Corp.,
No. 3:14-cv-796-HEH, 2015 WL 13879824 (E.D. Va. Feb. 4, 2015).....5

In re TLI Commc'ns LLC,
No. 1:14-MD-2534, 2014 WL 12615711 (E.D. Va. Aug. 11, 2014).....5, 7, 8

Landis v. N. Am. Co.,
299 U.S. 248 (1936).....5

Linkgine, Inc. v. Viglink, Inc.,
No. 1:14-cv-570, Dkt. Nos. 34, 37 (E.D. Va. Sept. 26, 2014, Apr. 3, 2015).....5

Sec. First Innovations, LLC v. Google LLC,
No. 2:23-cv-97, 2024 WL 234720 (E.D. Va. Jan. 22, 2024).....4, 6, 7

SoundClear Techs. LLC v. Google LLC,
No. 3:24-cv-540, 2025 WL 1149300 (E.D. Va. Apr. 18, 2025).....6

Va. Innovation Scis., Inc. v. Samsung Elecs. Co,
No. 2:14-cv-217, 2014 WL 13059257 (E.D. Va. Nov. 18, 2014).....6

Versata Software, Inc. v. Callidus Software, Inc.,
771 F.3d 1368 (Fed. Cir. 2014).....6

VirtualAgility Inc. v. Salesforce.com, Inc.,
759 F.3d 1307 (Fed. Cir. 2014).....8

STATUTES

35 U.S.C. § 314(a).....4

35 U.S.C. § 314(b).....4, 6

35 U.S.C. § 315(e)(2).....7

35 U.S.C. § 316.....6

35 U.S.C. § 316(a)(11).....4, 6

I. INTRODUCTION

In this patent case—one of many filed by DivX both in the U.S. and abroad as part of its litigation campaign against Amazon—DivX alleges that Amazon infringes seven patents generally related to video coding. But those patents claim nothing new; rather, they claim obvious combinations of prior art that existed long before. Accordingly, Amazon has already filed one petition for *inter partes* review—of U.S. Patent No. 10,715,806—and expects to file petitions challenging *at least* four more by the end of July. These IPRs, if instituted, may "save the parties and the Court a significant amount of time and effort and reduce the future burdens of litigation." *Airspace Sys., Inc. v. Axon Enter., Inc.*, No. 1:24-cv-1625, Dkt. No. 61 at 2 (E.D. Va. Apr. 17, 2025) (Hilton, J.). Just as in *Airspace*—where the Court granted a stay pending IPR *before* the PTAB's institution decision—all three factors the Court must consider strongly favor a stay.

First, the case is in its early stages and neither the court nor the parties have expended significant resources. Amazon filed its answer just weeks ago, the Court has neither entered a scheduling order nor held an initial pre-trial conference, and the parties have not engaged in discovery or briefed claim construction. Second, the PTAB's decisions could dramatically simplify this case. Amazon will file petitions challenging at least five of seven asserted patents. And even if the PTAB does not find all (or any) of the challenged claims unpatentable, the parties' arguments and the PTAB's analysis will inform claim construction and other issues in the case. Third, DivX would suffer no prejudice from a stay. Its only business is patent licensing and it does not compete with Amazon, and thus seeks only monetary damages. The short delay in DivX's potential monetary recovery does not amount to undue prejudice, particularly when DivX waited years to assert these patents in litigation. Amazon therefore respectfully requests that the Court stay the case pending final resolution of all IPRs challenging the asserted patents.

II. BACKGROUND

This is the third case filed by DivX against Amazon in the U.S. as part of its ongoing effort to pressure Amazon into licensing its portfolio of video coding patents.[1] As it admits in its complaint, DivX sells no physical product and focuses almost exclusively on licensing. (*See* Dkt. 22 ("FAC") ¶ 21.) Thus, it offers no product or service that competes with the Amazon products accused in this case—*i.e.*, Amazon's Prime Video streaming service, the Amazon devices that access that service (Fire tablets, Fire TV Stick and Cube streaming devices, Fire TV smart televisions, and Echo Show devices), and Amazon Web Services' Elemental, MediaConvert, MediaPackage, MediaLive, and Prime Video Direct. (*Id.* ¶ 104.)

DivX's litigation campaign against Amazon in the U.S. began in September 2020, when it filed a complaint with the International Trade Commission (ITC), accusing Amazon partners—including TCL, Samsung, LG, MediaTek, and Realtek—of patent infringement. *See Certain Video Processing Devices, Components Thereof, and Digit. Smart Televisions Containing the Same,* Inv. No. 337-TA-1222, Complaint (U.S. Int'l Trade Comm'n Sept. 10, 2020); *see also Certain Video Processing Devices, Components Thereof, and Digit. Smart Televisions Containing the Same II*, Inv. No. 337-TA-1297, Complaint (U.S. Int'l Trade Comm'n Nov. 24, 2021) (DivX's subsequent ITC proceeding against TCL). Though DivX accused these respondents, its allegations focused

[1] DivX has filed five lawsuits in total against Amazon—its unsuccessful ITC case, the corresponding district court case it abandoned, this case, as well as cases in Brazil and Germany. DivX has sued at least eight video streaming companies and hardware manufacturers as part of its patent monetization efforts. *See, e.g.*, *Certain Video Processing Devices, Components Thereof, and Digit. Smart Televisions Containing the Same,* Inv. No. 337-TA-1222 (U.S. Int'l Trade Comm'n Sept. 10, 2020); *Certain Video Processing Devices, Components Thereof, and Digit. Smart Televisions Containing the Same II*, Inv. No. 337-TA-1297 (U.S. Int'l Trade Comm'n Nov. 24, 2021); *DivX, LLC v. Hulu, LLC*, No. 2:21-cv-1615 (C.D. Cal. Feb. 22, 2021); *DivX, LLC v. Samsung Elecs. Co.*, No. 2:21-cv-187 (E.D. Tex. May 28, 2021); *DivX, LLC v. TCL Tech. Grp. Corp.*, No. 2:21-cv-264 (E.D. Tex. July 15, 2021); *DivX, LLC v. TCL Tech. Grp. Corp.*, 1:21-cv-1828 (D. Del. Dec. 28, 2021); *DivX, LLC v. VIZIO, Inc.*, No. 8:22-cv-1955 (C.D. Cal. Oct. 24, 2022).

on third-party streaming services, including Amazon's Prime Video. *See* Inv. No. 337-TA-1297, Order No. 9: Initial Determination Granting Motion to Intervene of Amazon.com, Inc. (U.S. Int'l Trade Comm'n Feb. 25, 2022). DivX subpoenaed Amazon seeking technical documents and source code relating to Prime Video. *See, e.g.*, Inv. No. 337-TA-1222, Complainant DivX, LLC's Initial Post-Hearing Brief at 19 (U.S. Int'l Trade Comm'n July 30, 2021) (summarizing DivX's expert review of Amazon's source code). The investigations concluded after DivX reached settlements with the ITC respondents.

DivX then turned its attention to Amazon, filing two actions on October 24, 2022—one at the International Trade Commission (ITC) and another in this District. *See Certain Video Processing Devices and Components Thereof*; Inv. No. 337-TA-1343, Complaint (U.S. Int'l Trade Comm'n Oct. 24, 2022); *DivX, LLC v. Amazon.com, Inc.*, No. 1:22-cv-1201, Dkt. No. 1 (E.D. Va. Oct. 24, 2022). DivX asserted the same five patents in both cases and agreed to stay the district court action pending the ITC's determination. In the ITC action, DivX dropped its infringement claim for one of the five patents-in-suit, and after an evidentiary hearing in December 2023, Administrative Law Judge Bryan Moore issued a final Initial Determination finding no violation as to the four remaining patents. *See* Inv. No. 337-TA-1343, Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond (U.S. Int'l Trade Comm'n May 29, 2024). In August 2024, the Commission affirmed the ALJ's finding of no violation. *See* Inv. No. 337-TA-1343, Comm'n Determination to Review in Part a Final Initial Determination Finding No Violation of Section 337 and, on Review, to Affirm the Finding of No Violation; Termination of the Investigation (U.S. Int'l Trade Comm'n Aug. 30, 2024). After briefly noticing an appeal of the Commission's decision, in November 2024, DivX abruptly abandoned the appeal and unilaterally dismissed its corresponding district court case. *See DivX, LLC v. Int'l Trade*

Comm'n, No. 2025-1143, 2024 WL 4836373 (Fed. Cir. Nov. 20, 2024) (dismissing proceedings under Fed. R. App. P. 42(b)).

In this latest case, DivX asserts seven more patents it chose not to assert in the first two cases. (*See* FAC.) The seven asserted patents are: Nos. 10,412,141 ("141 patent"), 10,715,806 ("806 patent"), 9,955,195 ("195 patent"), 11,611,785 ("785 patent"), 10,542,303 ("303 patent"), 11,245,938 ("938 patent"), and 12,184,943 ("943 patent"). (*Id.* ¶ 1.) DivX asserts the 141, 303, 938, and 943 patents against the Fire tablets, Fire TV Stick and Cube, Fire TVs, Echo Show, and Prime Video. (*See id.* ¶¶ 109 (141 patent), 195 (303 patent), 211 (938 patent), 227 (943 patent).) DivX asserts the 806, 195, 785, and 303 patents against AWS services. (*See id.* ¶¶ 125 (806 patent), 144 (195 patent), 163 (785 patent), 182 (303 patent).)

On May 5, Amazon filed its answer to DivX's amended complaint. (Dkt. 58.) The Court has not issued a scheduling order, and the parties have not commenced discovery.

On May 27, 2025, Amazon filed a petition for IPR challenging all claims of the 806 patent. (Declaration of Ravi Ranganath ("Ranganath Decl."), Ex. A (IPR2025-01062).) The PTAB will likely issue its institution decision on Amazon's IPR within six months of filing, or around November 2025. If the PTAB institutes review, it will issue a final written decision by November 2026.[2] Amazon anticipates that by the end of June it will have filed IPRs challenging two additional patents, and that by the end of July it will have filed challenges to all asserted claims of the 806 patent, 141 patent, 785 patent, 303 patent, and 938 patent—in total, five of the seven patents asserted by DivX in this case.

[2] The PTAB institutes IPR if "there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." 35 U.S.C. § 314(a). The Board has a three-month window to initiate its review "after [] receiving a preliminary response to the petition." 35 U.S.C. § 314(b). "If IPR is instituted, the PTAB must execute a final written decision within a year, but that deadline can be extended by six months for 'good cause.'" *Sec. First Innovations, LLC v. Google LLC*, No. 2:23-cv-97, 2024 WL 234720, at *1 (E.D. Va. Jan. 22, 2024) (quoting 35 U.S.C. § 316(a)(11)).

III. ARGUMENT

"[T]he power to stay proceedings 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." *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). District courts consider three factors when determining whether to stay a case pending IPR: (1) the stage of the litigation; (2) whether a stay would simplify the issues before the court; and (3) whether a stay would unduly prejudice or clearly disadvantage the nonmoving party. *Airspace Sys.*, Dkt. No. 61 at 2 (citing *Centripetal Networks, LLC v. Keysight Techs., Inc.*, No. 2:22-CV-00002, 2023 WL 5127163, at *3 (E.D. Va. Mar. 20, 2023)). All three factors strongly favor a stay.

A. This case is in its early stages, and neither the Court nor the parties have expended significant resources on it.

When a case is in the early stages "a stay is strongly favored where it has the potential to save the parties and the Court a significant amount of time and effort and reduce the future burdens of litigation." *Id*. This factor is "particularly compelling" when no discovery has taken place and no trial date has been set, as is the case here. *Audio MPEG, Inc. v. Hewlett-Packard Comp.*, No. 2:15-cv-73, 2015 WL 5567085, at *4 (E.D. Va. Sept. 21, 2015) (granting stay pending institution decision when "the Court has not set a scheduling conference"); *Linkgine, Inc. v. Viglink, Inc.*, No. 1:14-cv-570, Dkt. Nos. 34, 37 (E.D. Va. Sept. 26, 2014, Apr. 3, 2015) (Hilton, J.) (same); *Health Diagnostic Lab'y, Inc. v. Bos. Heart Diagnostics Corp.*, No. 3:14-cv-796-HEH, 2015 WL 13879824, at *2 (E.D. Va. Feb. 4, 2015) (same); *In re TLI Commc'ns LLC*, No. 1:14-MD-2534, 2014 WL 12615711, at *1 (E.D. Va. Aug. 11, 2014) (same). Here, the Court has not issued an initial scheduling order, discovery has not opened, and no trial date has been set. This factor thus favors a stay.

Though the PTAB will likely not issue its institution decisions until six months after the filing of Amazon's IPRs, the Court need not, and should not, wait until those decisions to stay this

case.[3] As the Court held in *Airspace Systems*, staying patent cases *before* institution is "the 'better practice'" as failing to do so would "allow[] the parties to expend significant, and potentially unnecessary, resources pending that decision." *Airspace Sys.*, No. 1:24-cv-1625, Dkt. No. 61 at 3 (quoting *Va. Innovation Scis., Inc. v. Samsung Elecs. Co*, No. 2:14-cv-217, 2014 WL 13059257, at *2 n.1 (E.D. Va. Nov. 18, 2014)); *see also SoundClear Techs. LLC v. Google LLC*, No. 3:24-cv-540, 2025 WL 1149300, at *3 (E.D. Va. Apr. 18, 2025) (If the court waits to grant a stay until after the PTAB institutes review, "the parties will necessarily engage in litigation efforts that would be duplicative of their efforts before the PTAB, which 'is precisely what a stay seeks to avoid.'" (quoting *Sec. First Innovations*, 2024 WL 234720, at *3)). Indeed, in the very unlikely event that the PTAB declines to institute *any* of Amazon's petitions, the stay would last just a few months, after which the Court could promptly set a schedule that would result in little delay. The Court should stay this case now to avoid any wasted efforts while the PTAB considers the patentability of the asserted claims.

B. The PTAB's review of the asserted DivX patents will narrow this litigation.

Amazon's IPRs will challenge at least five of the seven patents asserted in this case, and if successful will streamline this case considerably, leaving DivX with just a handful of claims. *See Versata Software, Inc. v. Callidus Software, Inc.*, 771 F.3d 1368, 1371 (Fed. Cir. 2014) (opinion vacated as moot) (noting that a stay pending CBM review can be warranted even if the "proceeding does not address all asserted patents, claims, or invalidity defenses").[4] But even if some

[3] The PTAB will likely issue its institution decision on Amazon's first IPR challenge by November 2025. 35 U.S.C. § 314(b). If the PTAB institutes review, it will issue the first of its final written decisions by November 2026. 35 U.S.C. § 316(a)(11); *see Sec. First Innovations*, 2024 WL 234720, at *1 (E.D. Va. Jan. 22, 2024) ("If IPR is instituted, the PTAB must execute a formal written decision within a year, but that deadline can be extended by six months for 'good cause.'" (quoting 35 U.S.C. § 316)).

[4] In FY 2024, the PTAB instituted 74% of challenged patents. (Ranganath Decl., Ex. B at 7.) In the same period, the PTAB found at least some claims unpatentable for 84% of patents that received a final written decision. (*Id.* at 11.) PTAB statistics show 284 patents with "FWD All

challenged claims survive IPR, the case will *still* narrow. *See Sec. First Innovations*, 2024 WL 234720, at *3 (noting case could be greatly simplified even without invalidation of all claims).

Moreover, if the PTAB institutes review and issues a final written decision on even one petition, by statute Amazon could not raise invalidity grounds it actually or reasonably could have raised in the IPR proceeding. 35 U.S.C. § 315(e)(2). And the PTAB decisions will become part of the patents' prosecution history and may "assist the Court's claim construction analysis." *Airspace Sys.*, Dkt. No. 61 at 4-5 (quoting *In re TLI Commc'ns*, 2014 WL 12615711, at *2). Because the pending IPRs may simplify the case and resolve DivX's claims on five (or more) of the seven asserted patents, this factor strongly favors a stay.

C. DivX would suffer no cognizable prejudice from the short delay a stay would require.

This Court, and sister courts, have held repeatedly that to "show undue prejudice, a patentee must demonstrate that monetary damages will be insufficient to remedy their losses." *Sec. First Innovations*, 2024 WL 234720, at *4. Here, DivX seeks only monetary damages; it does not seek injunctive relief. (FAC at 99-100 (Prayer for Relief).) Nor could it. As a (currently) non-practicing entity,[5] DivX does not compete with Amazon, nor does it claim to practice its patents. (*See generally id.*)

Given this, the only potential impact of a stay on DivX would be a short delay in a potential but unlikely monetary recovery. That alone does not constitute cognizable prejudice justifying

Unpatentable," 65 patents with "FWD Mixed," and 67 patents with "FWD All Patentable." (*Id.*) These numbers yield: (284 + 65) / (284 + 65 + 67) = 83.89%.

[5] Although DivX claims to have developed products in the past, its only "product" is a software download; it now focuses almost exclusively on patent licensing. (*See* FAC ¶¶ 17, 21.) This is reinforced by the number of patent cases it has filed in this Court and around the country. *See, e.g.*, *DivX, LLC v. Hulu, LLC*, No. 2:21-cv-1615 (C.D. Cal. Feb. 22, 2021); *DivX, LLC v. Samsung Elecs. Co.*, No. 2:21-cv-187 (E.D. Tex. May 28, 2021); *DivX, LLC v. TCL Tech. Grp. Corp.*, No. 2:21-cv-264 (E.D. Tex. July 15, 2021); *DivX, LLC v. TCL Tech. Grp. Corp.*, No. 1:21-cv-1828 (D. Del. Dec. 28, 2021); *DivX, LLC v. VIZIO, Inc.*, No. 8:22-cv-1955 (C.D. Cal. Oct. 24, 2022).

denial of a stay. *See Airspace Sys.*, Dkt. No. 61 at 6. As the court noted in *Audio MPEG*, a stay will "rarely prejudice plaintiffs" when monetary damages are the only asserted remedy. 2015 WL 5567085, at *4; *see also In re TLI Commc'ns*, 2014 WL 12615711, at *2 (granting stay of claim for monetary damages, "which, of course, can be determined regardless of any delay attributable to a stay"). Like the plaintiff in *Airspace Systems*, DivX does not seek an injunction; but unlike that plaintiff, DivX does not even claim to compete with Amazon. *Cf. Airspace Sys.*, Dkt. No. 61 at 6. Thus, here even less likelihood of harm exists.

DivX's delay in prosecuting its claims also undermines any suggestion of undue prejudice. Five of the seven asserted patents issued before DivX filed its patent infringement actions against Amazon in October 2022. (*See* Dkt. Nos. 22-1, 22-2, 22-3, 22-5, 22-6.) During that time, DivX filed and then abandoned a separate patent litigation case against Amazon in this District, and it lost at the ITC after a full evidentiary hearing. *See DivX, LLC v. Amazon.com, Inc.*, No. 1:22-cv-1201 (E.D. Va.); *DivX, LLC v. Amazon.com, Inc.*, No. 3:22-cv-687 (E.D. Va.); *Certain Video Processing Devices and Components Thereof*, Inv. No. 337-TA-1343 (U.S. Int'l Trade Comm'n). If DivX had a legitimate interest in a speedy recovery, it could have asserted the patents at issue here in those prior cases. Additionally, DivX waited years after the patents issued before asserting them against Amazon. *See VirtualAgility Inc. v. Salesforce.com, Inc.*, 759 F.3d 1307, 1319 (Fed. Cir. 2014) (finding that delay of "nearly a year" after patent issued weighed in favor of stay); *Audio MPEG*, 2015 WL 5567085, at *5 (applying *VirtualAgility* and granting stay for IPR review). DivX cannot credibly claim prejudice from any delay resulting from a stay. The third factor regarding undue prejudice also favors a stay.

IV. CONCLUSION

Because all three of the factors that the Court must consider favor a stay, the Court should grant this motion and stay this case pending the full and final resolution of Amazon's IPRs.

Dated: May 29, 2025

Respectfully submitted,

/s/ Colby Louis Moore

Colby Louis Moore
Virginia State Bar No. 97127
cmoore@kaiserlaw.com
Courtney R. Forrest
Virginia State Bar No. 76738
cforrest@kaiserlaw.com
KAISER PLLC
1099 14th Street, NW
8th Floor West
Washington, DC 20005
Tel: (202) 640-2850
Fax: (202) 280-1034

Counsel for Defendants
Amazon.com, Inc. and Amazon Web Services, Inc.

Of Counsel:

J. David Hadden, *pro hac vice*
dhadden@fenwick.com
Saina S. Shamilov, *pro hac vice*
sshamilov@fenwick.com
Ravi R. Ranganath, *pro hac vice*
rranganath@fenwick.com
Allen Wang, *pro hac vice*
allen.wang@fenwick.com
Geoffrey R. Miller, *pro hac vice*
gmiller@fenwick.com
Rebecca A.E. Fewkes, *pro hac vice*
rfewkes@fenwick.com
Daniel S. Rabinowitz, *pro hac vice*
drabinowitz@fenwick.com
Gregory Adams, *pro hac vice*
gadams@fenwick.com
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Tel: (650) 988-8500
Fax: (650) 938-5200

CERTIFICATE OF SERVICE

I certify that on May 29, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

/s/ Colby Louis Moore
Colby Louis Moore
Virginia State Bar No. 97127
cmoore@kaiserlaw.com
Courtney R. Forrest
Virginia State Bar No. 76738
cforrest@kaiserlaw.com
KAISER PLLC
1099 14th Street, NW
8th Floor West
Washington, DC 20005
Telephone: (202) 640-2850
Facsimile: (202) 280-1034