

JRG4,JURY,LEAD,PATENT/TRADEMARK,PROTECTIVE-ORDER
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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Consolidated from 2:23-cv-434

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Date Filed	#	Docket Text
09/22/2023	<u>1</u>	COMPLAINT against Kia America, Inc., Kia Corporation (Filing fee \$ 402 receipt number ATXEDC-9718256.), filed by Emerging Automotive LLC. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit A – U.S. Patent No. 10,407,026, # <u>3</u> Exhibit B – 026 Claim Chart, # <u>4</u> Exhibit C – U.S. Patent No. 11,738,659, # <u>5</u> Exhibit D – 659 Claim Chart, # <u>6</u> Exhibit E – U.S. Patent No. 9,365,188, # <u>7</u> Exhibit F – 188 Claim Chart)(Fair, Andrea) (Entered: 09/22/2023)
09/22/2023	<u>2</u>	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	<u>3</u>	Fed. R. Civ. P. 7.1(a)(1) Disclosure Statement filed by Emerging Automotive LLC (Fair, Andrea) (Entered: 09/22/2023)
09/22/2023	<u>4</u>	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 <u>Consent to Proceed Before Magistrate Judge</u> 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	<u>5</u>	SUMMONS Issued as to Kia America, Inc.. (ch,) (Entered: 09/22/2023)
09/26/2023	<u>6</u>	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	<u>7</u>	NOTICE of Attorney Appearance by Jerry Tice, II on behalf of Emerging Automotive LLC (Tice, Jerry) (Entered: 10/12/2023)
10/12/2023	<u>8</u>	NOTICE of Attorney Appearance by Aaron R Hand on behalf of Emerging Automotive LLC (Hand, Aaron) (Entered: 10/12/2023)
10/12/2023	<u>9</u>	NOTICE of Attorney Appearance by Margaret Elizabeth Day on behalf of Emerging Automotive LLC (Day, Margaret) (Entered: 10/12/2023)
10/12/2023	<u>10</u>	NOTICE of Attorney Appearance by Brenda Entzminger on behalf of Emerging Automotive LLC (Entzminger, Brenda) (Entered: 10/12/2023)

10/12/2023	<u>11</u>	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	<u>12</u>	JOINT MOTION for Extension of Time to File Answer <i>Or Otherwise Respond to Plaintiff's Original Complaint</i> by Emerging Automotive LLC. (Attachments: # <u>1</u> Proposed Order)(Hand, Aaron) (Entered: 10/16/2023)
10/17/2023	<u>13</u>	ORDER granting <u>12</u> 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	<u>14</u>	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	<u>15</u>	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	<u>16</u>	JOINT MOTION for Extension of Time to File <i>/Serve Infringement and Invalidity Contentions</i> by Emerging Automotive LLC. (Attachments: # <u>1</u> Proposed Order)(Fair, Andrea) (Entered: 01/04/2024)
01/05/2024	<u>17</u>	ORDER granting <u>16</u> 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	<u>18</u>	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	<u>19</u>	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	<u>20</u>	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	<u>21</u>	<i>Kia Corporation and Kia America, Inc.'s ANSWER to <u>1</u> Complaint, Affirmative Defenses, COUNTERCLAIM</i> against Emerging Automotive LLC by Kia America, Inc., Kia Corporation.(Watkins, Brett) (Entered: 01/10/2024)
01/10/2024	<u>22</u>	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	<u>23</u>	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	<u>24</u>	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	<u>25</u>	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	<u>26</u>	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	<u>27</u>	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	<u>28</u>	<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	<u>29</u>	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	<u>30</u>	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: # <u>1</u> Sealed Attachment) (nkl,). (Entered: 01/10/2024)
01/17/2024	<u>31</u>	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: # <u>1</u> Declaration of Sujith Somasekharan, # <u>2</u> Declaration of Loren Mittermiller, # <u>3</u> Declaration of Yei Jin Kim, # <u>4</u> Declaration of Brett Watkins, # <u>5</u> Exhibit 1, # <u>6</u> Exhibit 2, # <u>7</u> Exhibit 3, # <u>8</u> 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	<u>32</u>	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	<u>33</u>	ANSWER to <u>21</u> Answer to Complaint, Counterclaim [<i>Answer to Kia's Counterclaims</i>] by Emerging Automotive LLC.(Belloli, Marc) (Entered: 01/24/2024)
01/24/2024	<u>34</u>	ANSWER to <u>28</u> Answer to Complaint,, Counterclaim, [<i>Answer to Toyota's Counterclaims</i>] by Emerging Automotive LLC.(Belloli, Marc) (Entered: 01/24/2024)
01/31/2024	<u>35</u>	UNOPPOSED MOTION <i>for Leave to Conduct Expedited Venue Discovery</i> by Emerging Automotive LLC. (Attachments: # <u>1</u> Proposed Order)(Fair, Andrea) (Entered: 01/31/2024)
02/01/2024	<u>36</u>	JOINT MOTION For Entry of a Discovery Order by Emerging Automotive LLC. (Attachments: # <u>1</u> Proposed Order)(Fair, Andrea) (Entered: 02/01/2024)
02/01/2024	<u>37</u>	JOINT MOTION For Entry of a Docket Control Order by Emerging Automotive LLC. (Attachments: # <u>1</u> Proposed Order)(Fair, Andrea) (Entered: 02/01/2024)
02/06/2024	<u>38</u>	ORDER granting <u>35</u> 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	<u>39</u>	DISCOVERY ORDER granting <u>36</u> 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	<u>40</u>	DOCKET CONTROL ORDER granting <u>37</u> 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	<u>41</u>	JOINT MOTION for Protective Order by Emerging Automotive LLC. (Attachments: # <u>1</u> Ex. A – Protective Order)(Hand, Aaron) (Entered: 02/08/2024)

02/08/2024	<u>42</u>	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	<u>43</u>	NOTICE OF COMPLIANCE by Emerging Automotive LLC <i>Regarding Initial and Additional Disclosures</i> (Fair, Andrea) (Entered: 02/09/2024)
02/09/2024	<u>44</u>	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	<u>45</u>	PROTECTIVE ORDER granting <u>41</u> Motion for Protective Order. Signed by District Judge Rodney Gilstrap on 2/12/2024. (ch,) (Entered: 02/12/2024)
03/15/2024	<u>46</u>	SEALED RESPONSE to Motion re <u>31</u> MOTION To Transfer Venue to the Central District of California Pursuant to 28 U.S.C. § 1404(a) filed by Emerging Automotive LLC. (Attachments: # <u>1</u> Belloli Declaration, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M, # <u>15</u> Exhibit N, # <u>16</u> Exhibit O, # <u>17</u> Exhibit P, # <u>18</u> Exhibit Q)(Belloli, Marc) (Entered: 03/15/2024)
03/21/2024	<u>47</u>	REDACTION to <u>46</u> Sealed Response to Motion,, by Emerging Automotive LLC. (Attachments: # <u>1</u> Belloli Declaration, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B-G, # <u>4</u> Exhibit H, # <u>5</u> Exhibit I, # <u>6</u> Exhibit J, # <u>7</u> Exhibit K, # <u>8</u> Exhibit L, # <u>9</u> Exhibit M, # <u>10</u> Exhibit N, # <u>11</u> Exhibit O, # <u>12</u> Exhibit P, # <u>13</u> Exhibit Q)(Belloli, Marc) (Entered: 03/21/2024)
03/29/2024	<u>48</u>	REPLY to Response to Motion re <u>31</u> 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	<u>49</u>	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	<u>50</u>	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	<u>51</u>	SEALED SUR-REPLY to <u>31</u> 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: # <u>1</u> Exhibit R)(Belloli, Marc) (Entered: 04/05/2024)
04/11/2024	<u>52</u>	REDACTION to <u>51</u> 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	<u>54</u>	SEALED MOTION to <i>Compel Toyota to Produce Documents and Provide Compliant Interrogatory Responses</i> by Emerging Automotive LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Proposed Order)(Belloli, Marc) (Entered: 06/18/2024)
06/24/2024	<u>55</u>	NOTICE of Submission of Proposed Redaction to Sealed Order by Kia America, Inc., Kia Corporation (Attachments: # <u>1</u> Exhibit A)(Watkins, Brett) (Entered: 06/24/2024)
06/25/2024	<u>56</u>	REDACTED MEMORANDUM AND OPINION ORDER FOR SEALED ORDER #53 denying <u>31</u> Motion to Transfer. Signed by District Judge Rodney Gilstrap on 6/14/2024. (Entered: 06/25/2024)
06/25/2024	<u>57</u>	REDACTION to <u>54</u> SEALED MOTION to <i>Compel Toyota to Produce Documents and Provide Compliant Interrogatory Responses</i> by Emerging Automotive LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Proposed Order)(Tice, Jerry) (Entered: 06/25/2024)
07/03/2024	<u>58</u>	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: # <u>1</u> Exhibit 1, # <u>2</u> Proposed Order)(Barney, James) (Entered: 07/03/2024)

07/03/2024	<u>59</u>	SEALED RESPONSE to Motion re <u>54</u> SEALED MOTION to <i>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: # <u>1</u> Exhibit 1, # <u>2</u> Proposed Order)(Barney, James) (Entered: 07/03/2024)
07/09/2024	<u>60</u>	RESPONSE in Opposition re <u>58</u> OPPOSED MOTION for Leave to File Excess Pages for Attachments to Defendants' Opposition to Plaintiff's Motion to Compel filed by Emerging Automotive LLC . (Attachments: # <u>1</u> Proposed Order)(Belloli, Marc) (Entered: 07/09/2024)
07/09/2024	<u>61</u>	OPPOSED SEALED MOTION to Strike Plaintiff's Infringement Contentions Not Conforming with P.R. 3-1 by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # <u>1</u> Declaration of Ryan T. Davies, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Proposed Order)(Barney, James) (Entered: 07/09/2024)
07/10/2024	<u>62</u>	REDACTION to <u>59</u> Sealed Response to Motion, by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Proposed Order)(Barney, James) (Entered: 07/10/2024)
07/11/2024	<u>63</u>	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: # <u>1</u> Proposed Order)(Barney, James) (Entered: 07/11/2024)
07/16/2024	<u>64</u>	REDACTION to <u>61</u> OPPOSED SEALED MOTION to Strike Plaintiff's Infringement Contentions Not Conforming with P.R. 3-1 by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # <u>1</u> Declaration of Ryan T. Davies, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E – Redacted in Full, # <u>7</u> Exhibit F – Redacted in Full, # <u>8</u> Proposed Order)(Barney, James) (Entered: 07/16/2024)
07/17/2024	<u>65</u>	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: # <u>1</u> Declaration of Ryan T. Davies, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Proposed Order)(Barney, James) (Entered: 07/17/2024)
07/18/2024	<u>66</u>	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	<u>67</u>	REDACTION to <u>63</u> 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: # <u>1</u> Proposed Order)(Barney, James) (Entered: 07/19/2024)
07/23/2024	<u>68</u>	SEALED RESPONSE to <u>61</u> OPPOSED SEALED MOTION to Strike Plaintiff's Infringement Contentions Not Conforming with P.R. 3-1 filed by Emerging Automotive LLC . (Attachments: # <u>1</u> Tice Decl., # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Proposed Order)(Belloli, Marc) (Entered: 07/23/2024)
07/25/2024	<u>69</u>	SEALED RESPONSE to <u>63</u> OPPOSED SEALED MOTION to Compel Plaintiff to Respond to Discovery filed by Emerging Automotive LLC . (Attachments: # <u>1</u> Belloli Declaration, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Proposed Order)(Belloli, Marc) (Entered: 07/25/2024)
07/25/2024	<u>70</u>	USCA – FEDERAL CIRCUIT ORDER filed directing Emerging Automotive LLC to respond to the petition <u>2</u> no later than seven days from the date of entry of this order. Any reply in support of the petition is due no later than three days thereafter. (Per Curiam). Service as of this date by the Clerk of Court (24-138) (CH) (Entered: 07/25/2024)
07/29/2024	<u>71</u>	SEALED MOTION to Compel the Toyota Defendants to Respond Completely to Interrogatory No. 5 Regarding the Identification and Roles of Entities Involved in the Design, Implementation, Support, and Maintenance of the Accused Functionalities and to Produce Agreements Relating to the Accused Instrumentalities in Response to Request Nos. 13, 17, 20 and 21 by Emerging Automotive LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Proposed Order)(Belloli, Marc) (Entered: 07/29/2024)

07/30/2024	<u>72</u>	REDACTION to <u>68</u> Sealed Response to Motion, by Emerging Automotive LLC. (Attachments: # <u>1</u> Tice Decl., # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Proposed Order)(Belloli, Marc) (Entered: 07/30/2024)
07/30/2024	<u>73</u>	REPLY to Response to Motion re <u>61</u> OPPOSED SEALED MOTION <i>to Strike Plaintiff's Infringement Contentions Not Conforming with P.R. 3-1 filed by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.</i> . (Attachments: # <u>1</u> Declaration of Ryan T. Davies, # <u>2</u> Exhibit G)(Barney, James) (Entered: 07/30/2024)
07/31/2024	<u>74</u>	***FILED IN ERROR PER ATTORNEY*** RESPONSE in Opposition re <u>65</u> OPPOSED MOTION for Leave to Amend Invalidity Contentions <i>filed by Emerging Automotive LLC</i> . (Attachments: # <u>1</u> Tice Decl., # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Proposed Order)(Belloli, Marc) Modified on 8/1/2024 (CH). (Entered: 07/31/2024)
08/01/2024	<u>75</u>	SEALED Opposition in Response to <u>65</u> OPPOSED MOTION for Leave to Amend Invalidity Contentions filed by Emerging Automotive LLC. (Attachments: # <u>1</u> Tice Decl., # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Proposed Order)(Belloli, Marc) (Entered: 08/01/2024)
08/02/2024	<u>76</u>	MOTION For Appointment of International Process Server by Emerging Automotive LLC. (Attachments: # <u>1</u> Affidavit/Declaration of Celeste Ingalls, # <u>2</u> Proposed Order)(Hand, Aaron) (Entered: 08/02/2024)
08/06/2024	<u>77</u>	SUR-REPLY to Reply to Response re <u>61</u> OPPOSED SEALED MOTION <i>to Strike Plaintiff's Infringement Contentions Not Conforming with P.R. 3-1 filed by Emerging Automotive LLC</i> . (Belloli, Marc) (Entered: 08/06/2024)
08/06/2024	<u>78</u>	REDACTION to <u>71</u> SEALED MOTION <i>to Compel the Toyota Defendants to Respond Completely to Interrogatory No. 5 Regarding the Identification and Roles of Entities Involved in the Design, Implementation, Support, and Maintenance of the Accused Functionalities and to Pro</i> by Emerging Automotive LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Proposed Order)(Belloli, Marc) (Entered: 08/06/2024)
08/07/2024	<u>79</u>	REDACTION to <u>75</u> Sealed Response to Motion, by Emerging Automotive LLC. (Attachments: # <u>1</u> Tice Decl., # <u>2</u> Exhibit A, # <u>3</u> Exhibit B (Sealed in its Entirety), # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Proposed Order)(Belloli, Marc) (Entered: 08/07/2024)
08/07/2024	<u>80</u>	ORDER granting <u>76</u> MOTION For Appointment of International Process Server. Signed by District Judge Rodney Gilstrap on 8/7/2024. (CH) (Entered: 08/07/2024)
08/07/2024	<u>81</u>	REPLY to Response re <u>65</u> OPPOSED MOTION for Leave to Amend Invalidity Contentions <i>filed by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.</i> . (Attachments: # <u>1</u> Exhibit D, # <u>2</u> Exhibit E)(Barney, James) (Entered: 08/07/2024)
08/12/2024	<u>82</u>	SEALED RESPONSE re <u>71</u> SEALED MOTION <i>to Compel the Toyota Defendants to Respond Completely to Interrogatory No. 5 Regarding the Identification and Roles of Entities Involved in the Design, Implementation, Support, and Maintenance of the Accused Functionalities and to Pro</i> filed by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # <u>1</u> Proposed Order)(Barney, James) (Entered: 08/12/2024)
08/12/2024	<u>83</u>	MOTION for Judgment on the Pleadings <i>as to Counts 4 and 5 of Plaintiff's Complaint for Lack of Subject Matter Eligibility</i> by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # <u>1</u> Declaration of Ryan T. Davies, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Proposed Order)(Barney, James) (Entered: 08/12/2024)
08/14/2024	<u>84</u>	SUR-REPLY to Reply to Response re <u>65</u> OPPOSED MOTION for Leave to Amend Invalidity Contentions <i>filed by Emerging Automotive LLC</i> . (Belloli, Marc) (Entered: 08/14/2024)
08/15/2024		NOTICE of Hearing on Motion <u>54</u> SEALED MOTION <i>to Compel Toyota to Produce Documents and Provide Compliant Interrogatory Responses</i> , <u>61</u> OPPOSED SEALED

		MOTION to Strike Plaintiff's Infringement Contentions Not Conforming with P.R. 3-1, <u>71</u> SEALED MOTION to Compel the Toyota Defendants to Respond Completely to Interrogatory No. 5 Regarding the Identification and Roles of Entities Involved in the Design, Implementation, Support, and Maintenance of the Accused Functionalities and to Pro, <u>63</u> OPPOSED SEALED MOTION to Compel Plaintiff to Respond to Discovery, <u>58</u> OPPOSED MOTION for Leave to File Excess Pages for Attachments to Defendants' Opposition to Plaintiff's Motion to Compel, <u>65</u> OPPOSED MOTION for Leave to Amend Invalidity Contentions : Motion Hearing set for 9/4/2024 at 02:00 PM in Ctrm 106 (Marshall) before District Judge Rodney Gilstrap. **Parties are directed to meet and confer on the premises of the USDC Marshall Division Courthouse beginning at 9:30 AM (to include lead and local counsel).(aeb) (Entered: 08/15/2024)
08/19/2024	<u>85</u>	REDACTION to <u>82</u> Sealed Response to Motion, by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # <u>1</u> Proposed Order)(Barney, James) (Entered: 08/19/2024)
08/20/2024	<u>86</u>	UNOPPOSED MOTION to Extend Deadline to File Response Brief re <u>83</u> MOTION for Judgment on the Pleadings as to Counts 4 and 5 of Plaintiff's Complaint for Lack of Subject Matter Eligibility by Emerging Automotive LLC. (Attachments: # <u>1</u> Proposed Order)(Fair, Andrea) (Entered: 08/20/2024)
08/21/2024	<u>87</u>	JOINT STATUS REPORT Concerning Meet and Confer Related to September 4, 2024 Motions Hearing by Emerging Automotive LLC. (Belloli, Marc) (Entered: 08/21/2024)
08/22/2024	<u>88</u>	ORDER granting <u>86</u> UNOPPOSED MOTION to Extend Deadline to File Response Brief re 83 MOTION for Judgment on the Pleadings as to Counts 4 and 5 of Plaintiff's Complaint for Lack of Subject Matter Eligibility. Signed by District Judge Rodney Gilstrap on 8/22/2024. (CH) (Entered: 08/22/2024)
08/30/2024	<u>89</u>	SECOND STATUS REPORT Concerning Meet and Confer Related to September 4, 2024 Motions Hearing [JOINT] by Emerging Automotive LLC. (Belloli, Marc) (Entered: 08/30/2024)
09/04/2024	<u>90</u>	NOTICE of Attorney Appearance by Shannon Marie Dacus on behalf of Kia America, Inc., Kia Corporation (Dacus, Shannon) (Entered: 09/04/2024)
09/04/2024	<u>91</u>	Minute Entry for proceedings held before District Judge Rodney Gilstrap: Motion Hearing held on 9/4/2024 re <u>54</u> SEALED MOTION to Compel Toyota to Produce Documents and Provide Compliant Interrogatory Responses filed by Emerging Automotive LLC, <u>65</u> OPPOSED MOTION for Leave to Amend Invalidity Contentions filed by Toyota Motor North America, Inc., Toyota Motor Corporation, Toyota Motor Sales, U.S.A. Inc., <u>61</u> OPPOSED SEALED MOTION to Strike Plaintiff's Infringement Contentions Not Conforming with P.R. 3-1 filed by Toyota Motor North America, Inc., Toyota Motor Corporation, Toyota Motor Sales, U.S.A. Inc., <u>58</u> OPPOSED MOTION for Leave to File Excess Pages for Attachments to Defendants' Opposition to Plaintiff's Motion to Compel filed by Toyota Motor North America, Inc., Toyota Motor Corporation, Toyota Motor Sales, U.S.A. Inc., <u>63</u> OPPOSED SEALED MOTION to Compel Plaintiff to Respond to Discovery filed by Toyota Motor North America, Inc., Toyota Motor Corporation, Toyota Motor Sales, U.S.A. Inc., <u>71</u> SEALED MOTION to Compel the Toyota Defendants to Respond Completely to Interrogatory No. 5 Regarding the Identification and Roles of Entities Involved in the Design, Implementation, Support, and Maintenance of the Accused Functionalities and to Pro filed by Emerging Automotive LLC from 02:23 PM to 02:42 PM. (No exhibits)(Court Reporter Shawn McRoberts) (Attachments: # <u>1</u> Attendance Sheet) (aeb) (Entered: 09/04/2024)
09/05/2024	<u>92</u>	FIRST AMENDED COMPLAINT against Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc., filed by Emerging Automotive 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> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit R, # <u>19</u> Exhibit S, # <u>20</u> Exhibit T, # <u>21</u> Exhibit U, # <u>22</u> Exhibit V, # <u>23</u> Exhibit W, # <u>24</u> Exhibit X, # <u>25</u> Exhibit Y)(Belloli, Marc) (Entered: 09/05/2024)

09/05/2024	<u>93</u>	NOTICE <i>Plaintiff's Notice that First Amended Complaint Moots Toyota Defendants' Motion for Judgment on the Pleadings</i> by Emerging Automotive LLC (Belloli, Marc) (Entered: 09/05/2024)
09/05/2024	<u>94</u>	ORDER MEMORIALIZING MOTIONS. Signed by District Judge Rodney Gilstrap on 9/5/2024. (CH) (Entered: 09/06/2024)
09/11/2024	<u>95</u>	PAPER TRANSCRIPT REQUEST by Emerging Automotive LLC for proceedings held on September 4, 2024 Motion Hearing before Judge Gilstrap. (Fair, Andrea) (Forwarded to Shawn McRoberts on 9/11/2024) (ljw). (Entered: 09/11/2024)
09/11/2024	<u>96</u>	ORDER denying as moot <u>83</u> MOTION for Judgment on the Pleadings as to Counts 4 and 5 of Plaintiff's Complaint for Lack of Subject Matter Eligibility. Signed by District Judge Rodney Gilstrap on 9/11/2024. (CH) (Entered: 09/12/2024)
09/12/2024	<u>97</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion Hearing Proceedings held on 09/04/2024 before Judge Rodney Gilstrap. Court Reporter/Transcriber: Shawn McRoberts, Telephone number: (903) 923-8546. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.txed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Motion to Redact due 10/3/2024. Release of Transcript Restriction set for 12/11/2024. (SMM) (Entered: 09/12/2024)
09/13/2024	<u>98</u>	NOTICE OF COMPLIANCE by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc. <i>Regarding P.R. 4-1 Disclosures</i> (Barney, James) (Entered: 09/13/2024)
09/13/2024	<u>99</u>	MOTION to Dismiss <i>Counts 4 and 5 of Plaintiff's First Amended Complaint for Lack of Subject Matter Eligibility</i> by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # <u>1</u> Proposed Order)(Barney, James) (Entered: 09/13/2024)
09/13/2024	<u>100</u>	MOTION to Dismiss <i>Count 5 of Plaintiff's First Amended Complaint</i> by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # <u>1</u> Proposed Order)(Barney, James) (Entered: 09/13/2024)
09/23/2024	<u>101</u>	SECOND MOTION for Leave to File <i>Amended Invalidity Contentions</i> by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Proposed Order)(Barney, James) (Entered: 09/23/2024)
09/25/2024	<u>102</u>	NOTICE of Patent Office Activity by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc. re <u>100</u> MOTION to Dismiss <i>Count 5 of Plaintiff's First Amended Complaint</i> (Attachments: # <u>1</u> Exhibit A)(Barney, James) (Entered: 09/25/2024)
09/26/2024	<u>103</u>	SECOND AMENDED COMPLAINT against Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc., filed by Emerging Automotive 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> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P)(Belloli, Marc) (Entered: 09/26/2024)
09/26/2024	<u>104</u>	NOTICE <i>Plaintiff's Notice that Second Amended Complaint Moots Toyota Defendants' Rule12(b)(6) Motions to Dismiss</i> by Emerging Automotive LLC (Belloli, Marc) (Entered: 09/26/2024)
09/30/2024	<u>105</u>	ORDER finding as moot <u>99</u> Motion to Dismiss; finding as moot <u>100</u> Motion to Dismiss. Signed by District Judge Rodney Gilstrap on 9/30/2024. (NKL) (Entered: 09/30/2024)

10/01/2024	<u>106</u>	USCA Order – ORDER filed denying <u>2</u> Petition for Writ of Mandamus filed by Kia Corp. and Kia America, Inc. (Per Curiam)(NKL) (Entered: 10/01/2024)
10/04/2024	<u>107</u>	NOTICE OF COMPLIANCE by Emerging Automotive LLC (Belloli, Marc) (Entered: 10/04/2024)
10/04/2024	<u>108</u>	MOTION to Dismiss <i>Count 4 of Plaintiff's Second Amended Complaint for Lack of Subject Matter Eligibility</i> by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # <u>1</u> Declaration of Ryan T. Davies, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Proposed Order)(Barney, James) (Entered: 10/04/2024)
10/04/2024	<u>109</u>	NOTICE OF COMPLIANCE by Kia America, Inc., Kia Corporation, Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc. <i>Regarding P.R. 4-2 Disclosures</i> (Barney, James) (Entered: 10/04/2024)
10/07/2024	<u>110</u>	SEALED RESPONSE re <u>101</u> SECOND MOTION for Leave to File <i>Amended Invalidity Contentions</i> filed by Emerging Automotive LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Proposed Order)(Belloli, Marc) (Entered: 10/07/2024)
10/15/2024	<u>111</u>	FILED IN ERROR PER ATTORNEY SEALED REPLY to Response re <u>101</u> SECOND MOTION for Leave to File <i>Amended Invalidity Contentions</i> filed by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # <u>1</u> Declaration of Ryan T. Davies, # <u>2</u> Exhibit C, # <u>3</u> Exhibit D, # <u>4</u> Exhibit E, # <u>5</u> Exhibit F, # <u>6</u> Exhibit G, # <u>7</u> Exhibit H, # <u>8</u> Exhibit I, # <u>9</u> Exhibit J, # <u>10</u> Exhibit K, # <u>11</u> Exhibit L, # <u>12</u> Exhibit M)(Barney, James) Modified on 10/16/2024 (NKL). (Entered: 10/15/2024)
10/16/2024		***FILED IN ERROR PER ATTORNEY. Document # 111, SEALED REPLY to Response. PLEASE IGNORE.*** (NKL) (Entered: 10/16/2024)
10/16/2024	<u>112</u>	SEALED REPLY to Response re <u>101</u> SECOND MOTION for Leave to File <i>Amended Invalidity Contentions</i> filed by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # <u>1</u> Declaration of Ryan T. Davies, # <u>2</u> Exhibit C, # <u>3</u> Exhibit D, # <u>4</u> Exhibit E, # <u>5</u> Exhibit F, # <u>6</u> Exhibit G, # <u>7</u> Exhibit H, # <u>8</u> Exhibit I, # <u>9</u> Exhibit J, # <u>10</u> Exhibit K, # <u>11</u> Exhibit L, # <u>12</u> Exhibit M)(Barney, James) (Entered: 10/16/2024)
10/17/2024	<u>113</u>	REDACTION to <u>110</u> Sealed Response to Motion by Emerging Automotive LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Proposed Order)(Belloli, Marc) (Entered: 10/17/2024)
10/18/2024	<u>114</u>	RESPONSE in Opposition re <u>108</u> MOTION to Dismiss <i>Count 4 of Plaintiff's Second Amended Complaint for Lack of Subject Matter Eligibility</i> filed by Emerging Automotive LLC . (Attachments: # <u>1</u> Proposed Order)(Belloli, Marc) (Entered: 10/18/2024)
10/23/2024	<u>115</u>	SEALED SUR-REPLY to Reply to Response re <u>101</u> SECOND MOTION for Leave to File <i>Amended Invalidity Contentions</i> filed by Emerging Automotive LLC. (Belloli, Marc) (Entered: 10/23/2024)
10/23/2024	<u>116</u>	REDACTION to <u>112</u> Sealed Reply to Response to Motion, by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # <u>1</u> Declaration of Ryan T. Davies, # <u>2</u> Exhibit C, # <u>3</u> Exhibit D, # <u>4</u> Exhibit E, # <u>5</u> Exhibit F, # <u>6</u> Exhibit G, # <u>7</u> Exhibit H, # <u>8</u> Exhibit I, # <u>9</u> Exhibit J, # <u>10</u> Exhibit K – Redacted in Full, # <u>11</u> Exhibit L – Redacted in Full, # <u>12</u> Exhibit M – Redacted in Full)(Barney, James) (Entered: 10/23/2024)
10/24/2024	<u>117</u>	NOTICE of <i>Related Proceedings</i> by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc. (Attachments: # <u>1</u> Exhibit A)(Barney, James) (Entered: 10/24/2024)
10/24/2024	<u>118</u>	P.R. 4-3 Joint Claim Construction and Prehearing Statement by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Barney, James) (Entered: 10/24/2024)

10/25/2024	<u>119</u>	REPLY to Response re <u>108</u> MOTION to Dismiss <i>Count 4 of Plaintiff's Second Amended Complaint for Lack of Subject Matter Eligibility</i> filed by Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A. Inc.. (Attachments: # <u>1</u> Exhibit C)(Barney, James) (Entered: 10/25/2024)
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