

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HOWMET AEROSPACE INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 25-1335 (JLH)
	)	
STANLEY ENGINEERED FASTENING,	)	
LLC, AVDEL UK LTD., and	)	
AVDEL HOLDING LIMITED,	)	
	)	
Defendants.	)	

DEFENDANTS' OPENING BRIEF IN SUPPORT OF THEIR MOTION TO STAY

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TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. STATEMENT OF FACTS AND PROCEDURAL HISTORY	2
III. LEGAL STANDARDS	3
IV. ARGUMENT	4
A. The IPR Petition Will Simplify the Issues in This Case	4
B. This Litigation Is In Its Infancy, Which Further Supports a Stay	8
C. A Stay Will Not Unduly Prejudice Howmet	9
1. The Relationship Between the Parties Favors a Stay	10
2. The IPR Petition Predates Plaintiff's Complaint, and the Request to Stay Was Timely, Favoring a Stay	12
3. The Status of the Review Proceedings Will Not Prejudice Plaintiff.	13
V. CONCLUSION	14

TABLE OF AUTHORITIES

Page(s)

Cases

<i>3SHAPE A/S v. Align Tech., Inc.</i> , C.A. No. 18-886-JLH, D.I. 366 (D. Del. Feb. 26, 2021)	9
<i>Apple Inc. v. Masimo Corp.</i> , C.A. No. 22-1378-JLH, D.I. 656 (D. Del. Mar. 20, 2024)	9
<i>Aylus Networks, Inc. v. Apple Inc.</i> , 856 F.3d 1353 (Fed. Cir. 2017).....	5
<i>Bio-Rad Lab'ys Inc. v. 10X Genomics, Inc.</i> , 2020 WL 2849989 (D. Del. June 2, 2020).....	12
<i>Bonutti Skeletal Innovations, L.L.C. v. Zimmer Holdings, Inc.</i> , 2014 WL 1369721 (D. Del. Apr. 7, 2014).....	12
<i>Canatelo LLC v. Axis Commc'ns AB</i> , 2014 WL 12774920 (D. Del. May 14, 2014).....	5, 9, 13
<i>Cleveland Med. Devices, Inc. v. ResMed Inc.</i> , C.A. No. 22-794, D.I. 300 (D. Del. June 21, 2024).....	6
<i>Crossroads Sys., Inc. v. Dot Hill Sys. Corp.</i> , 2015 WL 3773014 (W.D. Tex. June 16, 2015)	9, 13
<i>Eagle View Techs., Inc. v. Xactware Sols., Inc.</i> , 2016 WL 7165695 (D.N.J. Dec. 7, 2016).....	8
<i>Finjan, Inc. v. Symantec Corp.</i> , 139 F. Supp. 3d 1032 (N.D. Cal. 2015)	9, 13
<i>Gioello Enters. Ltd. v. Mattel, Inc.</i> , 2001 WL 125340 (D. Del. Jan. 29, 2001).....	10, 11
<i>Horizon Therapeutics, Inc. v. Lupin Ltd.</i> , No. 15-7624, D.I. 42 (D.N.J. Aug. 4, 2016)	9, 13
<i>ImmerVision, Inc. v. Apple Inc.</i> , C.A. No. 21-1484-MN-CJB, D.I. 159 (D. Del. Oct. 17, 2023)	7
<i>IOENGINE, LLC v. PayPal Holdings, Inc.</i> , 2019 WL 3943058 (D. Del. Aug. 21, 2019)	5, 6, 7

<i>MiiCs & Partners Am. Inc. v. Toshiba Corp.</i> , 2015 WL 9854845 (D. Del. Aug. 11, 2015)	5, 9, 13, 14
<i>Mondis Tech. Ltd. v. LG Elecs., Inc.</i> , 2015 WL 7012747 (D.N.J. Nov. 12, 2015)	10, 11
<i>Monterey Research, LLC v. Nanya Tech. Corp.</i> , 2021 WL 6502552 (D. Del. June 25, 2021)	4
<i>Neste Oil OYJ v. Dynamic Fuels, LLC</i> , 2013 WL 3353984 (D. Del. July 2, 2013)	<i>passim</i>
<i>Princeton Digit. Image Corp. v. Konami Digit. Ent. Inc.</i> , 2014 WL 3819458 (D. Del. Jan. 15, 2014)	<i>passim</i>
<i>Prolitec Inc. v. ScentAir Techs., LLC</i> , 2023 WL 5037173 (D. Del. Aug. 8, 2023)	7
<i>RetailMeNot, Inc. v. Honey Sci. LLC</i> , 2020 WL 373341 (D. Del. Jan. 23, 2020)	<i>passim</i>
<i>Rideshare Displays, Inc. v. Lyft, Inc.</i> , 2021 WL 7286931 (D. Del. Dec. 17, 2021)	9
<i>Rotolight Ltd. v. Videndum PLC</i> , C.A. No. 22-928-JLH, D.I. 70 (D. Del. Oct. 11, 2023)	9
<i>Schmidt v. Skolas</i> , 770 F.3d 241 (3d Cir. 2014)	11
<i>Softview LLC v. Apple Inc.</i> , 2013 WL 4757831 (D. Del. Sept. 4, 2013)	6
<i>Stanley Black & Decker, Inc. v. Howmet Aerospace, Inc.</i> , IPR2025-01581	2
<i>Wildcat Licensing Wi v. Bayerische Motoren Werke</i> , 2020 WL 6940038 (D. Del. Nov. 25, 2020)	4

Rules and Statutes

35 U.S.C. §§ 102	3, 4
35 U.S.C. § 314(a)	6
35 U.S.C. § 314(b)	3
35 U.S.C. § 315	2, 4

35 U.S.C. § 315(b)	12
35 U.S.C. § 316(a)	3
Fed. R. Evid. 201(b).....	11
Fed. R. Civ. P. 12.....	12
Fed. R. Civ. P. 12(b)(2) and 12(b)(6)	3

I. INTRODUCTION

Defendant Stanley Engineered Fastening, LLC (“SEF”) and its brands have been providing innovative fastening solutions for over a century. Prior to the release of its new product, the Avbolt ECO (“Accused Product”), Stanley Black & Decker, Inc. (“SBD”), SEF’s parent, sought to ensure that it and its potential customers would not face unfounded infringement claims based on a patent that is invalid on its face, confirmed by the Patent Office rejecting substantially similar claims in a continuation application in the same patent family. Thus, SBD filed an *inter partes* review (“IPR”) petition challenging Plaintiff Howmet Aerospace Inc.’s (“Howmet”) U.S. Patent No. 11,885,358 (“the ’358 patent”) to obtain a ruling confirming that the ’358 patent is invalid, which would be consistent with the findings of the Patent Office in connection with various continuation claims. The U.S. Patent Trial and Appeal Board (“PTAB”) is expected to issue an institution decision by April 28, 2026.

After the IPR was filed and apparently in view of the strength of SBD’s IPR petition, Howmet brought this case asserting the ’358 patent against Defendants SEF, Avdel UK Ltd. (“Avdel UK”), and Avdel Holding Limited (“Avdel Holding”) (together, the “Avdel entities,” and all three collectively, “Defendants”). Among other things, Howmet’s Complaint appears strategically designed to help it avoid the PTAB conducting a thorough review into the merits of SBD’s IPR petition, as Howmet’s brief seeking denial of institution relies heavily on the existence of its later-filed litigation.

Defendants respectfully request the Court issue a short, temporary, approximately three-month stay of this action until the PTAB issues an institution decision for the ’358 IPR, in the interest of permitting the PTAB to assess whether to institute *inter partes* review of the ’358 patent before the Court and parties expend substantial resources on this proceeding. Not only is

the litigation a follow-on proceeding to the IPR, indicating there is little harm in a temporary stay, but each of the stay factors also favors granting Defendants' motion.

First, the litigation is at the earliest possible stage. Nothing more than a Complaint, the instant motion to stay, and a contemporaneously filed motion to dismiss are before the Court. The pleadings have not yet closed—Defendants have not yet answered the Complaint—no case management conference has been set, the Court has not issued a scheduling order, and the opening of fact discovery likely remains months away.

Second, if the IPR is instituted, which Defendants expect it will be, the PTAB is likely to invalidate all asserted claims based on substantial evidence presented in the IPR, which would end this proceeding. The USPTO has already indicated that the prior art asserted in the IPR render similar claims in a related patent invalid; a finding of invalidity of the '358 patent would resolve all disputed issues here.

Finally, there is no prejudice to Plaintiff whatsoever in instituting the short stay Defendants request because Howmet has not alleged any U.S. sales of the Accused Product, which is, in fact, not yet for sale in the U.S. The lack of prejudice in instituting a stay is further evidenced by the fact that Plaintiff did not file the Complaint until after SBD filed the IPR petition. Thus, the Court should grant a stay through issuance of the institution decision in the IPR proceeding.

II. STATEMENT OF FACTS AND PROCEDURAL HISTORY

On October 21, 2025, SBD filed an IPR petition challenging the '358 patent, the only asserted patent in this case. *Stanley Black & Decker, Inc. v. Howmet Aerospace, Inc.*, IPR2025-01581 (P.T.A.B). Ex. A. Defendants SEF, Avdel UK, and Avdel Holding are each named as real-parties-in-interest to the '358 IPR petition pursuant to 35 U.S.C. § 315. On December 12, 2025, SBD filed a stipulation affirming that if the IPR is instituted, Defendants would agree to

broader estoppel than what is statutorily required. Specifically, Defendants will not assert invalidity in this proceeding under 35 U.S.C. §§ 102 or 103 based on the grounds asserted in the IPR, publications and patents that could have been reasonably raised, and also based on corresponding system art to the references raised in the IPR. Ex. B. Under 35 U.S.C. § 314(b), the PTAB is required to issue its institution decision by April 28, 2026. Once instituted, the PTAB is statutorily required to issue a final written decision determining invalidity of the challenged claims within one year of institution, by April 28, 2027. 35 U.S.C. § 316(a).

More than a week after SBD filed the IPR petition, on October 31, 2025, Howmet filed the Complaint, alleging that the Avdel ECO bolt infringes the '358 patent. The case is in its earliest stages: the pleadings are not closed, no scheduling order has issued, no trial date has been set, the parties have not yet conducted a Rule 26(f) conference, and fact discovery is not yet open. In addition, Defendants contemporaneously filed a motion to partially dismiss the case under Rules 12(b)(2) and 12(b)(6).

III. LEGAL STANDARDS

The decision to stay a patent case pending the completion of IPR proceedings lies within the sound discretion of the Court. *See Princeton Digit. Image Corp. v. Konami Digit. Ent. Inc.*, 2014 WL 3819458, at *2 (D. Del. Jan. 15, 2014); *see also Ethicon*, 849 F.2d at 1426-27 (“Courts have inherent power to manage their dockets and stay proceedings, ... including the authority to order a stay pending conclusion of a PTO reexamination.”). Courts in this district consider three factors in deciding a motion to stay: (1) whether granting a stay will simplify the issues for trial; (2) the status of the litigation; and (3) whether a stay would cause the non-movant to suffer undue prejudice from any delay. *See Princeton Digit.*, 2014 WL 3819458, at *2-4. As explained below, each of these factors weighs in favor of granting a stay.

IV. ARGUMENT

Defendants’ motion to stay should be granted because an IPR would significantly simplify the issues for trial, the case is in its earliest possible stage, and there is no prejudice at all to Plaintiff in granting a stay. Accordingly, all three factors weigh in favor of temporarily staying the case through issuance of the institution decision.

A. The IPR Petition Will Simplify the Issues in This Case

“The most important factor bearing on whether to grant a stay is whether the stay is likely to simplify the issues at trial.” *RetailMeNot, Inc. v. Honey Sci. LLC*, 2020 WL 373341, at *3 (D. Del. Jan. 23, 2020) (recommending stay prior to institution decision in part because IPR, if instituted, could result in dismissal of asserted patent from case). Here, there can be no serious dispute that a brief stay is likely to simplify the issues in this case.

First, a temporary stay until the institution decision is warranted in this case because issuance of a decision on institution of the IPR alone will simplify the issues—even at this early stage of the proceedings. Courts have found that IPR estoppel—which attaches here upon institution in view of SBD’s stipulation, *see* Ex. B—is likely to simplify litigation and favors granting a stay, regardless of whether the challenged claims are ultimately invalidated. *See, e.g., Wildcat Licensing Wi v. Bayerische Motoren Werke*, 2020 WL 6940038, at *1 (D. Del. Nov. 25, 2020) (ordering “a limited IPR estoppel” as to non-petitioner parties and granting stay pending IPR); *Monterey Research, LLC v. Nanya Tech. Corp.*, 2021 WL 6502552, *1 (D. Del. June 25, 2021) (granting stay pending *inter partes* review and finding litigation likely to be simplified due to IPR estoppel). As explained above, SBD has gone above and beyond statutory IPR estoppel—which otherwise attaches only upon issuance of a final written decision (35 U.S.C. § 315)—and stipulated that if the petition is instituted, Defendants will not assert in this litigation any prior art invalidity ground under 35 U.S.C. §§ 102 or 103 that (1) was raised in the IPR

petition; (2) could have been reasonably raised on the basis of prior art patent(s) and/or printed publication; or (3) includes system art corresponding to any prior art reference raised in the IPR petition. Ex. B. A temporary stay until the institution decision will thus conserve resources relating to invalidity because many invalidity grounds will be estopped if the PTAB institutes the IPR.

Second, any positions taken during the IPR—including positions taken by Plaintiff prior to institution in connection with, e.g., discretionary denial briefing or in the Patent Owner’s Preliminary Response—will become part of the file history for the ’358 patent, which will further clarify and simplify issues such as claim construction, noninfringement, and invalidity. *See Aylus Networks, Inc. v. Apple Inc.*, 856 F.3d 1353, 1362 (Fed. Cir. 2017) (“[S]tatements made by a patent owner during an IPR proceeding, whether before or after an institution decision, can be considered for claim construction”). Even if the claims are “neither rejected nor modified” by the PTAB, a pending IPR review “will garner additional prosecution history,” and thus “[s]implification is very likely.” *MiiCs & Partners Am. Inc. v. Toshiba Corp.*, 2015 WL 9854845, *14 (D. Del. Aug. 11, 2015) (granting pre-institution stay in view of IPR and weighing potential for additional prosecution history in favor of stay); *Canatelo LLC v. Axis Commc’ns AB*, 2014 WL 12774920, at *1 n.3 (D. Del. May 14, 2014) (granting stay pre-institution decision because of potential simplification of claim construction issues); *IOENGINE, LLC v. PayPal Holdings, Inc.*, 2019 WL 3943058, at *10 (D. Del. Aug. 21, 2019) (finding simplification of issues warrants stay pending IPR even if no claims are invalidated because “the Court will benefit from the PTAB’s guidance” and “[m]ore generally, the expertise of the PTAB judges in this complex field of art is likely to be of considerable assistance to the Court”). Thus, staying this litigation pending the PTAB’s institution decision will simplify the issues in view of

the additional prosecution history and may significantly streamline the invalidity proceedings, even if the '358 patent is not ultimately invalidated.

Third, a temporary stay is further warranted because the IPR, if instituted, has the potential to end the litigation if the '358 patent is ultimately invalidated. *See RetailMeNot*, 2020 WL 373341, at *4. “A stay is particularly justified when ‘the outcome of a PTO proceeding is likely to assist the court in determining patent validity or eliminate the need to try infringement issues.’” *Princeton Digit.*, 2014 WL 3819458, at *2 (granting pre-institution stay and stating “[i]n a situation where all of the asserted claims are found invalid by the PTO, the litigation would be simplified because it would be concluded” (quoting *Softview LLC v. Apple Inc.*, 2013 WL 4757831, at *1 (D. Del. Sept. 4, 2013))); *IOENGINE*, WL 3943058, at *2 (staying litigation pending *inter partes* review); *Cleveland Med. Devices, Inc. v. ResMed Inc.*, C.A. No. 22-cv-00794, D.I. 300 (D. Del. June 21, 2024) (granting stay pending IPR because “PTAB’s decision could reduce the current burden on the Court and greatly simplify the issues for trial”). SBD’s IPR petition challenges every claim of the '358 patent and, if the claims are ultimately invalidated, will dispose of this case in its entirety.

Further, there is a strong likelihood that if the IPR is instituted, the PTAB will find the '358 patent invalid. *See* 35 U.S.C. § 314(a) (requiring for institution that “there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition”). One of SBD’s IPR grounds asserts that the '358 patent is rendered obvious by U.S. Patent Application No. 2018/0111184 A1 (“Corbett”) in view of U.S. Patent Application No. 2016/0215808 A1 (“Brewer”). In parallel with the pending IPR petition, the USPTO rejected similar claims pending in a continuation application to the '358 patent in view of that same ground, i.e., Corbett in view of Brewer. Ex. C (“The rejection was modified to basically

mirror one of the proposed rejection [sic] in the IPR of the parent application.”). Thus, in considering a continuation application of the asserted ’358 patent with related claims, the USPTO Examiner *already indicated* that the prior art asserted in the IPR petition closely resembles the ’358 patent family, suggesting a high likelihood that the IPR petition will be instituted. Where, as here, the USPTO record suggests a likelihood the asserted patent will be invalidated by the PTAB, this factor weighs strongly in support of a stay. *RetailMeNot*, 2020 WL 373341, at *6 (recommending stay where “probability of institution is greater” because examiner adopted IPR invalidity analysis to reject continuation application of challenged patent “almost verbatim”); *cf. Prolitec Inc. v. ScentAir Techs., LLC*, 2023 WL 5037173, at *5 (D. Del. Aug. 8, 2023) (granting stay in view of post-grant reexamination where complete “dispos[al] of the entire litigation” was “likely in view of the examiner’s non-final office action” rejecting all of the asserted claims (citation omitted)).

Finally, staying the case will prevent inconsistent results. Courts weigh the possibility of reducing “duplication of effort” and “inconsistent outcomes from two different forums” in favor of a stay. *See, e.g., RetailMeNot*, 2020 WL 373341, at *8 (recommending stay prior to institution); *IOENGINE*, 2019 WL 3943058, at *10 (“[A]llowing the PTO to adjudicate the validity of the claims before it in the IPR proceeding reduces what otherwise could be duplication of effort and possibly inconsistent results between the administrative agency and this Court.”); *ImmerVision, Inc. v. Apple Inc.*, C.A. No. 21-1484-MN-CJB, D.I. 159 (D. Del. Oct. 17, 2023) (granting stay so that “the Court and the parties ... only have to address certain ... patent-related issues one time (as opposed to potentially twice)”). Here, if instituted, the PTAB will issue its final written decision addressing whether the claims are valid by no later than April 28, 2027 (less than 16 months from the date of this brief), which is likely to be well before trial in

this case.¹ Accordingly, it is likely that a stay will avoid duplicating the efforts of the Court and parties and avoid inconsistent results. In view of the significant simplification of issues that will result from a brief stay of proceedings, this factor weighs strongly in favor of granting a stay.

B. This Litigation Is In Its Infancy, Which Further Supports a Stay

This case represents the rare and unique circumstance in which the IPR petition was filed *prior* to initiation of the litigation. Thus, a decision on institution will necessarily issue in the very early stages of this proceeding, which is in its infancy. The pleadings have not closed, no scheduling order has issued, there has been no Rule 26(f) conference, discovery is not yet underway, and no contentions have been served or exchanged. The overwhelming majority of the proceeding is yet to occur, including the most burdensome aspects of the litigation for the Court and the parties. Thus, a short stay pending the decision on institution will avoid unnecessarily expending resources and will benefit both the parties and the Court.

“Staying a case in its early stages can be said to advance judicial efficiency and maximize the likelihood that neither the Court nor the parties expend their assets addressing invalid claims.” *Neste Oil OYJ v. Dynamic Fuels, LLC*, 2013 WL 3353984, at *5 (D. Del. July 2, 2013); *Eagle View Techs., Inc. v. Xactware Sols., Inc.*, 2016 WL 7165695, at *8 (D.N.J. Dec. 7, 2016). Staying the case now pending the PTAB’s institution decision is an efficient and logical pausing point for this litigation. Courts in this district recognize that stays prior to institution are appropriate where, as here, the parties and Court have expended few resources on the proceeding, and future resources are likely to be conserved as a result of simplification from the

¹ Howmet admits in the IPR proceeding that “the median time-to-trial in the District Court of Delaware is 28 months,” and if this case proceeds accordingly, “the trial for the *Delaware* Case would be in March of 2028” and “the Final Written Decision in the instant IPR would be due April 28, 2027,” i.e., the PTAB’s final written decision will issue almost a year before trial. Ex. D at 16-17.

IPR proceeding.² *See, e.g., Neste Oil*, 2013 WL 3353984, at *4 (granting pre-institution stay where no trial date had been set and no discovery had taken place); *MiiCs & Partners*, 2015 WL 9854845, at *1 (granting pre-institution stay for post-grant review early in litigation); *Princeton Digit.*, 2014 WL 3819458, at *5 (D. Del. Jan. 15, 2014) (granting pre-institution stay); *Canatelo*, 2014 WL 12774920, at *1 n.3 (granting pre-institution stay in view of potential simplification of claim construction issues); *RetailMeNot*, 2020 WL 373341, at *4 (recommending stay prior to institution).³ The facts here even more strongly favor a stay: not only has no discovery been taken and no trial date is set, but the pleadings are not yet closed, and nothing other than the instant motion and co-pending motion to dismiss have been filed. Indeed, there can be no earlier stage in a proceeding at which to seek a stay. Thus, the stage of the litigation strongly favors granting a stay.

C. A Stay Will Not Unduly Prejudice Howmet

In considering whether a party will be prejudiced by a stay, courts consider (1) the relationship between the parties; (2) the timing of the request for PTAB review and stay; and

² The cases in which this Court has denied a stay pre-institution are markedly different from the circumstances here, where the IPR petition was filed *before* the Complaint, and the motion to stay was filed as soon as possible thereafter, in the infancy of this litigation. *See, e.g., 3SHAPE A/S v. Align Tech., Inc.*, C.A. No. 18-886-JLH, D.I. 366 (D. Del. Feb. 26, 2021) (denying stay where IPR petition was filed nearly one year after amended complaint); *Rotolight Ltd. v. Videndum PLC*, C.A. No. 22-928-JLH, D.I. 70 (D. Del. Oct. 11, 2023) (denying stay where IPR was filed at the one-year deadline following complaint); *Apple Inc. v. Masimo Corp.*, No. 22-1378-JLH, D.I. 656 (D. Del. Mar. 20, 2024) (denying stay where IPR petition was filed after litigation); *Rideshare Displays, Inc. v. Lyft, Inc.*, 2021 WL 7286931 (D. Del. Dec. 17, 2021) (same).

³ *See also Horizon Therapeutics, Inc. v. Lupin Ltd.*, No. 15-7624, D.I. 42 at 3 (D.N.J. Aug. 4, 2016) (granting motion to stay pre-institution where “little substantive work will be done before” PTAB decides whether to institute IPR); *Finjan, Inc. v. Symantec Corp.*, 139 F. Supp. 3d 1032, 1037-38 (N.D. Cal. 2015) (granting stay “pending a decision by the PTO concerning whether to institute IPR” and noting “were 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”); *Crossroads Sys., Inc. v. Dot Hill Sys. Corp.*, 2015 WL 3773014, at *3 (W.D. Tex. June 16, 2015) (granting pre-institution stay).

(3) the status of the review proceedings. *Princeton Digit.*, 2014 WL 3819458, at *4-6. Here, each factor confirms that there is no prejudice to Plaintiff in a brief stay of proceedings. *See, e.g., Neste Oil*, 2013 WL 335984, at *2-4 (finding no undue prejudice where record indicated the parties were indirect competitors in a large market; request for IPR and stay were timely; and IPR had not yet been instituted); *RetailMeNot*, 2020 WL 373341, at *6-8 (finding no undue prejudice where record indicated other competitors existed, defendant had waited for several months after litigation to petition for IPR and seek stay, and IPR had not yet been instituted).

As explained in more detail below, SBD filed the petition for IPR before Howmet filed this litigation and now promptly moves for a brief stay. Howmet has not alleged Defendants have sold the Accused Product in the United States—nor could it, as Defendants are not actually selling the Accused Product yet. Because the Accused Product is not yet available for purchase in the United States, there are at present no damages that are accruing to Howmet, nor is there any competition between the Accused Product and any Howmet product in the United States. Thus, there is no unfair advantage in granting a stay, and the lack of prejudice to Plaintiff further favors a stay in this case.

1. The Relationship Between the Parties Favors a Stay.

In considering whether there is prejudice to the non-moving party in granting a stay, the Court may consider whether the parties are direct competitors, including with respect to the accused product. *Neste Oil*, 2013 WL 3353984, at *3. The presence of multiple active firms in a given market decreases the likelihood of any prejudice. *Id.* The risk of prejudice is further reduced where money damages are adequate to redress any alleged harm. *See Gioello Enters. Ltd. v. Mattel, Inc.*, 2001 WL 125340, at *2 (D. Del. Jan. 29, 2001) (finding no prejudice where parties are not competitors because plaintiff is not selling patented product); *Mondis Tech. Ltd. v. LG Elecs., Inc.*, 2015 WL 7012747, at *16 (D.N.J. Nov. 12, 2015) (same).

Here, there is no prejudice to Plaintiff in granting a limited stay through institution because Plaintiffs have not alleged that Defendants are selling the Accused Product in the United States, Compl. ¶ 38, and Defendants, in fact, have not sold the Accused Product in the United States. Accordingly, by definition, there is no competition whatsoever between the parties as it relates to the Accused Product. *Cf. Gioello*, 2001 WL 125340, at *2 (prejudice to the plaintiff is “slight, if any” because plaintiff “is not selling or actively licensing goods or services”). The lack of competition (direct or indirect) relating to the Accused Product strongly evidences a lack of prejudice to Plaintiff in granting a stay, as is true, for example, in cases where a party is a non-practicing entity. *See Gioello*, 2001 WL 125340, at *2; *Mondis Tech.*, 2015 WL 7012747, at *16.

Even if the Court were to find that Plaintiff and Defendant are competitors with respect to fasteners more broadly, there are numerous other companies who sell fasteners. For example, Howmet’s Complaint identifies at least one other competitor to Howmet’s BOMtail product, which Howmet contends practices the ’358 patent. Compl. ¶ 38 (identifying Meishan Unitail as a competing product). Further, Howmet’s Annual Report identifies various other competitors in the fastening industry, including, e.g., Berkshire Hathaway Inc. and Lisi Aerospace; notably, Howmet’s list of competitors does not identify any of the Defendants.⁴ Accordingly, any purported prejudice to Plaintiff in granting a brief stay as a result of alleged competition between the parties is limited at best and does not amount to “undue” prejudice that is necessary to warrant denying a stay. *Neste Oil*, 2013 WL 3353984, at *7.

⁴ *See* Ex. E, Howmet, Annual Report (Form 10K), 6 (Feb. 14, 2025), available at <https://www.sec.gov/ix?doc=/Archives/edgar/data/0000004281/000000428125000011/hwm-20241231.htm>. The Court may take judicial notice of Howmet’s SEC filings as a matter of public record. *See* Fed. R. Evid. 201(b); *Schmidt v. Skolas*, 770 F.3d 241, 249 (3d Cir. 2014) (“SEC filings ... are matters of public record of which the court can take judicial notice.”).

2. The IPR Petition Predates Plaintiff's Complaint, and the Request to Stay Was Timely, Favoring a Stay.

Courts next consider the movant's timing in seeking PTAB review and a stay of the litigation in assessing any undue prejudice to the non-moving party. *Princeton Digit.*, 2014 WL 3819458, at *4-5. "The more diligent a defendant is in seeking inter partes review, the less likely it is that the non-movant will be prejudiced by a stay or that the court will find the defendant's filing of the IPR petition to be a dilatory tactic." *Bonutti Skeletal Innovations, L.L.C. v. Zimmer Holdings, Inc.*, 2014 WL 1369721, at *2 (D. Del. Apr. 7, 2014) (finding no prejudice where defendant's IPR and request to stay litigation was filed months after complaint because IPR was filed within one-year bar and stay was sought early in case, before schedule had been set or discovery commenced). Even where an IPR petition is filed well after the litigation is underway, courts have declined to find undue prejudice to the non-movant or a dilatory intent by the petitioner/moving party. *See, e.g., Neste Oil*, 2013 WL 3353984, at *5 (finding timing of IPR, filed several months after complaint, did not weigh against stay); *Bio-Rad Lab 'ys Inc. v. 10X Genomics, Inc.*, 2020 WL 2849989, at *2 (D. Del. June 2, 2020) (finding that IPR filed near one-year statutory deadline does not "weigh[] against granting a stay").

There can be no dispute that SBD diligently filed its IPR petition. Indeed, the IPR petition was filed *before* Howmet filed its Complaint. Moreover, Defendants seek a stay in their first substantive filing in this proceeding, in parallel to their motion to dismiss the Complaint under Rule 12. Those facts alone confirm the timeliness of the IPR petition and Defendants' motion to stay. *See, e.g., Bonutti*, 2014 WL 1369721, at *2. A stay will cause no prejudice to Howmet because the IPR petition and motion to stay are each timely, they were filed well before the one-year statutory deadline under 35 U.S.C. § 315(b), and the requested stay is limited in duration. Thus, this factor strongly favors granting Defendants' motion.

3. The Status of the Review Proceedings Will Not Prejudice Plaintiff.

The status of the IPR will not unduly prejudice Plaintiff and warrants granting a stay. The fact that the IPR has not yet been instituted is not a per se bar to a stay of proceedings, and district courts routinely grant pre-institution stays under similar circumstances. *See, e.g., Neste Oil*, 2013 WL 3353984, at *4 (granting pre-institution stay and finding potential prejudice from status of review proceedings outweighed by simplification of issues and early stage of litigation); *MiiCs & Partners*, 2015 WL 9854845, at *1 (granting a pre-institution stay for post-grant review where stay would simplify issues and significant litigation burden could be reduced); *Princeton Digit.*, 2014 WL 3819458, *5 (same); *Canatelo*, 2014 WL 12774920, at *1 n.3 (same); *RetailMeNot*, 2020 WL 373341, *4 (recommending stay prior to institution); *see also Horizon Therapeutics*, No. 15-7624, D.I. No. 42 at 3 (granting motion to stay pre-institution where “little substantive work will be done before” the PTAB decides whether to institute an IPR); *Finjan*, 139 F. Supp. 3d at 1037 (granting pre-institution stay); *Crossroads Sys.*, 2015 WL 3773014, at *3 (granting pre-institution stay). A brief stay will permit an orderly review of the IPR petition and permit the PTAB the opportunity to address the merits of the petition without forcing the Court and the parties to expend significant efforts on substantive work while the institution decision is pending. Howmet will suffer no tactical disadvantage from a limited stay until issuance of the PTAB’s institution decision in April 2026,⁵ at which time the Court can reassess the propriety of the stay depending on the IPR’s status.

⁵ Howmet represented to the PTAB that “by the time the Board decides whether to institute an IPR in April 2026, significant investment is likely to have been made by the parties in the *Delaware* Case as the parties will likely have exchanged infringement contentions and invalidity contentions and begun fact discovery ... the *Delaware* Case is likely to be in an advanced stage by the time the Board issues an institution decision.” Ex. D at 17. Howmet’s claim is perplexing and does not appear to be rooted in any factual underpinnings—Howmet itself acknowledges elsewhere in the same filing that trial is unlikely to occur before March 2028, just under one year after the April 2027 statutory deadline for the PTAB’s final written decision in the event the IPR

Further, any risk of delay caused by briefly staying this litigation is far outweighed by the other factors, which strongly favor a brief stay through institution. Courts in this district have found that “[w]hile the early stage of the inter partes review proceedings does present some cause for concern, it cannot overcome the weight of” the other factors supporting a stay. *Neste Oil*, 2013 WL 3353984, at *4; *see also MiiCs*, 2015 WL 9854845, at *2 (finding “classic case for granting a stay pending inter partes review” pending PTAB institution decision because plaintiff would not suffer a clear tactical disadvantage given majority of discovery and litigation burden had not commenced). Given the limited duration of the requested stay, there is little risk of prejudice to Plaintiff, despite the early stage of the IPR proceeding. *See e.g., RetailMeNot, Inc.*, 2020 WL 373341, at *7 (seeking stay pre-institution “limits the time and expenses related ... that would have been consumed had [counterclaim defendant] waited to move for a stay post-institution”). Thus, each of the prejudice factors favors a short stay of proceedings.

V. CONCLUSION

For the foregoing reasons, Defendants respectfully request that the Court stay this action through an institution decision in the IPR proceeding relating to the '358 patent.

is instituted. *Id.* at 17. Notably, this case currently has no schedule, and discovery has not yet commenced. At best, were the case to proceed without a stay, it will likely remain in the early stages and, contrary to Howmet’s representation, will not reach “an advanced stage” by the time the Board issues an institution decision in April 2026.

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January 16, 2026

CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2026, 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.

I further certify that I caused copies of the foregoing document to be served on January 16, 2026, upon the following in the manner indicated:

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