

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-cv-23581-ALTMAN

SEA SWIVEL INC.,

Plaintiff,

v.

RHODAN MARINE SYSTEMS
OF FLORIDA, LLC, *et al,*

Defendants.

ORDER GRANTING MOTION TO STAY

Our Plaintiff, Sea Swivel LLC (“Sea Swivel”), alleges that the Defendants—Rhodan Marine Systems of Florida, LLC; Shuttleslide LLC; and Dream Machine & Prototypic, LLC—infringed on Sea Swivel’s U.S. Patent No. 12,258,111 (“’111 Patent”). *See* Complaint at ¶ 20–21 [ECF No. 1]. In Sea Swivel’s view, “[t]he ’111 Patent is valid, enforceable, and was duly issued on March 25, 2025, by the United States Patent and Trademark Office (“USPTO”).” *Id.* ¶ 21. And Sea Swivel claims that it is the “assignee and owner of all right, title, and interest, including the right to recover damages for infringement, in the ’111 Patent.” *Ibid.*

The Defendants now ask us to “stay[] proceedings pending a final written decision on Defendant’s petition for post grant review of the patents-in-suit by the U.S. Patent Trial and Appeal Board (“PTAB”).” Motion to Stay Proceedings Pending Post Grant Review (the “Motion”) [ECF No. 13] at 1. Defendant Shuttleslide’s petition with the PTAB “challeng[es] all the claims, 1-18, of the ’111 patent.” *Id.* at 2. The Plaintiff opposes the stay. *See* Motion in Opposition (“Opposition”) [ECF No. 33]. After careful review, we **GRANT** the Motion.

“Courts have inherent power to manage their dockets and stay proceedings, including the authority to order a stay pending conclusion of” an *inter partes* review (“IPR”) by the PTAB. *Ethicon,*

Inc. v. Quigg, 849 F.2d 1422, 1426–27 (Fed. Cir. 1988). IPR “allows a [] party to ask the U.S. Patent and Trademark Office to reexamine the claims in an already-issued patent and to cancel any claim that the agency finds to be unpatentable in light of prior art.” *Cuozzo Speed Techs., LLC v. Lee*, 579 U.S. 261, 265 (2016). “As a general matter, IPR serves as ‘a quick, inexpensive, and reliable alternative to district court litigation to resolve questions of patent validity.’” *KPR U.S., LLC v. Lifesync Corp.*, 2022 WL 4598640, at *1 (S.D. Fla. Sept. 30, 2022) (Ruiz, J.) (quoting *Targus Int’l LLC v. Grp. III Int’l, Inc.*, 2021 WL 542675, at *1 (S.D. Fla. Jan. 8, 2021) (Scola, J.) (cleaned up)).

“In determining whether to grant a stay, the Court considers whether: (1) a stay would cause undue prejudice or tactical disadvantage to the non-moving party; (2) a stay will simplify the issues in the case; and (3) discovery is complete and a trial date has been set.” *DataQuill Ltd. v. Blu Prod., Inc.*, 2020 WL 6135795, at *2 (S.D. Fla. Apr. 10, 2020) (Altonaga, J.). “The party moving for a stay bears the burden of showing why a stay is warranted,” and “delay tactics by the moving party weigh against a stay.” *Ibid.* “In patent cases, many courts have reasoned that a stay pending a related PTO administrative proceeding should be liberally granted, especially when the PTO’s review may assist the court in disposing of the civil action.” *Doubleday Acquisitions LLC v. Envirotainer AB*, 2022 WL 18778991, at *3 (N.D. Ga. June 3, 2022) (Jones, J.).

Starting with the *first* factor, we don’t think a stay would unduly prejudice (or present a clear tactical disadvantage to) our Plaintiff, Sea Swivel. We recognize that the parties are direct competitors, *see* Complaint ¶ 28; Opposition at 12, and that “the potential for prejudice to a patent holder increases when the alleged infringer is a direct competitor.” *Evolve Composites, Inc. v. Diversitech Corp.*, 2013 WL 958828, at *3 (N.D. Ga. March 12, 2013). But, as the Defendants rightly observe, the stay won’t unduly prejudice Sea Swivel because “the USPTO has at most six months – until about March 2026 – to determine whether ShuttleSlide’s petition establishes it is more likely than not that the claims are unpatentable.” *Id.* at 6. In the end, we’re only talking about a five-month delay. *See id.* at 9 (“Per the

PTAB’s rules and the ‘Notice of Filing Date Accorded to Petition,’ Plaintiff has until December 25, 2025 to file a preliminary response, and the PTAB has until March 25, 2026 to render a decision on whether to institute the proceeding.”). On the one hand, if the PTAB grants the petition, then the parties and the Court will have saved the considerable amounts of time and money that would have gone into unnecessary discovery and motions practice here in civil court. On the other, if the PTAB denies the petition, then the Plaintiff will be free to resume its litigation here with only a minimal delay—and without the risk of an intervening PTAB decision. The first factor, in short, tilts slightly in favor of a stay.

The *second* factor, however, strongly supports the stay. Recall that “Shuttlestock filed a petition for post grant review of claims 1 through 18 of the ’111 patent,” Motion at 10—that is, the Defendant has sought to invalidate *all* of Sea Swivel’s claims. In these circumstances, the IPR review *could* dispose of our entire case. But “[e]ven if only some of the claims are canceled [by the PTAB], those claims will not need to be litigated in this action, which will save the parties from spending more time conducting discovery, researching, and briefing the issues.” *Targus*, 2021 WL 542675, at *2.

Our *third* factor likewise favors a stay. As the Defendants point out, “[a] stay is appropriate here in view of the early stage of this litigation.” Motion at 11. And we agree that “this case is not so far along that a stay would be senseless.” *Targus*, 2021 WL 542675, at *2. In *Targus*, Judge Scola granted a stay when “the parties [had] engaged in written discovery and exchanged infringement, noninfringement, invalidity, and unenforceability contentions,” but “no depositions—fact or expert—[had] been taken, and the claim construction briefing [was] in its infancy.” *Ibid.* Here, by contrast, discovery *hasn’t even begun*, and no trial date has been set. *See generally* Docket. In fact, we haven’t even entered a scheduling order. *See generally* Docket. If a stay was appropriate in *Targus*, in other words, it is certainly appropriate here.

After careful review, therefore, we hereby **ORDER and ADJUDGE** as follows:

1. The Motion to Stay [ECF No. 13] is **GRANTED**. The case shall be **STAYED** until the PTAB rules on the Defendant's petition.
2. Within **seven days** of *either* the PTAB's decision *or* March 25, 2026—whichever is sooner—the parties shall file a joint status report apprising us of the status of this case.
3. The pending Motion to Sever Defendants [ECF No. 24], Motion for Leave to File Excess Pages [ECF No. 29], Motion for Preliminary Injunction [ECF No. 30], and Motion for Clarification [ECF No. 34] are **DENIED as moot**. The Plaintiff may re-raise its motions once we lift the stay.
4. This case shall remain administratively **CLOSED**.

DONE AND ORDERED in the Southern District of Florida on October 24, 2025.



ROY K. ALTMAN
UNITED STATES DISTRICT JUDGE

cc: counsel of record