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

MYPAQ HOLDINGS LTD., Plaintiff, v. DELL TECHNOLOGIES INC. and DELL INC., Defendants.	CIVIL ACTION NO. 6:21-CV-933-ADA JURY TRIAL DEMANDED

PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO STAY PENDING RESOLUTION OF DEFENDANTS' MOTION FOR INTRA-DISTRICT TRANSFER OF VENUE

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I. INTRODUCTION

On February 3, 2022, Defendants Dell Technologies Inc. and Dell Inc. (together, "Dell") moved for an intra-district transfer of venue from the Waco Division to the Austin Division. *See* Dkt. 36 (the "Transfer Motion"). Although the factual bases for the Transfer Motion, as alleged by Dell, were easily ascertainable from this lawsuit's filing—and despite Dell agreeing "to a joint *Markman* hearing for this case and the *Samsung* case on May 4, 2022," Dkt. 18—Dell waited five months before moving to transfer.[1]

In response, MyPAQ Holdings Ltd. ("MyPAQ") sought venue discovery from Dell, *see* Dkt 41, as authorized by the Court's standing orders, *see* Amended Standing Order Regarding Venue and Jurisdictional Discovery Limits for Patent Cases ("Venue Discovery Order") (June 8, 2021), at 1. Although the Court allows three months to complete venue discovery, *see id.*, MyPAQ intends to complete it and file its response to the Transfer Motion before the scheduled *Markman* hearing.

Dell now moves to stay this case pending resolution of the Transfer Motion. *See* Dkt. 43. As demonstrated below, Dell fails to meet the high standard for a stay.

II. LEGAL STANDARD

"Whether to stay a case falls within the Court's inherent discretional authority." *Kerr Mach. Co. v. Vulcan Indus. Holdings, LLC*, No. 6:20-CV-00200-ADA, 2021 WL 1298932, at *1 (W.D. Tex. Apr. 7, 2021). "In determining whether a stay is proper, a district court should consider, among other factors, (1) the potential prejudice to the non-moving party; (2) the hardship and inequity to the moving party if the action is not stayed; and (3) judicial resources." *Neodron Ltd. v. Dell Techs. Inc.*, No. 1:19-CV-00819-ADA, 2019 WL 9633629, at *1 (W.D. Tex. Dec. 16, 2019). To deserve a stay, "[t]he movant has the burden to make out a clear case of hardship or inequity." *WSOU Invs. LLC v. ZTE Corp.*, No.

[1] Dell Technologies Inc. was served with MyPAQ's Original Complaint on September 14, 2021. *See* Dkt. 8. Dell Inc. was served two days later. *See* Dkt. 9.

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