

# EXHIBIT 2001

**U.S. District Court  
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)  
CIVIL DOCKET FOR CASE #: 5:23-cv-00505-D-RN**

FBA Operating Co. v. ETN Capital, LLC  
Assigned to: District Judge James C. Dever, III  
Referred to: Magistrate Judge Robert T. Numbers, II  
Case in other court: COurt of Appeals for the Federal Circuit, 24-02070  
Cause: 15:1126 Patent Infringement

Date Filed: 09/13/2023  
Jury Demand: Plaintiff  
Nature of Suit: 830 Patent  
Jurisdiction: Federal Question

**Plaintiff**

**FBA Operating Co.**

represented by **Thomas H Stanton**  
Bochner PLLC  
100 S. Ashley Drive  
Suite 600  
Tampa, FL 33602  
813-421-3883  
Fax: 813-435-2481  
Email: tstanton@bochner.law  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Tom BenGera**  
Shumaker, Loop & Kendrick, LLP  
101 South Tryon Street  
Ste 2200  
Charlotte, NC 28280  
704-375-0057  
Email: tbengera@shumaker.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Samuel A. Long, Jr.**  
Shumaker, Loop & Kendrick, LLP  
101 South Tryon Street, Suite 2200  
Charlotte, NC 28280-0002  
704-945-2911  
Fax: 704-332-1197  
Email: along@shumaker.com  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**ETN Capital, LLC**  
*d/b/a Beech Lane, LLC*

represented by **Gavin B. Parsons**  
Ward and Smith, P.A.  
Post Office Box 33009  
Raleigh, NC 27636-3009  
919-277-9100  
Email: gbparsons@wardandsmith.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David E. Bennett**  
Coats & Bennett, PLLC  
1400 Crescent Green, Suite 300  
Cary, NC 27518  
919-854-1844  
Fax: 919-854-2084  
Email: dbennett@coatsandbennett.com  
*ATTORNEY TO BE NOTICED*

**David Dewitt Kalish**

Coats & Bennett, PLLC  
1400 Crescent Green  
Ste 300  
Cary, NC 27518  
919-854-1844  
Email: dkalish@coatsandbennett.com  
ATTORNEY TO BE NOTICED

| Date Filed | #                  | Docket Text                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/13/2023 | <a href="#">1</a>  | COMPLAINT against ETN Capital, LLC ( Filing fee \$ 402 receipt number ANCEDC-7265798.), filed by FBA OPERATING CO.. (Attachments: # <a href="#">1</a> Exhibit A. US Patent No. 10890925, # <a href="#">2</a> Civil Cover Sheet, # <a href="#">3</a> Proposed Summons) (Long, Samuel) (Entered: 09/13/2023)                                                                                                                                                                                                                                                                     |
| 09/13/2023 | <a href="#">2</a>  | Financial Disclosure Statement by FBA OPERATING CO. (Long, Samuel) (Entered: 09/13/2023)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 09/13/2023 | <a href="#">3</a>  | Notice of Appearance filed by Samuel A. Long, Jr on behalf of FBA OPERATING CO.. (Long, Samuel) (Entered: 09/13/2023)                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 09/14/2023 |                    | Notice to Counsel - All Counsel should file a Notice of Appearance pursuant to Local Civil Rule 5.2(a) (Rudd, D.) (Entered: 09/14/2023)                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 09/15/2023 | <a href="#">4</a>  | PATENT REPORT: Sent via US mail to Director of the US Patent and Trademark Office, P O Box 1450, Alexandria, VA 22313-1450 mailed on September 15, 2023. (Rudd, D.) (Entered: 09/15/2023)                                                                                                                                                                                                                                                                                                                                                                                      |
| 09/15/2023 | <a href="#">5</a>  | Summons Issued as to ETN Capital, LLC. (*NOTICE: Counsel shall print the attached summons and serve with other case opening documents in accordance with Fed.R.Civ.P. 4. *) (Rudd, D.) (Entered: 09/15/2023)                                                                                                                                                                                                                                                                                                                                                                   |
| 09/26/2023 | <a href="#">6</a>  | Notice of Appearance filed by Tom BenGera on behalf of FBA Operating Co.. (BenGera, Tom) (Entered: 09/26/2023)                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 09/27/2023 | <a href="#">7</a>  | Notice of Special Appearance for non-district by Thomas H Stanton on behalf of FBA Operating Co.. (Stanton, Thomas) (Entered: 09/27/2023)                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 09/27/2023 | <a href="#">8</a>  | MOTION for Temporary Restraining Order filed by FBA Operating Co.. (Attachments: # <a href="#">1</a> Text of Proposed Order) (Long, Samuel) (Entered: 09/27/2023)                                                                                                                                                                                                                                                                                                                                                                                                              |
| 09/27/2023 | <a href="#">9</a>  | Memorandum in Support regarding <a href="#">8</a> MOTION for Temporary Restraining Order filed by FBA Operating Co.. (Attachments: # <a href="#">1</a> Exhibit A. US Patent No. 10890925, # <a href="#">2</a> Exhibit B. US Patent No. 10890925 Claim Chart) (Long, Samuel) (Entered: 09/27/2023)                                                                                                                                                                                                                                                                              |
| 09/27/2023 | <a href="#">10</a> | Declaration regarding <a href="#">8</a> MOTION for Temporary Restraining Order by Matthew Rhodes by FBA Operating Co. filed by FBA Operating Co.. (Long, Samuel) (Entered: 09/27/2023)                                                                                                                                                                                                                                                                                                                                                                                         |
| 09/28/2023 | <a href="#">11</a> | Notice of Appearance filed by Gavin B. Parsons on behalf of ETN Capital, LLC. (Parsons, Gavin) (Entered: 09/28/2023)                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 09/28/2023 | <a href="#">12</a> | Financial Disclosure Statement by ETN Capital, LLC (Parsons, Gavin) (Entered: 09/28/2023)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 09/28/2023 | <a href="#">13</a> | Certificate of Service filed by FBA Operating Co. regarding <a href="#">8</a> MOTION for Temporary Restraining Order , <a href="#">10</a> Declaration, <a href="#">9</a> Memorandum in Support, . (Long, Samuel) (Entered: 09/28/2023)                                                                                                                                                                                                                                                                                                                                         |
| 09/28/2023 | <a href="#">14</a> | Notice filed by FBA Operating Co. of Unavailability from 10/12/2023 through 10/13/2023. (Long, Samuel) (Entered: 09/28/2023)                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 09/30/2023 | <a href="#">15</a> | RESPONSE in Opposition regarding <a href="#">8</a> MOTION for Temporary Restraining Order filed by ETN Capital, LLC. (Parsons, Gavin) (Entered: 09/30/2023)                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 09/30/2023 | <a href="#">16</a> | AFFIDAVIT in Opposition regarding <a href="#">8</a> MOTION for Temporary Restraining Order filed by ETN Capital, LLC. (Parsons, Gavin) (Entered: 09/30/2023)                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 09/30/2023 | <a href="#">17</a> | AFFIDAVIT in Opposition regarding <a href="#">8</a> MOTION for Temporary Restraining Order filed by ETN Capital, LLC. (Attachments: # <a href="#">1</a> Exhibit 1 - Cease & Desist Letter, Original Complaint, # <a href="#">2</a> Exhibit 2 - Correspondence Between Counsel, # <a href="#">3</a> Exhibit 3 - Response to Cease and Desist, # <a href="#">4</a> Exhibit 4 - Receipt Correspondence, # <a href="#">5</a> Exhibit 5 - Correspondence re Waiver of Service, # <a href="#">6</a> Exhibit 6 - Correspondence re TRO Notice) (Parsons, Gavin) (Entered: 09/30/2023) |
| 10/02/2023 | <a href="#">18</a> | MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by ETN Capital, LLC. (Parsons, Gavin) (Entered: 10/02/2023)                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 10/02/2023 | <a href="#">19</a> | Memorandum in Support regarding <a href="#">18</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by ETN Capital, LLC. (Attachments: # <a href="#">1</a> Exhibit Prosecution History Excerpt, # <a href="#">2</a> Exhibit Prosecution History Excerpt) (Parsons, Gavin) (Entered: 10/02/2023)                                                                                                                                                                                                                                                                            |
| 10/04/2023 | <a href="#">20</a> | Waiver of Service Returned Executed filed by FBA Operating Co.. ETN Capital, LLC waiver sent on 9/26/2023, answer due 11/25/2023. (Long, Samuel) (Entered: 10/04/2023)                                                                                                                                                                                                                                                                                                                                                                                                         |
| 10/04/2023 | <a href="#">21</a> | Notice of Change of Address filed by Thomas H Stanton filed by on behalf of FBA Operating Co.. (Stanton, Thomas) (Entered: 10/04/2023)                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 10/04/2023 | <a href="#">22</a> | Notice of Intention not to File a Reply in Support filed by FBA Operating Co. regarding <a href="#">8</a> MOTION for Temporary                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

|            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10/04/2023 | <a href="#">22</a> | Notice of Motion Not to File a Reply in Support filed by FBA Operating Co. regarding <a href="#">8</a> MOTION for Temporary Restraining Order. (Long, Samuel) (Entered: 10/04/2023)                                                                                                                                                                                                                                                                             |
| 10/05/2023 |                    | Motion Submitted to District Judge James C. Dever III regarding <a href="#">8</a> MOTION for Temporary Restraining Order. (Mann, Stephanie) (Entered: 10/05/2023)                                                                                                                                                                                                                                                                                               |
| 10/06/2023 |                    | Case Selected for Mediation - A printable list of certified mediators for the Eastern District of North Carolina is available on the court's Website, <a href="http://www.nced.uscourts.gov/attorney/mediators.aspx">www.nced.uscourts.gov/attorney/mediators.aspx</a> . Please serve this list on all parties. (Mann, Stephanie) (Entered: 10/06/2023)                                                                                                         |
| 10/10/2023 | <a href="#">23</a> | ORDER denying <a href="#">8</a> Motion for Temporary Restraining Order. Signed by District Judge James C. Dever III on 10/10/2023. (Mann, Stephanie) (Entered: 10/10/2023)                                                                                                                                                                                                                                                                                      |
| 10/20/2023 | <a href="#">24</a> | First MOTION for Extension of Time to File Response/Reply as to <a href="#">18</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by FBA Operating Co.. (Attachments: # <a href="#">1</a> Text of Proposed Order) (Long, Samuel) (Entered: 10/20/2023)                                                                                                                                                                                                    |
| 10/20/2023 | <a href="#">26</a> | ORDER granting <a href="#">24</a> First MOTION for Extension of Time to File Response as to <a href="#">18</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM. Plaintiff shall respond to Defendant's Motion to Dismiss or file an Amended Complaint by no later than November 6, 2023. Signed by District Judge James C. Dever III on 10/20/2023. (Mann, Stephanie) (Entered: 10/23/2023)                                                                      |
| 10/23/2023 | <a href="#">25</a> | RESPONSE in Opposition regarding <a href="#">24</a> First MOTION for Extension of Time to File Response as to <a href="#">18</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by ETN Capital, LLC. (Attachments: # <a href="#">1</a> Exhibit 1 - Correspondence re Extension of Time) (Parsons, Gavin) (Entered: 10/23/2023)                                                                                                                            |
| 11/06/2023 | <a href="#">27</a> | AMENDED COMPLAINT against ETN Capital, LLC, filed by FBA Operating Co.. (Attachments: # <a href="#">1</a> Exhibit A. US Patent No. 10890925, # <a href="#">2</a> Exhibit B. US Patent No. 10890925 Claim Chart) (Long, Samuel) (Entered: 11/06/2023)                                                                                                                                                                                                            |
| 11/14/2023 | <a href="#">28</a> | Notice of Appearance filed by David E. Bennett on behalf of All Defendants. (Bennett, David) (Entered: 11/14/2023)                                                                                                                                                                                                                                                                                                                                              |
| 11/15/2023 | <a href="#">29</a> | Notice of Appearance filed by David Dewitt Kalish on behalf of All Defendants. (Kalish, David) (Entered: 11/15/2023)                                                                                                                                                                                                                                                                                                                                            |
| 11/16/2023 | <a href="#">30</a> | MOTION for Extension of Time to File Answer regarding <a href="#">27</a> Amended Complaint filed by ETN Capital, LLC. (Attachments: # <a href="#">1</a> Text of Proposed Order Proposed Order Granting Extension of Time) (Parsons, Gavin) (Entered: 11/16/2023)                                                                                                                                                                                                |
| 11/17/2023 | <a href="#">31</a> | RESPONSE in Opposition regarding <a href="#">30</a> MOTION for Extension of Time to File Answer regarding <a href="#">27</a> Amended Complaint filed by FBA Operating Co.. (Attachments: # <a href="#">1</a> Exhibit 1. Email correspondence between parties) (Long, Samuel) (Entered: 11/17/2023)                                                                                                                                                              |
| 11/17/2023 | <a href="#">32</a> | REPLY to Response to Motion regarding <a href="#">30</a> MOTION for Extension of Time to File Answer regarding <a href="#">27</a> Amended Complaint filed by ETN Capital, LLC. (Parsons, Gavin) (Entered: 11/17/2023)                                                                                                                                                                                                                                           |
| 11/17/2023 |                    | Motion Submitted to District Judge James C. Dever III regarding <a href="#">30</a> MOTION for Extension of Time to File Answer regarding <a href="#">27</a> Amended Complaint. (Mann, Stephanie) (Entered: 11/17/2023)                                                                                                                                                                                                                                          |
| 11/17/2023 | <a href="#">33</a> | ORDER granting <a href="#">30</a> Motion for Extension of Time to Answer. Defendant shall respond to Plaintiff's Amended Complaint <a href="#">27</a> no later than December 11, 2023. Signed by District Judge James C. Dever III on 11/17/2023. (Mann, Stephanie) (Entered: 11/17/2023)                                                                                                                                                                       |
| 12/08/2023 | <a href="#">34</a> | MOTION Manual Filing of Exhibit filed by ETN Capital, LLC. (Attachments: # <a href="#">1</a> Text of Proposed Order Proposed Order Permitting Manual Filing) (Parsons, Gavin) (Entered: 12/08/2023)                                                                                                                                                                                                                                                             |
| 12/08/2023 | <a href="#">35</a> | MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by ETN Capital, LLC. (Attachments: # <a href="#">1</a> Exhibit Images of Accused Product for Manual Filing) (Parsons, Gavin) (Entered: 12/08/2023)                                                                                                                                                                                                                                                         |
| 12/08/2023 | <a href="#">36</a> | Memorandum in Support regarding <a href="#">35</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by ETN Capital, LLC. (Attachments: # <a href="#">1</a> Exhibit Excerpt from Prosecution History, # <a href="#">2</a> Exhibit Excerpt from Prosecution History) (Parsons, Gavin) (Entered: 12/08/2023)                                                                                                                                                   |
| 12/08/2023 | <a href="#">37</a> | MOTION for Sanctions filed by ETN Capital, LLC. (Attachments: # <a href="#">1</a> Exhibit 1 - Second Declaration of Taylor Fife, # <a href="#">2</a> Exhibit 2 - Nov 13 Ltr to Counsel, # <a href="#">3</a> Exhibit 3 - Certificate of Service Draft Rule 11 Filing) (Parsons, Gavin) (Entered: 12/08/2023)                                                                                                                                                     |
| 12/08/2023 | <a href="#">38</a> | Memorandum in Support regarding <a href="#">37</a> MOTION for Sanctions filed by ETN Capital, LLC. (Parsons, Gavin) (Entered: 12/08/2023)                                                                                                                                                                                                                                                                                                                       |
| 12/12/2023 | <a href="#">39</a> | Consent MOTION for Extension of Time to File Response as to <a href="#">34</a> MOTION Manual Filing of Exhibit, <a href="#">35</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, <a href="#">37</a> MOTION for Sanctions filed by FBA Operating Co. (Attachments: # <a href="#">1</a> Text of Proposed Order) (Long, Samuel) (Entered: 12/12/2023)                                                                                                            |
| 12/13/2023 |                    | Motion Referred to Peter A. Moore, Jr., Clerk of Court regarding <a href="#">39</a> Consent MOTION for Extension of Time to File Response as to <a href="#">34</a> MOTION Manual Filing of Exhibit, <a href="#">35</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, <a href="#">37</a> MOTION for Sanctions. (Mann, Stephanie) (Entered: 12/13/2023)                                                                                                         |
| 12/13/2023 |                    | TEXT ORDER granting Plaintiff's Consent Motion for Extension of Time <a href="#">39</a> . For good cause shown, it is ordered that Plaintiff has up to and including January 29, 2024, within which to respond to the Motion to Manually File Exhibit <a href="#">34</a> , Motion to Dismiss <a href="#">35</a> and Motion for Sanctions <a href="#">37</a> . Signed by Peter A. Moore, Jr., Clerk of Court on 12/13/2023. (Hockaday, A.) (Entered: 12/13/2023) |

|            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01/29/2024 | <a href="#">40</a> | Notice of Change of Address filed by Thomas H Stanton filed by on behalf of FBA Operating Co.. (Stanton, Thomas) (Entered: 01/29/2024)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 01/29/2024 | <a href="#">41</a> | Memorandum in Opposition regarding <a href="#">35</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by FBA Operating Co.. (Long, Samuel) (Entered: 01/29/2024)                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 01/29/2024 | <a href="#">42</a> | Memorandum in Opposition regarding <a href="#">34</a> MOTION Manual Filing of Exhibit filed by FBA Operating Co.. (Long, Samuel) (Entered: 01/29/2024)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 01/29/2024 | <a href="#">43</a> | Memorandum in Opposition regarding <a href="#">37</a> MOTION for Sanctions filed by FBA Operating Co.. (Attachments: # <a href="#">1</a> Exhibit 1. Provisional Patent Application 62088115, # <a href="#">2</a> Exhibit 2. Provisional Patent Application 62101109, # <a href="#">3</a> Exhibit 3. Patent Application 14961787, # <a href="#">4</a> Exhibit 4. Patent Application 15619261, # <a href="#">5</a> Exhibit 5. Assignment from Command Electronics to FBA) (Long, Samuel) (Entered: 01/29/2024)                                                                                                                           |
| 02/12/2024 | <a href="#">44</a> | REPLY to Response to Motion regarding <a href="#">35</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by ETN Capital, LLC. (Parsons, Gavin) (Entered: 02/12/2024)                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 02/12/2024 | <a href="#">45</a> | REPLY to Response to Motion regarding <a href="#">34</a> MOTION Manual Filing of Exhibit filed by ETN Capital, LLC. (Parsons, Gavin) (Entered: 02/12/2024)                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 02/12/2024 | <a href="#">46</a> | REPLY to Response to Motion regarding <a href="#">37</a> MOTION for Sanctions filed by ETN Capital, LLC. (Parsons, Gavin) (Entered: 02/12/2024)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 02/26/2024 |                    | Notice to Counsel regarding: <a href="#">37</a> Motion for Sanctions. Pursuant to Local Civil Rule 7.1(b)(3) and Section V(I)(3) of the CM/ECF Policy and Procedures Manual and Judge Dever's practice preferences, parties must file a proposed order with any non-dispositive motion. Please file a proposed order to the motion at docket entry #37 using the event 'Proposed Order' in the Responses and Replies category and link it back to the motion to which it corresponds. (Mann, Stephanie) (Entered: 02/26/2024)                                                                                                          |
| 02/27/2024 | <a href="#">47</a> | Proposed Order regarding <a href="#">37</a> MOTION for Sanctions filed by ETN Capital, LLC. (Parsons, Gavin) (Entered: 02/27/2024)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 02/28/2024 |                    | Motions Submitted to District Judge James C. Dever III regarding <a href="#">18</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, <a href="#">34</a> MOTION Manual Filing of Exhibit, <a href="#">35</a> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, <a href="#">37</a> MOTION for Sanctions. (Mann, Stephanie) (Entered: 02/28/2024)                                                                                                                                                                                                                                                                                            |
| 03/01/2024 | <a href="#">48</a> | ORDER granting <a href="#">34</a> Motion to Manually File an Exhibit. Signed by District Judge James C. Dever III on 3/1/2024. (Mann, Stephanie) (Entered: 03/04/2024)                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 03/06/2024 | <a href="#">49</a> | AFFIDAVIT regarding <a href="#">48</a> Order on Motion for Miscellaneous Relief by ETN Capital, LLC (Parsons, Gavin) (Entered: 03/06/2024)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 03/06/2024 | <a href="#">50</a> | AFFIDAVIT regarding <a href="#">48</a> Order on Motion for Miscellaneous Relief by ETN Capital, LLC (Parsons, Gavin) (Entered: 03/06/2024)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 03/08/2024 |                    | Manually filed exhibit received at intake on 3/6/2024 and submitted to United States District Judge James C. Dever III. (Mann, Stephanie) (Entered: 03/08/2024)                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 06/10/2024 | <a href="#">51</a> | ORDER - The court GRANTS defendant's motion to dismiss plaintiff's amended complaint <a href="#">35</a> , DISMISSES as moot defendant's first motion to dismiss <a href="#">18</a> , DENIES defendant's motion for sanctions <a href="#">37</a> , DENIES plaintiff's request for fees <a href="#">43</a> , DISMISSES WITHOUT PREJUDICE plaintiff's first amended complaint, and GRANTS plaintiff's request for leave to amend <a href="#">41</a> . Plaintiff may file one final amended complaint not later than July 1, 2024. Signed by District Judge James C. Dever III on 6/10/2024. (Mann, Stephanie) (Entered: 06/10/2024)       |
| 06/27/2024 | <a href="#">52</a> | Notice of Interlocutory Appeal filed by FBA Operating Co. as to <a href="#">51</a> Order on Motion to Dismiss for Failure to State a Claim. Filing fee, receipt number ANCEDC-7667976. (Long, Samuel) (Entered: 06/27/2024)                                                                                                                                                                                                                                                                                                                                                                                                            |
| 06/28/2024 | <a href="#">53</a> | <del>Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals regarding <a href="#">52</a> Notice of Interlocutory Appeal.</del> (Foell, S.) Modified on 7/8/2024 (Foell, S.). (Entered: 06/28/2024)                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 07/08/2024 |                    | Remark - Emailed Notice of Appeal to the USCOA for the Federal Circuit. (Foell, S.) (Entered: 07/08/2024)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 07/12/2024 | <a href="#">54</a> | US Court of Appeals for the Federal Circuit <b>Case Number: 24-2070</b> as to <a href="#">52</a> Notice of Interlocutory Appeal filed by FBA Operating Co.. (Foell, S.) (Entered: 07/12/2024)                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 07/23/2024 | <a href="#">55</a> | ORDER of US Court of Appeals for the Federal Circuit staying the briefing schedule as to <a href="#">52</a> Notice of Interlocutory Appeal filed by FBA Operating Co.. (Foell, S.) (Entered: 07/23/2024)                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 08/29/2024 | <a href="#">56</a> | MOTION to reset the deadline for Plaintiff to file a Second Amended Complaint filed by FBA Operating Co. (Attachments: # <a href="#">1</a> Declaration of Thomas H. Stanton, # <a href="#">2</a> Exhibit A - 24-2070 Order dated 7/23/24, # <a href="#">3</a> Exhibit B - 24-2070 Motion to Dismiss, # <a href="#">4</a> Exhibit C - 24-2070 Response, # <a href="#">5</a> Exhibit D - 24-2070 Response to Show Cause Order, # <a href="#">6</a> Exhibit E - Emails dated 8/19/24, # <a href="#">7</a> Text of Proposed Order) (Stanton, Thomas) Modified on 8/30/2024 to correct docket text (Mann, Stephanie). (Entered: 08/29/2024) |
| 08/30/2024 |                    | REMINDER TO COUNSEL. Exhibits should be properly identified pursuant to Section V.E. of the CM/ECF Policies and Procedures Manual (i.e., "Exhibit 1" is not a sufficient description). The deputy clerk clarified the docket text. No action by counsel is required. (Mann, Stephanie) (Entered: 08/30/2024)                                                                                                                                                                                                                                                                                                                           |
| 08/30/2024 | <a href="#">57</a> | ORDER and Mandate of the US Court of Appeals for the Federal Circuit dismissing appeal as to <a href="#">52</a> Notice of Interlocutory                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

|            |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                    | Appeal filed by FBA Operating Co. (Foell, S.) (Entered: 08/30/2024)                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 09/09/2024 | <a href="#">58</a> | RESPONSE to Motion regarding <a href="#">56</a> MOTION to reset the deadline for Plaintiff to file a Second Amended Complaint filed by ETN Capital, LLC. (Parsons, Gavin) (Entered: 09/09/2024)                                                                                                                                                                                                                                                                                                                                               |
| 09/26/2024 |                    | Motion Submitted to District Judge James C. Dever III regarding <a href="#">56</a> MOTION to reset the deadline for Plaintiff to file a Second Amended Complaint. (Mann, Stephanie) (Entered: 09/26/2024)                                                                                                                                                                                                                                                                                                                                     |
| 09/26/2024 | <a href="#">59</a> | ORDER granting <a href="#">56</a> Motion to Reset the Deadline to File Second Amended Complaint. Signed by District Judge James C. Dever III on 9/26/2024. (Mann, Stephanie) (Entered: 09/26/2024)                                                                                                                                                                                                                                                                                                                                            |
| 09/30/2024 | <a href="#">60</a> | AMENDED COMPLAINT ( <i>second</i> ) against ETN Capital, LLC, filed by FBA Operating Co.. (Attachments: # <a href="#">1</a> Exhibit US Patent No. 10890925, # <a href="#">2</a> Exhibit Infringement Claim Chart) (Stanton, Thomas) (Entered: 09/30/2024)                                                                                                                                                                                                                                                                                     |
| 10/11/2024 | <a href="#">61</a> | First MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>in re 2nd Amended Complaint</i> filed by ETN Capital, LLC. (Attachments: # <a href="#">1</a> Exhibit Amendment dated August 13, 2019, # <a href="#">2</a> Exhibit Amendment dated February 11, 2020) (Parsons, Gavin) (Entered: 10/11/2024)                                                                                                                                                                                                                                           |
| 10/11/2024 | <a href="#">62</a> | Memorandum in Support regarding <a href="#">61</a> First MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>in re 2nd Amended Complaint</i> filed by ETN Capital, LLC. (Parsons, Gavin) (Entered: 10/11/2024)                                                                                                                                                                                                                                                                                                                                  |
| 10/15/2024 | <a href="#">63</a> | First MOTION to Stay filed by ETN Capital, LLC. (Attachments: # <a href="#">1</a> Text of Proposed Order Proposed Order, # <a href="#">2</a> Exhibit Exhibit A - IPR Petition, # <a href="#">3</a> Exhibit Exhibit B - Grimes Declaration, # <a href="#">4</a> Exhibit Exhibit C - US20080142768A1 Thorpe, # <a href="#">5</a> Exhibit Exhibit D - US 7305772 Clark, # <a href="#">6</a> Exhibit Exhibit E -US 20160075311A1 Garceau, # <a href="#">7</a> Exhibit Exhibit E -US 20160075311A1 Garceau) (Parsons, Gavin) (Entered: 10/15/2024) |
| 10/15/2024 | <a href="#">64</a> | Memorandum in Support regarding <a href="#">63</a> First MOTION to Stay filed by ETN Capital, LLC. (Parsons, Gavin) (Entered: 10/15/2024)                                                                                                                                                                                                                                                                                                                                                                                                     |
| 11/01/2024 | <a href="#">65</a> | RESPONSE in Opposition regarding <a href="#">61</a> First MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>in re 2nd Amended Complaint</i> filed by FBA Operating Co.. (Stanton, Thomas) (Entered: 11/01/2024)                                                                                                                                                                                                                                                                                                                               |
| 11/05/2024 | <a href="#">66</a> | Memorandum in Opposition regarding <a href="#">63</a> First MOTION to Stay <i>Pending IPR</i> , filed by FBA Operating Co.. (Stanton, Thomas) (Entered: 11/05/2024)                                                                                                                                                                                                                                                                                                                                                                           |
| 11/15/2024 | <a href="#">67</a> | REPLY to Response to Motion regarding <a href="#">61</a> First MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>in re 2nd Amended Complaint</i> filed by ETN Capital, LLC. (Parsons, Gavin) (Entered: 11/15/2024)                                                                                                                                                                                                                                                                                                                            |
| 11/15/2024 | <a href="#">68</a> | REPLY to Response to Motion regarding <a href="#">63</a> First MOTION to Stay filed by ETN Capital, LLC. (Parsons, Gavin) (Entered: 11/15/2024)                                                                                                                                                                                                                                                                                                                                                                                               |
| 11/20/2024 |                    | Motions Submitted to District Judge James C. Dever III regarding <a href="#">63</a> First MOTION to Stay, <a href="#">61</a> First MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>in re 2nd Amended Complaint</i> . (Mann, Stephanie) (Entered: 11/20/2024)                                                                                                                                                                                                                                                                                |

| PACER Service Center |               |                  |                    |
|----------------------|---------------|------------------|--------------------|
| Transaction Receipt  |               |                  |                    |
| 12/30/2024 22:41:59  |               |                  |                    |
| PACER Login:         | pfraulo1      | Client Code:     |                    |
| Description:         | Docket Report | Search Criteria: | 5:23-cv-00505-D-RN |
| Billable Pages:      | 6             | Cost:            | 0.60               |