

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


SOLAS OLED LTD.,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CIVIL ACTION NO. 2:19-CV-00152-JRG
	§	
SAMSUNG DISPLAY CO., LTD.,	§	
SAMSUNG ELECTRONICS CO., LTD.,	§	
SAMSUNG ELECTRONICS AMERICA,	§	
INC.,	§	
	§	
<i>Defendants.</i>	§	

ORDER

Before the Court is Defendants’ Motion to Stay Proceedings Pending *Inter Partes* Review (the “Motion”). (Dkt. No. 56.) In the Motion, Defendants represent that they have petitioned the Patent Trial and Appeal Board (“PTAB”) to institute *inter partes* reviews (“IPRs”) for U.S. Patent Nos. 9,256,311, 6,072,450, and 7,446,338. The Court notes that the petitioned IPRs discussed in the Motion have not been instituted by the PTAB. *See generally Samsung Display Co., Ltd. v. Solas OLED Limited*, IPR2019-01668 (P.T.A.B.) ;*Samsung Display Co., Ltd. v. Solas OLED Limited*, IPR2020-00140 (P.T.A.B.); *Samsung Display Co., Ltd. v. Solas OLED Limited*, IPR2020-00320 (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 and should be denied as such. 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.). Indeed, if the PTAB denies institution of the IPRs, there will be no simplification of the case before the Court at all.

Accordingly, Defendants' Motion 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