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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TELCOM VENTURES LLC, Plaintiff, v. APPLE INC., Defendant.	Case No. 3:25-cv-05041-RFL **DEFENDANT APPLE INC.'S MOTION TO STAY PENDING IPR** Date: December 16, 2025 Time: 10:00 a.m. Location: Courtroom 15, 18th Floor Judge: Hon Rita F. Lin

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NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE THAT on December 16, 2025, at 10:00 a.m. in the courtroom of the Honorable Rita F. Lin, 450 Golden Gate Avenue, Courtroom 15, 18th Floor, San Francisco, California, Defendant Apple Inc., ("Apple") will, and hereby does, move the Court to stay the above-captioned case pending final resolution of *Inter Partes* Review ("IPR") at the Patent Trial and Appeal Board ("PTAB"), including through any appeals.

This Motion is based on this Notice of Motion and Motion, the Memorandum of Points and Authorities below, the Declaration of Kyle Curry filed concurrently herewith, the pleadings and papers on file in this case, and any other matters of which the Court may take judicial notice.

STATEMENT OF RELIEF REQUESTED

Apple respectfully requests that the Court stay the above-captioned case pending final resolution of Apple's four recently-filed petitions for *inter partes* review, including through any appeals.

STATEMENT OF CONFERRAL

Counsel for Plaintiff and counsel for Defendant conferred on Defendant's Motion on October 2, 2025. On October 10, 2025, counsel for Plaintiff confirmed it opposes Defendant's Motion.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Apple recently filed *inter partes* review petitions against all 66 claims of the four patents that Plaintiff Telcom Ventures LLC ("Telcom") currently asserts in this litigation. Accordingly, Apple respectfully requests that the Court stay this case pending institution decisions on Apple's petitions and final resolution, through appeal, of any instituted IPRs.

Each of the factors considered by courts in this district favors granting a stay. ***First,*** this case is at the earliest possible stage—discovery has not yet begun, claim construction briefing is months away, and no trial date is set. A stay at this juncture would prevent significant expenditure of party and judicial resources. ***Second,*** a stay pending Apple's petitions, which cover every asserted claim of every asserted patent, would simplify the issues in this case. Apple's petitions, if successful, will

dispose of this case in its entirety. And even if not all of Apple's petitions are instituted, the parties' arguments during the IPR process will become part of the critical intrinsic record that informs later proceedings, particularly claim construction. *Aylus Networks, Inc. v. Apple Inc.*, 856 F.3d 1353, 1360-61 (Fed. Cir. 2017) (explaining "statements made by a patent owner during an IPR proceeding can be considered during claim construction and relied upon to support a finding of prosecution disclaimer" as intrinsic evidence). ***Third,*** Telcom will not suffer undue prejudice from a stay. Apple timely filed its IPR petitions and this motion, and Telcom is a non-practicing entity seeking only monetary damages, so it could be compensated for any delay.

II. FACTUAL AND PROCEDURAL BACKGROUND

A. Stage of the Case.

On October 4, 2024, Telcom sued Apple for patent infringement in the U.S. District Court for the Southern District of Florida. D.I. 1. *Id.* ¶ 2. On February 6, 2025, Apple filed a motion to transfer to the Northern District of California. D.I. 40. On June 13, 2025 the court granted Apple's motion to transfer to this district (D.I. 54).

On September 24, 2025, the Court ordered a joint stipulation dismissing Telcom's claims of infringement regarding U.S. Patent Nos. 9,462,411, 9,832,708, 11,770,756, and 12,028,793. D.I. 104. Thus, Telcom's remaining infringement claims are for U.S. Patent Nos. 10,219,199, 10,674,432, 11,924,743, and 11,937,172 (collectively, the "Asserted Patents"). D.I. 1; D.I. 104. The Court also set an initial case management conference for October 22, 2025. D.I. 104.

B. Discovery Taken to Date.

This case is still in its earliest stages. As a result of the parties' joint motion "to stay … any and all future case deadlines pending resolution of Apple's Transfer Motion," no case management conference was held in the Southern District of Florida, and no discovery has taken place to-date. D.I. 45. The initial case management conference is scheduled for October 22, 2025. D.I. 104. The parties have not yet exchanged initial disclosures, served written discovery requests, or taken any depositions.

C. Apple's *Inter Partes* Review Petitions.

On August 5, 2025, Apple filed *inter partes* review petitions on each of the eight originally-asserted patents before the Patent Trial and Appeal Board ("PTAB") of the U.S. Patent and Trademark Office.[1] Telcom has three months from the notice according a filing date to each petition to file a preliminary response. 35 U.S.C. § 313; 37 CFR § 42.107(b).[2] Thereafter, the PTAB must determine whether to institute IPR within three months. Thus, the PTAB is expected to issue institution decisions on each petition no later than six months after the filing date each petition is accorded. The PTAB may institute 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). If the PTAB institutes *inter partes* review, it must issue a Final Written Decision within one year of institution. *See* 35 U.S.C. § 316(a)(11).

Each asserted claim of each of the four Asserted Patents is the subject of a filed IPR petition. The table below summarizes the various petitions filed by Apple as well as the expected dates of institution decisions and final written decisions:

Asserted Patent	IPR Petition Number	Petition Accorded Filing Date	Institution Decision Expected No Later Than	Final Written Decision Expected No Later Than
U.S. Patent No. 10,219,199	IPR2025-01234	August 6, 2025	February 6, 2026	February 6, 2027
U.S. Patent No. 10,674,432	IPR2025-01235	August 6, 2025	February 6, 2026	February 6, 2027
U.S. Patent No. 11,924,743	IPR2025-01237	August 7, 2025	February 7, 2026	February 7, 2027
U.S. Patent No. 11,937,172	IPR2025-01238	August 7, 2025	February 7, 2026	February 7, 2027

III. LEGAL STANDARD

[1] In addition to Apple's IPRs, each of Telcom's Asserted Patents are challenged by IPR petitions filed by Samsung. *See Samsung Electronics America, Inc. v. Telcom Ventures LLC,* IPR2025-00957; IPR2025-00972; IPR2025-00974; IPR2025-00976. Additionally, each of Telcom's Asserted Patents are also challenged by IPR petitions filed by Google. *See Google LLC, v. Telcom Ventures LLC*, IPR2025-01349; IPR2025-01389; IPR2025-01419; IPR2025-01421.

[2] "The preliminary response must be filed no later than three months after the date of a notice indicating that the request to institute an inter partes review has been granted a filing date." 37 CFR § 42.107(b).

"Courts have inherent power to manage their dockets and stay proceedings, including the authority to order a stay pending conclusion of a PTO reexamination." *Uniloc USA Inc. v. LG Elecs. U.S.A. Inc.*, No. 18-CV-06737-JST, 2019 WL 1905161, at *2 (N.D. Cal. Apr. 29, 2019) (quoting *Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1426-27 (Fed. Cir. 1988)). "Courts in this district evaluate three factors to determine whether to stay a case pending IPR: (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." *PersonalWeb Techs., LLC v. Apple Inc.,* 69 F. Supp. 3d 1022, 1025 (N.D. Cal. 2014). "Courts in this district have often recognized 'a liberal policy in favor of granting motions to stay' pending IPR." *Google LLC v. EcoFactor, Inc*., No. 21-CV-03220-HSG, 2022 WL 6837715, at *2 (N.D. Cal. Oct. 11, 2022) (quoting *Pragmatus AV, LLC v. Facebook, Inc.*, No. 11-CV-02168-EJD, 2011 WL 4802958, at *2 (N.D. Cal. Oct. 11, 2011)).

IV. ARGUMENT

A. The Early Stage of Litigation Favors a Stay.

A stay pending institution decisions on Apple's IPR petitions and through final resolution of any instituted IPRs is warranted because this case is at a very early stage. No written discovery has been served, there is no case schedule, Apple's motion for reconsideration on its motion to dismiss remains pending, and there is no date set for a claim construction hearing, let alone trial.

Courts in this district strongly favor granting a stay pending IPR where, as here, "there has been no material progress in the litigation." *Pragmatus AV, LLC v. Facebook, Inc.*, No. 11-CV-02168-EJD, 2011 WL 4802958, at *3 (N.D. Cal. Oct. 11, 2011) *reconsidered on other grounds*, No. 12–CV–04958-PSG, 2013 WL 5513333 (N.D. Cal. Oct. 3, 2013) (granting pre-institution stay). Stays granted earlier in a case's proceedings save the parties and the Court from "unnecessarily expending significant resources." *Largan Precision Co. v. Motorola Mobility LLC.*, No. 21-CV-09138-JSW, 2022 WL 2954935, at *4 (N.D. Cal. July 26, 2022). Particularly relevant is "whether the parties have engaged in costly expert discovery and dispositive motion practice, whether the parties have fully briefed the issue of claim construction, attended a Markman hearing and received a claim construction order, and

whether a court has set a trial date." *HD Silicon Sols. LLC v. Microchip Tech. Inc.*, No. 21-cv-08295-SK, 2022 WL 3084315, at *2 (N.D. Cal. Aug. 3, 2022) (citing *PersonalWeb Techs., LLC v. Apple Inc.,* 69 F. Supp. 3d 1022, 1025–26 (N.D. Cal. 2014). None of those milestones have occurred in this case, weighing in favor of a stay.

Indeed, courts in this district routinely stay patent cases pending IPR institution decisions and final resolution when cases are in an even more advanced stage than this one. *See, e.g., Largan,* 2022 WL 2954935, at *4 (N.D. Cal. July 26, 2022) (granting pre-institution stay after parties had served mandatory disclosures under the Local Patent Rules, answered initial discovery requests, and produced documents); *Anza Tech., Inc. v. Toshiba Am. Elec. Components Inc.*, No. 17-CV-07289-LHK, 2018 WL 4859167, at *1 (N.D. Cal. Sept. 28, 2018) (granting pre-institution stay where parties had held two case management conferences, conducted limited discovery, and received a trial date); *Regents of Univ. of Michigan v. Novartis Pharms. Corp.*, No. 22-CV-04913-AMO, 2023 WL 6795971, at *1 (N.D. Cal. Oct. 12, 2023) (granting pre-institution stay even though discovery had begun, infringement and invalidity contentions had been exchanged, and claim construction briefing had been completed); *Yangtze Memory Techs. Co., Ltd. v. Micron Tech., Inc.,* No. 23-CV-05792-RFL, 2025 WL 2080802, at *1 (N.D. Cal. Mar. 14, 2025) (Lin, J.) (granting stay where the "PTAB's decision regarding the remaining 36 Asserted Claims is currently pending" in part because "litigation is in an early stage," even though discovery had opened and a trial date had been set). Because the most costly and time-consuming parts of the case—fact discovery, claim construction, depositions, expert discovery, dispositive motions, and trial preparation—remain ahead, this Court should grant a stay while the PTAB reviews, and likely invalidates, Telcom's claims.

B. A Stay Will Simplify or Eliminate Issues, Reducing Burden on The Court.

Although the PTAB has not yet instituted Apple's IPR petitions, "courts routinely stay lawsuits pending institution decisions." *AbCellera Biologics Inc. v. Berkeley Lights, Inc.*, No. 20-CV-08624-LHK, 2021 WL 4499231, at *1 (N.D. Cal. Aug. 26, 2021). This is because the standard for a stay "is simplification of the district court case, not complete elimination of it by the PTAB." *Regents of Univ. of Michigan v. Novartis Pharms. Corp.*, No. 22-CV-04913-AMO, 2023 WL 6795971, at *2 (N.D. Cal.

Oct. 12, 2023) (citing *LELO, Inc. v. Standard Innovation (US) Corp.*, No. 13-cv-01393-JD, 2014 WL 2879851, at *3 (N.D. Cal. June 24, 2014)). Staying this case has a substantial likelihood of simplifying or eliminating the issues in this case, as Apple's petitions challenge every claim of every Asserted Patent. And even if some claims survive IPR, the issues in this case are likely to be significantly narrowed and the Court and parties will still benefit from the Board's expertise. Moreover, in the event that the PTAB denies institution of all of Apple's petitions, any delay will have been minimal (less than four months) and justified.

First, Apple's four IPR petitions collectively challenge ***all*** 66 claims of Telcom's four Asserted Patents. In such situations courts find that this factor strongly favors a stay. *Uniloc USA Inc. v. LG Elecs. U.S.A. Inc.*, No. 18-CV-06737-JST, 2019 WL 1905161, at *4 (N.D. Cal. Apr. 29, 2019) (granting pre-institution stay and explaining "the requested stay presents the maximum potential for simplification of issues, as all the asserted claims are challenged in the IPR petitions. This high upside mitigates to some extent the risk that the PTO will deny review."); *AbCellera Biologics Inc. v. Berkeley Lights, Inc.*, No. 20-CV-08624-LHK, 2021 WL 4499231, at *1 (N.D. Cal. Aug. 26, 2021) (granting pre-institution stay and holding that "[b]ecause the pending IPRs could result in invalidation of all the asserted claims of the '408 family, the second factor weighs in favor of a stay").

The likelihood of simplification is not merely speculative. Last year, 49% of instituted claims were ultimately found to be unpatentable. Ex. 1 [PTAB FY2024 Roundup] at 13; *see also Dialect, LLC v. Google, LLC*, No. 24-CV-04388-JSC, 2024 WL 4314206, at *3 (N.D. Cal. Sept. 26, 2024) (granting pre-institution stay and noting "the PTAB is likely to institute some or all of Google's IPR petitions. The PTAB reported it instituted 67% of all petitions in the fiscal year 2023, which was comparable to 66% of petitions instituted in the fiscal year 2022 and a near 10% increase in the previous two years' institution rates (56% and 58% institution rates in 2020 and 2021 respectively).").

Second, in the event that any of Telcom's asserted claims survive IPR, a stay pending resolution of Apple's petitions will still lead to simplification. As this district has recognized, a case can be significantly simplified if ***any*** asserted claim is eliminated. *In re Cygnus Telecommunications Tech., LLC, Pat. Litig.,* 385 F. Supp. 2d 1022, 1024 (N.D. Cal. 2005) ("If the USPTO cancels any of

the 21 claims asserted in the two patents, infringement and validity issues that could potentially be raised . . . before this court would be resolved."); *Dialect, LLC v. Google, LLC*, No. 24-CV-04388-JSC, 2024 WL 4314206, at *3 (N.D. Cal. Sept. 26, 2024) ("Google's IPR petitions encompass almost all the asserted patents and most claims across the same. . . . Given the sheer number of claims Plaintiff asserts, elimination of even some of the claims will simplify this action."); *Largan Precision Co. v. Motorola Mobility LLC.*, No. 21-CV-09138-JSW, 2022 WL 2954935, at *2 (N.D. Cal. July 26, 2022) ("Even if a decision does not moot those patents entirely, it will clarify, and potentially significantly reduce, the scope of litigation.").

Staying this case while the IPRs proceed will also permit the parties and this Court to benefit from statements made in the course of the proceedings, particularly for claim construction. It is well-settled that "intrinsic evidence, such as the specification, is the most important consideration in a claim construction analysis." *Medytox, Inc. v. Galderma S.A.*, 71 F.4th 990, 997 (Fed. Cir. 2023). The Federal Circuit has held that a patent owner's statements in an IPR are part of the intrinsic record, and that "statements made by a patent owner during an IPR proceeding can be considered during claim construction and relied upon to support a finding of prosecution disclaimer." *Aylus*, 856 F.3d at 1360-61 (Fed. Cir. 2017). This is true even for statements made pre-institution, including for "statements made by a patent owner in a preliminary response to an IPR." *Id*. at 1362; *see Oyster Optics, LLC v. Ciena Corp.*, No. 17-CV-05920-JSW, 2018 WL 6972999, at *2 (N.D. Cal. Jan. 29, 2018) (granting pre-institution stay and noting that even if the claims are not invalidated, the IPR record "may also clarify claim construction positions for the parties, raise estoppel issues, and encourage settlement") (citing *Aylus*, 856 F.3d at 1359-62).

The parties and Court would also benefit from the expertise of the Board judges who will evaluate the prior art references cited in the petitions and determine the validity of Telcom's patents. *See Finjan, Inc. v. Symantec Corp.*, 139 F. Supp. 3d 1032, 1038 (N.D. Cal. 2015) (finding pre-institution stay would "effectuate[ ] the intent of the AIA by allowing the agency with expertise to have the first crack at cancelling any claims that should not have issued in the patents-in-suit before costly litigation continues") (quoting *Software Rts. Archive, LLC v. Facebook, Inc.,* No. C-12-3970

RMW, 2013 WL 5225522, at *6 (N.D. Cal. Sept. 17, 2013)); *Topia Tech.*, 2024 WL 3437823, at *4 ("Even when claims survive an IPR proceeding, the proceeding can facilitate trial by providing the Court with expert opinion of the PTO and clarifying the scope of the claims.").

Additionally, "[e]ven if all the asserted claims survive *inter partes* review, the case could still be simplified because defendants would be bound by the estoppel provisions for *inter partes* review." *Neodron, Ltd. v. Lenovo Grp., Ltd.*, No. 19-CV-05644-SI, 2020 WL 5074308, at *2 (N.D. Cal. Aug. 27, 2020); *see also* 35 U.S.C. § 315(e). Apple has filed a *Sotera+* stipulation,[3] ensuring that the PTAB serves as a true alternative to the District Court in resolving issues of anticipation and obviousness over the written prior art. D.I. 102.

Third, even if the Board does not institute any of the pending IPR petitions, then the few-month delay that would result from the stay is minimal compared to the unnecessary expenditure of Court and party resources if the stay is denied and the IPRs are instituted. Here, institution decisions are expected by February 7, 2026—only four months away. Given the high potential for simplification, "it would be particularly wasteful to require the parties to proceed with preparations and filings that may be reshaped or entirely mooted a short while later." *Uniloc USA Inc. v. LG Elecs. U.S.A. Inc.*, No. 18-CV-06737-JST, 2019 WL 1905161, at *4 (N.D. Cal. Apr. 29, 2019); *PersonalWeb Techs., LLC v. Facebook, Inc.*, No. 5:13-CV-01356-EJD, 2014 WL 116340, at *4 (N.D. Cal. Jan. 13, 2014) (granting pre-institution stay and noting "should the PTO deny these petitions, the delay endured by the parties will have been relatively short"). Here, "instituting a brief, limited stay of approximately five months to see whether and how the PTAB will act on Defendant's IPR petitions will conserve judicial resources and avoid inconsistent results." *Delphix Corp. v. Actifio, Inc.*, No. 13-CV-04613-BLF, 2014 WL 6068407, at *2 (N.D. Cal. Nov. 13, 2014) (granting pre-institution stay). Accordingly, the simplification-of-issues factor favors a stay.

[3] In particular, Apple's *Sotera+* stipulation states that, if Apple's IPRs are instituted, Apple will not pursue invalidity in the district court litigation under (i) "the specific grounds raised" in each petition, (ii) "any other grounds that could have reasonably been raised before the PTAB in that instituted proceeding," (iii) "any ground based on a combination of system prior art and the references asserted as part of a ground" in each petition, and (iv) "any ground based on a system which corresponds to a patent or printed publication asserted as part of a ground" in each petition. D.I. 102.

C. A Stay Would Not Unduly Prejudice Telcom.

The third factor favors a stay because Telcom is a non-practicing entity and, accordingly, will suffer no undue prejudice or tactical disadvantage from a stay pending resolution of Apple's IPR petitions. As courts in this district have routinely recognized, "[d]elay alone does not usually constitute undue prejudice." *GoPro, Inc. v. C&A Mktg., Inc.*, No. 16-CV-03590-JST, 2017 WL 2591268, at *4 (N.D. Cal. June 15, 2017) (quotations omitted); *see Anderson Power Prods., Inc. v. BizLink Tech., Inc.*, No. 23-CV-05436-AMO, 2025 WL 474906, at *3 (N.D. Cal. Feb. 12, 2025) (granting stay and explaining "courts 'have long acknowledged that a delay inherent to a stay does not, in and of itself, constitute prejudice'") (quoting *Oyster Optics, LLC v. Ciena Corp.*, No. 17-CV-05920-JSW, 2018 WL 6972999, at *3 (N.D. Cal. Jan. 29, 2018)). In weighing this factor, Courts analyze four sub-elements: (1) the timing of the IPR petition; (2) the timing of the stay request; (3) the status of review; and (4) the relationship of the parties." *Zomm, LLC v. Apple Inc.*, 391 F. Supp. 3d 946, 957 (N.D. Cal. 2019). Here, each sub-element favors a stay.

Timing of the IPR Petitions. Apple timely filed its IPR petitions within the 1-year statutory deadline. Courts in this District regularly find such timing reasonable and support a stay. *Bell Semiconductor, LLC v. NXP USA, Inc.*, No. 8:22-CV-02133-HDV-ADS, 2024 WL 3914500, at *2 (C.D. Cal. Feb. 12, 2024) (finding this factor weighs in favor of stay and noting "[a]lthough the filings were made close to the statutory deadline, they were made within the prescribed time period"); *Dialect, LLC v. Google, LLC*, No. 24-CV-04388-JSC, 2024 WL 4314206, at *4 (N.D. Cal. Sept. 26, 2024) (finding this factor weighs in favor of stay even where defendant "did not file its petitions until 'a mere day before the statutory bar'"); *DSS Tech. Mgmt., Inc. v. Apple, Inc.*, No. 14-CV-05330-HSG, 2015 WL 1967878, at *4 (N.D. Cal. May 1, 2015) (granting pre-institution stay and "declin[ing] to read a 'dilatory motive' into Defendant's timely exercise of its statutory rights" where "Defendant waited until the end of the one-year statutory period to file its IPR petitions").

Timing of the Request for Stay. Apple filed this motion to stay just a few months after its petitions were filed (on August 5, 2025), and only a few weeks after Telcom indicated it would dismiss four of its eight previously asserted patents with prejudice. *See* D.I. 103. Courts have found that filing

a motion to stay soon after filing an IPR petition weighs against a finding of undue prejudice. *See Omnitracs, LLC v. Platform Sci., Inc.*, No. 20-CV-0958-JLS-MDD, 2021 WL 857005, at *4 (S.D. Cal. Mar. 8, 2021) ("[T]his sub-factor does not support a finding of undue delay because Defendant filed the Motion to Stay shortly after filing the last IPR petition.").

Moreover, as is particularly relevant here, Apple moved to stay promptly after the scope of this case materially changed. The case has not otherwise advanced since Apple filed its petitions and the recent elimination of half the patents that were originally asserted in this case makes it more likely that the case can be resolved in its entirety by having all remaining asserted claims subject to IPR proceedings through Final Written Decisions on the merits.

Status of the IPR Proceedings. Although the PTAB has not yet instituted review on Apple's petitions, courts in this district regularly grant stays pre-institution. *See supra* Section IV.B; *see, e.g., Finjan, Inc. v. Symantec Corp.*, 139 F. Supp. 3d 1032 (N.D. Cal. 2015) (granting pre-institution stay and explaining "[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"); *Dialect, LLC v. Google*, LLC, No. 24-CV-04388-JSC, 2024 WL 4314206 (N.D. Cal. Sept. 26, 2024) (granting pre-institution stay); *Uniloc USA Inc. v. LG Elecs. U.S.A. Inc.*, No. 18-CV-06737-JST, 2019 WL 1905161 (N.D. Cal. Apr. 29, 2019) (same, and noting that if institution is denied, "[a] temporary stay of less than four months until the PTO makes its decisions will cause relatively little delay to this case or prejudice to the parties"); *Evolutionary Intel. LLC v. Yelp Inc.*, No. C-13-03587 DMR, 2013 WL 6672451 (N.D. Cal. Dec. 18, 2013) (same). This sub-factor weighs against prejudice.

Relationship of the Parties. Telcom is a non-practicing entity that does not allege that it is a competitor to Apple or that it has any competing products in any market. "Absent competition between the parties, courts have rarely found undue prejudice exists." *Dialect, LLC v. Google, LLC*, No. 24-CV-04388-JSC, 2024 WL 4314206, at *5 (N.D. Cal. Sept. 26, 2024) (citing *RJ Tech. LLC v. Apple Inc.,* No. 8:22-CV-01874-JVS-JDEX, 2023 WL 8188475, at *4 (C.D. Cal. Oct. 4, 2023)); *Finjan, Inc. v. Symantec Corp.*, 139 F. Supp. 3d 1032, 1038 (N.D. Cal. 2015) ("Absent a showing that

the parties are direct competitors and that the plaintiff's competitive position would be prejudiced by a stay, courts generally find that a plaintiff 'does not risk irreparable harm by [the defendant's] continued use of the accused technology and can be fully restored to the *status quo ante* with monetary relief.'").

Any claim of prejudice rings hollow in view of Telcom's earlier agreement to stay the case "until after the Court issues an Order regarding Apple's Transfer Motion." D.I. 45 ¶ 6. There, Telcom agreed that the stay "will not result in prejudice to any party" and will "conserve party and judicial resources." *Id*. at ¶ 7. Telcom faces no new prejudice now after contributing to "the delay in this case by seeking or agreeing to continuations and extensions of deadlines and the case schedule." *Lam Rsch. Corp. v. Flamm*, No. 15-CV-01277-BLF, 2016 WL 4180412, at *3-4 (N.D. Cal. Aug. 8, 2016) (granting stay and further explaining plaintiff "cannot now complain about the lack of progress in this case when he previously agreed to continuances and extensions"); *Smarter Agent, LLC v. Mobilerealtyapps.com, LLC*, 889 F. Supp. 2d 673, 676 (D. Del. 2012) (granting stay and noting "the Court finds Plaintiff's claims of undue prejudice unpersuasive, particularly in light of Plaintiff's agreement to stay"). Moreover, Telcom's failure to seek a preliminary injunction further undercuts any "claims that it will be unduly prejudiced by a stay." *VirtualAgility Inc. v. Salesforce.com, Inc.*, 759 F.3d 1307, 1320 (Fed. Cir. 2014) (reversing district court's denial of stay); *Symantec Corp. v. Zscaler, Inc.*, No. 17-CV-04426-JST, 2018 WL 3539267, at *3 (N.D. Cal. July 23, 2018) ("Failing to seek a preliminary injunction weighs against prejudice because it suggests that money damages would compensate any loss."). This argument applies with even greater weight here, where Telcom does not seek any kind of injunctive relief—preliminary or permanent—reinforcing that monetary damages would wholly compensate for any delay. *See* D.I. 1. As such, this sub-factor weighs against prejudice and further supports a stay.

V. CONCLUSION

All relevant factors strongly favor staying this case pending institution of the IPR petitions and through final resolution of any instituted IPRs. This case is in its early stages, with the bulk of the work and expense yet to come. A stay is likely to simplify or eliminate multiple issues for trial, without

undue prejudice to Telcom. Accordingly, Apple respectfully requests that the Court grant this motion and stay this case pending institution decisions on the four IPR petitions and final resolution, through appeal, of any instituted IPRs.

Dated: October 10, 2025

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CERTIFICATE OF SERVICE

The undersigned certifies that on October 10, 2025, a true and correct copy of the foregoing instrument was electronically filed with the Clerk of the Court by using the CM/ECF system, which shall send notification of such filing to all counsel of record at their email address on file with the Court.

/s/ *Kyle Curry*
Kyle Curry