

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

PANTECH CORPORATION and
PANTECH WIRELESS, LLC,

Plaintiffs,

v.

ONEPLUS TECHNOLOGY (SHENZHEN)
CO., LTD.,

Defendant.

C.A. No. 5:24-cv-00038-RWS-JBB

JURY TRIAL DEMANDED

JOINT MOTION TO STAY PROCEEDINGS

Pantech Corporation and Pantech Wireless, LLC (“Pantech”) and OnePlus Technology (Shenzhen) Co., Ltd. (“OnePlus”) (collectively, the “Parties”) request that the Court stay this case pending the adjudication of the Motion to Dismiss for Lack of Standing (“Motion”) filed by OnePlus in the case captioned, *Pantech Corp. and Pantech Wireless, LLC v. OnePlus Tech. (Shenzhen) Co., Ltd.*, No. 5:22-cv-00069-RWS (E.D. Tex.) (“*Pantech I* Litigation”). In support of this joint motion, the Parties state as follows:

1. On April 26, 2024, OnePlus filed the Motion in the *Pantech I* Litigation (Dkt. 299). Pantech filed a response in opposition to the Motion on May 17, 2024 (Dkt. 310). OnePlus filed a reply on May 31, 2024 (Dkt. 321), and Pantech filed a sur-reply on June 7, 2024 (Dkt. 334). Therefore, the Motion is fully briefed and awaiting adjudication by the District Court.

2. The Complaint in the present litigation was filed on March 14, 2024 (Dkt. 1). On May 21, 2024, the Court granted Pantech’s motion to extend the time for OnePlus to answer, move, or otherwise respond to the Complaint in the present litigation to June 17, 2024 (Dkt. 11).

3. On June 14, 2024, the Parties met-and-conferred in the present litigation. During that meeting, OnePlus indicated that it intended to file a motion to dismiss for lack of standing in the present litigation. The Parties agreed that the motion to dismiss that OnePlus intends to file in the present litigation would address similar issues to the Motion filed by OnePlus in the *Pantech I* Litigation.

4. The Parties also agreed to stay the present litigation pending receipt of resolution from the District Court of the Motion filed by OnePlus in the *Pantech I* Litigation. The Parties further agreed to meet-and-confer once that resolution is received from the District Court in order to discuss the next steps for lifting the stay in the present litigation and to set a new deadline for OnePlus to

answer or otherwise respond to the Complaint. The Parties request that the current June 17, 2024, deadline for OnePlus to answer or otherwise respond be taken off the Court's calendar.

5. "A district court possesses the inherent power to control its docket, including the power to stay proceedings." *Wapp Tech Ltd. P'ship v. Hewlett-Packard Enter. Co.*, No. 4:18-CV-00468, 2019 WL 3818761, at *2 (E.D. Tex. Aug. 14, 2019) (citing *Clinton v. Jones*, 520 U.S. 681, 706 (1997)). Factors that courts have considered in this analysis include "(1) the potential prejudice to the nonmoving party from a brief stay; (2) the hardship and inequity to the moving party if the action is not stayed; and (3) the judicial resources that would be saved by avoiding duplicative litigation." *Adaptix, Inc. v. Pantech Wireless, Inc.*, No. 6:13CV778, 2016 WL 7364674, at *2 (E.D. Tex. Jan. 12, 2016). Courts have also considered "whether discovery is complete and whether a trial date has been set." *Queens Univ. at Kingston v. Samsung Elecs. Co.*, No. 2:14CV53-JRG-RSP, 2015 WL 10936048, at *2 (E.D. Tex. Aug. 28, 2015).

6. The Parties agree that a stay of the present litigation pending resolution of the Motion in the *Pantech I* Litigation from the District Court would promote efficiency and the conservation of scarce judicial resources and would be in the interests of justice. The Parties further agree that the issues addressed in the Motion overlap with those in the present litigation, such that a stay would avoid duplicative consideration of similar issues. By filing this joint motion to stay, both Parties also agree that a stay will not prejudice either Party. The stay will be of a reasonable and limited duration and will conserve resources while the Court considers the Motion in the *Pantech I* Litigation. Absent such a stay, both Parties would be forced to expend resources in order to substantially brief issues of standing in the present litigation that may be obviated by a decision in the *Pantech I* Litigation. Furthermore, the present litigation is in its infancy and the Court has

yet to issue a scheduling order. A stay, therefore, would save both the Court and the Parties significant time and expense associated with continued litigation.

For the foregoing reasons, the Parties request that the Court stay this case pending resolution of OnePlus's Motion to Dismiss for Lack of Standing in the *Pantech I* Litigation from the District Court.

Dated: June 17, 2024

Respectfully submitted,

/s/ James A. Fussell

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CERTIFICATE OF SERVICE

The undersigned certifies that on June 17, 2024, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5.

/s/ G. Blake Thompson
G. Blake Thompson

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that pursuant to Local Rule CV-7(h), the parties conferred on this motion and they jointly agree to the filing of and relief sought by this motion.

/s/ G. Blake Thompson
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