

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION**

In Re: Neo Wireless, LLC, Patent Litigation	Case No. 2:22-md-03034-TGB Hon. Terrence G. Berg
Neo Wireless, LLC, v. Ford Motor Company	2:22-CV-11402-TGB
Neo Wireless, LLC, v. American Honda Motor Co., Inc., et al.	2:22-CV-11403-TGB
Neo Wireless, LLC, v. Volkswagen Group of America, Inc. et al.	2:22-CV-11404-TGB
Neo Wireless, LLC, v. Nissan North America Inc. et al.	2:22-CV-11405-TGB
Neo Wireless, LLC, v. Toyota Motor Corporation et al.	2:22-CV-11406-TGB
Neo Wireless, LLC, v. General Motors Company et al.	2:22-CV-11407-TGB
Neo Wireless, LLC, v. Tesla Inc.	2:22-CV-11408-TGB
Neo Wireless, LLC, v. Mercedes-Benz USA, LLC	2:22-CV-11769-TGB
Neo Wireless, LLC, v. FCA US LLC	2:22-CV-11770-TGB

**NEO WIRELESS, LLC'S RESPONSE TO DEFENDANTS'
MOTION TO STAY**

TABLE OF CONTENTS

STATEMENT OF ISSUE PRESENTED	vi
CONTROLLING OR MOST APPROPRIATE AUTHORITY	vii
I. BACKGROUND	1
II. LEGAL STANDARD	6
III. ARGUMENT	7
A. The Stage of the Case Does Not Justify a Stay	7
1. Significant Progress Has Been Made in Claim Construction, Discovery, and Settlement.	8
2. The MDL Proceeding Makes a Stay Particularly Inappropriate.....	11
B. A Stay Will <i>Complicate</i> , Not Simplify, the Issues.	14
1. Defendants’ IPRs Are Unlikely to Simplify Issues Because of the Strength of Neo’s Patents.....	15
2. Defendants’ Projected Simplification is One-Sided.	17
3. The IPR Proceedings Will Not Simplify Any Defenses Outside of 35 U.S.C. §§ 102 or 103.....	18
C. Defendants’ Dilatory Motives in Staggering the IPRs and Scheme to Gain an Unjust Tactical Advantage, Severely Prejudice Neo.	19
D. Alternatively, the Court Should Deny the Motion as Premature.	24
IV. CONCLUSION	25

TABLE OF AUTHORITIES

Cases

Amazon.com, Inc. v. Barnesandnoble.com, Inc.
 239 F.3d 1343 (Fed. Cir. 2001)16

American Home Products Corp. v. Lockwood Mfg. Co.
 483 F.2d 1120 (6th Cir. 1973).....20

CAO Lighting, Inc. v. General Electric Company
 C.A. No. 20-681-GBW, C.A. No. 20-690-GBW, No. 2022 WL 17752270
 (D. Del. Dec. 19, 2022)19

Card-Monroe Corp. v. Tuftco Corp.
 No. 1:14-cv-292, 2015 WL 11109362 (E.D. Tenn. Feb. 19, 2015).....7

Carl Zeiss A.G. v. Nikon Corp.
 No. 2:17-CV-07083-RGK-MRW, 2018 WL 5081479
 (C.D. Cal. Oct. 16, 2018).....19

Cequent Performance Products, Inc. v. Hopkins Mfg. Corp.
 No. 13-cv-15293, 2015 WL 1510671 (E.D. Mich. April 1, 2015)15

Dell Inc. et al v. Neo Wireless LLC
 IPR2021-01468, Paper 12 (PTAB March 14, 2022).....16

Dell Inc. et al v. Neo Wireless LLC
 IPR2021-01480, Paper 11 (PTAB March 16, 2022).....16

Dell Inc. et al v. Neo Wireless LLC
 IPR2021-01486, Paper 10 (PTAB March 16, 2022).....16

Dell Inc. et al v. Neo Wireless LLC
 IPR2022-00277, Paper 12 (PTAB June 21, 2022)16

Eagle View Technologies, Inc. v. Xactware Solutions, Inc.
 No. 15-7025 (RBK/JS), 2016 WL 7165695 (D.N.J. Dec. 7, 2016)22

<i>Ethicon LLC v. Intuitive Surgical, Inc.</i> C.A. No. 17-871-LPS, 2019 WL 1276029 (D. Del. March 20, 2019).....	7
<i>Everlight Electronics Co., Ltd. v. Nichia Corp.</i> No. 12-cv-11758, 2013 WL 1821512 (E.D. Mich. April 30, 2013)	6
<i>General Motors LLC et al v. Neo Wireless LLC</i> IPR2023-00962, Paper 4 (PTAB June 5, 2023)	25
<i>General Motors LLC et al v. Neo Wireless LLC</i> IPR2023-00963, Paper 4 (PTAB June 5, 2023)	25
<i>General Motors LLC et al v. Neo Wireless LLC</i> IPR2023-00964, Paper 3 (PTAB June 5, 2023)	25
<i>Indiana State Police Pension Trust v. Chrysler LLC</i> 129 S.Ct. 2275 (2009)	6
<i>Interwoven, Inc. v. Vertical Computer Systems, Inc.</i> No. C 10-04645 RS, 2012 WL 761692 (N.D. Cal. March 8, 2012)	18
<i>Intuitive Surgical, Inc. v. Ethicon LLC</i> 25 F.4th 1035 (Fed. Cir. 2022)	22
<i>Kahn v. GMC</i> 889 F.2d 1078 (Fed. Cir. 1989)	19
<i>Kirsch Research and Development, LLC v. Tarco Specialty Products, Inc.</i>	
6:20-cv-00318, 2021 WL 4555804 (W.D. Tex. Oct. 4, 2021).....	15
<i>Norgren Automation Solution, LLC v. PHD, Inc.</i> No. 14-cv-13400, 2015 WL 1245942 (E.D. Mich. March 18, 2015)	19
<i>Orbital Australia Pty v. Daimler AG</i> No. 15-CV-12398, 2015 WL 5439774 (E.D. Mich. Sept. 15, 2015).....	20
<i>Pipe Restoration Technologies, LLC v. Pipeline Restoration Plumbing, Inc.</i> No.: SACV 13-00499-CJC (RNBx), 2015 WL 13918253 (C.D. Cal. Feb. 13, 2015)	20

Regents of Univ. of Michigan v. St. Jude Med., Inc.
 No. 12-12908, 2013 WL 239340 (E.D. Mich. May 31, 2013).....7

SAS Inst., Inc. v. Complement, LLC
 825 F.3d 1341 (Fed. Cir. 2016)22

Signal IP, Inc. v. Fiat U.S.A., Inc.
 No. 14-cv-13864, 2015 WL 5719670 (E.D. Mich. Sept. 30, 2015)..... 7, 12, 18

Signal IP, Inc. v. Ford Motor Co.
 No. 14-cv-13864, 2015 WL 5719671 (E.D. Mich. Sept. 20, 2015)..... 6, 17

SkyHawke Techs., LLC v. Deca Int’l Corp.
 828 F.3d 1373 (Fed. Cir. 2016)14

Sonrai Memory Limited v. LG Electronics Inc.
 No. 6:21-cv-00168-ADA, 2022 WL 2307475 (W.D. Tex. June 27, 2022)18

VirnetX Inc. v. Apple Inc.
 No. 6:12-CV-008550RWS, 2018 WL 398433 (E.D. Tex. Jan. 12, 2018).....17

Visteon Global Technologies, Inc. v. Garmin Intern., Inc.
 No. 10-cv-10578, 2013 WL 434135 (E.D. Mich. Feb. 4, 2013).....18

Volkswagen Group of America, Inc. v. Neo Wireless LLC
 IPR2022-01538, Paper 7 (PTAB May 5, 2023)15

Volkswagen Group of America, Inc. v. Neo Wireless LLC
 IPR2023-00086, Paper 2 (PTAB Oct. 28, 2022).....24

XMTT, Inc. v. Intel Corp.
 No. 18-1810, 2022 WL 2904308 (D. Del. July 22, 2022)13

Statutes

35 U.S.C. § 101 18, 19

35 U.S.C. § 10218

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.