

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:24-cv-01729-AMO**

Nutanix, Inc. v. Tessell, Inc.
Assigned to: Judge Araceli Martinez-Olguin
Cause: 17:101 Copyright Infringement

Date Filed: 03/20/2024
Jury Demand: Plaintiff
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff

Nutanix, Inc.

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V.

Defendant

Tessell, Inc.

represented by **David Jason Silbert**
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Tessell Exhibit 1057 Tessell v. Nutanix
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Date Filed	#	Docket Text
03/20/2024	<u>1</u>	COMPLAINT FOR (1) WILLFUL COPYRIGHT INFRINGEMENT, (2) WILLFUL PATENT INFRINGEMENT, (3) TORTIOUS INTERFERENCE WITH CONTRACTUAL RELATIONS; (4) DECLARATORY AND INJUNCTIVE RELIEF against Tessell, Inc. (Filing fee \$ 405, receipt number ACANDC-19240350.). Filed by Nutanix, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Civil Cover Sheet)(Hurst, Annette) (Filed on 3/20/2024) (Entered: 03/20/2024)
03/20/2024	<u>2</u>	Proposed Summons. (Hurst, Annette) (Filed on 3/20/2024) (Entered: 03/20/2024)
03/20/2024	<u>3</u>	REPORT on the filing or determination of an action regarding <i>Copyright Action</i> (cc: form mailed to register). (Hurst, Annette) (Filed on 3/20/2024) (Entered: 03/20/2024)
03/20/2024	<u>4</u>	REPORT on the filing or determination of an action regarding <i>Patent Action</i> (cc: form mailed to register). (Hurst, Annette) (Filed on 3/20/2024) (Entered: 03/20/2024)
03/20/2024	<u>5</u>	Certificate of Interested Entities by Nutanix, Inc. <i>has no parent corporation</i> (Hurst, Annette) (Filed on 3/20/2024) (Entered: 03/20/2024)
03/20/2024	<u>6</u>	Case assigned to Judge Charles R. Breyer. Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening . Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges . Upon receipt, the summons will be issued and returned electronically. A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. (mbc, COURT STAFF) (Filed on 3/20/2024)

		(Entered: 03/20/2024)
03/20/2024	<u>7</u>	Initial Case Management Scheduling Order with ADR Deadlines: Notice: The assigned judge participates in the Cameras in the Courtroom Pilot Project. See General Order No. 65 and http://cand.uscourts.gov/cameras. Case Management Statement due by 6/14/2024. Initial Case Management Conference set for 6/21/2024 08:30 AM. (Attachments: # <u>1</u> Notice of Eligibility for Video Recording)(mcl, COURT STAFF) (Filed on 3/20/2024) (Entered: 03/20/2024)
03/20/2024	<u>8</u>	Summons Issued as to Tessell, Inc. (mcl, COURT STAFF) (Filed on 3/20/2024) (Entered: 03/20/2024)
03/21/2024		Copy of <u>3</u> emailed to copyright office. (mcl, COURT STAFF) (Filed on 3/21/2024) (Entered: 03/21/2024)
03/21/2024	<u>9</u>	ORDER OF RECUSAL. Signed by Judge Charles R. Breyer on 3/21/2024. (ls, COURT STAFF) (Filed on 3/21/2024) (Entered: 03/21/2024)
03/21/2024	<u>10</u>	ORDER REASSIGNING CASE. Case reassigned using a proportionate, random, and blind system pursuant to General Order No. 44 to Magistrate Judge Virginia K. DeMarchi for all further proceedings. Judge Charles R. Breyer no longer assigned to case. Signed by Clerk on 03/21/2024. (mbc, COURT STAFF) (Filed on 3/21/2024) (Entered: 03/21/2024)
03/21/2024	<u>11</u>	CLERKS NOTICE RESETTING CASE MANAGEMENT CONFERENCE FOLLOWING REASSIGNMENT. Joint Case Management Statement due by 6/18/2024. Initial Case Management Conference set for 6/25/2024 01:30 PM in San Jose – Videoconference Only before Magistrate Judge Virginia K. DeMarchi. All other deadlines remain unchanged. Standing orders can be downloaded from the court's web page at http://cand.uscourts.gov/vkdorders . <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (amk, COURT STAFF) (Filed on 3/21/2024) (Entered: 03/21/2024)
03/22/2024	<u>12</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Nutanix, Inc... (Mingrone, Denise) (Filed on 3/22/2024) (Entered: 03/22/2024)
03/22/2024	<u>13</u>	CLERK'S NOTICE OF IMPENDING REASSIGNMENT TO A U.S. DISTRICT COURT JUDGE: The Clerk of this Court will now randomly reassign this case to a District Judge because either (1) a party has not consented to the jurisdiction of a Magistrate Judge, or (2) time is of the essence in deciding a pending judicial action for which the necessary consents to Magistrate Judge jurisdiction have not been secured. You will be informed by separate notice of the district judge to whom this case is reassigned. ALL HEARING DATES PRESENTLY SCHEDULED BEFORE THE CURRENT MAGISTRATE JUDGE ARE VACATED AND SHOULD BE RE-NOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THIS CASE IS REASSIGNED. <i>This is a text only docket entry; there is no document associated with this notice.</i> (amk, COURT STAFF) (Filed on 3/22/2024) (Entered: 03/22/2024)
03/22/2024	<u>14</u>	ORDER REASSIGNING CASE. Case reassigned using a proportionate, random, and blind system pursuant to General Order No. 44 to Judge William H. Orrick for all further proceedings. Magistrate Judge Virginia K. DeMarchi no longer assigned to case. Notice: The assigned judge participates in the Cameras in the Courtroom Pilot Project. See General Order No. 65 and http://cand.uscourts.gov/cameras . Signed by The Clerk on 3/22/2024. (Attachments: # <u>1</u> Notice of Eligibility for Video Recording)(sfb, COURT STAFF) (Filed on 3/22/2024) (Entered: 03/22/2024)
03/25/2024	<u>15</u>	SUMMONS Returned Executed by Nutanix, Inc.. Tessell, Inc. served on 3/22/2024, answer due 4/12/2024. (Mingrone, Denise) (Filed on 3/25/2024) (Entered: 03/25/2024)
04/03/2024	<u>16</u>	CERTIFICATE OF SERVICE by Nutanix, Inc. (Mingrone, Denise) (Filed on 4/3/2024) (Entered: 04/03/2024)

04/04/2024	<u>17</u>	Rule 7.1 Disclosures by Tessell, Inc. <i>and Certification of Interested Entities or Persons (Civ. L.R. 3–15)</i> (Silbert, David) (Filed on 4/4/2024) (Entered: 04/04/2024)
04/04/2024	<u>18</u>	STIPULATION WITH PROPOSED ORDER <i>Extending Time to File and Serve Responsive Pleadings</i> filed by Tessell, Inc.. (Silbert, David) (Filed on 4/4/2024) (Entered: 04/04/2024)
04/10/2024	<u>19</u>	ORDER OF RECUSAL. Signed by Judge William H. Orrick on 04/10/2024. (jmd, COURT STAFF) (Filed on 4/10/2024) (Entered: 04/10/2024)
04/12/2024	<u>20</u>	ORDER REASSIGNING CASE. Case reassigned using a proportionate, random, and blind system pursuant to General Order No. 44 to Judge Araceli Martinez–Olguin for all further proceedings. Judge William H. Orrick no longer assigned to case, Notice: The assigned judge participates in the Cameras in the Courtroom Pilot Project. See General Order No. 65 and http://cand.uscourts.gov/cameras.. Signed by Clerk on 4/12/2024. (Attachments: # <u>1</u> Notice of Eligibility for Video Recording)(ark, COURT STAFF) (Filed on 4/12/2024) (Entered: 04/12/2024)
04/12/2024	21	Clerk's Notice on Reassignment. You are noticed that the Court has scheduled an Initial Case Management Conference before Judge Araceli Martinez–Olguin upon reassignment. For a copy of Judge Martinez–Olguin's Standing Order and other information, please refer to the Court's website at https://www.cand.uscourts.gov/judges/martinez-olguin-araceli-amol/ . Case Management Statement due by 8/15/2024 no later than 12:00 PM PST. Initial Case Management Conference set for 8/22/2024 at 10:00 AM in San Francisco, Courtroom 10, 19th Floor. <i>(This is a text–only entry generated by the court. There is no document associated with this entry.)</i> (ads, COURT STAFF) (Filed on 4/12/2024) (Entered: 04/12/2024)
04/16/2024	22	Order re <u>18</u> : The Court GRANTS the parties' stipulation to extend the deadline for Defendants' responsive pleading. Defendant shall file and serve an answer or other response to Plaintiff's Complaint on or before Friday, May 10, 2024. Signed by Judge Araceli Martinez–Olguin on April 16, 2024. (This is a text–only entry generated by the court. There is no document associated with this entry.) (amolc3, COURT STAFF) (Filed on 4/16/2024) (Entered: 04/16/2024)
05/10/2024	<u>23</u>	MOTION to Compel <i>Arbitration and Stay the Litigation</i> filed by Tessell, Inc.. Motion Hearing set for 9/5/2024 02:00 PM in San Francisco, Courtroom 10, 19th Floor before Judge Araceli Martinez–Olguin. Responses due by 5/24/2024. Replies due by 5/31/2024. (Silbert, David) (Filed on 5/10/2024) (Entered: 05/10/2024)
05/10/2024	<u>24</u>	Declaration of David Silbert in Support of <u>23</u> MOTION to Compel <i>Arbitration and Stay the Litigation</i> filed by Tessell, Inc.. (Attachments: # <u>1</u> Exhibit 1 to Declaration of David Silbert)(Related document(s) <u>23</u>) (Silbert, David) (Filed on 5/10/2024) (Entered: 05/10/2024)
05/10/2024	<u>25</u>	Proposed Order re <u>23</u> MOTION to Compel <i>Arbitration and Stay the Litigation</i> by Tessell, Inc.. (Silbert, David) (Filed on 5/10/2024) (Entered: 05/10/2024)
05/20/2024	<u>26</u>	STIPULATION WITH PROPOSED ORDER <i>TO EXTEND TIME</i> filed by Nutanix, Inc.. (Attachments: # <u>1</u> Declaration of Denise M. Mingrone ISO Stipulation to Extend Time, # <u>2</u> Proposed Order)(Mingrone, Denise) (Filed on 5/20/2024) (Entered: 05/20/2024)
06/05/2024	<u>27</u>	Order by Judge Araceli Martinez–Olguin granting <u>26</u> Stipulation Extending Time for Plaintiff to Respond and Defendant to Reply to Motion to Compel Arbitration and Stay the Litigation. Opposition due by 6/28/2024. Reply due by 7/26/2024. (ads, COURT STAFF) (Filed on 6/5/2024) (Entered: 06/05/2024)
06/28/2024	<u>28</u>	OPPOSITION/RESPONSE (re <u>23</u> MOTION to Compel <i>Arbitration and Stay the Litigation</i>) filed by Nutanix, Inc.. (Attachments: # <u>1</u> Declaration of Annette L. Hurst ISO Plaintiff's Opp. to Defendant's Motions to Compel Arbitration and Stay the Litigation, # <u>2</u> Exhibit 1 to Annette L. Hurst Decl., # <u>3</u> Exhibit 2 to Annette L. Hurst Decl., # <u>4</u> Exhibit 3 to Annette L. Hurst Decl., # <u>5</u> Exhibit 4 to Annette L. Hurst Decl., # <u>6</u> Exhibit 5 to Annette L. Hurst Decl.)(Hurst, Annette) (Filed on 6/28/2024)

		(Entered: 06/28/2024)
07/26/2024	<u>29</u>	REPLY (re <u>23</u> MOTION to Compel <i>Arbitration and Stay the Litigation</i>) <i>DEFENDANT'S REPLY IN SUPPORT OF MOTION TO COMPEL ARBITRATION AND STAY THE LITIGATION</i> filed by Tessell, Inc.. (Silbert, David) (Filed on 7/26/2024) (Entered: 07/26/2024)
08/02/2024	30	ADR Clerks Notice re: Non-Compliance with Court Order. The parties have failed to file an ADR Certification as required by the Initial Case Management Scheduling Order. Counsel shall comply promptly with the requirements of ADR L.R. 3-5(b) and shall file the ADR Certification. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (cmf, COURT STAFF) (Filed on 8/2/2024) (Entered: 08/02/2024)
08/02/2024	<u>31</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Mingrone, Denise) (Filed on 8/2/2024) (Entered: 08/02/2024)
08/02/2024	<u>32</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Silbert, David) (Filed on 8/2/2024) (Entered: 08/02/2024)
08/07/2024	33	Clerk's Notice Continuing Motion Hearing. <u>23</u> Motion to Compel <i>Arbitration and Stay the Litigation</i> Hearing set for 10/30/2024 at 02:00 PM in San Francisco, Courtroom 10, 19th Floor before Judge Araceli Martinez-Olguin. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (ads, COURT STAFF) (Filed on 8/7/2024) (Entered: 08/07/2024)
08/07/2024	34	Clerk's Notice Advancing Case Management Conference and Related Deadlines. Case Management Statement due by 8/13/2024 no later than 12:00 PM PST. Initial Case Management Conference set for 8/20/2024 at 10:00 AM in San Francisco, Courtroom 10, 19th Floor. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (ads, COURT STAFF) (Filed on 8/7/2024) (Entered: 08/07/2024)
08/13/2024	<u>35</u>	JOINT CASE MANAGEMENT STATEMENT filed by Nutanix, Inc.. (Hurst, Annette) (Filed on 8/13/2024) (Entered: 08/13/2024)
08/16/2024	36	NOTICE of Appearance filed by Robert Addy Van Nest on behalf of Tessell, Inc. (Van Nest, Robert) (Filed on 8/16/2024) (Entered: 08/16/2024)
08/16/2024	37	NOTICE of Appearance filed by Edward Andrew Bayley on behalf of Tessell, Inc. (Bayley, Edward) (Filed on 8/16/2024) (Entered: 08/16/2024)
08/16/2024	38	NOTICE of Appearance filed by Sophie Anderson Hood on behalf of Tessell, Inc. (Hood, Sophie) (Filed on 8/16/2024) (Entered: 08/16/2024)
08/16/2024	39	NOTICE of Appearance filed by Neha Sabharwal on behalf of Tessell, Inc. (Sabharwal, Neha) (Filed on 8/16/2024) (Entered: 08/16/2024)
08/19/2024	40	Clerk's Notice Continuing Case Management Conference. Initial Case Management Conference set for 10/30/2024 at 02:00 PM in San Francisco, Courtroom 10, 19th Floor. No further case management statement will be required prior to the 10/30 conference. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (ads, COURT STAFF) (Filed on 8/19/2024) (Entered: 08/19/2024)
09/20/2024	<u>41</u>	STIPULATION WITH PROPOSED ORDER TO CONTINUE HEARING ON MTC ARBITRATION AND STAY LITIGATION filed by Nutanix, Inc.. (Attachments: # <u>1</u> Proposed Order)(Mingrone, Denise) (Filed on 9/20/2024) (Entered: 09/20/2024)
09/24/2024	42	Clerk's Notice Continuing Motion Hearing and Case Management Conference. <u>23</u> Motion to Compel Hearing and Initial Case Management Conference set for 12/19/2024 at 02:00 PM in San Francisco, Courtroom 10, 19th Floor before Judge Araceli Martinez-Olguin. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (ads, COURT STAFF) (Filed on 9/24/2024) (Entered: 09/24/2024)
10/18/2024	<u>43</u>	STIPULATION FOR PLAINTIFF TO FILE FIRST AMENDED AND SUPPLEMENTAL COMPLAINT filed by Nutanix, Inc.. (Attachments: # <u>1</u> Exhibit A)(Marino, Fabio) (Filed on 10/18/2024) (Entered: 10/18/2024)

10/18/2024	<u>44</u>	AMENDED COMPLAINT <i>FIRST AMENDED AND SUPPLEMENTAL COMPLAINT FOR (1) WILLFUL COPYRIGHT INFRINGEMENT, (2) WILLFUL PATENT INFRINGEMENT, (3) TORTIOUS INTERFERENCE WITH CONTRACTUAL RELATIONS; (4) DECLARATORY AND INJUNCTIVE RELIEF</i> against Tessell, Inc.. Filed by Nutanix, Inc.. (Marino, Fabio) (Filed on 10/18/2024) (Entered: 10/18/2024)
11/26/2024	<u>45</u>	ADMINISTRATIVE MOTION for Leave to File a Surreply in Opposition to Motion to Compel Arbitration re <u>23</u> MOTION to Compel <i>Arbitration and Stay the Litigation</i> filed by Nutanix, Inc.. Responses due by 12/2/2024. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Proposed Order)(Hurst, Annette) (Filed on 11/26/2024) (Entered: 11/26/2024)
11/26/2024	<u>46</u>	Supplemental Declaration of Annette L. Hurst in Support of <u>45</u> ADMINISTRATIVE MOTION for Leave to File a Surreply in Opposition to Motion to Compel Arbitration re <u>23</u> MOTION to Compel <i>Arbitration and Stay the Litigation</i> filed by Nutanix, Inc.. (Attachments: # <u>1</u> Exhibit 6, # <u>2</u> Exhibit 7)(Related document(s) <u>45</u>) (Hurst, Annette) (Filed on 11/26/2024) Modified on 11/27/2024 (slh, COURT STAFF). (Entered: 11/26/2024)
11/27/2024	<u>47</u>	Order GRANTING <u>45</u> Administrative Motion for leave to file sur-reply. Plaintiff shall file its proposed sur-reply as a standalone docket entry by no later than 12/2/24. Defendant may file a brief in response, not to exceed five (5) pages, by no later than 12/6/24. Signed by Judge Araceli Martinez-Olguin on November 27, 2024. (This is a text-only entry generated by the court. There is no document associated with this entry.) (amolc3, COURT STAFF) (Filed on 11/27/2024) (Entered: 11/27/2024)
11/27/2024	<u>48</u>	REPLY (re <u>23</u> MOTION to Compel <i>Arbitration and Stay the Litigation</i>) <i>Plaintiff's Surreply to Motion to Compel Arbitration</i> filed by Nutanix, Inc.. (Hurst, Annette) (Filed on 11/27/2024) (Entered: 11/27/2024)
12/02/2024	<u>49</u>	Declaration of Annette L. Hurst in Support of <u>48</u> Reply to Opposition/Response to <u>23</u> <i>Motion to Compel Arbitration</i> filed by Nutanix, Inc.. (Related document(s) <u>48</u>) (Hurst, Annette) (Filed on 12/2/2024) (Entered: 12/02/2024)
12/04/2024	<u>50</u>	NOTICE of Appearance filed by Nathan D Shaffer on behalf of Nutanix, Inc. (Shaffer, Nathan) (Filed on 12/4/2024) (Entered: 12/04/2024)
12/06/2024	<u>51</u>	REPLY (re <u>23</u> MOTION to Compel <i>Arbitration and Stay the Litigation</i>) <i>Response to Sur-Reply re Motion to Compel Arbitration</i> filed by Tessell, Inc.. (Silbert, David) (Filed on 12/6/2024) (Entered: 12/06/2024)
12/06/2024	<u>52</u>	Declaration of David Silbert in Support of <u>51</u> Reply to Opposition/Response to <i>Sur-Reply re Motion to Compel Arbitration</i> filed by Tessell, Inc.. (Attachments: # <u>1</u> Exhibit 1 to Declaration of David Silbert)(Related document(s) <u>51</u>) (Silbert, David) (Filed on 12/6/2024) (Entered: 12/06/2024)
12/12/2024	<u>53</u>	JOINT CASE MANAGEMENT STATEMENT [<i>Supplemental Joint Case Management Statement</i>] filed by Nutanix, Inc.. (Hurst, Annette) (Filed on 12/12/2024) (Entered: 12/12/2024)
12/13/2024	<u>54</u>	ORDER re <u>44</u> Amended Complaint. The Court ORDERS Plaintiff to file a redlined or highlighted version comparing the amended pleading to the prior operative pleading in accordance with Section H.1. of the Court's Civil Standing Order. The redline version is due by no later than noon on December 16, 2024. Signed by Judge Araceli Martinez-Olguin on December 13, 2024. (This is a text-only entry generated by the court. There is no document associated with this entry.) (amolc3, COURT STAFF) (Filed on 12/13/2024) (Entered: 12/13/2024)
12/13/2024	<u>55</u>	AMENDED COMPLAINT <i>Redlined Version Comparing Plaintiff's First Amended and Supplemental Complaint <u>44</u> to its Original Complaint <u>1</u></i> against Tessell, Inc.. Filed by Nutanix, Inc.. (Hurst, Annette) (Filed on 12/13/2024) (Entered: 12/13/2024)