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8 NJOY, LLC, NJOY Holdings, Inc., Altria Group, Inc.,  
9 Altria Group Distribution Company, and Altria Client Services LLC

10 **UNITED STATES DISTRICT COURT**  
11 **FOR THE DISTRICT OF ARIZONA**

12  
13 Juul Labs, Inc.,

14 *Plaintiff,*

15 v.

16 NJOY, LLC, NJOY Holdings, Inc., Altria  
17 Group, Inc., Altria Group Distribution  
18 Company, And Altria Client Services LLC,

19 *Defendants.*

Case No. 2:25-CV-02853-JT

**DEFENDANTS' RESPONSE  
MEMORANDUM TO PLAINTIFF'S  
MOTION TO STAY [DKT. NO. 25]**

**(Oral Argument Requested)**

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1 **INTRODUCTION**

2 Plaintiff Juul Labs, Inc. (“JLI”) drafted the complaint, chose this Court, and filed  
3 the litigation. Yet now, JLI inexplicably seeks to stay the case it filed more than two  
4 months ago after meeting-and-conferring with Defendants NJOY, LLC, NJOY Holdings,  
5 Inc., Altria Group, Inc., Altria Group Distribution Company, and Altria Client Services  
6 LLC (collectively, “NJOY”) and beginning discovery. JLI does so despite the fact that  
7 neither party contests this Court’s jurisdiction, its expertise to adjudicate this case, the  
8 reach of its subpoena power to gather critical facts, or the Court’s ability to resolve  
9 disputed issues with finality. Indeed, by proceeding, the Court can simplify the parties’  
10 multi-forum dispute by addressing dispositive issues here so that they are resolved in both  
11 this action and the parallel ITC investigation. But if this case is stayed, then the ITC  
12 investigation proceeds alone and any non-binding findings there will inevitably have to  
13 be reexamined by this Court. This duplicates effort and complicates discovery. It also  
14 increases the potential for conflicting findings between this Court and the ITC given that  
15 there would not be opportunity for course correction during the ITC investigation.

16 Importantly, the potential harm from a conflicting ITC determination is severe.  
17 The remedy for infringement at the ITC is an exclusion order banning importation of  
18 NJOY’s products. If this case is stayed, the ITC may issue an exclusion order based on a  
19 determination at odds with what this Court could find. NJOY would then face years of  
20 delay before the Court could revise the findings and, during that time, NJOY would be  
21 banned from importing its products.

22 None of JLI’s justifications for the stay are persuasive, particularly in light of this  
23 risk. First, JLI’s reliance on 28 U.S.C. § 1659 is a red herring. That statute entitles  
24 NJOY—the ITC respondent—to stay this case to avoid the burden of defending two cases  
25 simultaneously. NJOY did not invoke this right and is prepared to litigate this case here,  
26 where its brand was founded and many of its products were developed. Next, JLI’s  
27 complaint that litigating this case might cause expense is unpersuasive given that JLI filed  
28 the case. Its surprise at having to litigate in the Court where it filed is at least curious, but

1 it is not hardship that entitles it to a discretionary stay. In any event, the cross-use  
2 agreement proposed by NJOY could mitigate any duplicative discovery efforts between  
3 the two cases. Last, JLI’s argument that the ITC might resolve issues for this Court  
4 misunderstands the relationship between Article III courts and administrative bodies.  
5 This Court can finally resolve issues of patent infringement. Even if this action is stayed  
6 while the ITC proceeds, this Court will have to consider the same issues and make its own  
7 judgments.

8 This case is narrow and ripe for consideration. JLI asserts one patent against a  
9 small set of products and NJOY wants its day in Court to clear its name. To that end,  
10 NJOY respectfully requests that the Court deny JLI’s Motion to Stay so that NJOY can  
11 seek a “just, speedy, and inexpensive determination” of the parties’ dispute. *See* Fed. R.  
12 Civ. P. 1.

## 13 **BACKGROUND**

### 14 **A. This Litigation**

15 JLI filed this lawsuit against NJOY on August 8, 2025, alleging infringement of a  
16 single patent by a single named product, the NJOY Daily, and a vague reference to “other  
17 products which NJOY may be developing.”<sup>1</sup> Dkt. No. 1 ¶ 40. Given the narrow scope  
18 of the allegations, and the importance of rebutting them in the District where NJOY’s  
19 brand was created, NJOY has made efforts to advance the litigation expeditiously. NJOY  
20 answered the complaint on September 26, 2025, (Dkt. No. 16), approximately a week  
21 before the Court-ordered deadline, (Dkt. No. 15). On September 29, 2025, the Court set  
22 the date for the Rule 16 scheduling conference and ordered the parties to conduct a Rule  
23 26(f) conference. Dkt. No. 23. Two days later, NJOY informed JLI that it would not be  
24 seeking a mandatory stay of the litigation pursuant to 28 U.S.C. § 1659(a) and requested  
25 JLI’s availability to conduct the Rule 26(f) conference. NJOY accepted the first date that  
26 JLI offered, October 15.

27  
28 <sup>1</sup> JLI alleges infringement of U.S. Patent No. 12,156,533. Dkt. No. 1 ¶ 51.

1 Without giving notice, JLI moved to stay this action on October 14, leaning heavily  
2 on 28 U.S.C. § 1659(a), a statute giving ITC respondents—i.e., NJOY—the right to stay  
3 district court litigations. Dkt. No. 25 (the “Motion”). During the conference the next day,  
4 JLI sought NJOY’s position on the Motion for the first time. NJOY explained that it  
5 welcomed the opportunity to adjudicate the merits before this Court and in this District,  
6 that it intended to rely on the Court’s Article III powers, and therefore that it opposed the  
7 motion to stay the litigation that JLI had initiated.

8 Following the Rule 26(f) conference, the parties have commenced discovery.  
9 NJOY is preparing its Initial Disclosures, which it intends to serve on October 29  
10 consistent with the Court-ordered deadlines, and the parties are currently exchanging  
11 drafts of a Joint Proposed Case Management Plan. NJOY has proposed an expedited case  
12 schedule including a *Markman* hearing on February 2, 2026, and the close of fact  
13 discovery on April 3, 2026.

14 **B. The De Facto Stayed ITC Investigation**

15 JLI filed an ITC Complaint the same day it filed this action. *See Certain Vaporizer*  
16 *Devices, Cartridges Used Therewith, And Components Thereof*, Inv. No. 337-TA-1460  
17 (the “1460 Investigation”); Mot., Ex. A. After that investigation instituted, however, the  
18 ITC ceased operations due to the government shut down beginning on October 1, 2025.

19 Since then, very little progress has been made in the ITC investigation. The parties  
20 served initial discovery, but NJOY has not been able to file its pleading responding to the  
21 ITC complaint. And while a scheduling order was entered in that case, there is no  
22 guarantee that the investigation will proceed with that schedule given the duration of the  
23 government shutdown. In any event, the schedule there—which was agreed to by JLI—  
24 is largely consistent with the one that NJOY now proposes here. *See* Mot., Ex. C.

25 **LEGAL STANDARD**

26 JLI has moved for a discretionary stay and, as such, it “bears the burden of  
27 establishing its need.” *Clinton v. Jones*, 520 U.S. 681, 706 (1997). To do so, JLI “must  
28 make out a clear case of hardship or inequity in being required to go forward if there is

1 even a fair possibility that the stay for which [it] prays will work damage to someone  
 2 else.” *Landis v. N. Am. Co.*, 299 U.S. 248, 255 (1936). It is not enough that JLI simply  
 3 allege a stay will conserve judicial resources and avoid duplication of effort, JLI must  
 4 also show whether any prejudice or harm to others will result from a stay. *Dependable*  
 5 *Highway Express, Inc. v. Navigators Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007)  
 6 (“[W]hile it is the prerogative of the district court to manage its workload, case  
 7 management standing alone is not necessarily a sufficient ground to stay proceedings.”);  
 8 *Asustek Comput., Inc. v. Ricoh Co., Ltd.*, No. C 07-01942 MHP, 2007 U.S. Dist. LEXIS  
 9 86302, at \*6 (N.D. Cal. 2007) (“A motion to stay, however, does not hinge only on  
 10 considerations of judicial economy.”).

11 The Ninth Circuit examines this hardship through the lens of the *Lockyer* three-  
 12 factor test, whereby this Court must consider: (1) “the orderly course of justice measured  
 13 in terms of the simplifying or complicating of issues, proof, and questions of law”; (2)  
 14 “the possible damage which may result from the granting of a stay”; and (3) “the hardship  
 15 or inequity which a party may suffer in being required to go forward.” *Lockyer v. Mirant*  
 16 *Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005) (quoting *Landis*, 299 U.S. at 254).  
 17 Particularly when sought by the Plaintiff, the mere risk of inefficiency has been found to  
 18 be insufficient to merit a stay. See *Dependable Highway*, 498 F.3d at 1066.; *Asustek*,  
 19 2007 U.S. Dist. LEXIS 86302, at \*6.

20 Section 1659(a) of Title 28 does not provide any basis for JLI to stay this case. It  
 21 requires the stay of a district court action “at the request of a party to the civil action *that*  
 22 *is also a respondent* in the proceeding before the Commission.” 28 U.S.C. § 1659(a).  
 23 There is no provision relating to stay requests by a complainant in a parallel ITC action.

## ARGUMENT

### **I. JLI LITIGATING ITS OWN CASE IS NOT HARDSHIP MERITING A STAY**

26 JLI seeks the unprecedented relief of staying its own district court case where  
 27 discovery has already begun in favor of a co-pending ITC investigation that is effectively  
 28 stayed. No Court has indulged a similarly situated plaintiff and for good reason. Article

1 III courts are well equipped to support extensive discovery and can decide patent matters  
2 with finality. A discretionary stay is not merited here and should be denied.

3 **A. A Stay Will Not Promote an Orderly Course of Justice**

4 Issuing a stay is unlikely to promote an “orderly course of justice” here because it  
5 would remove this Court’s ability to resolve key issues and support the discovery of key  
6 evidence. Indeed, “the orderly course of justice is measured in terms of the simplifying  
7 or complicating of issues, proof, and questions of law.” *Ernest Bock, LLC v. Steelman*,  
8 76 F.4th 827, 842 (9th Cir. 2023), *cert. denied*, 144 S. Ct. 554 (2024). Allowing this  
9 action to proceed simplifies each of these aspects.

10 This Court is best positioned to resolve issues and questions of law because it can  
11 do so with finality. Findings in this Court are binding and can dispose of claims in the  
12 ITC; the reverse is not true. *See Tex. Instruments, Inc. v. Cypress Semiconductor Corp.*,  
13 90 F.3d 1558, 1569 (Fed. Cir. 1996)<sup>2</sup> (“[T]he rule that decisions of the ITC involving  
14 patent issues have no preclusive effect in other forums has not changed.”); *Promethean*  
15 *Inc. v. Einstruction Corp.*, No. 9:10-cv-106, 2010 U.S. Dist. LEXIS 163592, at \*9 (E.D.  
16 Tex. 2010) (“While they can be persuasive, ITC determinations are not binding on the  
17 district court.”); *Am. Honda Motor Co. v. Coast Distribution Sys.*, No. C 06-04752 JSW,  
18 2007 U.S. Dist. LEXIS 19981, at \*5 (N.D. Cal. 2007) (“ITC rulings are not binding on  
19 this Court.”). As such, any rulings by this Court would resolve issues and questions of  
20 law before the ITC, simplifying the proceedings.<sup>3</sup> If this case is stayed until after the ITC  
21 determination, this Court will still be required to consider the issues addressed by the ITC,  
22 duplicating effort and complicating the proceedings.

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25 <sup>2</sup> JLI cites *Tex. Instruments* for the proposition that “the district court can attribute  
26 whatever persuasive value to the prior ITC decision that it considers justified.” Mot. at 6  
(quoting *Tex. Instruments*, 90 F.3d at 1569). JLI omits that the same panel held that ITC  
determinations “have no preclusive effect.” *Tex. Instruments*, 90 F.3d at 1569.

27 <sup>3</sup> JLI’s argument that “there are risks of inconsistent results” forgets the superiority of  
28 Article III courts. Mot. at 6. Where this Court disagrees with the ITC, this Court’s  
findings are binding.

1 The *Markman* process exemplifies the potential benefit of not staying this  
2 proceeding. Under NJOY's proposal, the *Markman* hearing would proceed in this action  
3 on February 2, 2026. Even if none of the scheduled ITC deadlines are shifted by the  
4 government shutdown, and the ITC *Markman* proceeds on January 8, 2026, there is no  
5 deadline for the ITC to render a claim construction order. Indeed, in a prior ITC  
6 investigation between the parties before the administrative law judge presiding in the  
7 1460 Investigation, the claim construction ruling was issued three months after the  
8 hearing. Accordingly, this Court could hear claim construction arguments on February 2  
9 and then render an order before the ITC does, simplifying the issues in both proceedings.

10 The Court's Article III subpoena power also promotes the orderly course of justice  
11 by giving it access to proof superior to the ITC. NJOY intends to seek invalidating prior  
12 art from third parties both here and at the ITC. This Court has immediate power to order  
13 a third party's reasonable compliance with a subpoena. *See* Fed. R. Civ. P. 45. An ITC  
14 administrative law judge, however, has no ability to enforce a subpoena on her own.  
15 Instead, a party must request that the administrative law judge certify the ITC subpoena  
16 for enforcement, the Commission must grant that request, and then the ITC's Office of  
17 General Counsel must file a federal case seeking such enforcement. *See* 19 C.F.R.  
18 § 210.32(g). This process is lengthy and uncertain. Indeed, in a prior ITC investigation  
19 between the parties, a third party ignored NJOY's ITC subpoena. NJOY intends to rely  
20 on this Court's subpoena power to secure critical invalidating prior art. A stay would  
21 force it to litigate before the ITC without that access.

22 Allowing this case to proceed in parallel with the ITC investigation would also  
23 simplify other discovery, like depositions. While the ITC investigation concerns current  
24 importation of allegedly infringing products, this case additionally considers alleged past  
25 infringement. Therefore, if this case is stayed, witnesses deposed in the ITC investigation  
26 would likely have to be re-deposed to testify regarding issues relevant to past  
27 infringement. Allowing this case to proceed can solve this duplication. With a reasonable  
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1 cross-use agreement, the parties can agree to a single deposition for these witnesses that  
2 covers all issues in both cases, ensuring that witnesses need only sit for one deposition.

3 None of JLI's arguments for a stay outweigh these benefits and JLI's cited  
4 authority for this factor is inapposite. JLI's reliance on the legislative history of 28 U.S.C.  
5 § 1659(a) is irrelevant because that statute grants ITC *respondents* the right to stay  
6 parallel district court actions. *See* Mot. at 5 (citing H.R. Rep. No. 103-826(I)). Two of  
7 the three cases that JLI cites are motions to stay by defendants, who are entitled to stay  
8 parallel district court cases pursuant to 28 U.S.C. § 1659(a). *See* Mot. at 5 (citing  
9 *FormFactor, Inc. v. Micronics Japan Co.*, 2008 U.S. Dist. LEXIS 13114, No. CV-06-  
10 07159 JSW, at \*10 (N.D. Cal. Feb. 11, 2008); *Arris Sols., Inc. v. Sony Interactive Entm't*  
11 *LLC*, 2017 U.S. Dist. LEXIS 168520, No. 5:17-cv-01098-EJD, at \*7 (N.D. Cal. Oct. 10,  
12 2017)). In those cases, the Court considered whether the defendants, who were entitled  
13 to at least a partial stay of the case, could stay the district court action as to the remaining  
14 claims not asserted in the ITC investigation. That is not at issue here.

15 The remaining case cited by JLI, *Aliphcom*, concerns a pre-discovery litigation that  
16 was effectively stayed pending the consideration of a motion to dismiss. *See Aliphcom v.*  
17 *Fitbit, Inc.*, 154 F. Supp. 3d 933, 935 (N.D. Cal. 2015). There the court relied on the  
18 advance status of the ITC case as compared with the district court case to conclude that  
19 the potential for inconsistent rulings was too high. *Id.* at \*939–40.

20 The instant case is importantly distinguishable. Here, discovery has already begun  
21 and there is no motion to dismiss delaying the proceedings. NJOY intends to make full  
22 use of the Court's discovery capabilities and, in fact, would be prejudiced by not having  
23 access to the Court's Article III subpoena power. Notwithstanding the fact that the ITC  
24 proceeding is currently paused, here the Court is poised to be able to take meaningful  
25 action promoting the orderly course of justice, relating both to resolving issues and  
26 obtaining proof. District courts commonly proceed despite parallel ITC investigations,  
27 without creating the parade of horrors JLI recites. *See, e.g., Qualcomm Inc. v. Apple*  
28 *Inc.*, No. 3:17-cv-01375-DMS-MDD (S.D. Cal.) (pending at the same time as related ITC

1 investigation *Certain Mobile Elec. Devices and Radio Frequency and Processing*  
2 *Components Thereof*, Inv. No. 337-ta-1065 (I.T.C.)). Indeed, the ITC has recognized the  
3 benefit of another tribunal considering patents asserted at the ITC and even stayed  
4 enforcement of an ITC order on the basis of a conflicting validity determination  
5 elsewhere. *See, e.g., Certain Wearable Elec. Devices with ECG Functionality and*  
6 *Components Thereof*, Inv. No. 337-ta-1266 (I.T.C.) (Comm’n Op.) at 3.

7 This factor, therefore, weighs in favor of denying a stay.

8 **B. Damage Will Result from a Grant of Stay**

9 The potential damage resulting from a stay is substantial, both directly to NJOY  
10 and also to the case merits. The remedy for a complainant at the ITC is severe: an  
11 exclusion order banning importation of the accused products. If the ITC issues such an  
12 order, and that order is based on a determination that ultimately is found to conflict with  
13 this Court’s findings, NJOY will have been banned from selling its products until after  
14 the stay when this Court has had an opportunity to consider the case. This could be years,  
15 resulting in huge lost profits and significant, likely irreversible, damage to NJOY’s  
16 reputation and market share.

17 This damage is exacerbated by the relationship between the parties since Juul and  
18 NJOY compete in the e-cigarette marketplace. *See, e.g., Kirsch Rsch. & Dev., LLC v.*  
19 *Epilay, Inc.*, No. 220-CV-03773-RGK-JPR, 2021 U.S. Dist. LEXIS 117636, 2021 WL  
20 4732578, at \*3 (C.D. Cal. May 7, 2021) (“When the parties are business competitors,  
21 however, and the plaintiff may lose customers if the case does not proceed, this may result  
22 in prejudice.” (citations omitted)); *APipe Restoration Techs., LLC v. Pipeline Restoration*  
23 *Plumbing, Inc.*, No. SACV 13-00499-CJC(RNBx), 2015 U.S. Dist. LEXIS 136500, at \*6  
24 (C.D. Cal. 2015) (“[P]rejudice [to the patentee] is heightened when parties to litigation  
25 are direct competitors; in such cases, courts presume that a stay will prejudice the non-  
26 movant.” (citations omitted)); *Netlist, Inc. v. Micron Tech., Inc.*, No. 2:22-cv-203-JRG-  
27 RSP, 2024 U.S. Dist. LEXIS 245845, at \*4 (E.D. Tex. 2024) (similar). A stay would  
28 further delay NJOY’s ability to clear the “cloud of uncertainty” as to whether they are

1 infringing the Asserted Patent. *Seal4Safti, Inc. v. Cal. Expanded Metal Prods. Co.*, No.  
2 2:20-cv-10409-MCS-JEM, 2021 U.S. Dist. LEXIS 259158 (C.D. Cal. 2021); *Yugo Labs,*  
3 *Inc. v. Ripps*, No. 22-cv-4355-JEW, 2023 U.S. Dist. LEXIS 90097, 2023 WL 3555482,  
4 at \*3 (C.D. Cal. Mar. 30, 2023). These are not “generalized” concerns, as JLI asserts, but  
5 specific to the nature and relationship of the parties. *Cf.* Mot. at 7.

6 A stay would further impact the merits of the case by removing NJOY’s access to  
7 Article III subpoena power. As discussed above, NJOY intends to subpoena third parties  
8 for prior art. If a stay is implemented, NJOY will have limited ability to enforce those  
9 subpoenas, and may not be able to access critical—potentially case dispositive—prior art.  
10 Again, this is not a generalized concern, but specific to the nature of the patent asserted  
11 here and the past practices of industry participants. *Contra Aliphcom*, 154 F. Supp. 3d at  
12 937–38 (finding no damage where the defendant noted only that it preferred the district  
13 court decide its § 101 motion and that there was a generalized harm in delay).

14 Thus, this factor also weighs against a stay.

15 **C. The Parties and Court Would Not Suffer If this Case Proceeds**

16 JLI’s claim, that litigating here would cause hardship,<sup>4</sup> is contracted by JLI’s  
17 actions: JLI filed this litigation. Having chosen to file and maintain actions in both  
18 forums, JLI invited exactly that from which it now seeks relief. JLI cannot now claim  
19 hardship from a situation of its own making. *Lockyer*, 398 F.3d at 1112 (9th Cir. 2005)  
20 (“[D]efend[ing] a suit, without more, does not constitute a ‘clear case of hardship or  
21 inequity’ within the meaning of *Landis*.”).

22 In any event, this litigation would not create the significant financial burden that  
23 JLI claims. *Cf.* Mot. at 7. NJOY has proposed a cross-use agreement that could allow  
24 joint use of discovery materials between the two proceedings, minimizing any duplicative  
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26 <sup>4</sup> JLI is not excused from addressing this factor given the substantial potential harm  
27 discussed above in Section IV.A.2. *Contra* Mot. at 7 (“[T]he movant for a stay need only  
28 address this factor if there is a ‘fair possibility that the stay . . . will work damage to  
someone else.’ . . . No such showing can be made here.” (citing *CMAX, Inc. v. Hall*, 300  
F.2d 265, 268 (9th Cir. 1962))).

1 work. As discussed above, this forum grants access to a more efficient and timely  
2 subpoena enforcement mechanism, securing the parties' access to critical proof. Finally,  
3 consideration of issues by this Court opens the possibility for early resolution of joint  
4 issues, simplifying the work for the parties.

5 None of JLI's precedent counsels otherwise. *Aliphcom* found this factor neutral  
6 based on neither party articulating a particularized harm. 154 F. Supp. 3d at 936. And  
7 the legislative history for 28 U.S.C. § 1659, as explained below, does not "establish[] a  
8 clear policy preference for avoiding this hardship by allowing the ITC investigation to  
9 proceed first," as JLI insists, (Mot. at 8); it established a preference for granting *importers*  
10 the ability to choose whether to proceed in parallel litigations. NJOY has chosen to  
11 proceed.

12 Thus, this factor weighs against a stay.

13 **II. JLI'S RELIANCE ON 28 U.S.C. § 1659 IS CONTRARY TO STATUTE**

14 JLI's repeated reliance on 28 U.S.C § 1659 is a red herring. Section 1659 affords  
15 an ITC respondent—not a plaintiff—the right to stay district court proceedings when the  
16 same issues are before both the district court and the ITC. NJOY has not invoked that  
17 right here. That ends Section 1659's relevance. No provision in that statute grants ITC  
18 complainants (i.e., JLI) the right to a mandatory stay—never mind a discretionary one.

19 The legislative history of Section 1659 explains why: "The amendments are  
20 necessary to ensure that U.S. procedures for dealing with alleged infringements by  
21 imported products comport with GATT [General Agreement on Tariffs and Trade] 1994  
22 'national treatment' rules." H.R. Rep. No. 103-826(I), at 142. GATT's national treatment  
23 rules are intended to protect importers from unfair treatment in a foreign country, e.g.,  
24 allowing *importers* to avoid simultaneous litigations in two forums where it might be too  
25 burdensome. This is not a general protection from dual-forum litigation, but a specific  
26 protection for importers. In this scenario, NJOY is the importer and therefore the  
27 protections of § 1659 extend to NJOY, not JLI. The text of Section 1659 reflects this.

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1 28 U.S.C. § 1659 (mandating a stay “at the request of a party to the civil action *that is*  
2 *also a respondent* in the proceeding before the Commission”).

3 JLI’s counter-textual reliance on 28 U.S.C. § 1659 should be rejected.

4 **CONCLUSION**

5 For the foregoing reasons, NJOY respectfully requests that the Court deny JLI’s  
6 Motion to Stay.

7  
8 Dated: October 24, 2025

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

Juul Labs, Inc.,  
Plaintiff,  
v.  
NJOY, LLC; NJOY Holdings, Inc.; Altria  
Group, Inc; Altria Group Distribution  
Company; and Altria Client Services LLC,  
Defendants.

No. 2:25-CV-02853-JJT  
**[PROPOSED] ORDER**

The Court, having considered Plaintiff’s Motion to Stay [Dkt. No. 25] and the Response and Reply thereto, hereby denies the Motion.