

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

NEODRON LTD.,

Plaintiff,

v.

DELL TECHNOLOGIES, INC.,

Defendant.

Civil Action No. 1:19-cv-00819-ADA

**DEFENDANT DELL TECHNOLOGIES, INC.'S OPPOSED MOTION TO STAY
ACTION PENDING FINAL DISPOSITION OF RELATED PROCEEDING BEFORE
THE UNITED STATES INTERNATIONAL TRADE COMMISSION**

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I. INTRODUCTION

Defendant Dell Technologies, Inc. (“Dell”) moves to stay the instant case pending the conclusion of International Trade Commission Investigation No. 337-TA-1162 (“ITC investigation”). The ITC investigation involves directly related patents, the same parties, the same products, and, accordingly, substantially similar issues to those of the instant case.

Neodron filed two similar district court actions against Dell within six weeks of each other. The first involves the same four patents as those in the ITC investigation and has since been stayed by this Court. The second, this instant case, involves three patents covering substantially similar subject matter as the ITC investigation. Indeed, two of the three patents in this action are directly related to the patents in the ITC investigation, with similar specifications and many overlapping claim terms. All three of the patents in this action involve the same technology and the same accused products as in the ITC. Moreover, the representative accused product in this action, the Dell Latitude 7389, is the exact same product as the one accused in the ITC investigation. The “touch-enabled” products generally accused in this action are also the same as those accused in the ITC investigation. (Ex. A at 33–36).¹ Thus, this case will invariably overlap with the ITC investigation.

In light of the significant overlap, staying the entirety of this case is proper. A stay will avoid duplicative discovery, inconsistent findings, and will simplify the issues that this Court will need to consider. The anticipated ITC investigation, which is set for a hearing in March 2020, will quickly define the nature and extent of the dispute between the parties. Furthermore, Congress specifically intended that courts stay related district court actions pending a related ITC action.

¹ The amended complaint before the ITC and its relevant exhibits are submitted herewith as exhibits to the Naggar Declaration. All exhibits refer to exhibits to the Declaration.

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