

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA**

HOLLEY PERFORMANCE  
PRODUCTS INC.,

Plaintiff/Counter-Defendant,

v.

ACES FUEL INJECTION, INC.,

Defendant/Counter-Plaintiff,

Case No. 1:26-cv-59-CEA-CHS

**ACES FUEL INJECTION, INC.'S MOTION TO STAY PENDING  
INTER PARTES REVIEW OF U.S. PATENT NOS. 11,409,894 AND 12,203,434**

Defendant/Counter-Plaintiff Aces Fuel Injection, Inc. ("Aces") respectfully moves the Court to issue an Order temporarily staying this case pending the United States Patent and Trademark Office's ("PTO") decision to institute inter partes reviews of all claims of two patents asserted by Plaintiff Holley Performance Products, Inc. ("Holley"), United States Patent No. 11,409,894 ("the '894 Patent") and United States Patent No. 12,203,434 ("the '434 Patent"), and, if instituted, a full stay pending the conclusion of the inter partes reviews.

On July 23, 2026, Aces filed petitions for inter partes reviews of the '894 Patent and the '434 Patent with the PTO. See Exhibits A and B to Jackson Declaration, attached. The petitions raise invalidity grounds that would render obvious all claims of the '894 Patent and the '434 Patent. If Aces prevails in the IPRs as to all claims of both patents, this case will be rendered moot as to Holley's infringement claims under the '894 Patent and the '434 Patent. If Aces prevails in the IPRs as to only a subset of the claims of either patent, the scope of this case will change. As such, staying the case pending the PTO's decision to institute the IPRs and continuing the stay during the IPR trials, if instituted, will avoid unnecessary and potentially wasteful litigation between the parties and before the Court.

This case is in its infancy, as the Court has not entered a scheduling order or set a trial date. Nor have the parties conducted any fact or expert discovery, exchanged infringement and invalidity contentions, engaged in the claim construction process, or filed any dispositive motions. Thus, the vast majority, if not all, of this action has yet to take place.

Moreover, Holley would not suffer any undue prejudice or tactical disadvantage during the period of the stay. Aces has asserted infringement of its '475 Patent against Holley in this case, and therefore both parties would experience the same delay in prosecuting their respective infringement cases if a stay is granted. Also, a recent internet search of electronic fuel injection two barrel and four barrel products identifies a variety of sellers of relevant products that are and likely will continue to be for sale during the pendency of a stay. See Jackson Decl., Exhibit C.

Accordingly, Aces respectfully requests that the Court enter an Order temporarily staying this case pending the PTO's decision to institute inter partes review of the '894 Patent and/or the '434 Patent, and if instituted, a full stay pending the conclusion of the inter partes reviews.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that I filed a copy of the foregoing pleading electronically. Notices of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt and mailed to all parties listed on the attached mailing matrix. Parties may access this filing through the Court's electronic system.

This 23rd day of July, 2026.

/s/ John G. Jackson

John G. Jackson

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
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Case No. 1:26-cv-59-CEA-CHS

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S MOTION TO STAY  
PENDING INTER PARTES REVIEW OF U.S. PATENT NO. 6,459,023**

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## I. INTRODUCTION

Plaintiff Holley Performance Products, Inc. (“Holley”) asserts that Defendant Aces Fuel Injection, Inc. (“Aces”) infringes one or more claims of U.S. Patent Nos. 11,409,894 (“the ‘894 Patent”) and 12,203,434 (“the ‘434 Patent”) (collectively, “the IPR Patents”). On July 23, 2026, Aces filed one petition for inter partes review (“IPR”) of each of the IPR Patents with the U.S. Patent and Trademark Office (“PTO”). Because the IPRs challenge every claim of the IPR Patents, and more likely than not will eliminate the need for further litigation thereunder or will simplify the issues in this lawsuit, Aces’s Motion to Stay should be granted.

The invalidity grounds raised in Aces’s petitions involve prior art that renders obvious all of the claims of the IPR Patents. If the petitions are granted in their entirety, all of the claims of the IPR Patents will be cancelled and this lawsuit will be rendered moot as to those patents. If only a subset or even if one of the claims is cancelled, the IPRs will still simplify this lawsuit, as the Court and the parties will benefit from the PTO’s expert consideration of the IPR Patents and the prior art considered by the PTO.

A stay while this case is in its infancy will also save the parties and the Court months, if not years, of potentially wasteful litigation over the meaning, infringement, and validity of patent claims that will likely be cancelled or possibly amended. In the past five years, the PTO instituted review of 67% of the patents submitted for IPR. And during the PTO’s 2024-2025 Fiscal Year, 60% of petitions directed to mechanical patents – like the IPR Patents – were instituted. Of those petitions instituted for review over the past two complete fiscal years, an average of 67% saw all claims held unpatentable and an average of 84.5% were found to have at least one claim unpatentable.

Congress specifically created the IPR process to provide a quality check on patents and to allow the government to remove erroneously granted patents in an expedited manner as a cost-

effective alternative to expensive and lengthy district court litigation. H.R. Rep. No. 112-98, at 39-40 (2011).

The downside of granting a stay would be minimal, as Holley would suffer little or no undue prejudice or tactical disadvantage. Aces has asserted a counterclaim in this matter for infringement of its own patent, and it is willing to await the outcome of the IPR challenges before resuming litigation. Although the parties are competitors, any asserted prejudice in awaiting the results of the IPR petitions would be borne equally by the parties.

Accordingly, Aces respectfully requests that the Court enter an Order temporarily staying this case pending the PTO's decision to institute inter partes review of the IPR Patents and, if instituted, a full stay pending the conclusion of the inter partes review.

## **II. BACKGROUND**

### **A. District Court Litigation**

Plaintiff Holley filed this action on March 6, 2026, asserting that Aces infringes one or more claims of the IPR Patents, in addition to two other patents and a copyright registration allegedly owned by Holley. (Dkt. No. 1). The IPR Patents are generally directed to throttle body electronic fuel injection products that are retrofitted to internal combustion engines.

According to the specification of the IPR Patents, "Throttle Body Fuel Injection ('TBI') is a type of Electronic Fuel Injection ('EFI') for internal combustion engines that became main stream in factory vehicles during the 1980's." (*See, e.g.*, Doc. 1-4, Col. 1, ll. 20-24). Carmakers moved away from TBI fuel injection systems when government standards for fuel emissions changed in the late 1980s, which opened up an aftermarket for TBI products. (*Id.*, Col. 1, ll. 28-34).

The IPR Patents assert that some aftermarket TBI products "place fuel injectors horizontally...into the sides of the throttle body...[which] redirects the normal fuel injector spray

pattern” and “[i]f fuel is not directed into the throttle body in a way that atomizes the fuel so it can thoroughly mix with the airstream through the throttle body, the engine may not run smoothly, may not make adequate power, and may have poor fuel economy and emissions.” (*Id.*, Col. 1, ll. 52-61).

The IPR Patents further assert that, “In order to overcome the limitation of current aftermarket TBI designs, embodiments of this invention are such, that a conventional high-pressure electronically controlled fuel injector sprays into a chamber that is constrained by an annular fuel distribution ring” which contains orifices which allow “the fuel to mix with the air and enter the engine in an optimally atomized state.” (*Id.*, Col. 1, l. 65- Col. 2, l. 8). Aces asserts that the inventions claimed in the IPR Patents are obvious combinations of prior art references which render the IPR Patents invalid, as argued in the IPR Petitions.

The parties have filed and responded to each other’s pleadings. The Court has not entered a scheduling order and no trial date has been set. Nor have the parties conducted any discovery, exchanged infringement and invalidity contentions, engaged in the claim construction process, or filed any dispositive motions.

On July 9, 2026, counsel for Aces requested counsel for Holley to agree to a stay of the case while the PTO considers the IPR Petitions. On July 13, 2026, counsel for Holley responded that Holley would oppose a motion to stay. Decl. of John Jackson, ¶ 5.

**B. Patent Office Proceedings: IPR2026-00433 & IPR2026-00434.**

On July 23, 2026, Aces filed two petitions for inter partes review of all nine claims of the ‘894 Patent and all twelve claims of the ‘434 Patent. (Jackson Decl., Exs. A & B). As established by the America Invents Act (“AIA”), inter partes review is a mechanism for any person (other than the patent owner) to challenge the patentability of any issued patent claims under section 102 and/or 103 of the Patent Act. *See* 35 U.S.C. § 311. The goal of the IPR procedure is to provide a

“quick and cost effective alternative[] to litigation” to resolve a dispute over the validity of an issued patent. H.R. Rep. No. 112-98 at 48 (2011).

An IPR proceeding is split into two stages: a preliminary stage, in which the PTO Director and Patent Trial and Appeal Board (“PTAB”) determines whether to institute an IPR, and a trial stage after which the PTAB renders a final written decision. During the preliminary stage, the patent owner has three months to respond to the petition, and then the Director and PTAB have three months to “determine whether to institute an [IPR].” 35 U.S.C. § 314(b). By statute, the PTO may not institute an IPR unless it determines that the information presented during the preliminary stage “shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” *Id.* at § 314(a). If the IPR trial stage is instituted, a final written decision on patentability from the PTO must be entered within one year. Thus, the entire IPR proceeding, from initial petition to final written decision, is no more than eighteen (18) months. 35 U.S.C. § 316(a)(11); *see also PersonalWeb Techs., LLC v. Google, Inc.*, No. 5:13cv01317-EJD, 2014 WL 4100743, at \*2-3 (N.D. Cal. Aug. 20, 2014) (summarizing IPR procedure).

Here, Holley’s preliminary response is due on October 23, 2026, and the PTO will decide whether or not to institute IPR trials on or before January 23, 2027. Recent statistics predict that there is a likelihood that IPR trials will be instituted on Aces’s petitions. (See [https://www.uspto.gov/sites/default/files/documents/Trial\\_StatsFY25\\_Q4.pdf](https://www.uspto.gov/sites/default/files/documents/Trial_StatsFY25_Q4.pdf), slide 9 (noting that 60% of petitions directed to mechanical patents were instituted in fiscal year 2025)). Moreover, in view of the Supreme Court’s decision in *SAS Institute, Inc. v. Iancu*, if the PTO institutes IPR trials on Aces’s petitions, it must institute the trials and render final written decisions that address the validity of *all* of the challenged claims of the IPR Patents. 584 U.S. 357, 363 (2018).

If instituted, there is an even higher likelihood that some or all of the claims of the IPR Patents will be held unpatentable and therefore cancelled. Of those petitions instituted for review over the past two fiscal years, an average of 67% saw all claims held unpatentable and an average of 84.5% resulted in at least one claim being held unpatentable. (See [https://www.uspto.gov/sites/default/files/documents/ptab\\_aia\\_fy2024\\_roundup.pdf](https://www.uspto.gov/sites/default/files/documents/ptab_aia_fy2024_roundup.pdf), slides 10 and 11 (averaged)). Of course, if any of the claims of the IPR Patents are held to be unpatentable, Holley's infringement allegations with respect to such claims will be rendered moot.

In an IPR, the PTAB performs its own claim constructions, in which the terms of challenged claims are construed "in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent," just as they are in district court. 37 C.F.R. § 42.100(b); *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313-14 (Fed. Cir. 2005) (en banc) ("ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention").

### III. LEGAL STANDARD

A district court's power to stay proceedings is "incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also Ryan v. Gonzales*, 568 U.S. 57, 73 (2013) (stating that "district courts ... ordinarily have authority to issue stays, where such a stay would be a proper exercise of discretion") (citation modified). In considering whether to grant a stay of proceedings in a given case, "a court must tread carefully ... since a party has a right to a determination of its rights and liabilities without undue delay." *Ohio Envtl. Council v. United States Dist. Court, Southern Dist.*, 565 F.2d 393, 396 (6th Cir. 1977). As this Court has observed, however, no party has "a right to a determination of its rights and

liabilities with *no delay*.” *FitzMark, LLC v. Neon Logistics, LLC*, 2025 WL 2979696, \*3 (E.D. Tenn. Oct. 22, 2025) (emphasis in original) (finding stay appropriate in breach of contract case where parallel proceeding could dispose of issues, plaintiff would not be harmed by delay, and stay would conserve judicial time and resources) (citing *Anderson v. Jacobs Eng’g Grp., Inc.*, No. 3:19-cv-219-TAV-HBG, 2019 WL 13216606, \*3 (E.D. Tenn. Nov. 20, 2019)).

A district court’s authority to stay a case extends to the determination of whether to stay federal court litigation in a patent case pending the conclusion of an IPR. *See Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1426-27 (Fed. Cir. 1988). While there is “a liberal policy in favor of granting motions to stay proceeding pending the outcome of USPTO . . . proceedings,” *Everlight Elecs. Co. v. Nichia Corp.*, No. 12-cv-11758, 2013 WL 1821512, at \*7 (E.D. Mich. Apr. 30, 2013), a court must consider three factors to determine whether a case should be stayed. Specifically, a court must consider: “(1) whether a stay would unduly prejudice or present a clear tactical disadvantage to the non-moving party; (2) whether a stay would simplify the issues of the case; and (3) the stage of the proceedings.” *Malibu Boats, LLC v. Nautique Boat Co.*, No. 3:13-cv-656, 2014 WL 3866155, at \*2 (E.D. Tenn. Aug. 6, 2014). However, none of these three factors alone is controlling and a district court’s decision whether to grant a stay pending inter partes review “should be based upon the totality of the circumstances.” *Id.* (quoting *Universal Elecs. Inc. v. Universal Remote Control, Inc.*, 943 F. Supp. 2d 1028, 1031 (C.D. Cal. 2013)).

#### **IV. ARGUMENT**

The totality of the circumstances weighs in favor of granting a temporary stay of this case pending a decision on the institution of the IPRs and, if instituted, a full stay pending the conclusion of the IPRs. In six months, the PTAB will enter a decision on whether to institute the IPRs and, if instituted, the PTAB will decide the invalidity issues raised in Aces’s petitions within a year of the date of institution. As discussed above, there is a likelihood that the IPRs will be instituted on all

claims of the IPR Patents, and an even higher likelihood that some or all of the claims of the IPR Patents will be held unpatentable. Even if the PTAB ultimately concludes that some or all of the claims are patentable, the issues decided by the PTAB, together with the invalidity grounds that Aces “raised or reasonably could have raised” during the IPR, will be eliminated from this case. As such, a stay will save the Court and parties significant resources, with little to no prejudice or tactical disadvantage to Holley.

**A. The Stage of the Proceedings Favors a Stay.**

This case is in its infancy. The Court has not entered a scheduling order or set a trial date. Nor have the parties conducted any fact or expert discovery, exchanged infringement and invalidity contentions, engaged in the claim construction process, or filed any dispositive motions. As such, the parties and the Court have an entire patent infringement case in front of them. Because there can be no dispute that “a stay of [this] proceeding has the potential to save the Court and the parties significant resources,” this factor—the stage of the proceedings—weighs in favor of a stay. *Card-Monroe Corp. v. Tuftco Corp.*, No. 1:14-cv-292, 2015 WL 11109362, at \*4 (E.D. Tenn. Feb. 19, 2015) (stating also that, where the “vast majority of the action in this Court has yet to take place,” this factor weighs in favor of a stay) (citation modified); *see also Pro Stage Gear, LLC v. Donner Tech. Co.*, No. 1:17-CV-30, 2018 WL 11224333 at \*3 (E.D. Tenn. July 2, 2018) (stating that “from a procedural standpoint, this case is just beginning” and “find[ing] that the infancy of this case is a factor that weighs in favor of a stay”).

**B. A Stay Will Simplify the Issues to Be Decided in This Court.**

If instituted, there can be no dispute that the final written decisions in the IPRs will simplify the issues to be decided by this Court.

Aces’s IPR petitions challenge every claim of the IPR Patents. (See Jackson Decl., Exs. A& B). If the PTO institutes IPR trials on Aces’s petitions, it must institute trials and render final

written decisions that address the validity of all of the challenged claims of the IPR Patents in view of the Supreme Court's holding in *SAS Institute, Inc. v. Iancu*, 584 U.S. 357, 363 (2018). If Aces ultimately prevails in the IPRs as to all of the challenged claims, this case will be over relative to the IPR Patents. *See Fresenius USA, Inc. v. Baxter Int'l, Inc.*, 721 F.3d 1330, 1340 (Fed. Cir. 2013) (“[I]n general, when a claim is cancelled, the patentee loses any cause of action based on that claim, and any pending litigation in which the claims are asserted becomes moot.”); *see also VirtualAgility Inc. v. Salesforce.com, Inc.*, 759 F.3d 1307, 1314 (Fed. Cir. 2014) (“This [PTAB] review could dispose of the entire litigation: the ultimate simplification of issues.”).

If Aces prevails in the IPRs as to only a subset of the challenged claims, the IPRs will still greatly simplify the issues to be decided by this Court, as the scope of this case will change dramatically. Holley's infringement case as to the subset of the claims that are cancelled will be rendered moot, *see Fresenius*, 721 F.3d at 1340, reducing the number of claims-at-issue and potentially the number of claim terms in dispute. *See ResMed Corp. v. Cleveland Med. Devices, Inc.*, No. 1:23-CV-2221, 2025 WL 744610 at \*1-4 (N.D. Ohio Mar. 7, 2025) (granting motion to stay pending IPR determination on all six asserted patents in case even though USPTO had not yet granted review and noting “significant overlap between the issues presented in the petitions and the case before the Court”); *Noco Co., Inc. v. Shenzhen Lianfa Tong Tech. Co.*, No. 1:19CV1855, 2020 WL 13929894, at \*3 (N.D. Ohio Nov. 13, 2020) (granting motion to stay in part because “if the USPTO accepts one or both of the Petitions for [IPR]” the issues in the case will be simplified). Moreover, any amendment to the claims during the IPRs will likewise alter the scope of this case, as well as extinguish any claim to damages prior to the date any amended claims may issue.

A stay may be warranted even where the parallel proceeding will not resolve every issue, because it may “clarify, limit, or eliminate some or all” of the issues and materially narrow

discovery. *Glass v. Portfolio Recovery Assocs., LLC*, No. 1:20-cv-283, 2021 WL 6332771, at \*4 (E.D. Tenn., Feb. 12, 2021) (quoting *Lincoln Mem'l Univ. Duncan Sch. Of Law v. ABA*, No. 3:11-cv-608, 2012 WL 1108125, at \*10 (E.D. Tenn. Apr. 2, 2012)); *see also id.* at \*3 (stating that "[t]he Court is aware of no precedent holding a stay is warranted only when the circumstances justifying the stay apply to every asserted claim"); *Fleet Connect Solutions, LLC v. Global Tracking Communications, LLC*, 2025 WL 3194744 (M.D. Fla. Oct. 3, 2025) ("Even if the Remaining Patents emerge unscathed from reexamination, courts regularly conclude that, under such circumstances, reexamination still simplifies issues and streamlines the eventual trial") (citations omitted).

In either scenario, staying this case pending the PTO's decision to institute the IPRs and continuing the stay during the IPR trials will avoid unnecessary litigation between the parties and before the Court. If this case is not stayed, the parties and/or the Court will incur the time and expense associated with fact and expert discovery, infringement and invalidity contentions, claim construction proceedings, expert reports, dispositive motions, and possibly trial, all or some of which might be rendered moot or might have to be redone in view of the PTO's written decisions.

Even in the unlikely event that the PTO confirms the patentability of all of the challenged claims of the IPR Patents without amendment, a stay will still simplify the issues in this case particularly with regard to validity. If the IPRs are instituted and the claims are not canceled, estoppel will prevent Aces from reasserting any invalidity grounds that it "raised or reasonably could have raised" during the IPRs. 35 U.S.C. § 315(e)(2). Once again, this would save the parties, the Court, and perhaps the jury from having to resolve the issue of whether the new invalidity grounds set forth in Aces's petitions anticipate and/or render obvious the challenged claims of the IPR Patents.

Because the PTO's patentability determination in IPR proceedings often results in both the parties and the Court saving significant resources, district courts have stayed patent cases pending the PTO's determination to institute an IPR. For example, in *Wonderland Nursery Goods Co. v. Baby Trend, Inc.*, the district court granted a pre-institution stay in a case involving competitors where the defendants requested an IPR of all asserted claims. No. EDCV 14-01153-VAP, 2015 WL 1809309, at \*5 (C.D. Cal. Apr. 20, 2015). On the issue of simplification, the court stated that:

[T]he Court concludes that a stay has the potential to simplify the issues in this case. First, because Defendants have petitioned for review of all claims asserted in this action, the outcome of the IPR has the potential to be case-dispositive. Second, if an IPR is instituted and the claims are not cancelled, estoppel will prevent Defendants from raising in this Court invalidity grounds that were or could reasonably have been raised during the IPR. In either case, significant judicial resources will be saved.

*Id.* at \*3; *see also* *Sec. People, Inc. v. Ojmar US, LLC*, No. 14-CV-04968-HSG, 2015 WL 3453780, at \*3-6 (N.D. Cal. May 29, 2015) (granting stay and noting that "it is not uncommon for [courts] to grant stays pending reexamination prior to the PTO deciding to reexamine the patent") (citation omitted); *Roche Molecular Sys., Inc. v. Cepheid*, No. C-14-3228-EDL, 2015 WL 124523, at \*4 (N.D. Cal. Jan. 7, 2015) ("The early status of the IPR proceeding does not change this result. Several cases have granted a stay even where, as here, the PTAB has not yet decided whether to institute an IPR.").

No matter what happens with the IPRs, granting a stay will conserve the parties' and the Court's resources while the PTO renders a decision on whether to institute the IPRs and, if instituted, the IPRs will simplify if not moot this litigation altogether as to the IPR Patents. In contrast, denying a stay risks wasting the parties' and the Court's time and resources on claims that very well may be canceled or possibly amended. Accordingly, this factor weighs in favor of a temporary stay pending the PTO's decision to institute the IPRs and, if instituted, a full stay pending the conclusion of the IPRs.

**C. A Stay Will Not Result in Undue Prejudice or Tactical Disadvantage to Holley.**

Holley will undoubtedly argue that a stay would be prejudicial because Holley and Aces are competitors. *See, e.g., Malibu Boats*, 2014 WL 3866155, at \*2 (quoting *Everlight Elec. Co., Ltd. v. Nichia Corp.*, No. 12-cv-11758, 2013 WL 1821512, at \*8 (E.D.Mich. Apr.30, 2013)). The issue of prejudice and unfair disadvantage between competitors during a stay of litigation while an IPR petition proceeds in the PTO was analyzed in *Pro Stage Gear*. In granting the defendant's motion to stay, the Court observed that the presence of multiple competitors in the relevant market outside the parties to the lawsuit lessens the negative impact of allowing a stay and weighs slightly in favor of granting the stay. 2018 WL 11224333 at \*4; *see also Knauf Insulation, LLC v. Johns Manville Corp.*, No. 1:15-CV-00111-WTL, 2015 WL 7084079, at \*2 (S.D. Ind. Nov. 13, 2015) (“The existence of multiple competitors undermines Plaintiffs’ argument that they will lose market share simply due to Defendants’ alleged infringement.”); *Destination Maternity Corp. v. Target Corp.*, 12 F. Supp. 3d 762, 768 (E.D. Pa. 2014) (while patent holder might suffer “some prejudice as a result of a stay, the multiple competitors in the field belie the assertion” of undue prejudice).

Here, while the parties compete in the market for throttle body assemblies, because there are other competitors in the market for throttle body assemblies, the market itself further undermines any claim of prejudice. Holley and Aces are not the only two competitors in the market for EFI throttle body assemblies. Indeed, an internet search for “EFI throttle body two barrel and four barrel for sale” shows that there are several competitors selling EFI throttle body assemblies including Aces, Holley, FiTech, Edelbrock and JEGS, to name a few. (*See Jackson Decl.*, ¶ 4 & Ex. C). As such, the fact that the parties are not the sole competitors only further undermines any claim of undue prejudice by Holley.

Furthermore, Aces has asserted against Holley a counterclaim for infringement of its U.S. Patent No. 7,735,475 [Doc. 22, Ex. A], which relates to fuel injection carburetor technology present in Aces products sold in the same market as the products Holley sells. Thus, any stay of this litigation would pose the same or similar risk of market-share prejudice and tactical disadvantage to Aces as Holley may allege it would suffer. Nevertheless, Aces consents to a stay. Because Holley would not suffer any greater prejudice or different tactical disadvantage during a stay than the prejudice Aces itself may incur, the prejudice factor weighs in favor of a stay.<sup>1</sup>

## V. CONCLUSION

For the reasons set forth herein, Aces respectfully requests that the Court enter an Order temporarily staying this case pending the PTO's decision to institute inter partes review of the IPR Patents and, if instituted, a full stay pending the conclusion of the inter partes review.

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<sup>1</sup> It has been held that “mere delay in collecting [money] damages does not constitute undue prejudice.” *Cellular Communications Equip., LLC v. Samsung Elecs. Co.*, No. 6:14-cv-759, 2015 WL 11143485, at \* 2 (E.D. Tex. Dec. 16, 2015) (PTO IPR proceeding); *3rd Eye Surveillance, LLC v. United States*, 172 Fed. Cl. 498, 504 (2024) (PTO reexamination proceeding).

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that I filed a copy of the foregoing pleading electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt and mailed to all parties listed on the attached mailing matrix. Parties may access this filing through the Court's electronic system.

This 23<sup>rd</sup> day of July, 2026.

/s/ John G. Jackson

John G. Jackson