

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

INTERCURRENCY SOFTWARE LLC,

Plaintiff,

v.

BINANCE HOLDINGS LTD.,

Defendant.

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CIVIL ACTION NO. 2:23-CV-00370-JRG

ORDER

The Court held a hearing (the “Hearing”) in the above-captioned case on Wednesday, August 28, 2024 regarding (1) Defendant Binance Holdings Ltd.’s (“Defendant”) Motion to Dismiss (Dkt. No. 44); (2) Opposed Motion for Leave to File Second Amended Complaint (Dkt. No. 67); (3) Defendant Binance Holdings Ltd.’s Motion to Stay Pending *Inter Partes* Review (Dkt. No. 68); and (4) Plaintiff’s Opposed Motion for Leave to File Supplemental Brief in Opposition to Defendant’s Motion to Dismiss [Dkt. No. 44] (Dkt. No. 69). During the Hearing, Plaintiff Intercurrency Software LLC (“Plaintiff” and with Defendant, the “Parties”) and Defendant represented to the Court that they had resolved some of the motions set for the Hearing. First, Plaintiff agreed to withdraw its Opposed Motion for Leave to File Second Amended Complaint (Dkt. No. 67). Second, Plaintiff withdrew its opposition to Defendant Binance Holdings Ltd.’s Motion to Stay Pending *Inter Partes* Review (Dkt. No. 68). Specifically, since Defendant has agreed to be bound by the full extent of *inter partes* review petitioner estoppel under 35 U.S.C. §

315(e), Plaintiff agreed to stay the above-captioned case through the relevant *inter partes* review proceedings,¹ including any appeals thereof.

Having considered Plaintiff's request to withdraw its Opposed Motion for Leave to File Second Amended Complaint (Dkt. No. 67), it is **ORDERED** that the Opposed Motion for Leave to File Second Amended Complaint (Dkt. No. 67) is hereby **WITHDRAWN**.

Next, being confronted with (1) Plaintiff's withdrawal of its opposition to Defendant Binance Holdings Ltd.'s Motion to Stay Pending *Inter Partes* Review (Dkt. No. 68) and (2) the Parties' joint request for the Court to stay the above-captioned case, the Court found that Defendant Binance Holdings Ltd.'s Motion to Stay Pending *Inter Partes* Review (Dkt. No. 68) should be **GRANTED**. As a result, it is **ORDERED** that:

1. The above-captioned case is hereby stayed pending the issuance of the last final written decision from the Patent Trial and Appeal Board in *inter partes* review numbers IPR2024-00375, IPR2024-00376, IPR2024-00377, and IPR2024-00378. The stay shall remain in effect through the appeal of these *inter partes* review proceedings (if any).
2. If the Patent Trial and Appeal Board issues final written decisions in *inter partes* review numbers IPR2024-00375, IPR2024-00376, IPR2024-00377, Defendant shall be bound by the full extent of *inter partes* review petitioner estoppel under 35 U.S.C. § 315(e).
3. Within 10 days after the issuance of any final written decision from the Patent Trial and Appeal Board, the Parties shall submit a joint status report to the Court advising of the status of the case.

¹ Case Nos. IPR2024-00375, IPR2024-00376, IPR2024-00377, and IPR2024-00378.

Finally, in view of the stay, the Court took no action on Defendant Binance Holdings Ltd.'s Motion to Dismiss (Dkt. No. 44) and Plaintiff's Opposed Motion for Leave to File Supplemental Brief in Opposition to Defendant's Motion to Dismiss [Dkt. No. 44] (Dkt. No. 69).

So Ordered this

Aug 28, 2024



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE