

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

FOUR BATONS WIRELESS, LLC,

*Plaintiff,*

v.

SAMSUNG ELECTRONICS CO., LTD.  
and SAMSUNG ELECTRONICS  
AMERICA, INC.,

*Defendant.*

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CIVIL ACTION NO. 2:24-CV-00284-JRG

**ORDER**

Before the Court is the Motion to Stay Proceedings Pending *Inter Partes* Review (the “Motion”) filed by Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (together, “Samsung”). (Dkt. No. 62.) In the Motion, Samsung moves to stay this case pending *inter partes review* (“IPR”) of each of the asserted claims of U.S. Patent No. 7,502,348, U.S. Patent No. 8,073,436, U.S. Patent No. 8,239,671, and U.S. Patent No. 8,789,006 (the “Asserted Patents”). (*Id.* at 1.) The Patent Trial and Appeal Board (“PTAB”) has not, however, instituted review of any of the Asserted Patents. (*Id.* at 6 (“As the *pending* IPR petitions here ...”) (emphasis added).)

District courts have the inherent power to control their own docket, including the power to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706 (1997). How to best manage a court’s docket “calls for the exercise of judgment, which must weigh competing interests and maintain an even balance.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936).

“District courts typically consider three factors when determining whether to grant a stay pending *inter partes* review of a patent in suit: (1) whether the stay will unduly prejudice the


**Samsung v. Four Batons  
IPR2025-00493  
Exhibit 1024**

nonmoving party, (2) whether the proceedings before the court have reached an advanced stage, including whether discovery is complete and a trial date has been set, and (3) whether the stay will likely result in simplifying the case before the court.” *NFC Tech. LLC v. HTC Am., Inc.*, No. 2:13-cv-1058-WCB, 2015 WL 1069111, at \*2 (E.D. Tex. Mar. 11, 2015) (Bryson, J.). “Based on th[ese] factors, courts determine whether the benefits of a stay outweigh the inherent costs of postponing resolution of the litigation.” *Id.*

Where a motion to stay is filed before the PTAB institutes a proceeding, courts often withhold a ruling pending action on the petition by the PTAB or deny the motion without prejudice to refile in the event that the PTAB institutes a proceeding. *VirtualAgility Inc. v. Salesforce.com, Inc.*, 759 F.3d 1307, 1316 (Fed. Cir. 2014) (citing *Checkfree Corp. v. Metavante Corp.*, 2014 WL 466023, at \*1 (M.D. Fla. Jan. 17, 2014)); *see also NFC Techs.*, 2015 WL 1069111, at \*6. Indeed, this Court has a consistent practice of denying motions to stay when the PTAB has yet to institute post-grant proceedings. *Trover Grp., Inc. v. Dedicated Micros USA*, No. 2:13-cv-1047-WCB, 2015 WL 1069179, at \*6 (E.D. Tex. Mar. 11, 2015) (Bryson, J.) (“This Court’s survey of cases from the Eastern District of Texas shows that when the PTAB has not yet acted on a petition for *inter partes* review, the courts have uniformly denied motions for a stay.”).

Considering these circumstances, the Court concludes that the Motion is premature, and a stay of these proceedings in advance of the PTAB’s institution decision should be denied. Accordingly, the Motion is **DENIED WITHOUT PREJUDICE** to refile of the same, which shall be permitted within fourteen (14) days following the PTAB’s institution decision.

**So ORDERED and SIGNED this 29th day of May, 2025.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE