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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

<p>DEAD AIR ARMAMENT, LLC d/b/a DEAD AIR SILENCERS;</p> <p style="text-align: center;">Plaintiff/Counterdefendant,</p> <p>vs.</p> <p>JARVIS ARMS LLC d/b/a MISSION SILENCERS;</p> <p style="text-align: center;">Defendant / Counterclaimant.</p>	<p style="text-align: center;">Case No. 4:25-cv-00497-BLW-DKG</p> <p style="text-align: center;">MEMORANDUM IN SUPPORT OF DEFENDANT’S UNOPPOSED MOTION TO STAY PROCEEDINGS PENDING <i>INTER PARTES</i> REVIEW</p> <p style="text-align: center;">Mag. Judge Debora K. Grasham</p>
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I. INTRODUCTION AND FACTS

Plaintiff has just filed a Petition for Inter Parties Review (IPS) before the Patent Trial and Appeal Board (PTAB) of the United States Patent and Trademark Office (PTO) seeking to invalidate relevant claims of United States Patent No. 12,018,906 (“the Days ’906 patent”), which Plaintiff has asserted is invalid in this action. *See* IPR Petition at **Exhibit A**.

Defendant Jarvis Arms moves to stay this litigation pending review of the Days '906 Patent. Defendant's Motion to Stay should be granted because it will simplify the issues before the Court, eliminate the possibility of inconsistent findings between the Court and the PTAB, and will not result in undue prejudice or tactical disadvantage to Plaintiff. Moreover, the PTAB will decide the patentability of the '906 Patent that Plaintiff also asks this Court to declare invalid.

The lawsuit is still in an early stage. Under these circumstances, a stay pending resolution of the IPR is warranted and practical.

II. LEGAL STANDARD

A district court has the inherent power to manage its own docket. *See Lippert Components Mfg., Inc. v. AL-KO KOBER, LLC*, 3:13-cv-00697, 2014 WL 8807329, at *2 (N.D. Ind. Jan.16, 2014) (citing *Procter & Gamble Co. v. Kraft Foods Global, Inc.*, 549 F.3d 842, 849 (Fed. Cir. 2008); *Landis v. N. Am. Co.*, 299 U.S. 248, 254–55 (1936)); *see also Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988). This Court, therefore, has the authority to stay any of Plaintiff's counts, or this entire matter, pending disposition of the IPR. The Court's power is not, however, unlimited and discretion should be used to ensure that stays are not indefinite or otherwise excessive. *See id.* (citing *Fellowes, Inc. v. Aurora Corp. of Am.*, No. 07 C 7237, 2009 WL 330085, at *1 (N.D. Ill. Feb. 10, 2009) and *Gould v. Control Laser Corp.*, 705 F.2d 1340, 1341 (Fed. Cir. 1983)). But when "a substantial issue of patentability" is raised, a stay is a "viable mechanism to prevent wasted effort." *Id.* (citing *Procter & Gamble*, 549 F.3d at 849).

Stays are often favored in infringement suits involving co-pending review of the asserted patents by the USPTO. *Hill-Rom Servs., Inc. v. Stryker Corp.*, No. 1:11-cv-1120, 2012 WL 5878087, at *1 (S.D. Ind. Nov. 20, 2012) (citing *Cook Inc. v. Endologix, Inc.*, 2010 WL 325960 at *1 (S.D. Ind. 2010)); *see also, Lincoln Nat'l Life Ins. Co. v. Transamerica Fin. Life Ins. Co.*,

No. 1:08-cv123, 2009 WL 110822, at *2 (N.D. Ind. April 24, 2009) (stay is “viable mechanism to prevent wasted effort”) and *Equipements De Transformation IMAC v. Anheuser-Busch Co., Inc.* 559 F.Supp. 2d 809, 815 (E.D. Mich. 2008) (“Many courts have recognized that ‘there is a liberal policy in favor of granting motions to stay proceedings pending the outcome of USPTO reexamination ... proceedings.’) (citations omitted.)

This policy in favor of stays while parallel proceedings are ongoing before the Patent Office is especially appropriate with respect to cases involving co-pending IPR proceedings, which were designed to “limit unnecessary and counterproductive litigation costs” and “create a timely, cost-effective alternative to litigation.” *Universal Elecs., Inc. v. Universal Remote Control, Inc.*, 943 F.Supp.2d 1028, 1029 (C.D. Cal. 2013) (citation omitted). When considering a request for a stay pending an IPR resolution, the court should consider whether the requested stay will (1) unduly prejudice or tactically disadvantage the non-moving party; (2) simplify the issues in the infringement litigation and streamline any trial; and (3) reduce the burden of litigation on parties and the court. See *id.* (citing *Cook, Inc. v. Endologix, Inc.*, No. 1:09-cv-1248-WTL-TAB, 2010 WL 325960, at *1 (S.D. Ind. Jan. 21, 2010); *Fujitsu Ltd. v. Tellabs Operations, Inc.*, No. 08 C 3379, 2012 WL 987272, at *3 (N.D. Ill. Mar. 21, 2012); and *Lincoln Nat’l*, 2009 WL 1108822, at *2). The party requesting the stay bears the burden of showing that the circumstances of a particular case justify a stay. See *id.* (citing *Nken v. Holder*, 556 U.S. 418, 433–34 (2009)).

III. EACH FACTOR FAVORS A STAY

A. There is no Prejudice or Tactical Disadvantage to Plaintiff.

At least one district court has found that prejudice against the non-movant is probably the most important factor to consider when determining whether a stay is appropriate. See *id.* (citing

ADA Solutions, Inc. v. Engineered Plastics, Inc., 826 F.Supp.2d 348, 351 (D. Mass. 2011)). As a result, courts address the prejudice factor on a case-by-case basis. With respect to undue prejudice, “mere delay does not, by itself, constitute undue prejudice.” *Ceramedic LLC v. Ceramtec GmbH*, 3:14-cv-1969, 2015 WL 13649465, at *1 (N.D. Ind. March 13, 2015) (citations omitted). Indeed, “[i]t is well-established that the delay inherent in the [PTO review] process by itself does not constitute undue prejudice.” *Hill-Rom.*, 2012 WL 5878087, at *2. And, with respect to tactical disadvantage, a stay in the early stages of litigation where, as here, no final “case management deadlines have been set, ‘diminishes the potential effect of any tactical disadvantage.’” *Ceramedic*, at *2.

The parties here are competitors. And while some courts have found prejudice to the patentee in cases where the parties are direct competitors, courts are unlikely to find such prejudice where, as here, the patentee has chosen not to seek a preliminary injunction. *See, Hill-Rom*, 2012 WL 5878087, at*2 (“[A]ttempts by a patentee to argue undue prejudice are undermined if it has elected not to pursue a preliminary injunction.”) (citation omitted). Plaintiff has not moved for injunctive relief. Allowing the PTAB some additional time to issue a final decision on the validity of its patent claims would not unduly prejudice Plaintiff in any way.

Should Dead Air prevail in the IPR, it will still be able to pursue all available legal remedies against Jarvis Arms when the stay is lifted. Moreover, the case remains in its relative infancy, minimizing any potential tactical disadvantage to Days. Under these circumstances, a stay of the litigation would not tactically disadvantage Plaintiff Dead Air. *Knauf Insulation, LLC v. Johns Manville Corp.*, 1:15-cv-00111, 2015 WL 7084079, at *3 (S.D. Ind. Nov. 13, 2015). There being no undue prejudice to days nor any tactical disadvantage, this factor weighs in favor of a stay.

B. A Stay Will Simplify the Issues.

A stay will simplify and streamline the issues. If the PTAB finds claims of the '906 Patent invalid, the invalidated claim(s) can no longer be asserted against Plaintiff, or any other party and may be eliminated from the case. In any event, the case will be simplified for the trier of fact. This possibility is sufficient to warrant a stay. *See Knauf Insulation, LLC* 2015 WL 7084079 at *4 and *Hill-Rom*, 2012 WL 5878087, at *3-4.

Defendant may seek to amend its claims of the '906 Patent during the IPR in accordance with 35 U.S.C. § 316(d). If Defendant is successful, any amendments would add to the intrinsic record and impact this litigation. Moreover, the claim amendments could result in past damages being foreclosed under the doctrine of intervening rights, thus streamlining and narrowing Defendant's claim for monetary damages. 35 U.S.C. §318(c). It behooves the Court to wait and see if Defendant attempts to, and is ultimately successful in, amending claims of the '906 Patent during the IPR in an effort to save their validity. As noted by *Hill-Rom*, 2012 WL 5878087, at *5, the statistical history of IPRs shows that there is a high likelihood that Defendant's claims might be canceled or amended. This of course means that the issues for the district court to decide could be eliminated or materially altered. *Id.*

Finally, in the event that Defendant is not successful with the IPR and claims of the '906 Patent survive, Plaintiff will be barred from asserting that the claims are invalid on any ground that it raised or reasonably could have raised during the IPR. 35 U.S.C. § 315(e)(2). *Hill Rom*, 2012 WL 5878087, at *5. Thus, simplification of the issues before the court will occur no matter how the IPR is finally decided.

For all of these reasons, this factor also weighs in favor of a stay.

C. The Burden Will be Reduced.

Litigating the case while the IPR is proceeding risks wasting the resources of the Court and the parties. If the case is not stayed, the Court will have to construe certain disputed limitations of the claims, which may be invalidated or materially altered in the IPR. Further, the parties will proceed with discovery, including expert discovery, on the basis of an incomplete and evolving intrinsic record that could undergo change or be rendered moot to this litigation.

Courts have consistently recognized that in light of the “significant probability that ... both parties will waste resources litigating issues that will be rendered moot by the PTO’s findings,” a stay “is likely to save both parties substantial costs and prevent duplicative, and possibly inconsistent, proceedings between the Court and the PTO.” Hill-Rom, 2012 WL 5878087, at *5 (citations omitted).

IV. CONCLUSION

For the foregoing reasons, Defendant asks the present action be stayed.

DATED AND SIGNED this 31st day of October, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2025, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the District of Idaho using the Court's CM/ECF system and served a true and correct copy upon the individuals listed below by electronic means:

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