

Rally AG LLC v. Apple, Inc.

1:23-cv-01106 | Delaware District Court

Division Wilmington

Nature of Suit 830 Patent

Judge Judge Joel H Slomsky

Cause 35:1 Patent Infringement

Filed Oct. 5, 2023

Jury Demand Plaintiff

Case Flags PATENT

Last Updated 5 seconds ago

Upcoming Events

Deadlines are extracted from docket and documents

7 Weeks
11/18/2024

 Release of Transcript Restriction set for 11/18/2024.

Filing Date

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Docket Text

8/20/2024	51	Official Transcript of Oral Argument Hearing held on <u>08/15/2024</u> before Judge Judge Joel H. Slomsky. Court Reporter/Transcriber Chris Campoli, Phone: 609-588-8043. Transcripts may be viewed at the court public terminal or order/purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER Redaction Request due <u>9/10/2024</u> . Redacted Transcript Deadline set for <u>9/20/2024</u> . Release of Transcript Restriction set for <u>11/18/2024</u> . (vfm) (Entered: 08/20/2024)
8/15/2024		Minute Entry for proceedings held before Judge Joel H Slomsky - Oral Argument held on <u>8/15/2024</u> . Counsel for Plaintiff: Rodger Dallery Smith, II, Samuel Merritt, and Bruce Rose. Counsel for Defendant: Anna Dwyer, Garland Stephens, and Andrew Mark Moshos. (Court Reporter Chris Campoli.) (mpb) (Entered: 08/15/2024)
8/13/2024	50	NOTICE of Appearance by Andrew Mark Moshos on behalf of Apple, Inc. (Moshos, Andrew) (Entered: 08/13/2024)
8/1/2024	49	 Order ORDER: The Hearing currently scheduled for <u>August 5, 2024</u> is CANCELLED and that the hearing on the Motion to Dismiss Plaintiff's Second Amended Complaint (Doc. Nos. 41 , 42) is rescheduled to take place on <u>August 15, 2024 at 10:00 a.m.</u> in Courtroom 13A, United States Courthouse, 601 Market Street Philadelphia, Pennsylvania. Signed by Judge Joel H Slomsky on 8/1/2024. (mpb) (Entered: 08/01/2024)
7/8/2024	48	 Order ORDER: A hearing on the Motion to Dismiss Plaintiff's Second Amended Complaint (Doc. Nos. 41 , 42) will be held on <u>August 5, 2024 at 10:00 a.m.</u> in Courtroom 13A, United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania. Signed by Judge Joel H Slomsky on 7/8/2024. (mpb) (Entered: 07/08/2024)
7/3/2024	47	REQUEST for Oral Argument by Apple, Inc. re 41 MOTION to Dismiss for Failure to State a Claim [<i>Motion to Dismiss Plaintiff's Second Amended Complaint</i>]. (Moore, David) (Entered: 07/03/2024)

Filing Date	#	Docket Text
6/28/2024	46	 Motion to Dismiss for Failure to State a Claim by Δ REPLY BRIEF re 41 MOTION to Dismiss for Failure to State a Claim [<i>Motion to Dismiss Plaintiff's Second Amended Complaint</i>] filed by Apple, Inc.. (Moore, David) (Entered: 06/28/2024)
6/14/2024	45	 Motion to Dismiss for Failure to State a Claim by Π ANSWERING BRIEF in Opposition re 41 MOTION to Dismiss for Failure to State a Claim [<i>Motion to Dismiss Plaintiff's Second Amended Complaint</i>] filed by Rally AG LLC.Reply Brief due date per Local Rules is <u>6/21/2024</u> . (Cucuzzella, Lucinda) (Entered: 06/14/2024)
6/6/2024	44	STIPULATION AND ORDER regarding D.I. 43 STIPULATION TO EXTEND TIME for: (1) Plaintiff Rally AG LLC to file its answering brief in opposition to Defendant Apple, Inc.'s Motion to Dismiss Plaintiff's Second Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6) (D.I. 41) to <u>June 14, 2024</u> ; and (2) Apple to file its reply brief in support of the Motion to <u>June 28, 2024</u> . Signed by Judge Joel H Slomsky on 6/6/2024. (apk) (Entered: 06/06/2024)
5/30/2024	43	 Motion to Extend Time by Π STIPULATION TO EXTEND TIME for: (1) Plaintiff Rally AG LLC to file its answering brief in opposition to Defendant Apple, Inc.'s Motion to Dismiss Plaintiff's Second Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6) (D.I. 41) to <u>June 14, 2024</u> ; and (2) Apple to file its reply brief in support of the Motion to <u>June 28, 2024</u> - filed by Rally AG LLC. (Cucuzzella, Lucinda) (Entered: 05/30/2024)
5/24/2024	42	OPENING BRIEF in Support re 41 MOTION to Dismiss for Failure to State a Claim [<i>Motion to Dismiss Plaintiff's Second Amended Complaint</i>] filed by Apple, Inc..Answering Brief/Response due date per Local Rules is <u>6/7/2024</u> . (Moore, David) (Entered: 05/24/2024)
5/24/2024	41	 Motion to Dismiss for Failure to State a Claim by Δ MOTION to Dismiss for Failure to State a Claim [<i>Motion to Dismiss Plaintiff's Second Amended Complaint</i>] - filed by Apple, Inc.. (Attachments: # 1 Text of Proposed Order)(Moore, David) (Entered: 05/24/2024)
5/9/2024	40	 Order Granted ORDER granting D.I. 37 MOTION for Pro Hac Vice Appearance of Attorney Samuel C. Merritt and Clara G. Ilkka of MOORE & VAN ALLEN. Signed by Judge Joel H Slomsky on 5/9/2024. (mpb) (Entered: 05/09/2024)
5/8/2024	39	NOTICE requesting Clerk to remove Jeff Risher as co-counsel. Reason for request: No longer with the firm of Blue Peak Law Group LLP. (Moore, David) (Entered: 05/08/2024)
5/7/2024	38	Pro Hac Vice Fee - Credit Card Payment received for Samuel C. Merritt and Clara G. Ilkka. (re 37 MOTION for Pro Hac Vice Appearance of Attorney Samuel C. Merritt and Clara G. Ilkka of MOORE & VAN ALLEN)(Payment of \$ 100, receipt number ADEDC-4401582).(Cucuzzella, Lucinda) (Entered: 05/07/2024)
5/7/2024	37	 Motion to Appear Pro Hac Vice by Π MOTION for Pro Hac Vice Appearance of Attorney Samuel C. Merritt and Clara G. Ilkka of MOORE & VAN ALLEN - filed by Rally AG LLC. (Cucuzzella, Lucinda) (Entered: 05/07/2024)
5/6/2024	36	 Motion to Dismiss (Demurrer) Denied ORDER: the Motion to Dismiss (Doc No. 23) is DENIED WITHOUT PREJUDICE AS MOOT. Signed by Judge Joel H Slomsky on 5/6/2024. (mpb) (Entered: 05/06/2024)
5/3/2024	35	 Complaint by Π Second AMENDED COMPLAINT against Rally AG LLC- filed by Rally AG LLC. (Attachments: # 1 Exhibit A U.S. Patent No. 11,361,107, # 2 Exhibit B Apples Patent Application, US20200382455A1, # 3 Exhibit C U.S. Patent Offices Office Action dated <u>November 6, 2023</u> , # 4 Exhibit D Apples Office Action Response dated <u>January 31, 2024</u> , # 5 Exhibit E U.S. Patent Offices Notice of Allowance dated <u>March 6, 2024</u>)(Cucuzzella, Lucinda) (Entered: 05/03/2024)

Filing Date	#	Docket Text
4/30/2024	34	NOTICE of Withdrawal of Counsel by Rally AG LLC (Cucuzzella, Lucinda) (Entered: 04/30/2024)
3/25/2024	33	 Order ORDER: Plaintiff is granted leave to file a second amended complaint by <u>May 4, 2024</u> , if Plaintiff chooses to do so (Second Amended Complaint due by <u>5/4/2024</u>) Signed by Judge Joel H Slomsky on 3/25/2024. (apk) (Entered: 03/25/2024)
3/25/2024	32	Official Transcript of Motion Hearing held on <u>3/21/2024</u> before Judge Joel H. Slomsky. Court Reporter/Transcriber Writers Cramp, Inc. Transcript may be viewed at the court public terminal or order/purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER Redaction Request due <u>4/15/2024</u> . Redacted Transcript Deadline set for <u>4/25/2024</u> . Release of Transcript Restriction set for <u>6/24/2024</u> . (apk) (Entered: 03/25/2024)
3/21/2024		Minute Entry for proceedings held before Judge Joel H Slomsky - Motion Hearing held on <u>3/21/2024</u> regarding D.I. 23 MOTION to Dismiss for Failure to State a Claim - <i>First Amended Complaint</i> filed by Apple, Inc. (Court Reporter: Recorded Via ESR.) (mpb) (Entered: 03/21/2024)
3/6/2024	31	 Motion to Dismiss (Demurrer) ORDER: A Hearing on the Motion to Dismiss (Doc. Nos. 23 , 24) will be held on <u>March 21, 2024 at 2:30 p.m.</u> in Courtroom 13A, United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania. Signed by Judge Joel H Slomsky on 3/6/2024. (mpb) (Entered: 03/06/2024)
3/4/2024	30	REQUEST for Oral Argument by Rally AG LLC re 23 MOTION to Dismiss for Failure to State a Claim - <i>First Amended Complaint</i> . (Smith, Rodger) (Entered: 03/04/2024)
2/26/2024	29	DECLARATION re 28 Reply Brief [<i>Declaration of Anna Dwyer</i>] by Apple, Inc.. (Attachments: # 1 Exhibit A-B) (Palapura, Bindu) (Entered: 02/26/2024)
2/26/2024	28	 Motion to Dismiss for Failure to State a Claim by Δ REPLY BRIEF re 23 MOTION to Dismiss for Failure to State a Claim - <i>First Amended Complaint</i> filed by Apple, Inc.. (Palapura, Bindu) (Entered: 02/26/2024)
2/16/2024	27	 Motion to Dismiss for Failure to State a Claim by Π ANSWERING BRIEF in Opposition re 23 MOTION to Dismiss for Failure to State a Claim - <i>First Amended Complaint</i> filed by Rally AG LLC.Reply Brief due date per Local Rules is <u>2/23/2024</u> . (Attachments: # 1 Exhibit A - Ian A. Goldberg, et al., Privacy-enhancing technologies for the Internet,)(Cucuzzella, Lucinda) (Entered: 02/16/2024)
2/6/2024	26	 Motion to Extend Time SO ORDERED, re 25 STIPULATION TO EXTEND TIME. The deadline for Plaintiff Rally AG LLC to file its answering brief in opposition to Defendant Apple, Inc.'s Motion to Dismiss (D.I. 23) shall be extended to <u>February 16, 2024</u> . The deadline for Appel to file its reply brief in support of the Motion shall be extended to <u>February 26, 2024</u> . Signed by Judge Joel H Slomsky on 2/6/2024. (mpb) (Entered: 02/06/2024)
2/5/2024	25	 Motion to Extend Time by Π STIPULATION TO EXTEND TIME (1) for Plaintiff Rally AG LLC to file its answering brief in opposition to Defendant Apple, Inc.'s Motion to Dismiss Plaintiff's First Amended Complaint; and (2) for Apple to file its reply brief in support of the Motion to <u>February 16, 2024</u> and <u>February 26, 2024</u> - filed by Rally AG LLC. (Smith, Rodger) (Entered: 02/05/2024)
1/23/2024	24	OPENING BRIEF in Support re 23 MOTION to Dismiss for Failure to State a Claim - <i>First Amended Complaint</i> filed by Apple, Inc..Answering Brief/Response due date per Local Rules is <u>2/6/2024</u> . (Moore, David) (Entered: 01/23/2024)

Filing Date

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Docket Text

1/23/2024	23	 Motion to Dismiss for Failure to State a Claim by Δ MOTION to Dismiss for Failure to State a Claim -<i>First Amended Complaint</i> - filed by Apple, Inc.. (Attachments: # 1 Text of Proposed Order)(Moore, David) (Entered: 01/23/2024)
1/11/2024		Case Reassigned to Judge Joel H Slomsky of the United States District Court for the Eastern District of Pennsylvania. Please include the initials of the Judge (JHS) after the case number on all documents filed. (rjb) (Entered: 01/11/2024)
1/11/2024	22	 Order ORDER: DESIGNATION OF DISTRICT JUDGE TO HOLD A DISTRICT COURT WITHIN THE CIRCUIT, designating and assigning the Honorable Joel H. Slomsky of the United States District Court for the Eastern District of Pennsylvania. Signed by Judge Michael A Chagares, Chief Judge of the United States Court of Appeals for the Third Circuit on 1/11/2024. (rjb) (Entered: 01/11/2024)
1/9/2024	21	 Motion to Dismiss for Failure to State a Claim by Π RESPONSE to Motion re 12 MOTION to Dismiss for Failure to State a Claim filed by Rally AG LLC. (Smith, Rodger) (Entered: 01/09/2024)
1/9/2024	20	 Complaint by Π First AMENDED COMPLAINT with <i>Jury Demand</i> against Apple, Inc.- filed by Rally AG LLC. (Attachments: # 1 Ex. A)(Smith, Rodger) (Entered: 01/09/2024)
1/3/2024	19	NOTICE of Change of Law Firm for Bruce J. Rose by Rally AG LLC (Smith, Rodger) (Entered: 01/03/2024)
1/2/2024	18	 Motion to Extend Time SO ORDERED, re 17 STIPULATION TO EXTEND TIME for Plaintiff to amend its Complaint (D.I. 1) to <u>January 9, 2024</u>, filed by Rally AG LLC. Signed by Judge Colm F. Connolly on 1/2/2024. (kmd) (Entered: 01/02/2024)
1/2/2024	17	 Motion to Extend Time by Π STIPULATION TO EXTEND TIME for Plaintiff to amend its Complaint (D.I. 1) to <u>January 9, 2024</u> - filed by Rally AG LLC. (Smith, Rodger) (Entered: 01/02/2024)
12/18/2023	16	 Motion to Extend Time SO ORDERED, re 15 STIPULATION TO EXTEND TIME for Plaintiff to respond to Defendant's Motion to Dismiss (D.I. 12) and for Defendant to file its reply brief in support of its Motion to Dismiss to <u>January 9, 2024</u> and <u>January 23, 2024</u>, respectively, filed by Rally AG LLC. Reset Briefing Schedule: re 12 MOTION to Dismiss for Failure to State a Claim. Answering Brief due <u>1/9/2024</u>. Reply Brief due <u>1/23/2024</u>. Signed by Judge Colm F. Connolly on 12/18/2023. (kmd) (Entered: 12/18/2023)
12/15/2023	15	 Motion to Extend Time by Π STIPULATION TO EXTEND TIME for Plaintiff to respond to Defendant's Motion to Dismiss (D.I. 12) and for Defendant to file its reply brief in support of its Motion to Dismiss to <u>January 9, 2024</u> and <u>January 23, 2024</u>, respectively - filed by Rally AG LLC. (Cucuzzella, Lucinda) (Entered: 12/15/2023)
12/11/2023	14	Disclosure Statement pursuant to Rule 7.1: No Parents or Affiliates Listed filed by Apple, Inc.. (Moore, David) (Entered: 12/11/2023)
12/11/2023	13	OPENING BRIEF in Support re 12 MOTION to Dismiss for Failure to State a Claim filed by Apple, Inc.. Answering Brief/Response due date per Local Rules is <u>12/26/2023</u> . (Attachments: # 1 Certificate of Compliance)(Moore, David) (Entered: 12/11/2023)
12/11/2023	12	 Motion to Dismiss for Failure to State a Claim by Δ MOTION to Dismiss for Failure to State a Claim - filed by Apple, Inc.. (Attachments: # 1 Text of Proposed Order)(Moore, David) (Entered: 12/11/2023)

Filing Date	#	Docket Text
11/3/2023		Pro Hac Vice Attorneys Jeff Risher, Garland Stephens, Anna Dwyer, and Robert Magee for Apple, Inc. added for electronic noticing. Pursuant to Local Rule 83.5 (d), Delaware counsel shall be the registered users of CM/ECF and shall be required to file all papers. (mpb) (Entered: 11/03/2023)
11/3/2023	11	Amended Disclosure Statement pursuant to Rule 7.1: identifying Corporate Parent Rally Capital LLC, Other Affiliate Teledesic Corporation, Other Affiliate Teledesic LLC for Rally AG LLC filed by Rally AG LLC. (Smith, Rodger) (Entered: 11/03/2023)
10/26/2023		 Motion to Appear Pro Hac Vice SO ORDERED, re 10 MOTION for Pro Hac Vice Appearance of Attorney Garland Stephens, Anna Dwyer, Robert Magee and Jeff Risher of Blue Peak Law Group LLP, filed by Apple, Inc. Ordered by Judge Colm F. Connolly on <u>10/26/2023</u> . (kmd) (Entered: 10/26/2023)
10/26/2023	10	 Motion to Appear Pro Hac Vice by Δ MOTION for Pro Hac Vice Appearance of Attorney Garland Stephens, Anna Dwyer, Robert Magee and Jeff Risher of Blue Peak Law Group LLP - filed by Apple, Inc.. (Moore, David) (Entered: 10/26/2023)
10/24/2023	2	NOTICE of Appearance by David Ellis Moore on behalf of Apple, Inc. (Moore, David) (Entered: 10/24/2023)
10/24/2023		 Motion to Extend Time SO ORDERED, re 8 STIPULATION TO EXTEND TIME to answer, move or otherwise respond to the Complaint to <u>December 11, 2023</u> , filed by Apple, Inc. Reset Answer Deadlines: Apple, Inc. answer due <u>12/11/2023</u> . Ordered by Judge Colm F. Connolly on <u>10/24/2023</u> . (kmd) (Entered: 10/24/2023)
10/24/2023	8	 Motion to Extend Time by Δ STIPULATION TO EXTEND TIME to answer, move or otherwise respond to the Complaint to <u>December 11, 2023</u> - filed by Apple, Inc.. (Palapura, Bindu) (Entered: 10/24/2023)
10/12/2023	7	 Standing Order STANDING ORDER REGARDING BRIEFING IN ALL CASES (nmf) (Entered: 10/12/2023)
10/11/2023		Case Assigned to Judge Colm F. Connolly. Please include the initials of the Judge (CFC) after the case number on all documents filed. (rjb) (Entered: 10/11/2023)
10/6/2023	6	SUMMONS Returned Executed by Rally AG LLC.Apple, Inc. served on <u>10/6/2023</u> , answer due <u>10/27/2023</u> . (Smith, Rodger) (Entered: 10/06/2023)
10/5/2023	5	Summons Issued as to Apple, Inc. on <u>10/5/2023</u> . (jfm) (Entered: 10/05/2023)
10/5/2023	4	Disclosure Statement pursuant to Rule 7.1: identifying Corporate Parent Teledesic Corporation for Rally AG LLC filed by Rally AG LLC. (jfm) (Entered: 10/05/2023)
10/5/2023	3	Report to the Commissioner of Patents and Trademarks for Patent/Trademark Number(s) 11,361,107 B2. (jfm) (Entered: 10/05/2023)
10/5/2023	2	Notice, Consent and Referral forms re: U.S. Magistrate Judge jurisdiction. (jfm) (Entered: 10/05/2023)
10/5/2023	1	 Complaint COMPLAINT FOR PATENT INFRINGEMENT filed with Jury Demand against Apple, Inc. (Filing fee \$ 402, receipt number ADEDC-4241491.) - filed by Rally AG LLC. (Attachments: # 1 Exhibit A, # 2 Civil Cover Sheet)(jfm) (Entered: 10/05/2023)

Docket Alarm by vLex