PATENT

U.S. District Court [LIVE]
Western District of Texas (Austin)
CIVIL DOCKET FOR CASE #: 1:24-cv-00259-ADA

Vervain, LLC v. Phison Electronics Corporation
Assigned to: Judge Alan D Albright
Related Cases: 6:21-cv-00487-ADA
6:21-cv-00488-ADA
1:24-cv-00254-ADA
Cause: 35:271 Patent Infringement

Date Filed: 03/08/2024
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

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V.

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Date Filed	#	Docket Text
03/08/2024	1	COMPLAINT (Filing fee $ 405 receipt number ATXWDC-18507775). No Summons requested at this time, filed by Vervain, LLC. (Attachments: # 1 Civil Cover Sheet) (Whitehurst, Alan) (Additional attachment(s) added on 3/8/2024: # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L, # 14 Exhibit M, # 15 Exhibit N, # 16 Exhibit O, # 17 Exhibit P, # 18 Exhibit Q, # 19 Exhibit R) (cr5). (Additional attachment(s) added on 3/11/2024: # 20 Exhibit S, # 21 Exhibit T, # 22 Exhibit U, # 23 Exhibit V, # 24 Exhibit W, # 25 Exhibit X, # 26 Exhibit Y, # 27 Exhibit Z, # 28 Exhibit AA, # 29 Exhibit BB, # 30 Exhibit CC, # 31 Exhibit DD, # 32 Exhibit EE, # 33 Exhibit FF, # 34 Exhibit GG, # 35 Exhibit HH, # 36 Exhibit II, # 37 Exhibit JJ) (cr5). (Entered: 03/08/2024)

03/08/2024	2	REQUEST FOR ISSUANCE OF SUMMONS by Vervain, LLC. (Whitehurst, Alan) (Entered: 03/08/2024)
03/08/2024	3	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 forwarded to the Director of the U.S. Patent and Trademark Office. (Whitehurst, Alan) (Entered: 03/08/2024)
03/08/2024	4	RULE 7 DISCLOSURE STATEMENT filed by Vervain, LLC. (Whitehurst, Alan) (Entered: 03/08/2024)
03/08/2024		Case assigned to Judge Alan D Albright. CM WILL NOW REFLECT THE JUDGE INITIALS AS PART OF THE CASE NUMBER. PLEASE APPEND THESE JUDGE INITIALS TO THE CASE NUMBER ON EACH DOCUMENT THAT YOU FILE IN THIS CASE. (dm) (Entered: 03/12/2024)
03/08/2024		If ordered by the court, all referrals and consents in this case will be assigned to Magistrate Judge Lane. (dm) (Entered: 03/12/2024)
03/12/2024	5	Summons Issued as to Phison Electronics Corporation. (dm) (Entered: 03/12/2024)
03/18/2024	6	Acknowledgment of Service returned by Vervain, LLC. Phison Electronics Corporation served on 3/15/2024, answer due 4/15/2024. (Attachments: # 1 Exhibit A)(Whitehurst, Alan) (Entered: 03/18/2024)
04/08/2024	7	Unopposed MOTION for Extension of Time to File Answer re 1 Complaint,,, by Vervain, LLC. (Attachments: # 1 Proposed Order)(Whitehurst, Alan) (Entered: 04/08/2024)
04/10/2024		Text Order GRANTING 7 Motion for Extension of Time to Answer entered by Judge Alan D Albright. The Court, having reviewed and considered the Unopposed Stipulation to Extend Time to Answer the Complaint, does hereby ORDER that Defendant Phison Electronics Corporation shall answer, move, or otherwise respond to the Complaint by May 30, 2024. (This is a text-only entry generated by the court. There is no document associated with this entry.) (walc) (Entered: 04/10/2024)
04/10/2024		Reset Deadlines: Phison Electronics Corporation answer due 5/30/2024. (pg) (Entered: 04/12/2024)
04/29/2024	8	NOTICE of Attorney Appearance by Douglas E. Chin on behalf of Phison Electronics Corporation. Attorney Douglas E. Chin added to party Phison Electronics Corporation(pty:dft) (Chin, Douglas) (Entered: 04/29/2024)
05/13/2024	9	AMENDED COMPLAINT against Phison Electronics Corporation amending, filed by Vervain, LLC. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit O, # 14 Exhibit P, # 15 Exhibit Q, # 16 Exhibit R, # 17 Exhibit S, # 18 Exhibit T, # 19 Exhibit U, # 20 Exhibit V, # 21 Exhibit W, # 22 Exhibit X, # 23 Exhibit Y, # 24 Exhibit Z, # 25 Exhibit AA, # 26 Exhibit BB, # 27 Exhibit CC, # 28 Exhibit DD, # 29 Exhibit EE, # 30 Exhibit FF, # 31 Exhibit GG, # 32 Exhibit HH, # 33 Exhibit II, # 34 Exhibit JJ, # 35 Exhibit KK, # 36 Exhibit LL)(Whitehurst, Alan) (Entered: 05/13/2024)
05/20/2024	10	Unopposed MOTION for Extension of Time to File Response/Reply as to 9 Amended Complaint,,, by Phison Electronics Corporation. (Attachments: # 1 Proposed Order)(Chin, Douglas) (Entered: 05/20/2024)
05/30/2024	11	NOTICE *OF UNOPPOSED EXTENSION OF TIME TO RESPOND TO PLAINTIFFS AMENDED COMPLAINT* by Phison Electronics Corporation re 9 Amended Complaint,,, (Chin, Douglas) (Entered: 05/30/2024)

06/07/2024	12	Motion to Dismiss for Failure to State a Claim by Phison Electronics Corporation. (Chin, Douglas) (Entered: 06/07/2024)
06/14/2024	13	NOTICE *Joint Notice Regarding Extending Deadlines* by Vervain, LLC (Whitehurst, Alan) (Entered: 06/14/2024)
06/14/2024	14	STATUS REPORT *Case Readiness Status Report* by Vervain, LLC. (Whitehurst, Alan) (Entered: 06/14/2024)
07/12/2024	15	Proposed Scheduling Order *Joint Motion for Entry of Scheduling Order* by Vervain, LLC. (Whitehurst, Alan) (Entered: 07/12/2024)
07/15/2024	16	AGREED SCHEDULING ORDER: Final Pretrial Conference set for 11/18/2025 09:00 AM before Judge Alan D Albright, Jury Selection/Trial set for 12/15/2025 09:30AM before Judge Alan D Albright, Markman Hearing set for 12/5/2024 before Judge Alan D Albright, Amended Pleadings due by 3/28/2025, Joinder of Parties due by 1/17/2025, Dispositive and Daubert Motions due by 9/12/2025. Signed by Judge Alan D Albright. (pg) (Entered: 07/16/2024)
07/17/2024	17	MOTION to Appear Pro Hac Vice by Douglas E. Chin *(Edward Runyan)* (Filing fee $ 100 receipt number ATXWDC-18990712) by on behalf of Phison Electronics Corporation. (Attachments: # 1 Proposed Order)(Chin, Douglas) (Entered: 07/17/2024)
07/17/2024	18	MOTION to Appear Pro Hac Vice by Douglas E. Chin *(Stephen Y. Chow)* (Filing fee $ 100 receipt number ATXWDC-18990768) by on behalf of Phison Electronics Corporation. (Attachments: # 1 Proposed Order)(Chin, Douglas) (Entered: 07/17/2024)
07/17/2024	19	MOTION to Appear Pro Hac Vice by Douglas E. Chin *(Peter Yi)* (Filing fee $ 100 receipt number ATXWDC-18993080) by on behalf of Phison Electronics Corporation. (Attachments: # 1 Proposed Order)(Chin, Douglas) (Entered: 07/17/2024)
07/17/2024	20	MOTION to Appear Pro Hac Vice by Douglas E. Chin *(Hsuan-yeh Chang)* (Filing fee $ 100 receipt number ATXWDC-18995137) by on behalf of Phison Electronics Corporation. (Attachments: # 1 Proposed Order)(Chin, Douglas) (Entered: 07/17/2024)
07/19/2024		Notice of Correction: re Motions No Longer Referred. Please disregard entry. This was entered in error. (pg) (Entered: 07/19/2024)
07/19/2024	21	ORDER GRANTING 18 Motion to Appear Pro Hac Vice for Attorney Stephen Y. Chow for Phison Electronics Corporation. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Registration is managed by the PACER Service Center. Signed by Judge Alan D Albright. (pg) (Entered: 07/19/2024)
07/19/2024	22	ORDER GRANTING 20 Motion to Appear Pro Hac Vice for Attorney Hsuan-Yeh Chang for Phison Electronics Corporation. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Registration is managed by the PACER Service Center Signed by Judge Alan D Albright. (pg) (Entered: 07/19/2024)
07/19/2024	23	ORDER GRANTING 19 Motion to Appear Pro Hac Vice for Attorney Peter Yi for Phison Electronics Corporation. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Registration is managed by the PACER Service Center Signed by Judge Alan D Albright. (pg) (Entered: 07/19/2024)

07/19/2024	24	Response in Opposition to Motion, filed by Vervain, LLC, re 12 Motion to Dismiss for Failure to State a Claim filed by Defendant Phison Electronics Corporation (Attachments: # 1 Declaration of Alan L. Whitehurst, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L, # 14 Exhibit M)(Whitehurst, Alan) (Entered: 07/19/2024)
07/26/2024	25	ORDER GRANTING 17 Motion to Appear Pro Hac Vice as to EDWARD RUNYAN Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Registration is managed by the PACER Service Center Signed by Judge Alan D Albright. (cc3) (Entered: 07/26/2024)
07/26/2024	26	REPLY to Response to Motion, filed by Phison Electronics Corporation, re 12 Motion to Dismiss for Failure to State a Claim filed by Defendant Phison Electronics Corporation (Attachments: # 1 Affidavit Declaration of Douglas E Chin in support, # 2 Exhibit 1)(Chin, Douglas) (Entered: 07/26/2024)
08/26/2024	27	NOTICE of Attorney Appearance by Christian Dorman on behalf of Vervain, LLC . Attorney Christian Dorman added to party Vervain, LLC (pty:pla) (Dorman, Christian) (Entered: 08/26/2024)
09/16/2024	28	NOTICE of Filing NOTICE OF POST-GRANT REVIEW FILING FOR U.S. PATENT NO. 11,830,546 by Phison Electronics Corporation (Runyan, Edward) (Entered: 09/16/2024)
10/02/2024	29	Unopposed MOTION for Leave to Exceed Page Limitation *, Brief Addl Claim Terms, and For Ext of Time* by Phison Electronics Corporation. (Attachments: # 1 Proposed Order) (Chin, Douglas) (Entered: 10/02/2024)
10/03/2024		Text Order GRANTING IN PART AND DENYING IN PART 29 Motion for Leave to File Excess Pages entered by Judge Alan D Albright. The motion to extend deadlines is GRANTED. As noted in the Joint Proposed extensions, Defendants opening brief deadline is moved from 10/4/2024 to 10/7/2024. Plaintiffs responsive brief deadline is moved from 10/25/2024 to 10/28/2024 Defendants reply brief deadline is moved from 11/8/2024 to 11/11/2024 Plaintiffs sur-reply brief deadline is moved from 11/22/2024 to 11/25/2024. The motion to exceed page limitations is DENIED. The motion requesting briefing for two additional claim terms is GRANTED.(This is a text-only entry generated by the court. There is no document associated with this entry.) (cblc) (Entered: 10/03/2024)
10/07/2024	30	Opening Claim Construction Brief by Phison Electronics Corporation. (Attachments: # 1 Exhibit Ex. 1 - DISPUTED CLAIM CONSTRUCTIONS, # 2 Exhibit Ex. 2 - Wolfe Markman Report, # 3 Exhibit Ex. 3 - 8891298 to Rao, # 4 Exhibit Ex. 4 - 9196385 to Rao, # 5 Exhibit Ex. 5 - 9997240 to Rao, # 6 Exhibit Ex. 6 - 10950300 to Rao, # 7 Exhibit Ex. 7 - 11830546 to Rao, # 8 Exhibit Ex. 8 - 11854612 to Rao, # 9 Exhibit Ex. 9 - 11967369 to Rao, # 10 Exhibit Ex. 10 - 11967370 to Rao, # 11 Exhibit Ex. 11 - 8194452 to Rao, # 12 Exhibit Ex. 12 - 7855916 to Rao, # 13 Exhibit Ex. 13 - 6456528 to Chen, # 14 Exhibit Ex. 14 - 20100172179 to Gorobets, # 15 Exhibit Ex. 15 - 20110099460 to Dusija, # 16 Exhibit Ex. 16 - 20090172267 to Oribe, # 17 Exhibit Ex. 17 - 20100318879 to Yu, # 18 Exhibit Ex. 18 - 8891298 File History(Excerpt), # 19 Exhibit Ex. 19 - 9196385 File History(Excerpt), # 20 Exhibit Ex. 20 - 9997240 File History(Excerpts), # 21 Exhibit Ex. 21 - 10950300 File History (Excerpts), # 22 Exhibit Ex. 22 - 11830546 File History(Excerpt), # 23 Exhibit Ex. 23 - 11854612 File History(Excerpt), # 24 Exhibit Ex. 24 - 11967369 File History(Excerpt), # 25 Exhibit Ex. 25 - 11967370 File History(Excerpt), # 26 Exhibit Ex. 26 - [Phison] Vervain Infringement A1(Excerpt), # 27 Exhibit Ex. 27 - [Phison] Vervain Infringement A4(Excerpt), # 28 Exhibit Ex. 28 - MPEP 2173(Excerpt), # 29 Exhibit Ex. 29

		- Micheloni(Excerpt), # 30 Exhibit Ex. 30 - Jung, # 31 Exhibit Ex. 31 - Atwood, # 32 Exhibit Ex. 32 - Takeuchi, # 33 Exhibit Ex. 33 - Cho, # 34 Exhibit Ex. 34 - Kgil, # 35 Exhibit Ex. 35 - Kwon(Excerpt), # 36 Exhibit Ex. 36 - Boboila (Paper), # 37 Exhibit Ex. 37 - Boboila (Slides), # 38 Exhibit Ex. 38 - Micron TN-29-61, # 39 Exhibit Ex. 39 - Duann Presentation, # 40 Exhibit Ex. 40 - Microsoft Computer Dictionary, # 41 Exhibit Ex. 41 - Wiley Electrical and Electronics Dict, # 42 Exhibit Ex. 42 - The Facts on File Dictionary of Computer Science, # 43 Exhibit Ex. 43 - Principles of Information Systems Entries, # 44 Exhibit Ex. 44 - Database System Concepts Entries, # 45 Exhibit Ex. 45 - Khatri Declaration(Excerpt), # 46 Exhibit Ex. 46 - Claim Construction Order Dkt 42, # 47 Exhibit Ex. 47 - Claim Construction Order Dkt 41, # 48 Exhibit Ex. 48 - Attorney Dec)(Chin, Douglas) (Entered: 10/07/2024)
10/08/2024	31	NOTICE *of Post Grant Review Filing for U.S. Patent Nos. 11,830,546 and 11,854,612* by Vervain, LLC (Whitehurst, Alan) (Entered: 10/08/2024)
10/28/2024	32	Opening Claim Construction Brief by Vervain, LLC *Responsive Opening Claim Construction Brief*. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16, # 17 Exhibit 17, # 18 Exhibit 18, # 19 Exhibit 19, # 20 Exhibit 20, # 21 Exhibit 21, # 22 Exhibit 22, # 23 Exhibit 23, # 24 Exhibit 24, # 25 Exhibit 25, # 26 Exhibit 26, # 27 Exhibit 27, # 28 Exhibit 28, # 29 Exhibit 29, # 30 Exhibit 30, # 31 Exhibit 31, # 32 Exhibit 32, # 33 Exhibit 33, # 34 Exhibit 34, # 35 Exhibit 35, # 36 Declaration of Alan L. Whitehurst)(Whitehurst, Alan) (Entered: 10/28/2024)
10/29/2024	33	MOTION to Appear Pro Hac Vice by Douglas E. Chin *(Zachary M. Thomas)* (Filing fee $ 100 receipt number ATXWDC-19399718) by on behalf of Phison Electronics Corporation. (Attachments: # 1 Proposed Order)(Chin, Douglas) (Entered: 10/29/2024)
10/30/2024	34	ORDER GRANTING 33 Motion to Appear Pro Hac Vice as to Zachary M. Thomas. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Registration is managed by the PACER Service Center. Signed by Judge Alan D Albright. (dm) (Entered: 10/30/2024)
11/11/2024	35	BRIEF *Defendants' Reply Claim Construction Brief* regarding 30 Claim Construction Brief,,,,,,,,, by Phison Electronics Corporation. (Attachments: # 1 Exhibit Excerpts from Rino Micheloni et al., Inside NAND Flash Memories (Aug. 2010), # 2 Exhibit Western Digitals Opposition to Vervains Motion for Partial Summary Judgment, Vervain, LLC v. Western Digital Corp., No. 6:21-cv-00488 (W.D. Tex. Apr. 25, 2023), ECF No. 133, # 3 Exhibit Deposition of Sunil P. Khatri, Ph.D., Micron Tech., Inc. v. Vervain, LLC, IPR2021-01547 (U.S.P.T.O. Sept. 1, 2022), # 4 Exhibit Markman Hearing Transcript, Vervain, LLC v. Micron Tech., Inc., No. 6:21-cv- 00487 (W.D. Tex. Feb. 15, 2022), ECF No. 50, # 5 Exhibit Declaration of George Andrew Lever Rosbrook and Douglas E. Chin)(Chin, Douglas) (Entered: 11/11/2024)
11/25/2024	36	BRIEF *Plaintiff's Sur-reply Claim Construction Brief* regarding 35 Brief,,, by Vervain, LLC. (Whitehurst, Alan) (Entered: 11/25/2024)
11/27/2024	37	NOTICE of Filing Joint Claim Construction Statement by Vervain, LLC (Whitehurst, Alan) (Entered: 11/27/2024)
12/02/2024	38	ORDER GRANTING IN PART DEFENDANT'S 12 Motion to Dismiss for Failure to State a Claim. Signed by Judge Alan D Albright. (pg) (Entered: 12/03/2024)

12/03/2024	39	OORDER RESETTING ZOOM MARKMAN HEARING VERVAIN VPHISON 1:24-CV-259. Zoom Markman Hearing reset for 1/9/2025 11:00 AM before Judge Alan D Albright, Signed by Judge Alan D Albright. (pg) (Entered: 12/03/2024)

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