IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BECKMAN COULTER, INC., Plaintiff, v. CYTEK BIOSCIENCES, INC., Defendant.	C.A. No. 24-945-CFC

ORDER

At Wilmington on this Thirtieth day of July in 2025, having reviewed the parties' briefing (D.I. 108; D.I. 112) and having weighed the competing interests of the parties, *see Landis v. N. Am. Co.*, 299 U.S. 248, 255 (1936), and considered the factors courts typically think about when deciding a motion to stay, *see TTI Consumer Power Tools, Inc. v. Lowe's Home Centers LLC*, 2022 WL 16739812, at *1 (D. Del. Nov. 7, 2022), it is HEREBY ORDERED that the Motion to Stay Pending *Inter Partes* Review and Post Grant Review of the Asserted Patent Claims (D.I. 107) filed by Defendant Cytek Biosciences, Inc. (Cytek) is DENIED.

The motion was easy to decide. Cytek has not filed *any* post-grant review (PGR) petitions and refused to share with Plaintiff Beckman Coulter, Inc. (Beckman Coulter) the grounds for its hypothetical petitions. D.I. 112-3 ¶¶ 14–17. Cytek is also noncommittal in its briefing, stating that it "intends to challenge the

newly issued [#]106 and [#]107 patents in post-grant review as invalid for, *among other things*, failing to meet the requirements of 35 U.S.C. § 112." D.I. 108 at 3 (emphasis added); *see also* D.I. 108 at 15 ("Cytek's PGR petitions will challenge these patents based on 35 U.S.C. §§ 103 *and/or* 112.") (emphasis added). Cytek has failed to cite, and I am not aware of, any case granting a motion to stay based on hypothetical post-grant challenges that have not been filed, let alone instituted.

Cytek has filed an *inter partes* review (IPR) petition for all asserted claims of the #443 patent, but IPR has not been instituted. D.I. 109-1; *see* D.I. 108 at 8. "Generally, the 'simplification' issue does not cut in favor of granting a stay prior to the time the PTAB decides whether to grant the petition for *inter partes* review." *Copy Protection LLC v. Netflix, Inc.*, 2015 WL 3799363, at *1 (D. Del. June 17, 2015) (internal quotation marks and citation omitted); *HIP, Inc. v. Hormel Foods Corp.*, 2019 WL 7667104, at *1 (D. Del. May 16, 2019).

The timing of Cytek's IPR petition also counsels against a stay. Beckman Coulter filed this lawsuit in August 2024 and served its infringement contentions in February 2025. D.I. 1; D.I. 50. Cytek waited another five months to file its IPR petition—less than one month before the IPR bar date for the #443 patent. *See* D.I. 109-1; D.I. 1; 35 U.S.C. § 315(b); D.I. 112 at 10. A trial date has been set for August 17, 2026, and the parties have substantially completed document production, exchanged invalidity and infringement contentions, and finished claim

construction briefing in preparation for a *Markman* hearing scheduled next month on August 21, 2025. D.I. 55; D.I. 50; D.I. 77; D.I. 114. The magistrate judge has heard and resolved multiple discovery disputes. D.I. 57, 60–61, 64, 70–71, 95, 98–99, 101, 106. Fact discovery is scheduled to be completed on or before October 8, 2025. D.I. 55. While the parties have not begun expert discovery and I have yet to construe the disputed claims, any institution decisions will not come until early 2026, and by that time expert discovery will have closed and trial will be only months away. *See* 35 U.S.C. § 314; D.I. 108-1 at 2; D.I. 55.

Finally, a stay would cause delay that is unfair to Beckman Coulter, which competes directly with Cytek.

Chief Judge