

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

SEVEN NETWORKS, LLC,

Plaintiff,

v.

APPLE INC,

Defendant.

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CIVIL ACTION NO. 2:19-CV-00115-JRG

ORDER

The Court issues this Order *sua sponte*. The Court hereby **SEVERES** the below claims into a new, separate cause of action:

- U.S. Patent No. 9,516,127 Claims 24, 33, 42
- U.S. Patent No. 10,091,734 Claims 24, 33, 42
- U.S. Patent No. 10,039,029 Claims 1, 7, 12
- U.S. Patent No. 9,608,968 Claims 1, 3, 5, 20
- U.S. Patent No. 9,712,476 Claims 1, 33, 43
- U.S. Patent No. 9,769,176 Claims 1, 5, 8, 14
- U.S. Patent No. 10,110,534 Claims 1, 9, 11
- U.S. Patent No. 10,135,771 Claims 1, 14, 26, 28, 30
- U.S. Patent No. 9,648,557 Claims 1, 14

It is **ORDERED** that the severed action is **STAYED** pending a resolution in the *inter partes* review proceedings instituted against these claims. A district court has broad discretion to sever any claim against any party. Fed. R. Civ. P. 21; *In re Rolls Royce Corp.*, 775 F.3d 671, 680 (5th Cir. 2014). If severance is warranted, a court may stay those claims pending resolution of the non severed claims. *Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936) (“[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 .”).

Three factors guide this determination : “(1) whether a stay will unduly prejudice or present a clear tactical disadvantage to the nonmoving party; (2) whether a stay will simplify the issues in question and trial of the case; and (3) whether discovery is complete and whether a trial has been set.” *Microlinc, LLC v. Intel Corp.*, No. 2:07-CV-488TJW, 2010 WL 3766655, at *1 (E.D. Tex. Sept. 20, 2010). In light of the extensive progression of this case—the pretrial conference is less than a month away and jury selection is less than six weeks away—the remaining claims will continue to be **ACTIVE** in the above-captioned case:

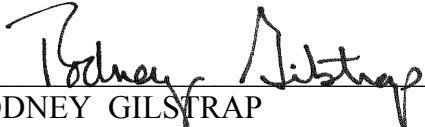
- U.S. Patent No. 9,438,550 Claims 1, 15, 18
- U.S. Patent No. 9,712,476 Claims 13, 23

The upcoming pretrial conference, scheduled for 9:00 am CT on October 13, 2020, will focus only on the severed claims remaining in the above-captioned case. The parties are each **ORDERED** to file a Status Report informing the Court of the current status of all pending dispositive motions, *Daubert* motions, motions to strike, and/or motions *in limine* which might be impacted by this severance by **5:00 pm CT on Thursday, September 24, 2020**.

In light of the foregoing, the Court **DENIES AS MOOT** Apple Inc.’s Motion to Stay Pending Determination of *Inter Partes* Review of the Patents-in-Suit. (Dkt. No. 287.)

The Clerk of the Court should note that this case remains **ACTIVE**.

So ORDERED and SIGNED this 22nd day of September, 2020.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE