

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

**RAMOT AT TEL AVIV UNIVERSITY
LTD.,**

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

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CIVIL ACTION NO. 2:19-CV-00225-JRG

ORDER


Before the Court is Defendant's Motion to Stay Pending *Inter Partes* Review of U.S. Patents No. 10,270,535 and No. 10,033,465 (the "Motion"). (Dkt. No. 36.) The Court notes that no such *inter partes* review ("IPR") of U.S. Patent Nos. 10,270,535 and 10,033,465 has been instituted by the Patent Trial and Appeal Board ("PTAB").¹ *See generally Cisco Sys., Inc. v. Ramot at Tel Aviv Univ. Ltd.*, IPR2020-00122 (P.T.A.B.); *Cisco Sys., Inc. v. Ramot at Tel Aviv Univ. Ltd.*, IPR2020-00123 (P.T.A.B.).

It is the Court's established practice to consider that motions to stay pending IPR proceedings that have not been instituted are inherently premature. At this nascent stage, it is impossible for the Court to determine "whether the stay will likely result in simplifying the case before the court." *NFC Tech. LLC v. HTC Am., Inc.*, No. 2:13-cv-1058-WCB, 2015WL10691111, at *2 (E.D. Tex. Mar. 11, 2015) (Bryson, J.). If the PTAB denies institution of the IPRs, there will be no simplification of the case. Accordingly, Defendants' Motion

¹ The PTAB has also not instituted IPR on U.S. Patent No. 10,461,866, which was recently added in Plaintiff's Amended Complaint. *See generally Cisco Sys., Inc. v. Ramot at Tel Aviv Univ. Ltd.*, IPR2020-00484 (P.T.A.B.).

should be and hereby is **DENIED WITHOUT PREJUDICE** to its refiling if and when IPR proceedings are instituted by the PTAB.

So ORDERED and SIGNED this 4th day of February, 2020.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE