

Docket Entries

56 Results

VIEW IN BROWSER

Case Numbers: EDTX-2-21-cv-00454

	Date ▲	#	Description	
	Dec. 15, 2021		In accordance with the provisions of 28 USC Section 636(c), you are hereby notified that a U.S. Magistrate Judge of this district court is available to conduct any or all proceedings in this case including a jury or non-jury trial and to order the entry of a final judgment. The form Consent to Proceed Before Magistrate Judge is available on our website. All signed consent forms, excluding pro se parties, should be filed electronically using the event Notice Regarding Consent to Proceed Before Magistrate Judge. (ch,) (Entered: 12/15/2021)	
	Dec. 15, 2021		Case assigned to District Judge Robert W. Schroeder, III and Magistrate Judge Roy S. Payne. (ch,) (Entered: 12/15/2021)	
⊖	Dec. 15, 2021	1	COMPLAINT against Mercedes-Benz USA, LLC (Filing fee \$ 402 receipt number 0540-8711753.), filed by Westport Fuel Systems Canada Inc.. (Attachments: # 1 Civil Cover Sheet, # 2 Certificate of Interested Parties, # 3 Exhibit 1, # 4 Exhibit 2, # 5 Exhibit 3, # 6 Exhibit 4)(Pierce, Jonathan) (Entered: 12/15/2021)	
			Complaint -- Infringement	N/A
	Dec. 15, 2021	2	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Pierce, Jonathan) (Entered: 12/15/2021)	
	Dec. 15, 2021	3	NOTICE of Attorney Appearance by Miranda Yan Jones on behalf of Westport Fuel Systems Canada Inc. (Jones, Miranda) (Entered: 12/15/2021)	
	Dec. 16, 2021	4	SUMMONS Issued as to Mercedes-Benz USA, LLC c/o by and through its registered agent CT Corporation System. (nkl,) (Entered: 12/16/2021)	
	Dec. 16, 2021	5	NOTICE of Attorney Appearance by Ray T Torgerson on behalf of Westport Fuel Systems Canada Inc. (Torgerson, Ray) (Entered: 12/16/2021)	
	Dec. 20, 2021	6	SUMMONS Returned Executed by Westport Fuel Systems Canada Inc.. Mercedes-Benz USA, LLC served on 12/17/2021, answer due 1/7/2022. (Pierce, Jonathan) (Entered: 12/20/2021)	
	Dec. 28, 2021		Defendant's Unopposed FIRST Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for Mercedes-Benz USA, LLC to 2/6/2022. 30 Days Granted for Deadline Extension.(ch,) (Entered: 12/28/2021)	
	Dec. 28, 2021	7	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Mercedes-Benz USA, LLC. (Findlay, Eric) (Entered: 12/28/2021)	
	Jan. 12, 2022	8	NOTICE of Attorney Appearance by Derek Vann Forinash on behalf of Westport Fuel Systems Canada Inc. (Forinash, Derek) (Entered: 01/12/2022)	
	Jan. 24, 2022	9	NOTICE of Attorney Appearance by Claire Abernathy Henry on behalf of Westport Fuel Systems Canada Inc. (Henry, Claire) (Entered: 01/24/2022)	
	Feb. 02, 2022		Defendant's Unopposed SECOND Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for Mercedes-Benz USA, LLC to 2/21/2022. 15 Days Granted for Deadline Extension.(ch,) (Entered: 02/02/2022)	
	Feb. 02, 2022	10	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Mercedes-Benz USA, LLC. (Findlay, Eric) (Entered: 02/02/2022)	
	Feb. 22, 2022	11	Opposed MOTION to Dismiss Pursuant to Rule 12(b)(3) and 12(b)(6) by Mercedes-Benz USA, LLC. (Attachments: # 1 Text of Proposed Order, # 2 Exhibit B, # 3 Declaration of Allison Lind (as filed in Arigna Technology Limited v. Volkswagen AG, et al; 2:21-cv-00054))(Findlay, Eric) (Entered: 02/22/2022)	
	Feb. 22, 2022	12	Unopposed MOTION to Seal Motion to File Under Seal by Mercedes-Benz USA, LLC. (Attachments: # 1 Text of Proposed Order) (Findlay, Eric) (Entered: 02/22/2022)	
	Feb. 22, 2022	13	SEALED ADDITIONAL ATTACHMENTS to Main Document: 11 Opposed MOTION to Dismiss Pursuant to Rule 12(b)(3) and 12(b)(6). (Attachments: # 1 Exhibit A)(Findlay, Eric) (Entered: 02/22/2022)	
	Feb. 22, 2022	14	Opposed MOTION to Stay Pending Venue Questions Pending Before the Federal Circuit by Mercedes-Benz USA, LLC. (Attachments: # 1 Text of Proposed Order, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8)(Findlay, Eric) (Entered: 02/22/2022)	
	Feb. 23, 2022	15	ORDER granting 12 Motion to Seal. Signed by Magistrate Judge Roy S. Payne on 2/23/2022. (nkl,) (Entered: 02/23/2022)	
	Feb. 25, 2022	16	REDACTION to 13 Sealed Additional Attachments to Main Document Motion to Dismiss Pursuant to Rule 12(b)(3) and 12(b)(6) by Mercedes-Benz USA, LLC. (Attachments: # 1 Exhibit A - Redacted in Full)(Findlay, Eric) (Entered: 02/25/2022)	
	Mar. 02, 2022	17	NOTICE of Attorney Appearance by Celine Jimenez Crowson on behalf of Mercedes-Benz USA, LLC (Crowson, Celine) (Entered: 03/02/2022)	
	Mar. 02, 2022	18	NOTICE of Attorney Appearance by Joseph J Raffetto on behalf of Mercedes-Benz USA, LLC (Raffetto, Joseph) (Entered: 03/02/2022)	
	Mar. 02, 2022	19	NOTICE of Attorney Appearance by Ryan Joseph Stephenson on behalf of Mercedes-Benz USA, LLC (Stephenson, Ryan) (Entered: 03/02/2022)	
	Mar. 02, 2022	20	NOTICE of Attorney Appearance - Pro Hac Vice by Yi Zhang on behalf of Mercedes-Benz USA, LLC. Filing fee \$ 100, receipt number 0540-8812787. (Zhang, Yi) (Entered: 03/02/2022)	

Mar. 03, 2022	21	Unopposed MOTION for Extension of Time to File Response/Reply as to 11 Opposed MOTION to Dismiss Pursuant to Rule 12(b)(3) and 12(b)(6) by Westport Fuel Systems Canada Inc.. (Attachments: # 1 Exhibit A, # 2 Text of Proposed Order)(Torgerson, Ray) (Entered: 03/03/2022)	
Mar. 07, 2022	22	ORDER granting 21 Motion for Extension of Time to File Response/Reply re 11 Opposed MOTION to Dismiss Pursuant to Rule 12(b)(3) and 12(b)(6) Responses due by 4/7/2022. Signed by Magistrate Judge Roy S. Payne on 3/7/2022. (ch,) (Entered: 03/07/2022)	
Mar. 08, 2022	23	RESPONSE to Motion re 14 Opposed MOTION to Stay Pending Venue Questions Pending Before the Federal Circuit filed by Westport Fuel Systems Canada Inc.. (Attachments: # 1 Text of Proposed Order)(Torgerson, Ray) (Entered: 03/08/2022)	
Mar. 09, 2022	24	Unopposed MOTION to Seal by Westport Fuel Systems Canada Inc.. (Attachments: # 1 Text of Proposed Order)(Pierce, Jonathan) (Entered: 03/09/2022)	
Mar. 09, 2022	25	Opposed SEALED MOTION Plaintiff's Opposed Sealed Discovery Motion for Leave to Conduct Limited and Expedited Venue Discovery by Westport Fuel Systems Canada Inc.. (Attachments: # 1 Text of Proposed Order)(Pierce, Jonathan) (Entered: 03/09/2022)	
Mar. 10, 2022	26	ORDER granting 24 Motion to Seal. Signed by Magistrate Judge Roy S. Payne on 3/10/2022. (nkl,) (Entered: 03/10/2022)	
Mar. 23, 2022	27	NOTICE of Readiness for Scheduling Conference by Westport Fuel Systems Canada Inc. (Pierce, Jonathan) (Entered: 03/23/2022)	
Mar. 23, 2022	28	RESPONSE in Opposition re 25 Opposed SEALED MOTION Plaintiff's Opposed Sealed Discovery Motion for Leave to Conduct Limited and Expedited Venue Discovery filed by Mercedes-Benz USA, LLC. (Attachments: # 1 Text of Proposed Order)(Findlay, Eric) (Entered: 03/23/2022)	
Mar. 23, 2022	29	Unopposed MOTION to Seal Additional Attachments to Defendant's Opposition to Plaintiff's Motion for Leave to Conduct Limited and Expedited Venue Discovery by Mercedes-Benz USA, LLC. (Attachments: # 1 Text of Proposed Order)(Findlay, Eric) (Entered: 03/23/2022)	
Mar. 23, 2022	30	SEALED ADDITIONAL ATTACHMENTS to Main Document: 28 Defendant Mercedes-Benz USA, LLC's Response in Opposition to Plaintiff's Motion for Leave to Conduct Limited and Expedited Venue Discovery.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3)(Findlay, Eric) (Entered: 03/23/2022)	
Mar. 28, 2022	31	REDACTION to 30 Sealed Additional Attachments to Main Document, by Mercedes-Benz USA, LLC. (Attachments: # 1 Exhibit 1 - Redacted in Full, # 2 Exhibit 2 - Redacted in Full, # 3 Exhibit 3 - Redacted in Full)(Findlay, Eric) (Entered: 03/28/2022)	
Mar. 30, 2022	32	ORDER - Scheduling Conference set for 4/26/2022 10:00 AM before Magistrate Judge Roy S. Payne. Signed by Magistrate Judge Roy S. Payne on 3/29/2022. (nkl,) (Entered: 03/30/2022)	
Mar. 31, 2022	33	ORDER finding as moot 14 Motion to Stay; granting 25 Sealed Motion; granting 29 Motion to Seal. Signed by Magistrate Judge Roy S. Payne on 3/31/2022. (nkl,) (Entered: 03/31/2022)	
		Motion for Expedited Discovery	Granted
		District Court Procedural Issues L Venue L Venue Discovery	The court granted plaintiff's motion for expedited discovery prior to ruling on defendant's motion to dismiss for improper venue. "[Defendant] opposes venue discovery on the basis that the Federal Circuit has 'confirmed that car dealerships do not constitute regular and established places of business of car distributors.' The Federal Circuit's ruling in <i>[In re Volkswagen Grp. Am., Inc. (Fed. Cir. Mar. 9, 2022)]</i> did not establish a bright-line rule. Therefore, to allow [plaintiff] discovery to adequately respond to [defendant's] Motion to Dismiss, the Court grants the Venue Discovery Motion."
		Motion to Stay Pending Resolution of Related Action	Denied as moot
		Stipulated/Agreed - Motion to File Under Seal	Granted
Apr. 07, 2022	34	CORPORATE DISCLOSURE STATEMENT filed by Mercedes-Benz USA, LLC identifying Corporate Parent Daimler North America Corporation for Mercedes-Benz USA, LLC. (Findlay, Eric) (Entered: 04/07/2022)	
		Corporate Disclosure Statement	N/A
Apr. 12, 2022	35	NOTICE by Westport Fuel Systems Canada Inc. Notice of Compliance for Serving its Disclosures for PR 3-1 and 3-2 (Pierce, Jonathan) (Entered: 04/12/2022)	
Apr. 19, 2022		NOTICE of Hearing: Scheduling Conference RESET for 5/9/2022 01:30 PM before Magistrate Judge Roy S. Payne. (bga) (Entered: 04/19/2022)	
Apr. 19, 2022	36	Opposed MOTION to Stay Pending Resolution of the Litigation Between Plaintiff Westport Fuel Systems Canada, Inc. and Supplier Robert Bosch LLC by Mercedes-Benz USA, LLC. (Attachments: # 1 Text of Proposed Order, # 2 Exhibit A, # 3 Exhibit B) (Findlay, Eric) (Entered: 04/19/2022)	
Apr. 20, 2022	37	NOTICE of Discovery Disclosure by Mercedes-Benz USA, LLC of Compliance With The Court's March 31, 2022 Order (Findlay, Eric) (Entered: 04/20/2022)	
Apr. 28, 2022	38	NOTICE of Attorney Appearance by Roger Brian Craft on behalf of Mercedes-Benz USA, LLC (Craft, Roger) (Entered: 04/28/2022)	
May. 03, 2022	39	RESPONSE to Motion re 36 Opposed MOTION to Stay Pending Resolution of the Litigation Between Plaintiff Westport Fuel Systems Canada, Inc. and Supplier Robert Bosch LLC filed by Westport Fuel Systems Canada Inc.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Text of Proposed Order)(Pierce, Jonathan) (Entered: 05/03/2022)	

May. 09, 2022		Minute Entry for proceedings held before Judge Roy Payne: Scheduling Conference held on 5/9/2022. Counsel for the parties appeared and were asked if they consented to a trial before the magistrate judge. The parties were then given Markman and jury selection dates. The parties were directed to meet and confer regarding any changes to the Courts proposed docket control order and discovery order, and the parties are to submit the proposed orders within fourteen days. (bga) (Entered: 05/09/2022)	
May. 09, 2022	40	CONSOLIDATION ORDER - The above-captioned cases are hereby ORDERED to be CONSOLIDATED for all pretrial issues with the LEAD CASE, Case No. 2:21-CV-0453. All parties are instructed to file any future filings in the LEAD CASE. Signed by Magistrate Judge Roy S. Payne on 5/9/2022. (ch,) (Entered: 05/10/2022)	
Sua Sponte - Motion to Consolidate			Granted
May. 10, 2022	41	REPLY to Response to Motion re 36 Opposed MOTION to Stay Pending Resolution of the Litigation Between Plaintiff Westport Fuel Systems Canada, Inc. and Supplier Robert Bosch LLC filed by Mercedes-Benz USA, LLC. (Attachments: # 1 Exhibit 1) (Findlay, Eric) (Entered: 05/10/2022)	
May. 25, 2022		AMENDED COMPLAINT for Patent Infringement against Ford Motor Company, filed by Westport Fuel Systems Canada Inc.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4)(Pierce, Jonathan) (Entered: 05/25/2022) [This docket entry was only filed in the lead case.]	
Amended Complaint			N/A
Jun. 08, 2022		Defendant Ford Motor Company's ANSWER to 51 Amended Complaint , COUNTERCLAIM against Westport Fuel Systems Canada Inc. by Ford Motor Company.(Connor, Michael) (Entered: 06/08/2022) [This docket entry was only filed in the lead case.]	
Answer			N/A
Aug. 02, 2022		AMENDED COMPLAINT FOR PATENT INFRINGEMENT against Mercedes-Benz USA, LLC, filed by Westport Fuel Systems Canada Inc.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4)(Pierce, Jonathan) (Entered: 08/02/2022) [This docket entry was only filed in the lead case.]	
Amended Complaint			N/A
Aug. 17, 2022	42	ORDER granting Motion to Dismiss Attorney Jonathan Michael Pierce terminated.. Signed by Magistrate Judge Roy S. Payne on 8/17/2022. (ch,) (Entered: 08/17/2022)	
Sep. 12, 2022		REPORT AND RECOMMENDATION re Motion to Dismiss Pursuant to Rule 12(b)(3) and 12(b)(6) docket entry 11 filed in 2:21cv454. Signed by Magistrate Judge Roy S. Payne on 9/11/2022. (nkl,) (Entered: 09/12/2022) [This docket entry was only filed in the lead case.]	
Motion to Dismiss - Improper Venue (FRCP 12(b)(3))			Recommended granting
Venue ↳ Venue Rules for Patent Infringement (TC Heartland) ↳ Regular and Established Place of Business		The magistrate judge recommended granting defendant's motion to dismiss plaintiff's patent infringement action for improper venue because defendant did not have a regular and established place of business in the district through its dealerships. "[Plaintiff] has not shown that [defendant] has any day-to-day control over the operations of the dealership or the service department performing warranty work. Contractual provisions governing dealership locations, requiring dealerships to provide warranty services regardless of where the vehicle was purchased, and instructions for warranty services," "are merely reflective of the ordinary desire of manufacturers to set sufficient minimum performance and quality standards to protect the good name of their trademark that they are allowing another to display" and "do not establish, without more, the kind of close control ... that would indicate" an agency relationship. . . . Whether we consider the dealerships collectively or individually, [plaintiff] has not shown that [defendant's] employee presence is predictable, subject to any pattern, or consistent with regard to the time of day or with regard to the day of the week or month. . . . [Plaintiff] demonstrates that [defendant] owns and leases a hardware and software kit used in connection with warranties, recalls, diagnostics, and repairs worth approximately \$420,000. However, that evidence does not demonstrate that [defendant] 'had an employee ... with a regular, physical presence' in the district."	
Sep. 28, 2022	43	***FILED IN ERROR***ORDER ADOPTING REPORT AND RECOMMENDATIONS for 11 Motion to Dismiss, filed by Mercedes-Benz USA, LLC. Signed by District Judge Rodney Gilstrap on 9/28/2022. (ch,) Modified on 9/29/2022 (ch,). (Entered: 09/29/2022)	
Sep. 29, 2022		***FILED IN ERROR. PER CLERK Document # 43, Order adopting Report and Recommendation. PLEASE IGNORE.*** (ch,) (Entered: 09/29/2022)	
Sep. 30, 2022	44	ORDER - ORDERED that all claims asserted by Plaintiff Westport Fuel Systems Canada Inc. against Defendant MBUSA in the above-titled cause of action are hereby DISMISSED WITHOUT PREJUDICE for lack of proper venue. Signed by District Judge Robert W. Schroeder, III on 9/30/2022. (ch,) (Entered: 09/30/2022)	
Judgment (Judge)			N/A
Sep. 30, 2022	45	Notice of Filing of Patent/Trademark Form (AO 120) at termination of case. AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (ch,) (Entered: 09/30/2022)	