

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

BYTEWEAVR, LLC,

Plaintiff,

v.

CLOUDERA, INC.,

Defendant.

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1:24-CV-261-RP

ORDER

Before the Court is Defendant Cloudera, Inc.’s (“Cloudera”) Opposed Motion to Stay. (Dkt. 33). Plaintiff Byteweavr, LLC (“Byteweavr”) filed a response in opposition, (Dkt. 46), and Cloudera filed a reply, (Dkt. 52). Having considered the parties’ arguments, the relevant law, and the record, the Court will deny Cloudera’s motion.

The Court has discretion to stay discovery upon a showing of good cause. Fed. R. Civ. P. 26(c). This Court rarely grants a stay pending resolution of a motion to dismiss, except in unusual circumstances where there is good cause to do so. Good cause may be found where the party from whom discovery is sought would suffer “annoyance, embarrassment, oppression or undue burden or expense” if the stay is not granted. *Id.*

The Court does not find good cause here. Cloudera argues that it will suffer undue burden or expense if discovery is allowed to continue in this case because its pending motion to dismiss may dispose of Byteweavr’s claims against it or at least narrow and inform the scope of discovery. However, “a motion to dismiss under 12(b)(6) ‘is viewed with disfavor and is rarely granted.’” *Turner v. Pleasant*, 663 F.3d 770, 775 (5th Cir. 2011) (quoting *Harrington v. State Farm Fire & Cas. Co.*, 563 F.3d 141, 147 (5th Cir. 2009)). Furthermore, “[w]hile, in theory, a court may find good cause to stay discovery when there is a pending 12(b)(6) motion, in practice such stays are very rare, and almost

never wise.” *YETI Coolers, LLC v. Magnum Solace, LLC*, No. 1:16-CV-663-RP, 2016 WL 10571903, at *1 (W.D. Tex. Oct. 19, 2016) (Austin, Magis. J.). This patent infringement case does not present unusual circumstances that would justify granting a stay of discovery pending resolution of Cloudera’s motion to dismiss.

Cloudera further contends that this case cannot proceed in an orderly fashion until all the counterclaim defendants appear and go through motion practice to determine which parties will be proceeding. The Court disagrees. The parties may move to amend any future scheduling orders as needed to accommodate new parties.

Accordingly, finding no good cause to stay discovery pending resolution of Cloudera’s motion to dismiss or the appearance of the counterclaim defendants, the Court **DENIES** Cloudera’s motion to stay, (Dkt. 33).

SIGNED on August 5, 2024.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE