

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNIVERSAL SECURE REGISTRY LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 17-585 (JFB) (SRF)
)	
APPLE INC., VISA INC. and)	REDACTED - PUBLIC VERSION
VISA U.S.A., INC.,)	FILED 07/16/2018
)	
Defendants.)	

**PLAINTIFF UNIVERSAL SECURE REGISTRY LLC’S ANSWERING BRIEF IN
OPPOSITION TO DEFENDANT APPLE INC.’S MOTION TO STAY PENDING
INTER PARTES AND COVERED BUSINESS METHOD REVIEWS**

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Plaintiff Universal Secure Registry LLC (“USR”) respectfully opposes Defendant Apple Inc.’s (“Apple”) motion to stay this litigation pending resolution of its pre-institution petitions for *inter partes* review (“IPR”) and covered business method review (“CBM review”). For the reasons set forth below, the Court should deny Apple’s motion or, at minimum, deny it without prejudice to renew after the Board has made its institution decisions on Apple’s pending petitions.

I. The Nature and Stage of the Proceedings

On May 21, 2017, USR filed suit against Apple, along with Visa Inc. and Visa U.S.A., Inc. (collectively, “Visa”) for direct, induced, and contributory infringement of U.S. Patent Nos. 8,577,813 (“the '813 patent”); 8,856,539 (“the '539 patent”); 9,100,826 (“the '826 patent”); and 9,530,137 (“the '137 patent” and, with the '813 patent, '539 patent, and '826 patent, “the Asserted Patents”). D.I. 1.

As set forth in more detail in the Statement of Facts, motions to dismiss and to transfer are pending; a scheduling order has been entered and trial date set; initial disclosures have been exchanged; and the parties have served responses to extensive written discovery requests. The parties are currently engaged in active discovery.

On April 3, 4, and 12 and May 3, 2018, Apple filed eleven IPR and CBM review petitions before the Patent Trials and Appeals Board (“Board” or “PTAB”) of the United States Patent & Trademark Office (“USPTO”). Institution decisions on all eleven petitions are due no later than December 12, 2018. *See* Declaration of Jeremy Tigan, filed concurrently herewith (“Tigan Decl.”) Ex. 1.¹ To date, the Board has instituted review of certain claims of only one of

¹ One day prior to filing this opposition, USR received notice that Visa had filed two additional IPR petitions against the '539 patent on July 3, 2018. Because Visa has not joined in Apple’s request for a stay, and because these petitions relate to a patent as to which Apple has

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