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

AGIS SOFTWARE DEVELOPMENT LLC,

Plaintiff,

V.

CIVIL ACTION NO. 2:22-CV-00450-JRG

XIAOMI CORPORATION, XIAOMI H.K.
LTD., XIAOMI COMMUNICATIONS CO.,
LTD., XIAOMI INC.,

Defendants.

\*\*Defendants.\*\*

## **ORDER**

Before the Court is the Unopposed Motion for a Mandatory Stay Under 28 U.S.C. § 1659 filed by Defendants Xiaomi Corporation, Xiaomi H.K. Ltd., Xiaomi Communications Co., Ltd., and Xiaomi Inc. (collectively, "Xiaomi"). (Dkt. No. 11.) In the Motion, Xiaomi appears specially in the case to move to stay all proceedings in the above-captioned matter until the determination of the United States International Trade Commission ("ITC") in a parallel proceeding becomes final. (*Id.* at 1.)<sup>1</sup> The ITC instituted an investigation, *In the Matter of Certain Location-Sharing Systems, Related Software Components Thereof, and Products Containing Same*, Investigation No. 337-TA-1347 (U.S. Int'l Trade Comm'n) (hereinafter, "ITC Action"), on December 22, 2022. (*Id.*) Plaintiff AGIS Software Development LLC ("AGIS") does not oppose the Motion. (*Id.*)

Under 28 U.S.C. § 1659, a District Court "shall stay" parallel litigation "until the determination of the Commission becomes final" if certain conditions are met.

<sup>&</sup>lt;sup>1</sup> "Xiaomi appears specially to make this motion because AGIS has not yet served process on Xiaomi." (Dkt. No. 11 at 3.)



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28 U.S.C. § 1659(a). First, the civil action before the District Court must "involv[e] parties that are also parties to a proceeding before the [ITC]." (*Id.*) Second, the claims for which the stay is requested must "involve[] the same issues" as those before the ITC. (*Id.*) Third, the stay must be requested by a respondent before the ITC within thirty days of being named as a respondent before the ITC, or within thirty days of the District Court action being filed, whichever is later. (*Id.*)

The Court finds that all three requirements for a statutory stay have been met. First, the ITC Action and the above-captioned matter involve the same parties because AGIS is the complainant in the ITC Action and Xiaomi is named as a respondent. (*Id.* at 1–2.) Second, all patents-in-suit—U.S. Patent Nos. 8,213,970, 9,445,251, 9,467,838, 9,749,829, and 9,820,123—are the subject of AGIS's infringement allegations in the ITC Action. (*Id.* at 1.) Third, Xiaomi is a respondent in the ITC Action and has filed its Motion within thirty days of the ITC's institution of an investigation. (*Id.* at 2–3.) The statutory requirements for a stay having been met, the Court finds that the Motion should be and hereby is **GRANTED**.

Accordingly, pursuant to 28 U.S.C. § 1659, it is **ORDERED** that all action in the above-captioned matter is **STAYED** until further Order of this Court. It is further **ORDERED** that the parties file a joint notice in this case with attached supporting copies of any dispositive or partially dispositive action by the ITC.

So ORDERED and SIGNED this 18th day of January, 2023.

RODNEY GILSTRAP

UNITED STATES DISTRICT JUDGE