Docket Entries

93 Results VIEW IN BROWSER

Case Numbers: EDVA-3-24-cv-00406

Date	#	Description
Jun. 03, 2024		Case transferred in from Alexandria Division, Case Number 1:24cv914. Case assigned to Judge District Judge Roderick C. Young. (jsmi,) (Entered: 06/03/2024)
May. 30, 2024	1	Complaint for Patent Infringement (Filing fee $ 405, receipt number AVAEDC-9555779.), filed by Audio Pod IP, LLC. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Civil Cover Sheet)(Iyer, Ramachandran) (Entered: 05/30/2024)
		Complaint -- Infringement N/A
May. 30, 2024	2	Corporate Disclosure Statement by Audio Pod IP, LLC. (Iyer, Ramachandran) (Entered: 05/30/2024)
May. 30, 2024	3	NOTICE by Audio Pod IP, LLC Report on the filing or determination of an action regarding patent or trademark (Iyer, Ramachandran) (Entered: 05/30/2024)
May. 30, 2024	4	Proposed Summons to Amazon.com, Inc. by Audio Pod IP, LLC. (Iyer, Ramachandran) (Entered: 05/30/2024)
May. 30, 2024	5	Proposed Summons Amazon.com, LLC by Audio Pod IP, LLC. (Iyer, Ramachandran) (Entered: 05/30/2024)
May. 30, 2024	6	Proposed Summons Audible, Inc. by Audio Pod IP, LLC. (Iyer, Ramachandran) (Entered: 05/30/2024)
May. 30, 2024	7	Proposed Summons Amazon Web Services, Inc. by Audio Pod IP, LLC. (Iyer, Ramachandran) (Entered: 05/30/2024)
May. 30, 2024	8	NOTICE of Appearance by Ramachandran Iyer on behalf of Audio Pod IP, LLC (Iyer, Ramachandran) (Entered: 05/30/2024)
May. 30, 2024	9	NOTICE of Appearance by Kevin Sprenger on behalf of Audio Pod IP, LLC (Sprenger, Kevin) (Entered: 05/30/2024)
Jun. 04, 2024	10	Summons Issued as to Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc., and Audible, Inc. NOTICE TO ATTORNEY: Please remove the headers and print two duplex copies of the Electronically issued summons for each Defendant. Please serve one copy of the summons and a copy of the Complaint upon each Defendant. Please ensure that your process server returns the service copy (executed or unexecuted) to your attention. Electronically file the summons return using the filing events Summons Returned Executed or Summons Returned Unexecuted. Please ensure that the original summons page signed by the clerk is the first document to appear when filing the return of service. (mful,) (Entered: 06/04/2024)
Jun. 04, 2024	11	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK. (mful,) (Entered: 06/04/2024)
Jun. 24, 2024	12	NOTICE of Appearance by Andrea Lynn Cheek on behalf of Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc., Audible, Inc. (Cheek, Andrea) (Entered: 06/24/2024)
Jun. 24, 2024	13	Corporate Disclosure Statement by Audible, Inc., Amazon.Com LLC, Amazon.Com, Inc., Amazon Web Services Inc.. (Cheek, Andrea) (Entered: 06/24/2024)
		Corporate Disclosure Statement N/A
Jun. 24, 2024	14	Consent MOTION for Extension of Time to File Answer re 1 Complaint by Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc., Audible, Inc.. (Attachments: # 1 Proposed Order)(Cheek, Andrea) (Entered: 06/24/2024)
Jun. 25, 2024	15	ORDER that the Motion for Extension (ECF No. 14) is hereby GRANTED. Defendants shall file their responsive pleading pursuant to Rule 12 on or before August 26, 2024. SEE ORDER FOR DETAILS. Signed by District Judge Roderick C. Young on 06/25/2024. (Kski,) (Entered: 06/25/2024)
Jul. 15, 2024	16	NOTICE by Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc., Audible, Inc. of Related Case (Cheek, Andrea) (Entered: 07/15/2024)
Aug. 26, 2024	17	MOTION to Dismiss Under Rule 12(b)(6) by Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc., Audible, Inc.. (Attachments: # 1 Proposed Order)(Cheek, Andrea) (Entered: 08/26/2024)
Aug. 26, 2024	18	Memorandum in Support re 17 MOTION to Dismiss Under Rule 12(b)(6) filed by Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc., Audible, Inc.. (Cheek, Andrea) (Entered: 08/26/2024)
Aug. 26, 2024	19	AFFIDAVIT re 17 MOTION to Dismiss Under Rule 12(b)(6) by Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc., Audible, Inc.. (Cheek, Andrea) (Entered: 08/26/2024)

Aug. 27, 2024	20	INITIAL SCHEDULING ORDER: Initial Pretrial Conference set for 12/5/2024 at 09:50 AM via Zoom before District Judge Roderick C. Young. See Order for further details. It is so ORDERED. Signed by District Judge Roderick C. Young on 8/27/24. (juljon) (Entered: 08/27/2024)
Sep. 09, 2024	21	RESPONSE in Opposition re 17 MOTION to Dismiss Under Rule 12(b)(6) filed by Audio Pod IP, LLC. (Attachments: # 1 Affidavit Declaration of Kevin Sprenger, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8)(Iyer, Ramachandran) (Entered: 09/09/2024)
Sep. 10, 2024	22	NOTICE by Audio Pod IP, LLC of Supplemental Authority (Attachments: # 1 Exhibit Exhibit A)(Sprenger, Kevin) (Entered: 09/10/2024)
Sep. 16, 2024	23	REPLY to Response to Motion re 17 MOTION to Dismiss Under Rule 12(b)(6) filed by Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc., Audible, Inc.. (Cheek, Andrea) (Entered: 09/16/2024)
Sep. 24, 2024	24	Request for Hearing by Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc., Audible, Inc. re 17 MOTION to Dismiss Under Rule 12(b)(6) (Poynter, William) (Entered: 09/24/2024)
Sep. 25, 2024	25	LOCAL CIVIL RULE 7(E) STANDING ORDER. Signed by District Judge Roderick C. Young on 7/16/2024. (ewat,) (Entered: 09/25/2024)
Sep. 30, 2024	26	Motion to appear Pro Hac Vice by Jeremy A. Anapol and Certification of Local Counsel Andrea L. Cheek Filing fee $ 75, receipt number AVAEDC-9768624. by Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc., Audible, Inc.. (Cheek, Andrea) (Entered: 09/30/2024)
Sep. 30, 2024	27	Motion to appear Pro Hac Vice by Christie Matthaei and Certification of Local Counsel Andrea L. Cheek Filing fee $ 75, receipt number AVAEDC-9768626. by Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc., Audible, Inc.. (Cheek, Andrea) (Entered: 09/30/2024)
Sep. 30, 2024	28	Motion to appear Pro Hac Vice by Colin B. Heideman and Certification of Local Counsel Andrea L. Cheek Filing fee $ 75, receipt number BVAEDC-9768628. by Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc., Audible, Inc.. (Cheek, Andrea) (Entered: 09/30/2024)
Oct. 02, 2024	29	Motion to appear Pro Hac Vice by Steve Reynolds and Certification of Local Counsel Kevin Sprenger Filing fee $ 75, receipt number AVAEDC-9773429. by Audio Pod IP, LLC. (Sprenger, Kevin) (Entered: 10/02/2024)
Oct. 03, 2024	30	ORDER granting 26 Motion for Pro hac vice Jeremy Angus Anapol for Defendants. Signed by District Judge Roderick C. Young on 10/03/2024. (Kski,) (Entered: 10/03/2024)
Oct. 03, 2024	31	ORDER granting 27 Motion for Pro hac vice Christie Matthaei for Defendants. Signed by District Judge Roderick C. Young on 10/03/2024. (Kski,) (Entered: 10/03/2024)
Oct. 03, 2024	32	ORDER granting 28 Motion for Pro hac vice Colin Heideman for Defendants. Signed by District Judge Roderick C. Young on 10/03/2024. (Kski,) (Entered: 10/03/2024)
Oct. 03, 2024	33	ORDER granting 29 Motion for Pro hac vice Steven Reynolds for Audio Pod IP, LLC. Signed by District Judge Roderick C. Young on 10/03/2024. (Kski,) (Entered: 10/03/2024)
Oct. 15, 2024	34	NOTICE of Appearance by William Rueger Poynter on behalf of Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc., Audible, Inc. (Poynter, William) (Entered: 10/15/2024)
Nov. 07, 2024	35	Motion to appear Pro Hac Vice by James Hatton and Certification of Local Counsel Kevin Sprenger Filing fee $ 75, receipt number AVAEDC-9837577. by Audio Pod IP, LLC. (Sprenger, Kevin) (Entered: 11/07/2024)
Nov. 07, 2024	36	Motion to appear Pro Hac Vice by Matthew Harkins and Certification of Local Counsel Kevin Sprenger Filing fee $ 75, receipt number AVAEDC-9837592. by Audio Pod IP, LLC. (Sprenger, Kevin) (Entered: 11/07/2024)
Nov. 08, 2024	37	ORDER granting 35 Motion for Pro hac vice James Joseph Hatton for Audio Pod IP, LLC. Signed by District Judge Roderick C. Young on 11/8/2024. (Kski,) (Entered: 11/08/2024)
Nov. 08, 2024	38	ORDER granting 36 Motion for Pro hac vice Matthew Harkins for Audio Pod IP, LLC. Signed by District Judge Roderick C. Young on 11/08/2024. (Kski,) (Entered: 11/08/2024)
Nov. 22, 2024	39	MOTION to Stay Discovery Pending Resolution of Defendants' Motion to Dismiss by Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc., Audible, Inc.. (Attachments: # 1 Proposed Order)(Poynter, William) (Entered: 11/22/2024)
Nov. 22, 2024	40	Memorandum in Support re 39 MOTION to Stay Discovery Pending Resolution of Defendants' Motion to Dismiss filed by Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc., Audible, Inc.. (Poynter, William) (Entered: 11/22/2024)
Nov. 26, 2024	41	AMENDED INITIAL SCHEDULING ORDER: Initial Pretrial Conference RESET for 1/15/2025 at 10:10 AM via Zoom before District Judge Roderick C. Young. See Order for further details. It is so ORDERED. Signed by District Judge Roderick C. Young on 11/26/24. (juljon) (Entered: 11/26/2024)
Nov. 27, 2024	42	Motion to appear Pro Hac Vice by Benoit Quarmby and Certification of Local Counsel Kevin Sprenger Filing fee $ 75, receipt number AVAEDC-9872522. by Audio Pod IP, LLC. (Sprenger, Kevin) (Entered: 11/27/2024)
Dec. 03, 2024	43	Motion to appear Pro Hac Vice by Hoda Rifai-Bashjawish and Certification of Local Counsel Kevin Sprenger Filing fee $ 75, receipt number AVAEDC-9877926. by Audio Pod IP, LLC. (Sprenger, Kevin) (Entered: 12/03/2024)
Dec. 05, 2024	44	ORDER granting 42 Motion for Pro hac vice Benoit Quarmby for Audio Pod IP, LLC. Signed by District Judge Roderick C. Young on 12/5/2024. (Kski,) (Entered: 12/05/2024)

Dec. 05, 2024	45	ORDER granting 43 Motion for Pro hac vice Hoda Rifai-Bashjawish for Audio Pod IP, LLC. Signed by District Judge Roderick C. Young on 12/5/2024. (Kski,) (Entered: 12/05/2024)	
Dec. 06, 2024	46	RESPONSE in Opposition re 39 MOTION to Stay Discovery Pending Resolution of Defendants' Motion to Dismiss filed by Audio Pod IP, LLC. (Iyer, Ramachandran) (Entered: 12/06/2024)	
Dec. 12, 2024	47	ORDER that for lack of good cause shown, the Motion to Stay Discovery Pending Resolution of Defendants' Motion to Dismiss (ECF No. 39) is DENIED. SEE ORDER FOR DETAILS. Signed by District Judge Roderick C. Young on 12/12/2024. (Kski,) (Entered: 12/12/2024)	
	Motion to Stay Pending Dispositive Motion	Denied	
Dec. 16, 2024	48	Motion to appear Pro Hac Vice by Ronald Daignault and Certification of Local Counsel Kevin Sprenger Filing fee $ 75, receipt number AVAEDC-9903781. by Audio Pod IP, LLC. (Sprenger, Kevin) (Entered: 12/16/2024)	
Dec. 23, 2024	49	ORDER granting 48 Motion for Pro hac vice, Ronald Marc Daignault Appointed for Audio Pod IP, LLC. Signed by District Judge Roderick C. Young on 12/23/2024. (ewat,) (Entered: 12/23/2024)	
Jan. 13, 2025	50	Corporate Disclosure Statement by Audio Pod IP, LLC. (Iyer, Ramachandran) (Entered: 01/13/2025)	
	Corporate Disclosure Statement	N/A	
Jan. 15, 2025	51	ORDER- Here, as the accused infringers, Defendants' consent to consolidation is sufficient to satisfy the demands of §299. Thus, for the sake of judicial economy, the Court DIRECTS the Clerk to CONSOLIDATE Audio Pod IP, LLC v. Amazon.Com, Inc., et al., Civil Action No. 3:24CV406, with Audio Pod IP, LLC v. Amazon.Com, Inc., et al., Civil Action No. 3:24CV407. The Court hereby ESTABLISHES Audio Pod IP, LLC v. Amazon.Com, Inc., et al., Civil Action No. 3:24CV406 as the lead case. All pleadings filed in the lead case, or in any related action later consolidated, SHALL include the identification "Lead Civil Action No. 3:24CV406." Every pleading filed in connection with this action shall only include the lead case caption, Civil Action No. 3:24CV406. SEE ORDER FOR DETAILS. Signed by District Judge Roderick C. Young on 1/15/2025. (adun,) (Entered: 01/15/2025)	
	Sua Sponte - Motion to Consolidate	Granted	
Jan. 15, 2025	52	ORDER- This matter is before the Court on its own initiative. The Court hereby DIRECTS the parties to jointly file a proposed Scheduling Order in this matter on or before January 28, 2025. Signed by District Judge Roderick C. Young on 1/15/2025. (adun,) (Entered: 01/15/2025)	
Jan. 16, 2025	53	Motion to appear Pro Hac Vice by Shailendra Maheshwari and Certification of Local Counsel Kevin Sprenger Filing fee $ 75, receipt number AVAEDC-9951608. by Audio Pod IP, LLC. (Sprenger, Kevin) (Entered: 01/16/2025)	
Jan. 28, 2025	54	Joint Proposed Discovery Plan by Audio Pod IP, LLC.(Iyer, Ramachandran) (Entered: 01/28/2025)	
Jan. 30, 2025	55	ORDER granting 53 Motion for Pro hac vice Shailendra Maheshwari for Audio Pod IP, LLC. Signed by District Judge Roderick C. Young on 01/30/2025. (Kski,) (Entered: 01/30/2025)	
Jan. 30, 2025	56	ORDER - The Court hereby ADOPTS the schedule outlined below. This Order shall control if any conflict is perceived between it and either the Federal or Local Rules. Only the Court, by order, may approve extensions of time. Accordingly, the Court ORDERS as follows: Defendants shall file their Answer(s) on or before March 7, 2024. The parties are required to schedule a settlement conference before the U.S. Magistrate Judge assigned to this case. The parties shall appear for a Markman hearing before the undersigned on October 8, 2025, at 10:00 a.m. SEE ORDER FOR DETAILS AND DEADLINES. Signed by District Judge Roderick C. Young on 1/30/2025. (jpow,) (Entered: 01/30/2025)	
Jan. 30, 2025	57	ORDER that the settlement conference required by paragraph 2 of the Courts Scheduling Order issued in this action is hereby REFERRED to United States Magistrate Judge Mark R. Colombell. The parties shall contact the chambers of Judge Colombell on or before March 10, 2025, to schedule a settlement conference and shall further in all respects comply withthe requirements set forth in paragraph 2 of the Courts Scheduling Order. The Clerk is DIRECTED to send a copy of this Order to all counsel of record. It is so ORDERED. Signed by District Judge Roderick C. Young on 01/30/2025. (Kski,) (Entered: 01/30/2025)	
Jan. 30, 2025	58	Case Referred to Magistrate Judge Mark R. Colombell. (Kski,) (Entered: 01/30/2025)	
Feb. 05, 2025	59	Joint MOTION for Entry of Stipulated Order Regarding Electronically Stored Information by Audio Pod IP, LLC. (Attachments: # 1 Exhibit A)(Iyer, Ramachandran) (Entered: 02/05/2025)	
Feb. 05, 2025	60	Joint MOTION for Protective Order by Audio Pod IP, LLC. (Attachments: # 1 Exhibit A)(Iyer, Ramachandran) (Entered: 02/05/2025)	
Feb. 10, 2025	61	ORDER - Because the parties agree and otherwise for good cause shown, the Motion (ECF No. 59) is GRANTED. Subject to some superficial edits, apparent on the attached, the parties' stipulated order is hereby ENTERED as Attachment A to this Order. Signed by District Judge Roderick C. Young on 2/10/25. (Attachments: # 1 Attachment A) (mful,) (Entered: 02/10/2025)	

Feb. 10, 2025	62	ORDER - Because the parties agree and otherwise for good cause shown, the Motion (ECF No. 60) is GRANTED. Subject to some superficial edits, apparent on the attached, the parties' stipulated order is hereby ENTERED as Attachment A to this Order. Signed by District Judge Roderick C. Young on 2/10/25. (Attachments: # 1 Attachment A) (mful,) (Entered: 02/10/2025)	
Feb. 12, 2025	63	ORDER REGARDING PROCEDURES FOR SETTLEMENT CONFERENCE - The Court has scheduled this case for a settlement conference on May 13, 2025 at 9:30 A.M. At that time, the parties shall report to the chambers of Magistrate Judge Mark R. Colombell. The following shall govern the progress of the settlement conference and supersedes any previous settlement conference scheduling order(s). SEE ORDER FOR DETAILS. Signed by Magistrate Judge Mark R. Colombell on 02/11/2025. (Kski,) (Entered: 02/12/2025)	
Feb. 18, 2025	64	MOTION for Leave to File Supplemental Brief by Audio Pod IP, LLC. (Attachments: # 1 Proposed Order)(Iyer, Ramachandran) (Entered: 02/18/2025)	
Feb. 18, 2025	65	Memorandum in Support re 64 MOTION for Leave to File Supplemental Brief filed by Audio Pod IP, LLC. (Attachments: # 1 Exhibit 1)(Iyer, Ramachandran) (Entered: 02/18/2025)	
Feb. 18, 2025	66	MOTION to Seal portions of the Exhibit to Motion for Leave to File Supplemental Brief by Audio Pod IP, LLC. (Attachments: # 1 Proposed Order)(Iyer, Ramachandran) (Entered: 02/18/2025)	
Feb. 18, 2025	67	Notice of Filing Sealing Motion LCvR5(C) by Audio Pod IP, LLC re 66 MOTION to Seal portions of the Exhibit to Motion for Leave to File Supplemental Brief (Iyer, Ramachandran) (Entered: 02/18/2025)	
Feb. 18, 2025	68	Sealed Exhibit 2 re 66 MOTION to Seal portions of the Exhibit to Motion for Leave to File Supplemental Brief. (Iyer, Ramachandran) (Entered: 02/18/2025)	
Feb. 18, 2025	69	Memorandum in Support re 66 MOTION to Seal portions of the Exhibit to Motion for Leave to File Supplemental Brief filed by Audio Pod IP, LLC. (Iyer, Ramachandran) (Entered: 02/18/2025)	
Feb. 21, 2025	70	ORDER that the Motion for Leave to File Supplemental Brief (ECF No. 64) is accordingly DENIED, and the accompanying Motion to Seal Portions of the Exhibit to Motion for Leave to File Supplemental Brief (ECF No. 66) is DENIED AS MOOT. SEE ORDER FOR DETAILS. Signed by District Judge Roderick C. Young on 02/21/2025. (Kski,) (Entered: 02/21/2025)	
		Motion to File Sur-Reply or Additional Brief — Denied	
Feb. 21, 2025	71	MOTION to Supplement Protective Order by Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc., Audible, Inc.. (Attachments: # 1 Proposed Order)(Poynter, William) (Entered: 02/21/2025)	
Feb. 21, 2025	72	Memorandum in Support re 71 MOTION to Supplement Protective Order filed by Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc., Audible, Inc.. (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 Declaration of Jean Lan Lin)(Poynter, William) (Entered: 02/21/2025)	

Mar. 03, 2025	73	MEMORANDUM OPINION. Signed by District Judge Roderick C. Young on 3/3/2025. (ewat,) (Entered: 03/03/2025)

Motion to Dismiss - Failure to State a Claim (FRCP 12(b)(6)) — Denied

Unpatentable Subject Matter (35 USC § 101)
└ Patent Ineligible Subject Matter
└ **Abstract Idea**

The court denied defendants' motion to dismiss on the ground that plaintiff's descriptor file patents encompassed unpatentable subject matter and found that the asserted claims were not directed to an abstract idea. "Both Patents identify a specific problem in the existing art—most significantly, the 'tracking' problems when streaming corresponding media in diverging formats, such as an eBook and derivative audiobook—and proposes the descriptor file as a specific, concrete solution to the problem. The descriptor file is likewise no abstract thing; it communicates between two otherwise incongruous streams, by identifying, selecting, and storing time offsets. Such an invention is far from the abstract idea prohibited by case law, and is clearly a concrete improvement over the state of the art."

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 defendants' motion to dismiss on the ground that plaintiff's digital content streaming patent encompassed unpatentable subject matter and found that the asserted claims did not lack an inventive concept. "After setting aside the abstract portions of the disclosed method, one aspect of the ʼ488 Patent remains: the use of segmented digital media streams. Based on the language of the claim, the use of the abstract idea in conjunction with segmented streams could plausibly constitute an inventive element, since the disclosed method is only able to constantly monitor and redirect its streaming sources because of the segmented nature of the streams. The ʼ488 Patent specification further elucidates the inventiveness of the segmented streaming, asserting that the instant invention obviates issues associated with traditional, non-segmented streaming, namely, slow delivery and difficulty tracking progress."

Motion to Dismiss - Improper Venue (FRCP 12(b)(3)) — Granted

Venue
└ Venue Rules for Patent Infringement (TC Heartland)
└ **Regular and Established Place of Business**

The court granted defendants' motion to dismiss plaintiff's patent infringement claims against one defendant for improper venue and determined that the defendant did not have a regular and established place of business in the forum based on an Amazon Web Services datacenter. "Applying [*In re Google LLC*, 949 F.3d 1338 (Fed. Cir. 2020)] to the instant case, the Court finds that while [Defendant's] use of the servers at the AWS datacenter likely qualifies as having a 'physical place,' the datacenter does not constitute a 'regular and established place of business.' Plaintiff argues that the AWS datacenter establishes venue as to [Defendant] because it is staffed by agents who 'install, host, operate, and maintain [Defendant's] Northern-Virginia-based servers.' However, [Defendant] is not in the business of server installation, operation, or maintenance—it is in the business of distributing audiobooks. Thus, the agents staffing the AWS datacenter do not perform [Defendant's] 'conduct of business' within the meaning of § 1400(b)."

Motion to Dismiss - Improper Venue (FRCP 12(b)(3)) — Granted

District Court Procedural Issues
└ Venue
└ **Corporate Relations and Jurisdiction/Venue**

Venue
└ Venue Rules for Patent Infringement (TC Heartland)
└ **Regular and Established Place of Business**

The court granted one defendant's motion to dismiss plaintiff's patent infringement claims for improper venue and determined that the defendant did not have a regular and established place of business in the forum based on an alter ego theory. "Plaintiff notes that [Defendant] and [co-Defendant] share some employees, jointly promote their businesses, and that [co-Defendant] includes [Defendant's] revenue in its annual disclosures. Notably, Plaintiff does not contend that [co-Defendant] and [Defendant's] connectedness constitutes any sort of 'injustice or fundamental unfairness.' Based on this absence alone, the Court is barred from finding that [Defendant] is [co-Defendant's] alter ego. Beyond this critical absence, however, Plaintiff alleges only two factors from the Fourth Circuit's alter ego test: overlap in personnel and intermingling of funds. Defined by just those factors, [Defendant's] relationship with [co-Defendant] falls far short of the extraordinary circumstances required to disregard corporate separateness."

Motion to Transfer for Improper Venue (28 USC § 1406(a)) — Denied

District Court Procedural Issues
└ Venue
└ **Transfer in Lieu of Dismissal**

District Court Procedural Issues
└ Venue
└ **Venue Rules for Patent Infringement (TC Heartland)**

After determining that venue was improper as to one defendant, the court dismissed instead of transferring. "Defendants ask that the Court transfer the portion of the present dispute comprising Plaintiff's claims against [the single Defendant] to the District of New Jersey. However, neither party fully addresses the propriety of the District of New Jersey under 28 U.S.C. § 1400(b). . . . Given the parties' joint failure to establish an alternative venue as to [Defendant], the Court cannot say that the 'interests of justice' support transferring to the District of New Jersey, as it risks transferring to an equally inappropriate venue. Further, the Court notes that Plaintiff spends significant ink describing the inconvenience posed by transferring the dispute against [Defendant] to the District of New Jersey and arguing that it 'taints Plaintiff's right to choice of forum.' While Plaintiff likely did not intend it to, this argument supports dismissal, as doing so would allow Plaintiff to refile in the appropriate, convenient forum of its choosing."

Motion for Expedited Discovery — Denied

Mar. 03, 2025	74	ORDER - Defendants' Motion to Dismiss (Civil Case No. 3:24CV406, ECF No. 17) is GRANTED IN PART AND DENIED IN PART. The Motion to Dismiss is DENIED as to Defendants Amazon.com, Inc., Amazon.com LLC., and Amazon Web Services, Inc. The Motion to Dismiss is GRANTED as to Audible, Inc. Audible, Inc. is hereby SEVERED and DISMISSED WITHOUT PREJUDICE. Defendants' Motion to Dismiss (Civil Case No. 3:24CV407, ECF No. 16), however, is DENIED. The Clerk is DIRECTED to send a copy of this Order to all counsel of record. It is so ORDERED. Signed by District Judge Roderick C. Young on 3/3/2025. (ewat,) (Entered: 03/03/2025)

Mar. 07, 2025	75	ANSWER to Complaint in Lead Civil Action No. 3:24cv406 by Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc.. (Poynter, William) (Entered: 03/07/2025)	
Mar. 07, 2025	76	ANSWER to Complaint in Civil Action No. 3:24cv407 by Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc.. (Poynter, William) (Entered: 03/07/2025)	
Mar. 07, 2025	77	RESPONSE in Opposition re 71 MOTION to Supplement Protective Order filed by Audio Pod IP, LLC. (Attachments: # 1 Affidavit of Steven Reynolds, # 2 Affidavit of Kevin Sprenger, # 3 Exhibit 1, # 4 Exhibit 2, # 5 Exhibit 3, # 6 Exhibit 4, # 7 Exhibit 5, # 8 Exhibit 6, # 9 Exhibit 7, # 10 Exhibit 8, # 11 Exhibit 9, # 12 Exhibit 10, # 13 Exhibit 11, # 14 Exhibit 12, # 15 Exhibit 13, # 16 Exhibit 14, # 17 Exhibit 15)(Iyer, Ramachandran) (Entered: 03/07/2025)	
Mar. 13, 2025	78	Reply to Motion re 71 MOTION to Supplement Protective Order filed by Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc.. (Attachments: # 1 Proposed Order (Amended), # 2 Exhibit 10, # 3 Exhibit 11, # 4 Exhibit 12, # 5 Exhibit 13) (Poynter, William) (Entered: 03/13/2025)	
Mar. 17, 2025	79	MOTION to Compel Defendants to Produce Certain Documents and Discovery Responses by Audio Pod IP, LLC. (Attachments: # 1 Proposed Order)(Iyer, Ramachandran) (Entered: 03/17/2025)	
Mar. 17, 2025	80	Memorandum in Support re 79 MOTION to Compel Defendants to Produce Certain Documents and Discovery Responses filed by Audio Pod IP, LLC. (Attachments: # 1 Affidavit of Kevin Sprenger, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11, # 13 Exhibit 12, # 14 Exhibit 13, # 15 Exhibit 14, # 16 Exhibit 15, # 17 Exhibit 16, # 18 Exhibit 17, # 19 Exhibit 18, # 20 Exhibit 19, # 21 Exhibit 20, # 22 Exhibit 21, # 23 Exhibit 22, # 24 Exhibit 23, # 25 Exhibit 24)(Iyer, Ramachandran) (Entered: 03/17/2025)	
Mar. 21, 2025	81	Motion to appear Pro Hac Vice by Louay Meroueh and Certification of Local Counsel Kevin Henri Sprenger Filing fee $ 75, receipt number AVAEDC-10077007. by Audio Pod IP, LLC. (Sprenger, Kevin) (Entered: 03/21/2025)	
Mar. 25, 2025	82	ORDER granting 81 Motion for Pro hac vice Louay Meroueh for Audio Pod IP, LLC. Signed by District Judge Roderick C. Young on 3/25/2025. (Kski,) (Entered: 03/25/2025)	
Mar. 28, 2025	83	AMENDED ANSWER to 1 Complaint in Case No. 3:24-cv-407 by Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc.. (Poynter, William) (Entered: 03/28/2025)	
Mar. 31, 2025	84	Opposition to 79 MOTION to Compel Defendants to Produce Certain Documents and Discovery Responses filed by Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc.. (Attachments: # 1 Declaration of Jeremy Anapol, # 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, # 20 Exhibit S, # 21 Exhibit T, # 22 Exhibit U, # 23 Exhibit V, # 24 Exhibit W, # 25 Exhibit X, # 26 Exhibit Y)(Poynter, William) (Entered: 03/31/2025)	
Apr. 04, 2025	85	Motion to appear Pro Hac Vice by Joseph Robert Re and Certification of Local Counsel William Rueger Poynter Filing fee $ 75, receipt number AVAEDC-10104228. in Case Nos. 3:24-cv-00406, -00407 by Amazon Web Services Inc., Amazon.Com LLC, Amazon.Com, Inc.. (Poynter, William) (Entered: 04/04/2025)	
Apr. 07, 2025	86	RESPONSE in Support re 79 MOTION to Compel Defendants to Produce Certain Documents and Discovery Responses filed by Audio Pod IP, LLC. (Attachments: # 1 Affidavit of Steven Reynolds, # 2 Affidavit of Kevin Sprenger, # 3 Exhibit 25, # 4 Exhibit 26, # 5 Exhibit 27, # 6 Exhibit 28)(Iyer, Ramachandran) (Entered: 04/07/2025)	
Apr. 11, 2025	87	ORDER granting 85 Motion for Pro hac vice Joseph R. Re for Amazon Web Services Inc., Amazon.Com LLC, and Amazon.Com, Inc.. Signed by District Judge Roderick C. Young on 04/11/2025. (Kski,) (Entered: 04/11/2025)	
Apr. 21, 2025	88	ORDER RESCHEDULING SETTLEMENT CONFERENCE - The Court has RESCHEDULED the settlement conference in this case for July 18, 2025 at 9:30 A.M. At that time, the parties shall report to the chambers of Magistrate Judge Mark R. Colombell. The requirements set forth in the Court's previous Order Regarding Procedures for Settlement Conference (ECF No. 63) shall remain in effect. Signed by Magistrate Judge Mark R. Colombell on 04/21/2025. (Kski,) (Entered: 04/21/2025)	
Apr. 30, 2025	89	NOTICE by Audio Pod IP, LLC of Joint Claim Construction Chart (Attachments: # 1 Exhibit 1)(Iyer, Ramachandran) (Entered: 04/30/2025)	
May. 19, 2025	90	Joint MOTION to modify scheduling order by Audio Pod IP, LLC. (Attachments: # 1 Proposed Order)(Iyer, Ramachandran) (Entered: 05/19/2025)	

May. 21, 2025	91	MEMORANDUM ORDER - Defendant's Motion (ECF No. 71) is accordingly DENIED in full. SEE ORDER FOR DETAILS. Signed by District Judge Roderick C. Young on 05/21/2025. (Kski,) (Entered: 05/21/2025)	

Motion for Relief from Protective Order — Denied

Confidentiality
└ Protective Orders Preserving Confidentiality
└ **Prosecution/Acquisition Bar**

The court denied defendants' motion to supplement the protective order to impose a prosecution bar. "Plaintiff clarifies that, notwithstanding Defendants' implication that Plaintiff's counsel performs patent acquisition and prosecution for Plaintiff, 'counsel in this action has *never* represented, and almost certainly never will represent Plaintiff in prosecuting patents or in acquiring patents or licenses.' In other words, the only basis for a patent prosecution bar identified by Defendants is wholly unfounded by the factual reality of Plaintiff's relationship with its counsel."

Motion for Relief from Protective Order — Denied

Confidentiality
└ Protective Orders Preserving Confidentiality
└ **Enforcing Protective Orders Outside Litigation**

The court denied defendants' motion to supplement the protective order to add an export-control provision. "[Defendants seek] an additional export-control provision that would totally prohibit the viewing of confidential documents outside the United States. . . . At first blush, Defendants' request appears reasonable; however, two critical realities undercut its logic. First, as Plaintiff identifies in its Opposition, extraterritorial viewing of confidential documents may occasionally be necessary in this case, since Plaintiff is located in Canada. Second, the existing Protective Order in this matter already provides that, 'absent agreement, Protected Material subject to export control restrictions may not be exported outside the United States or released to any foreign national.' Beyond Plaintiff's occasional viewing of discovery materials in Canada, Defendants do not articulate any particularized risk that confidential information may be exported or viewed in foreign nations during the course of this litigation."

May. 22, 2025	92	ORDER that the Court GRANTS the Motion (ECF No. 90), nunc pro tunc. The parties' proposed modified schedule is hereby ADOPTED, as follows: Plaintiff SHALL serve its rebuttal expert claim construction declaration on or before June 18, 2025; Defendants SHALL serve their reply expert claim construction declaration on or before July 3, 2025; The parties SHALL conclude expert claim construction depositions on or before July 11, 2025; The parties SHALL file opening claim construction briefs on or before July 31, 2025; and The parties shall file responsive claim construction briefs on or before August 28, 2025. In addition to the foregoing, the Court finds that the new briefing schedule necessitates a continuance of the Markman hearing, currently set for October 8, 2025. Thus, the Court hereby RESETS the Markman hearing for November 12, 2025, at 10:00 a.m. It is so ORDERED. Signed by District Judge Roderick C. Young on 5/22/2025. (jenjones,) (Entered: 05/22/2025)