

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DDR HOLDINGS, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 17-498-CFC
)	
PRICELINE.COM LLC,)	
BOOKING.COM B.V., and)	
SHOIFY INC.,)	
)	
Defendants.)	


ORDER

Defendants Priceline.com LLC and Booking.com B.V. have moved pursuant to Federal Rule of Civil Procedure 26(b) and 26(c) for entry of an Order continuing the present stay in this case pending resolution of appeals filed by Plaintiff DDR Holding, LLC in the Federal Circuit of several Final Written Decisions of the Patent Trial and Appeal Board that held unpatentable all the independent claims and certain dependent claims of U.S. Patent Nos. 8,515,825; 9,043,228; and 9,639,876.

I agree that continuation of the stay would simplify the issues before the Court and generate efficiencies in discovery, claim construction, and at any trial. I am persuaded in particular that a Federal Circuit ruling on the proper scope of

“overall appearance,” which lies at the heart of DDR’s appeal, will likely affect in a significant way claim construction, discovery, expert reports, and trial testimony on infringement and invalidity issues. I am also persuaded that continuing the stay will not unfairly prejudice DDR, which is a non-practicing entity and thus faces no risk of price erosion or competitive disadvantages from a continuation of the stay. DDR’s damages, if any, are monetary. Any delay in obtaining a judgment for such damages can be addressed by an award of interest if DDR prevails.

NOW THEREFORE, at Wilmington this Nineteenth day of January 2021, it is HEREBY ORDERED that the motion to continue the stay (D.I. 92) is **GRANTED**, and the current stay of proceedings in the above-styled cases is **CONTINUED**. It is further **ORDERED** that within 30 days of the resolution of DDR’s appeals of the Final Written Decisions of the Patent Trial and Appeal Board on U.S. Patent Nos. 8,515,825; 9,043,228; and 9,639,876, the parties shall notify the Court of the outcome of the appeals and the implications of that outcome on the pending cases, and if needed, file a new proposed Scheduling Order or a motion or proposed stipulation to lift or continue the current stay.


United States District Judge