

v. )  
APPLE INC., VISA INC., and VISA U.S.A., INC., )  
Defendants. )

C.A. No. 17-585-JFB-SRF  
REDACTED  
PUBLIC VERSION

**DEFENDANT APPLE INC.'S REPLY BRIEF IN SUPPORT OF ITS MOTION TO STAY  
PENDING *INTER PARTES* AND COVERED BUSINESS METHOD REVIEWS**

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Apple's opening brief demonstrated that this case should be stayed pending resolution of Apple's petitions for IPR and CBM review. Nothing in Universal Secure Registry's ("USR") Opposition ("Opp.") calls that conclusion into question.

A stay will resolve the case or, at a minimum, simplify it. *First*, if Apple's IPR and CBM petitions are successful, a stay would avoid needless litigation. *Second*, USR does not dispute that the U.S. Patent and Trademark Office ("PTO")'s review of Apple's petitions will simplify the issues for trial even if claims are neither amended nor canceled. *Third*, contrary to USR's arguments, the case-simplifying benefits of a stay are not speculative. In addition to statistics demonstrating that a significant majority of petitions for post-grant review are granted by the PTO, one of the patents-in-suit is *already* subject to an instituted IPR filed by Unified Patents, Inc. ("Unified Patents"), and USR has filed *no* Patent Owner preliminary response to Apple's IPR petitions challenging another; it is thus highly likely that *at least* two of the patents-in-suit will be subject to PTO review proceedings. In addition, USR has already disclaimed three patent claims in its Patent Owner preliminary response to Apple's CBM petition for the '137 patent. Furthermore, the Supreme Court's recent decision in *SAS Institute, Inc. v. Iancu*, 138 S. Ct. 1348, 1354 (2018), eliminates any speculation regarding which claims the PTO will review if Apple's petitions are instituted—and USR does not dispute that Apple's petitions challenge all claims that USR is likely to assert from the four asserted patents.

The early stage of this case strongly favors a stay. USR concedes that the majority of work for the Court and the parties in this case lies ahead. Opp. at 16. Contrary to USR's

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