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

OMNI MEDSCI, INC., Plaintiff, v. SAMSUNG ELECTRONICS, CO. LTD., SAMSUNG ELECTRONICS AMERICA, INC., FOSSIL GROUP, INC., FOSSIL STORES I, INC., FOSSIL PARTNERS, L.P., ONEPLUS TECHNOLOGY (SHENZHEN) CO., LTD., and ŌURA HEALTH OY, Defendants.	Case No. 2:24-CV-01070-JRG-RSP **JURY TRIAL DEMANDED** **ORAL ARGUMENT REQUESTED**

DEFENDANTS' MOTION TO STAY
PENDING INSTITUTION OF *INTER PARTES* REVIEW AND POST GRANT REVIEW

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I. INTRODUCTION

Defendants Samsung Electronics Co. Ltd. and Samsung Electronics America Inc. (collectively, "Samsung"); Fossil Group, Inc., Fossil Stores I, Inc., and Fossil Partners, L.P. (collectively, "Fossil"); and Oura Health Oy ("Oura") (collectively, "Defendants") respectfully move the Court to stay this case pending the Patent Trial and Appeal Board's ("PTAB") institution decisions on *inter partes* review and/or post grant review of U.S. Patent Nos. 9,055,868 (the "'868 patent"); 9,651,533 (the "'533 patent"); 10,874,304 (the "'304 patent"); 11,160,455 (the "'455 patent"); 12,193,790 (the "'790 patent"); and 12,268,475 (the "'475 patent") (combined with U.S. Patent No. 10,517,484 (the "'484 patent"), collectively, the "Asserted Patents").

All of the Asserted Patents are subject to one or more *inter partes* review ("IPR"), post grant review ("PGR"), and/or appeal from the same. Specifically, the PTAB has already found all asserted claims of the '484 patent unpatentable in an IPR filed by Apple Inc. ("Apple"), which is currently on appeal, and Defendants filed IPR and PGR petitions covering all asserted claims of the other six Asserted Patents on August 5, 2025. Defendant OnePlus Technology (Shenzhen) Co., Ltd. ("OnePlus"), who has not yet appeared in this case and for whom the current case schedule does not apply, also joined the IPRs and PGRs. A modest stay of this case until the PTAB's institution decisions at this early stage of the litigation will save the Court and the parties significant time and expense, particularly because institution decisions are expected prior to the currently scheduled *Markman* hearing, discovery is only in its infancy, and an alleged necessary party, OnePlus, has not yet made an appearance.

First, a stay will save resources and streamline this case by potentially eliminating many, if not all, issues in this litigation. Plaintiff Omni Medsci Inc. ("Omni"), in its Infringement Contentions, asserts thirty-four claims across the seven Asserted Patents against various categories of accused instrumentalities covering thousands of Defendants' products, including numerous

mobile phone, tablet, smartwatch, and smart ring models, in addition to various combinations of those products. Among Omni's infringement theories are joint infringement claims, combining accused products from different Defendants, including OnePlus. IPR and PGR petitions are likely to be instituted for the asserted claims and could dispose of this entire case if all asserted claims are found invalid. And, even if Defendants somehow do not succeed in showing that all asserted claims of the Asserted Patents are invalid, the IPRs and PGRs will likely result in invalidity findings for a significant number of asserted claims, thereby narrowing the issues in this case.

Second, the IPR and PGR petitions were filed at an early stage of the case with a significant amount of work to be done by the Court and parties. Defendant OnePlus has not even appeared in the case. For the remaining Defendants, the parties have only just begun discovery, claim construction exchanges are not scheduled to begin until October 2025, the *Markman* hearing is not until February 13, 2026, and trial is not scheduled until August 17, 2026. No party has taken any depositions, and fact discovery is not set to close until March 2026. This motion will be fully briefed in September, and all institution decisions are expected by February 12, 2026—*before* the *Markman* hearing, the close of fact discovery, and any expert discovery. A stay at this stage would promote efficiency by allowing IPRs and PGRs to be decided by the PTAB before further Court and party resources are expended in this litigation.

Third**,** Omni will suffer no undue prejudice or tactical disadvantage from a short stay pending decisions on institution. The current case schedule already needs to be extended by several months to accommodate OnePlus's delayed appearance. Omni is also a non-practicing entity and does not compete with Defendants or OnePlus. Indeed, Omni itself asserts that it and its licensees have "not made, offered for sale, sold, or imported in the United States any products practicing the claims" of the Asserted Patents. Dkt. 80 ¶¶ 70-71, 80-81, 91-92, 105-06, 116-17,

127-28, 138-39. One of the Asserted Patents (the '868 patent) also is expired, and all claims of another Asserted Patent ('484 patent) have already been found to be unpatentable. Accordingly, any alleged liability in this action can be fully remedied through monetary relief.

II. BACKGROUND

A. PROCEDURAL HISTORY

Omni filed its Original Complaint against Defendants on December 20, 2024 (Dkt. 1), asserting infringement of five of the Asserted Patents. Omni filed its First Amended Complaint against Defendants on March 6, 2025 (Dkt. 25), additionally asserting infringement of the '790 patent. Omni then filed its Second Amended Complaint on May 19, 2025 (Dkt. 57), additionally asserting infringement of the '475 patent. Most recently, Omni filed its Third Amended Complaint on August 12, 2025 (Dkt. 80).

OnePlus has not appeared yet, and its answer is currently due on September 18, 2025. Dkt. 70. The remaining Defendants either timely filed their answers or a motion to dismiss. *See* Dkt. 66, 68, 77, 82, 83, 84.

The Court held an initial case management conference on March 26, 2025. Dkt. 35. At that time, OnePlus had not appeared, was unrepresented, and therefore did not attend the conference. Omni served preliminary infringement contentions against the Defendants on March 12, 2025, asserting infringement of twenty-six claims across the six Asserted Patents in the Original Complaint and on May 9, 2025, asserting infringement of eight claims of the '475 patent. Exs. 1-2.[1] The Defendants, except OnePlus, timely prepared and served preliminary invalidity and ineligibility contentions for six of the Asserted Patents on June 3, 2025, and supplemental invalidity and ineligibility contentions for the '475 patent on July 18, 2025. Although not all

[1] Unless otherwise noted, exhibits ("Ex. __") cited herein are exhibits to the Declaration of Ryan C. Brunner filed herewith.

claims are asserted against all Defendants, Omni collectively asserts infringement of the following claims:

Asserted Patent	Asserted Claims
’868 patent	7-9
’533 patent	11, 12
’484 patent	8-10
’304 patent	11-16, 19-22
’455 patent	1-3, 8-10, 15
’790 patent	7
’475 patent	1, 5-8, 11-13

Currently, under the Court’s Second Amended Docket Control Order (Dkt. No. 65), claim construction exchanges are set to begin on October 10, 2025, and a *Markman* hearing is scheduled for February 13, 2026. Fact discovery is scheduled to close on March 30, 2026, and expert discovery is scheduled to close on May 4, 2026. Jury selection is currently scheduled to begin in approximately one year, on August 17, 2026. However, because OnePlus has not appeared in the case, and because of Omni’s claims of joinder and joint infringement, amendments to the Docket Control Order to extend the case schedule are inevitable.[2]

B. THE IPR AND PGR PROCEEDINGS

All claims of the ’484 patent have been found unpatentable by the PTAB through an IPR filed by Apple, which is currently on appeal. *Apple Inc. v. Omni Medsci Inc.*, IPR2021-00453, Paper 26 at 12 (P.T.A.B. Feb. 14, 2025). The PTAB also previously found certain claims of the ’533 patent unpatentable, including independent claim 5, on which the asserted claims 11 and

[2] On August 14, 2025, well before its answer was due, OnePlus’s counsel reached out to Omni in an effort to reach agreement on a case schedule applicable to OnePlus and all other Defendants. The parties have been conferring and continue to do so, but they have not yet reached a resolution. Once the parties reach agreement or impasse on this issue, Defendants and OnePlus anticipate filing a motion to amend the Docket Control Order that seeks to extend the existing case deadlines.

12 depend. *Apple Inc. v. Omni Medsci Inc.*, IPR2019-00916, Paper 39 at 51 (P.T.A.B. Oct. 14, 2020).

Defendants filed IPR and/or PGR petitions on all asserted claims of the Asserted Patents, except for the '484 patent, on August 5, 2025. The PTAB accorded filing dates on August 7 and 12, 2025. *See* Exs. 3-10. All Asserted Patents, except for the '868 patent, are in the same family, and the IPRs and PGRs on those patents rely on the same primary reference as IPR2021-00453 ('484 patent). A summary of the IPR and PGR petitions is below:

Patent IPR / PGR#	**Ground**	**References**	**Claims**
9,055,868 IPR2025-01249	1	Mault	7, 10-11, 14
	2	Mault, Mitsui	9
	3	Mault, Pologe	7-8, 10-11, 14
	4	Mault, Mitsui, Pologe	7-11, 14
	5	Mault, Kiani	7, 10-11, 13-14
	6	Mault, Mitsui, Kiani	9, 13
	7	Mault, Pologe, Kiani	7-8, 10-11, 13-14
	8	Mault, Mitsui, Pologe, Kiani	7-11, 13-14
9,651,533 IPR2025-01250	1	Lisogurski	6, 12, 14
	2	Lisogurski, Carlson	6, 11-12, 14, 18
	3	Lisogurski, Tam	6, 14
	4	Lisogurski, Carlson, Tam	6, 14
10,874,304 IPR2025-01251	1	Lisogurski	1, 3, 11, 19, 20
	2	Lisogurski, LeBoeuf	2, 4-6, 14-16, 21-22, 27
	3	Lisogurski, Tran	1, 3, 11-13, 19, 20, 26
	4	Lisogurski, LeBoeuf, Tran	2, 4-6, 12-16, 21-22, 26-27
	5	Lisogurski, Carlson	1, 3, 11, 19, 20
	6	Lisogurski, LeBoeuf, Carlson	2, 4-6, 14-16, 21-22, 27
	7	Lisogurski, Tran, Carlson	1, 3, 11-13, 19, 20, 26
	8	Lisogurski, LeBoeuf, Tran, Carlson	2, 4-6, 12-16, 21-22, 26-27
	9	Lisogurski, Tran, Marbach	1, 3, 11-13, 19, 20, 26
	10	Lisogurski, Tran, Carlson, Marbach	1, 3, 11-13, 19, 20, 26
11,160,455 IPR2025-01252	1	Lisogurski	1, 8, 11
	2	Lisogurski, LeBoeuf	2-4, 9-10, 15-17
	3	Lisogurski, Tran	1, 8, 12, 15
	4	Lisogurski, LeBoeuf, Tran	5-7, 13-14, 18-20
	5	Lisogurski, Carlson	1, 8, 11

	6	Lisogurski, LeBoeuf, Carlson	2-4, 9-10, 15-17
	7	Lisogurski, Tran, Carlson	1, 8, 12, 15
	8	Lisogurski, LeBoeuf, Tran, Carlson	5-7, 13-14, 18-20
12,193,790 IPR2025-01253	1	Lisogurski	7
12,193,790 PGR2025-00064	2	Lisogurski, Carlson	7
12,268,475 IPR2025-01254	1	Lisogurski	1, 6-8, 11-13
	2	Lisogurski, Tran	5, 7
	3	Lisogurski, LeBoeuf	6-7
	4	Lisogurski, Tran, LeBoeuf	7
12,268,475 PGR2025-00063	5	Lisogurski, Carlson	1, 6-8, 11-13
	6	Lisogurski, Tran, Carlson	5, 7
	7	Lisogurski, LeBoeuf, Carlson	6-7
	8	Lisogurski, Tran, LeBoeuf, Carlson	7

Absent good cause, the PTAB must decide whether to institute each petition in its entirety by no later than February 12, 2026 (*see* 35 U.S.C. § 314(b); *id.* § 324(c); 37 C.F.R. 42.107(b); *id.* 42.207(b)), and it must make a final determination of patentability within one year of institution of each proceeding. *See* 35 U.S.C. § 316(a)(11); *id.* § 326(a)(11). Institution decisions for the IPRs and PGRs on the Asserted Patents are therefore expected before the current *Markman* hearing date of February 13, 2026, and several months before the currently scheduled jury selection date on August 17, 2026. Once instituted, based on the PTAB's current statistics, these decisions are likely to result in a finding that many, if not all, asserted claims are invalid.[3]

[3] Based on the PTAB's published statistics on IPRs and PGRs for fiscal year 2024, 70% of instituted petitions that reach a final written decision result in the cancellation of all instituted claims, and at least some instituted claims are cancelled in 85% of those cases. *See* Ex. 11 at 10. Moreover, Samsung has prevailed more often than the average petitioner with instituted IPR petitions that reach a final written decision: all claims are cancelled in 72% of cases and at least some claims are cancelled in 86% of cases. *See* Ex. 12.

C. SIGNIFICANT RESOURCES WILL BE EXPENDED PREPARING THIS CASE FOR TRIAL

There is a significant body of work left to be done in this case before it is ready for trial. Omni has not taken a single deposition in this case. Additionally, claim construction proceedings have not started, fact discovery does not close until March 30, 2026, expert discovery closes on May 4, 2026, a joint Pretrial Order is not due until July 6, 2026, and jury selection is currently scheduled for August 17, 2026. *See* Dkt. No. 65. All of this case activity will consume the Court's and the parties' time and resources.

III. LEGAL STANDARD

District courts have discretion to stay proceedings. *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). Courts typically consider three factors when determining whether to grant a stay pending *inter partes* review of asserted patents: "(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.*, No. 13-cv-1058-WCB, 2015 WL 1069111, at *2 (E.D. Tex. Mar. 11, 2015) (citing cases). "Essentially, courts determine whether the benefits of a stay outweigh the inherent costs based on these factors." *EchoStar Techs. Corp. v. TiVo, Inc.*, No. 05-cv-81 DF, 2006 WL 2501494, at *1 (E.D. Tex. July 14, 2006). "[T]he 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 [c]ourt." *NFC Tech.*, 2015 WL 1069111, at *4 (emphasis added).

IV. ARGUMENT

This case should be stayed pending the PTAB's institution decisions on Defendants' IPR and PGR proceedings. A stay will dispose of—or at a minimum, simplify significantly—the issues

before the Court, not cause any prejudice to Omni, and conserve this Court's and the parties' resources given the early stage of the case.

A. A STAY WILL SIGNIFICANTLY SIMPLIFY OR ELIMINATE ISSUES IN THIS LITIGATION

A stay is "particularly justified where the outcome of the [PTAB proceeding] would be likely to assist the court in determining patent validity and, if the claims were canceled in the [PTAB proceeding], would eliminate the need to try the infringement issue." *Norman IP Holdings, LLC v. TP-Link Techs., Co.*, No. 13-cv-384-JDL, 2014 WL 5035718, at *2 (E.D. Tex. Oct. 8, 2014) (citation omitted); *NFC Tech.*, 2015 WL 1069111, at *1 (same) (citation omitted). "[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." *Uniloc USA, Inc. v. Samsung Elecs. Am., Inc.*, No. 16-cv-642-JRG, 2017 WL 9885168, at *1 (E.D. Tex. June 13, 2017). Indeed, "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 [c]ourt." *See, e.g.*, *NFC Tech.*, 2015 WL 1069111, at *4. Here, this factor strongly favors a stay.

Omni's wide-ranging claims are likely to be significantly simplified, if not disposed of entirely, by the IPRs and PGRs. Omni accuses thousands of Defendants' products, and various combinations of those products, of infringement of thirty-four asserted claims of seven Asserted Patents—including various phone, tablet, smartwatch, and smart ring models. *See* Ex. 1 at 2-17; Ex. 2 at 2-5. Omni also asserts joint infringement claims against all Defendants, *e.g.*, based on a combination of a Defendant's Accused Products with another Defendant's Accused Products, including OnePlus's, further complicating the case. *See* Ex. 1 at 2-21; Ex. 2 at 2-8. Absent a stay,

addressing all of these asserted claims and accused products would require depositions, expert reports, and trial testimony from numerous technical experts and fact witnesses.

Simplification is especially likely for the '484 patent, which has already been found unpatentable in a Final Written Decision by the PTAB, whose decision is currently on appeal. *Apple*, IPR2021-00453, Paper 26 at 12. Because the '484 patent has already been found unpatentable, a stay while that appeal progresses would simplify this case. This Court has stayed cases pending IPR when some, but not all, of the asserted claims were subject to instituted IPRs. *See, e.g.*, *CyWee Grp. Ltd. v. Samsung Elecs. Co., Ltd.*, No. 2:17-cv-00140-WCB-RSP, 2019 WL 11023976, at *8-10 (E.D. Tex. Feb. 14, 2019).

Additionally, as detailed above, Defendants filed IPR and PGR petitions covering all asserted claims of the other six Asserted Patents, with institution decisions expected before the *Markman* hearing in this case. Institution decisions are likely—all Asserted Patents except for the '868 patent are in the same family, and the IPRs and PGRs on those Asserted Patents rely on the same primary reference based on which the PTAB already found all claims of the '484 patent unpatentable. *Apple*, IPR2021-00453, Paper 26 at 12. Indeed, the PTAB previously instituted review of the '533 patent, finding independent claim 5 (on which previously unchallenged asserted claims 11-12 depend) unpatentable based on that same primary reference. *Apple*, IPR2019-00916, Paper 39 at 51. And the PTAB's published statistics on IPRs and PGRs for fiscal year 2024 indicate that instituted IPRs and PGRs are likely to result in the cancellation of all asserted claims. These published statistics show that 70% of instituted petitions that reach a final written decision result in the cancellation of all instituted claims. *See* Ex. 11 at 6, 10. And even if all instituted claims are not invalidated, at least some instituted claims are cancelled in 85% of those cases. *See id.* Put another way, it is rare for all claims to be found patentable: only 15% of instituted petitions

reaching a final written decision resulted in such a finding. *See id*. Furthermore, Samsung has been more successful than the average petitioner. According to Lex Machina statistics on IPRs filed by Samsung, for the petitions that are instituted and reach a final written decision, at least some instituted claims are cancelled in 86% of cases, and all instituted claims are cancelled in roughly 72% of cases. Ex. 12.

Moreover, even if not all asserted claims are disposed of by the IPRs and PGRs, the IPR and PGR proceedings will aid in determining the scope of fact and expert discovery, and they will provide highly relevant intrinsic evidence to assist in the Court's claim construction. Omni's statements in its patent owner preliminary responses prior to institution, or during the IPRs and PGRs after institution, could give rise to prosecution disclaimer. *See Aylus Networks, Inc. v. Apple Inc.*, 856 F.3d 1353, 1359-60 (Fed. Cir. 2017). Similarly, the PTAB's final written decisions will provide claim construction analyses to supplement the intrinsic record that the Court could consider in deciding claim construction and liability issues. *See, e.g.*, *CyWee*, 2019 WL 11023976, at *10 ("[E]ven if the PTAB does not invalidate any of the claims in the pending IPR proceedings, the expertise of the PTAB judges in this field of art is likely to be of considerable assistance to the Court in this complex case."). Any claim construction order issued before the PTAB's final written decisions would not have the benefit of a full intrinsic record; the results of the PTAB proceedings may require re-briefing of certain terms and may raise new claim construction issues where Omni's infringement arguments in this case conflict either with Omni's statements to the PTAB or with the PTAB's findings.

Given the breadth of asserted claims and accused products in this case, any narrowing of the case resulting from the IPRs and PGRs will simplify the case and save the Court and the parties significant time and resources. Accordingly, this factor weighs strongly in favor of a stay.

B. THE STAGE OF THE CASE WEIGHS IN FAVOR OF A STAY

Under this factor, "[c]ourts 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 litigation." *Norman IP Holdings*, 2014 WL 5035718, at *3 (emphasis added) (citation omitted).

1. Omni's Joinder Theory Necessitates an Extended and Unified Schedule for All Defendants

OnePlus is not expected to appear in the case until September 18, 2025. *See* Dkt. 70. When it does, given Omni's claims of joinder and joint infringement combining different Defendants' Accused Products, the current case schedule will need to be extended to accommodate OnePlus, who was not present at the scheduling conference and now is several months behind the other Defendants. *See* Dkt. 80 ¶¶ 46-55; Ex. 1 at 2-21; Ex. 2 at 2-8. A modest stay of this litigation until the PTAB's institution decisions would allow OnePlus to meet the deadlines previously applicable to the other Defendants and harmonize the schedule for all parties—a critical step given Plaintiff's joinder and joint infringement claims.

Omni's joinder theory and joint infringement claims foreclose any argument that OnePlus should proceed on a different track or separate schedule. To the contrary, the schedule must be unified for all parties, as Omni's own pleadings make clear. Omni elected to file a single, consolidated complaint against all Defendants, expressly alleging that the Defendants' purportedly infringing conduct arises from "the same transaction, occurrence, or series of transactions or occurrences" and involves "questions of fact common to all defendants." Dkt. 80 ¶ 47. By relying on this theory for joinder, Omni necessarily concedes that the litigation against each Defendant will rise or fall on a common set of facts. Any attempt to bifurcate or stagger the schedule would directly contradict the very reason for consolidating the claims against all Defendants. Proceeding

against only a subset of Defendants while OnePlus has yet to appear would also prejudice Samsung, Fossil, and Oura by hindering their ability to fully assess and assert all available defenses—especially in light of Omni's joint infringement allegations involving a party not yet present in the case.

A brief stay now, before claim construction and while the PTAB institution decisions are pending, is therefore the most efficient and equitable approach. It ensures that all parties proceed on a unified schedule, prevents duplicative or piecemeal litigation, and conserves both judicial and party resources.[4]

2. Case Is Still at an Early Stage for the Remaining Defendants

Even under the current schedule, not only is fact discovery incomplete, it remains in the early stages. Omni has produced fewer than 100 documents, the majority of which are public documents and file histories. Omni has served only four interrogatories on Defendants, has not inspected Defendants' source code, and has not taken a single deposition. Claim construction exchanges will not begin until October 10, 2025, and the *Markman* hearing will not be held until after the USPTO renders an institution decision. Expert discovery, dispositive motions, *Daubert* motions, motions to strike, motions *in limine*, the joint pre-trial statement, joint proposed jury instructions, verdict form, exhibit lists, witness lists, and deposition designations are scheduled for the spring and summer of 2026. *See* Dkt. No. 65.

A stay at this stage would significantly conserve both judicial and party resources. There are thirty-four asserted claims across seven Asserted Patents. And, because there are thousands of accused instrumentalities, and various combinations of such instrumentalities that Omni accuses of infringement, this case will likely require numerous witnesses and exhibits to litigate the

[4] For these reasons, and as noted above (at 4, n.2), Defendants and OnePlus also anticipate filing a motion to amend the Docket Control Order that requests an extension of the case deadlines.

multitude of issues—not just those associated with each of these products for each of the asserted claims, but also for combinations of such products. The parties still have all depositions ahead of them—with at least some witnesses located in Korea, Finland, and China. There is no question a stay will streamline and simplify this case for trial. Every claim invalidated in the PTAB proceeding will remove issues, streamline deposition topics, and limit both fact and expert discovery.

Courts in this district have stayed cases pending IPRs where the district court case was in a similar procedural posture. For example, in *Veraseal LLC v. Wal-Mart Stores, Inc.*, the Court recognized the benefits of a stay because "the patent claims have not yet been construed by the Court, and discovery is not yet complete." No. 17-cv-00527-JRG, 2018 WL 2183235, at *2 (E.D. Tex. May 11, 2018); *see also Resonant Sys., Inc. v. Samsung Elecs. Co.*, No. 22-cv-00423-JRG, 2024 WL 1021023 (E.D. Tex. Mar. 8, 2024) (granting stay prior to *Markman* hearing where the bulk of discovery and depositions had not yet taken place). This Court has even stayed cases pending IPR where the litigation was far closer to trial than the instant case. *See, e.g.*, *Armor All/STP Prods. Co. v. Aerospace Commc'ns Holdings Co*., No. 15-cv-781, 2016 WL 6397269, at *1, *4 (E.D. Tex. Oct. 28, 2016) (granting stay less than 4 months before trial). Thus, this factor also weighs strongly in favor of a stay.

C. OMNI WILL NOT SUFFER ANY UNDUE PREJUDICE OR TACTICAL DISADVANTAGE FROM A STAY

A stay of this case pending institution decisions on Defendants' IPRs and PGRs will not cause Omni undue prejudice or tactical disadvantage. Courts consistently hold that delay alone does not constitute undue prejudice. Delay is a factor "present in every case in which a patentee resists a stay, and it is therefore not sufficient, standing alone, to defeat a stay motion." *NFC Tech.*, 2015 WL 1069111, at *2; *see also Tinnus Enters., LLC v. Telebrands Corp.*, No. 6:15-cv-551-RC-

JDL, 2017 WL 379471, at *3 (E.D. Tex. Jan. 24, 2017) ("Mere delay in the litigation does not establish undue prejudice." (citation omitted)).

One of the Asserted Patents (the '868 patent) is now expired, and all claims of another Asserted Patent (the '484 patent) have also been found unpatentable by the PTAB. *Apple*, IPR2021-00453, Paper 26 at 12; *see, e.g.*, *Raytheon Co. v. Samsung Elecs. Co*., No. 15-cv-341-JRG-RSP, 2016 WL 11639659, at *1 (E.D. Tex. Feb. 22, 2016) (finding undue prejudice factor favors a stay where "[t]he asserted patent is expired, and thus there is no possibility of continuing harm to Raytheon from infringement").

Further, given OnePlus's later entry into the case and the nature of Omni's joint infringement claims, which require all Defendants to be on the same schedule, an extension of several months is already unavoidable. Staying the case until the PTAB's institution decisions would help close this gap and would not prejudice Omni.

Regardless, Omni is a non-practicing entity and does not compete with Defendants; indeed, Omni asserts in its Third Amended Complaint that it and its licensees have "not made, offered for sale, sold, or imported in the United States any products practicing the claims" of the Asserted Patents. Dkt. 80 ¶¶ 70-71, 80-81, 91-92, 105-06, 116-17, 127-28, 138-39. Courts routinely hold that non-practicing entities do not suffer undue prejudice from a stay because any harm can be fully compensated with monetary damages. *See, e.g.*, *CyWee Grp.*, 2019 WL 11023976, at *4. As such, any purported delay "will not diminish the monetary damages to which [Omni] will be entitled if it succeeds in its infringement suit—it only delays realization of those damages." *Virtual Agility Inc. v. Salesforce.com, Inc*., 759 F.3d 1307, 1318 (Fed. Cir. 2014). This is particularly true where, as is the case here, one of the Asserted Patents is expired and there is no—and cannot be any—on-going infringement or potential accrual of damages for that patent. *See, e.g.*, *Raytheon*,

2016 WL 11639659, at *1 (finding undue prejudice factor favors a stay where "[t]he asserted patent is expired, and thus there is no possibility of continuing harm to Raytheon from infringement").

In contrast to Omni, Defendants will suffer undue prejudice without a stay by incurring the burden of continuing to defend against infringement allegations of more than 30 claims from seven Asserted Patents—with the vast majority of discovery still to come—when the PTAB is likely to invalidate some or all of those claims. Without a stay, this case will advance toward trial, and the parties and the Court will continue to invest significant time and resources in preparing the case.

V. CONCLUSION

For reasons set forth herein, Defendants request this Court stay the case pending the PTAB's institution decisions on Defendants' IPRs and PGRs on the Asserted Patents. Upon institution of the IPRs and PGRs, Defendants would separately file another motion if the Court deems it necessary to extend the stay.

Dated: August 27, 2025

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

Pursuant to Local Rules CV-7(h) and (i), counsel for Defendants met and conferred with counsel for Omni. On August 25, 2025, Hyun-Joong (Daniel) Kim and Andrew T. Gorham, counsel for Samsung; Rodeen Talebi, counsel for Fossil; and James A. Fussell and Angeline L. Premraj, counsel for Oura, spoke by telephone with Elizabeth M. Chiaviello, counsel for Omni. The parties could not reach agreement as to a stay of the litigation at this time. Omni's counsel confirmed that Omni opposes the relief sought by this Motion. Thus, this issue has come to an impasse requiring the Court's intervention.

By: *<u>/s/ Hyun-Joong (Daniel) Kim</u>*
Hyun-Joong (Daniel) Kim

<u>CERTIFICATE OF SERVICE</u>

The undersigned hereby certifies that, on this 27th day of August, 2025, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

<u>/s/ Melissa R. Smith</u>
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