

**U.S. District Court
California Northern District (San Jose)
CIVIL DOCKET FOR CASE #: 5:23-cv-05720-EJD**

Cortex MCP, Inc. v. Visa, Inc.
Assigned to: Judge Edward J. Davila
Referred to: Magistrate Judge Nathanael M. Cousins
(Settlement)
Case in other court: Texas Western, 6:23-cv-00048
Cause: 35:271 Patent Infringement

Date Filed: 11/07/2023
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

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Date Filed	#	Docket Text
01/26/2023	<u>1</u>	COMPLAINT (Filing fee \$ 402 receipt number ATXWDC-17012383). No Summons requested at this time, filed by Cortex MCP, Inc. (Attachments: # <u>1</u> Exhibit 1-US9251531, # <u>2</u> Exhibit 2-US9954854, # <u>3</u> Exhibit 3-US10749859, # <u>4</u> Exhibit 4-US11329973, # <u>5</u> Civil Cover Sheet)(Siegmund, Mark) (Entered: 01/26/2023)
01/26/2023	<u>2</u>	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 forwarded to the Director of the U.S. Patent and Trademark Office. (Siegmund, Mark) (Entered: 01/26/2023)
01/26/2023	<u>3</u>	RULE 7 DISCLOSURE STATEMENT filed by Cortex MCP, Inc identifying Corporate Parent Cortex Commerce, LLC for Cortex MCP, Inc. (Siegmund, Mark) (Entered: 01/26/2023)
01/26/2023		Please remember to comply with the standing orders located at https://www.txwd.uscourts.gov/judges-information/standing-orders/ (zv) (Entered: 01/26/2023)
01/26/2023		Case randomly assigned to Judge Fred Biery pursuant to the Order Assigning Business of the Court as it Relates to Patent Cases, filed 7/25/2022. CM WILL NOW REFLECT THE JUDGE INITIALS AS PART OF THE CASE NUMBER. PLEASE APPEND THESE JUDGE INITIALS TO THE CASE NUMBER ON EACH DOCUMENT THAT YOU FILE IN THIS CASE. (zv) (Entered: 01/26/2023)
01/26/2023	<u>4</u>	Pro Hac Vice Letter to Cortex MCP, Inc. for attorney Tyler Finn. (zv) (Entered: 01/26/2023)
01/26/2023	<u>5</u>	MOTION to Appear Pro Hac Vice by Mark D. Siegmund <i>for Tyler Finn</i> (Filing fee \$ 100 receipt number ATXWDC-17014779) by on behalf of Cortex MCP, Inc.. (Attachments: # <u>1</u> Proposed Order)(Siegmund, Mark) (Entered: 01/26/2023)
01/26/2023	<u>6</u>	MOTION to Appear Pro Hac Vice by Mark D. Siegmund <i>for Davida Brook</i> (Filing fee \$ 100 receipt number ATXWDC-17014801) by on behalf of Cortex MCP, Inc.. (Attachments: # <u>1</u> Proposed Order)(Siegmund, Mark) (Entered: 01/26/2023)
01/26/2023	<u>7</u>	REQUEST FOR ISSUANCE OF SUMMONS by Cortex MCP, Inc.. (Siegmund, Mark) (Entered: 01/26/2023)
01/27/2023	<u>8</u>	ORDER GRANTING <u>6</u> Motion to Appear Pro Hac Vice for Attorney Davida P Brook for Cortex MCP, Inc. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Registration is managed by the PACER Service Center. Signed by Judge Fred Biery. (sm3) (Entered: 01/27/2023)
01/27/2023	<u>9</u>	Summons Issued as to Visa, Inc. (sm3) (Entered: 01/27/2023)
01/27/2023	<u>10</u>	ORDER GRANTING <u>5</u> Motion to Appear Pro Hac Vice for Attorney Tyler Finn for Cortex MCP, Inc.. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Registration is managed by the PACER Service Center Signed by Judge Fred Biery. (sm3) (Entered: 01/27/2023)
01/27/2023	<u>11</u>	SUMMONS Returned Executed by Cortex MCP, Inc.. Visa, Inc. served on 1/27/2023, answer due 2/17/2023. (Siegmund, Mark) (Entered: 01/27/2023)

02/09/2023	<u>12</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by Visa, Inc.. (Attachments: # <u>1</u> Proposed Order)(Hyman, Leslie) (Entered: 02/09/2023)
02/10/2023	<u>13</u>	ORDER GRANTING <u>12</u> Motion for Extension of Time to Answer re <u>12</u> Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, ; Visa, Inc. answer due 3/19/2023. Signed by Judge Fred Biery. (sm3) (Entered: 02/10/2023)
02/13/2023	<u>14</u>	NOTICE of Attorney Appearance by Leslie Sara Hyman on behalf of Visa, Inc. . Attorney Leslie Sara Hyman added to party Visa, Inc. (pty:dft) (Hyman, Leslie) (Entered: 02/13/2023)
02/13/2023	<u>15</u>	MOTION to Appear Pro Hac Vice by Leslie Sara Hyman <i>for Catherine R. Lacey</i> (Filing fee \$ 100 receipt number ATXWDC-17078572) by on behalf of Visa, Inc.. (Attachments: # <u>1</u> Proposed Order)(Hyman, Leslie) (Entered: 02/13/2023)
02/13/2023	<u>16</u>	NOTICE of Attorney Appearance by Leslie Sara Hyman on behalf of Visa, Inc. <i>on behalf of James Yoon</i> (Hyman, Leslie) (Entered: 02/13/2023)
02/13/2023	<u>17</u>	MOTION to Appear Pro Hac Vice by Leslie Sara Hyman <i>for Lucy Yen</i> (Filing fee \$ 100 receipt number ATXWDC-17078618) by on behalf of Visa, Inc.. (Attachments: # <u>1</u> Proposed Order)(Hyman, Leslie) (Entered: 02/13/2023)
02/14/2023	<u>18</u>	ORDER GRANTING <u>15</u> Motion to Appear Pro Hac Vice for Attorney Catherine R. Lacey for Visa, Inc.. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Registration is managed by the PACER Service Center Signed by Judge Fred Biery. (sm3) (Entered: 02/14/2023)
02/14/2023	<u>19</u>	ORDER GRANTING <u>17</u> Motion to Appear Pro Hac Vice for Attorney Lucy Yen for Visa, Inc.. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Registration is managed by the PACER Service Center Signed by Judge Fred Biery. (sm3) (Entered: 02/14/2023)
03/02/2023	<u>20</u>	NOTICE of Change of Address by Mark D. Siegmund (Siegmund, Mark) (Entered: 03/02/2023)
03/20/2023	<u>21</u>	MOTION to Dismiss <i>Plaintiffs Claims for Indirect Infringement and Pre-Suit Willful Infringement</i> by Visa, Inc.. (Attachments: # <u>1</u> Exhibit A – Declaration of Lucy Yen)(Hyman, Leslie) (Entered: 03/20/2023)
04/07/2023	<u>22</u>	MOTION to Transfer Case <i>to the Northern District of California</i> by Visa, Inc.. (Attachments: # <u>1</u> Declaration of Lucy Yen, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15, # <u>17</u> Exhibit 16, # <u>18</u> Exhibit 17, # <u>19</u> Exhibit 18, # <u>20</u> Exhibit 19, # <u>21</u> Exhibit 20, # <u>22</u> Exhibit 21, # <u>23</u> Exhibit 22, # <u>24</u> Exhibit 23, # <u>25</u> Exhibit 24, # <u>26</u> Exhibit 25, # <u>27</u> Exhibit 26, # <u>28</u> Declaration of Jalpesh Chitalia)(Yen, Lucy) (Entered: 04/07/2023)
04/10/2023	<u>23</u>	ORDER GRANTING <u>21</u> Motion to Dismiss Plaintiffs Claims for Indirect Infringement and Pre-Suit Willful Infringement Signed by Judge Fred Biery. (sm3) (Entered: 04/10/2023)
04/10/2023	<u>24</u>	NOTICE of Filing First Amended Complaint by Cortex MCP, Inc. (Finn, Tyler) (Entered: 04/10/2023)
04/10/2023	<u>25</u>	AMENDED COMPLAINT <i>First Amended Complaint</i> against Visa, Inc. amending <u>1</u> Complaint,, filed by Cortex MCP, Inc.. (Attachments: # <u>1</u> Exhibit United States Patent No. 9,251,531, # <u>2</u> Exhibit United States Patent No. 9,954,854, # <u>3</u> Exhibit United States Patent No. 10,749,859, # <u>4</u> Exhibit United States Patent No. 11,329,973)(Finn, Tyler) (Entered: 04/10/2023)
04/12/2023	<u>26</u>	IT IS ORDERED that Plaintiffs First Amended Complaint for Patent Infringement and Jury Demand (docket no. 25) is considered a timely response to Defendant Visa Inc.s Motion to Dismiss Plaintiffs Claims for Indirect Infringement and Pre-Suit Willful Infringement (docket no. 21).the Order Granting Defendants Motion to Dismiss

		Plaintiffs is WITHDRAWN. IT IS FURTHER ORDERED that Defendant Visa Inc.s Motion to Dismiss Plaintiffs Claimsfor Indirect Infringement and Pre-Suit Willful Infringement (docket no. 21) is REINSTATED on the docket for the limited purpose of addressing it in this Order. IT IS FINALLY ORDERED that Defendant Visa Inc.s Motion to Dismiss Plaintiffs Claims for Indirect Infringement and Pre-Suit Willful Infringement (docket no. 21), which is based on the original complaint which has now been amended, is DISMISSED WITHOUT PREJUDICE to resurging, if necessary, based on the amended complaint (docket no. 25). Signed by Judge Fred Biery. (sm3) (Entered: 04/12/2023)
04/20/2023	<u>27</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>22</u> MOTION to Transfer Case to the Northern District of California by Cortex MCP, Inc.. (Attachments: # <u>1</u> Proposed Order)(Finn, Tyler) (Entered: 04/20/2023)
04/21/2023	<u>28</u>	ORDER GRANTING <u>27</u> Motion for Extension of Time to File Response/Reply re <u>27</u> Unopposed MOTION for Extension of Time to File Response/Reply as to <u>22</u> MOTION to Transfer Case to the Northern District of California . Plaintiff shall file a response to Defendants motion to transfer venue (docket no. 22) by May 25, 2023. Signed by Judge Fred Biery. (sm3) (Entered: 04/21/2023)
04/24/2023	<u>29</u>	Motion to Dismiss for Failure to State a Claim <i>Plaintiff's Claims for Indirect Infringement and Pre-Suit Willful Infringement in Plaintiff's First Amended Complaint</i> by Visa, Inc.. (Attachments: # <u>1</u> Exhibit A – Declaration of Lucy Yen)(Hyman, Leslie) (Entered: 04/24/2023)
05/08/2023	<u>30</u>	Memorandum in Opposition to Motion, filed by Cortex MCP, Inc., re <u>29</u> Motion to Dismiss for Failure to State a Claim <i>Plaintiff's Claims for Indirect Infringement and Pre-Suit Willful Infringement in Plaintiff's First Amended Complaint</i> filed by Defendant Visa, Inc. PLAINTIFF CORTEX MCP, INC'S OPPOSITION TO DEFENDANT VISA INC.'S MOTION TO DISMISS PLAINTIFF'S CLAIMS FOR INDIRECT INFRINGEMENT AND PRE-SUIT WILLFUL INFRINGEMENT IN PLAINTIF'S FIRST AMENDED COMPLAINT (Tribble, Max) (Entered: 05/08/2023)
05/15/2023	<u>31</u>	REPLY to Response to Motion, filed by Visa, Inc., re <u>29</u> Motion to Dismiss for Failure to State a Claim <i>Plaintiff's Claims for Indirect Infringement and Pre-Suit Willful Infringement in Plaintiff's First Amended Complaint</i> filed by Defendant Visa, Inc. (Attachments: # <u>1</u> Exhibit A – Declaration of Lucy Yen)(Hyman, Leslie) (Entered: 05/15/2023)
05/25/2023	<u>32</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>22</u> MOTION to Transfer Case to the Northern District of California <i>Second Motion</i> by Cortex MCP, Inc.. (Attachments: # <u>1</u> Proposed Order)(Finn, Tyler) (Entered: 05/25/2023)
05/26/2023	<u>33</u>	ORDER GRANTING <u>32</u> Motion for Extension of Time to File Response/Reply re <u>32</u> Unopposed MOTION for Extension of Time to File Response/Reply as to <u>22</u> MOTION to Transfer Case to the Northern District of California <i>Second Motion</i> Signed by Judge Fred Biery. (sm3) (Entered: 05/26/2023)
06/20/2023	<u>34</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>22</u> MOTION to Transfer Case to the Northern District of California <i>Third Motion</i> by Cortex MCP, Inc.. (Attachments: # <u>1</u> Proposed Order)(Finn, Tyler) (Entered: 06/20/2023)
06/21/2023	<u>35</u>	ORDER GRANTING <u>34</u> Motion for Extension of Time to File Response/Reply re <u>34</u> Unopposed MOTION for Extension of Time to File Response/Reply as to <u>22</u> MOTION to Transfer Case to the Northern District of California <i>Third Motion</i> . Plaintiff shall file a response to Defendants motion to transfer venue (docket no. 22) by July 31, 2023. Signed by Judge Fred Biery. (zv) (Entered: 06/21/2023)
07/31/2023	<u>36</u>	MOTION to Compel Venue Discovery by Cortex MCP, Inc.. (Attachments: # <u>1</u> Declaration of T. Finn, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 8, # <u>7</u> Exhibit 9, # <u>8</u> Exhibit 10, # <u>9</u> Exhibit 11, # <u>10</u> Proposed Order)(Tribble, Max) (Entered: 07/31/2023)
07/31/2023	<u>37</u>	Unopposed Motion for leave to File Sealed Document (Attachments: # <u>1</u> Exhibit 4 – SEALED DOCUMENT, # <u>2</u> Exhibit 6 – SEALED DOCUMENT, # <u>3</u> Exhibit 7 –

		SEALED DOCUMENT, # <u>4</u> Proposed Order) (Tribble, Max) (Entered: 07/31/2023)
07/31/2023	<u>38</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>22</u> MOTION to Transfer Case <i>to the Northern District of California Fourth Motion</i> by Cortex MCP, Inc.. (Attachments: # <u>1</u> Proposed Order)(Tribble, Max) (Entered: 07/31/2023)
08/01/2023	<u>39</u>	Sealed Order Granting <u>37</u> Unopposed Motion for leave to File Sealed Document. Signed by Judge Fred Biery. (zv) (Entered: 08/01/2023)
08/01/2023	<u>40</u>	Sealed Document filed: EXHIBITS to <u>36</u> MOTION to Compel Venue Discovery (main document is Exhibit 4). (Attachments: # <u>1</u> Exhibit 6, # <u>2</u> Exhibit 7) (zv) (Entered: 08/01/2023)
08/03/2023	<u>41</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>36</u> MOTION to Compel <i>Venue Discovery</i> by Visa, Inc.. (Attachments: # <u>1</u> Proposed Order)(Hyman, Leslie) (Entered: 08/03/2023)
08/04/2023	<u>42</u>	ORDER GRANTING <u>41</u> Motion for Extension of Time to File Response/Reply re <u>41</u> Unopposed MOTION for Extension of Time to File Response/Reply as to <u>36</u> MOTION to Compel <i>Venue Discovery</i> . Signed by Judge Fred Biery. (ad3) (Entered: 08/04/2023)
08/14/2023	<u>43</u>	MOTION to Appear Pro Hac Vice by Leslie Sara Hyman <i>for Cassie Black</i> (Filing fee \$ 100 receipt number ATXWDC-17769092) by on behalf of Visa, Inc.. (Attachments: # <u>1</u> Proposed Order)(Hyman, Leslie) (Entered: 08/14/2023)
08/14/2023	<u>44</u>	Response in Opposition to Motion, filed by Visa, Inc., re <u>36</u> MOTION to Compel <i>Venue Discovery</i> filed by Plaintiff Cortex MCP, Inc. (Attachments: # <u>1</u> Exhibit Delcaration of Lucy Yen, # <u>2</u> Exhibit Declaration of Nicole Comparato)(Hyman, Leslie) (Entered: 08/14/2023)
08/15/2023	<u>45</u>	ORDER GRANTING <u>43</u> Motion to Appear Pro Hac Vice for Attorney Cassie Black for Visa, Inc. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Registration is managed by the PACER Service Center. Signed by Judge Fred Biery. (zv) (Entered: 08/15/2023)
08/21/2023	<u>46</u>	REPLY to Response to Motion, filed by Cortex MCP, Inc., re <u>36</u> MOTION to Compel <i>Venue Discovery</i> filed by Plaintiff Cortex MCP, Inc. (Tribble, Max) (Entered: 08/21/2023)
09/07/2023	<u>47</u>	ORDER DENYING <u>36</u> Motion to Compel; GRANTING <u>38</u> Motion for Extension of Time to File Response/Reply re <u>36</u> MOTION to Compel <i>Venue Discovery</i> , <u>38</u> Unopposed MOTION for Extension of Time to File Response/Reply as to <u>22</u> MOTION to Transfer Case <i>to the Northern District of California Fourth Motion</i> . Plaintiff shall file a response, if any, to Defendants pending motion to transfer venue (docket no. 22) by no later than September 21, 2023. Signed by Judge Fred Biery. (zv) (Entered: 09/07/2023)
09/21/2023	<u>48</u>	REDACTED COPY: Response in Opposition to Motion, filed by Cortex MCP, Inc., re <u>22</u> MOTION to Transfer Case <i>to the Northern District of California</i> filed by Defendant Visa, Inc. (Attachments: # <u>1</u> Declaration of Tyler Finn, # <u>2</u> Exhibit 1 – Filed Separately Under Seal, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11 – Filed Separately Under Seal, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15, # <u>17</u> Exhibit 16, # <u>18</u> Exhibit 17, # <u>19</u> Exhibit 18, # <u>20</u> Exhibit 19, # <u>21</u> Exhibit 20, # <u>22</u> Exhibit 21, # <u>23</u> Exhibit 22, # <u>24</u> Exhibit 23, # <u>25</u> Exhibit 24, # <u>26</u> Declaration of Shaunt Sarkissian)(Finn, Tyler) Modified on 9/22/2023 due to incorrect entry event used. Filed prior to <u>49</u> being ruled on(zv). (Entered: 09/21/2023)
09/21/2023	<u>49</u>	Unopposed Motion for leave to File Sealed Document (Attachments: # <u>1</u> SEALED DOCUMENT Plaintiffs' Opposition to Defendant Visa Inc.'s Motion to Transfer Venue to the Northern District of California, # <u>2</u> Exhibit 1 – SEALED DOCUMENT, # <u>3</u> Exhibit 11 – SEALED DOCUMENT, # <u>4</u> Proposed Order) (Finn, Tyler) (Entered: 09/21/2023)

09/21/2023		Counsel is reminded that all redacted copies filed in a case are to be filed using Other Documents – Redacted Copy re <u>48</u> . Thank you. (zv) (Entered: 09/22/2023)
09/22/2023	<u>50</u>	Redacted Copy of <u>48</u> Response in Opposition to Motion,,, by Cortex MCP, Inc. (Finn, Tyler) Modified on 9/22/2023 filed prior to <u>49</u> being ruled on(zv). (Entered: 09/22/2023)
09/28/2023	<u>51</u>	REPLY to Response to Motion, filed by Visa, Inc., re <u>22</u> MOTION to Transfer Case to the Northern District of California filed by Defendant Visa, Inc. (Attachments: # <u>1</u> Affidavit Declaration of Lucy Yen, # <u>2</u> Exhibit 27 – Visa's Supplemental Objections and Responses to Venue-Related Interrogatories, # <u>3</u> Exhibit 28 – Excerpts from Deposition of Jalpesh Chitalia)(Hyman, Leslie) (Entered: 09/28/2023)
11/02/2023	<u>52</u>	Sealed Order Granting <u>49</u> Unopposed Motion for leave to File Sealed Document. Signed by Judge Fred Biery. (zv) (Entered: 11/02/2023)
11/02/2023	<u>53</u>	Sealed Document filed: PLAINTIFFS OPPOSITION TO DEFENDANT VISA INC.S MOTION TO TRANSFER VENUE TO THE NORTHERN DISTRICT OF CALIFORNIA re <u>22</u> . (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 11) (zv) (Entered: 11/02/2023)
11/02/2023	<u>54</u>	ATTACHMENT <i>Corrected Certificate of Service</i> to <u>53</u> Sealed Document by Cortex MCP, Inc.. (Finn, Tyler) (Entered: 11/02/2023)
11/03/2023	<u>55</u>	ORDER GRANTING <u>22</u> Motion to Transfer Case; DENIED without prejudice as moot <u>29</u> Motion to Dismiss for Failure to State a Claim. Signed by Judge Fred Biery. (cv) (Entered: 11/03/2023)
11/07/2023	<u>56</u>	Case transferred in from District of Texas Western; Case Number 6:23-cv-00048. Original file certified copy of transfer order and docket sheet received. (Entered: 11/08/2023)
11/08/2023	<u>57</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 1/31/2024. Initial Case Management Conference set for 2/7/2024 at 10:00 AM in San Jose, Courtroom 5, 4th Floor. (slh, COURT STAFF) (Filed on 11/8/2023) (Entered: 11/08/2023)
11/16/2023	<u>58</u>	CLERK'S NOTICE RE: Consent or Declination. All parties are requested to file a consent or declination to proceed before a magistrate judge. Note that any party is free to withhold consent to proceed before a magistrate judge without adverse substantive consequences. The forms are available at: http://cand.uscourts.gov/civilforms . Consent/Declination due by 11/30/2023. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (lmh, COURT STAFF) (Filed on 11/16/2023) (Entered: 11/16/2023)
11/27/2023	<u>59</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Visa, Inc... (Yoon, James) (Filed on 11/27/2023) (Entered: 11/27/2023)
11/27/2023	<u>60</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Cortex MCP, Inc... (Srinivasan, Kalpana) (Filed on 11/27/2023) (Entered: 11/27/2023)
11/27/2023	<u>61</u>	CLERK'S NOTICE OF IMPENDING REASSIGNMENT TO A U.S. DISTRICT COURT JUDGE: The Clerk of this Court will now randomly reassign this case to a District Judge because a party has not consented to the jurisdiction of a Magistrate Judge. You will be informed by separate notice of the district judge to whom this case is reassigned. ALL HEARING DATES PRESENTLY SCHEDULED BEFORE THE CURRENT MAGISTRATE JUDGE ARE VACATED AND WILL BE RE-NOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THIS CASE IS REASSIGNED. <i>This is a text only docket entry; there is no document associated with this notice.</i> (lmh, COURT STAFF) (Filed on 11/27/2023) (Entered: 11/27/2023)
11/27/2023	<u>62</u>	ORDER REASSIGNING CASE. Case reassigned using a proportionate, random, and blind system pursuant to General Order No. 44 to Judge Edward J. Davila for all further proceedings. Notice: The assigned judge participates in the

		Cameras in the Courtroom Pilot Project. See General Order No. 65 and http://cand.uscourts.gov/cameras. Magistrate Judge Nathanael M. Cousins remains as referral judge assigned to case. Reassignment Order signed by Clerk on 11/27/2023. (Attachments: # <u>1</u> Notice of Eligibility for Video Recording)(bw, COURT STAFF) (Filed on 11/27/2023) (Entered: 11/27/2023)
11/27/2023	<u>63</u>	CLERKS NOTICE RESETTNG CASE MANAGEMENT CONFERENCE FOLLOWING REASSIGNMENT. Initial Case Management Conference set for 1/11/2024 10:00 AM in San Jose, Courtroom 4, 5th Floor before Judge Edward J. Davila. Joint Case Management Statement due by 12/29/2023. The Court does not issue a revised Initial Case Management Scheduling Order with ADR Deadlines. Standing orders can be downloaded from the court's web page at https://www.cand.uscourts.gov/judges/davila-edward-j-ejd/ . (This is a text-only entry generated by the court. There is no document associated with this entry.) (crr, COURT STAFF) (Filed on 11/27/2023) (Entered: 11/27/2023)
12/07/2023	<u>64</u>	NOTICE of Change In Counsel by Catherine Rose Lacey <i>Notice of Withdrawal of Leslie Sara Hyman</i> (Lacey, Catherine) (Filed on 12/7/2023) (Entered: 12/07/2023)
12/07/2023	<u>65</u>	MOTION to Dismiss <i>for Unpatentability Under Section 101 and to Dismiss Willful and Indirect Infringement Claims</i> filed by Visa, Inc.. Motion to Dismiss Hearing set for 2/29/2024 09:00 AM in San Jose, Courtroom 4, 5th Floor. Responses due by 12/21/2023. Replies due by 12/28/2023. (Attachments: # <u>1</u> Declaration of Catherine Lacey, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2)(Yen, Lucy) (Filed on 12/7/2023) (Entered: 12/07/2023)
12/14/2023	<u>66</u>	STIPULATION WITH PROPOSED ORDER re Stipulated Request for Order Changing Time re <u>65</u> MOTION to Dismiss <i>for Unpatentability Under Section 101 and to Dismiss Willful and Indirect Infringement Claims</i> filed by Cortex MCP, Inc.. (Attachments: # <u>1</u> Declaration of Davida Brook)(Brook, Davida) (Filed on 12/14/2023) (Entered: 12/14/2023)
12/15/2023	<u>67</u>	ORDER Granting <u>66</u> Stipulation to Modify Briefing Schedule as to <u>65</u> Motion to Dismiss. Signed by Judge Edward J. Davila on 12/15/2023. (crr, COURT STAFF) (Filed on 12/15/2023) (Entered: 12/15/2023)
12/22/2023	<u>68</u>	ADR Clerks Notice re: Non-Compliance with Court Order. The parties have failed to file an ADR Certification as required by the Initial Case Management Scheduling Order. Counsel shall comply promptly with the requirements of ADR L.R. 3-5(b) and shall file the ADR Certification. (This is a text-only entry generated by the court. There is no document associated with this entry.)(cmf, COURT STAFF) (Filed on 12/22/2023) (Entered: 12/22/2023)
12/22/2023	<u>69</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Yoon, James) (Filed on 12/22/2023) (Entered: 12/22/2023)
12/28/2023	<u>70</u>	NOTICE of Appearance by Jamie Y. Otto (Otto, Jamie) (Filed on 12/28/2023) (Entered: 12/28/2023)
12/29/2023	<u>71</u>	Certificate of Interested Entities by Visa, Inc. <i>Defendant Visa Inc.'s Rule 7.1 Disclosure and Certification of Conflicts and Interested Entities or Persons Pursuant to Civ. L.R. 3-15</i> (Yoon, James) (Filed on 12/29/2023) (Entered: 12/29/2023)
12/29/2023	<u>72</u>	JOINT CASE MANAGEMENT STATEMENT filed by Cortex MCP, Inc.. (Srinivasan, Kalpana) (Filed on 12/29/2023) (Entered: 12/29/2023)
01/03/2024	<u>73</u>	PATENT SCHEDULING ORDER. Signed by Judge Edward J. Davila on 1/3/2024. (crr, COURT STAFF) (Filed on 1/3/2024) (Entered: 01/03/2024)
01/05/2024	<u>74</u>	MOTION for leave to appear in Pro Hac Vice of Tyler Finn (Filing fee \$ 328, receipt number ACANDC-18994571.) filed by Cortex MCP, Inc.. (Finn, Tyler) (Filed on 1/5/2024) (Entered: 01/05/2024)
01/05/2024	<u>75</u>	OPPOSITION/RESPONSE (re <u>65</u> MOTION to Dismiss <i>for Unpatentability Under Section 101 and to Dismiss Willful and Indirect Infringement Claims</i>) filed byCortex

		MCP, Inc.. (Attachments: # <u>1</u> Declaration of D. Brook, # <u>2</u> Exhibit 1)(Srinivasan, Kalpana) (Filed on 1/5/2024) (Entered: 01/05/2024)
01/10/2024	<u>76</u>	ORDER Granting <u>74</u> Motion for Pro Hac Vice as to Tyler Finn. Signed by Judge Edward J. Davila on 1/10/2024. (crr, COURT STAFF) (Filed on 1/10/2024) (Entered: 01/10/2024)
01/16/2024	<u>77</u>	STIPULATION and Proposed Order selecting Early Settlement Conference with a Magistrate Judge by Cortex MCP, Inc. filed by Cortex MCP, Inc.. (Finn, Tyler) (Filed on 1/16/2024) (Entered: 01/16/2024)
01/18/2024	<u>78</u>	ORDER Granting <u>77</u> Stipulation Selecting Early Settlement Conference with a Magistrate Judge. Signed by Judge Edward J. Davila on 1/18/2024. (crr, COURT STAFF) (Filed on 1/18/2024) (Entered: 01/18/2024)
01/18/2024	<u>79</u>	ORDER REFERRING CASE to Magistrate Judge Nathanael Cousins for Settlement. Signed by Judge Edward J. Davila on 1/18/2024. (crr, COURT STAFF) (Filed on 1/18/2024) (Entered: 01/18/2024)
01/18/2024		CASE REFERRED to Magistrate Judge Magistrate Judge Nathanael M. Cousins for Settlement (sp, COURT STAFF) (Filed on 1/18/2024) (Entered: 02/13/2024)
01/24/2024	<u>80</u>	NOTICE AND ORDER SETTING Settlement Conference for 3/19/2024, at 09:30 AM in San Jose, Courtroom 5, 4th Floor. Signed by Judge Nathanael M. Cousins on 1/24/2024. (Attachments: # <u>1</u> Standing Order)(lmh, COURT STAFF) (Filed on 1/24/2024) (Entered: 01/24/2024)
01/30/2024	<u>81</u>	REPLY in Support (re <u>65</u> MOTION to Dismiss <i>for Unpatentability Under Section 101 and to Dismiss Willful and Indirect Infringement Claims</i>) filed by Visa, Inc.. (Attachments: # <u>1</u> Declaration of Catherine R. Lacey, # <u>2</u> Exhibit 3, # <u>3</u> Exhibit 4)(Yoon, James) (Filed on 1/30/2024) (Entered: 01/30/2024)
02/13/2024	<u>82</u>	MOTION for leave to appear in Pro Hac Vice <i>for Bryce Barcelo</i> (Filing fee \$ 328, receipt number ACANDC-19120530.) filed by Cortex MCP, Inc.. (Attachments: # <u>1</u> Exhibit Certificate of Good Standing)(Barcelo, Bryce) (Filed on 2/13/2024) (Entered: 02/13/2024)
02/13/2024	<u>83</u>	ORDER Granting <u>82</u> Motion for Pro Hac Vice as to Bryce Barcelo. Signed by Judge Edward J. Davila on 2/13/2024. (crr, COURT STAFF) (Filed on 2/13/2024) (Entered: 02/13/2024)
02/22/2024	<u>84</u>	CLERKS NOTICE TAKING MOTION UNDER SUBMISSION WITHOUT ORAL ARGUMENT. The Motion to Dismiss (ECF No. <u>65</u>) before Judge Edward J. Davila previously noticed for 2/29/2024 at 9:00 AM has been taken under submission without oral argument pursuant to Civ. L.R. 7-1(b). The 2/29/2024 hearing is VACATED – NO APPEARANCE NECESSARY. The Court to issue further Order on the submitted motion. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (crr, COURT STAFF) (Filed on 2/22/2024) (Entered: 02/22/2024)
03/04/2024	<u>85</u>	STIPULATION WITH PROPOSED ORDER <i>Extending Deadline for Settlement Conference</i> filed by Cortex MCP, Inc.. (Finn, Tyler) (Filed on 3/4/2024) (Entered: 03/04/2024)
03/04/2024	<u>86</u>	ORDER GRANTING <u>85</u> STIPULATION EXTENDING DEADLINE FOR SETTLEMENT CONFERENCE. Signed by Judge Edward J. Davila on 3/4/2024. (ejdlc3, COURT STAFF) (Filed on 3/4/2024) (Entered: 03/04/2024)
03/07/2024	<u>87</u>	CLERK'S NOTICE CONTINUING Settlement Conference set for 3/19/2024, to 5/10/2024, at 09:30 AM in San Jose, Courtroom 5, 4th Floor before Magistrate Judge Nathanael M. Cousins. Settlement Conference Statements due 5/3/2024. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (lmh, COURT STAFF) (Filed on 3/7/2024) (Entered: 03/07/2024)
04/26/2024	<u>88</u>	JOINT CASE MANAGEMENT STATEMENT FOR INTERIM CONFERENCE & [PROPOSED] ORDER filed by Cortex MCP, Inc.. (Finn, Tyler) (Filed on 4/26/2024)

		(Entered: 04/26/2024)
05/07/2024	<u>89</u>	CLAIM CONSTRUCTION STATEMENT <i>Parties Joint Claim Construction and Prehearing Statement</i> filed by Cortex MCP, Inc.. (Srinivasan, Kalpana) (Filed on 5/7/2024) (Entered: 05/07/2024)
05/08/2024	<u>90</u>	INTERIM CASE MANAGEMENT ORDER. Signed by Judge Edward J. Davila on 5/8/2024. 5/9/2024 Interim Conference VACATED – No Appearance Necessary. Tutorial and Claim Construction Hearing set for 9/5/2024 at 10:00 AM (crr, COURT STAFF) (Filed on 5/8/2024) (Entered: 05/08/2024)
05/10/2024	91	Minute Entry for proceedings held before Magistrate Judge Nathanael M. Cousins. Settlement Conference held on 5/10/2024. No settlement; discussions continue; parties by 9/16/2024 to email (not file) to settlement judge update addressing whether and when to schedule further conference. For Cortex: Kalpana Srinivasan, with client representative Shaunt Sarkissian. For Visa: James Yoon, Lucy Yen, Jamie Otto, with client representative Christina Hollander. Ended 11:15 a.m. (Not recorded) (This is a text-only entry generated by the court. There is no document associated with this entry.) (lmh, COURT STAFF) (Date Filed: 5/10/2024) (Entered: 05/13/2024)
05/13/2024	<u>92</u>	NOTICE of Appearance by Jiayue He <i>Notice of Appearance of Jiayue "Angelina" He</i> (He, Jiayue) (Filed on 5/13/2024) (Entered: 05/13/2024)
06/04/2024	<u>93</u>	MOTION to Stay filed by Visa, Inc.. Motion Hearing set for 9/26/2024 09:00 AM in San Jose, Courtroom 4, 5th Floor before Judge Edward J. Davila. Responses due by 6/18/2024. Replies due by 6/25/2024. (Attachments: # <u>1</u> Declaration of Jamie Otto, # <u>2</u> Exhibit 1, # <u>3</u> Proposed Order)(Yoon, James) (Filed on 6/4/2024) (Entered: 06/04/2024)
06/14/2024	<u>94</u>	NOTICE of Appearance by Thomas Victorino DelRosario (DelRosario, Thomas) (Filed on 6/14/2024) (Entered: 06/14/2024)
06/14/2024	<u>95</u>	STIPULATION WITH PROPOSED ORDER re <u>93</u> MOTION to Stay <i>Stipulated Request for Order Changing Time</i> filed by Cortex MCP, Inc.. (Attachments: # <u>1</u> Declaration of Davida Brook)(Brook, Davida) (Filed on 6/14/2024) (Entered: 06/14/2024)
06/14/2024	<u>96</u>	ORDER GRANTING <u>95</u> STIPULATION TO EXTEND BRIEFING SCHEDULE re <u>93</u> Motion to Stay. Signed by Judge Edward J. Davila on 6/14/2024. (crr, COURT STAFF) (Filed on 6/14/2024) (Entered: 06/14/2024)
06/14/2024	<u>97</u>	ORDER SETTING COMPLIANCE DEADLINE re <u>92</u> Notice of Appearance of Jaiyue He. Signed by Judge Edward J. Davila on 6/14/2024. (crr, COURT STAFF) (Filed on 6/14/2024) (Entered: 06/14/2024)
06/20/2024	<u>98</u>	Declaration of JIAYUE HE in Support of <u>97</u> Order filed by Visa, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Related document(s) <u>97</u>) (He, Jiayue) (Filed on 6/20/2024) (Entered: 06/20/2024)
06/21/2024	<u>99</u>	CLAIM CONSTRUCTION STATEMENT <i>Opening Brief</i> filed by Cortex MCP, Inc.. (Attachments: # <u>1</u> Declaration of Thomas DelRosario, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3)(Srinivasan, Kalpana) (Filed on 6/21/2024) (Entered: 06/21/2024)
06/26/2024	<u>100</u>	MOTION for leave to appear in Pro Hac Vice of <i>Rocco Magni</i> (Filing fee \$ 328, receipt number ACANDC-19558898.) filed by Cortex MCP, Inc.. (Magni, Rocco) (Filed on 6/26/2024) (Entered: 06/26/2024)
06/28/2024	<u>101</u>	ORDER GRANTING <u>100</u> MOTION FOR ADMISSION PRO HAC VICE as to Rocco Magni. Signed by Judge Edward J. Davila on 6/28/2024. (crr, COURT

		STAFF) (Filed on 6/28/2024) (Entered: 06/28/2024)
07/08/2024	<u>102</u>	OPPOSITION/RESPONSE (re <u>93</u> MOTION to Stay) filed byCortex MCP, Inc.. (Attachments: # <u>1</u> Declaration of Tyler Finn, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2)(Srinivasan, Kalpana) (Filed on 7/8/2024) (Entered: 07/08/2024)
07/12/2024	<u>103</u>	Administrative Motion to Consider Whether Another Party's Material Should Be Sealed filed by Visa, Inc.. (Attachments: # <u>1</u> Declaration of Jamie Otto, # <u>2</u> Proposed Order, # <u>3</u> Exhibit 11 – SEALED, # <u>4</u> Exhibit 11 – REDACTED, # <u>5</u> Responsive CC Brief – SEALED, # <u>6</u> Responsive CC Brief – REDACTED, # <u>7</u> Declaration of H Dreifus ISO Responsive CC Brief – SEALED, # <u>8</u> Declaration of H Dreifus ISO Responsive CC Brief – REDACTED)(Yen, Lucy) (Filed on 7/12/2024) (Entered: 07/12/2024)
07/12/2024	<u>104</u>	CLAIM CONSTRUCTION STATEMENT <i>Defendant Visa Inc.'s Responsive Claim Construction Brief</i> filed by Visa, Inc.. (Attachments: # <u>1</u> Declaration of Jamie Otto, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11 – SEALED, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15, # <u>17</u> Exhibit 16, # <u>18</u> Declaration of Henry Dreifus)(Yen, Lucy) (Filed on 7/12/2024) (Entered: 07/12/2024)
07/19/2024	<u>105</u>	CLAIM CONSTRUCTION STATEMENT <i>Plaintiff Cortex MCP, Inc.s Claim Construction Reply Brief</i> <u>99</u> filed by Cortex MCP, Inc.. (Attachments: # <u>1</u> Declaration of Tyler Finn, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2)(Srinivasan, Kalpana) (Filed on 7/19/2024) (Entered: 07/19/2024)
07/19/2024	<u>106</u>	CLAIM CONSTRUCTION STATEMENT <i>Parties Updated Joint Claim Construction and Prehearing Statement</i> filed by Cortex MCP, Inc.. (Srinivasan, Kalpana) (Filed on 7/19/2024) (Entered: 07/19/2024)
07/22/2024	<u>107</u>	REPLY (re <u>93</u> MOTION to Stay) <i>Defendant Visa Inc.'s Reply Memorandum in Support of Motion to Stay</i> filed byVisa, Inc.. (Yen, Lucy) (Filed on 7/22/2024) (Entered: 07/22/2024)
07/22/2024	<u>108</u>	ORDER GRANTING <u>93</u> MOTION TO STAY; TERMINATING <u>65</u> MOTION TO DISMISS; VACATING <u>90</u> CLAIMS CONSTRUCTION HEARING. Signed by Judge Edward J. Davila on 7/22/2024. (ejdlc3, COURT STAFF) (Filed on 7/22/2024) (Entered: 07/22/2024)
07/23/2024	<u>109</u>	ORDER DENYING <u>103</u> ADMINISTRATIVE MOTION TO CONSIDER WHETHER PLAINTIFFS MATERIAL SHOULD BE SEALED. Signed by Judge Edward J. Davila on 7/23/2024. (ejdlc3, COURT STAFF) (Filed on 7/23/2024) (Entered: 07/23/2024)
07/23/2024	<u>110</u>	MOTION for Reconsideration re <u>109</u> Order on Administrative Motion to Consider Whether Another Partys Material Should Be Sealed filed by Cortex MCP, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Proposed Order)(Finn, Tyler) (Filed on 7/23/2024) (Entered: 07/23/2024)
07/24/2024	<u>111</u>	ORDER REGARDING <u>110</u> MOTION FOR RECONSIDERATION; VACATING <u>109</u> ; GRANTING <u>103</u> ADMINISTRATIVE MOTION TO CONSIDER WHETHER PLAINTIFF'S MATERIAL SHOULD BE SEALED. Signed by Judge Edward J. Davila on 7/24/2024. (ejdlc3, COURT STAFF) (Filed on 7/24/2024) (Entered: 07/24/2024)
08/05/2024	<u>112</u>	NOTICE of Change In Counsel by Kalpana Srinivasan <i>Notice of Withdrawal of Bryce T. Barcelo</i> (Srinivasan, Kalpana) (Filed on 8/5/2024) (Entered: 08/05/2024)
08/09/2024	<u>113</u>	STATUS REPORT <i>Joint Status Report re IPR Institution Decisions</i> by Visa, Inc.. (Yen, Lucy) (Filed on 8/9/2024) (Entered: 08/09/2024)
08/15/2024	<u>114</u>	ORDER EXTENDING STAY. Signed by Judge Edward J. Davila on 8/15/2024. (crr, COURT STAFF) (Filed on 8/15/2024) (Entered: 08/15/2024)
08/15/2024	<u>115</u>	CLERK'S NOTICE SETTING HEARING. Status Conference set for 2/20/2025 10:00 AM in San Jose, Courtroom 4, 5th Floor before Judge Edward J. Davila. Joint Status Report due by 11/22/2024. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (crr, COURT STAFF) (Filed on 8/15/2024)

		(Entered: 08/15/2024)
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