

**U.S. District Court
Middle District of Florida (Orlando)
CIVIL DOCKET FOR CASE #: 6:22-cv-00682-WWB-RMN**

ATLeisure, LLC v. Lowe's Home Centers, LLC
Assigned to: Judge Wendy W. Berger
Referred to: Magistrate Judge Robert M. Norway
Cause: 15:1126 Patent Infringement

Date Filed: 04/08/2022
Date Terminated: 05/11/2023
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

ATLeisure, LLC

represented by **Trevor Frederick Ward**
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V.

Defendant

Lowe's Companies, Inc.
TERMINATED: 05/04/2022

Defendant

Lowe's Home Centers, LLC

represented by **Giulia Christine Farrior**
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Counter Claimant

Lowe's Home Centers, LLC

represented by **Giulia Christine Farrior**
(See above for address)
ATTORNEY TO BE NOTICED

Steven Malin
(See above for address)
ATTORNEY TO BE NOTICED

Ury Fischer
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

ATLeisure, LLC

represented by **Trevor Frederick Ward**
(See above for address)
ATTORNEY TO BE NOTICED

Ryan Thomas Santurri
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/08/2022	<u>1</u>	COMPLAINT against Lowe's Companies, Inc. with Jury Demand (Filing fee \$ 402 receipt number AFLMDC-19439605) filed by ATLeisure, LLC. (Attachments: # <u>1</u> Exhibit 1 - U.S. Patent 8,104,492, # <u>2</u> Exhibit 2 - allen + roth instructions, # <u>3</u> Exhibit 3 - Claim Chart, # <u>4</u> Civil Cover Sheet, # <u>5</u> Proposed Summons)(Santurri, Ryan) (Entered: 04/08/2022)
04/08/2022	2	NEW CASE ASSIGNED to Judge Wendy W. Berger and Magistrate Judge Gregory J. Kelly. New case number: 6:22-cv-0682-WWB-GJK. (SJB) (Entered: 04/08/2022)
04/11/2022	<u>3</u>	SUMMONS issued as to Lowe's Companies, Inc.. (RDO) (Entered: 04/11/2022)
04/11/2022	<u>4</u>	Patent Report sent to Alexandria, VA. (Attachments: # <u>1</u> Complaint, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3) (RDO) (Entered: 04/11/2022)
04/12/2022	<u>5</u>	ORDER Standing Discovery Order Signed by Magistrate Judge Celeste F. Bremer on 4/12/2022. (MB) (Entered: 04/12/2022)
04/18/2022	6	NOTICE TO COUNSEL AND PARTIES: The Middle District of Florida's revised Local Rules become effective February 1, 2021 and can be found on the Court's public website https://www.flmd.uscourts.gov/local-rules. For a just and efficient resolution of this case, the parties are DIRECTED to read and comply with the Middle District of Florida's Local Rules. See Local Rule 1.01(a). Failure to comply with ANY Local Rules or Court Orders may result in the imposition of sanctions including, but not limited to, the dismissal of this action or entry of default without further notice. Signed by Judge Wendy W. Berger on 4/18/2022. (RMF) (Entered: 04/18/2022)
04/18/2022	7	NOTICE of Local Rule 3.02(a)(2), which requires the parties in every civil proceeding, except those described in subsection (d), to file a case management report (CMR) using the uniform form at www.flmd.uscourts.gov . The CMR must be filed (1) within forty days after any defendant appears in an action originating in this court, (2)

		within forty days after the docketing of an action removed or transferred to this court, or (3) within seventy days after service on the United States attorney in an action against the United States, its agencies or employees. Judges may have a special CMR form for certain types of cases. These forms can be found at www.flmd.uscourts.gov under the Forms tab for each judge. (Signed by Deputy Clerk). (RMF) (Entered: 04/18/2022)
05/04/2022	<u>8</u>	AMENDED COMPLAINT against Lowe's Home Centers, LLC with Jury Demand. filed by ATLeisure, LLC. Related document: <u>1</u> Complaint filed by ATLeisure, LLC. (Attachments: # <u>1</u> Exhibit 1 – U.S. Patent 8,104,492, # <u>2</u> Exhibit 2 – allen + roth instructions, # <u>3</u> Exhibit 3 – Claim Chart, # <u>4</u> Proposed Summons)(Santurri, Ryan) (Entered: 05/04/2022)
05/06/2022	<u>9</u>	SUMMONS issued as to Lowe's Home Centers, LLC. (KNC) (Entered: 05/06/2022)
05/13/2022	<u>10</u>	NOTICE of Appearance by Ury Fischer on behalf of Lowe's Home Centers, LLC (Fischer, Ury) (Entered: 05/13/2022)
05/13/2022	<u>11</u>	NOTICE of Appearance by Giulia Christine Farrior on behalf of Lowe's Home Centers, LLC (Farrior, Giulia) (Entered: 05/13/2022)
05/13/2022	<u>12</u>	Unopposed MOTION for Steven Malin to appear pro hac vice, Special Admission fee paid, Receipt No. AFLMDC–19568729 for \$150 by Lowe's Home Centers, LLC. (Fischer, Ury) Motions referred to Magistrate Judge Gregory J. Kelly. (Entered: 05/13/2022)
05/13/2022	<u>13</u>	NOTICE of Filing of Rule 2.01(c) Certification of Steven Malin in Support by Lowe's Home Centers, LLC re <u>12</u> Unopposed MOTION for Steven Malin to appear pro hac vice, Special Admission fee paid, Receipt No. AFLMDC–19568729 for \$150 (Attachments: # <u>1</u> Rule 2.01(c) Certification of Steven Malin)(Fischer, Ury) Modified on 5/16/2022 (rearranged text) (KNC). (Entered: 05/13/2022)
05/13/2022	<u>14</u>	NOTICE of Lead Counsel Designation by Ury Fischer on behalf of Lowe's Home Centers, LLC. Lead Counsel: Steven Malin. (Fischer, Ury) (Entered: 05/13/2022)
05/13/2022	<u>15</u>	CERTIFICATE of interested persons and corporate disclosure statement by Lowe's Home Centers, LLC. (Fischer, Ury) (Entered: 05/13/2022)
05/16/2022	<u>16</u>	CERTIFICATE of interested persons and corporate disclosure statement by ATLeisure, LLC. (Santurri, Ryan) (Entered: 05/16/2022)
05/17/2022	<u>17</u>	ENDORSED ORDER granting <u>12</u> Defendant Lowe's Home Center's, LLC's Unopposed Motion for Steven Malin to Appear Pro Hac Vice, provided counsel shall register for and use the electronic filing system as adopted by the Court. Signed by Magistrate Judge Celeste F. Bremer on 5/17/2022. (MB) (Entered: 05/17/2022)
05/18/2022	<u>18</u>	ANSWER and affirmative defenses with Jury Demand to <u>8</u> Amended Complaint , COUNTERCLAIM against ATLeisure, LLC by Lowe's Home Centers, LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Fischer, Ury) Modified on 5/18/2022 (KNC). (Entered: 05/18/2022)
06/08/2022	<u>19</u>	REPLY to <u>18</u> Counterclaim (with Jury Demand) by ATLeisure, LLC. (Santurri, Ryan) (Entered: 06/08/2022)
06/24/2022	<u>20</u>	Case Reassigned to Magistrate Judge David A. Baker. New case number: 6:22–cv–682–WWB–DAB. US Magistrate Judge Gregory J Kelly no longer assigned to the case. (MLJ) (Entered: 06/24/2022)
06/24/2022	<u>21</u>	CASE MANAGEMENT REPORT. (Santurri, Ryan) (Entered: 06/24/2022)
08/08/2022	<u>22</u>	CASE MANAGEMENT AND SCHEDULING ORDER: (PATENT CASE) Amended Pleadings due by 8/5/2022 Joinder of Parties due by 8/5/2022 Dispositive motions due by 11/1/2023 Pretrial statement due by 6/3/2024 All other motions due by 5/1/2024 Trial Status Conference set for 6/11/2024 at 10:00 AM in Orlando Courtroom 3 B before Judge Wendy W. Berger Jury Trial set for trial term commencing on 7/1/2024 at 09:00 AM in Orlando Courtroom 3 B before Judge Wendy W. Berger. Conduct mediation hearing by 1/12/2024. Lead counsel to coordinate dates. Signed by Judge Wendy W. Berger on 8/8/2022. (RMF)

		(Entered: 08/08/2022)
08/08/2022	23	NOTICE of hearing: Miscellaneous Hearing: Technology Tutorial Conference set for 11/22/2022 at 10:00 AM in Orlando Courtroom 3 B before Judge Wendy W. Berger. (RMF) (Entered: 08/08/2022)
08/08/2022	24	NOTICE of hearing: Miscellaneous Hearing: Claims Construction Hearing set for 2/16/2023 at 10:00 AM in Orlando Courtroom 3 B before Judge Wendy W. Berger. (RMF) (Entered: 08/08/2022)
08/08/2022	25	CASE REFERRED to Mediation. Mediator: TBD (KNC) (Entered: 08/08/2022)
08/08/2022	<u>26</u>	ORDER: the parties are directed to confer, and then advise the Court, on the selection of a mediator, on or before August 22, 2022. Signed by Judge Wendy W. Berger on 8/8/2022. (RMF) (Entered: 08/08/2022)
08/09/2022	<u>27</u>	Unopposed MOTION for Extension of Time for Disclosure of Infringement/Non-Infringement and Invalidity Contentions by ATLeisure, LLC. (Santurri, Ryan) Modified on 8/9/2022 to edit docket text and change event (KNC). (Entered: 08/09/2022)
08/10/2022	28	ENDORSED ORDER GRANTING <u>27</u> Motion for Extension of Time to File. Signed by Magistrate Judge Celeste F. Bremer on 8/10/2022. (JPR) (Entered: 08/10/2022)
08/15/2022	<u>29</u>	NOTICE OF SELECTION of Mark Stein as mediator by ATLeisure, LLC.(Santurri, Ryan) (Entered: 08/15/2022)
09/07/2022	<u>30</u>	MOTION for an Extension of Time to Serve Non-Infringement Contentions as to Newly Disclosed Accused Products by Lowe's Home Centers, LLC. (Fischer, Ury) Modified on 9/7/2022 to edit docket text (KNC). (Entered: 09/07/2022)
09/08/2022	31	ENDORSED ORDER GRANTING <u>30</u> Defendant Lowe's Home Centers, LLC'S Unopposed Motion for an Extension of Time to November 11, 2022, to Serve Non-Infringement Contentions as to Newly Disclosed Accused Products. Signed by Magistrate Judge Celeste F. Bremer on 9/8/2022. (JPR) (Entered: 09/08/2022)
11/14/2022	32	NOTICE OF RESCHEDULING HEARING: The Technology Tutorial Conference hearing previously scheduled for 11/22/2022 is rescheduled. New scheduling date and time: Technology Tutorial Conference set for 11/18/2022 at 1:30 PM in Orlando Courtroom 3 B before Judge Wendy W. Berger. (RMF) (Entered: 11/14/2022)
11/16/2022	33	NOTICE OF RESCHEDULING HEARING (AS TO TIME ONLY): The Technology Tutorial Conference hearing previously scheduled for 11/18/2022 at 1:30PM is rescheduled. New hearing time: Technology Tutorial Conference set for 11/18/2022 at 10:00 AM in Orlando Courtroom 3 B before Judge Wendy W. Berger. (RMF) (Entered: 11/16/2022)
11/16/2022	<u>34</u>	Joint CLAIM CONSTRUCTION STATEMENT by ATLeisure, LLC re <u>22</u> Case Management / FLSA / ADA / Social Security / Scheduling Order (Attachments: # <u>1</u> Exhibit A – ATLeisure's Proposed Claim Term Constructions, # <u>2</u> Exhibit B – Lowe's Proposed Claim Term Constructions)(Santurri, Ryan) Modified on 11/17/2022 to edit docket text (KNC). (Entered: 11/16/2022)
11/18/2022	<u>35</u>	Minute Entry. In Person Proceedings held before Judge Wendy W. Berger: Technology Tutorial Conference held on 11/18/2022. Court Reporter: Heather Suarez (RMF) (Entered: 11/18/2022)
11/18/2022	36	NOTICE of hearing: Claims Construction Hearing set for 2/16/2023 at 10:00 AM in Orlando Courtroom 3 B before Judge Wendy W. Berger. (RMF) (Entered: 11/18/2022)
12/03/2022	<u>37</u>	**STRICKEN PER 38 ORDER** NOTICE of Subpoena to Nonparty by Lowe's Home Centers, LLC (Malin, Steven) Modified on 12/5/2022 to edit docket text (KNC). Modified on 12/6/2022 to edit docket text (KNC). (Entered: 12/03/2022)
12/05/2022	38	ENDORSED ORDER STRIKING <u>37</u> NOTICE of Subpoena to Nonparty by Lowe's Home Centers, LLC. This district prohibits litigants from filing discovery material unless "ordered by the Court, if necessary to the presentation or defense of a motion, or if required by law or rule." Middle District Discovery § I.C.1.

		Signed by Magistrate Judge Celeste F. Bremer on 12/5/2022. (JPR) (Entered: 12/05/2022)
12/16/2022	<u>39</u>	Opening Claim Construction BRIEF re <u>22</u> Case Management Scheduling Order filed by ATLeisure, LLC. (Attachments: # <u>1</u> Exhibit A – U.S. Patent 8,104,492, # <u>2</u> Exhibit B – ATLEISURE-000108-114, # <u>3</u> Exhibit C – ATLEISURE-000073-80, # <u>4</u> Exhibit D – ATLEISURE-000096-104)(Santurri, Ryan) Modified on 12/19/2022 to edit docket text (KNC). (Entered: 12/16/2022)
01/05/2023	<u>40</u>	Amended CERTIFICATE of interested persons and corporate disclosure statement by Lowe's Home Centers, LLC. (Fischer, Ury) Modified on 1/5/2023 to edit docket text (KNC). (Entered: 01/05/2023)
01/10/2023	<u>41</u>	Unopposed MOTION to Amend <u>18</u> Answer to amended complaint Counterclaim, by Lowe's Home Centers, LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Fischer, Ury) Motions referred to Magistrate Judge David A. Baker. Modified on 1/11/2023 to edit docket text (KNC). (Entered: 01/10/2023)
01/11/2023	<u>42</u>	ENDORSED ORDER GRANTING <u>41</u> Unopposed MOTION to Amend <u>18</u> Answer to amended complaint Counterclaim. Signed by Magistrate Judge Celeste F. Bremer on 1/11/2023. (JPR) (Entered: 01/11/2023)
01/11/2023	<u>43</u>	Amended ANSWER and affirmative defenses with Jury Demand to <u>8</u> Amended Complaint, , Amended COUNTERCLAIM against ATLeisure, LLC by Lowe's Home Centers, LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Fischer, Ury) Modified on 1/11/2023 to edit docket text (KNC). (Entered: 01/11/2023)
01/19/2023	<u>44</u>	RESPONSE re <u>39</u> Brief – Plaintiff, <i>Defendant Lowe's Home Centers, LLC's Response Claim Construction Brief</i> filed by Lowe's Home Centers, LLC. (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> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11)(Fischer, Ury) (Entered: 01/19/2023)
01/25/2023	<u>45</u>	Second MOTION to Amend <u>43</u> Answer to amended complaint Counterclaim, by Lowe's Home Centers, LLC. (Attachments: # <u>1</u> Exhibit Proposed 2d Amended Answer, # <u>2</u> Exhibit Email)(Malin, Steven) Motions referred to Magistrate Judge David A. Baker. (Entered: 01/25/2023)
01/25/2023	<u>46</u>	REPLY to <u>43</u> Counterclaim by ATLeisure, LLC. Related document: <u>43</u> Answer to amended complaint Counterclaim, filed by Lowe's Home Centers, LLC.(Santurri, Ryan) (Entered: 01/25/2023)
01/25/2023	<u>47</u>	NOTICE of Filing Joint Pre-Hearing Statement by ATLeisure, LLC re <u>22</u> Case Management Scheduling Order (Santurri, Ryan) Modified on 1/25/2023 to edit docket text (KNC). (Entered: 01/25/2023)
01/26/2023	<u>48</u>	ENDORSED ORDER GRANTING <u>45</u> Unopposed Second MOTION to Amend <u>43</u> Answer to amended complaint Counterclaim. Signed by Magistrate Judge Celeste F. Bremer on 1/26/2023. (JPR) (Entered: 01/26/2023)
01/27/2023	<u>49</u>	SECOND AMENDED ANSWER to Amended Complaint , COUNTERCLAIM against ATLeisure, LLC by Lowe's Home Centers, LLC. (Malin, Steven) Modified on 1/27/2023 to edit docket text (KNC). (Entered: 01/27/2023)
01/30/2023	<u>50</u>	MOTION for Leave to File Under Seal or, in the Alternative, for Order to Show Cause by Lowe's Home Centers, LLC. (Malin, Steven) Modified on 1/31/2023 to edit docket text (KNC). (Entered: 01/30/2023)
01/31/2023	<u>51</u>	ENDORSED ORDER GRANTING <u>50</u> Unopposed MOTION for Leave to File Under Seal Defendant's Designated Materials as set forth in the Motion because (1) Defendant's Motion for Summary Judgment on Marking relies specifically on the information claimed to be confidential by Plaintiff and (2) requiring use of redacted versions of the materials deprives Defendant's use of the evidence that provides the basis for Defendant's Motion for Summary Judgment. Signed by Magistrate Judge Celeste F. Bremer on 1/31/2023. (JPR) (Entered: 01/31/2023)

02/01/2023	<u>52</u>	SEALED MOTION <i>for Summary Judgment on Marking</i> re 51 Order on Motion to Seal Case by Lowe's Home Centers, LLC (Attachments: # <u>1</u> Attachment 1 (sealed), # <u>2</u> Attachment 1 (placeholder), # <u>3</u> Attachment 2–13 (placeholder))(Fischer, Ury).Motions referred to Magistrate Judge David A. Baker. Modified on 2/2/2023 to edit docket text (KNC). (Entered: 02/01/2023)
02/01/2023	<u>53</u>	NOTICE of Filing Attachments by Lowe's Home Centers, LLC re <u>52</u> SEALED MOTION <i>for Summary Judgment on Marking</i> re 51 Order on Motion to Seal Case (Attachments: # <u>1</u> Attachment 1 (public), # <u>2</u> Attachment 2, # <u>3</u> Attachment 3, # <u>4</u> Attachment 4, # <u>5</u> Attachment 5, # <u>6</u> Attachment 6, # <u>7</u> Attachment 7, # <u>8</u> Attachment 8, # <u>9</u> Attachment 9, # <u>10</u> Attachment 10, # <u>11</u> Attachment 11, # <u>12</u> Attachment 12, # <u>13</u> Attachment 13)(Fischer, Ury) Modified on 2/2/2023 to edit docket text (KNC). (Entered: 02/01/2023)
02/07/2023	<u>54</u>	REPLY to <u>49</u> Counterclaim by ATLeisure, LLC. Related document: <u>49</u> Amended Answer to Complaint, Counterclaim filed by Lowe's Home Centers, LLC.(Santurri, Ryan) (Entered: 02/07/2023)
02/09/2023	<u>55</u>	NOTICE OF RESCHEDULING HEARING: The Claims Construction Hearing hearing previously scheduled for 2/16/2023 is rescheduled. New scheduling date and time: Claims Construction Hearing set for 2/15/2023 at09:30 AM in Orlando Courtroom 3 B before Judge Wendy W. Berger. (RMF) (Entered: 02/09/2023)
02/10/2023	<u>56</u>	DECLARATION of Steven Malin in Support of Defendant Lowe's Home Centers, LLC's Sealed Motion for Summary Judgment on Marking by Lowe's Home Centers, LLC. (Fischer, Ury) (Entered: 02/10/2023)
02/15/2023	<u>57</u>	Minute Entry. In Person Proceedings held before Judge Wendy W. Berger: Claims Construction Hearing held on 2/15/2023. Court Reporter: Heather Suarez (RMF) (Entered: 02/15/2023)
02/17/2023	<u>58</u>	RESPONSE in Opposition re <u>52</u> SEALED MOTION <i>for Summary Judgment on Marking</i> re 51 Order on Motion to Seal Case filed by ATLeisure, LLC. (Attachments: # <u>1</u> Exhibit 1 – Declaration of Jason Bliss, # <u>2</u> Exhibit 2 – Lowe's 2nd Supplemental Disclosures)(Santurri, Ryan) (Entered: 02/17/2023)
02/20/2023	<u>59</u>	REPLY to Response to Motion re <u>52</u> SEALED MOTION <i>for Summary Judgment on Marking</i> re 51 Order on Motion to Seal Case <i>Defendant Lowe's Home Centers, LLC's Reply in Support of its Motion for Summary Judgment on Marking</i> filed by Lowe's Home Centers, LLC. (Fischer, Ury) (Entered: 02/20/2023)
03/08/2023	<u>60</u>	TRANSCRIPT of Claims Construction Hearing held on 02/15/2023 before Judge Wendy W. Berger. Court Reporter: Heather Suarez, RMR, CRR, FCRR, FPR. Email address: heathersuarez.usocr@gmail.com. Telephone number: (407) 801–8921. NOTICE TO THE PARTIES – The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such notice is filed, the transcript may be made remotely available to the public without redaction after ninety (90) calendar days. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 3/29/2023. Redacted Transcript Deadline set for 4/10/2023. Release of Transcript Restriction set for 6/6/2023. (HLS) (Entered: 03/08/2023)
03/08/2023	<u>61</u>	Case Reassigned to Magistrate Judge Robert M. Norway. New case number: 6:22–cv–682–WWB–RMN. Magistrate Judge David A. Baker no longer assigned to the case. Motion(s) REFERRED: <u>52</u> SEALED MOTION <i>for Summary Judgment on Marking</i> re 51 Order on Motion to Seal Case. Motion(s) referred to Magistrate Judge Robert M. Norway. (RPB) (Entered: 03/08/2023)
05/10/2023	<u>62</u>	Joint NOTICE of settlement by ATLeisure, LLC (Santurri, Ryan) Modified on 5/10/2023 to edit docket text (KNC). (Entered: 05/10/2023)
05/11/2023	<u>63</u>	ORDER Dismissing Case with Prejudice re <u>62</u> Joint Notice of Settlement. All pending motions are DENIED as moot. The Clerk is directed to close this file. Signed by Judge Wendy W. Berger on 5/11/2023. (RMF) (Entered: 05/11/2023)

05/12/2023	<u>64</u>	Patent Report sent to Alexandria, VA. (KNC) (Entered: 05/12/2023)
05/24/2023	<u>65</u>	STIPULATION of Dismissal <i>With Prejudice</i> by ATLeisure, LLC. (Santurri, Ryan) (Entered: 05/24/2023)