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

SEARCH AND SHARE TECHNOLOGIES, LLC, Plaintiff, v. X CORP., Defendant.	Civil Action No. 1:25-cv-01540-RP

DEFENDANT X CORP.'S
MOTION TO STAY PENDING *INTER PARTES* REVIEW

TABLE OF CONTENTS

Page

INTRODUCTION 1

BACKGROUND 2

A. Procedural Posture 2

B. X's IPR Petitions 3

LEGAL STANDARD 3

ARGUMENT 4

A. The IPRs Cover All Claims In Both Patents And Thus Will Resolve Or Simplify The Issues In Dispute. 4

B. SaS Would Not Be Unduly Prejudiced By A Stay. 6

C. This Case Is In Its Early Stages, And No Scheduling Order Has Been Entered Nor Has Claim Construction Begun. 7

CONCLUSION 8

TABLE OF AUTHORITIES

Page(s)

CASES

AlmondNet, Inc. v. Amazon.com, Inc.,
No. 6-24-cv-234-RP (W.D. Tex. May 28, 2025) 4, 7, 8

Anza Tech., Inc. v. Avant Tech., Inc.
No. A-17-CV-01193-LY, 2018 WL 11314191 (W.D. Tex. Nov. 15, 2018) 5

Apple Inc. v. Apex Beam Techs. LLC,
IPR2025-00911, Paper 10 (PTAB Sept. 3, 2025) 6

Bell Semiconductor, LLC v. NXP Semiconductors, N.V.,
No. 1:20-CV-611-LY, 2022 WL 1447948 (W.D. Tex. Feb. 7, 2022) 3, 6, 8

Crossroads Sys., Inc. v. Dot Hill Sys. Corp.,
2015 WL 3773014 (W.D. Tex. June 16, 2015) 6

CrowdStrike, Inc. v. GoSecure, Inc.,
IPR2025-00070, Paper 28 (PTAB Aug. 13, 2025) 6

Foras Techs. Ltd. v. Bayerische Motoren Werke AG,
No. 6:23-cv-00386-RP, Dkt. 43 (W.D. Tex. Apr. 22, 2024) 2

Foras Techs. Ltd. v. Bayerische Motoren Werke
AG, No. 6:23-cv-00386-RP, 2024 WL 1724256 (W.D. Tex. Apr. 22, 2024) 4, 7

Landmark Tech., LLC v. iRobot Corp.,
No. 6:13-cv-411-JDL, 2014 WL 486836 (E.D. Tex. Jan. 24, 2014) 3, 8

Murata Mach. USA v. Daifuku Co., Ltd.,
830 F.3d 1357 (Fed. Cir. 2016) 3

Nobots, LLC v. Google, LLC,
No. 1:22-cv-585-RP (W.D. Tex. July 13, 2022) 4

One-E-Way, Inc. v. Dell Techs. Inc.,
No. 1:24-CV-1558-RP, 2025 WL 3251550 (W.D. Tex. Oct. 29, 2025) 2, 4, 8

Sterling Computs. Corp. v. X Corp.,
No. 1:24-CV-552-DII, 2025 WL 943411 (W.D. Tex. Feb. 13, 2025) 3, 4, 5, 6

Wound Healing Techs. Corp. v. Solventum Corp.,
No. 6:24-CV-589-RP, 2025 WL 3002063 (W.D. Tex. Aug. 7, 2025) 3, 8

INTRODUCTION

Defendant X Corp. moves to stay this case pending resolution of two *inter partes* review proceedings ("IPRs")[1] that collectively address both patents and all possible asserted claims in this case. All of the factors this Court considers—likelihood for simplification, lack of prejudice to Plaintiff SaS,[2] and the early stage of the case—strongly favor a stay.

First, the likelihood of issue simplification—the most important factor—is high. X filed two IPRs that collectively challenge all claims of both asserted patents in the U.S. Patent Office, thus the IPRs have the potential to be case dispositive. Moreover, even if the IPRs are not entirely case dispositive—though they likely will be—they are still highly likely to simplify the issues in this case. A partial invalidity decision would both streamline the case and likely resolve or clarify disputed issues regarding any surviving claims, because the two asserted patents are in the same patent family, share nearly identical specifications, and have overlapping claim terms.

Second, SaS faces no undue prejudice or tactical disadvantage from a stay pending resolution of the IPRs. SaS is not a competitor with X, has not moved for injunctive relief, and asks for nothing more than money damages. Nor can SaS credibly argue that a delay in order to resolve the validity of its patents results in undue prejudice—SaS has already delayed years in filing suit.

Third, this case is still in its earliest stages. No schedule has yet been ordered, no pretrial conference has been held, and no trial date is set. The parties have not made any preliminary disclosures, exchanged contentions, started claim construction, or begun discovery. Nor has the Court yet made any investment in this case—X's first motion to dismiss was addressed via SaS filing an amended complaint and the second motion to dismiss is still pending. And it would be

[1] IPR Nos. IPR2026-00235 and IPR2026-00244.
[2] Search and Share Technologies, LLC.

"unwise to allow this case to proceed to claim construction, discovery, or trial when the IPR … proceedings could negate the need for, or greatly simplify the resolution of, those litigation milestones." *Foras Techs. Ltd. v. Bayerische Motoren Werke AG*, No. 6:23-cv-00386-RP, Dkt. 43, 2024 WL 1724256, at *2 (W.D. Tex. Apr. 22, 2024).

In such circumstances—where the likelihood of issue simplification is high, the parties are not competitors, and the litigation is in very early stages—this Court typically grants stays pending final resolution of IPRs. *See, e.g.*, *One-E-Way, Inc. v. Dell Techs. Inc.*, No. 1:24-CV-1558-RP, 2025 WL 3251550, at *1-2 (W.D. Tex. Oct. 29, 2025) (granting motion to stay pending resolution of IPRs before claim construction and citing cases granting similar stays).

Accordingly, X respectfully requests that the Court grant this motion and stay this case pending final resolution of the IPRs filed against the two asserted patents.

BACKGROUND

A. Procedural Posture

SaS filed an initial complaint on September 22, 2025, alleging that X's products infringe U.S. Patent Nos. 10,180,952 ("'952 Patent") and 11,105,744 ("'744 Patent"). Dkt. 1. In response to a motion to dismiss (Dkt. 21), SaS filed a first amended complaint on January 5, 2026, providing additional allegations in support of the asserted patent infringement. Dkt. 30. X subsequently filed a partial motion to dismiss (Dkt. 31), which has completed briefing (*see* Dkts. 32, 33), and which is currently pending before the Court.

The parties filed a proposed scheduling order on February 20, 2026 (Dkt. 35), but no scheduling conference has taken place, nor has trial or any other deadline been set. As of today, the parties have not made initial disclosures, served infringement or invalidity contentions, engaged in claim construction, started discovery, or engaged in any other substantive litigation beyond addressing the pleadings.

B. X's IPR Petitions

On February 4, 2026, X filed a petition for *inter partes* review challenging all claims of the '744 Patent. Declaration of Michael Wueste ("Wueste Decl."); Ex. A (IPR2026-00235). On February 18, 2026, X filed a petition for IPR challenging all claims of the '952 Patent. *Id.*; Ex. B (IPR2026-00244). The PTAB will issue institution decisions on both IPRs in August or September 2026. If instituted, the target dates for final written decisions would be in August or September 2027.

Both X's IPR petitions were filed well before the one year statutory deadline; indeed, X filed both petitions less than five months after SaS's September 22, 2025 original complaint, and before the parties have expended any substantial resources in the case.

LEGAL STANDARD

"The ability to stay cases," including pending completion of an IPR, "is an exercise of a court's inherent power to manage its own docket." *Murata Mach. USA v. Daifuku Co., Ltd.*, 830 F.3d 1357, 1361 (Fed. Cir. 2016). Courts in this District consider three factors when determining whether to stay a case pending resolution of IPRs: (1) whether a stay will simplify the issues raised; (2) whether a stay would unduly prejudice or present a clear tactical disadvantage to the nonmoving party; and (3) the status of the litigation at the time the stay is requested. *Sterling Computs. Corp. v. X Corp.*, No. 1:24-CV-552-DII, 2025 WL 943411, at *1 (W.D. Tex. Feb. 13, 2025) (internal citation omitted).

This Court consistently stays cases where they are in "early stage[s] of litigation" and the parties are not direct competitors, including when "the Court has not entered a scheduling order and neither discovery nor claim construction has begun." *Wound Healing Techs. Corp. v. Solventum Corp.*, No. 6:24-CV-589-RP, 2025 WL 3002063, at *2 (W.D. Tex. Aug. 7, 2025) (citing *Bell Semiconductor, LLC v. NXP Semiconductors, N.V.*, No. 1:20-CV-611-LY, 2022 WL 1447948,

at *2 (W.D. Tex. Feb. 7, 2022), and *Landmark Tech., LLC v. iRobot Corp.*, No. 6:13-cv-411-JDL, 2014 WL 486836, at *3 (E.D. Tex. Jan. 24, 2014)); *AlmondNet, Inc. v. Amazon.com, Inc.*, No. 6:24-cv-234-RP, slip op. at 2–3 (W.D. Tex. May 28, 2025) (granting stay pending IPR where the "case is at an early stage of litigation, as neither discovery nor claim construction briefing has begun"); *One-E-Way*, 2025 WL 3251550, at *2–3 (same).

ARGUMENT

Defendant X respectfully requests that SaS's patent infringement case be stayed until the U.S. Patent Office has an opportunity to evaluate the validity of the asserted patents. All three factors weigh in favor of issuing a stay here—the IPRs cover all claims of both asserted patents and thus will either resolve entirely or simplify the dispute before this Court; there is no credible argument that a stay would unduly prejudice SaS; and the litigation is at its outset and thus ripe for a stay.

A. The IPRs Cover All Claims In Both Patents And Thus Will Resolve Or Simplify The Issues In Dispute.

First, and most importantly, X's IPRs address all claims from both asserted patents and thus have the potential to resolve the case in its entirety. *See, e.g.*, *Sterling Comps.*, 2025 WL 943411, at *1 ("[T]he issues in this case could be greatly simplified, given that the PTAB could find that all or some of the claims" of both asserted patents "are unpatentable, or narrow the scope of the litigation."). Conversely, "continuing with the current litigation while [the] IPR … proceedings are ongoing would be an inefficient use of both this Court's and the parties' resources." *Foras Techs. Ltd.*, 2024 WL 1724256, at *2. Indeed, this Court has regularly noted that IPRs can "greatly simplif[y] if not obviate[] completely" the issues in patent cases. *One-E-Way*, 2025 WL 3251550, at *2 (citing *Nobots, LLC v. Google, LLC*, No. 1:22-cv-585-RP (W.D. Tex. July 13, 2022) and *Sterling Comps.*, 2025 WL 943411, at *1).

Moreover, the potential for simplification is strong even if the IPRs do not resolve the case in its entirety. Both asserted patents are in the same family, share a nearly identical specification, and recite claims that significantly overlap in subject matter—claiming an approach of providing a separate user interface to interact with web content on a conventional web browser to provide search engine results. *Compare* Ex. C, '744 patent, *with* Ex. D, '952 patent. Even if the Patent Office only institutes one petition, the issues in the case will still be simplified, since a ruling on one patent may still be highly relevant to claim construction and other issues for the other patent. *See, e.g.*, *Anza Tech., Inc. v. Avant Tech., Inc.*, No. A-17-CV-01193-LY, 2018 WL 11314191, at *2 (W.D. Tex. Nov. 15, 2018) (even if "some of the asserted claims survive that review, then statements and reasoning by the PTAB may be persuasive as this court construes the parties' disputed claim terms.").

SaS argues in the proposed scheduling order that the petitions may not be instituted (Dkt. 35 at 6-7) but that is no reason to reject this Court's typical practice and deny a stay. As this Court has noted, "if the Board decides not to engage in review, the case will only have been stayed a matter of months and proceedings can begin again at that time." *Sterling Comps.*, 2025 WL 943411, at *1. Indeed, staying the case now—before a schedule is set—and resuming if institution is denied would be far more efficient than litigating despite the parallel IPR proceedings and then interrupting the schedule and the case mid-stream. Moreover, there are reasons to expect that X's IPRs will ***not*** be denied merely based on recent Patent Office statistics: SaS's patents are unchallenged and untested, the '744 patent issued less than six years ago, and there is evidence of examiner error in its prosecution history. *See* '744 patent (issued Aug. 31, 2021); IPR No. IPR2026-00235 at 8 (discussing examiner error). All of those factors, according to the Patent Office, counsel against discretionary denial, *see* Ex. E, *CrowdStrike, Inc. v. GoSecure, Inc.*,

IPR2025-00070, Paper 28 (PTAB Aug. 13, 2025) (instituting *inter partes* review and denying request for discretionary denial where petitioner demonstrated examiner error); Ex. F, *Apple Inc. v. Apex Beam Techs. LLC*, IPR2025-00911, Paper 10 (PTAB Sept. 3, 2025) (denying request for discretionary denial and finding no evidence of strong settled expectations where the patent had been in force for less than six years), and thus demonstrate that X's IPRs are more likely to be instituted than an average IPR.

B. SaS Would Not Be Unduly Prejudiced By A Stay.

A stay of the proceedings will not unduly prejudice SaS. SaS does not allege—in either its original complaint (Dkt. 1) or the operative amended complaint (Dkt. 30)—that it competes with X, or produces products on the asserted patents. To the contrary, all of SaS's current allegations indicate that it is a non-practicing entity. This Court has repeatedly found that when the parties are not competitors, a stay will not unduly prejudice the plaintiff. *See Sterling Comps.*, 2025 WL 943411, at *1 (finding no undue prejudice where the plaintiff did not compete with defendant and produced no products on the patent); *Bell Semic., LLC*, 2022 WL 1447948, at *2 ("Because Bell Semic does not produce products on its patents or otherwise compete with NXP, a stay will not unduly prejudice Bell Semic's interests.") (internal citation omitted)). Accordingly, a stay will not unduly prejudice SaS.

Furthermore, SaS seeks money damages, and has not moved for injunctive relief, thus cannot demonstrate undue prejudice from any delay for that additional reason. A "mere delay in collecting [] damages does not constitute undue prejudice." *Crossroads Sys., Inc. v. Dot Hill Sys. Corp.*, No. A-13-CA-1025-SS, 2015 WL 3773014, at *2 (W.D. Tex. June 16, 2015); *Sterling Comps.*, 2025 WL 943411, at *1. Indeed, SaS has itself already caused far more delay than any IPR proceeding might. SaS waited four years after the August 31, 2021 issuance of the '744 patent—the most recently-issued patent—before filing its original complaint. Nor did SaS ever

approach X before filing suit to discuss any alleged infringement or licensing X's patents. *See* Dkt. 30 ¶¶ 38–39, 47–48; Dkt. 31 at 2; Dkt. 32 at 1–3. Having waited for years, SaS cannot credibly claim undue prejudice from waiting while the validity of its patents is adjudicated by the Patent Office. Indeed, during the parties' meet and confer, SaS could not identify any basis for asserting prejudice at all.

Moreover, SaS has no basis to claim that a pre-institution stay will result in undue prejudice. As this Court has noted, "should the PTAB decide not to initiate IPR—a short stay of the proceedings will not unduly prejudice" a plaintiff. *AlmondNet, Inc.*, No. 6-24-cv-234-RP, Dkt. 52 at 3.

C. This Case Is In Its Early Stages, And No Scheduling Order Has Been Entered Nor Has Claim Construction Begun.

Finally, X filed this motion with alacrity—only seven days after filing the second IPR petition—and while this case is in its earliest stages. The Court has not calendared an initial pretrial conference. The parties have not served initial disclosures, preliminary infringement contentions, preliminary invalidity contentions, or begun claim construction. Fact discovery is not open, and, per the parties' agreement (Dkt. 35) and this Court's typical practice, will not open until after the *Markman* hearing. And no trial date has yet been set. Accordingly, it would be "unwise to allow this case to proceed to claim construction, discovery, or trial when the IPR … proceedings could negate the need for, or greatly simplify the resolution of, those litigation milestones." *Foras Techs. Ltd.*, 2024 WL 1724256, at *2. Simply put, the case is in an "early stage of litigation," "the Court has not entered a scheduling order and neither discovery nor claim construction has begun," and the Court should follow its standard practice and stay the case to allow the Patent Office to resolve the pending dispute over the validity of the asserted patents. *See, e.g.*, *Wound Healing Techs.*, No. 6:24-CV-589-RP, 2025 WL 3002063, at *2 (citing *Bell Semic.*, 2022 WL 1447948, at *2 and

Landmark Tech., No. 6:13-cv-411-JDL, 2014 WL 486836, at *3); *AlmondNet, Inc.*, No. 6-24-cv-234-RP, slip op. at 2–3 (granting stay pending IPR where the "case is at an early stage of litigation, as neither discovery nor claim construction briefing has begun"); *One-E-Way*, 2025 WL 3251550, at *2–3 (same).

CONCLUSION

For the reasons stated above, X respectfully requests the Court stay this case pending the final resolution of the IPRs. Staying the case while the Patent Office addresses the validity of both asserted patents will likely entirely resolve the case or at least streamline it, cause no harm to SaS, and avoid imposing the burden of duplicative litigation on the parties and the Court.

Dated: February 25, 2026

By: *<u>/s/ Elizabeth J. Brown Fore</u>*

Christopher D. Hilton
Texas Bar No. 24087727
Thomas Albright
Texas Bar No. 00974790
Elizabeth J. Brown Fore
Texas Bar No. 24001795
STONE HILTON PLLC
600 Congress Ave.
Suite 2350
Austin, TX 78701
Telephone: (737) 465-7248
chris@stonehilton.com
tom@stonehilton.com
elizabeth@stonehilton.com

Paul A. Bondor (*pro hac vice*)
Jeffrey Scott Seddon II (*pro hac vice*)
Taeg Sang Cho (*pro hac vice*)
Michael Wueste (*pro hac vice*)
DESMARAIS LLP
230 Park Avenue
New York, NY 10169
Telephone: 212-351-3400
Facsimile: 212-351-3401
pabondor@desmaraisllp.com
jseddon@desmaraisllp.com
tcho@desmaraisllp.com
mwueste@desmaraisllp.com

Attorneys for Defendant X. Corp.

CERTIFICATE OF CONFERENCE

I hereby certify that on February 25, 2026, X's counsel conferred in good faith with opposing counsel pursuant to Local Rule 7(g), and SaS is opposed to the relief sought. Accordingly, this Motion and the relief requested herein are submitted to the Court for resolution.

/s/ Elizabeth J. Brown Fore
Elizabeth J. Brown Fore

CERTIFICATE OF SERVICE

I, Elizabeth J. Brown Fore, hereby certify that on February 25, 2026, that the foregoing document was electronically filed with the CM/ECF system, thereby effectuating service on counsel for all parties.

/s/ Elizabeth J. Brown Fore
Elizabeth J. Brown Fore