IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ACCUSEARCH TECHNOLOGIES LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 25-514 (GBW)
	)	
GOOGLE LLC,	)	
	)	
Defendant.	)	

OPENING BRIEF IN SUPPORT OF DEFENDANT'S MOTION TO STAY PROCEEDINGS PENDING *INTER PARTES* REVIEW

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Google Exhibit 1087
Google v. AccuSearch
IPR2026-00287

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Defendant Google LLC ("Google") respectfully submits the following points and authorities in support of its Motion to Stay Proceedings Pending *Inter Partes* Review.[1]

I. INTRODUCTION AND SUMMARY OF ARGUMENT

This case concerns four related patents asserted by Plaintiff AccuSearch Technologies LLC ("AccuSearch") that purport to cover technologies for annotating Internet search results to indicate whether query terms are present or absent in webpages. Google has now filed petitions for *inter partes* review ("IPR") challenging every claim of the patents-in-suit. Because those petitions present compelling invalidity grounds based on directly on-point prior art that predates the alleged inventions, Google respectfully requests that the Court stay this litigation pending the Patent Trial and Appeal Board's ("PTAB's") institution decisions and the IPR proceedings.

A stay is warranted for several reasons.

First, this case remains in its early stages. Although the Court entered a Scheduling Order in September 2025, fact discovery is far from complete, expert discovery has not begun, and trial is not scheduled until April 2028. (D.I. 34.) Claim construction briefing will not begin until June 2026, and the Markman hearing is scheduled for November 2026. (*Id.*; D.I. 62.) Staying the case now will prevent the parties and the Court from expending substantial resources on discovery, claim construction, and other matters that may be rendered unnecessary by the PTAB's review.

Second, the IPR proceedings are highly likely to simplify the issues in this case. Google's petitions challenge every asserted claim (and indeed, all the claims in all the patents-in-suit) based on directly on-point prior art that demonstrates that annotating search results to indicate missing

[1] Google notes that its motion to transfer this action to the U.S. District Court for the Northern District of California is currently pending. (*See* D.I. 21.) Because transfer motions must "take top priority," *In re Apple Inc.*, 979 F.3d 1332, 1337 (Fed. Cir. 2020), if this Court agrees that transfer is appropriate, the court in California should resolve this stay motion, as well as Google's pending motion to dismiss under 35 U.S.C. § 101 (*see* D.I. 27).

query terms was not new by the patents' alleged priority date in 2011. Because the PTAB institutes review in a substantial percentage of petitions where (as here) invalidity is readily apparent, the PTAB's review is likely to significantly narrow—or eliminate entirely—the issues in this litigation.

Third, a stay will not prejudice AccuSearch. AccuSearch does not compete with Google and seeks only monetary damages. Courts in this District consistently find that such circumstances weigh in favor of a stay pending PTAB review.

Finally, although the IPRs have not yet been instituted, the circumstances of this case warrant a pre-institution stay. The likelihood of institution is especially high here considering that the patents are directed to a user-interface feature that was clearly disclosed in prior art that the PTO did not consider during prosecution. Google's petitions challenge all asserted claims (indeed, all claims) in all four asserted patents. Trial is still two years away, and claim construction and other upcoming proceedings will benefit from the PTAB's guidance. And AccuSearch—which is asserting patents that were issued starting in March 2020 and which accuses a feature Google released before the issuance of the patents—waited five years to sue and will not be prejudiced by a stay.

For all these reasons, the Court should stay this case pending the PTAB's decisions on Google's IPR petitions and the resolution of the IPR proceedings.

II. NATURE AND STAGE OF THE PROCEEDINGS

Plaintiff AccuSearch Technologies LLC ("AccuSearch") filed this action on April 29, 2025, asserting infringement of four related patents: U.S. Patent Nos. 10,585,959 (the "'959 patent"); 10,867,001 (the "'001 patent"); 11,100,184 (the "'184 patent); and 11,971,937 (the "'937 patent"). The patents share a common specification and concern systems that annotate Internet search results to indicate whether search query terms appear in referenced webpages.

The Court entered a Scheduling Order on September 4, 2025. Under that schedule, claim-construction briefing will begin in June 2026; the Markman hearing is scheduled for November 10, 2026; fact discovery closes in February 2027; and trial is scheduled for April 2028. (D.I. 34 and 62.)

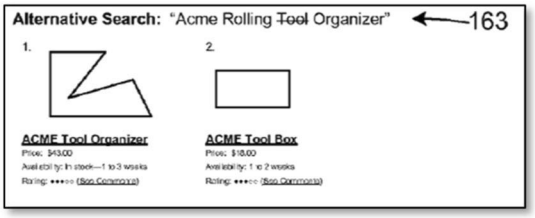
The parties have exchanged initial contentions, including Google's initial invalidity contentions, which demonstrate that, by the claimed priority date in 2011, the allegedly inventive search-result annotations were not new—they had been used for decades in prior-art systems and were clearly described in prior-art publications.

Google has also filed two threshold motions that remain pending: (1) a motion to transfer venue to the Northern District of California (*see* D.I. 21); and (2) a motion to dismiss under 35 U.S.C. § 101 (*see* D.I. 27).

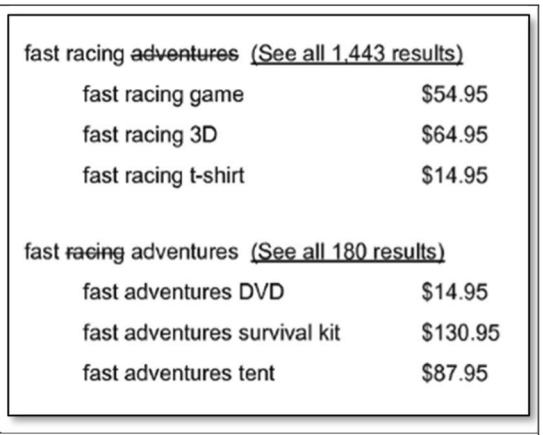
III. FACTS

The earliest patent-in-suit (the '959) issued on March 10, 2020, more than five years before AccuSearch filed this action, and the latest (the '937) issued on April 30, 2024, one year before AccuSearch filed this action. (D.I. 1 at ¶¶ 139 and 252.) AccuSearch accuses a feature that Google launched in 2013. *Id.* at ¶ 117.

Google has filed IPR petitions challenging all claims of the patents-in-suit. *See* Exs. A-D. Those petitions have been awarded filing dates in March 2026; institution decisions are due in September 2026. *Id.* The petitions rely on art that the PTO did not consider during prosecution and demonstrate that the alleged invention was plainly disclosed in the prior art. For example, they present the prior-art Mills and Bhagat references, which used strikethrough text to identify missing query terms as later claimed in AccuSearch's patents:



Mills (EX1006), FIG. 2 (excerpt)



Bhagat (EX1011), FIG. 2 (excerpt)

Ex. A at 3.

IV. LEGAL STANDARD

District courts possess inherent authority to stay litigation. *Cost Bros. v. Travelers Indem. Co.*, 760 F.2d 58, 60 (3d Cir. 1985). Courts in this District consider three factors when deciding whether to stay litigation pending PTAB review: (1) whether discovery is complete and a trial date has been set; (2) whether a stay will simplify the issues for trial; and (3) whether a stay would unduly prejudice or present a clear tactical disadvantage to the non-moving party. *RetailMeNot, Inc. v. Honey Sci. LLC*, C.A. No. 18-937-CFC-MPT, 2020 WL 373341, at *3 (D. Del. Jan. 23, 2020). Courts sometimes also consider a fourth factor asking whether the moving party would face hardship or inequity in going forward with the litigation. *Ethicon LLC v. Intuitive Surgical, Inc.*, C.A. No. 17-871-LPS, 2019 WL 1276029, at *2 (D. Del. Mar. 20, 2019).

Courts in this District and elsewhere grant pre-institution stays where the circumstances warrant. *See, e.g., Arch Chemicals, Inc. v. Sherwin-Williams Company,* C.A. No. 18-2037-LPS, D.I. 48 (D. Del. Nov. 5, 2019) (oral order) (attached as Ex. E) (staying pre-institution where case was in nascent stage, trial was more than 20 months away, and plaintiff did not compete with defendant and would not be unduly prejudiced); *RetailMeNot, Inc.,* 2020 WL 373341at *8 (finding

pre-institution stay appropriate where plaintiff could be compensated by money damages and would not be unduly prejudiced); *Finjan, Inc. v. Symantec Corp.*, 139 F. Supp. 3d 1032, 1037 (N.D. Cal. 2015) ("[I]t is not uncommon for [courts] to grant stays pending reexamination prior to the PTO deciding to reexamine the patent.") (cleaned up).

V. ARGUMENT

A. This Case is in Its Early Stages.

The first factor strongly favors a stay.

This case remains in its nascent stages. Claim construction has not yet occurred, fact discovery and expert discovery will continue through 2027, and trial is more than two years away. (D.I. 34.). Google's threshold motions to transfer and to dismiss under § 101 also remain pending.

Courts in this District routinely grant stays under similar circumstances—and even where the case has advanced significantly further. *See, e.g., Ethicon*, 2019 WL 1276029 at *2-3 (granting stay after Markman order issued and fact discovery was complete); *IOENGINE, LLC v. PayPal Holdings, Inc.*, C.A. Nos. 18-452-WCB & 18-826-WCB, 2019 WL 3943058 at *2 (D. Del., Aug. 21, 2019) (Bryson, J.) (granting stay where "the parties are engaged in claim construction briefing and have conducted a significant amount of discovery"). And, Courts do so even before IPR institutions. *See e.g., Arch Chems* (Ex. E). Given that the parties are about to embark on claim construction, proceeding now would risk substantial duplication of effort, since claim construction may need to be revisited after PTAB proceedings create additional intrinsic record.

Accordingly, the early posture of the case strongly favors a stay.

B. The IPR Proceedings Are Likely to Simplify the Issues.

The second factor also strongly favors a stay.

Google's petitions challenge every claim in the asserted patents based on prior art that is squarely on point and demonstrates that the claimed search-result annotations were widely known before the patents' alleged priority date. *See* Exs. A-D.

Annotating search results—along with standard post-solution activity such as allowing filtering of search results—is the asserted patents' central idea and purported innovation. *See, e.g.,* Ex. F. ('959 patent abstract, which is identical or materially identical for all asserted patents) (stating that "[t]he present invention is directed to: annotating Internet search results to indicate missing search term elements on referenced and descendent webpages; optionally filtering out search results referencing webpages with missing terms; and showing advertisements related to search term elements."); *see also* Google's Motion to Dismiss under Section 101 (D.I. 27). Yet, as Google's IPR petitions demonstrate, these ideas were well known by 2011. For example, the petitions rely on prior-art patents and publications—including the Bates, Bhagat, Wang, and Mills references—that disclose precisely the type of search-result annotations claimed in the asserted patents. *See* Exs. A-D. These references show that search interfaces long identified the presence or absence of query terms in search results and used visual indicators—including strikethrough text and other annotations—to signal missing terms.

Because these references were not considered during prosecution and disclose the very functionality the patents claim as novel, the petitions present a strong likelihood that the PTAB

will institute review and find the asserted claims unpatentable. Thus, the PTAB's review will likely eliminate—or, at the very least, significantly simplify—the issues in this litigation.[2]

Moreover, even if some claims survive IPR, the PTAB proceedings will simplify the case by narrowing asserted claims; clarifying claim scope; generating additional intrinsic record relevant to claim construction; and narrowing Google's invalidity defenses through statutory estoppel.

Courts in this District recognize these benefits when granting stays pending IPR. *See, e.g., Arch Chems.* (Ex. E) (granting pre-institution stay and noting that "the Court is persuaded that a stay is likely to simplify issues, for reasons including that the petitions are directed to every claim asserted by Plaintiff and the Court will have the benefit of additional intrinsic evidence and the PTAB's view on claim construction (if review is instituted)."). As Judge Bryson (sitting by designation) explained in staying an action during claim-construction proceedings when an IPR had been instituted for one asserted patent and petitions for two more were pending, "the IPR proceeding may produce additional prosecution history that could assist the Court in addressing the issues of claim construction and validity," whereas proceeding with the case would risk "duplication of effort and possibly inconsistent results between the administrative agency and this Court." *IOENGINE*, 2019 WL 3943058 at *10; *see also Finjan, Inc.*, 139 F. Supp. 3d at 1037 (granting pre-institution stay and observing that "the possibility that the PTO may institute review has the potential to streamline and even resolve this action.").

[2] Discretionary denial is also unlikely here. Google filed its petitions before the six-year anniversary of any asserted patent; none of the art relied on in the petitions was considered during prosecution; and trial is still two years away, well after final written decisions will issue.

C. A Stay Will Not Unduly Prejudice AccuSearch.

The third factor likewise favors a stay.

As a non-practicing entity, AccuSearch seeks only monetary damages and does not compete with Google. *See IOENGINE*, 2019 WL 3943058 at *6 (noting that non-practicing entities "do not participate in the relevant market and will not suffer any loss of market share or erosion of goodwill due to a stay") (cleaned up). Moreover, AccuSearch did not move for a preliminary injunction, confirming that any injury it claims to suffer could be resolved by money damages. *ACQIS, LLC v. EMC Corp.*, 109 F. Supp. 3d 352, 358 (D. Mass. 2015) (finding no undue prejudice where the party opposing a stay "did not seek a preliminary injunction . . ., undermining its claim of undue prejudice").

In addition, the first patent-in-suit issued in March 2020 and AccuSearch accuses a feature that Google launched in 2013. *See* Compl. (D.I. 1) ¶¶ 139 and 117. AccuSearch waited *five years* before bringing suit, which undermines any claim that a temporary stay would cause meaningful harm. "As the Federal Circuit has stated, delays caused by the plaintiff render arguments of timely enforcement unpersuasive." *IOENGINE*, 2019 WL 3943058 at *7 (citing *VirtualAgility Inc. v. Salesforce.com, Inc.*, 759 F.3d 1307, 1319 (Fed. Cir. 2014), where a delay of less than one year in bringing suit was found to refute assertion of prejudice).

Finally, the requested stay will be brief. The PTAB must decide whether to institute review within approximately six months of the petitions, and a final written decision must issue within one year of institution. Accordingly, if for some reason the PTAB does not institute the IPRs (which is unlikely), a stay will last only months, and the Court and parties will benefit in claim construction and other matters from the PTAB's reasoning and the additional intrinsic record.

Thus, there is no risk that a stay will unduly prejudice AccuSearch.

VI. CONCLUSION

For the foregoing reasons, Google respectfully requests that the Court stay this action pending the PTAB's institution decisions and the resolution of the IPR proceedings.

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March 25, 2026

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 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 March 25, 2026, upon the following in the manner indicated:

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