IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

PETER PEDERSEN, Plaintiff, v. MONDAY.COM, INC., Defendant	Civil Action No. 6:22-cv-00923-ADA-DTG

ORDER GRANTING DEFENDANT'S MOTION TO STAY

Before the Court is Defendant Monday.com, Inc.'s ("Defendant") Opposed Motion to Stay Pending Inter Partes Review. ECF No. 11. After reviewing the parties' briefing, the applicable law, and oral argument before the Court, the Court is of the opinion the Motion should be **GRANTED**.

This case is related to three other cases. Plaintiff's cases against Intuit, Upland, and Ziff involve the same patent—U.S. Patent No. 6,965,920. *See* ECF No. 1, ¶ 1; *compare Peter Pedersen v. Intuit, Inc.*, 6:22-cv-00588-ADA-DTG, ECF No. 1 ¶ 12 (the'920 Patent is the patent in suit); *Peter Pedersen v. Upland Software, Inc.*, 6:22-cv-00594-ADA-DTG, ECF No. 1 ¶ 12 (same); *Peter Pedersen v. Ziff Davis, Inc.*, 6:22-cv-00597-ADA-DTG, ECF No. 12 ¶ 12 (Amended Complaint) (the'920 Patent is the patent in suit).

The other cases have been stayed or dismissed. The defendants in those cases filed motions to stay pending inter partes review. *See Intuit*, 6:22-cv-00588-ADA-DTG, ECF No. 25 (motion to stay); *Upland Software*, 6:22-cv-00594-ADA-DTG, ECF No. 11 (same); *Ziff Davis*, 6:22-cv-00597-ADA-DTG, ECF No. 16 (same). Those cases also had agreed motions for scheduling orders and had initial pre-trial conferences on January 30, 2024. *See Intuit*, 6:22-cv-00588-ADA-DTG, ECF No. 44 (January 30, 2024, Transcript of Videoconference Initial Pretrial Conference Before the Honorable Derek T. Gilliland); *Upland Software*, 6:22-cv-00594-ADA-DTG, ECF No. 31

(same); *Ziff Davis*, 6:22-cv-00597-ADA-DTG, ECF No. 36 (same). The case against Upland was dismissed on the day of the initial pre-trial conference, and the Court granted the motions to stay against Intuit and Ziff. *See Intuit*, 6:22-cv-00588-ADA-DTG, ECF No. 42 (Order granting Motion to Stay); *Ziff Davis*, 6:22-cv-00597-ADA-DTG, ECF No. 37 (same); and *Upland Software*, 6:22-cv-00594-ADA-DTG, ECF No. 29 (Notice of Voluntary Dismissal).

This case has followed a similar course as the others filed by Plaintiff. The Original Complaint was filed by Plaintiff on September 8, 2022. ECF No. 1 ¶ 1. Plaintiff asserted infringement of United States Patent No. 6,965,920. *Id.* ¶¶ 12–15. Defendant answered on December 19, 2022. ECF No. 10. Defendant filed a Motion to Stay on June 21, 2023, and briefing on that Motion was completed on July 5, 2023. *See* ECF No. 11 (Motion to Stay); ECF No. 12 (Response to Motion to Stay); ECF No. 14 (Reply for Motion to Stay). On August 28, 2023, the parties filed a Case Readiness Status Report that neither requested a case schedule nor proposed dates for a *Markman* hearing or trial. *See* ECF No. 15, at 1.

When considering Defendant's Motion to Stay, the Court considers three factors. These factors are as follows: (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. *Ravgen, Inc. v. Lab'y Corp. of Am. Holdings*, No. 20-cv-969, 2022 WL 4240937, at *1 (W.D. Tex. Aug. 16, 2022).

The Court finds that a stay of this case is warranted under these factors. As noted at the initial pre-trial conference in the related cases, Plaintiff has not diligently pursued this case and will not be unduly prejudiced by a stay. *Intuit*, 6:22-cv-00588-ADA-DTG, ECF No. 44 at 14–15. The lack of prejudice is further indicated by Plaintiff's joint request for a stay in other related cases. *See Pedersen v. Blackbaud, Inc.*, 6:22-cv-00921-ADA, ECF No. 20. This case is in its early stages with no scheduling order, no *Markman* hearing date, and no trial date. With a final written

decision in IPR2023-00029, expected by May 15, 2024, that decision will occur before this case could move beyond the preliminary stages.

IT IS THEREFORE ORDERED that Defendant's Motion to Stay, ECF No. 11, is **GRANTED**, and the above referenced case is **STAYED** pending resolution of IPR2023-00029. The Parties are further **ORDERED** to file a joint status report within one week of any action in IPR2023-00029 and by May 23, 2024.

IT IS SO ORDERED.

SIGNED this 13th day of March, 2024.

DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE