

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MONTEREY RESEARCH, LLC

Plaintiff,

v.

NANYA TECHNOLOGY CORPORATION,
NANYA TECHNOLOGY CORPORATION,
U.S.A., and NANYA TECHNOLOGY
CORPORATION DELAWARE,

Defendants.

C.A. No. 19-2090-NIQA-LAS

**OPENING BRIEF IN SUPPORT OF
NANYA TECHNOLOGY CORPORATION, NANYA TECHNOLOGY CORPORATION,
U.S.A., AND NANYA TECHNOLOGY CORPORATION DELAWARE'S
MOTION FOR STAY PENDING *INTER PARTES* REVIEW**

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Defendants Nanya Technology Corporation, Nanya Technology Corporation, U.S.A., and Nanya Technology Corporation Delaware (collectively “Nanya”) request a stay of this case until the Patent Trial and Appeal Board (“PTAB”) at the U.S. Patent and Trademark Office concludes *inter partes* review (“IPR”) proceedings for the patents asserted in this litigation by Plaintiff Monterey Research, LLC (“Monterey”). Non-practicing entity Monterey asserts that Nanya infringes six patents. Four of the six patents, however, are subject to IPR challenges to their validity at the PTAB. The PTAB has already decided to complete an in-depth review of one of the patents, finding there is a “reasonable likelihood” that at least one challenged claim of the patent will be cancelled. IPR petitions relating to three other asserted patents are also on file at the PTAB and awaiting its decisions on whether to institute a full review.

This Court recently granted a stay in related litigation by Monterey against AMD.¹ In that case, the Court concluded that the IPR challenges would simplify the case, preserve judicial resources, and promote the efficient resolution of the dispute. The circumstances here are similar, and the same reasoning applies. A stay would pave the way for substantial simplification of this case based on the IPR challenges to four of the six asserted patents. A stay would also prevent this Court from duplicating the PTAB’s efforts and delay burdensome tasks for the Court and the parties—tasks that may become unnecessary. As in the AMD case, Monterey does not compete with Nanya, and a stay will not prejudice Monterey’s ability to assert its remaining claims after the IPR decisions. Accordingly, Nanya requests an immediate stay of this case pending completion of the IPR proceedings relating to the asserted patents.

¹ Order Granting AMD’s Motion to Stay Pending *Inter Partes* Review, *Monterey Research LLC, v. Advanced Micro Devices, Inc.*, No. 19-2149-NIQA, D.I. 96 (Jan. 5, 2021) (“Order Granting AMD’s Motion to Stay”).

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