

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IRONBURG INVENTIONS LTD. a
United Kingdom Limited Company,

Plaintiff,

vs.

COLLECTIVE MINDS GAMING
CO. LTD.,

Defendant.

Civil Action No. 1:16-cv-04110-TWT

[ORAL ARGUMENT REQUESTED BY
PLAINTIFF]

**PLAINTIFF IRONBURG INVENTIONS LTD'S OPPOSITION TO
MOTION TO STAY CASE PENDING INTER PARTES REVIEW**

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. FACTUAL BACKGROUND.....	5
A. The Proceedings in this Case Are at an Advanced Stage and the Parties Have Expended Substantial Resources to Prepare for Trial	5
B. Defendant Could Have Filed The Petitions in March 2016.....	6
C. Defendant Has Benefited From the Repeated Challenges to the Patents by a Third Party But Failed to Seek a Stay	6
III. LEGAL STANDARD	11
IV. ARGUMENT.....	12
A. A Stay Will Not Simplify the Issues in the Case	12
1. The PTAB Has Not Instituted a Review Of Defendant’s Petitions.....	13
2. This Action Involves an Additional Patent Not at Issue in Defendant’s IPR Petitions.....	15
B. Defendant Tactically Delayed Filing IPR Petitions and a Stay Now Would Prejudice Plaintiff.....	17
C. The Advanced Stage of Litigation Weighs Against a Stay.....	21
V. CONCLUSION.....	23

TABLE OF AUTHORITIES

	Page
CASES	
<i>Affinity Labs of Tex., LLC v. Ford Motor Co.</i> , No. 1:12-cv-00582-RC, 2013 WL 7760958 (E.D. Tex. Sept. 19, 2013)	20
<i>Affinity Labs of Tex., LLC v. Nike, Inc.</i> , No. C 10-5543 CW, 2011 U.S. Dist. LEXIS 51665 (N.D. Cal. May 13, 2011)	19
<i>American Vehicular Sciences v. Toyota Motor Corp.</i> , Case No. 6:12-CV-404 (Dkt. 221 at p. 3) (E.D. Tx Feb. 19, 2014)	16
<i>Automatic Mfg. Sys., Inc. I</i> , 2013 U.S. Dist. LEXIS 67790, 2013 WL 1969247 (M.D. Fla. Nov. 21, 2013)	14
<i>Belden Techs. Inc. v. Superior Essex Commc'ns LP</i> , Civ. No. 8-63-SLR, 2010 WL 3522327 (D. Del. Sept. 2, 2010)	18
<i>Colo. River Water Conservation Dist. v. United States</i> , 424 U.S. 800 (1976)	12
<i>Comcast Cable Communications Corp., LLC v. Finisar Corp.</i> No. 06-04206 WHA, 2007 WL 1052883 (N.D. Cal. Apr. 5, 2007)	11
<i>Davol, Inc. v. Atrium Med. Corp.</i> , Civil Action No. 12-958-GMS, 2013 U.S. Dist. LEXIS 84533 (D. Del. June 17, 2013)	15, 17, 19
<i>Encap v. The Scotts Co.</i> , Case No. 1:11-CV-685 (E.D. Wis. Nov. 7, 2013)	16
<i>Ethicon Inc. v. Quigg</i> , 849 F.2d 1422 (Fed. Cir. 1988)	12
<i>Evolutionary Intelligence, LLC v. Apple Inc.</i> , No. 3:13-cv-4201, 2014 U.S. Dist. LEXIS 2763 (N.D. Cal. Jan. 9, 2014)	18
<i>Fresenius USA, Inc. v. Baxter Int'l, Inc.</i> , 582 F.3d 1288 (Fed. Cir. 2009) (Newman, J., concurring)	11

TABLE OF AUTHORITIES
(continued)

	Page
<i>Imagevision.net, Inc. v. Internet Payment Exch., Inc.</i> , No. 12-054-GMS-MPT, 2013 U.S. Dist. LEXIS 25015 (D. Del. Feb. 25, 2013)	17
<i>Indiana Police Pension Trust v. Chrysler LLC</i> , 129 S. Ct. 2275 (2009).....	11
<i>Intellectual Ventures II LLC v. SunTrust Banks, Inc.</i> , No. 1:13-CV-02454-WSD, 2014 U.S. Dist. LEXIS 142295 (N.D. Ga. Oct. 7, 2014).....	12
<i>Interwoven, Inc. v. Vertical Computer Sys.</i> , No. C 10-04645 RS, 2012 U.S. Dist. LEXIS 30946 (N.D. Cal. Mar. 8, 2012).....	20, 21
<i>Ironburg Inventions Ltd. v. Valve Corporation</i> , Case No. 15-cv-04219-TWT (Dkt. 1) (N.D. Ga. Dec. 3, 2015).....	7
<i>Ironburg Inventions Ltd. v. Valve Corporation</i> , Case No. 17-cv-01182-TSZ (Dkt. 117) (W.D. Wash. Aug. 4, 2017)	7
<i>Kahn v. Gen. Motors Corp.</i> , 889 F.2d 1078 (Fed. Cir. 1989)	11
<i>KLATencor Corp. v. Nanometrics, Inc.</i> 2006 WL 708661 (N.D. Cal. 2006)	18
<i>Maxlinear, Inc. v. Cresta Technology Corporation</i> , IPR2015-00591(PTAB 2015)	14
<i>NFC Tech. LLC v. HTC Am., Inc.</i> , No. 2:13-CV-1058-WCB, 2015 U.S. Dist. LEXIS 29573 (E.D. Tex. Mar. 11, 2015)	13, 14
<i>Rensselaer Polytechnic Inst. v. Apple Inc.</i> , 2014 WL 201965 (N.D.N.Y. Jan. 15, 2014)	19
<i>Soverain Software LLC v. Amazon.com, Inc.</i> , 356 F.Supp.2d 660 (E.D.Tex. 2005).....	11
<i>Sunbeam Prods., Inc. v. Hamilton Beach Brands, Inc.</i> , No. 3:09-cv-791, 2010 WL 1946262 (E.D. Va. May 10, 2010)	19

TABLE OF AUTHORITIES
(continued)

	Page
<i>Ultratec, Inc. v. Sorenson Commc 'ns, Inc.</i> , No. 13-cv-346-bbc, 2013 WL 6044407 (W.D. Wis. Nov. 14, 2013).....	12, 14
<i>Unifi Sci. Batteries, LLC v. Sony Mobile Communs. AB</i> , No. 6:12cv224 JDL, 2014 U.S. Dist. LEXIS 129388 (E.D. Tex. Jan. 14, 2014	15, 18
<i>Verinata Health, Inc. v. Ariosa Diagnostics, Inc.</i> , No. C 12-05501, 2014 WL 121640 (N.D. Cal. Jan. 13, 2014).....	11
<i>Voltstar Techs., Inc. v. Superior Commc 'ns, Inc.</i> , No. 2:12-cv-00082, 2013 WL 4511290 (E.D. Tex. Aug. 22, 2013)	20
<i>Wonderland Nurserygoods Co. v. Kids II, Inc.</i> , No. 1:13-CV-01114-ELR, 2016 U.S. Dist. LEXIS 100585 (N.D. Ga. Feb. 10, 2016)	15, 16

STATUTES

35 U.S.C. § 315(b)	10, 23
35 U.S.C. § 315(c)	8
35 U.S.C. § 315(e)(1).....	10
35 U.S.C. § 325(d)	4, 14
35 U.S.C. § 282(a)	10
35 U.S.C. § 314(d)	10

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.