

**U.S. District Court [LIVE]
Western District of Texas (Waco)
CIVIL DOCKET FOR CASE #: 6:21-cv-01102-ADA**

CloudofChange, LLC v. Lightspeed POS Inc.
Assigned to: Judge Alan D Albright
Cause: 35:271 Patent Infringement

Date Filed: 10/22/2021
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

CloudofChange, LLC

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V.

Defendant

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Counter Plaintiff
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V.

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John Allen Yates
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Date Filed	#	Docket Text
10/22/2021	1	COMPLAINT FOR PATENT INFRINGEMENT (Filing fee \$ 402 receipt number 0542-15366983), filed by CloudfChange, LLC. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K1, # 12 Exhibit K2, # 13 Exhibit K3, # 14 Exhibit K4, # 15 Exhibit K5, # 16 Exhibit K6, # 17 Exhibit K7, # 18 Exhibit K8, # 19 Exhibit K9, # 20 Exhibit K10, # 21 Exhibit K11, # 22 Exhibit K12, # 23 Exhibit K13, # 24 Exhibit K14, # 25 Exhibit K15, # 26 Exhibit L1, # 27 Exhibit L2, # 28 Exhibit L3, # 29 Exhibit L4, # 30 Exhibit L5, # 31 Exhibit L6, # 32 Exhibit L7, # 33 Exhibit L8, # 34 Exhibit L9, # 35 Exhibit M1, # 36 Exhibit M2, # 37 Exhibit M3, # 38 Exhibit M4, # 39 Exhibit M5, # 40 Exhibit M6, # 41 Exhibit M7, # 42 Exhibit M8, # 43 Exhibit M9, # 44 Exhibit N1, # 45 Exhibit N2, # 46 Exhibit N3, # 47 Exhibit N4, # 48 Exhibit N5, # 49 Exhibit N6, # 50 Exhibit N7, # 51 Exhibit N8, # 52 Exhibit N9, # 53 Exhibit N10, # 54 Civil Cover Sheet)(Yates, John) (Entered: 10/22/2021)
10/22/2021	2	REQUEST FOR ISSUANCE OF SUMMONS by CloudfChange, LLC. (Yates, John) (Entered: 10/22/2021)
10/22/2021	3	RULE 7 DISCLOSURE STATEMENT filed by CloudfChange, LLC identifying Corporate Parent Interegister Inc. for CloudfChange, LLC. (Yates, John) (Entered: 10/22/2021)
10/22/2021	4	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 forwarded to the Director of the U.S. Patent and Trademark Office. (Yates, John) (Entered: 10/22/2021)

10/22/2021		Case assigned to Judge Alan D Albright. CM WILL NOW REFLECT THE JUDGE INITIALS AS PART OF THE CASE NUMBER. PLEASE APPEND THESE JUDGE INITIALS TO THE CASE NUMBER ON EACH DOCUMENT THAT YOU FILE IN THIS CASE. (lad) (Entered: 10/25/2021)
10/25/2021		All parties shall comply with the Standing Orders located at https://www.txwd.uscourts.gov/judges-information/standing-orders/ . (lad) (Entered: 10/25/2021)
10/25/2021	5	Summons Issued as to Lightspeed POS Inc.. (lad) (Entered: 10/25/2021)
10/25/2021	6	SUMMONS Returned Executed by CloudofChange, LLC. Lightspeed POS Inc. served on 10/25/2021, answer due 11/15/2021. (Yates, John) (Entered: 10/25/2021)
11/11/2021	7	NOTICE of Attorney Appearance by Joseph Daniel Gray on behalf of Lightspeed POS Inc.. Attorney Joseph Daniel Gray added to party Lightspeed POS Inc.(pty:dft) (Gray, Joseph) (Entered: 11/11/2021)
11/11/2021	8	MOTION for Extension of Time to File Answer <i>or otherwise respond to Complaint</i> by Lightspeed POS Inc.. (Gray, Joseph) (Entered: 11/11/2021)
11/11/2021		Reset Deadlines: Lightspeed POS Inc. answer due 12/15/2021. (ir) (Entered: 11/12/2021)
11/18/2021		Text Order GRANTING 8 Motion for Extension of Time to Answer entered by Judge Alan D Albright. Counsel should note that future joint or unopposed requests should be filed as a NOTICE, not a Motion, per the Court's standing orders. (This is a text-only entry generated by the court. There is no document associated with this entry.) (JGlc) (Entered: 11/18/2021)
12/14/2021	9	NOTICE of Extension to Respond to Complaint by Lightspeed POS Inc. (Gray, Joseph) (Entered: 12/14/2021)
12/14/2021		Reset Deadlines: Lightspeed POS Inc. answer due 12/29/2021. (jc5) (Entered: 12/14/2021)
12/29/2021	10	ANSWER to 1 Complaint,,, with Jury Demand , COUNTERCLAIM against CloudofChange, LLC by Lightspeed POS Inc..(Gray, Joseph) (Entered: 12/29/2021)
12/29/2021	11	RULE 7 DISCLOSURE STATEMENT filed by Lightspeed POS Inc.. (Gray, Joseph) (Entered: 12/29/2021)
01/05/2022	12	STATUS REPORT (<i>Case Readiness</i>) by CloudofChange, LLC. (Yates, John) (Entered: 01/05/2022)
01/13/2022	13	NOTICE of Attorney Appearance by Tecuan Flores on behalf of Lightspeed POS Inc.. Attorney Tecuan Flores added to party Lightspeed POS Inc.(pty:dft) (Flores, Tecuan) (Entered: 01/13/2022)
01/19/2022	14	<i>Plaintiff's</i> ANSWER to 10 Answer to Complaint, Counterclaim by CloudofChange, LLC.(Yates, John) (Entered: 01/19/2022)
01/19/2022	15	Unopposed MOTION to Withdraw as Attorney <i>for Julie D. Patel</i> by CloudofChange, LLC. (Attachments: # 1 Proposed Order)(Yates, John) (Entered: 01/19/2022)
02/02/2022	16	Agreed MOTION for Entry of Scheduling Order Deadlines by CloudofChange, LLC. (Attachments: # 1 Exhibit A)(Yates, John) (Entered: 02/02/2022)
02/02/2022	17	Agreed MOTION for Protective Order by CloudofChange, LLC. (Attachments: # 1 Exhibit A) (Yates, John) (Entered: 02/02/2022)
02/09/2022	18	ORDER GRANTING 15 Motion to Withdraw Julie D. Patel As Counsel. Signed by Judge Alan D Albright. (zv) (Entered: 02/09/2022)
02/09/2022	19	AGREED SCHEDULING ORDER. Markman Hearing set for 6/29/2022 09:00 AM before Judge Alan D Albright. Joinder of Parties due by 8/10/2022. Amended Pleadings due by 10/19/2022. Dispositive Motions due by 4/5/2023. Final Pretrial Conference set for 6/7/2023 before Judge Alan D Albright. Jury Selection set for 6/26/2023 before Judge Jeffrey C. Manske. Jury Trial set for 6/26/2023 before Judge Alan D Albright. Motions terminated: 16 Agreed MOTION for Entry of Scheduling Order Deadlines filed by CloudofChange, LLC. Signed by Judge Alan D Albright. (zv) (Entered: 02/09/2022)
02/09/2022	20	AGREED PROTECTIVE ORDER. Signed by Judge Alan D Albright. (zv) (Entered: 02/09/2022)

03/10/2022		Parties shall comply with Judge Albright's updated standing orders and COVID-19 standing order available by clicking the included hyperlinks. The updated orders are as follows: 1. Standing Order Regarding Notice of Readiness for Patent Cases 030722, 2. Standing Order on Pretrial Procedures and Requirements in Civil Cases 030722, 3. Standing Order Governing Proceedings 4.0 - Patent Cases 030722, 4. Amended Standing Order Regarding Coronavirus (COVID-19) and Court Proceedings, 5. Amended Standing Order Regarding Joint Or Unopposed Request To Change Deadlines 030722, 6. Amended Standing Order Regarding Filing Documents Under Seal and Redacted Public Versions 030722. (jkda) (Entered: 03/10/2022)
04/01/2022	21	Opposed MOTION for Leave to File First Amended Complaint for Patent Infringement by CloudofChange, LLC. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit A-H to Exhibit 2 - First Amended Complaint, # 4 Exhibit I-L7 to Exhibit 2 - First Amended Complaint, # 5 Exhibit L8-N10 to Exhibit 2 - First Amended Complaint, # 6 Exhibit 3)(Yates, John) (Entered: 04/01/2022)
04/04/2022	22	NOTICE of Extension of Deadline by Lightspeed POS Inc. re 21 Opposed MOTION for Leave to File First Amended Complaint for Patent Infringement (Flores, Tecuan) (Entered: 04/04/2022)
04/13/2022	23	NOTICE of Filing Inter Partes Review Petition filed by Defendant Lightspeed POS Inc. by CloudofChange, LLC (Yates, John) (Entered: 04/13/2022)
04/14/2022	24	Standing Order Regarding Order Governing Proceedings Patent Cases. Signed by Judge Alan D Albright. (Entered: 04/14/2022)
04/15/2022	25	Response in Opposition to Motion, filed by Lightspeed POS Inc., re 21 Opposed MOTION for Leave to File First Amended Complaint for Patent Infringement filed by Plaintiff CloudofChange, LLC (Attachments: # 1 Proposed Order Lightspeed's Proposed Amended Scheduling Order)(Flores, Tecuan) (Entered: 04/15/2022)
04/20/2022	26	NOTICE of Attorney Appearance by Darryl Adams on behalf of Lightspeed POS Inc. (Adams, Darryl) (Entered: 04/20/2022)
04/22/2022	27	RESPONSE in Support, filed by CloudofChange, LLC, re 21 Opposed MOTION for Leave to File First Amended Complaint for Patent Infringement filed by Plaintiff CloudofChange, LLC (Yates, John) (Entered: 04/22/2022)
04/22/2022	28	NOTICE of Unopposed Extension to File Opening Claim Construction Brief by Lightspeed POS Inc. (Gray, Joseph) (Entered: 04/22/2022)
05/02/2022	29	NOTICE of Attorney Appearance by Clark Oberembt on behalf of Lightspeed POS Inc.. Attorney Clark Oberembt added to party Lightspeed POS Inc.(pty:cc), Attorney Clark Oberembt added to party Lightspeed POS Inc.(pty:dft) (Oberembt, Clark) (Entered: 05/02/2022)
05/02/2022		Text Order GRANTING 21 Motion for Leave to File entered by Judge Alan D Albright. Having reviewed the briefing and competing proposed schedules, the Court GRANTS-IN-PART and DENIES-IN-PART Plaintiff's Motion for Leave to Amend its Original Complaint for Patent Infringement. Plaintiff is GRANTED leave to file its Amended Complaint. The Court DENIES the request to maintain the currently scheduled Markman hearing for June 29, 2022. The Court, instead, ADOPTS Defendant's Proposed Scheduling Order found at ECF No. 25-1. Defendants are ORDERED to submit a copy of the proposed order, with the currently proposed dates, in word format to the Court's law clerks. SO ORDERED. (This is a text-only entry generated by the court. There is no document associated with this entry.) (JGlc) (Entered: 05/02/2022)
05/02/2022	30	FIRST AMENDED COMPLAINT against Lightspeed POS Inc. amending 1 Complaint, filed by CloudofChange, LLC. (Attachments: # 1 Exhibit A-H, # 2 Exhibit I-L7, # 3 Exhibit L8-N10)(zv) (Entered: 05/02/2022)
05/02/2022	31	FIRST AMENDED SCHEDULING ORDER: Markman Hearing set for 9/21/2022 09:00 AM before Judge Alan D Albright. Joinder of Parties due by 11/2/2022. Amended Pleadings due by 1/11/2023. Dispositive Motions due by 6/28/2023. Final Pretrial Conference set for 8/30/2023 before Judge Alan D Albright. Jury Selection set for 9/20/2023 before Judge Jeffrey C. Manske. Jury Trial set for

		9/20/2023 before Judge Alan D Albright. Signed by Judge Alan D Albright. (zv) (Entered: 05/02/2022)
05/16/2022	32	<i>Lightspeed's</i> ANSWER to 30 Amended Complaint with Jury Demand , COUNTERCLAIM against CloudofChange, LLC by Lightspeed POS Inc..(Gray, Joseph) (Entered: 05/16/2022)
05/19/2022	33	NOTICE OF INTER PARTES REVIEW PETITION by CloudofChange, LLC (Yates, John) (Entered: 05/19/2022)
05/31/2022	34	<i>Plaintiff's</i> ANSWER to 32 Answer to Amended Complaint, Counterclaim by CloudofChange, LLC. (Yates, John) (Entered: 05/31/2022)
06/14/2022	35	NOTICE (Amended) of Inter Partes Review Petition (640) Patent by CloudofChange, LLC (Yates, John) (Entered: 06/14/2022)
06/14/2022	36	NOTICE (Amended) of Inter Partes Review Petition (012) Patent by CloudofChange, LLC (Yates, John) (Entered: 06/14/2022)
07/01/2022	37	Unopposed MOTION to Withdraw as Attorney - <i>Joshua H. Park</i> by CloudofChange, LLC. (Attachments: # 1 Proposed Order)(Yates, John) (Entered: 07/01/2022)
07/12/2022	38	NOTICE of Filing Inter Partes Review Petition by CloudofChange, LLC (Yates, John) (Entered: 07/12/2022)
07/14/2022	39	MOTION to Appear Pro Hac Vice by Darryl Adams <i>on behalf of Nellie F. Slayden</i> (Filing fee \$ 100 receipt number 0542-16258586) by on behalf of Lightspeed POS Inc.. (Adams, Darryl) (Entered: 07/14/2022)
07/18/2022	40	ORDER GRANTING 39 Motion to Appear Pro Hac Vice for Attorney Nellie F. Sladyen for Lightspeed POS Inc. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Alan D Albright. (zv) (Entered: 07/18/2022)
07/20/2022	41	Opening Claim Construction Brief by Lightspeed POS Inc.. (Attachments: # 1 Exhibit File History of US9400640)(Gray, Joseph) (Entered: 07/20/2022)
08/10/2022	42	Reply Claim Construction Brief re 41 by CloudofChange, LLC. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K)(Yates, John) Modified on 8/11/2022 to link to opening claim construction brief (zv). (Entered: 08/10/2022)
08/15/2022		Text Order GRANTING 37 Motion to Withdraw as Attorney entered by Judge Alan D Albright. The appearance of Joshua H. Park as counsel of record for Plaintiff is hereby TERMINATED for all purposes in this case. (This is a text-only entry generated by the court. There is no document associated with this entry.) (RRlc) (Entered: 08/15/2022)
08/24/2022	43	Reply Claim Construction Brief re 42 by Lightspeed POS Inc.. (Flores, Tecuan) Modified on 8/24/2022 to link to previous reply (zv). (Entered: 08/24/2022)
09/07/2022	44	ORDER Setting Zoom Markman Hearing for 9/15/2022 03:00 PM before Judge Alan D Albright. Signed by Judge Alan D Albright. (bot2) (Entered: 09/07/2022)
09/07/2022	45	Surreply Claim Construction Brief regarding 43 Claim Construction Brief by CloudofChange, LLC. (Attachments: # 1 Exhibit L, # 2 Exhibit M)(Yates, John) Modified on 9/7/2022 to add the word "Surreply" per document title (zv). (Entered: 09/07/2022)
09/12/2022	46	Joint Claim Construction Brief or Statement by CloudofChange, LLC. (Gonzalez, Edgar) (Entered: 09/12/2022)
09/15/2022	47	ORDER CANCELLING MARKMAN. MARKMAN on Thursday, September 15, 2022 at 03:00 PM is hereby CANCELLED until further order of the court. Signed by Judge Alan D Albright. (zv) (Entered: 09/15/2022)
09/16/2022	48	FINAL CLAIM CONSTRUCTIONS OF THE COURT. Signed by Judge Alan D Albright. (zv)

		(Entered: 09/16/2022)
09/16/2022		Parties shall comply with Judge Albright's updated standing orders available by clicking the included hyperlinks. The updated orders are as follows: 1. Standing Order Governing Proceedings Patent Cases. 2. Amended Standing Order On Pretrial Procedures and Requirements in Civil Cases. (bot4) (Entered: 09/17/2022)
10/31/2022	49	NOTICE of Attorney Appearance by Truman H Fenton on behalf of Lightspeed POS Inc.. Attorney Truman H Fenton added to party Lightspeed POS Inc.(pty:dft) (Fenton, Truman) (Entered: 10/31/2022)
11/07/2022	50	NOTICE <i>Joint Notice Regarding an Extension of Time</i> by CloudfChange, LLC (Yates, John) (Entered: 11/07/2022)
11/15/2022	51	Opposed MOTION to Stay Case <i>Based on Instituted IPR of All Asserted Claims</i> by Lightspeed POS Inc.. (Attachments: # 1 Proposed Order Granting Motion to Stay, # 2 Affidavit Gray declaration, # 3 Exhibit '640 patent institution decision, # 4 Exhibit '012 patent institution decision, # 5 Exhibit '793 patent institution decision, # 6 Exhibit CoC's motions in limine from NCR Litigation) (Gray, Joseph) (Entered: 11/15/2022)
11/22/2022	52	NOTICE of <i>Unopposed Extension of Time to File Opposition</i> by CloudfChange, LLC re 51 Opposed MOTION to Stay Case <i>Based on Instituted IPR of All Asserted Claims</i> (Yates, John) (Entered: 11/22/2022)
11/28/2022	53	Response in Opposition to Motion, filed by CloudfChange, LLC, re 51 Opposed MOTION to Stay Case <i>Based on Instituted IPR of All Asserted Claims</i> filed by Defendant Lightspeed POS Inc. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11)(Yates, John) (Entered: 11/28/2022)
11/29/2022	54	Proposed Order to 53 Response in Opposition to Motion, by CloudfChange, LLC. (Yates, John) (Entered: 11/29/2022)
12/05/2022	55	REPLY to Response to Motion, filed by Lightspeed POS Inc., re 51 Opposed MOTION to Stay Case <i>Based on Instituted IPR of All Asserted Claims</i> filed by Defendant Lightspeed POS Inc. (Gray, Joseph) (Entered: 12/05/2022)
12/12/2022	56	ORDER Setting Zoom Motion Hearing for 12/20/2022 03:00 PM before Judge Alan D Albright. Signed by Judge Alan D Albright. (bot1) (Entered: 12/12/2022)
12/20/2022	57	Minute Entry for proceedings held before Judge Alan D Albright: Motion Hearing held on 12/20/2022 re 51 Opposed MOTION to Stay Case <i>Based on Instituted IPR of All Asserted Claims</i> filed by Lightspeed POS Inc. STATEMENTS AND ARGUMENTS OF COUNSEL HEARD, MOTION TO STAY CASE DENIED, WRITTEN ORDER FORTHCOMING (Minute entry documents are not available electronically.). (Court Reporter Kristie Davis.)(lad) (Entered: 12/20/2022)
12/20/2022	58	Transcript filed of Proceedings held on 12-20-22, Proceedings Transcribed: Motion Hearing. Court Reporter/Transcriber: Kristie Davis (kmdaviscsr@yahoo.com), Telephone number: 2546660904. Parties are notified of their duty to review the transcript to ensure compliance with the FRCP 5.2(a)/FRCrP 49.1(a). A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Notice of Redaction Request must be filed within 21 days. If no such Notice is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed Redaction Request due 1/10/2023, Redacted Transcript Deadline set for 1/20/2023, Release of Transcript Restriction set for 3/20/2023, (kd) (Entered: 12/20/2022)
12/22/2022	59	TRANSCRIPT REQUEST by CloudfChange, LLC for proceedings held on 12/20/2022. Court Reporter: Kristie Davis. (Yates, John) (Entered: 12/22/2022)

01/11/2023	60	<i>FIRST</i> AMENDED COUNTERCLAIM <i>FIRST</i> against CloudofChange, LLC amending, filed by Lightspeed POS Inc..(Fenton, Truman) (Entered: 01/11/2023)
01/12/2023		Attorneys filing Amended Complaints or Counterclaims adding patents-in-suit must update the form AO120, FLATTEN, and e-file using the "Notice of Filing of Patent/Trademark Form" event. Specifically, please add the 793 Patent.(lad) (Entered: 01/12/2023)
01/12/2023	61	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 forwarded to the Director of the U.S. Patent and Trademark Office. (Fenton, Truman) (Entered: 01/12/2023)
01/25/2023	62	AMENDED ANSWER to 60 Amended Counterclaim by CloudofChange, LLC. (Yates, John) (Entered: 01/25/2023)
02/14/2023	63	Unopposed MOTION to Amend/Correct <i>Final Invalidity Contentions</i> by Lightspeed POS Inc.. (Attachments: # 1 Proposed Order)(Fenton, Truman) (Entered: 02/14/2023)
02/14/2023	64	Sealed Document: Sealed Exhibits to Unopposed Motion for Leave to Amend Invalidity Contentions of 63 Unopposed MOTION to Amend/Correct <i>Final Invalidity Contentions</i> by Lightspeed POS Inc. (Attachments: # 1 Exhibit Exhibit 1, # 2 Exhibit Exhibit 2, # 3 Exhibit Exhibit 3) (Fenton, Truman) (Entered: 02/14/2023)
02/15/2023		Text Order GRANTING 63 Motion to Amend/Correct. Noting that the motion is unopposed, the Court GRANTS the motion. It is therefore ORDERED that Defendant has leave to amend its Final Invalidity Contentions regarding the InfoGenesis system. The amended claim charts attached as Exhibits 1-3 of Defendant's motion are deemed to have been effectively served on Plaintiff as of the date the motion was filed. Entered by Judge Alan D Albright. (This is a text-only entry generated by the court. There is no document associated with this entry.) (EKlc) (Entered: 02/15/2023)
02/15/2023	65	Sealed Exhibit Documents filed re 63 Amend/Correct Final Invalidity Contentions by Lightspeed POS Inc. (Main document is Exhibit 1) (Attachments: Exhibit 2 # 1 Exhibit 3, # 2 (ad3) (Entered: 02/15/2023)

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