

Docket Entries

67 Results

Case Numbers: DDE-1-23-cv-01106

	Date ▲	#	Description	
—	Oct. 05, 2023	1	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)	
			Complaint -- Infringement	N/A
	Oct. 05, 2023	2	Notice, Consent and Referral forms re: U.S. Magistrate Judge jurisdiction. (jfm) (Entered: 10/05/2023)	
	Oct. 05, 2023	3	Report to the Commissioner of Patents and Trademarks for Patent/Trademark Number(s) 11,361,107 B2. (jfm) (Entered: 10/05/2023)	
—	Oct. 05, 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)	
			Corporate Disclosure Statement	N/A
	Oct. 05, 2023	5	Summons Issued as to Apple, Inc. on 10/5/2023. (jfm) (Entered: 10/05/2023)	
	Oct. 06, 2023	6	SUMMONS Returned Executed by Rally AG LLC.Apple, Inc. served on 10/6/2023, answer due 10/27/2023. (Smith, Rodger) (Entered: 10/06/2023)	
	Oct. 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)	
	Oct. 12, 2023	7	STANDING ORDER REGARDING BRIEFING IN ALL CASES (nmf) (Entered: 10/12/2023)	
	Oct. 24, 2023		SO ORDERED, re 8 STIPULATION TO EXTEND TIME to answer, move or otherwise respond to the Complaint to December 11, 2023, filed by Apple, Inc. Reset Answer Deadlines: Apple, Inc. answer due 12/11/2023. Ordered by Judge Colm F. Connolly on 10/24/2023. (kmd) (Entered: 10/24/2023)	
	Oct. 24, 2023	8	STIPULATION TO EXTEND TIME to answer, move or otherwise respond to the Complaint to December 11, 2023 - filed by Apple, Inc.. (Palapura, Bindu) (Entered: 10/24/2023)	
	Oct. 24, 2023	9	NOTICE of Appearance by David Ellis Moore on behalf of Apple, Inc. (Moore, David) (Entered: 10/24/2023)	
	Oct. 26, 2023		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 10/26/2023. (kmd) (Entered: 10/26/2023)	
	Oct. 26, 2023	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.. (Moore, David) (Entered: 10/26/2023)	
	Nov. 03, 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)	
—	Nov. 03, 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)	
			Corporate Disclosure Statement	N/A
	Dec. 11, 2023	12	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)	
	Dec. 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 12/26/2023. (Attachments: # 1 Certificate of Compliance)(Moore, David) (Entered: 12/11/2023)	
	Dec. 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)	
	Dec. 15, 2023	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 January 9, 2024 and January 23, 2024, respectively - filed by Rally AG LLC. (Cucuzzella, Lucinda) (Entered: 12/15/2023)	

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Dec. 18, 2023	16	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 January 9, 2024 and January 23, 2024, respectively, filed by Rally AG LLC. Reset Briefing Schedule: re 12 MOTION to Dismiss for Failure to State a Claim. Answering Brief due 1/9/2024. Reply Brief due 1/23/2024. Signed by Judge Colm F. Connolly on 12/18/2023. (kmd) (Entered: 12/18/2023)	
Jan. 02, 2024	17	STIPULATION TO EXTEND TIME for Plaintiff to amend its Complaint (D.I. 1) to January 9, 2024 - filed by Rally AG LLC. (Smith, Rodger) (Entered: 01/02/2024)	
Jan. 02, 2024	18	SO ORDERED, re 17 STIPULATION TO EXTEND TIME for Plaintiff to amend its Complaint (D.I. 1) to January 9, 2024, filed by Rally AG LLC. Signed by Judge Colm F. Connolly on 1/2/2024. (kmd) (Entered: 01/02/2024)	
Jan. 03, 2024	19	NOTICE of Change of Law Firm for Bruce J. Rose by Rally AG LLC (Smith, Rodger) (Entered: 01/03/2024)	
Jan. 09, 2024	20	First AMENDED COMPLAINT with Jury Demand against Apple, Inc.- filed by Rally AG LLC. (Attachments: # 1 Ex. A)(Smith, Rodger) (Entered: 01/09/2024)	
Amended Complaint			N/A
Jan. 09, 2024	21	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)	
Jan. 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)	
Jan. 11, 2024	22	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)	
Jan. 23, 2024	23	MOTION to Dismiss for Failure to State a Claim -First Amended Complaint - filed by Apple, Inc.. (Attachments: # 1 Text of Proposed Order)(Moore, David) (Entered: 01/23/2024)	
Jan. 23, 2024	24	OPENING BRIEF in Support re 23 MOTION to Dismiss for Failure to State a Claim -First Amended Complaint filed by Apple, Inc..Answering Brief/Response due date per Local Rules is 2/6/2024. (Moore, David) (Entered: 01/23/2024)	
Feb. 05, 2024	25	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 February 16, 2024 and February 26, 2024 - filed by Rally AG LLC. (Smith, Rodger) (Entered: 02/05/2024)	
Feb. 06, 2024	26	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 February 16, 2024. The deadline for Apple to file its reply brief in support of the Motion shall be extended to February 26, 2024. Signed by Judge Joel H Slomsky on 2/6/2024. (mpb) (Entered: 02/06/2024)	
Feb. 16, 2024	27	ANSWERING BRIEF in Opposition re 23 MOTION to Dismiss for Failure to State a Claim -First Amended Complaint filed by Rally AG LLC.Reply Brief due date per Local Rules is 2/23/2024. (Attachments: # 1 Exhibit A - Ian A. Goldberg, et al., Privacy-enhancing technologies for the Internet.)(Cucuzzella, Lucinda) (Entered: 02/16/2024)	
Feb. 26, 2024	28	REPLY BRIEF re 23 MOTION to Dismiss for Failure to State a Claim -First Amended Complaint filed by Apple, Inc.. (Palapura, Bindu) (Entered: 02/26/2024)	
Feb. 26, 2024	29	DECLARATION re 28 Reply Brief [Declaration of Anna Dwyer] by Apple, Inc.. (Attachments: # 1 Exhibit A-B)(Palapura, Bindu) (Entered: 02/26/2024)	
Mar. 04, 2024	30	REQUEST for Oral Argument by Rally AG LLC re 23 MOTION to Dismiss for Failure to State a Claim -First Amended Complaint. (Smith, Rodger) (Entered: 03/04/2024)	
Mar. 06, 2024	31	ORDER: A Hearing on the Motion to Dismiss (Doc. Nos. 23 , 24) will be held on March 21, 2024 at 2:30 p.m. 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)	
Mar. 21, 2024		Minute Entry for proceedings held before Judge Joel H Slomsky - Motion Hearing held on 3/21/2024 regarding D.I. 23 MOTION to Dismiss for Failure to State a Claim -First Amended Complaint filed by Apple, Inc. (Court Reporter: Recorded Via ESR.) (mpb) (Entered: 03/21/2024)	
Mar. 25, 2024	32	Official Transcript of Motion Hearing held on 3/21/2024 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 4/15/2024. Redacted Transcript Deadline set for 4/25/2024. Release of Transcript Restriction set for 6/24/2024. (apk) (Entered: 03/25/2024)	

Mar. 25, 2024	33	ORDER: Plaintiff is granted leave to file a second amended complaint by May 4, 2024, if Plaintiff chooses to do so (Second Amended Complaint due by 5/4/2024) Signed by Judge Joel H Slomsky on 3/25/2024. (apk) (Entered: 03/25/2024)	
Motion to Amend or Supplement Pleading		Granted	
Apr. 30, 2024	34	NOTICE of Withdrawal of Counsel by Rally AG LLC (Cucuzzella, Lucinda) (Entered: 04/30/2024)	
May. 03, 2024	35	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 November 6, 2023, # 4 Exhibit D Apples Office Action Response dated January 31, 2024, # 5 Exhibit E U.S. Patent Offices Notice of Allowance dated March 6, 2024)(Cucuzzella, Lucinda) (Entered: 05/03/2024)	
Amended Complaint		N/A	
May. 06, 2024	36	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)	
Motion to Dismiss - Failure to State a Claim (FRCP 12(b)(6))		Denied as moot	
May. 07, 2024	37	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)	
May. 07, 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)	
May. 08, 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)	
May. 09, 2024	40	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)	
May. 24, 2024	41	MOTION to Dismiss for Failure to State a Claim [Motion to Dismiss Plaintiff's Second Amended Complaint] - filed by Apple, Inc.. (Attachments: # 1 Text of Proposed Order)(Moore, David) (Entered: 05/24/2024)	
May. 24, 2024	42	OPENING BRIEF in Support re 41 MOTION to Dismiss for Failure to State a Claim [Motion to Dismiss Plaintiff's Second Amended Complaint] filed by Apple, Inc..Answering Brief/Response due date per Local Rules is 6/7/2024. (Moore, David) (Entered: 05/24/2024)	
May. 30, 2024	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 June 14, 2024; and (2) Apple to file its reply brief in support of the Motion to June 28, 2024 - filed by Rally AG LLC. (Cucuzzella, Lucinda) (Entered: 05/30/2024)	
Jun. 06, 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 June 14, 2024; and (2) Apple to file its reply brief in support of the Motion to June 28, 2024. Signed by Judge Joel H Slomsky on 6/6/2024. (apk) (Entered: 06/06/2024)	
Jun. 14, 2024	45	ANSWERING BRIEF in Opposition re 41 MOTION to Dismiss for Failure to State a Claim [Motion to Dismiss Plaintiff's Second Amended Complaint] filed by Rally AG LLC.Reply Brief due date per Local Rules is 6/21/2024. (Cucuzzella, Lucinda) (Entered: 06/14/2024)	
Jun. 28, 2024	46	REPLY BRIEF re 41 MOTION to Dismiss for Failure to State a Claim [Motion to Dismiss Plaintiff's Second Amended Complaint] filed by Apple, Inc.. (Moore, David) (Entered: 06/28/2024)	
Jul. 03, 2024	47	REQUEST for Oral Argument by Apple, Inc. re 41 MOTION to Dismiss for Failure to State a Claim [Motion to Dismiss Plaintiff's Second Amended Complaint]. (Moore, David) (Entered: 07/03/2024)	
Jul. 08, 2024	48	ORDER: A hearing on the Motion to Dismiss Plaintiff's Second Amended Complaint (Doc. Nos. 41 , 42) will be held on August 5, 2024 at 10:00 a.m. 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)	
Aug. 01, 2024	49	ORDER: The Hearing currently scheduled for August 5, 2024 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 August 15, 2024 at 10:00 a.m. 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)	
Aug. 13, 2024	50	NOTICE of Appearance by Andrew Mark Moshos on behalf of Apple, Inc. (Moshos, Andrew) (Entered: 08/13/2024)	

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Aug. 15, 2024		Minute Entry for proceedings held before Judge Joel H Slomsky - Oral Argument held on 8/15/2024. 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)	
Aug. 20, 2024	51	Official Transcript of Oral Argument Hearing held on 08/15/2024 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 9/10/2024. Redacted Transcript Deadline set for 9/20/2024. Release of Transcript Restriction set for 11/18/2024. (vfm) (Entered: 08/20/2024)	
Nov. 20, 2024	52	MEMORANDUM OPINION. Signed by Judge Joel H Slomsky on 11/20/2024. (jfm) (Entered: 11/20/2024)	
		Motion to Dismiss - Failure to State a Claim (FRCP 12(b)(6))	Denied
		District Court Procedural Issues - Pleadings Sufficiency of Pleadings - Invalidity - Unpatentable Subject Matter (35 USC § 101) Inventive Concept The court denied defendant's motion to dismiss on the ground that plaintiff's email cloaking patent encompassed unpatentable subject matter and found that plaintiff sufficiently alleged that the asserted claims did not lack an inventive concept. "Claim 13's domain name limitations combine with its final limitation to enable the parties to anonymously maintain an email chain thread in a 'unique way' that 'was not conventional, routine, or well-known in the art.' . . . [B]y combining Claim 13's domain name limitations with its final limitation, these claim elements enable the parties to anonymously maintain email chain threading. . . . As the SAC explains, 'by following the unconventional series of steps but by still maintaining the look and feel of an email chain, the user is not only able to operate the system as she usually would, but the chain provides necessary context to the communication and helps remind the user of what the communication is about. As such, the end user's sensitive information (even her real email address) never falls into the hands of the merchants or others whose use of the information may be trusted but still are susceptible to data breaches.'"	
Nov. 20, 2024	53	ORDER: Defendant's Motion to Dismiss the Second Amended Complaint (Doc. No. 41) is DENIED. Defendant shall file an Answer to the Complaint by December 4, 2024. Signed by Judge Joel H Slomsky on 11/20/2024. (jfm) (Entered: 11/20/2024)	
Nov. 21, 2024	54	STIPULATION TO EXTEND TIME for Defendant's to file an Answer in response to the Second Amended Complaint (D.I. 35) to December 11, 2024 - filed by Apple, Inc.. (Moore, David) (Entered: 11/21/2024)	
Nov. 22, 2024	55	SO ORDERED, re 54 STIPULATION TO EXTEND TIME for Defendant's to file an Answer in response to the Second Amended Complaint (D.I. 35) to December 11, 2024 filed by Apple, Inc. Signed by Judge Joel H Slomsky on 11/22/2024. (mpb) (Entered: 11/22/2024)	
Dec. 11, 2024	56	ANSWER to Complaint with Jury Demand [Defendant Apple Inc.'s Answer and Affirmative Defenses to Plaintiff Rally AG LLC's Second Amended Complaint] by Apple, Inc..(Moore, David) (Entered: 12/11/2024)	
Dec. 30, 2024	57	MOTION for Pro Hac Vice Appearance of Attorney Bruce J. Rose of MOORE & VAN ALLEN - filed by Rally AG LLC. (Cucuzzella, Lucinda) (Entered: 12/30/2024)	
Dec. 30, 2024	58	Pro Hac Vice Fee - Credit Card Payment received for Bruce J. Rose of MOORE & VAN ALLEN. (re 57 MOTION for Pro Hac Vice Appearance of Attorney Bruce J. Rose of MOORE & VAN ALLEN)(Payment of \$ 50, receipt number ADEDC-4579252). (Cucuzzella, Lucinda) (Entered: 12/30/2024)	
Dec. 30, 2024	59	ORDER Granting 57 MOTION for Pro Hac Vice Appearance of Attorney Bruce J. Rose of MOORE & VAN ALLEN, filed by Rally AG LLC. Signed by Judge Joel H Slomsky on 12/30/2024. (nms) (Entered: 12/30/2024)	
Jan. 09, 2025	60	ORDER: A Pretrial Conference shall be held January 23, 2025, at 4:00 p.m. via telephone conference. Counsel shall initiate the call to Chambers with all participants. Counsel shall consult and shall complete and file with the Clerk the required Report of the Rule 26(f) Meeting incorporating all the information described in Judge Slomsky's form Report on or before January 21, 2025. (See Order for further details) Signed by Judge Joel H Slomsky on 1/9/2025. (mpb) (Entered: 01/09/2025)	