

**U.S. District Court
U.S. District of Minnesota (DMN)
CIVIL DOCKET FOR CASE #: 0:15-cv-03981-WMW-SER**

DDrops Company et al v. Walgreen Co. et al
Assigned to: Judge Wilhelmina M. Wright
Referred to: Magistrate Judge Steven E. Rau
Cause: 28:1338 Patent Infringement

Date Filed: 10/30/2015
Date Terminated: 06/01/2016
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

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Plaintiff

Reinhold Vieth

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Alan M Anderson
(See above for address)

VIETH EXHIBIT - 2002
MOM Enterprises, LLC, v. ELAINE AND REINHOLD W. VIETH
IPR2023-00726

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Plaintiff

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V.

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Katherine A. Moerke
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William Thomson
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Counter Claimant

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V.

Counter Defendant

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Date Filed	#	Docket Text
10/30/2015	<u>1</u>	COMPLAINT against All Defendants. (Filing fee \$ 400 receipt number AMNDC-4629373.) Filed by DDrops Company, Elaine Vieth, Reinhold Vieth. Filer requests summons issued. (Attachments: # <u>1</u> Exhibit A to Complaint, # <u>2</u> Exhibit B to Complaint, # <u>3</u> Exhibit C to Complaint, # <u>4</u> Civil Cover Sheet) (Florence, L. Reagan) Modified text on 10/30/2015 (kt). (Entered: 10/30/2015)

10/30/2015	<u>2</u>	TEXT ONLY ENTRY: CLERK'S NOTICE OF INITIAL CASE ASSIGNMENT. Case assigned to Judge Ann D. Montgomery per Patent List and referred to Magistrate Judge Steven E. Rau. Please use case number 15-cv-3981 ADM/SER. (kt) (Entered: 10/30/2015)
10/30/2015	<u>3</u>	Summons Issued as to Walgreen Co., drugstore.com, Inc.. (kt) (Entered: 10/30/2015)
11/03/2015	<u>4</u>	MOTION for Preliminary Injunction – Expedited Handling Requested by DDrops Company, Elaine Vieth, Reinhold Vieth. (Anderson, Alan) (Entered: 11/03/2015)
11/03/2015	<u>5</u>	NOTICE by DDrops Company, Elaine Vieth, Reinhold Vieth re <u>4</u> MOTION for Preliminary Injunction – Expedited Handling Requested <i>Notice of Motion</i> : time and date t.b.d. (Anderson, Alan) Modified on 11/4/2015 (kt). (Entered: 11/03/2015)
11/03/2015	<u>6</u>	MEMORANDUM in Support re <u>4</u> MOTION for Preliminary Injunction – Expedited Handling Requested filed by DDrops Company, Elaine Vieth, Reinhold Vieth. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Anderson, Alan) (Entered: 11/03/2015)
11/03/2015	<u>7</u>	Declaration of L. Reagan Florence in Support of <u>4</u> MOTION for Preliminary Injunction – Expedited Handling Requested , <u>5</u> Notice (Other), <u>6</u> Memorandum in Support of Motion, filed by DDrops Company, Elaine Vieth, Reinhold Vieth. (Attachments: # <u>1</u> Exhibit(s) A, # <u>2</u> Exhibit(s) B, # <u>3</u> Exhibit(s) C, # <u>4</u> Exhibit(s) D)(Anderson, Alan) (Entered: 11/03/2015)
11/03/2015	<u>8</u>	Declaration of Susan Jankus in Support of <u>4</u> MOTION for Preliminary Injunction – Expedited Handling Requested , <u>5</u> Notice (Other), <u>6</u> Memorandum in Support of Motion, filed by DDrops Company, Elaine Vieth, Reinhold Vieth. (Attachments: # <u>1</u> Exhibit(s) A, # <u>2</u> Exhibit(s) B, # <u>3</u> Exhibit(s) C)(Anderson, Alan) (Entered: 11/03/2015)
11/03/2015	<u>9</u>	Declaration of Warren Woessner in Support of <u>4</u> MOTION for Preliminary Injunction – Expedited Handling Requested , <u>5</u> Notice (Other), <u>6</u> Memorandum in Support of Motion, filed by DDrops Company, Elaine Vieth, Reinhold Vieth. (Attachments: # <u>1</u> Exhibit(s) A)(Anderson, Alan) (Entered: 11/03/2015)
11/03/2015	<u>10</u>	Declaration of Mariana Stavrikov in Support of <u>4</u> MOTION for Preliminary Injunction – Expedited Handling Requested , <u>5</u> Notice (Other), <u>6</u> Memorandum in Support of Motion, filed by DDrops Company, Elaine Vieth, Reinhold Vieth. (Anderson, Alan) (Entered: 11/03/2015)
11/03/2015	<u>11</u>	Declaration of Behsheed Akhavan in Support of <u>4</u> MOTION for Preliminary Injunction – Expedited Handling Requested , <u>5</u> Notice (Other), <u>6</u> Memorandum in Support of Motion, filed by DDrops Company, Elaine Vieth, Reinhold Vieth. (Attachments: # <u>1</u> Exhibit(s) A, # <u>2</u> Exhibit(s) B, # <u>3</u> Exhibit(s) C, # <u>4</u> Exhibit(s) D, # <u>5</u> Exhibit(s) E)(Anderson, Alan) (Entered: 11/03/2015)
11/03/2015	<u>12</u>	Declaration of Mehrdad Barghian in Support of <u>4</u> MOTION for Preliminary Injunction – Expedited Handling Requested , <u>5</u> Notice (Other), <u>6</u> Memorandum in Support of Motion, filed by DDrops Company, Elaine Vieth, Reinhold Vieth. (Attachments: # <u>1</u> Exhibit(s) A, # <u>2</u> Exhibit(s) B, # <u>3</u> Exhibit(s) C, # <u>4</u> Exhibit(s) D, # <u>5</u> Exhibit(s) E, # <u>6</u> Exhibit(s) F)(Anderson, Alan) (Entered: 11/03/2015)
11/03/2015	<u>13</u>	Declaration of Carol A. Ludington in Support of <u>4</u> MOTION for Preliminary Injunction – Expedited Handling Requested , <u>5</u> Notice (Other), <u>6</u> Memorandum in Support of Motion, filed by DDrops Company, Elaine Vieth, Reinhold Vieth. (Attachments: # <u>1</u> Exhibit(s) A, # <u>2</u> Exhibit(s) B, # <u>3</u> Exhibit(s) C, # <u>4</u> Exhibit(s) D, # <u>5</u> Exhibit(s) E, # <u>6</u> Exhibit(s) F, # <u>7</u> Exhibit(s) G, # <u>8</u> Exhibit(s) H, # <u>9</u> Exhibit(s) I, # <u>10</u> Exhibit(s) J)(Anderson, Alan) (Entered: 11/03/2015)
11/03/2015	<u>14</u>	Declaration of Chris Temovsky in Support of <u>4</u> MOTION for Preliminary Injunction – Expedited Handling Requested , <u>5</u> Notice (Other), <u>6</u> Memorandum in Support of Motion, filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit(s) A, # <u>2</u> Exhibit(s) B, # <u>3</u> Exhibit(s) C, # <u>4</u> Exhibit(s) D, # <u>5</u> Exhibit(s) E, # <u>6</u> Exhibit(s) F, # <u>7</u> Exhibit(s) G-1, # <u>8</u> Exhibit(s) G-2, # <u>9</u> Exhibit(s) G-3, # <u>10</u> Exhibit(s) G-4, # <u>11</u> Exhibit(s) H, # <u>12</u> Exhibit(s) I-1, # <u>13</u> Exhibit(s) I-2, # <u>14</u> Exhibit(s) J, # <u>15</u> Exhibit(s) K)(Anderson, Alan) (Entered: 11/03/2015)

11/03/2015	<u>15</u>	SUMMONS Returned Executed by DDrops Company, Elaine Vieth, Reinhold Vieth. Walgreen Co. served on 11/3/2015, answer due 11/24/2015. (Attachments: # <u>1</u> Affidavit of Service on Defendant Walgreen Co.)(Anderson, Alan) (Entered: 11/03/2015)
11/04/2015	<u>16</u>	AFFIDAVIT of Service by DDrops Company, Elaine Vieth, Reinhold Vieth re <u>4</u> MOTION for Preliminary Injunction – Expedited Handling Requested , <u>5</u> Notice (Other), <u>13</u> Declaration in Support,, <u>14</u> Declaration in Support,, <u>12</u> Declaration in Support, <u>11</u> Declaration in Support, <u>9</u> Declaration in Support, <u>8</u> Declaration in Support, <u>7</u> Declaration in Support, <u>10</u> Declaration in Support, <u>6</u> Memorandum in Support of Motion, <i>on Defendant Walgreen Co.</i> (Anderson, Alan) (Entered: 11/04/2015)
11/06/2015	<u>17</u>	SUMMONS Returned Executed by DDrops Company, Elaine Vieth, Reinhold Vieth. drugstore.com, Inc. served on 11/3/2015, answer due 11/24/2015. (Attachments: # <u>1</u> Affidavit of Service)(Anderson, Alan) (Entered: 11/06/2015)
11/06/2015	<u>18</u>	AFFIDAVIT of Service by DDrops Company, Elaine Vieth, Reinhold Vieth re <u>4</u> MOTION for Preliminary Injunction – Expedited Handling Requested , <u>5</u> Notice (Other), <u>13</u> Declaration in Support,, <u>14</u> Declaration in Support,, <u>12</u> Declaration in Support, <u>11</u> Declaration in Support, <u>9</u> Declaration in Support, <u>8</u> Declaration in Support, <u>7</u> Declaration in Support, <u>10</u> Declaration in Support, <u>6</u> Memorandum in Support of Motion, <i>on Defendant drugstore.com, Inc.</i> (Anderson, Alan) (Entered: 11/06/2015)
11/17/2015	<u>19</u>	NOTICE OF HEARING ON MOTION <u>4</u> MOTION for Preliminary Injunction – Expedited Handling Requested : Motion Hearing set for 12/14/2015 09:30 AM in Courtroom 13W (MPLS) before Judge Ann D. Montgomery. (Florence, L. Reagan) (Entered: 11/17/2015)
11/19/2015	<u>20</u>	LETTER TO DISTRICT JUDGE by DDrops Company, Elaine Vieth, Reinhold Vieth . (Florence, L. Reagan) (Entered: 11/19/2015)
11/24/2015	<u>21</u>	ANSWER to Complaint , COUNTERCLAIM against DDrops Company, Elaine Vieth, Reinhold Vieth. by drugstore.com, Inc., Walgreen Co.. (Moerke, Katherine) (Entered: 11/24/2015)
11/24/2015	<u>22</u>	RULE 7.1 DISCLOSURE STATEMENT. Walgreens Boots Alliance is a corporate parent of Defendants Walgreen Co., drugstore.com, Inc.. drugstore.com, Inc. is a wholly-owned subsidiary of Defendants Walgreen Co., drugstore.com, Inc.. (Moerke, Katherine) (Entered: 11/24/2015)
12/01/2015	<u>23</u>	NOTICE by DDrops Company, Elaine Vieth, Reinhold Vieth re <u>4</u> MOTION for Preliminary Injunction – Expedited Handling Requested <i>Notice of Withdrawal of Plaintiffs Motion Without Prejudice</i> (Florence, L. Reagan) (Entered: 12/01/2015)
12/14/2015	<u>24</u>	<i>Plaintiffs'</i> REPLY to Counterclaim <i>of Defendants</i> by DDrops Company, Elaine Vieth, Reinhold Vieth. (Anderson, Alan) (Entered: 12/14/2015)
12/22/2015	<u>25</u>	ORDER/NOTICE OF PRETRIAL SCHEDULING CONFERENCE – Pretrial Conference set for 2/17/2016 09:30 AM in Judge's Chambers, Suite 348 (STP) before Magistrate Judge Steven E. Rau. Signed by Magistrate Judge Steven E. Rau on 12/22/2015. (Attachments: # <u>1</u> Consent Form)(las) (Entered: 12/22/2015)
01/20/2016	<u>26</u>	LETTER TO MAGISTRATE JUDGE by DDrops Company, Elaine Vieth, Reinhold Vieth <i>Plaintiffs' Letter Request to Reschedule Pretrial Scheduling Conference.</i> (Anderson, Alan) (Entered: 01/20/2016)
01/25/2016	<u>27</u>	LETTER TO MAGISTRATE JUDGE by DDrops Company, Elaine Vieth, Reinhold Vieth <i>withdrawing request to reschedule initial pretrial scheduling conference (See Dkt. 26).</i> (Anderson, Alan) (Entered: 01/25/2016)
02/10/2016	<u>28</u>	REPORT of Rule 26(f) Planning Meeting. Filed by DDrops Company, Elaine Vieth, Reinhold Vieth., Walgreen Co. and drugstore.com(Florence, L. Reagan) Modified on 2/10/2016 (MMP). (Entered: 02/10/2016)
02/17/2016	<u>30</u>	Minute Entry for proceedings held before Magistrate Judge Steven E. Rau: Pretrial Conference held on 2/17/2016. Pretrial Scheduling Order will be filed. (JAM) (Entered: 02/19/2016)

02/18/2016	<u>29</u>	TEXT ONLY ENTRY: CLERK'S NOTICE OF REASSIGNMENT. Due to the appointment of Judge Wilhelmina M. Wright, this case is reassigned to her. Judge Ann D. Montgomery is no longer assigned to the case. NOTE: the new case number is 15cv3981 WMW/SER . Please use this case number for all subsequent pleadings. (AKL) (Entered: 02/18/2016)
02/22/2016	<u>31</u>	PRETRIAL SCHEDULING ORDER: Amended Pleadings due by 10/1/2016. Discovery due by 9/1/2016. Motions (non-disp) due 9/1/2016. Motions (disp) due by 11/1/2016. Ready for trial due by 3/1/2017. Signed by Magistrate Judge Steven E. Rau on 2/22/2016. (MMP) (Entered: 02/22/2016)
02/29/2016	<u>32</u>	Joint MOTION to Stay by all parties. (Moerke, Katherine) Modified text on 3/2/2016 (kt). (Entered: 02/29/2016)
02/29/2016	<u>33</u>	CERTIFICATE OF SERVICE ON PROPOSED ORDER by Walgreen Co. re <u>32</u> Joint MOTION to Stay (Moerke, Katherine) (Entered: 02/29/2016)
03/01/2016	<u>34</u>	NOTICE OF SETTLEMENT CONFERENCE: Settlement Conference set for 5/26/2016 09:00 AM in Courtroom 3C (STP) before Magistrate Judge Steven E. Rau. Signed by Magistrate Judge Steven E. Rau on 3/1/2016. (MMP) (Entered: 03/01/2016)
03/01/2016	<u>35</u>	ORDER: Accordingly, the Court grants the parties' joint motion and stays this action pending the Settlement Conference. If the parties do not reach a settlement agreement at the Settlement Conference, the parties are ordered to, within 14 days after the Settlement Conference, either jointly submit a proposed Amended Scheduling Order to the Court or, if the parties are actively continuing to discuss settlement, submit a joint status report to the Court. Signed by Magistrate Judge Steven E. Rau on 3/1/2016. (MMP) (Entered: 03/01/2016)
03/02/2016	36	TEXT ONLY ENTRY: NOTICE of RESCHEDULING of Hearing: <u>34</u> NOTICE OF SETTLEMENT CONFERENCE: Settlement Conference set for 5/26/2016 09:00 AM has been RESCHEDULED to 4/5/2016 09:00 AM in Courtroom 3C (STP) before Magistrate Judge Steven E. Rau. Confidential settlement letters as described in the Notice of Settlement Conference [Doc. No. 34] must be submitted by 3/29/2016. (MME) (Entered: 03/02/2016)
03/23/2016		TEXT ONLY ENTRY: NOTICE – Judge Wilhelmina M. Wright's Practice Pointers are available on the United States District Court for the District of Minnesota's website . All parties are expected to be familiar with and adhere to these Practice Pointers. (LEG) (Entered: 03/23/2016)
04/05/2016	<u>37</u>	Minute Entry for proceedings held before Magistrate Judge Steven E. Rau: Settlement Conference held on 4/5/2016. Settlement conference held and continued to Friday, April 8, 2016. (JDF) (Entered: 04/06/2016)
04/08/2016	<u>38</u>	LETTER TO MAGISTRATE JUDGE by DDrops Company, Elaine Vieth, Reinhold Vieth <i>Parties' Joint Letter Regarding Settlement</i> . (Anderson, Alan) (Entered: 04/08/2016)
05/31/2016	<u>39</u>	Joint MOTION to Dismiss/General <i>With Prejudice</i> by Walgreen Co.. (Moerke, Katherine) (Entered: 05/31/2016)
06/01/2016	<u>40</u>	ORDER DISMISSING CASE WITH PREJUDICE. Signed by Judge Wilhelmina M. Wright on 06/01/2016. (TJB) (Entered: 06/01/2016)
06/01/2016	<u>41</u>	JUDGMENT (Attachments: # <u>1</u> Civil Notice – appeal). (lmb) (Entered: 06/01/2016)