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U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:22-cv-06602-AKH

InMusic Brands, Inc. v. Sony Corporation of America
Assigned to: Judge Alvin K. Hellerstein
Case in other court: USCA Federal Circuit, 23-01771
Cause: 35:0001 Establishment of PTO

Date Filed: 08/03/2022
Date Terminated: 03/13/2023
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff**InMusic Brands, Inc.**

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V.

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Date Filed	#	Docket Text
08/03/2022	<u>1</u>	COMPLAINT against SONY CORP OF AMERICA. (Filing Fee \$ 402.00, Receipt Number ANYSDC-26500380) Document filed by InMusic Brands, Inc...(Nagle, Liz) (Entered: 08/03/2022)
08/03/2022	<u>2</u>	CIVIL COVER SHEET filed..(Nagle, Liz) (Entered: 08/03/2022)
08/03/2022	<u>3</u>	FILING ERROR - DEFICIENT SUMMONS REQUEST - PDF ERROR REQUEST FOR ISSUANCE OF SUMMONS as to Sony Corporation of America, re: <u>1</u> Complaint. Document filed by InMusic Brands, Inc...(Nagle, Liz) Modified on 8/4/2022 (sj). (Entered: 08/03/2022)
08/04/2022		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Liz Nagle. The party information for the following party/parties has been modified: SONY CORP OF AMERICA. The information for the party/parties has been modified for the following reason/reasons: party name contained a typographical error; party name was entered in all caps;. (sj) (Entered: 08/04/2022)
08/04/2022		***NOTICE TO ATTORNEY REGARDING CIVIL. CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Liz Nagle. The following case opening statistical information was erroneously selected/entered: Cause of Action code 18:1341; County code Albany. The following correction(s) have been made to your case entry: the Cause of Action code has been modified to 35:0001; the County code has been modified to XX Out of State. (sj) (Entered: 08/04/2022)
08/04/2022		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Liz Nagle to RE-FILE Document No. <u>3</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): the PDF attached to the docket entry for the issuance of summons is not correct; Filing Court not clearly visible on PDF. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process - select the correct filer/filers - and attach the correct summons form PDF. (sj) (Entered: 08/04/2022)

08/04/2022		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Ronnie Abrams. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions ..(sj) (Entered: 08/04/2022)
08/04/2022		Magistrate Judge Robert W. Lehrburger is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (sj) (Entered: 08/04/2022)
08/04/2022		Case Designated ECF. (sj) (Entered: 08/04/2022)
08/04/2022		***NOTICE TO ATTORNEY TO SUBMIT AO 120 FORM PATENT/TRADEMARK. Notice to Attorney Liz Nagle to submit a completed AO 120 Form Patent/Trademark to court for review. Use the event type AO 120 Form Patent/Trademark - Notice of Submission by Attorney found under the event list Other Documents. (sj) (Entered: 08/04/2022)
08/04/2022	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Sony Corporation of America, re: <u>1</u> Complaint. Document filed by InMusic Brands, Inc...(Nagle, Liz) (Entered: 08/04/2022)
08/04/2022	<u>5</u>	LETTER addressed to Judge Ronnie Abrams from Liz Nagle dated 08/04/2022 re: Request to file corrected complaint with exhibit omitted from initial filing. Document filed by InMusic Brands, Inc...(Nagle, Liz) (Entered: 08/04/2022)
08/05/2022	<u>6</u>	ELECTRONIC SUMMONS ISSUED as to Sony Corporation of America..(pc) (Entered: 08/05/2022)
08/05/2022	<u>7</u>	MEMO ENDORSEMENT: on re: <u>5</u> Letter filed by InMusic Brands, Inc. ENDORSEMENT: Application Granted. SO ORDERED. (Signed by Judge Ronnie Abrams on 8/05/2022) (ama) (Entered: 08/05/2022)
08/05/2022	<u>8</u>	FILING ERROR - DEFICIENT PLEADING - FILED AGAINST PARTY ERROR - COMPLAINT against InMusic Brands, Inc.. Document filed by InMusic Brands, Inc.. (Attachments: # <u>1</u> Exhibit 1 - Patent).(Nagle, Liz) Modified on 8/8/2022 (pc). (Entered: 08/05/2022)
08/08/2022	<u>9</u>	AO 120 FORM PATENT - NOTICE OF SUBMISSION BY ATTORNEY. AO 120 Form Patent/Trademark for additional pleading submitted to court for review..(Nagle, Liz) (Entered: 08/08/2022)
08/08/2022		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Liz Nagle to RE-FILE Document No. <u>8</u> Complaint,. The filing is deficient for the following reason(s): the wrong party/parties whom the pleading is against were selected;. Re-file the pleading using the event type Complaint found under the event list Complaints and Other Initiating Documents - attach the correct signed PDF - select the individually named filer/filers - select the individually named party/parties the pleading is against. (pc) (Entered: 08/08/2022)
08/08/2022	<u>10</u>	AO 120 FORM PATENT - CASE OPENING - SUBMITTED. In compliance with the provisions of 35 U.S.C. 290, the Director of the U.S. Patent and Trademark Office is hereby advised that a court action has been filed on the following patent(s) in the U.S. District Court Southern District of New York. Director of the U.S. Patent and Trademark

		Office electronically notified via Notice of Electronic Filing (NEF)..(pc) (Entered: 08/08/2022)
08/09/2022	11	COMPLAINT against Sony Corporation of America. Document filed by InMusic Brands, Inc.. (Attachments: # 1 Exhibit 1 Patent).(Nagle, Liz) (Entered: 08/09/2022)
08/16/2022	12	ORDER AND NOTICE OF INITIAL CONFERENCE: IT IS FURTHER ORDERED that counsel for all parties appear for an initial status conference on October 14, 2022 at 1:30 p.m. Unless the parties request otherwise, the Court will hold this conference by telephone. The parties shall use the following dial-in information to call in to the conference: Call-in Number: (888) 363-4749; Access Code: 1015508. Initial Conference set for 10/14/2022 at 01:30 PM before Judge Ronnie Abrams. (Signed by Judge Ronnie Abrams on 8/16/2022) (ate) (Entered: 08/16/2022)
08/23/2022	13	WAIVER OF SERVICE RETURNED EXECUTED. Sony Corporation of America waiver sent on 8/17/2022, answer due 10/17/2022. Document filed by InMusic Brands, Inc... (Nagle, Liz) (Entered: 08/23/2022)
09/22/2022		NOTICE OF CASE REASSIGNMENT to Judge Jennifer L. Rochon. Judge Ronnie Abrams is no longer assigned to the case. (nb) (Entered: 09/22/2022)
09/22/2022	14	NOTICE OF REASSIGNMENT: This case has been reassigned to the undersigned. All counsel must familiarize themselves with the Court's Individual Rules, which are available at https://nysd.uscourts.gov/hon-jennifer-l-rochon . Unless and until the Court orders otherwise, all prior orders, dates, and deadlines shall remain in effect notwithstanding the case's reassignment. Any conference or oral argument before or directed by the Magistrate Judge will proceed as ordered. However, all previously-scheduled appearances or conferences before the District Court are hereby adjourned pending further notice from the Court. Additionally, within two weeks of the filing of this Order, the parties are hereby ORDERED to file on ECF a joint letter updating the Court on the status of the case. The joint letter shall not exceed four (4) pages, and shall provide the following information, to the extent it is relevant, in separate paragraphs: As further set forth in this order. SO ORDERED. (Signed by Judge Jennifer L. Rochon on 9/22/2022) (ks) (Entered: 09/22/2022)
10/06/2022	15	NOTICE OF APPEARANCE by Lewis V. Popovski on behalf of Sony Corporation of America..(Popovski, Lewis) (Entered: 10/06/2022)
10/06/2022	16	NOTICE OF APPEARANCE by Ryan Joseph Sheehan on behalf of Sony Corporation of America..(Sheehan, Ryan) (Entered: 10/06/2022)
10/06/2022	17	JOINT LETTER addressed to Judge Jennifer L. Rochon from Elizabeth M. Nagle dated October 6, 2022 re: Joint Status Letter in Response to Notice of Reassignment. Document filed by InMusic Brands, Inc...(Nagle, Liz) (Entered: 10/06/2022)
10/06/2022	18	ORDER OF RECUSAL The Court is in receipt of defense counsel's Notice of Appearance in this action, dated October 6, 2022. ECF No. 15. Given that Defendants representation in this case will cause a conflict of interest for the undersigned, the case will be sent for reassignment forthwith. The parties are no longer required to file a joint letter pursuant to the Notice of Reassignment dated September 22, 2022. SO ORDERED. (Signed by Judge Jennifer L. Rochon on 10/6/2022) (jca) Modified on 10/6/2022 (jca). Modified on 10/6/2022 (jca). (Entered: 10/06/2022)
10/07/2022		NOTICE OF CASE REASSIGNMENT to Judge Alvin K. Hellerstein. Judge Jennifer L. Rochon is no longer assigned to the case..(aea) (Entered: 10/07/2022)
10/07/2022	19	FILING ERROR - DEFICIENT DOCKET ENTRY MOTION for Craig M. Scott to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-26791676. Motion

		and supporting papers to be reviewed by Clerk's Office staff. Document filed by InMusic Brands, Inc.. (Attachments: # 1 Affidavit in Support of Pro Hac Motion, # 2 Exhibit Certificates of Good Standing, # 3 Text of Proposed Order Proposed Order).(Scott, Craig) Modified on 10/11/2022 (vba). (Entered: 10/07/2022)
10/11/2022		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. 19 MOTION for Craig M. Scott to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-26791676. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): expired Certificate of Good Standing from MA; RI;. Re-file the motion as a Motion to Appear Pro Hac Vice - attach the correct signed PDF - select the correct named filer/filers - attach valid Certificates of Good Standing issued within the past 30 days - attach Proposed Order. (vba) (Entered: 10/11/2022)
10/13/2022	20	MOTION for Extension of Time to File Answer re: 11 Complaint (<i>Unopposed</i>). Document filed by Sony Corporation of America..(Popovski, Lewis) (Entered: 10/13/2022)
10/16/2022	21	MEMO ENDORSED ORDER granting 20 Motion for Extension of Time to Answer re: 20 MOTION for Extension of Time to File Answer re: 11 Complaint (<i>Unopposed</i>)., 11 Complaint. ENDORSEMENT: SO ORDERED. (Sony Corporation of America answer due 10/31/2022.) (Signed by Judge Alvin K. Hellerstein on 10/16/22) (yv) (Entered: 10/17/2022)
10/31/2022	22	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Craig M. Scott to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by InMusic Brands, Inc.. (Attachments: # 1 Affidavit ISO of Motion Pro Hac Vice, # 2 Exhibit Good Standing Certificates, # 3 Text of Proposed Order Granting Pro Hac Motion).(Scott, Craig) Modified on 11/1/2022 (sgz). (Entered: 10/31/2022)
10/31/2022	23	MOTION to Dismiss <i>For Unpatentable Subject Matter</i> . Document filed by Sony Corporation of America..(Popovski, Lewis) (Entered: 10/31/2022)
10/31/2022	24	MEMORANDUM OF LAW in Support re: 23 MOTION to Dismiss <i>For Unpatentable Subject Matter</i> . . Document filed by Sony Corporation of America..(Popovski, Lewis) (Entered: 10/31/2022)
10/31/2022	25	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Sony Group Corporation for Sony Corporation of America. Document filed by Sony Corporation of America..(Popovski, Lewis) (Entered: 10/31/2022)
11/01/2022		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. 22 MOTION for Craig M. Scott to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. The filing is deficient for the following reason(s): missing Certificate of Good Standing from Supreme Court of MA and RI. Re-file the motion as a Motion to Appear Pro Hac Vice - attach the correct signed PDF - select the correct named filer/filers - attach valid Certificates of Good Standing issued within the past 30 days - attach Proposed Order. (sgz) (Entered: 11/01/2022)
11/07/2022	26	MOTION for Extension of Time . Document filed by InMusic Brands, Inc...(Nagle, Liz) (Entered: 11/07/2022)
11/09/2022	27	MEMO ENDORSEMENT granting 26 Motion for Extension of Time. ENDORSEMENT: So Ordered.. (Signed by Judge Alvin K. Hellerstein on 11/9/2022) (rro) (Entered: 11/09/2022)
11/09/2022		Set/Reset Deadlines: Responses due by 12/14/2022 (rro) (Entered: 11/09/2022)

11/10/2022	<u>28</u>	MOTION for Craig M. Scott to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by InMusic Brands, Inc.. (Attachments: # <u>1</u> Affidavit of Craig Scott ISO Motion to Appear Pro Hac, # <u>2</u> Exhibit Certificates of Good Standing, # <u>3</u> Text of Proposed Order for Admission Pro Hac).(Scott, Craig) (Entered: 11/10/2022)
11/14/2022		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>28</u> MOTION for Craig M. Scott to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (sgz) (Entered: 11/14/2022)
11/14/2022	<u>29</u>	ORDER granting <u>28</u> Motion for Craig M. Scott to Appear Pro Hac Vice. (Signed by Judge Alvin K. Hellerstein on 11/14/2022) (ate) (Entered: 11/14/2022)
12/08/2022	<u>30</u>	NOTICE of Filing of Petition for Inter Partes Review of the Asserted Patent-In-Suit. Document filed by Sony Corporation of America..(Popovski, Lewis) (Entered: 12/08/2022)
12/14/2022	<u>31</u>	NOTICE OF APPEARANCE by Laurel Gilbert on behalf of InMusic Brands, Inc... (Gilbert, Laurel) (Entered: 12/14/2022)
12/14/2022	<u>32</u>	MEMORANDUM OF LAW in Opposition re: <u>23</u> MOTION to Dismiss <i>For Unpatentable Subject Matter</i> . . Document filed by InMusic Brands, Inc...(Nagle, Liz) (Entered: 12/14/2022)
12/14/2022	<u>33</u>	DECLARATION of Craig M. Scott in Opposition re: <u>23</u> MOTION to Dismiss <i>For Unpatentable Subject Matter</i> .. Document filed by InMusic Brands, Inc.. (Attachments: # <u>1</u> Exhibit 1 to Declaration of Craig M. Scott, # <u>2</u> Exhibit 2 to Declaration of Craig M. Scott). (Nagle, Liz) (Entered: 12/14/2022)
12/19/2022	<u>34</u>	MOTION for Extension of Time to File Response/Reply as to <u>23</u> MOTION to Dismiss <i>For Unpatentable Subject Matter</i> . (<i>Unopposed</i>). Document filed by Sony Corporation of America..(Popovski, Lewis) (Entered: 12/19/2022)
12/20/2022	<u>35</u>	ORDER granting <u>34</u> Motion for Extension of Time to File Response/Reply re <u>34</u> MOTION for Extension of Time to File Response/Reply as to <u>23</u> MOTION to Dismiss <i>For Unpatentable Subject Matter</i> . (<i>Unopposed</i>)., <u>23</u> MOTION to Dismiss <i>For Unpatentable Subject Matter</i> . So Ordered.(Replies due by 1/20/2023.) (Signed by Judge Alvin K. Hellerstein on 12/20/22) (yv) (Entered: 12/20/2022)
01/20/2023	<u>36</u>	NOTICE OF APPEARANCE by George Soussou on behalf of Sony Corporation of America..(Soussou, George) (Entered: 01/20/2023)
01/20/2023	<u>37</u>	REPLY MEMORANDUM OF LAW in Support re: <u>23</u> MOTION to Dismiss <i>For Unpatentable Subject Matter</i> . . Document filed by Sony Corporation of America.. (Popovski, Lewis) (Entered: 01/20/2023)
02/22/2023	<u>38</u>	NOTICE of Supplemental Authority re: <u>23</u> MOTION to Dismiss <i>For Unpatentable Subject Matter</i> .. Document filed by Sony Corporation of America. (Attachments: # <u>1</u> Exhibit A, Supplemental Authority).(Popovski, Lewis) (Entered: 02/22/2023)
03/13/2023	<u>39</u>	ORDER AND OPINION GRANTING DEFENDANT'S MOTION TO DISMISS # 3/13/23 re: <u>23</u> MOTION to Dismiss <i>For Unpatentable Subject Matter</i> . filed by Sony Corporation of America., Motions terminated: <u>23</u> MOTION to Dismiss <i>For Unpatentable Subject Matter</i> . filed by Sony Corporation of America. For the reasons provided above, Defendant's motion to dismiss is granted. The Clerk of the Court shall terminate ECF No. 23, and grant judgment to Defendants dismissing the case against them. SO ORDERED.

		(Signed by Judge Alvin K. Hellerstein on 3/13/23) (yv) Transmission to Orders and Judgments Clerk for processing. (Entered: 03/13/2023)
03/13/2023	40	CLERK'S JUDGMENT re: 39 Memorandum & Opinion in favor of Sony Corporation of America against InMusic Brands, Inc. It is hereby ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Order and Opinion dated March 13, 2023, Defendant's motion to dismiss is granted. Judgment is entered dismissing the case against Defendants; accordingly, the case is closed. (Signed by Clerk of Court Ruby Krajick on 3/13/2023) (Attachments: # 1 Right to Appeal) (km) (Entered: 03/13/2023)
03/13/2023	41	AO 120 FORM PATENT - CASE TERMINATED - SUBMITTED. In compliance with the provisions of 35 U.S.C. 290, the Director of the U.S. Patent and Trademark Office is hereby advised that a final decision was rendered on 3/13/2023 in a court action filed on the following patent(s) in the U.S. District Court Southern District of New York. Director of the U.S. Patent and Trademark Office electronically notified via Notice of Electronic Filing (NEF).(km) (Entered: 03/13/2023)
04/10/2023	42	NOTICE OF APPEAL TO THE FEDERAL CIRCUIT from 39 Memorandum & Opinion, Terminate Motions,,,,. Form 7 and Form 22 are due within 14 days. Document filed by InMusic Brands, Inc.. Filing fee \$ 505.00, receipt number ANYSDC-27585230..(Scott, Craig) (Entered: 04/10/2023)
04/10/2023		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals for the Federal Circuit, re: 42 Notice of Appeal to the Federal Circuit,..(nd) (Entered: 04/10/2023)
04/20/2023	43	NOTICE OF DOCKETING AND USCA CASE NUMBER of USCA Federal Circuit (Certified Copy) as to 42 Notice of Appeal to the Federal Circuit, filed by InMusic Brands, Inc. USCA Case Number 23-1771. (tp) (Entered: 04/20/2023)
04/20/2023		USCA Case Number 23-1771 from the USCA Federal Circuit assigned to 42 Notice of Appeal to the Federal Circuit, filed by InMusic Brands, Inc. (tp) (Entered: 04/20/2023)
04/24/2023	44	TRANSCRIPT REQUEST No transcript ordered. Document filed by InMusic Brands, Inc...(Scott, Craig) (Entered: 04/24/2023)

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