

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

TRAXCELL TECHNOLOGIES, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 6:21-cv-00074-ADA

**JURY TRIAL DEMANDED**

**DEFENDANT APPLE INC.'S OPPOSED MOTION TO STAY  
ACTION PENDING FINAL DISPOSITION OF RELATED  
PROCEEDINGS BEFORE THE FEDERAL CIRCUIT COURT OF APPEALS**

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## I. INTRODUCTION

Defendant Apple Inc. (“Apple”) respectfully moves to stay this patent infringement action filed by Plaintiff Traxcell Technologies, LLC (“Traxcell”) pending the Federal Circuit’s resolution of Traxcell’s appeals in related actions. *See Traxcell Tech., LLC, v. Sprint Commc’s Co. LP*, Nos. 2020-1852, 2020-1854 (Fed. Cir. 2020). Those appeals, which are fully briefed and scheduled for oral arguments on August 5, 2021, involve issues common to both asserted patents in this case, including the construction of key claim terms.

A stay will promote judicial efficiency without prejudicing Traxcell. Indeed, just two months ago Traxcell successfully moved to stay its case against Nokia involving the same two patents asserted against Apple, pending final resolution of the same appeals Apple is citing here. *See Ex. A, Traxcell Technologies, LLC v. Nokia Solutions and Networks US LLC et al.*, Case No. 2:18-cv-00412-RWS-RSP, Doc. No. 82 at 9 (E.D. Tex. May 17, 2021) (hereinafter “Motion to Stay *Nokia II*”). Though Traxcell refused to agree to staying this case, Traxcell argued a stay was warranted in *Nokia II* because (1) “there is no risk of prejudice or hardship from entry of the stay,” (2) the stay “will promote judicial economy, as some or all disputed issues in the case could be resolved by the pending Federal Circuit appeal,” (3) the “need for claim construction may be narrowed or eliminated” entirely, and (4) “[i]f the parties move forward with discovery while the appeal is pending, the [c]ourt might needlessly spend time litigating discovery disputes that are mooted by the resolution of key disputes on appeal.” *Id.* These arguments are equally applicable here, and the Court should stay this case for the same reasons argued by Traxcell in its successful bid to stay *Nokia II*.

## II. FACTUAL BACKGROUND

This litigation is one of several related cases filed by Traxcell in this District and in the

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