UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

No. 1:25-cv-00504

**MYW Semitech, LLC,**
*Plaintiff,*
v.
**Apple Inc.,**
*Defendant.*

**ORDER**

Plaintiff alleges that defendant infringed U.S. Patent Nos. 11,107,768; 11,538,763; and 11,894,306. Doc. 18 at 1. Defendants petitioned the U.S. Patent and Trademark Office (USPTO) to institute an *inter partes* review (IPR) for each asserted patent on November 21, 2025. Doc. 60-1 at 18–49. Thereafter, defendant moved to stay this action pending the USPTO's "institution decisions on the IPRs and, if instituted, pending final resolution of the instituted IPR proceedings." Doc. 59. The court denied that motion without prejudice to refiling should the USPTO institute an IPR. Doc. 68. The court added: "[t]here is no reason to interrupt the schedule based on speculation about what might happen . . . ." *Id.*

The USPTO instituted *inter partes* review on all three asserted patents in May. Doc. 111-1 at 2–9, 14–15. Defendant again moves to stay this action pending final resolution of each *inter partes* review proceeding. Doc. 110. Plaintiff opposes the motion because the USPTO director may grant Director review and vacate each institution decision. Doc. 112 at 5. However, the court will not decide motions "based on speculation about what might happen." Doc. 68. For the following reasons, defendant's motion to stay (Doc. 110) is granted.

"It is within the sound discretion of the tribunal to grant or deny a request to stay proceedings." *Groves v. McDonough*, 34 F.4th 1074, 1079 (Fed. Cir. 2022). The court must "weigh

competing interests and maintain an even balance" between the parties. *Landis v. N. Am. Co.*, 299 U.S. 248, 254–55 (1936). Courts in this district consider three factors when exercising its discretion: "(1) whether a stay will simplify the issues and trial of the case, (2) whether discovery is complete and a trial date has been set, and (3) whether a stay would unduly prejudice or present a clear tactical disadvantage to the non-moving party." *Becton, Dickinson & Co. v. Baxter Int'l Inc.*, No. 1:25-cv-00591, 2025 WL 3677537, at *1 (D. Del. Dec. 18, 2025) (collecting cases). Courts may also consider a fourth factor when the stay is due to post-grant review proceedings before the USPTO; namely, "whether a stay, or the denial thereof, will reduce the burden of litigation on the parties and on the court." *TTI Consumer Power Tools, Inc. v. Lowe's Home Ctrs. LLC*, No. 1:22-cv-00673, 2022 WL 16739812, at *1 (D. Del. Nov. 7, 2022).

First, a stay is likely to simplify the issues for trial in this case. For all instituted *inter partes* review proceedings from October 1, 2025, to March 31, 2026, 35.7% found all challenged claims unpatentable, 11.0% found some claims unpatentable, and 26.6% settled. Doc. 111-1 at 54. Only 11.7% of proceedings found all challenged claims patentable. *Id.* Given that the USPTO has instituted a proceeding for each asserted patent, there is a 0.162% chance that all claims asserted in this action will be found patentable. Thus, any effort spent by the parties or the court construing claim terms could be wasted absent a stay. *See also Aylus Networks, Inc. v. Apple Inc.*, 856 F.3d 1353, 1364 (Fed. Cir. 2017) ("statements made by a patent owner during an IPR proceeding . . . can be relied upon to support a finding of prosecution disclaimer").

Second, despite claim construction briefing being nearly complete and the progression of fact discovery, deadlines for expert discovery, dispositive motions, and pretrial motions are at least over nine months away. Doc. 111 at 14. Courts in this district faced with similar facts found that this factor favors a stay. *See IOENGINE, LLC v. PayPal Holdings, Inc.*, No. 1:18-cv-00452, 2019 WL 3943058, at *5 (D. Del. Aug. 21, 2019) (Bryson, J.) (holding that

the state of the proceedings favored a stay where claim construction was briefed and fact discovery was ongoing, but the majority of pre-trial work was ahead); *see also Smartflash LLC v. Apple Inc.*, 621 F. App'x 995, 1005 (Fed. Cir. 2015) (unpublished) (holding that the district court abused its discretion when it denied a stay prior to trial, because "[d]espite the substantial time and effort already spent in this case, the most burdensome task is yet to come").

Third, a stay would not unduly prejudice plaintiff or present defendant a clear tactical advantage. "[C]ourts in this district typically examine four factors" when evaluating undue prejudice: "(1) the timing of the request for review; (2) the timing of the request for a stay; (3) the status of the review proceedings; and (4) the relationship of the parties." *TC Tech. LLC v. Sprint Corp.*, No. 1:16-cv-00153, 2021 WL 4521045, at *8 (D. Del. Oct. 4, 2021). Defendant petitioned the USPTO for review seven months after this case was filed, defendant moved for a stay shortly thereafter and renewed its motion three days after the USPTO's institution, the review proceedings were initiated last month, and the parties are not competitors. Doc. 111 at 5, 15; Doc. 112 at 13. Plaintiff argues that further delay would cause undue prejudice by prolonging resolution of the current dispute. Doc. 112 at 13. However, "[a] stay will not diminish the monetary damages to which [the patentee] will be entitled if it succeeds in its infringement suit—it only delays realization of those damages and delays any potential injunctive remedy." *VirtualAgility Inc. v. Salesforce.com, Inc.*, 759 F.3d 1307, 1318 (Fed. Cir. 2014). Defendant has been diligent to seek review and a stay of this action. This factor also favors defendant.

Fourth, for the reasons discussed above regarding the first factor, the stay will likely reduce the burden of litigation on the parties and the court. Granting a stay ensures the parties and the court expend litigation resources on the appropriate claims.

Considering every factor favors a stay and "courts in this district and others often grant stays once an IPR is instituted," the

court grants defendant's motion (Doc. 110) and stays this case pending the final resolution of the *inter partes* review proceedings in IPR2026-00065, IPR2026-00066, and IPR2026-00067. *RideShare Displays, Inc. v. Lyft, Inc.*, No. 1:20-cv-01629, 2021 WL 7286931, at *1 (D. Del. Dec. 17, 2021). The court orders that this case is administratively closed. All pending motions are held in abeyance. Within seven days of all three *inter partes* review proceedings concluding, the parties shall file a notice with the court to reopen this case.

*So ordered by the court on June 16, 2026.*

J. CAMPBELL BARKER
United States District Judge