

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

AX WIRELESS LLC,

Plaintiff,

v.

DELL INC., *et al.*,

Defendants.

Civil Action No. 2:22-cv-00277-RWS-RSP

JURY TRIAL DEMANDED

OPPOSED MOTION TO STAY PENDING RESOLUTION OF INSTITUTED *INTER PARTES* REVIEW OF DEFENDANTS DELL INC. AND DELL TECHNOLOGIES INC.

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Defendants Dell Inc. and Dell Technologies Inc. (collectively, “Dell”) move to stay this patent case filed by AX Wireless LLC (“AX Wireless”) because the Patent Trial & Appeals Board (“PTAB”) has instituted *inter partes* review (“IPR”) proceedings against all asserted patents and nearly all asserted claims. AX Wireless alleges that hundreds of Wi-Fi 6-certified consumer electronic products sold by Dell (“Dell products”) infringe eight patents, each of which they also assert against Lenovo Group Limited (“LGL”), HP Inc. (“HPI”), and Acer in co-pending litigation.¹ Trials for LGL, Dell, and HPI are set for the same day, July 15, 2024, and expert discovery is about to begin. The Acer trial is more than ten months away, on January 6, 2025. A tremendous amount of party and judicial resources will be necessary to take any one of these cases to trial—let alone all four.

On balance, the stay factors strongly weigh in favor of a stay. **First**, the IPRs instituted between February 14 and March 5, 2024, on all eight patents will greatly simplify the issues, not just in the Dell case, but in all four cases because AX Wireless asserts the same patents. For each asserted claim addressed on the merits, the PTAB found the claim reasonably likely to be found invalid in view of prior art. Though the PTAB discretionarily denied institution of a handful of claims in one patent, the PTAB nevertheless instituted IPR of other patents with nearly identical claim limitations. If the instituted IPRs succeed, the overlapping scope of the claims across several of the patents will subject the few non-instituted claims to collateral estoppel. Otherwise, litigation of any surviving claims can resume in early 2025, approximately seven months from the currently-scheduled trial date. **Second**, this seven-month delay will cause no undue prejudice because plaintiff is a non-practicing entity whose claims, if successful, could be satisfied by monetary

¹ See Case Nos. 2:22-cv-00280 (E.D. Tex.), ECF No. 29 (Am. Compl. against LGL), ¶ 27; 2:22-cv-00279 (E.D. Tex.), ECF No. 16 (Am. Compl. against HPI), ¶ 28; 2:23-cv-00041 (E.D. Tex.), ECF No. 49 (Am. Compl. against Acer), ¶ 27.

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