

U.S. District Court - District of Colorado
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:24-cv-01119-DDD-TPO

SafeTray Products, Ltd v. Otter Products, LLC
Assigned to: Judge Daniel D. Domenico
Referred to: Magistrate Judge Timothy P O'Hara
Cause: 35:271 Patent Infringement

Date Filed: 04/23/2024
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

SafeTray Products LTD

represented by **Erik Nelson Lund**
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V.

Defendant

Otter Products, LLC

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Counter Claimant

Otter Products, LLC

represented by **Heather J. Kliebenstein**
(See above for address)
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James Warren Beard
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

SafeTray Products LTD

represented by **Joseph Jude Zito**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/23/2024	<u>1</u>	COMPLAINT <i>for Patent Infringement</i> against Otter Products, LLC (Filing fee \$ 405, Receipt Number ACODC-9651629) Attorney Joseph Jude Zito added to party safetray Products, Ltd(pty:pla), filed by safetray Products, Ltd. (Attachments: # <u>1</u> Exhibit Patent in Suit, # <u>2</u> Exhibit Charts, # <u>3</u> Civil Cover Sheet)(Zito, Joseph) (Entered: 04/23/2024)
04/23/2024	<u>2</u>	SUMMONS REQUEST as to Otter Products re <u>1</u> Complaint, by Plaintiff safetray Products, Ltd. (Zito, Joseph) (Entered: 04/23/2024)
04/23/2024	<u>3</u>	NOTICE <i>to USPTO Form AO 120</i> by Plaintiff safetray Products, Ltd (Zito, Joseph) (Entered: 04/23/2024)
04/23/2024	4	ADVISORY NOTICE OF NONCOMPLIANCE WITH COURT RULES/PROCEDURES: re: <u>1</u> Complaint, filed by attorney Joseph J. Zito. Attorney or pro se has used an incorrect signature format in violation of D.C.COLO.LCivR 5.1(a) and 4.3(a) of the Electronic Case Filing Procedures (Civil cases). DO NOT REFILE THE DOCUMENT. In the future, the filer must affix an electronic s/signature and s/ followed by a typed, not an inked, signature to all future documents.(Text Only Entry) (efoga,) (Entered: 04/23/2024)
04/23/2024	<u>5</u>	Report re Patent/Trademark: Report on the filing of an action emailed (NEF) to the Director of the U.S. Patent and Trademark Office. (efoga,) (Entered: 04/23/2024)
04/23/2024	6	Case assigned to Magistrate Judge Kathryn A. Starnella. Text Only Entry (efoga,) (Entered: 04/23/2024)
04/23/2024	<u>7</u>	SUMMONS issued by Clerk. (Attachments: # <u>1</u> Magistrate Judge Consent Form) (efoga,) (Entered: 04/23/2024)
06/06/2024	<u>8</u>	ANSWER to <u>1</u> Complaint, Attorney James Warren Beard added to party Otter Products, LLC(pty:dft), COUNTERCLAIM against SafeTray Products LTD by Otter Products, LLC. (Attachments: # <u>1</u> Ex. 1 - G-Hold.com Catalog, # <u>2</u> Ex. 2 - G-Hold Tablet Holder, # <u>3</u> Ex. 3 - G-Hold Phone Holder, # <u>4</u> Ex. 4 - Invalidity Chart re 691 Patent v. U.S. Patent No. 8,844,098 and 8,794,686, # <u>5</u> Ex. 5 - U.S. Patent No. 8,844,098, # <u>6</u> Ex. 6 - U.S. Patent No. 8,794,686, # <u>7</u> Ex. 7 - Safetrayproducts.com "The Science of Holding", # <u>8</u> Ex. 8 - U.S. Patent Pub. 2012/0068043, # <u>9</u> Ex. 9 - U.S. Patent No. 8,550,317, # <u>10</u> Ex. 10 - U.S. Patent

		Pub. 2012/0104185, # 11 Ex. 11 - U.S. Patent Pub. 2012/0228346)(Beard, James) (Entered: 06/06/2024)
06/06/2024	9	CORPORATE DISCLOSURE STATEMENT. (Beard, James) (Entered: 06/06/2024)
06/11/2024	10	ORDER SETTING SCHEDULING/PLANNING CONFERENCE by Magistrate Judge Kathryn A. Starnella on 11 June 2024. Proposed Scheduling Order due 9/4/2024. Scheduling Conference set for 6/11/2024 10:00 AM in Courtroom C204 before Magistrate Judge Kathryn A. Starnella. (Attachments: # 1 Continuation of Main Document, # 2 Continuation of Main Document) (cmadr,) (Entered: 06/11/2024)
06/13/2024	11	Utility Resetting Hearings: Scheduling Conference set for 9/11/2024 at 10:00 AM in Courtroom C204 before Magistrate Judge Kathryn A. Starnella. Text Only Entry(cmadr,) (Entered: 06/13/2024)
07/01/2024	12	<i>Plaintiff SafeTray</i> ANSWER/REPLY to 8 Answer to Complaint,,,, Counterclaim,,, <i>Answer to CounterClaim</i> by SafeTray Products LTD.(Zito, Joseph) (Entered: 07/01/2024)
08/12/2024	13	CONSENT to Jurisdiction of Magistrate Judge by Counter Claimant Otter Products, LLC, Defendant Otter Products, LLC All parties do not consent.. (Beard, James) (Entered: 08/12/2024)
08/13/2024	14	Minute ORDER by Magistrate Judge Kathryn A. Starnella on 13 August 2024. This case was assigned to a United States Magistrate Judge pursuant to D.C.COLO.LCivR 40.1(c). The signed Consent/Non-Consent Form 13 indicates that at least one party has declined to consent. Accordingly, IT IS HEREBY ORDERED that this case shall be assigned to a District Judge under D.C.COLO.LCivR 40.1(c)(8) and D.C.COLO.LCivR 40.1(a). Case randomly reassigned to Judge Daniel D. Domenico for all further proceedings. All future pleadings shall be designated as: 24-cv-01119-DDD. (cmadr,) (Entered: 08/13/2024)
08/13/2024	15	ORDER REFERRING CASE to Magistrate Judge Kathryn A. Starnella. Pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Fed. R. Civ. P. 72(a) and (b), this case is referred to the assigned United States Magistrate Judge to (1) convene a scheduling conference under Fed. R. Civ. P. 16(b) and enter a scheduling order meeting the requirements of Local Civ. R. 16.2, (2) conduct such status conferences and issue such orders necessary for compliance with the scheduling order, including amendments or modifications of the scheduling order upon a showing of good cause, (3) hear and determine pretrial matters, including discovery and other non-dispositive motions, (4) conduct hearings, including evidentiary hearings, and submit proposed findings of fact and recommendations for rulings on dispositive motions, and (5) pursuant to Local Civ. R. 16.6 and at the discretion of the Magistrate Judge, convene such early neutral evaluation and/or settlement conferences and direct related procedures as may facilitate resolution of this case without the necessity of a motion or prior authorization of the undersigned. SO ORDERED by Judge Daniel D. Domenico on 8/13/2024. Text Only Entry. (rkeec) (Entered: 08/13/2024)
09/04/2024	16	Proposed Scheduling Order by Plaintiff SafeTray Products LTD. (Zito, Joseph) (Entered: 09/04/2024)
09/05/2024	17	PRE-SCHEDULING CONFERENCE ORDER by Magistrate Judge Kathryn A. Starnella on 5 September 2024. (cmadr,) (Entered: 09/05/2024)
09/11/2024	18	MINUTE ENTRY for Scheduling Conference held before Magistrate Judge Kathryn A. Starnella on 9/11/2024. Designation of Affirmative Experts due 8/27/2025 Designation of Rebuttal Experts due 9/24/2025. Fact Discovery due 7/30/2025. Invalidity Contentions due 12/18/2024. Infringement Contentions due 11/6/2024. Join Parties due 12/18/2024. Joint Disputed Claim Term Chart due 12/18/2024. List of Claim Terms due 3/19/2025. Claim Construction Brief due 5/21/2025. Opinion of Counsel due 5/30/2025. Proposed Protective Orders due 9/18/2024. FTR: KAS Courtroom C204. (lgale,) (Entered: 09/11/2024)

09/11/2024	<u>19</u>	SCHEDULING ORDER IN A PATENT CASE: by Magistrate Judge Kathryn A. Starnella on 9/11/24. (lgale,) (Entered: 09/11/2024)
09/18/2024	<u>20</u>	Joint MOTION for Protective Order by Counter Claimant Otter Products, LLC, Defendant Otter Products, LLC. (Attachments: # <u>1</u> Appendix A - Agreement to Be Bound)(Beard, James) (Entered: 09/18/2024)
09/20/2024	21	ORDER REFERRING MOTION: <u>20</u> Joint MOTION for Protective Order filed by Otter Products, LLC. Motion referred to Magistrate Judge Kathryn A. Starnella by Judge Daniel D. Domenico on 9/20/2024. Text Only Entry (dddlc9,) (Entered: 09/20/2024)
09/24/2024	<u>22</u>	Minute ORDER by Magistrate Judge Kathryn A. Starnella on 24 September 2024. IT IS HEREBY ORDERED that the Joint Motion for [Proposed] Protective Order <u>20</u> is GRANTED. The Protective Order and Appendix A [#20, #20-1] supplied by the parties is accepted and entered as an Order of the Court as of the date of this Minute Order.(cmadr,) (Entered: 09/25/2024)
09/24/2024	<u>23</u>	STIPULATED PROTECTIVE ORDER by Magistrate Judge Kathryn A. Starnella on 24 September 2024. (cmadr,) (Entered: 09/25/2024)
09/26/2024	<u>24</u>	Joint MOTION for Protective Order (502(d)) by Counter Claimant Otter Products, LLC, Defendant Otter Products, LLC. (Beard, James) (Entered: 09/26/2024)
09/26/2024	<u>25</u>	Joint MOTION for Protective Order (502(d)) [Corrected] by Counter Claimant Otter Products, LLC, Defendant Otter Products, LLC. (Beard, James) (Entered: 09/26/2024)
09/27/2024	26	ORDER REFERRING MOTIONS: <u>24</u> Joint MOTION for Protective Order (502(d)) filed by Otter Products, LLC; <u>25</u> Joint MOTION for Protective Order (502(d)) [Corrected] filed by Otter Products, LLC. Motions referred to Magistrate Judge Kathryn A. Starnella by Judge Daniel D. Domenico on 9/27/2024. Text Only Entry (dddlc9,) (Entered: 09/27/2024)
10/04/2024	<u>27</u>	Minute ORDER by Magistrate Judge Kathryn A. Starnella on 4 October 2024. IT IS HEREBY ORDERED that the Joint Motion for Protective Order (502(d)) <u>24</u> is DENIED AS MOOT.(cmadr,) (Entered: 10/04/2024)
10/04/2024	<u>28</u>	Minute ORDER by Magistrate Judge Kathryn A. Starnella on 4 October 2024. IT IS HEREBY ORDERED that the Stipulated Order <u>25</u> is GRANTED. The Stipulated Order [#25] supplied by the parties is accepted and entered as an Order of the Court as of the date of this Minute Order.(cmadr,) (Entered: 10/04/2024)
10/04/2024	<u>29</u>	STIPULATED ORDER by Magistrate Judge Kathryn A. Starnella on 4 October 2024. (cmadr,) (Entered: 10/04/2024)
10/09/2024	<u>30</u>	NOTICE of Entry of Appearance by Erik Nelson Lund on behalf of SafeTray Products LTDAttorney Erik Nelson Lund added to party SafeTray Products LTD(pty:pla) (Lund, Erik) (Entered: 10/09/2024)
10/16/2024	31	REASSIGNING MAGISTRATE JUDGE. This action is reassigned to Magistrate Judge Timothy P. O'Hara upon his appointment. All future pleadings should reference Magistrate Judge O'Hara at the end of the civil action number (such as 24-cv-01119-DDD-TPO). Unless otherwise ordered, the dates and times for all previously scheduled matters will be maintained and will now be handled by Magistrate Judge O'Hara in Courtroom C-402. His

		chambers are located in Room C-452 of the Byron G. Rogers Courthouse. His telephone number is 303-335-2740. (Text only entry) (cthom,) (Entered: 10/16/2024)
02/07/2025	32	NOTICE of Entry of Appearance by Heather J. Kliebenstein on behalf of Otter Products, LLCAttorney Heather J. Kliebenstein added to party Otter Products, LLC(pty:cc), Attorney Heather J. Kliebenstein added to party Otter Products, LLC(pty:dft) (Kliebenstein, Heather) (Entered: 02/07/2025)

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