

General Docket
United States Court of Appeals for the Federal Circuit

Court of Appeals Docket #: 23-1252**Docketed:** 12/15/2022

Illinois Tool Works, Inc. v. Termax Co.

Termed: 03/08/2023**Appeal From:** United States Patent and Trademark Office**Fee Status:** fee paid**Case Type Information:**

- 1) BCA or PTO
- 2) Patent Trial and Appeal Board
- 3) -

Originating Court Information:**District:** PTO-1 : IPR2021-00724**Trial Judge:** Kevin William Cherry, Administrative Patent Judge**Trial Judge:** Richard Marschall, Administrative Patent Judge**Trial Judge:** James A. Tartal, Administrative Patent Judge**Date Filed:** 03/25/2021**Date NOA Filed:**

12/06/2022

Date Rec'd COA:

12/06/2022

Prior Cases:

None

Current Cases:

	Lead	Member	Start	End
Cross-appeal	23-1252	23-1254	12/15/2022	

ILLINOIS TOOL WORKS, INC.

Appellant

Eligio C. Pimentel

Direct: 312-775-8000

Email: epimentel@mcandrews-ip.com

[LD NTC Retained]

McAndrews, Held & Malloy, Ltd.

34th Floor

Firm: 312-775-8000

500 West Madison Street

Chicago, IL 60661

Christopher M. Scharff

Direct: 312-775-8000

Email: cscharff@mcandrews-ip.com

[COR NTC Retained]

McAndrews, Held & Malloy, Ltd.

34th Floor

Firm: 312-775-8000

500 West Madison Street

Chicago, IL 60661

v.

TERMAX, LLC

Terminated: 02/22/2023

Cross-Appellant

Termax Company-Exhibit 1010

Termax Company v. Illinois Tool Works Inc.

TERMAX CO.

Cross-Appellant

Thomas Lee Duston

Email: tduston@marshallip.com

[LD NTC Retained]

Marshall, Gerstein & Borun LLP

233 South Wacker Drive

6300 Willis Tower

Chicago, IL 60606-6357

Jeremy R. Kriegel

Email: jkriegel@marshallip.com

[COR NTC Retained]

Marshall, Gerstein & Borun LLP

233 South Wacker Drive
6300 Willis Tower
Chicago, IL 60606-6357

Chelsea Murray, Attorney
Email: cmurray@marshallip.com
[COR NTC Retained]
Marshall, Gerstein & Borun LLP
233 South Wacker Drive
6300 Willis Tower
Chicago, IL 60606-6357

Raymond R. Ricordati, Attorney
Email: rricordati@marshallip.com
[COR NTC Retained]
Marshall, Gerstein & Borun LLP
233 South Wacker Drive
6300 Willis Tower
Chicago, IL 60606-6357

ILLINOIS TOOL WORKS, INC.,

Appellant

v.

TERMAX CO.,

Cross-Appellant

- 12/15/2022 ☐ [1](#) Appeal docketed. Received: 12/06/2022. [890860]
78 pg, 1.59 MB Entry of Appearance is due on 12/29/2022. Certificate of Interest is due on 12/29/2022. Docketing Statement is due on 12/29/2022. Certified List is due on 01/24/2023. [ALK] [Entered: 12/15/2022 11:35 AM]
- 12/15/2022 ☐ [2](#) Note to File: The following cases are associated: 23-1252 (Lead) with 23-1254 (Cross-Appeal). The parties must file all documents in the lead appeal only. [890870] [23-1252, 23-1254] [ALK] [Entered: 12/15/2022 11:54 AM]
- 12/15/2022 ☐ [3](#) Official caption revised to reflect cross-appeal with 23-1254 (see attached). Service as of this date by the Clerk of Court. [890871] [ALK] [Entered: 12/15/2022 11:55 AM]
2 pg, 190.86 KB
- 12/29/2022 ☐ [4](#) Entry of Appearance for Eligio C. Pimentel; Christopher M. Scharff as counsel for Appellant Illinois Tool Works, Inc.. Service: 12/29/2022 by email. [893638] [23-1252] [Eligio Pimentel] [Entered: 12/29/2022 02:18 PM]
1 pg, 186.15 KB
- 12/29/2022 ☐ [5](#) Certificate of Interest for Appellant Illinois Tool Works, Inc.. Service: 12/29/2022 by email. [893640] [23-1252] [Eligio Pimentel] [Entered: 12/29/2022 02:20 PM]
3 pg, 331.3 KB
- 12/29/2022 ☐ [6](#) Docketing Statement for the Appellant Illinois Tool Works, Inc.. Service: 12/29/2022 by email. [893642] [23-1252] [Eligio Pimentel] [Entered: 12/29/2022 02:21 PM]
2 pg, 364.52 KB
- 12/29/2022 ☐ [7](#) Entry of Appearance for Thomas L. Duston; Jeremy R. Kriegel; Raymond R. Ricordati III as counsel for Cross-Appellant Termax, LLC. Service: 12/29/2022 by email. [893711] [23-1252] This document is non-compliant. See Doc No. [10](#). [Thomas Duston] [Entered: 12/29/2022 05:25 PM]
2 pg, 196.65 KB
- 12/29/2022 ☐ [8](#) Certificate of Interest for Cross-Appellant Termax, LLC. Service: 12/29/2022 by email. [893712] [23-1252] This document is non-compliant. See Doc No. [10](#). [Thomas Duston] [Entered: 12/29/2022 05:26 PM]
3 pg, 333.79 KB
- 12/29/2022 ☐ [9](#) Docketing Statement for the Cross-Appellant Termax, LLC. Service: 12/29/2022 by email. [893714] [23-1252] This document is non-compliant. See Doc No. [10](#). [Thomas Duston] [Entered: 12/29/2022 05:27 PM]
2 pg, 365.82 KB
- 01/03/2023 ☐ [10](#) NOTICE OF NON-COMPLIANCE: The submissions of Cross-Appellant Termax, LLC, Entry of Appearance, Certificate of Interest, and Docketing Statement, [7](#), [8](#), and [9](#), are not in compliance with the rules of this court (see attached). Compliant documents due on 01/10/2023. Service as of this date by the Clerk of Court. [894089] [ALK] [Entered: 01/03/2023 10:37 AM]
2 pg, 222.57 KB
- 01/04/2023 ☐ [11](#) MOTION of Appellant Illinois Tool Works, Inc. to terminate appeal through Strike or Dismiss Cross-Appeal. Cases to be terminated: 23-1254. (Briefing suspended pursuant to FCR 31 pending resolution of the motion). Service: 01/04/2023 by email, hand delivery. [894585] [23-1252] [Eligio Pimentel] [Entered: 01/04/2023 03:21 PM]
280 pg, 8.55 MB
- 01/05/2023 ☐ [12](#) Corrected Entry of appearance for Thomas L. Duston; Jeremy R. Kriegel; Raymond R. Ricordati III as counsel for Cross-Appellant Termax, LLC. Service: 01/05/2023 by email. [894843] [23-1252] This document is non-compliant. See Doc No. [15](#). [Thomas Duston] [Entered: 01/05/2023 12:00 PM]
2 pg, 35.91 KB
- 01/05/2023 ☐ [13](#) Corrected Certificate of Interest for Cross-Appellant Termax, LLC. Service: 01/05/2023 by email. [894845] [23-1252] [Thomas Duston] [Entered: 01/05/2023 12:01 PM]
3 pg, 63.06 KB
- 01/05/2023 ☐ [14](#) Corrected Docketing Statement for the Cross-Appellant Termax, LLC. Service: 01/05/2023 by email. [894846] [23-1252] [Thomas Duston] [Entered: 01/05/2023 12:02 PM]
2 pg, 316 KB
- 01/05/2023 ☐ [15](#) NOTICE OF NON-COMPLIANCE: The submission of Cross-Appellant Termax, LLC, Entry of Appearance [12](#), is not in compliance with the rules of this court (see attached). Compliant document due on 01/12/2023. Service as of this date by the Clerk of Court. [894941] [ALK] [Entered: 01/05/2023 03:12 PM]
1 pg, 213.5 KB
- 01/05/2023 ☐ [16](#) Corrected Entry of appearance for Thomas L. Duston; Jeremy R. Kriegel; Raymond R. Ricordati III as counsel for Cross-Appellant Termax, LLC. Service: 01/05/2023 by email. [894953] [23-1252] [Thomas Duston] [Entered: 01/05/2023 03:32 PM]
2 pg, 39 KB
- 01/09/2023 ☐ [17](#) MOTION of Cross-Appellant Termax, LLC to modify the official caption. Service: 01/09/2023 by email. [895728] [23-1252] [Raymond Ricordati] [Entered: 01/09/2023 05:39 PM]
5 pg, 301.83 KB
- 01/17/2023 ☐ [18](#) RESPONSE of Cross-Appellant Termax, LLC to Doc No. [11](#). Service: 01/17/2023 by email. [897506] [23-1252] [Raymond Ricordati] [Entered: 01/17/2023 11:55 PM]
13 pg, 837.39 KB
- 01/24/2023 ☐ [19](#) REPLY of Appellant Illinois Tool Works, Inc. to response [18](#). Service: 01/24/2023 by email. [899334] [23-1252] [Eligio Pimentel] [Entered: 01/24/2023 10:06 PM]
15 pg, 776.22 KB
- 01/30/2023 ☐ [20](#) Certified list received. Service: 01/24/2023 by email. Refer to Fed. Cir. R. 31 for calculating brief deadlines from service of the certified list. [900420] [23-1252, 23-1254] [ALK] [Entered: 01/30/2023 09:33 AM]
80 pg, 1.61 MB
- 02/01/2023 ☐ [21](#) Entry of Appearance for Chelsea M. Murray as counsel for Cross-Appellant Termax, LLC. Service: 02/01/2023 by email. [901412] [23-1252] [Chelsea Murray] [Entered: 02/01/2023 05:34 PM]
1 pg, 64.8 KB

02/13/2023	☐ 22 15 pg, 670.7 KB	MOTION of Appellant Illinois Tool Works, Inc. to voluntarily dismiss appeal pursuant to FRAP 42(b). Service: 02/13/2023 by email. [903924] [23-1252] [Eligio Pimentel] [Entered: 02/13/2023 08:28 PM]
02/22/2023	☐ 23 2 pg, 74.06 KB	ORDER granting motion to reform the caption [17] filed by Cross-Appellant. The revised official caption and short caption are reflected in this order. Service as of this date by the Clerk of Court. [905509] [23-1252, 23-1254] [LMS] [Entered: 02/22/2023 12:30 PM]
02/24/2023	☐ 24 10 pg, 548.47 KB	RESPONSE of Cross-Appellant Termax Company to Doc No. [22]. Service: 02/23/2023 by email. [906034] [23-1252] [Thomas Duston] [Entered: 02/24/2023 12:24 AM]
02/24/2023	☐ 25 8 pg, 453.22 KB	MODIFIED ENTRY: MOTION of Cross-Appellant Termax Company Counsel for the undersigned reached out to counsel for ITW, who indicated that they do not oppose the motion. Service: 02/24/2023 by email. [906291] [23-1252]--[Edited 03/01/2023 by ALK - to correct relief] [Thomas Duston] [Entered: 02/24/2023 11:50 PM]
02/24/2023	☐ 26	This entry was made in error and has been removed from the docket. Cross-Appellant's Designation of Materials from Which the Appendix Will be Prepared and Statement of Issues to be Presented for Review for Cross-Appellant Termax Company. Service: 02/24/2023 by email. [906294] [23-1252] [Thomas Duston] [Entered: 02/24/2023 11:55 PM]
02/27/2023	☐ 27 3 pg, 332.41 KB	Corrected Certificate of Interest for Cross-Appellant Termax Company. Service: 02/27/2023 by email. [906636] [23-1252] [Thomas Duston] [Entered: 02/27/2023 04:49 PM]
03/02/2023	☐ 28 25 pg, 1.19 MB	REPLY of Appellant Illinois Tool Works, Inc. to response [24]. Service: 03/02/2023 by email. [907502] [23-1252] [Eligio Pimentel] [Entered: 03/02/2023 04:20 PM]
03/08/2023	☐ 29 2 pg, 74.17 KB	ORDER granting motion to extend time to file [25] filed by Cross-Appellant Termax Co. ECF No. 24 is accepted for filing. Service as of this date by the Clerk of Court. [908500] [LMS] [Entered: 03/08/2023 08:36 AM]
03/08/2023	☐ 30 3 pg, 104.44 KB	ORDER filed granting the motions [11] [22], and the appeals are dismissed. Each side shall bear its own costs.; issuing mandate (as to Appeal No. 2023-1252 only). Service as of this date by the Clerk of Court. [908531] [23-1252, 23-1254] [LMS] [Entered: 03/08/2023 10:22 AM]

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- ☐ Documents Only

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