JRG4,JURY,PATENT/TRADEMARK,PROTECTIVE-ORDER

U.S. District Court
Eastern District of TEXAS [LIVE] (Marshall)
CIVIL DOCKET FOR CASE #: 2:22-cv-00437-JRG-RSP

Safoco, Inc. v. KLX Energy Services,LLC
Assigned to: District Judge Rodney Gilstrap
Referred to: Magistrate Judge Roy S. Payne
Cause: 35:271 Patent Infringement

Date Filed: 11/11/2022
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Technical Advisor

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Plaintiff

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V.

Defendant

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Date Filed	#	Docket Text
11/11/2022	1	COMPLAINT against KLX Energy Services,LLC (Filing fee $ 402 receipt number ATXEDC-9223424.), filed by Safoco, Inc.. (Attachments: # 1 Exhibit A - US Patent No. 9,671,794, # 2 Exhibit B - US Patent No. 9,890,609, # 3 Exhibit C - KLX Energy FRVS Brochure, # 4 Civil Cover Sheet)(Anderson, David) (Entered: 11/11/2022)
11/14/2022		Case assigned to District Judge Rodney Gilstrap and Magistrate Judge Roy S. Payne. (ch,) (Entered: 11/14/2022)
11/14/2022		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: 11/14/2022)
11/14/2022	2	SUMMONS Issued as to KLX Energy Services,LLC. (ch,) (Entered: 11/14/2022)
11/18/2022	3	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Anderson, David) (Entered: 11/18/2022)
11/28/2022	4	SUMMONS Returned Executed by Safoco, Inc.. KLX Energy Services,LLC served on 11/18/2022, answer due 12/9/2022. (Anderson, David) (Entered: 11/28/2022)
12/07/2022	5	NOTICE of Attorney Appearance by Zachary A P Oubre on behalf of KLX Energy Services,LLC (Oubre, Zachary) (Entered: 12/07/2022)
12/07/2022	6	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re KLX Energy Services,LLC.(Oubre, Zachary) (Entered: 12/07/2022)
12/08/2022		Defendant's Unopposed FIRST Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for KLX Energy Services,LLC to 1/9/2023. 30 Days Granted for Deadline Extension.(ch,) (Entered: 12/08/2022)
01/05/2023	7	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re KLX Energy Services,LLC.(Oubre, Zachary) (Entered: 01/05/2023)
01/05/2023		Defendant's Unopposed SECOND Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for KLX Energy Services,LLC to 1/23/2023. 14 Days Granted for Deadline Extension.(ch,) (Entered: 01/05/2023)
01/23/2023	8	MOTION to Dismiss *or in the Alternative, to Transfer Venue to the Southern District of Texas* by KLX Energy Services,LLC. (Attachments: # 1 Exhibit 1 - Bennet Declaration, # 2 Exhibit 2 - KLX Website, # 3 Exhibit 3 - Safoco Website Product Page, # 4 Exhibit 4 -

		Safoco Website)(Oubre, Zachary) (Additional attachment(s) added on 1/24/2023: # 5 Text of Proposed Order) (nkl,). (Entered: 01/23/2023)
01/26/2023	9	Unopposed MOTION for Extension of Time to File Response/Reply as to 8 MOTION to Dismiss *or in the Alternative, to Transfer Venue to the Southern District of Texas* by Safoco, Inc.. (Attachments: # 1 Text of Proposed Order)(Anderson, David) (Entered: 01/26/2023)
01/27/2023	10	ORDER granting 9 Unopposed MOTION for Extension of Time to File Response/Reply as to 8 MOTION to Dismiss *or in the Alternative, to Transfer Venue to the Southern District of Texas* , 8 MOTION to Dismiss *or in the Alternative, to Transfer Venue to the Southern District of Texas* Responses due by 2/21/2023. Signed by Magistrate Judge Roy S. Payne on 1/27/2023. (ch,) (Entered: 01/30/2023)
01/30/2023	11	NOTICE of Attorney Appearance by Michael E Jones on behalf of KLX Energy Services,LLC (Jones, Michael) (Entered: 01/30/2023)
01/30/2023	12	NOTICE of Attorney Appearance by Shaun William Hassett on behalf of KLX Energy Services,LLC (Hassett, Shaun) (Entered: 01/30/2023)
02/07/2023	13	ORDER - Scheduling Conference set for 3/14/2023 01:30 PM before District Judge Rodney Gilstrap. Signed by Magistrate Judge Roy S. Payne on 2/7/2023. (ch,) (Entered: 02/07/2023)
02/21/2023	14	Unopposed MOTION for Leave to File *Response Exceeding Page Limits* by Safoco, Inc.. (Attachments: # 1 Text of Proposed Order)(Anderson, David) (Entered: 02/21/2023)
02/21/2023	15	RESPONSE in Opposition re 8 MOTION to Dismiss *or in the Alternative, to Transfer Venue to the Southern District of Texas filed by Safoco, Inc.*. (Attachments: # 1 Exhibit A - Declaration of Julie Cunningham, # 2 Exhibit A-1 - Gregg County 2022 Tax Statement, # 3 Exhibit A-2 - KLX Energy 2020 10-K Filing, # 4 Exhibit A-3 - KLX Energy Job Postings, # 5 Exhibit A-4 KLX Energy 2021 10-K Filing, # 6 Exhibit A-5 - LinkedIn Profile, # 7 Exhibit A-6 - LinkedIn Profile, # 8 Exhibit A-7 - KLX Energy Job Posting, # 9 Exhibit A-8 - KLX Energy Job Posting, # 10 Exhibit A-9 - KLX Investor Presentation December 2022, # 11 Exhibit A-10 - LinkedIn Screenshot, # 12 Exhibit A-11 - LinkedIn Screenshot, # 13 Exhibit A-12 - LinkedIn Screenshot, # 14 Exhibit A-13 - LinkedIn Screenshot, # 15 Exhibit A-14 - LinkedIn Screenshot, # 16 Exhibit A-15 - LinkedIn Profile and Posts, # 17 Exhibit A-16 - Docket Report for EDTX, # 18 Exhibit A-17 - Docket Report for SDTX, # 19 Exhibit B - Declaration of James Amberg, # 20 Exhibit B-1 - LinkedIn Screenshot, # 21 Text of Proposed Order)(Anderson, David) (Entered: 02/21/2023)
02/22/2023	16	ORDER granting 14 Motion for Leave to exceed the page limits. Signed by Magistrate Judge Roy S. Payne on 2/22/2023. (ch,) (Entered: 02/22/2023)
02/28/2023	17	REPLY to Response to Motion re 8 MOTION to Dismiss *or in the Alternative, to Transfer Venue to the Southern District of Texas filed by KLX Energy Services,LLC*. (Attachments: # 1 Exhibit 1 - Spataro Declaration)(Oubre, Zachary) (Entered: 02/28/2023)
02/28/2023	18	NOTICE by Safoco, Inc. *of Compliance with P.R. 3-1 and 3-2* (Anderson, David) (Entered: 02/28/2023)
03/14/2023		Minute Entry for proceedings held before District Judge Rodney Gilstrap: Scheduling Conference/Case Management Conference held on 3/14/2023. Counsel for the parties appeared. Court asked whether they consented to trial before the U.S. Magistrate Judge. Court then gave counsel Claim Construction and Jury Selection/Trial dates. (Court Reporter Shawn McRoberts) (aeb) (Entered: 03/14/2023)
03/20/2023	19	CORPORATE DISCLOSURE STATEMENT filed by Safoco, Inc. (Anderson, David)

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		(Entered: 03/20/2023)
03/23/2023	20	CORPORATE DISCLOSURE STATEMENT filed by KLX Energy Services,LLC identifying Corporate Parent KLX Energy Services Holdings, Inc. for KLX Energy Services,LLC. (Oubre, Zachary) (Entered: 03/23/2023)
03/27/2023	21	Agreed MOTION for Entry of Docket Control Order by Safoco, Inc.. (Attachments: # 1 Exhibit 1 - Proposed Docket Control Order)(Anderson, David) (Entered: 03/27/2023)
03/27/2023	22	Agreed MOTION for Entry of Discovery Order by Safoco, Inc.. (Attachments: # 1 Exhibit 1 - Proposed Discovery Order)(Anderson, David) (Entered: 03/27/2023)
03/28/2023	23	DOCKET CONTROL ORDER granting 21 Agreed MOTION for Entry of Docket Control Order. Signed by Magistrate Judge Roy S. Payne on 3/28/2023. (ch,) (Entered: 03/28/2023)
03/28/2023		Pretrial Conference set for 7/16/2024 09:00 AM before Magistrate Judge Roy S. Payne. Amended Pleadings due by 12/8/2023., Markman Hearing set for 2/23/2024 09:00 AM before Magistrate Judge Roy S. Payne., Motions due by 6/24/2024., Proposed Pretrial Order due by 7/8/2024.) Jury Selection set for 8/19/2024 09:00AM before District Judge Rodney Gilstrap. (ch,) (Entered: 03/28/2023)
03/28/2023	24	DISCOVERY ORDER granting 22 Agreed MOTION for Entry of Discovery Order. Signed by Magistrate Judge Roy S. Payne on 3/28/2023. (ch,) (Entered: 03/28/2023)
04/04/2023	25	Agreed MOTION Entry of Protective Order by Safoco, Inc.. (Attachments: # 1 Exhibit 1 - Proposed Protective Order)(Anderson, David) (Entered: 04/04/2023)
04/04/2023	26	NOTICE by KLX Energy Services,LLC *of Compliance* (Oubre, Zachary) (Entered: 04/04/2023)
04/05/2023	27	PROTECTIVE ORDER. Signed by Magistrate Judge Roy S. Payne on 4/5/2023. (ch,) (Entered: 04/05/2023)
04/25/2023	28	NOTICE by KLX Energy Services,LLC *of Compliance* (Oubre, Zachary) (Entered: 04/25/2023)
06/10/2023	29	REPORT AND RECOMMENDATIONS re 8 MOTION to Dismiss *or in the Alternative, to Transfer Venue to the Southern District of Texas* filed by KLX Energy Services,LLC.. Signed by Magistrate Judge Roy S. Payne on 6/10/2023. (ch,) (Entered: 06/12/2023)
06/26/2023	30	OBJECTION to 29 Report and Recommendations by KLX Energy Services,LLC. (Oubre, Zachary) (Entered: 06/26/2023)
06/29/2023	31	ORDER ADOPTING REPORT AND RECOMMENDATIONS for 29 Report and Recommendations Court OVERRULES KLXs Objections and ADOPTS the Report and Recommendation and orders that the Motion (Dkt. No. 8) is DENIED. Signed by District Judge Rodney Gilstrap on 6/29/2023. (ch,) (Entered: 06/29/2023)
07/13/2023	32	ANSWER to 1 Complaint, by KLX Energy Services,LLC.(Oubre, Zachary) (Entered: 07/13/2023)
07/13/2023		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*. (nkl,) (Entered: 07/13/2023)

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07/25/2023	33	Unopposed MOTION for Leave to Amend Infringement Contentions by Safoco, Inc.. (Attachments: # 1 Proposed Order)(Anderson, David) (Entered: 07/25/2023)
07/26/2023	34	ORDER granting 33 Unopposed MOTION for Leave to Amend Infringement Contentions. Signed by Magistrate Judge Roy S. Payne on 7/26/2023. (ch,) (Entered: 07/26/2023)
08/08/2023	35	NOTICE by Safoco, Inc. *of Compliance with P.R. 3-1, 3-2, and 3-6 Regarding Amended Infringement Contentions* (Anderson, David) (Entered: 08/08/2023)
10/20/2023	36	NOTICE OF COMPLIANCE by Safoco, Inc. *with Local Patent Rule 4-1* (Anderson, David) (Entered: 10/20/2023)
10/20/2023	37	NOTICE OF COMPLIANCE by KLX Energy Services,LLC *with Local Patent Rule 4.1* (Oubre, Zachary) (Entered: 10/20/2023)
11/13/2023	38	NOTICE OF COMPLIANCE by Safoco, Inc. *with Local Patent Rule 4-2* (Anderson, David) (Entered: 11/13/2023)
11/13/2023	39	NOTICE OF COMPLIANCE by KLX Energy Services,LLC *with Local Patent Rule 4.2* (Oubre, Zachary) (Entered: 11/13/2023)
12/01/2023	40	Claim Construction and Prehearing Statement by Safoco, Inc.. (Attachments: # 1 Appendix A - Parties Proposed Positions Regarding Indefiniteness)(Anderson, David) (Entered: 12/01/2023)
01/12/2024	41	CLAIM CONSTRUCTION BRIEF filed by KLX Energy Services,LLC. (Attachments: # 1 Exhibit A - '794 Patent, # 2 Exhibit B - '609 Patent, # 3 Exhibit C - '453 Patent, # 4 Exhibit D - 3/10/17 Non-Final Office Action of the '794 Patent, # 5 Exhibit E - Patent Publication, # 6 Exhibit F - 3/20/17 Non-Final Office Action of the '794 Patent, # 7 Exhibit G - '249 Patent, # 8 Exhibit H - 3/248/15 Office Action of '453 Patent, # 9 Exhibit I - 6/18/15 Office Action Response)(Oubre, Zachary) (Entered: 01/12/2024)
01/12/2024	42	CLAIM CONSTRUCTION BRIEF filed by Safoco, Inc.. (Attachments: # 1 Exhibit A - US Patent No. 9,672,794, # 2 Exhibit B - US Patent No. 9,890,609, # 3 Exhibit C - US Patent No. 9,441,453, # 4 Exhibit D - US Patent Pub. No. US 2017/0285668, # 5 Exhibit E - Invalidity Contention of Defendant KLX Energy Services, LLC, # 6 Exhibit F - US Patent 9,163,619, # 7 Exhibit G - Declaration of Julie B. Cunningham)(Anderson, David) (Entered: 01/12/2024)
01/26/2024	43	RESPONSE to 42 Claim Construction Brief, *filed by KLX Energy Services,LLC*. (Oubre, Zachary) (Entered: 01/26/2024)
01/26/2024	44	RESPONSE to 41 Claim Construction Brief,, *filed by Safoco, Inc.*. (Attachments: # 1 Exhibit H - US Patent No. 6,450,477, # 2 Exhibit I - US Patent No. 6,659,419, # 3 Exhibit J - US Patent No. 9,057,448, # 4 Exhibit K - US Patent No. 2,566,772, # 5 Exhibit L - US Patent No. 2,566,775, # 6 Exhibit M - US Patent No. 8,763,983, # 7 Exhibit N - Operating and Service Manual for Safoco Double Acting Hydraulic Actuator (Cover), # 8 Exhibit O - Safoco Response to March 24, 2014 Office Action, # 9 Exhibit P - Safoco Response to March 10, 2017 Office Action, # 10 Exhibit Q - May 18, 2017 Office Action, # 11 Exhibit R - Safoco Response to May 18, 2017 Office Action, # 12 Exhibit S - Safoco September 12, 2016 Terminal Disclaimer, # 13 Exhibit T - Examiner Search Notes and Search Results (Application 15/262,642, # 14 Exhibit U - Declaration of Julie B. Cunningham)(Anderson, David) (Entered: 01/26/2024)
01/30/2024		NOTICE of Hearing:Markman Hearing RESET for 3/5/2024 at 09:00 AM before Magistrate Judge Roy S. Payne. (bga) (Entered: 01/30/2024)
02/02/2024	45	REPLY to 41 Claim Construction Brief,, *filed by KLX Energy Services,LLC*. (Oubre,

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		Zachary) (Entered: 02/02/2024)
02/02/2024	46	REPLY to 42 Claim Construction Brief, *filed by Safoco, Inc.*. (Anderson, David) (Entered: 02/02/2024)
02/07/2024	47	ORDER - ORDERED that Michael Paul is hereby appointed as the Courts technical advisor inthe above-captioned case. Signed by Magistrate Judge Roy S. Payne on 2/7/2024. (ch,) (Entered: 02/07/2024)
02/09/2024	48	Joint Claim Construction Chart by Safoco, Inc.. (Attachments: # 1 Exhibit A - Joint Claim Construction Chart)(Anderson, David) (Entered: 02/09/2024)

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