

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

EMERGING AUTOMOTIVE LLC,	§	
Plaintiff,	§	
v.	§	Case No. 2:23-CV-0437-JRG
	§	(Lead Case)
KIA CORPORATION, ET. AL.,	§	
Defendants	§	JURY TRIAL DEMANDED

EMERGING AUTOMOTIVE LLC,	§	
Plaintiff,	§	
v.	§	Case No. 2:23-cv-00434-JRG
	§	(Member Case)
TOYOTA MOTOR CORP., ET AL.	§	
Defendants.	§	JURY TRIAL DEMANDED

**JOINT MOTION TO STAY PENDING RESOLUTION OF *INTER PARTES* REVIEW
AND *EX PARTE* REEXAMINATION**

In view of the Court granting summary judgment of non-infringement with respect to U.S. Patent No. 10,407,026 (the “’026 patent”), which is the only patent-in-suit not subject to an instituted IPR or EPR proceeding, Plaintiff Emerging Automotive LLC and the Kia and Toyota defendants hereby jointly move to stay the above-captioned cases pending resolution of *inter partes* review and *ex parte* reexamination proceedings for U.S. Patent Nos. 11,738,659 (“’659 patent”), 9,365,188 (“’188 patent”), and 9,171,268 (“’268 patent”) by the United States Patent and Trademark Office (“Patent Office”).¹

On December 24, 2024, Defendants moved to stay this litigation because all asserted claims of the ’659, ’188, and ’268 patents were subject to Patent Office review. *See* Dkt. No. 136. On February 21, 2025, the Court denied Defendants’ motion without prejudice as premature because Defendants’ rehearing request on the PTAB’s denial of institution of IPR for the ’026 patent was pending (that request was denied). Dkt. No. 162, at 3.

On June 12, 2025, the Court granted Toyota’s and Kia’s motions for summary judgment of non-infringement of the ’026 patent. *See* Dkt. No. 293, at 2 (granting Dkt. Nos. 179 and 184). As a result, all asserted claims of the remaining patents asserted in this case—the ’659, ’188, and ’268 patents—are subject to pending IPR proceedings, and the ’659 patent is also subject to a pending EPR proceeding. Further, each of the Kia and Toyota defendants is either a petitioner or a named real party-in-interest in the IPRs and therefore would be subject to estoppel under 35 U.S.C. § 315(e)(2) upon issuance of a Final Written Decision by the Patent Office.

The statuses of the IPR and EPR proceedings are summarized below:

Proceeding No.	U.S. Patent No.	Submission	Institution	FWD Due
IPR2024-00786	9,171,268	Apr. 15, 2024	Oct. 22, 2024	Oct. 22, 2025

¹ The ’268 patent is asserted only against the Toyota defendants, not against the Kia defendants, and the Kia defendants are not associated with the instituted IPR of the ’268 patent either as a petitioner or a real party-in-interest.

IPR2024-00981	9,365,188	May 29, 2024	Dec. 18, 2024	Dec. 18, 2025
IPR2024-01167	11,738,659	Jul. 15, 2024	Jan. 27, 2025	Jan. 27, 2026

EPR Proceeding No.	U.S. Patent No.	Submission Date	Status
90/019,456	11,738,659	March 25, 2024	All claims finally rejected (May 1, 2025 Advisory Action); appeal deadline is July 11, 2025

The parties respectfully request that the Court stay these cases until the issuance of the last of (i) the final written decisions for IPR proceedings instituted for the '659, '188, and '268 patents by the PTAB, and (ii) a decision by the PTAB on any appeal by Emerging Auto of the final rejection in the '659 EPR, at which time the parties will promptly update the Court regarding the outcomes of the IPR and EPR proceedings and whether any party requests a further stay.

Dated: June 19, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that the foregoing document was electronically filed with the Clerk of Court using the CM/ECF filing system, which will generate and send an e-mail notification of said filing to all counsel of record, on June 19, 2025.

/s/ Brett N. Watkins
Brett N. Watkins

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(i), counsel has complied with the meet and confer requirement in Local Rule CV-7(h) and jointly submit this filing.

/s/ Brett N. Watkins
Brett N. Watkins

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**[PROPOSED] ORDER GRANTING JOINT MOTION TO STAY PENDING
RESOLUTION OF *INTER PARTES* REVIEW AND *EX PARTE* REEXAMINATION**

Before the Court is the Parties' Joint Motion to Stay Pending Resolution of *Inter Partes* Review and *Ex Parte* Reexamination. Having considered the motion and noting the joint nature of the request, the Court finds that it should be and hereby is **GRANTED**.