

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BECKMAN COULTER, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 24-945 (CFC) (EGT)
	)	
CYTEK BIOSCIENCES, INC.,	)	
	)	
Defendant.	)	

**DEFENDANT’S OPENING BRIEF IN SUPPORT OF ITS MOTION TO
STAY PENDING *INTER PARTES* REVIEW AND POST GRANT REVIEW
OF THE ASSERTED PATENT CLAIMS**

CYTEK V. BECKMAN
IPR2025-01319
BECKMAN 2010

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Defendant Cytek Biosciences, Inc. (“Cytek”) respectfully moves to stay further proceedings in this action, pending *inter partes* review (“IPR”) and post grant review (“PGR”) proceedings before the Patent Office of each of the asserted patents, or at least to enter a temporary stay pending institution decisions. Cytek files its stay motion now given the Acting Director of the Patent Office’s new procedure for considering discretionary denial of IPR and PGR petitions, as explained in more detail in Section III.C, below.

This patent infringement case is still in its early stages: there has been no claim construction hearing or order, no depositions, expert discovery has not yet begun, and trial is more than a year away. By the time briefing on this motion is complete, Cytek will have filed IPR or PGR challenges against all asserted claims across the four patents-in-suit. Cytek’s IPR and PGR petitions will present strong challenges, in part because they rely on the same grounds that the European Patent Office identified in rejecting a foreign counterpart of the ’443 patent. Accordingly, there is a high likelihood that Patent Office proceedings here will greatly simplify and streamline the issues in this litigation, if not eliminate them entirely, thereby conserving judicial and party resources. And a stay will not unduly prejudice Plaintiff at least because there are multiple players in the relevant market, and Plaintiff waited more than five years to file the present suit and declined to move for preliminary injunction (thus belying any claim by Plaintiff of the need for immediate

relief or prejudice from a stay of this action). Cytek's motion to stay thus should be granted.

I. NATURE AND STAGE OF PROCEEDINGS

Plaintiff Beckman Coulter, Inc. ("BEC" or "Plaintiff") filed this case on August 14, 2024 and the case is still in its early stages, with BEC adding two new patents to the case in January 2025. In its original complaint, Plaintiff alleged that Cytek infringed U.S. Patent Nos. 10,330,582 (the "'582 patent") and 11,703,443 (the "'443 patent"). (D.I. 1.) Plaintiff filed its first amended complaint on January 9, 2025, adding allegations of patent infringement of U.S. Patent Nos. 12,174,106 (the "'106 patent") and 12,174,107 (the "'107 patent"). (D.I. 42.) On July 17, 2025, Cytek filed a petition for *inter partes* review against the '443 patent, challenging all the claims asserted in this litigation as invalid for obviousness. (See Chen Decl., Ex. 1.) By the time briefing on this motion is complete, Cytek will have filed IPR or PGR challenges against all asserted claims across the four patents-in-suit. The parties are still in the process of exchanging claim construction briefs and the claim construction hearing is scheduled for August 21, 2025. (D.I. 55.) Fact discovery does not close until October 2025 and trial is currently set for August 2026. (*Id.*)

II. SUMMARY OF THE ARGUMENT

The factors that courts in this District generally consider in determining whether to stay litigation favor granting a stay in this case.

1. Entering a stay of the case pending IPR and PGR, where Cytek intends to challenge all asserted claims across the four asserted patents, may resolve the case entirely, or at least greatly simplify the case and streamline the issues for trial. First, Cytek's motion is timely due to the PTAB's new discretionary denial practices and the heightened importance the PTAB has placed on whether the district court will stay parallel proceedings. Entering a stay now will help ensure there is no duplication of efforts between the fora. Second, Cytek's IPR petition against the '443 patent, in particular, has a high likelihood of institution and success in invalidating the asserted claims because the European Patent Office rejected a foreign counterpart of the '443 patent on the same grounds. Additionally, Cytek's prior art challenges are particularly consequential, as they will rely on prior art or combinations of art that were either never before the Examiner, or never pointed out to the Examiner, because they were buried in a disclosure with hundreds of references. (*See* Chen Decl., Ex. 6 at 3.) Third, Cytek intends to challenge the newly issued '106 and '107 patents in post-grant review as invalid for, among other things, failing to meet the requirements of 35 U.S.C. § 112.

2. The stage of the proceedings also favors a stay. The claim construction hearing has yet to occur, there are months before the close of fact and expert discovery, and more than a year until trial. (D.I. 55.) Accordingly, the most

burdensome parts of the case will all occur in the future, and granting a stay will advance judicial efficiency.

3. Finally, a stay of the case will not unduly prejudice Plaintiff. Many players exist in the flow cytometry market whom Plaintiff has not sought to enjoin, and Plaintiff waited over five years to file suit and chose not to file a preliminary injunction motion, thus belying any claim by Plaintiff of the need for immediate relief or prejudice from a stay of this action.

III. STATEMENT OF FACTS

A. The Asserted Patents

Plaintiff asserts four related patents in this case, each sharing the same specification and title. Each of the asserted patents are generally related to a flow cytometer that contains a wavelength division multiplexer that allows multicolor fluorescence detection. The '582 patent issued on June 25, 2019. The '443 patent issued on July 18, 2023. The '106 and '107 patents both issued on December 24, 2024.

B. Plaintiff's Infringement Allegations

Plaintiff alleges that Cytex infringes 42 claims across the four asserted patents. (*See* Chen Decl., Ex. 2.) Specifically, Plaintiff accuses “Cytex’s Aurora flow cytometers & Cytex Aurora CS cell sorters” and “any other of Defendant’s products that embody like functionality, including without limitation, Cytex Northern Lights and Cytex Northern Lights-CLC products.” (D.I. 42, ¶¶14-15.)

Despite the oldest of the asserted patents having issued in June 2019, Plaintiff waited over five years after its issuance to file this lawsuit. (D.I. 1.)

Although Beckman Coulter and Cytex are both players in the market for flow cytometry and cell-sorter technology, they are not the only players. For example, Plaintiff has alleged that “[t]he Asserted Patents are known in the industry and have been cited by at least 20 patents.” (D.I. 42, ¶22.) Plaintiff itself was sued for patent infringement over its own products by competitor Beckton, Dickinson and Company. (See Chen Decl., Ex. 3, ¶4.) In addition, Plaintiff’s First Amended Complaint cites to Cytex’s SEC filings (*see* D.I. 42, ¶23), which indicate that its competitors include at least seven other corporations, including “Agilent Technologies, Beckman Coulter (Danaher Corporation), Becton, Dickinson and Company, Bio-Rad Laboratories, Fluidigm Corporation, Miltenyi Biotec, Sony Biotechnology ... and Thermo Fischer Scientific.”¹ To date, Plaintiff has not sued any other competitor in the flow cytometry market for patent infringement, nor has Plaintiff sought a preliminary injunction against Cytex or any other party.

¹ See Cytex Biosciences, Inc. Form S-1 (2021) at 122-23, available at <https://investors.cytexbio.com/node/6586/html>.

C. In Deciding Whether to Institute IPR, the Patent Office Will Consider Whether the Court Has Stayed These Proceedings

To ensure efficiency and avoid duplication of efforts, if the Court is inclined to stay this action, Cytek respectfully requests that the Court stay the action now even though IPR and PGR institution decisions have not issued. This concern comes from the fact that the Patent Office has discretion to deny institution of otherwise meritorious IPR and PGR petitions. *See Cuozzo Speed Techs. v. Com. for Intell. Prop.*, 579 U.S. 261, 273 (2016) (“[T]he agency’s decision to deny a petition is a matter committed to the Patent Office’s discretion.”). A key factor guiding that discretion is the desire to avoid duplication of efforts between the district court and the Patent Office, i.e. “whether efficiency, fairness, and the merits support the exercise of authority to deny institution in view of an earlier trial date in the [district court] proceeding.” *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, 2020 WL 2126495, at *2-3 (P.T.A.B. Mar. 20, 2020) (precedential). One of the ways to alleviate these concerns is for the district court to stay litigation pending the completion of IPR or PGR proceedings. *Id.* at *3 (“A district court stay of the litigation pending resolution of the PTAB trial allays concerns about inefficiency and duplication of efforts. This fact has strongly weighed against exercising the authority to deny institution[.]”).

But recent developments at the Patent Office have complicated the timing and highlighted the importance of obtaining a stay of the litigation before institution decisions. In March 2025, the Acting Director of the Patent Office issued a new

procedure for considering discretionary denial of IPR and PGR petitions in which the parties submit early briefing directed to discretionary denial issues, and that question is now decided before the petitions are evaluated on their merits. (*See* Ex. A, Memo re: Interim Processes for PTAB Workload Management.) Discretionary denial decisions issued in the wake of the Acting Director’s guidance have placed heavy weight on whether the district court has a trial date scheduled to take place before the projected completion of IPR or PGR proceedings, and have denied IPR and PGR institution on that basis in the absence of a stay from the district court. *See, e.g., Samsung Elecs. Co. v. Mobile Data Techs., LLC*, IPR2025-00535, 2025 WL 1908154, at *1 (P.T.A.B. July 10, 2025) (denying institution, noting that “the projected final written decision due date for each of these cases is in September 2026.... The district court’s scheduled trial date is April 20, 2026 As such, it is unlikely that a final written decision in these proceedings will issue before the district court trial occurs. Additionally, there is insufficient evidence that the district court is likely to stay its proceeding even if the Board were to institute trial.” (citations omitted)).

In this case, because the trial date is currently scheduled to take place before final written decisions would likely issue in IPR or PGR proceedings, there is a risk of an early decision by the Patent Office denying institution based on this Court’s scheduled trial date—even if this Court would have stayed the case in the event of

institution. Cytek respectfully submits that if the Court would be inclined to stay this litigation pending IPR and PGR proceedings, that it grant even a temporary stay now before discretionary denial briefing in the Patent Office. *See Sandpiper CDN, LLC v. Google LLC*, Case No. 2:24-cv-03951-AB-RAO, 2025 WL 1932504, at *2-3 (C.D. Cal. June 24, 2025) (recognizing evolving discretionary denial procedure and granting short stay). Alternatively, if the Court were inclined to deny the present motion without prejudice to renewal after institution, Cytek respectfully requests that the Court indicate in its order that it “is likely to stay [the] proceeding,” *Samsung*, 2025 WL 1908154, at *1, if IPR and PGR are instituted, so that statement can be incorporated into any briefing on discretionary denial before the Patent Office.

D. Pending *Inter Partes* Review and Post Grant Review Proceedings Against the Asserted Patents

Cytek intends to challenge each of the asserted patents, and all the asserted claims, in *inter partes* review and post-grant review proceedings at the Patent Office. On July 17, 2025, Cytek filed a petition for *inter partes* review against the ’443 patent, challenging all the claims asserted in this litigation, and others, as invalid for obviousness. (*See* Chen Decl., Ex. 1.) Cytek’s ’443 IPR petition, in particular, has a high likelihood of institution because the challenged claims have already been rejected during prosecution of a foreign counterpart to the ’443 patent at the European Patent Office (“EPO”). EP24151670 is a European patent application that

is related to the '443 patent and that has claims that are nearly identical to the claims of the '443 patent. As just one example, the table below compares the language of original Claim 1 from the European patent application with Claim 1 from the '443 patent, with the only difference highlighted in grey.

EP24151670, Original Claim 1 (Chen Decl., Ex. 7 at 77)	'443 Patent, Claim 1
1. A wavelength division multiplexer (WDM) comprising: a set of filters, each filter of the set of filters configured to pass a corresponding portion of multiple portions of light; at least one mirror including at least one curved mirror, the at least one mirror configured to: receive one or more portions of the light from the set of filters; and reflect the one or more portions of the light to the set of filters; and a set of detectors, each detector of the set of detectors corresponding to a filter	1. A wavelength division multiplexer (WDM) for a flow cytometer comprising: a set of filters, each filter of the set of filters configured to pass a corresponding portion of multiple portions of light; at least one mirror including at least one curved mirror, the at least one mirror configured to: receive one or more portions of the light from the set of filters; and reflect the one or more portions of the light to the set of filters; and

of the set of filters and configured to receive a portion of the light at the detector that passed through the filter corresponding to the detector.	a set of detectors, each detector of the set of detectors corresponding to a filter of the set of filters and configured to receive a portion of the light at the detector that passed through the filter corresponding to the detector.
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Cytek's '443 IPR petition challenges the '443 patent claims using two of the references identified by the EPO in its novelty rejection: Goodman [D1] and Oostman [D5]. (*See* Chen Decl., Ex. 4, at 1-3.) The EPO concluded that Goodman fully disclosed at least claims 1-3, 6, 8, and 9 of the European application, corresponding to Claims 1-3, 7, 9, and 10 of the '443 patent. (*Id.*, at 3-4.) The EPO also concluded that Oostman fully disclosed at least claims 10, 12, 14, and 15 of the European application, corresponding to Claims 11, 13, and 15-17 of the '443 patent. (*Id.*, at 4.) In response to the EPO's rejections, Patent Owner made extensive modifications to narrow the original claims, and relied on those modifications to argue novelty over the prior art. (*See* Chen Decl., Ex. 5.) These new, narrower claims are still undergoing prosecution. The similarity between the '443 patent claims and the rejected claims of the European application indicate a high likelihood that IPR will be instituted and that certain asserted claims, at least as to the '443 patent, will be invalidated here.

Further, during prosecution of the parent application to all four patents-in-suit, the Examiner expressly noted:

[D]ue to the unusually large number of references cited, and the absence of any description of the relevance of the references, it should be assumed that only the most cursory review of the cited documents consistent with these guidelines have been performed. If applicant is aware of any information that might be of particular relevance, it should be pointed out in order to insure a higher degree [of] consideration.

(*See* Chen Decl., Ex. 6, at 3.) This makes Cytek’s prior art challenges particularly consequential, as they will rely on prior art or combinations of art that were either never before the Examiner or never “pointed out” to the Examiner. (*Id.*)

Cytek will also file post-grant review petitions against the ’106 and ’107 patents challenging at least all the claims asserted in this case. Post grant-review allows a broad range of invalidity challenges beyond those available in IPR (which only permits challenges based on prior art patents and printed publications). *Compare* 35 U.S.C. § 321(b) (PGR), *with* 35 U.S.C. § 311(b) (IPR). For example, Cytek’s PGR challenges will not only challenge the ’106 and ’107 patents based on prior art, but also based on § 112. If instituted on these grounds, a determination of validity under § 112 at the Patent Office would further simplify the issues in this litigation.

IV. LEGAL STANDARD

It has long been recognized that “district courts have broad discretion to manage their dockets, including the power to grant a stay of proceedings.” *Procter*

& Gamble Co. v. Kraft Foods Glob., Inc., 549 F.3d 842, 848-49 (Fed. Cir. 2008). Courts in this district generally consider three factors when deciding a motion to stay: “(1) whether granting the stay will simplify the issues for trial; (2) the status of the litigation, particularly whether discovery is complete and a trial date has been set; and (3) whether a stay would cause the non-movant to suffer undue prejudice from any delay, or allow the movant to gain a clear tactical advantage.” *Princeton Digit. Image Corp. v. Konami Digit. Entm’t Inc.*, C.A. No. 12-1461-LPS-CJB, 2014 WL 3819458, at *2 (D. Del. Jan. 15, 2014) (citing cases); *see also SITO Mobile R&D IP, LLC v. World Wrestling Ent., Inc.*, C.A. No. 21-721-CFC, 2021 WL 7628181, at *1 (D. Del. Dec. 20, 2021) (Connolly, J.). The Federal Circuit has approved of courts weighing a fourth factor when considering a stay pending IPR – whether a stay will reduce the burden of litigation on the parties and on the court. *See Murata Mach. USA v. Daifuku Co.*, 830 F.3d 1357, 1362 (Fed. Cir. 2016).

V. ARGUMENT

A. A Stay Will Eliminate the Need for a Trial, or At Least Simplify the Issues and Trial, and Reduce the Overall Burden of Litigation

1. A Stay Will Eliminate, or At Least Simplify the Issues for Trial Because Cytek Intends to Challenge All Asserted Claims at the PTAB with a High Likelihood of Success

Courts in this district have found that “[t]he most important factor bearing on whether to grant a stay is whether the stay is likely to simplify the issues at trial.” *TC Tech. LLC v. Sprint Corp.*, C.A. No. 16-153-WCB, 2021 WL 4521045, at *4 (D.

Del. Oct. 4, 2021). A stay may be particularly justified where “the outcome of a PTO proceeding is likely to assist the court in determining patent validity or eliminate the need to try infringement issues.” *Id.* at *2 (citations omitted). This Court has found that “a stay will almost certainly simplify the issues in the case,” even when not all of the asserted patents were challenged in IPR or PGR. *SITO Mobile*, 2021 WL 7628181, at *1-2 (granting stay pending IPR notwithstanding that IPRs covered only 7 of 12 asserted patents).

But here, Cytek’s IPR and PGR petitions will challenge all asserted claims, on several independent invalidity grounds. Accordingly, “[w]hile it is difficult to predict the outcome of an IPR proceeding in advance, with such a high percentage of the patent’s claims (and of the asserted claims ...) potentially at issue before the PTO, there will likely be notable simplification of issues if a stay is granted and the IPR commences.” *Princeton Digit. Image*, 2014 WL 3819458, at *2; *accord NEC Corp. v. Peloton Interactive, Inc.*, C.A. No. 22-987-CJB, 2024 WL 1533952, at *2 (D. Del. Apr. 9, 2024).

Moreover, there is a high likelihood that the Patent Office would institute IPR and invalidate some if not all of the challenged claims based on the rejection of similar claims at the EPO. As observed above, many of the challenged claims from the ’443 patent have already been rejected during prosecution of a foreign counterpart, EP24151670, which has claims that are nearly identical to the claims

asserted from the '443 patent here. (*See* Section IV.C., *supra*.) Cytek's IPR petition challenges the '443 patent claims using two of the references identified by the EPO in its novelty rejection: Goodman [D1] and Oostman [D5]. (*See* Chen Decl., Ex. 4, at 1-3.)

Further, as observed above, during prosecution of the parent application to all four patents-in-suit, the Examiner expressly noted "the unusually large number of references cited" and stated that "it should be assumed that only the most cursory review" was performed. (*See* Chen Decl., Ex. 6, at 3.) This makes Cytek's prior art challenges particularly consequential, as they will rely on prior art or combinations of art that were either never before the Examiner or never "pointed out" to the Examiner. (*Id.*); *see also Ecto World, LLC v. RAI Strategic Holdings, Inc.*, IPR2024-01280, Paper 13 at 6-7 (P.T.A.B. May 19, 2025) (precedential) (suggesting discretionary denial inappropriate where applicant buries asserted prior art in IDS containing "over 1,000 references" and fails to identify references "which the examiner should [pay] particular attention." (alteration in original)); *accord Hum Indust. Tech., Inc. v. Amsted Rail Co.*, IPR2023-00539, Paper 10 at 51 (P.T.A.B. July 26, 2023).

These facts further show that granting a stay will simplify the issues in this case and reduce the burden of litigation on the parties and the Court by eliminating the need to address invalid claims.

2. The Relationship Between the Patents and Legal Theories At Issue in The Parallel Proceedings Will Further Simplify This Case

A stay will also simplify the issues in this case given the relation between the patents and legal theories presented in the parallel proceedings. “Another factor relating to simplification is the degree of overlap between the instant litigation and the IPR proceeding.” *See Princeton Digit. Image*, 2014 WL 3819458, at *3. This is because issues first presented to the PTAB may obviate the need for the district court to address them and avoid duplication of efforts. (*See* Chen Decl., Ex. 9, *Speyside Med., LLC v. Medtronic CoreValve LLC*, C.A. No. 1:20-cv-361-JLH-CJB, D.I. 155 (D. Del. Sept. 30, 2021)); *see also Kaavo Inc. v. Cognizant Tech. Sols. Corp.*, C.A. No. 14-1192-LPS-CJB, 2015 WL 1737476, at *3 (D. Del. Apr. 9, 2015) (noting that with an IPR, “it could be that what occurs at the ... (“PTO”) ... would impact a significant percentage of the legal issues at play in the district court case.”).

Here, Cytek intends to raise multiple invalidity theories in its PGR petitions that may entirely dispose of the ’106 and ’107 patents. For example, Cytek’s PGR petitions will challenge these patents based on 35 U.S.C. §§ 103 and/or 112, which will obviate the need for this Court to consider these issues if the litigation is stayed pending these PGR petitions.

In addition, the similarity in claim language between the related patents will help simplify future issues in this case. Even if one or more claims of the challenged

patents were to survive IPR or PGR, it is likely that positions the parties present at the PTAB could impact the Court's later analysis of issues not before the PTAB, such as claim construction issues affecting infringement. *See NEC Corp.*, 2024 WL 1533952, at *1 ("In light of this similarity between the patents, it seems likely that the parties may take positions in the IPR ... that could end up impacting the Court's later analysis regarding the '809 patent."). This similarity in claim language and overlap of legal issues will further simplify the issues here.

3. The Court's Decision Here Will Impact Whether the PTAB Invokes Discretionary Denial Against Cytek's IPRs and PGRs

Lastly, the Court can help ensure at least some simplification of the issues by granting even a temporary stay at this juncture, before the parties submit briefing on discretionary denials at the PTO. As introduced above, recent discretionary denial decisions have placed heavy weight on the district court's trial date and have denied IPR and PGR institution when the trial would occur before projected completion of IPR or PGR proceedings in the absence of a stay from the district court. *See, e.g., Samsung*, 2025 WL 1908154, at *1 (denying institution when final written decisions would come months after scheduled trial date and it was unlikely district court would stay its proceeding). In this case, because the trial date is currently scheduled to take place before final written decisions would likely issue in IPR or PGR proceedings, there is a risk that the PTO will deny institution—even if this Court would have

stayed the case in the event of institution. Cytek reiterates its request that the Court grant a stay now, as articulated in Section III.C. above, to help ensure simplification of the issues by encouraging review of the merits by the Patent Office.

Accordingly, simplification of the case weighs in favor of a stay.

B. The Litigation Is in Its Early Stages, and a Stay Protects Party and Judicial Resources

This factor weighs in favor of granting a stay because at this early stage of the case, a stay will advance judicial efficiency and ensure that neither party expends unnecessary resources addressing invalid claims. “Motions to stay like these are most often granted when the case is in the early stages of litigation ... when a request for review comes after discovery is complete or nearly complete, and a trial is imminent, a stay is less likely to be granted.” *Princeton Digit. Image*, 2014 WL 3819458, at *3. Here, the parties are still exchanging claim construction briefs and there is a month until the claim construction hearing. (D.I. 55.) Fact discovery is ongoing: the parties have yet to complete document productions, depositions have not yet commenced, and there are several months before the close of discovery. (*Id.*) Expert discovery has not even begun and there are more than six months until briefing on dispositive motions commences. Importantly, although on schedule, trial is more than a year away. (*Id.*) By granting Cytek’s motion to stay now, both the Court and the parties can conserve resources before engaging in further cost-intensive fact and expert discovery, as well as claim construction. “In short, this

litigation's most burdensome parts have yet to occur Granting a stay at this early stage will advance judicial efficiency and maximize the likelihood that neither the Court nor the parties expend their resources addressing invalid claims.” *TTI Consumer Power Tools, Inc. v. Lowe's Home Ctrs. LLC*, C.A. No. 22-673-CFC, 2022 WL 16739812, at *2 (D. Del. Nov. 7, 2022).

Accordingly, the stage of the case favors granting a stay.

C. A Stay Will Not Unduly Prejudice Plaintiff

Finally, a stay of this case will not unduly prejudice Plaintiff for several reasons.

First, Cytek has filed its requests for IPR and this motion early enough in the case to suggest that it is not seeking an inappropriate tactical advantage. *See WSOU Invs., LLC v. Netgear, Inc.*, C.A. No. 21-1117-MN-CJB, 2022 WL 17337924, at *2 (D. Del. Nov. 30, 2022). In addition to the reasons described above related to Cytek's timing of filing this motion, Cytek filed (and is filing) its IPR and PGR petitions shortly after BEC set forth its claim constructions and explanations in its opening brief such that Cytek could account for those positions in its IPR and PGR petitions. (*See* D.I. 55.) Together, these facts show Cytek did not have an improper motive.

Second, that there are many players in the flow cytometry market that Plaintiff has not sued or sought to enjoin and that Plaintiff waited five years to file suit and

failed to file for a preliminary injunction, weigh in favor of finding no undue prejudice. Courts in this District have granted stays in similar circumstances where there are multiple active firms in the relevant market or the plaintiff failed to seek a preliminary injunction against its alleged competitor. *See Neste Oil OYJ v. Dynamic Fuels, LLC*, C.A. No. 12-1744-GMS, 2013 WL 3353984, at *3 (D. Del. July 2, 2013) (noting “[t]he presence of multiple active firms in the relevant market, however, may decrease the likelihood of such harm befalling the plaintiff” and granting stay where plaintiff failed to seek a preliminary injunction). Plaintiff alleges that Cytek’s accused products are “in direct competition with Beckman Coulter’s ... products,” but not that Cytek is its *only* competitor. (D.I. 42, ¶23.) In fact, Plaintiff admits that “the Asserted Patents are known in the industry and have been cited by at least 20 patents.” (*Id.*, ¶22.) Plaintiff itself cites to Cytek’s SEC filings (*see id.*, ¶23), which indicate that its competitors include at least seven other corporations.² In addition, Plaintiff waited over five years after issuance of the ’582 patent to file suit, chose not to seek a preliminary injunction, and did not file suit against any other competitors, thus belying any claim by Plaintiff of the need for immediate relief or prejudice from a stay of this action. *See NEC Corp.*, 2024 WL 1533952, at *2 (noting Plaintiff waited five years after issuance of the asserted patents to file suit,

² *See* Cytek Biosciences, Inc. Form S-1 (2021) at 122-23, available at <https://investors.cytekbio.com/node/6586/html>.

and “this timeline could suggest that Plaintiff was not in a big hurry to get this case started.”).

The fact that the post-grant review proceedings have not yet been instituted also does not overcome the weight of the other sub-factors here. In fact, several district courts have granted stays in cases where post-grant proceedings had been initiated, but the PTAB had not yet issued institution decisions. For example, in *Princeton Digital Image Corp.*, the court granted a motion to stay where the Patent Office’s decision on whether to institute IPR was still approximately four months away, but the other sub-factors favored a stay. 2014 WL 3819458, at *6; (*see also* Chen Decl., Ex. 8, *Mullen Indus. LLC v. Meta Platforms, Inc.*, Case No. 1:24-cv-354-DAE, D.I. 112 (W.D. Tex. June 24, 2025).)

Accordingly, the third factor supports granting a stay in this case.

VI. CONCLUSION

For the foregoing reasons, Cytek’s motion to stay should be granted.

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CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2025, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

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