

**U.S. District Court [LIVE]
Western District of Texas (Waco)
CIVIL DOCKET FOR CASE #: 6:23-cv-00513-ADA-DTG**

Implicit, LLC v. Hulu, LLC
Assigned to: Judge Alan D Albright
Referred to: Judge Derek T. Gilliland
Related Cases: [6:22-cv-00364-ADA-DTG](#)
[6:22-cv-00686-ADA-DTG](#)

Cause: 35:271 Patent Infringement

Plaintiff

Implicit, LLC

Date Filed: 07/20/2023
Date Terminated: 08/05/2024
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

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V.

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Counter Plaintiff

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represented by **Amy K. Liang**
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V.

Counter Defendant

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James M. Lennon
(See above for address)
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Date Filed	#	Docket Text
07/20/2023	<u>1</u>	COMPLAINT <i>for Patent Infringement</i> (Filing fee \$ 402 receipt number ATXWDC-17676999), filed by Implicit, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Civil Cover Sheet)(Lennon, James) (Entered: 07/20/2023)
07/20/2023	<u>2</u>	REQUEST FOR ISSUANCE OF SUMMONS by Implicit, LLC. (Lennon, James) (Entered: 07/20/2023)
07/20/2023	<u>3</u>	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 forwarded to the Director of the U.S. Patent and Trademark Office. (Lennon, James) (Entered: 07/20/2023)
07/20/2023	<u>4</u>	RULE 7 DISCLOSURE STATEMENT filed by Implicit, LLC. (Lennon, James) (Entered: 07/20/2023)
07/20/2023		Case assigned to Judge Alan D Albright and CASE REFERRED to Magistrate Judge Derek T. Gilliland. 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. (ad3) (Entered: 07/21/2023)
07/21/2023	<u>5</u>	Summons Issued as to Hulu, LLC. (ad3) (Entered: 07/21/2023)

10/20/2023	<u>6</u>	SUMMONS Returned Executed by Implicit, LLC. Hulu, LLC served on 10/18/2023, answer due 11/8/2023. (Devlin, Timothy) (Entered: 10/20/2023)
10/30/2023	<u>7</u>	NOTICE of Attorney Appearance by John Kappos on behalf of Hulu, LLC. Attorney John Kappos added to party Hulu, LLC(pty:dft) (Kappos, John) (Entered: 10/30/2023)
10/30/2023	<u>8</u>	MOTION to Appear Pro Hac Vice by John Kappos <i>re: Brett J. Williamson</i> (Filing fee \$ 100 receipt number ATXWDC-18042650) by on behalf of Hulu, LLC.. Motions referred to Judge Derek T. Gilliland. (Kappos, John) (Entered: 10/30/2023)
10/30/2023	<u>9</u>	MOTION to Appear Pro Hac Vice by John Kappos <i>re: Cameron W. Westin</i> (Filing fee \$ 100 receipt number ATXWDC-18042747) by on behalf of Hulu, LLC.. Motions referred to Judge Derek T. Gilliland. (Kappos, John) (Entered: 10/30/2023)
10/30/2023	<u>10</u>	MOTION to Appear Pro Hac Vice by John Kappos <i>re: Amy K. Liang</i> (Filing fee \$ 100 receipt number ATXWDC-18042827) by on behalf of Hulu, LLC.. Motions referred to Judge Derek T. Gilliland. (Kappos, John) (Entered: 10/30/2023)
10/30/2023	<u>11</u>	MOTION to Appear Pro Hac Vice by John Kappos <i>re: Bradley M. Berg</i> (Filing fee \$ 100 receipt number ATXWDC-18042927) by on behalf of Hulu, LLC.. Motions referred to Judge Derek T. Gilliland. (Kappos, John) (Entered: 10/30/2023)
10/30/2023	<u>12</u>	MOTION to Appear Pro Hac Vice by John Kappos <i>re: Thomas McClinton Harris</i> (Filing fee \$ 100 receipt number ATXWDC-18042980) by on behalf of Hulu, LLC.. Motions referred to Judge Derek T. Gilliland. (Kappos, John) (Entered: 10/30/2023)
10/30/2023	<u>13</u>	NOTICE <i>Regarding Agreed Extension to Respond to the Complaint</i> by Hulu, LLC re <u>1</u> Complaint, (Kappos, John) (Entered: 10/30/2023)
10/30/2023	<u>14</u>	RULE 7 DISCLOSURE STATEMENT filed by Hulu, LLC identifying Corporate Parent The Walt Disney Company, Other Affiliate Comcast Corporation for Hulu, LLC. (Kappos, John) (Entered: 10/30/2023)
10/30/2023	<u>15</u>	DEFICIENCY NOTICE: re <u>13</u> Notice (Other) (lad) (Entered: 10/30/2023)
10/30/2023	<u>16</u>	CORRECTED MOTION for Extension of Time to File Answer / <i>Unopposed Motion for 45-Day Extension to Respond to the Complaint</i> by Hulu, LLC. (Attachments: # <u>1</u> Proposed Order). Motions referred to Judge Derek T. Gilliland. (Kappos, John) (Entered: 10/30/2023)
11/01/2023	<u>17</u>	ORDER GRANTING <u>8</u> Motion to Appear Pro Hac Vice for Attorney Brett J. Williamson. Attorney added for Hulu, LLC. 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, if he/she has not previously done so for a prior case in this District . Registration is managed by the PACER Service Center. Signed by Judge Derek T. Gilliland. (bot1) (Entered: 11/01/2023)
11/01/2023	<u>18</u>	ORDER GRANTING <u>9</u> Motion to Appear Pro Hac Vice for Attorney Cameron Westin. Attorney added for Hulu, LLC. 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, if he/she has not previously done so for a prior case in this District . Registration is managed by the PACER Service Center. Signed by Judge Derek T. Gilliland. (bot1) (Entered: 11/01/2023)
11/01/2023	<u>19</u>	ORDER GRANTING <u>10</u> Motion to Appear Pro Hac Vice for Attorney Amy K. Liang. Attorney added for Hulu, LLC. 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, if he/she has not previously done so for a prior case in this District . Registration is managed by the PACER Service Center. Signed by Judge Derek T. Gilliland. (bot1) (Entered: 11/01/2023)
11/01/2023	<u>20</u>	ORDER GRANTING <u>11</u> Motion to Appear Pro Hac Vice for Attorney Brad Berg. Attorney added for Hulu, LLC. 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, if he/she has not previously done so for a prior case in this District . Registration is managed

		by the PACER Service Center. Signed by Judge Derek T. Gilliland. (bot1) (Entered: 11/01/2023)
11/01/2023	<u>21</u>	ORDER GRANTING <u>12</u> Motion to Appear Pro Hac Vice for Attorney Thomas Mcclinton Harris. Attorney added for Hulu, LLC. 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, if he/she has not previously done so for a prior case in this District . Registration is managed by the PACER Service Center. Signed by Judge Derek T. Gilliland. (bot1) (Entered: 11/01/2023)
11/07/2023		Text Order GRANTING <u>16</u> Motion for Extension of Time to Answer. This Court, having considered Defendant's Unopposed Motion for a 45-day Extension of Time to Respond to the Complaint, hereby GRANTS the Motion and ORDERS the following: Defendant's deadline to answer or otherwise respond to the Complaint is now December 26, 2023. Entered by Judge Derek T. Gilliland. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jplc) (Entered: 11/07/2023)
11/07/2023		Reset Deadlines: Hulu, LLC answer due 12/26/2023. (lad) (Entered: 11/07/2023)
12/20/2023	<u>22</u>	NOTICE of Change of Address by John Kappos (Kappos, John) (Entered: 12/20/2023)
12/22/2023	<u>23</u>	ANSWER to <u>1</u> Complaint, with Jury Demand , COUNTERCLAIM against Implicit, LLC by Hulu, LLC.(Kappos, John) (Entered: 12/22/2023)
01/12/2024	<u>24</u>	ANSWER to <u>23</u> Answer to Complaint, Counterclaim by Implicit, LLC.(Lennon, James) (Entered: 01/12/2024)
01/17/2024	<u>25</u>	ORDER SETTING INITIAL PRETRIAL CONFERENCE VIA ZOOM for 1/30/2024 02:00 PM before Judge Derek T. Gilliland. Signed by Judge Derek T. Gilliland. (lad) (Entered: 01/17/2024)
01/22/2024	<u>26</u>	NOTICE of Attorney Appearance by Christopher Clayton on behalf of Implicit, LLC. Attorney Christopher Clayton added to party Implicit, LLC(pty:pla) (Clayton, Christopher) (Entered: 01/22/2024)
01/23/2024		Parties shall comply with Judge Albright's updated <u>Standing Order Governing Proceedings – Patent Cases</u> available by clicking the hyperlink. (bot1) (Entered: 01/25/2024)
01/25/2024	<u>27</u>	MOTION to Appear Pro Hac Vice by John Kappos <i>for Hyun Min Han</i> (Filing fee \$ 100 receipt number ATXWDC-18348233) by on behalf of Hulu, LLC.. Motions referred to Judge Derek T. Gilliland. (Kappos, John) (Entered: 01/25/2024)
01/26/2024	<u>28</u>	Rule 26(f) Discovery Report/Case Management Plan by Implicit, LLC. (Attachments: # <u>1</u> Proposed Order)(Lennon, James) (Entered: 01/26/2024)
01/29/2024	<u>29</u>	ORDER GRANTING <u>27</u> Motion to Appear Pro Hac Vice for Attorney Hyun Min Han. Attorney added for Hulu, LLC. 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, if he/she has not previously done so for a prior case in this District . Registration is managed by the PACER Service Center. Signed by Judge Derek T. Gilliland. (bot1) (Entered: 01/29/2024)
01/30/2024	<u>30</u>	Minute Entry for proceedings held before Judge Derek T. Gilliland: Initial Pretrial Conference held via Zoom on 1/30/2024. Case called for an Initial Pretrial Conference held via Zoom. Parties announced ready. Statements and arguments of counsel heard. Parties are to provide a proposed scheduling order to the Courts Law Clerk at Mark_Scott@txwd.uscourts.gov within seven days from the date of the hearing. Proposed scheduling order is to include Markman Hearing date of July 11, 2024 at 9:30am. Written Order re Discovery Disputes and Scheduling Order to follow. Hearing concluded. (Minute entry documents are not available electronically.) (Court Reporter FTR.)(slm) (Entered: 01/31/2024)

02/05/2024	<u>31</u>	SCHEDULING ORDER:Markman Hearing set for 7/11/2024 09:30 AM before Judge Alan D Albright, Joinder of Parties due by 8/20/2024, Amended Pleadings due by 10/29/2024, Dispositive Motions due by 4/15/2025, Consent to Trial by Magistrate due by 4/15/2025, Final Pretrial Conference set for 6/17/2025 before Judge Alan D Albright, Jury Selection set for 7/8/2025 before Judge Derek T. Gilliland, Jury Trial set for 7/8/2025 before Judge Alan D Albright. Signed by Judge Derek T. Gilliland. (slm) (Entered: 02/05/2024)
02/07/2024	<u>32</u>	ORDER REGARDING DISCOVERY DISPUTES. Signed by Judge Derek T. Gilliland. (slm) (Entered: 02/07/2024)
02/16/2024	<u>33</u>	Sealed Motion: Motion To Transfer. Referral Judge: Derek T. Gilliland. (Attachments: # <u>1</u> SEALED DOCUMENT, # <u>2</u> SEALED DOCUMENT, # <u>3</u> SEALED DOCUMENT, # <u>4</u> Proposed Order) (Kappos, John) Modified on 2/20/2024 due to incorrect event entry used (zv). (Entered: 02/16/2024)
02/16/2024	<u>34</u>	AFFIDAVIT in Support of <u>33</u> Sealed Motion; Motion To Transfer / <i>Declaration of Cameron W. Westin in Support of HULU'S Opposed Motion to Transfer to the Central District of California</i> by Hulu, LLC. (Attachments: # <u>1</u> Exhibit # 1, # <u>2</u> Exhibit # 2, # <u>3</u> Exhibit # 3, # <u>4</u> Exhibit # 4, # <u>5</u> Exhibit # 5, # <u>6</u> Exhibit # 6, # <u>7</u> Exhibit # 7, # <u>8</u> Exhibit # 8, # <u>9</u> Exhibit # 9, # <u>10</u> Exhibit # 10, # <u>11</u> Exhibit # 11, # <u>12</u> Exhibit # 12, # <u>13</u> Exhibit # 13, # <u>14</u> Exhibit # 14, # <u>15</u> Exhibit # 15, # <u>16</u> Exhibit # 16, # <u>17</u> Exhibit # 17, # <u>18</u> Exhibit # 18, # <u>19</u> Exhibit # 19, # <u>20</u> Exhibit # 20, # <u>21</u> Exhibit # 21, # <u>22</u> Exhibit # 22, # <u>23</u> Exhibit # 23, # <u>24</u> Exhibit # 24, # <u>25</u> Exhibit # 25, # <u>26</u> Exhibit # 26)(Kappos, John) Modified on 2/20/2024 (dc). Modified docket text on 2/20/2024 due to incorrect event entry used in <u>33</u> (zv). (Entered: 02/16/2024)
02/23/2024	<u>35</u>	Opposed MOTION to Transfer Case to the Central District of California. (<i>PUBLIC version of 33</i>) by Hulu, LLC. (Attachments: # <u>1</u> Declaration of Nicholas Brookins in Support of Hulu's Opposed Motion to Transfer, # <u>2</u> Declaration of Ben Choorut in Support of Hulu's Opposed Motion to Transfer, # <u>3</u> Declaration of Matthew Wong in Support of Hulu's Opposed Motion to Transfer, # <u>4</u> Proposed Order). Motions referred to Judge Derek T. Gilliland. (Kappos, John) (Entered: 02/23/2024)
02/28/2024	<u>36</u>	NOTICE of Venue Discovery by Implicit, LLC (Lennon, James) (Entered: 02/28/2024)
03/08/2024	<u>37</u>	Unopposed MOTION for Extension of Time to Complete Discovery / <i>Unopposed Motion for Extension of Time to Serve Preliminary Invalidity Contentions and Document Production</i> by Hulu, LLC. (Attachments: # <u>1</u> Proposed Order). Motions referred to Judge Derek T. Gilliland. (Kappos, John) (Entered: 03/08/2024)
03/11/2024		Text Order GRANTING <u>37</u> Unopposed Motion for Extension of Time to Serve Preliminary Invalidity Contentions and Document Production by Hulu, LLC. This Court, having considered Defendant's Unopposed Motion For Extension of Time to Serve Preliminary Invalidity Contentions and Document Production, hereby GRANTS the Motion and ORDERS the following: The deadline for Defendant to serve its Preliminary Invalidity Contentions and Technical Document Production is March 29, 2024. Entered by Judge Derek T. Gilliland. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jplc) (Entered: 03/11/2024)
04/11/2024	<u>38</u>	Joint MOTION to Stay <i>All Deadlines</i> by Hulu, LLC. (Attachments: # <u>1</u> Proposed Order). Motions referred to Judge Derek T. Gilliland. (Kappos, John) (Entered: 04/11/2024)
04/16/2024	<u>39</u>	ORDER GRANTING <u>38</u> Motion to Stay. IT IS THEREFORE ORDERED that the case deadlines are hereby stayed until May 16.2024 Signed by Judge Derek T. Gilliland. (slm) (Entered: 04/16/2024)
04/16/2024		Case Stayed (slm) (Entered: 04/16/2024)
05/16/2024	<u>40</u>	Joint MOTION TO EXTEND THE STAY OF ALL DEADLINES by Implicit, LLC. (Attachments: # <u>1</u> Proposed Order). Motions referred to Judge Derek T. Gilliland. (Clayton, Christopher) (Entered: 05/16/2024)
05/16/2024	<u>41</u>	ORDER GRANTING <u>40</u> Motion to extend stay of all deadlines. Signed by Judge Derek T. Gilliland. (lad) (Entered: 05/16/2024)

06/10/2024	<u>42</u>	Joint MOTION to Dismiss by Implicit, LLC. (Attachments: # <u>1</u> Proposed Order). Motions referred to Judge Derek T. Gilliland. (Lennon, James) (Entered: 06/10/2024)
08/05/2024	<u>43</u>	ORDER GRANTING <u>42</u> Motion to Dismiss. Signed by Judge Alan D Albright. (lad) (Entered: 08/05/2024)
08/05/2024	<u>44</u>	Report on Patent/Trademark sent to U.S. Patent and Trademark Office. (r013) (Entered: 08/05/2024)