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U.S. District Court
Eastern District of TEXAS [LIVE] (Marshall)
CIVIL DOCKET FOR CASE #: 2:23-cv-00437-JRG

Emerging Automotive LLC v. Kia Corporation et al
Assigned to: District Judge Rodney Gilstrap
Related Case: [2:23-cv-00434-JRG](#)
Cause: 35:271 Patent Infringement

Date Filed: 09/22/2023
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

Emerging Automotive LLC

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V.

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Consolidated from 2:23-cv-434

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/22/2023	1	COMPLAINT against Kia America, Inc., Kia Corporation (Filing fee \$ 402 receipt number ATXEDC-9718256.), filed by Emerging Automotive LLC. (Attachments: # 1 Civil Cover Sheet, # 2 Exhibit A - U.S. Patent No. 10,407,026, # 3 Exhibit B - 026 Claim Chart, # 4 Exhibit C - U.S. Patent No. 11,738,659, # 5 Exhibit D - 659 Claim Chart, # 6 Exhibit E - U.S. Patent No. 9,365,188, # 7 Exhibit F - 188 Claim Chart)(Fair, Andrea) (Entered: 09/22/2023)
09/22/2023	2	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Fair, Andrea) (Entered: 09/22/2023)
09/22/2023	3	Fed. R. Civ. P. 7.1(a)(1) Disclosure Statement filed by Emerging Automotive LLC (Fair, Andrea) (Entered: 09/22/2023)
09/22/2023	4	DEMAND for Trial by Jury by Emerging Automotive LLC. (Fair, Andrea) (Entered: 09/22/2023)
09/22/2023		Case assigned to District Judge Rodney Gilstrap. (ch,) (Entered: 09/22/2023)
09/22/2023		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 <i>Notice Regarding Consent to Proceed Before Magistrate Judge</i> . (ch,) (Entered: 09/22/2023)
09/22/2023	5	SUMMONS Issued as to Kia America, Inc.. (ch,) (Entered: 09/22/2023)
09/26/2023	6	SUMMONS Returned Executed by Emerging Automotive LLC. Kia America, Inc. served on 9/25/2023, answer due 10/16/2023. (Fair, Andrea) (Entered: 09/26/2023)

10/12/2023	7	NOTICE of Attorney Appearance by Jerry Tice, II on behalf of Emerging Automotive LLC (Tice, Jerry) (Entered: 10/12/2023)
10/12/2023	8	NOTICE of Attorney Appearance by Aaron R Hand on behalf of Emerging Automotive LLC (Hand, Aaron) (Entered: 10/12/2023)
10/12/2023	9	NOTICE of Attorney Appearance by Margaret Elizabeth Day on behalf of Emerging Automotive LLC (Day, Margaret) (Entered: 10/12/2023)
10/12/2023	10	NOTICE of Attorney Appearance by Brenda Entzminger on behalf of Emerging Automotive LLC (Entzminger, Brenda) (Entered: 10/12/2023)
10/12/2023	11	NOTICE of Attorney Appearance - Pro Hac Vice by Marc Belloli on behalf of Emerging Automotive LLC. Filing fee \$ 100, receipt number ATXEDC-9754800. (Belloli, Marc) (Entered: 10/12/2023)
10/16/2023	12	JOINT MOTION for Extension of Time to File Answer <i>Or Otherwise Respond to Plaintiff's Original Complaint</i> by Emerging Automotive LLC. (Attachments: # 1 Proposed Order)(Hand, Aaron) (Entered: 10/16/2023)
10/17/2023	13	ORDER granting 12 JOINT MOTION for Extension of Time to File Answer <i>Or Otherwise Respond to Plaintiff's Original Complaint</i> filed by Emerging Automotive LLC., Kia America, Inc. answer due 1/10/2024; Kia Corporation answer due 1/10/2024.. Signed by District Judge Rodney Gilstrap on 10/17/2023. (ch,) (Entered: 10/18/2023)
12/13/2023	14	SCHEDULING ORDER: Scheduling/Case Management Conference set for 1/18/2024 at 01:30 PM before District Judge Rodney Gilstrap.. Signed by District Judge Rodney Gilstrap on 12/13/2023. (ch,) (Entered: 12/13/2023)
12/13/2023	15	CONSOLIDATION ORDER - The above-captioned cases are hereby ORDERED to be CONSOLIDATED for all pretrial issues with the LEAD CASE, Case No. 2:23-cv-00437. All parties are instructed to file any future filings in the LEAD CASE. Individual cases remain active for trial. Signed by District Judge Rodney Gilstrap on 12/13/2023. (ch,) (Entered: 12/13/2023)
01/04/2024	16	JOINT MOTION for Extension of Time to File <i>/Serve Infringement and Invalidity Contentions</i> by Emerging Automotive LLC. (Attachments: # 1 Proposed Order)(Fair, Andrea) (Entered: 01/04/2024)
01/05/2024	17	ORDER granting 16 JOINT MOTION for Extension of Time to File <i>/Serve Infringement and Invalidity Contentions</i> . Signed by District Judge Rodney Gilstrap on 1/5/2024. (ch,) (Entered: 01/05/2024)
01/10/2024	18	NOTICE of Attorney Appearance by Deron R Dacus on behalf of Kia America, Inc., Kia Corporation (Dacus, Deron) (Entered: 01/10/2024)
01/10/2024	19	NOTICE of Attorney Appearance by Brett Nelson Watkins on behalf of Kia America, Inc., Kia Corporation (Watkins, Brett) (Entered: 01/10/2024)
01/10/2024	20	NOTICE of Attorney Appearance - Pro Hac Vice by James R Barney on behalf of Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. Filing fee \$ 100, receipt number ATXEDC-9911439. (Barney, James) (Entered: 01/10/2024)
01/10/2024	21	<i>Kia Corporation and Kia America, Inc.'s ANSWER to 1 Complaint, Affirmative Defenses, COUNTERCLAIM</i> against Emerging Automotive LLC by Kia America, Inc., Kia Corporation.(Watkins, Brett) (Entered: 01/10/2024)
01/10/2024	22	Fed. R. Civ. P. 7.1(a)(1) Disclosure Statement filed by Kia America, Inc., Kia Corporation

		(Watkins, Brett) (Entered: 01/10/2024)
01/10/2024	23	NOTICE of Attorney Appearance - Pro Hac Vice by Aidan C Skoyles on behalf of Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. Filing fee \$ 100, receipt number ATXEDC-9911778. (Skoyles, Aidan) (Entered: 01/10/2024)
01/10/2024	24	NOTICE of Attorney Appearance - Pro Hac Vice by Nicholas Eitsert on behalf of Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. Filing fee \$ 100, receipt number ATXEDC-9911825. (Eitsert, Nicholas) (Entered: 01/10/2024)
01/10/2024	25	NOTICE of Attorney Appearance - Pro Hac Vice by Alexander Harding on behalf of Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. Filing fee \$ 100, receipt number ATXEDC-9911844. (Harding, Alexander) (Entered: 01/10/2024)
01/10/2024	26	NOTICE of Attorney Appearance - Pro Hac Vice by Ariel S Batiste on behalf of Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. Filing fee \$ 100, receipt number ATXEDC-9911871. (Batiste, Ariel) (Entered: 01/10/2024)
01/10/2024	27	NOTICE of Attorney Appearance by Ryan T. Davies on behalf of Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc. (Davies, Ryan) (Entered: 01/10/2024)
01/10/2024	28	<i>Toyota Defendants'</i> ANSWER to Complaint <i>against Toyota Defendants, Affirmative Defenses</i> , COUNTERCLAIM against Emerging Automotive LLC by Toyota Motor Sales, U.S.A. Inc., Toyota Motor North America, Inc., Toyota Motor Corporation.(Barney, James) (Entered: 01/10/2024)
01/10/2024	29	Fed. R. Civ. P. 7.1(a)(1) Disclosure Statement filed by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc. (Barney, James) (Entered: 01/10/2024)
01/10/2024	30	NOTICE of Attorney Appearance - Pro Hac Vice by D. James Pak on behalf of Kia America, Inc., Kia Corporation. Filing fee \$ 100, receipt number ATXEDC-9912785. (Pak, D.) (Additional attachment(s) added on 1/10/2024: # 1 Sealed Attachment) (nkl,). (Entered: 01/10/2024)
01/17/2024	31	MOTION To Transfer Venue to the Central District of California Pursuant to 28 U.S.C. § 1404(a) by Kia America, Inc., Kia Corporation. (Attachments: # 1 Declaration of Sujith Somasekharan, # 2 Declaration of Loren Mittermiller, # 3 Declaration of Yei Jin Kim, # 4 Declaration of Brett Watkins, # 5 Exhibit 1, # 6 Exhibit 2, # 7 Exhibit 3, # 8 Text of Proposed Order)(Watkins, Brett) (Entered: 01/17/2024)
01/18/2024		Minute Entry for proceedings held before District Judge Rodney Gilstrap (Lead 2:23-cv-437 and Member 2:23-cv-434): Scheduling Conference/Case Management Conference held on 1/18/2024. 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: 01/22/2024)
01/22/2024	32	NOTICE OF COMPLIANCE by Emerging Automotive LLC <i>Regarding P.R. 3-1 and P.R. 3-2 Disclosures</i> (Fair, Andrea) (Entered: 01/22/2024)
01/24/2024	33	ANSWER to 21 Answer to Complaint, Counterclaim [<i>Answer to Kia's Counterclaims</i>] by Emerging Automotive LLC.(Belloli, Marc) (Entered: 01/24/2024)
01/24/2024	34	ANSWER to 28 Answer to Complaint,, Counterclaim, [<i>Answer to Toyota's Counterclaims</i>] by Emerging Automotive LLC.(Belloli, Marc) (Entered: 01/24/2024)

01/31/2024	35	UNOPPOSED MOTION <i>for Leave to Conduct Expedited Venue Discovery</i> by Emerging Automotive LLC. (Attachments: # 1 Proposed Order)(Fair, Andrea) (Entered: 01/31/2024)
02/01/2024	36	JOINT MOTION For Entry of a Discovery Order by Emerging Automotive LLC. (Attachments: # 1 Proposed Order)(Fair, Andrea) (Entered: 02/01/2024)
02/01/2024	37	JOINT MOTION For Entry of a Docket Control Order by Emerging Automotive LLC. (Attachments: # 1 Proposed Order)(Fair, Andrea) (Entered: 02/01/2024)
02/06/2024	38	ORDER granting 35 UNOPPOSED MOTION for Leave to Conduct Expedited Venue Discovery. Signed by District Judge Rodney Gilstrap on 2/6/2024. (ch,) (Entered: 02/07/2024)
02/06/2024	39	DISCOVERY ORDER granting 36 JOINT MOTION For Entry of a Discovery Order. Signed by District Judge Rodney Gilstrap on 2/6/2024. (ch,) (Entered: 02/07/2024)
02/06/2024	40	DOCKET CONTROL ORDER granting 37 JOINT MOTION For Entry of a Docket Control Order Pretrial Conference set for 6/16/2025 at 09:00 AM before District Judge Rodney Gilstrap., Jury Selection set for 7/21/2025 at 09:00AM before District Judge Rodney Gilstrap., Markman Hearing set for 1/16/2025 at 09:00 AM before District Judge Rodney Gilstrap. Signed by District Judge Rodney Gilstrap on 2/6/2024. (ch,) (Entered: 02/07/2024)
02/08/2024	41	JOINT MOTION for Protective Order by Emerging Automotive LLC. (Attachments: # 1 Ex. A - Protective Order)(Hand, Aaron) (Entered: 02/08/2024)
02/08/2024	42	NOTICE OF COMPLIANCE by Kia America, Inc., Kia Corporation <i>Regarding Initial and Additional Disclosures</i> (Watkins, Brett) (Entered: 02/08/2024)
02/09/2024	43	NOTICE OF COMPLIANCE by Emerging Automotive LLC <i>Regarding Initial and Additional Disclosures</i> (Fair, Andrea) (Entered: 02/09/2024)
02/09/2024	44	NOTICE OF COMPLIANCE by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc. <i>regarding Initial and Additional Disclosures</i> (Barney, James) (Entered: 02/09/2024)
02/12/2024	45	PROTECTIVE ORDER granting 41 Motion for Protective Order. Signed by District Judge Rodney Gilstrap on 2/12/2024. (ch,) (Entered: 02/12/2024)
03/15/2024	46	SEALED RESPONSE to Motion re 31 MOTION To Transfer Venue to the Central District of California Pursuant to 28 U.S.C. § 1404(a) filed by Emerging Automotive LLC. (Attachments: # 1 Belloli Declaration, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L, # 14 Exhibit M, # 15 Exhibit N, # 16 Exhibit O, # 17 Exhibit P, # 18 Exhibit Q)(Belloli, Marc) (Entered: 03/15/2024)
03/21/2024	47	REDACTION to 46 Sealed Response to Motion,, by Emerging Automotive LLC. (Attachments: # 1 Belloli Declaration, # 2 Exhibit A, # 3 Exhibit B-G, # 4 Exhibit H, # 5 Exhibit I, # 6 Exhibit J, # 7 Exhibit K, # 8 Exhibit L, # 9 Exhibit M, # 10 Exhibit N, # 11 Exhibit O, # 12 Exhibit P, # 13 Exhibit Q)(Belloli, Marc) (Entered: 03/21/2024)
03/29/2024	48	REPLY to Response to Motion re 31 MOTION To Transfer Venue to the Central District of California Pursuant to 28 U.S.C. § 1404(a) <i>filed by Kia America, Inc., Kia Corporation.</i> (Watkins, Brett) (Entered: 03/29/2024)
03/29/2024	49	NOTICE OF COMPLIANCE by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc. <i>Regarding P.R. 3-3 and 3-4 Disclosures</i> (Barney, James) (Entered: 03/29/2024)

03/29/2024	50	NOTICE OF COMPLIANCE by Kia America, Inc., Kia Corporation <i>Regarding P.R. 3-3 and 3-4 Disclosures</i> (Watkins, Brett) (Entered: 03/29/2024)
04/05/2024	51	SEALED SUR-REPLY to 31 Defendant's MOTION To Transfer Venue to the Central District of California Pursuant to 28 U.S.C. § 1404(a) filed by Emerging Automotive LLC. (Attachments: # 1 Exhibit R)(Belloli, Marc) (Entered: 04/05/2024)
04/11/2024	52	REDACTION to 51 Sealed Sur-Reply to Reply to Response to Motion by Emerging Automotive LLC. (Belloli, Marc) (Entered: 04/11/2024)
04/11/2024		Set/Reset Deadlines/Hearings: Pretrial Conference set for 6/16/2025 at 09:00 AM before District Judge Rodney Gilstrap. (CH) (Entered: 04/11/2024)
06/18/2024	54	SEALED MOTION <i>to Compel Toyota to Produce Documents and Provide Compliant Interrogatory Responses</i> by Emerging Automotive LLC. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Proposed Order)(Belloli, Marc) (Entered: 06/18/2024)
06/24/2024	55	NOTICE of Submission of Proposed Redaction to Sealed Order by Kia America, Inc., Kia Corporation (Attachments: # 1 Exhibit A)(Watkins, Brett) (Entered: 06/24/2024)
06/25/2024	56	REDACTED MEMORANDUM AND OPINION ORDER FOR SEALED ORDER #53 denying 31 Motion to Transfer. Signed by District Judge Rodney Gilstrap on 6/14/2024. (Entered: 06/25/2024)
06/25/2024	57	REDACTION to 54 SEALED MOTION <i>to Compel Toyota to Produce Documents and Provide Compliant Interrogatory Responses</i> by Emerging Automotive LLC. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Proposed Order)(Tice, Jerry) (Entered: 06/25/2024)
07/03/2024	58	OPPOSED MOTION for Leave to File Excess Pages <i>for Attachments to Defendants' Opposition to Plaintiff's Motion to Compel</i> by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # 1 Exhibit 1, # 2 Proposed Order)(Barney, James) (Entered: 07/03/2024)
07/03/2024	59	SEALED RESPONSE to Motion re 54 SEALED MOTION <i>to Compel Toyota to Produce Documents and Provide Compliant Interrogatory Responses</i> filed by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # 1 Exhibit 1, # 2 Proposed Order)(Barney, James) (Entered: 07/03/2024)
07/09/2024	60	RESPONSE in Opposition re 58 OPPOSED MOTION for Leave to File Excess Pages <i>for Attachments to Defendants' Opposition to Plaintiff's Motion to Compel</i> filed by Emerging Automotive LLC. (Attachments: # 1 Proposed Order)(Belloli, Marc) (Entered: 07/09/2024)
07/09/2024	61	OPPOSED SEALED MOTION <i>to Strike Plaintiff's Infringement Contentions Not Conforming with P.R. 3-1</i> by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # 1 Declaration of Ryan T. Davies, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Proposed Order)(Barney, James) (Entered: 07/09/2024)
07/10/2024	62	REDACTION to 59 Sealed Response to Motion, by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # 1 Exhibit 1, # 2 Proposed Order)(Barney, James) (Entered: 07/10/2024)
07/11/2024	63	OPPOSED SEALED MOTION <i>to Compel Plaintiff to Respond to Discovery</i> by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # 1 Proposed Order)(Barney, James) (Entered: 07/11/2024)
07/16/2024	64	REDACTION to 61 OPPOSED SEALED MOTION <i>to Strike Plaintiff's Infringement Contentions Not Conforming with P.R. 3-1</i> by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # 1 Declaration of

		Ryan T. Davies, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E - Redacted in Full, # 7 Exhibit F - Redacted in Full, # 8 Proposed Order)(Barney, James) (Entered: 07/16/2024)
07/17/2024	65	OPPOSED MOTION for Leave to Amend Invalidity Contentions by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # 1 Declaration of Ryan T. Davies, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Proposed Order)(Barney, James) (Entered: 07/17/2024)
07/18/2024	66	NOTICE of Relevant Proceedings by Kia America, Inc., Kia Corporation, Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc. (Barney, James) (Entered: 07/18/2024)
07/19/2024	67	REDACTION to 63 OPPOSED SEALED MOTION to Compel Plaintiff to Respond to Discovery by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # 1 Proposed Order)(Barney, James) (Entered: 07/19/2024)

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