

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

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|-----------------------------------|---|-----------------------------------|
| JAWBONE INNOVATIONS, LLC, | § | |
| | § | Case No. 2:21-cv-00186-JRG-RSP |
| Plaintiff, | § | |
| | § | <u>JURY TRIAL DEMANDED</u> |
| v. | § | |
| | § | |
| SAMSUNG ELECTRONICS CO., LTD. and | § | |
| SAMSUNG ELECTRONICS AMERICA, | § | |
| INC., | § | |
| | § | |
| Defendants. | § | |
| | § | |

**PLAINTIFF JAWBONE INNOVATIONS, LLC'S RESPONSE IN OPPOSITION
TO DEFENDANTS SAMSUNG ELECTRONICS CO., LTD. AND
SAMSUNG ELECTRONICS AMERICA, INC.'S MOTION TO STAY (DKT. 90)**

TABLE OF CONTENTS

| | <u>Page(s)</u> |
|--|-----------------------|
| I. INTRODUCTION | 1 |
| II. BACKGROUND | 1 |
| III. LEGAL STANDARD..... | 2 |
| IV. ARGUMENT | 3 |
| A. Jawbone Will Suffer Significant Prejudice if a Stay is Granted..... | 3 |
| B. Samsung Will Not Suffer Any Hardship or Inequity if a Stay Is Denied..... | 4 |
| C. The Denial of a Stay Will Not Result in Duplicative Litigation..... | 5 |
| D. Samsung Has Failed to Establish a Stay Is Warranted | 5 |
| V. CONCLUSION..... | 6 |

TABLE OF AUTHORITIES

| | Page(s) |
|--|----------------|
| Cases | |
| <i>Clinton v. Jones</i> , 520 U.S. 681 (1997)..... | 2, 3 |
| <i>Cummins-Allison Corp. v. SBM Co.</i> , No. 9:07-cv-196, 2008 WL 11348281 (E.D. Tex. May 21, 2008) | 4 |
| <i>Edward D. Ioli Trust v. Avigilon Corp.</i> , No. 2:10-cv-605, Dkt. 279 (E.D. Tex. Nov. 16, 2012) | 5 |
| <i>In re Fusion-IO</i> , 489 F. App'x 465 (Fed. Cir. 2012) | 3 |
| <i>Kaneka Corp. v. JBS Hair, Inc.</i> , No. 3:10-cv-1430-P, 2011 WL 13167931 (N.D. Tex. Mar. 30, 2011) | 4 |
| <i>Landis v. N. Am. Co.</i> , 299 U.S. 248 (1936)..... | 2 |
| <i>Lennon Image Techs., LLC v. Macy's Retail Holdings, Inc.</i> , No. 2:13-cv-235-JRG, 2014 WL 4652117 (E.D. Tex. Sept. 18, 2014) | 5, 6 |
| <i>Moser v. Navistar Int'l Corp.</i> , No. 4:17-cv-00598, 2018 WL 1169189 (E.D. Tex. Mar. 6, 2018)..... | 3 |
| <i>Nken v. Holder</i> , 556 U.S. 418 (2009)..... | 2 |
| <i>Realtime Data LLC v. Actian Corp.</i> , No. 6:15-cv-463, 2016 WL 9340796 (E.D. Tex. Nov. 29, 2016)..... | 3 |
| <i>Retractable Techs., Inc. v. Becton Dickinson & Co.</i> , No. 2:08-cv-16, 2011 WL 13134434 (E.D. Tex. Mar. 15, 2011)..... | 2 |
| <i>In re Sacramento Mun. Util. Dist.</i> , 395 F. App'x 684 (Fed. Cir. 2010) | 2 |
| <i>Soverain Software LLC v. Amazon.com, Inc.</i> , 356 F. Supp. 2d 660 (E.D. Tex. 2005)..... | 2 |
| <i>Team Worldwide Corp. v. Wal-Mart Stores, Inc.</i> , No. 2:17-cv-000234-JRG, 2018 WL 2722051 (E.D. Tex. June 6, 2018)..... | 2 |

Uniloc 2017 LLC v. Samsung Elecs. Am., Inc.,
No. 2:19-cv-00259-JRG-RSP, 2020 WL 1433960 (E.D. Tex. Mar. 24, 2020).....4

Statutes

28 U.S.C. § 1404(a)1, 6

Other Authorities

Fed. R. Civ. P. 26.....4

Plaintiff Jawbone Innovations, LLC (“Plaintiff” or “Jawbone”), by and through its undersigned counsel, respectfully submits this Response in Opposition to Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.’s (collectively, “Defendants” or “Samsung”) Motion to Stay Pending Resolution of its Motion to Transfer Venue to The Northern District of California Pursuant to 28 U.S.C. § 1404(a) (Dkt. 59). Samsung’s Motion to Stay (Dkt. 90, “Motion”) should be denied for the reasons set forth below.

I. INTRODUCTION

Samsung asks this Court to stay this case pending a ruling on its Motion to Transfer Venue filed nearly thirteen months after this case was filed. A stay would unnecessarily delay this litigation, particularly at this late stage of the case. The parties have completed claim construction briefing, the Court has held the *Markman* hearing, and fact discovery will close shortly after briefing on this Motion is complete.

Samsung does not attempt to show that the relevant factors favor staying this litigation; indeed, Samsung cannot satisfy its burden. Accordingly, Jawbone respectfully requests that this Court deny Samsung’s Motion to stay.

II. BACKGROUND

On May 27, 2021, Jawbone filed a complaint against Defendants. Dkt. 1. An amended complaint was filed on October 26, 2021. Dkt. 21. Nearly thirteen months after the case began, on June 15, 2022, Samsung filed a motion to transfer venue to the Northern District of California pursuant to 28 U.S.C. § 1404(a). Dkt. 59.

This case has progressed deeply into discovery and claim construction. The parties exchanged initial disclosures on February 10, 2022 (Dkts. 40, 42), exchanged proposed claim terms and preliminary claim constructions (Dkt. 58), filed a joint claim construction statement (Dkt. 47) and completed claim construction briefing (Dkts. 67, 71, 76). The claim construction

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