

**U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:23-cv-02746-K**

National Nail Corp v. PrimeSource Building Products Inc
Assigned to: Judge Ed Kinkeade
Cause: 35:271 Patent Infringement

Date Filed: 12/12/2023
Jury Demand: Plaintiff
Nature of Suit: 830 Property Rights: Patent
Jurisdiction: Federal Question

Plaintiff

National Nail Corp

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V.

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Date Filed	#	Docket Text
12/12/2023	<u>1</u>	COMPLAINT WITH JURY DEMAND against PrimeSource Building Products, Inc. filed by National Nail, Corp.. (Filing fee \$405; Receipt number ATXNDC-14239844) Summons(es) not requested at this time. In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the <u>Judges Copy Requirements</u> and <u>Judge Specific Requirements</u> is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: <u>Attorney Information - Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Attachments: # <u>1</u> Exhibit(s) Ex. A, # <u>2</u> Exhibit(s) Ex. B, # <u>3</u> Cover Sheet Cover Sheet) (Jones, Miranda) (Entered: 12/12/2023)
12/12/2023	<u>2</u>	New Case Notes: A filing fee has been paid. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge (Judge Horan). Clerk to provide copy to plaintiff if not received electronically. (kcr) (Entered: 12/13/2023)
12/12/2023	<u>3</u>	Report to Patent/Trademark Office of Initiating Document. Form AO 120 e-mailed to notice_of_suit@uspto.gov . (kcr) (Entered: 12/13/2023)
12/18/2023	<u>5</u>	Application for Admission Pro Hac Vice with Certificate of Good Standing for Attorney Robert Michael Azzi (Filing fee \$100; Receipt number ATXNDC-14254230) filed by National Nail Corp (Attachments: # <u>1</u> Proposed Order Proposed Order) (Jones, Miranda) (Entered: 12/18/2023)
12/19/2023	6	ELECTRONIC ORDER granting <u>5</u> Application for Admission Pro Hac Vice of Robert Michael Azzi. Important Reminder: Unless excused for cause, an attorney who is not an ECF user must register within 14 days of the date the attorney appears in a case pursuant to LR 5.1(f) and LCR 49.2(g). (Ordered by Judge Ed Kinkeade on 12/19/2023) (chmb) (Entered: 12/19/2023)
12/21/2023	<u>7</u>	Application for Admission Pro Hac Vice with Certificate of Good Standing for Attorney Matthew E. Sierawski (Filing fee \$100; Receipt number

		ATXNDC-14263918) filed by National Nail Corp (Attachments: # <u>1</u> Proposed Order Proposed Order) (Jones, Miranda) (Entered: 12/21/2023)
12/21/2023	<u>8</u>	ELECTRONIC ORDER granting Z Application for Admission Pro Hac Vice of Matthew E. Sierawski. Important Reminder: Unless excused for cause, an attorney who is not an ECF user must register within 14 days of the date the attorney appears in a case pursuant to LR 5.1(f) and LCvR 49.2(g). (Ordered by Judge Ed Kinkeade on 12/21/2023) (chmb) (Entered: 12/21/2023)
01/04/2024	<u>9</u>	Request for Clerk to issue SUMMONS filed by National Nail Corp. (Jones, Miranda) (Entered: 01/04/2024)
01/04/2024	<u>10</u>	Summons Issued as to PrimeSource Building Products Inc. (sxf) (Entered: 01/04/2024)
01/09/2024	<u>11</u>	SUMMONS Returned Executed as to PrimeSource Building Products Inc; served on 1/8/2024. (Jones, Miranda) Modified text on 1/10/2024 (cfk). (Entered: 01/09/2024)
01/23/2024	<u>12</u>	Unopposed MOTION to Extend Time to Answer, Move, or Otherwise Respond to the Complaint filed by PrimeSource Building Products Inc (Attachments: # <u>1</u> Proposed Order) (Kubehl, Douglas) (Entered: 01/23/2024)
01/23/2024	<u>13</u>	ELECTRONIC ORDER – Before the Court is Defendant PrimeSource Building Products, Inc.'s Unopposed Motion for an Extension of Time to Answer, Move, or Otherwise Respond to the Complaint (the "Motion"). Doc. No. 12. Upon consideration of the same, the Court GRANTS the Motion. Defendant shall answer, move, or otherwise respond to Plaintiff's Complaint, Doc. No. 1, no later than February 20, 2024. (Ordered by Judge Ed Kinkeade on 1/23/2024) (chmb) (Entered: 01/23/2024)
01/23/2024	<u>14</u>	NOTICE of Attorney Appearance by Douglas M Kubehl on behalf of PrimeSource Building Products Inc. (Filer confirms contact info in ECF is current.) (Kubehl, Douglas) (Entered: 01/23/2024)
01/23/2024	<u>15</u>	NOTICE of Attorney Appearance by Samir A Bhavsar on behalf of PrimeSource Building Products Inc. (Filer confirms contact info in ECF is current.) (Bhavsar, Samir) (Entered: 01/23/2024)
01/23/2024	<u>16</u>	NOTICE of Attorney Appearance by Matthew Darryl Chuning on behalf of PrimeSource Building Products Inc. (Filer confirms contact info in ECF is current.) (Chuning, Matthew) (Entered: 01/23/2024)
02/14/2024	<u>17</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by National Nail Corp. (Clerk QC note: No affiliate entered in ECF). (Jones, Miranda) (Entered: 02/14/2024)
02/20/2024	<u>18</u>	MOTION to Dismiss filed by PrimeSource Building Products Inc (Attachments: # <u>1</u> Proposed Order Granting PrimeSource's Motion to Dismiss) (Kubehl, Douglas) (Entered: 02/20/2024)
02/20/2024	<u>19</u>	Brief/Memorandum in Support filed by PrimeSource Building Products Inc re <u>18</u> MOTION to Dismiss (Kubehl, Douglas) (Entered: 02/20/2024)
02/20/2024	<u>20</u>	Appendix in Support filed by PrimeSource Building Products Inc re <u>18</u> MOTION to Dismiss (Kubehl, Douglas) (Entered: 02/20/2024)
03/12/2024	<u>21</u>	AMENDED COMPLAINT WITH JURY DEMAND against PrimeSource Building Products Inc filed by National Nail Corp. Additional patent/trademark or copyright numbers are added and the clerk should prepare the appropriate report to the Patent/Trademark or Copyright Office to include registrations: 11,898,357. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Attachments: # <u>1</u> Exhibit(s) Ex. A, # <u>2</u> Exhibit(s) Ex. B, # <u>3</u> Exhibit(s) Ex. C, # <u>4</u> Exhibit(s) Ex. D) (Jones, Miranda) (Entered: 03/12/2024)
03/12/2024	<u>22</u>	NOTICE of <i>FILING AMENDED COMPLAINT</i> re: <u>18</u> MOTION to Dismiss filed by National Nail Corp (Jones, Miranda) (Entered: 03/12/2024)

03/12/2024	<u>23</u>	ELECTRONIC ORDER – Before the Court is Plaintiff National Nail, Corp.'s Amended Complaint. Doc. No. 21. Because the Amended Complaint supersedes Plaintiff's original Complaint, Doc. No. 1, the Court DENIES Defendant PrimeSource Building Products, Inc.'s Motion to Dismiss, Doc. No. 18, as moot. (Ordered by Judge Ed Kinkeade on 3/12/2024) (chmb) (Entered: 03/12/2024)
03/26/2024	<u>24</u>	MOTION to Dismiss filed by PrimeSource Building Products Inc (Attachments: # <u>1</u> Proposed Order [Proposed] Order Granting PrimeSource's Renewed Motion to Dismiss) (Kubehl, Douglas) (Entered: 03/26/2024)
03/26/2024	<u>25</u>	Brief/Memorandum in Support filed by PrimeSource Building Products Inc re <u>24</u> MOTION to Dismiss (Kubehl, Douglas) (Entered: 03/26/2024)
03/26/2024	<u>26</u>	ORDER: This Order governs requests to file materials in this case under seal. (Ordered by Judge Ed Kinkeade on 3/26/2024) (chmb) (Entered: 03/26/2024)
03/26/2024	<u>27</u>	ORDER REQUIRING SCHEDULING CONFERENCE AND REPORT FOR CONTENTS OF SCHEDULING ORDER IN PATENT CASES (Ordered by Judge Ed Kinkeade on 3/26/2024) (chmb) (Entered: 03/26/2024)
03/28/2024	<u>28</u>	Appendix in Support filed by PrimeSource Building Products Inc re <u>24</u> MOTION to Dismiss (Kubehl, Douglas) (Entered: 03/28/2024)
04/01/2024	<u>29</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by PrimeSource Building Products Inc. (Clerk QC note: Affiliate entry indicated). (Kubehl, Douglas) (Entered: 04/01/2024)
04/16/2024	<u>30</u>	RESPONSE filed by National Nail Corp re: <u>24</u> MOTION to Dismiss (Attachments: # <u>1</u> Proposed Order Proposed Order) (Jones, Miranda) (Entered: 04/16/2024)
04/19/2024	<u>31</u>	Joint STATUS REPORT filed by National Nail Corp. (Jones, Miranda) (Entered: 04/19/2024)
04/22/2024	<u>32</u>	SCHEDULING ORDER: Jury Trial set for 1/12/2026 09:00 AM before Judge Ed Kinkeade. Deadline for mediation is on or before 9/16/2024. Joint Report on mediation due by 9/25/2024. Joinder of Parties due by 8/1/2024. Amended Pleadings due by 8/1/2024. Discovery due by 7/7/2025. Motions due by 8/1/2025. Pretrial Order due by 12/15/2025. Pretrial Materials due by 12/15/2025. (Ordered by Judge Ed Kinkeade on 4/22/2024) (chmb) (Entered: 04/22/2024)
04/30/2024	<u>33</u>	REPLY filed by PrimeSource Building Products Inc re: <u>24</u> MOTION to Dismiss (Kubehl, Douglas) (Entered: 04/30/2024)
04/30/2024	<u>34</u>	Appendix in Support filed by PrimeSource Building Products Inc re <u>33</u> Reply <i>Brief In Support of Its Renewed Motion to Dismiss</i> (Kubehl, Douglas) (Entered: 04/30/2024)
05/06/2024	<u>35</u>	(Document Restricted) Sealed Attorney Contact Information (Sealed pursuant to SO 19-1, statute, or rule) filed by PrimeSource Building Products Inc (Kubehl, Douglas) (Entered: 05/06/2024)
05/22/2024	<u>36</u>	Designation of Mediator by National Nail Corp. (Jones, Miranda) (Entered: 05/22/2024)