



“District courts typically consider three factors when determining whether to grant a stay pending *inter partes* review of a patent in suit: (1) whether the stay will unduly prejudice the nonmoving party, (2) whether the proceedings before the court have reached an advanced stage, including whether discovery is complete and a trial date has been set, and (3) whether the stay will likely result in simplifying the case before the court.” *NFC Techs. LLC v. HTC Am., Inc.*, Case No. 2:13-cv-1058-WCB, 2015 WL 1069111, at \*2 (E.D. Tex. Mar. 11, 2015) (Bryson, J.). “Based on th[ese] factors, courts determine whether the benefits of a stay outweigh the inherent costs of postponing resolution of the litigation.” *Id.*

Uniloc’s Motion explains that the Patent Trial and Appeal Board (“PTAB”) has instituted review of every asserted claim of all patents asserted against the Defendants—namely, the ’948 Patent, the ’000 Patent, and the ’194 Patent. (Dkt. No. 92 at 1–2.) Having considered the factors outlined above, the Court is persuaded that the benefits of a stay outweigh the costs of postponing resolution of the litigation in this case. Here, the patent claims have not yet been construed by the Court, and discovery is not yet complete. Moreover, even if the PTAB does not invalidate every claim on which it has instituted IPR, there is a significant likelihood that the outcome of the IPR proceedings will streamline the scope of this case to an appreciable extent.

Accordingly, Uniloc’s Motion to Stay (Dkt. No. 92) is **GRANTED**. It is therefore **ORDERED** that the above-captioned cases are **STAYED** pending the PTAB’s final decisions in IPR2016-01756, IPR2017-00058, IPR2017-00198, IPR2017-00597, IPR2017-01685, IPR2017-1683, IPR2017-1684. (*Id.* at 1.)

The Parties are **ORDERED** to file a joint status report with the Court to inform the Court regarding the results of the pending IPRs. Such report shall be filed within ten (10) days of the last decision from the PTAB in the above referenced IPRs. A courtesy copy of such joint status report

shall be delivered to chambers within the above time period. Such report shall be joined in by lead counsel (and local counsel to the extent local counsel have appeared herein) for each party.

This stay is effective, but without prejudice, to Defendant Amazon.com, Inc.'s pending challenge to venue based on a forum selection clause. (2:17-cv-228, Dkt. No. 24.)

**So ORDERED and SIGNED this 12th day of February, 2018.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE