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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 JUUL Labs Incorporated,  
10 Plaintiff,  
11 v.  
12 NJOY LLC, *et al.*,  
13 Defendants.  
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No. CV-25-02853-PHX-JJT  
**ORDER**

15 At issue is Plaintiff JUUL Labs Incorporated’s Motion to Stay (Doc. 25), to which  
16 Defendants NJOY, LLC, NJOY Holdings, Inc., Altria Group, Inc., Altria Group  
17 Distribution Company, and Altria Client Services LLC responded (Doc. 26), and Plaintiff  
18 replied (Doc. 30). The Court finds this matter appropriate for decision without oral  
19 argument. *See* LRCiv 7.2(f). For the reasons below, the Court will grant in part and deny  
20 in part Plaintiff’s Motion.

21 **I. BACKGROUND**

22 This case arises from the purported infringement of Plaintiff’s U.S. Patent Number  
23 12,156,533 (“533 Patent”), which is the subject of a parallel action before the International  
24 Trade Commission in Investigation Number 337-TA-1460 (“ITC Action”). According to  
25 Plaintiff, the ITC Action has been scheduled for a *Markman* hearing on January 8, 2026,  
26 an evidentiary hearing the week of April 22, 2026, an initial determination on  
27 September 11, 2026, and a final determination on January 12, 2027. (Mot. at 3; Doc. 25-1  
28 at 57; Reply at 3.)

1 When, as here, an ITC matter occurs simultaneously with a civil action involving  
2 the same parties and issues, the responding party may request a mandatory stay of the civil  
3 action. 28 U.S.C.S. § 1659(a). The mandatory stay of the civil action persists only until the  
4 ITC issues its final determination and the parties exhaust all appeals of that determination.  
5 *In re Princo Corp.*, 486 F.3d 1365, 1367–69 (Fed. Cir. 2007). Pursuant to § 1659(a),  
6 Defendants could have invoked a mandatory stay of these proceedings while the ITC  
7 Action ensued but did not. Plaintiff now moves this Court to issue a discretionary stay of  
8 this matter while the ITC Action takes place, which Defendants strongly oppose.

## 9 **II. LEGAL STANDARD**

10 “[T]he power to stay proceedings is incidental to the power inherent in every court  
11 to control the disposition of the cases on its docket with economy of time and effort for  
12 itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). When  
13 considering a motion to stay proceedings under *Landis*, courts must weigh “competing  
14 interests,” *id.* at 255, which include “the possible damage which may result from the  
15 granting of a stay, the hardship or inequity which a party may suffer in being required to  
16 go forward, and the orderly course of justice measured in terms of the simplifying or  
17 complicating of issues, proof, and questions of law which could be expected to result from  
18 a stay.” *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005) (quoting *CMAX,*  
19 *Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962)).

### 20 **A. Factor One: Possible Damage of Granting Stay**

21 Defendants argue that they will endure substantial damage if a stay is granted  
22 because their products, if found to infringe the 533 Patent by the ITC, will be excluded  
23 from importation. (Resp. at 8.) It is true that the ITC is authorized to determine whether  
24 imported articles infringe upon a United States patent and, if so, order the exclusion of  
25 those infringing articles from entry into the United States. 19 U.S.C.S. § 1337(a)(1)(B)(i),  
26 (d). While Defendants fairly depict a possible outcome of the ITC Action, the Court notes  
27 that exclusion of their products from importation is no more severe than the relief Plaintiff  
28 seeks in the instant matter, which includes “entry of a permanent injunction enjoining

1 Defendants from directly or indirectly . . . importing the products at issue.” (Doc. 1 at 22.)  
2 In other words, the damage identified by Defendants is just as possible if the stay is denied  
3 as if it is granted.

4 Defendants are not without avenues of relief from an adverse ITC determination,  
5 either. Those determinations are appealable in accordance with 19 U.S.C.S. § 1337(c) and  
6 the Administrative Procedure Act, 5 U.S.C. §§ 701–06. And while Defendants are  
7 concerned that the administrative appeals process may be years’ long until this matter  
8 returns to the Court (Resp. at 8), this future delay is highly speculative and minimized by  
9 the swift pace in which the ITC Action is currently progressing in comparison to the matter  
10 at bar. *Aliphcom v. Fitbit, Inc.*, 154 F. Supp. 3d 933, 938 (N.D. Cal. 2015) (“Here, any  
11 generalized risk of delayed litigation is minimized by the fact that the ITC proceeding is  
12 moving forward on a comparatively expedited schedule.”).

13 Defendants cite numerous cases for the proposition that the possible damage of a  
14 stay is worsened by the competitive relationship between the parties. As Plaintiff points  
15 out, those cases discuss prejudice to a patentee suffering ongoing harm from the continued  
16 violation of its patent by a competitor. *See Kaneka Corp. v. SKC Kolon PI, Inc.*, No. CV  
17 11-3397 JGB (RZx), 2014 LX 20964, at \*10 (C.D. Cal. Dec. 5, 2014) (citing cases that  
18 address prejudice of a stay to a patentee); *Pipe Restoration Techs., LLC v. Pipeline*  
19 *Restoration Plumbing, Inc.*, No. SACV 13-00499-CJC(RNBx), 2015 U.S. Dist. LEXIS  
20 136500, at \*6 (C.D. Cal. Feb. 13, 2015); *Netlist, Inc. v. Micron Tech., Inc.*, No. 2:22-cv-  
21 203-JRG-RSP, 2024 LX 125502, at \*5 (E.D. Tex. Jan. 3, 2024) (noting that a stay may  
22 have “outsized consequences to the party asserting infringement has occurred”). This  
23 distinction is important because “[s]taying a case while such harm is ongoing usually  
24 prejudices the patentee that seeks timely enforcement of its right to exclude.” *Universal*  
25 *Elects., Inc. v. Universal Remote Control, Inc.*, 943 F. Supp. 2d 1028, 1034 (C.D. Cal. 2013)  
26 (citation and internal quotation marks omitted). Here, Defendants do not hold the 533  
27 Patent and, aside from citing the inapposite cases described above, offer no explanation as  
28 to how their competition against Plaintiff damages them if a stay was granted in this matter.

1 Defendants next argue that they will be harmed by the ongoing “cloud of  
2 uncertainty” of whether they have, in fact, infringed the 533 Patent if a stay is granted.  
3 (Resp. at 8–9.) This argument is unpersuasive. District courts in this Circuit have declined  
4 to presume harm from a generic and unspecified “litigation cloud.” *Aliphcom*, 154 F. Supp.  
5 3d at 938; *Google Inc. v. Creative Labs, Inc.*, No. 16-cv-02628-JST, 2016 U.S. Dist. LEXIS  
6 163696, \*5 (N.D. Cal. Nov. 28, 2016); *see e.g., Lockyer*, 398 F.3d at 1112 (“[B]eing  
7 required to defend a suit does not constitute a clear case of hardship or inequity within the  
8 meaning of *Landis*.”) (internal quotation marks omitted). Defendants do not specify with  
9 any detail what harm they would experience from not being able to clear the elusive “cloud  
10 of uncertainty.” To the extent that Defendants are concerned about delay, the Court notes  
11 that the ITC Action is progressing with haste and the parties are set to hold a *Markman*  
12 hearing in two months’ time. Meanwhile, this Court has yet to hold a scheduling  
13 conference. Given the current timeline of these parallel actions, the ITC Action is more  
14 likely to clear the “cloud of uncertainty” quicker than the proceedings held in this Court.  
15 In sum, Defendants fail to show that they will suffer a possibility of damage if this matter  
16 is stayed, so this factor is neutral.

17 **B. Factor Two: Hardship or Inequity of Denying Stay**

18 Plaintiff argues that the financial burden of litigating in two forums at once will  
19 impose a hardship onto Plaintiff. (Mot. at 7.) However, “being required to defend a suit,”  
20 or in this case, prosecute one’s own claims, “does not constitute a clear case of hardship or  
21 inequity within the meaning of *Landis*.” *Lockyer*, 398 F.3d at 1112 (internal quotation  
22 marks omitted). The remainder of Plaintiff’s argument addresses “hardship to the judicial  
23 system” (Mot. at 8; Reply at 8–9), which is more aptly related to the third *Landis* factor  
24 discussed below. Plaintiff fails to show that it will suffer hardship or inequity if required  
25 to proceed in this matter, so this factor is neutral.

26 **C. Factor Three: Orderly Course of Justice**

27 Plaintiff argues that a stay will promote the orderly course of justice because the  
28 ITC Action will develop a record that will simplify the issues in this matter. (Mot. at 5.)

1 According to Plaintiff, the underlying policy of § 1659(a) supports a discretionary stay  
2 because its purpose is to prevent inconsistent results from the patent infringement claims  
3 occurring in two forums simultaneously. (*Id.* at 6.)

4 The Court agrees that the § 1659(a) policy does provide at least some support for a  
5 discretionary stay. The legislature clearly intended for the courts to avoid the risk of  
6 inconsistent outcomes between parallel proceedings and that risk is no lesser simply  
7 because the stay is requested by a complainant rather than a respondent. Further, an ITC  
8 determination and a resulting Federal Circuit appeal may be helpful to the parties and the  
9 Court in narrowing the issues at bar. *Tillman & Bendel, Inc. v. Cal. Packing Corp.*, 63 F.2d  
10 498, 503 (9th Cir. 1933) (“[A] well considered opinion by that federal tribunal, upon an  
11 issue so peculiarly within its province, is entitled to persuasive effect upon this court.”);  
12 *Aliphcom*, 154 F. Supp. 3d at 939 (granting a stay and noting that the court would benefit  
13 from an ITC determination); *FormFactor, Inc. v. Micronics Japan Co.*, No. CV-06-07159  
14 JSW, 2008 U.S. Dist. LEXIS 13114, \*10 (N.D. Cal. Feb. 11, 2008) (noting that a stay “will  
15 be the most prudential course of action if it is likely that the issues resolved in the ITC  
16 hearing will bear ‘upon the highly technical . . . questions which are likely to arise in the  
17 district court case.’”) (quoting *CMAX, Inc.*, 300 F.2d at 269); *Google Inc.*, 2016 U.S. Dist.  
18 LEXIS 163696 at \*8.

19 However, as Defendants correctly point out (Resp. at 5), ITC determinations and  
20 appeals therefrom are not binding upon this Court. Whether or not a determination reached  
21 in the ITC Action will ultimately be persuasive as to dispositive issues here depends on the  
22 weight, if any, this Court assigns to it. *Zenith Elecs. LLC v. Sony Corp.*, No. C 11-02439  
23 WHA, 2011 U.S. Dist. LEXIS 79976, \*9 (N.D. Cal. Jul. 22, 2011). Still, the ITC Action  
24 relates to the same patent and conduct at issue here and, whether or not the Court ultimately  
25 reaches the same conclusion as the ITC, an ITC determination, record, and possible appeal  
26 are likely to simplify—not complicate—the issues at bar. *Google Inc.*, 2016 U.S. Dist.  
27 LEXIS 163696 at \*8 (discussing the benefit of the ITC record and noting that “Congress  
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1 thought that district courts would benefit from the guidance of the ITC and Federal Circuit,  
2 even if those decisions are only persuasive”). This factor weighs in favor of granting a stay.

### 3 **III. CONCLUSION**

4 The Court will grant a stay, but only in part. With discovery and disclosure efforts  
5 well underway in the ITC Action (Resp. at 3; Reply at 3), it is appropriate for the parties  
6 to engage in initial disclosures, fact discovery, and claim construction briefing here. By the  
7 Court’s estimation, this is the most practical and fairest way to ensure this matter proceeds  
8 in a just, speedy and inexpensive fashion while avoiding needlessly inconsistent rulings  
9 with the parallel ITC Action. *See* Fed. R. Civ. P. 1.

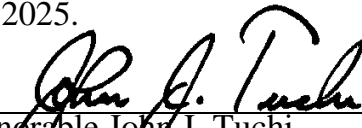
10 At the upcoming Rule 16 Scheduling Conference, the Court will set pretrial  
11 deadlines short of the *Markman* hearing and completion of fact discovery. The Court will  
12 also set a deadline for the parties to file a joint report regarding the status of the *Markman*  
13 hearing occurring in the ITC Action and whether an extension of the partial stay is  
14 appropriate. All other disclosure, settlement, and dispositive motion deadlines that  
15 traditionally follow a *Markman* hearing in this Court are hereby stayed until either the  
16 parties’ joint report deadline or resolution of the ITC Action, whichever comes first. Should  
17 the ITC Action resolve while this matter is pending, the parties shall file a joint notice of  
18 resolution with the Court no later than seven days thereafter.

19 **IT IS THEREFORE ORDERED** granting in part and denying in part Plaintiff  
20 JUUL Labs Incorporated’s Motion to Stay (Doc. 25).

21 **IT IS FURTHER ORDERED** staying all disclosure, settlement, and dispositive  
22 motion deadlines that traditionally follow a *Markman* hearing in this Court until either the  
23 parties’ joint report deadline—which will be set at the upcoming Rule 16 Scheduling  
24 Conference—or resolution of the parallel Internal Trade Commission Investigation  
25 Number 337-TA-1460, whichever comes first. Should the parallel ITC matter resolve while  
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1 this matter is pending, the parties shall file a joint notice of resolution no later than seven  
2 days thereafter.

3 Dated this 19th day of November, 2025.

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6 Honorable John J. Tuchi  
7 United States District Judge  
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