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Hearing on Motion to Stay

Delaware Display Group LLC et al. v. LG Electronics Inc. et al.
C.A. No. 13-2109-RGA

October 1, 2013

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Ideal Candidate For a Stay

- Simplification – IPRs will undoubtedly narrow the thicket
 - asserted patents and claims will be canceled
- Timing is ideal
 - No claim construction hearing yet
 - Trial is a year away
 - Fact and expert discovery still to be conducted
 - no stay will result in major confusion at very difficult time
- No prejudice if case is stayed

Factors Supporting a Motion to Stay

Factor	Sub-Factor	
A Stay Will Not Unduly Prejudice the Plaintiffs		
	Timing Considerations Favor a Stay	
	The Status of IPRs Favors a Stay	
	The Relationship Among the Parties Favors a Stay	
A Stay will Simplify the Issues for Trial		
Procedural Posture is Ideal for a Stay		

No Prejudice – Plaintiffs’ Claims of Prejudice

- “indefinite stay”
 - 9 months is not indefinite
- Defendants took too long to file IPRS
 - Initial round filed before initial disclosures
 - Second round filed around invalidity contentions
- Not enough IPRs are instituted
 - 6 IPRs instituted against 4 (of 7) patents
 - 5 pending petitions, implicating the other 2 (of 7) patents
 - Only 1 patent not covered by instituted or pending

No Prejudice – Plaintiffs’ Claims of Prejudice

Patent	IPR (LGD)	IPR (LGE)	IPR (Mercedes)	IPR (Toyota)	IPR (Son
547 (dropped)	Instituted/conceded		Dropped		
194 (dropped)	Instituted/conceded	Instituted/conceded	Instituted/dropped	Dropped	Dropped
177	Instituted	Instituted	2 dropped	2 dropped	Dropped
660	Instituted	Pending	2 dropped	2 dropped	Dropped
	Denied	Denied	2 dropped	2 dropped	Dropped
370	Instituted	Instituted			Dropped
196	Denied (PTAB couldn't construe term "relatively low angles")	Denied			Dropped
816 (found indefinite in TX)	Denied	Denied	2 dropped	Dropped	Dropped
973 (added)	Instituted	Pending			

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