

As for prejudice, this factor slightly favors denial. As it did in response to the original motion to stay pending *inter partes* review by the Board, Feit Electric Company, Inc. (“Feit Electric”) reports the Defendants are competitors. Merely being a competitor is not enough to avoid halting the litigation because a “Plaintiff’s legal and equitable remedies will be available when the stay is lifted.”³ That said, a “delay in adjudicating the alleged infringement will have outsized consequences to the party asserting infringement has occurred, including the potential for loss of market share and an erosion of goodwill.”⁴ Unlike in response to the original motion, Feit Electric has now presented evidence that those effects will be felt in this case.⁵ As a result, Feit Electric has established that it will experience prejudice if the Court enters a stay. On the other hand, Feit Electric did not seek a preliminary injunction.⁶ Moreover, Defendants point out that the total sales of the accused products are less than 0.12% of Feit Electric’s annual sales.⁷ Thus, it turns out any prejudice to Feit Electric is slight. This factor therefore favors denial of a stay, but in the absence of a request for a preliminary injunction and given the relatively small volume of sales of

³ *Sonics, Inc. v. Arteris, Inc.*, No. C 11–05311 SBA, 2013 WL 503091, at *4 (N.D. Cal. Feb. 8, 2013).

⁴ *SenoRx, Inc. v. Hologic, Inc.*, No. 12–cv–173, 2013 WL 144255, at *7 (D. Del. Jan. 11, 2013).

⁵ Doc. 156-1 at 38 (citing evidence of alleged “market and reputational harm”), 41 (citing evidence of alleged attempt to “cut into Feit Electric’s market share”), 44 (citing evidence of alleged attempt by Defendants to “rapidly gain market share”).

⁶ Doc. 57 at 2 (prior admission by Feit Electric that it did not seek a preliminary injunction). See *Uniloc 2017 LLC v. LG Elecs. U.S.A., Inc.*, No. 3:18-CV-3071-N, 2020 WL 374545 (N.D. Tex. Jan. 23, 2020) (Godbey, J.) (“[A]lthough not dispositive, Uniloc’s failure to file for preliminary injunction suggests that monetary damages could adequately compensate it if Defendants were held liable.”).

⁷ Doc. 160-1 at 4–5.

accused products compared to Feit Electric's annual sales, the weight of this factor is not overwhelming.

As for whether a stay will simplify the issues in this litigation, this factor now strongly favors a stay. At the time Defendants originally moved for a stay, the Board had not granted either of Defendants' petitions for *inter partes* review. But the parties now report the Board granted one of Defendants' petitions on June 23, 2025, instituting review in IPR2025-0260 and consolidating that proceeding with a prior proceeding (IPR2024-01357) in which other parties are challenging all originally asserted claims of the patent in suit.⁸ Thus, Defendants are now parties to a proceeding (IPR2025-0260) challenging the patent in suit and as a result subject to estoppel under 35 U.S.C. § 315(e)(2). Defendants, moreover, citing this same statutory provision, now state the following with respect to IPR2024-01357: "Defendants stipulate should the Court grant a stay that they will be estopped from arguing in this case that an asserted claim found patentable during PTAB proceedings 'is invalid on any ground that the petitioner[s] raised or reasonably could have raised' in IPR2024-01357."⁹ As a result of the potential invalidation of claims combined with the certainty of estoppel if claims are not invalidated, this factor strongly favors a stay.

As for the stage of litigation, this factor favors denial. The trial is scheduled for January 2026, about seven weeks from now.¹⁰ Both fact discovery and expert

⁸ Doc. 150-2 at 4; Doc. 159 at 1.

⁹ Doc. 150-2 at 11.

¹⁰ Doc. 149.

discovery have now closed, and the parties have fully briefed numerous motions, including dispositive motions. Moreover, as the Court recognized in response to the original motion to stay, another relevant fact related to the stage of the litigation is the pace of this case compared to the Board’s timeline. The Board has a year from when it grants review to issue a determination and, here, extended that deadline by six months.¹¹ The Board originally granted review (with a different petitioner) on March 5, 2025.¹² This means the Board has until September of 2026 to reach a final decision. Because this Court is on a schedule that can resolve this litigation more quickly, the stage of litigation is so advanced that this factor weighs against a stay.

Putting those factors together, one (the stage of litigation) favors denial of a stay, one (prejudice) slightly favors denial, and one (simplification) strongly favors a stay. The hitch is that the factor that strongly favors a stay is “the most important factor.”¹³ Thus, the factors are nearly in equipoise.

What convinces the Court to exercise its discretion to grant a stay is the “near-uniform line of authority” indicating that, after the Board has instituted review proceedings (particularly those in which the accused infringers are parties and thus subject to estoppel), “parallel district court litigation ordinarily should be stayed.”¹⁴

¹¹ Doc. 159 at 3 (citing IPR2024-01357, Paper 31 (P.T.A.B. Jul. 17, 2025)); see *Lennon Image Techs., LLC v. Macy's Retail Holdings, Inc.*, No. 2:13-CV-00235-JRG, 2014 WL 4652117, at *1 (E.D. Tex. Sept. 18, 2014) (explaining the process).

¹² Doc. 54-1 at 2.

¹³ *Albritton v. Acclarent, Inc.*, No. 3:16-CV-03340-M, 2018 WL 6929856, at *2 (N.D. Tex. Mar. 29, 2018) (Lynn, J.) (“Whether the IPR proceeding will result in simplification of the issues before the Court is viewed as the most important factor when evaluating a motion to stay.”).

¹⁴ *NFC Tech. LLC v. HTC Am., Inc.*, No. 2:13-CV-1058-WCB, 2015 WL 1069111, at *7 (E.D. Tex. Mar. 11, 2015) (“That near-uniform line of authority reflects the principal point . . . that after the

Well, that authority coupled with other Federal Circuit authority finding of an abuse of discretion when a district court denied a motion to stay filed “mere months away from” a trial date.¹⁵ In that case, the Federal Circuit highlighted that, “[d]espite the substantial time and effort already spent in this case, the most burdensome task”—the trial—was “yet to come.”¹⁶ The same is true in this action. Here, as there, a determination from the Board that all the asserted claims are invalid “will spare the parties and the district court the expense of any further litigation, including a trial.”¹⁷ Moreover, as discussed above, even a determination from the Board that asserted claims are not invalid will still simplify this case given estoppel.

In sum, the Court concludes Defendants have *barely* met their burden; the factors weigh in favor of issuing a stay. Accordingly, the Court **GRANTS** the motion to stay pending *inter partes* review. The Court **DENIES WITHOUT PREJUDICE** all pending motions during stay. All forthcoming trial deadlines are **STAYED**. The parties are ordered to file a motion at the conclusion of the *inter partes* review to lift the stay.

IT IS SO ORDERED this 21st day of November, 2025.



BRANTLEY STARR
UNITED STATES DISTRICT JUDGE

PTAB has instituted review proceedings, the parallel district court litigation ordinarily should be stayed.”).

¹⁵ *Smartflash LLC v. Apple Inc.*, 621 F. App’x 995, 1005 (Fed. Cir. 2015).

¹⁶ *Id.*

¹⁷ *Id.*