

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:24-cv-08821-JMF**

CText IP LLC v. Apple Inc.
Assigned to: Judge Jesse M. Furman
Referred to: Magistrate Judge Sarah Netburn (Settlement)
Cause: 35:271 Patent Infringement

Date Filed: 11/20/2024
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff**CText IP LLC**

represented by **Richard Charles Weinblatt**
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V.

Defendant**Apple Inc.**

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Date Filed	#	Docket Text
11/20/2024	<u>1</u>	COMPLAINT against Apple Inc.. (Filing Fee \$ 405.00, Receipt Number ANYSDC-30210314)Document filed by CText IP LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E).(Weinblatt, Richard) (Entered: 11/20/2024)
11/20/2024	<u>2</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Apple Inc., re: <u>1</u> Complaint. Document filed by CText IP LLC..(Weinblatt, Richard) (Entered: 11/20/2024)

11/20/2024	<u>3</u>	CIVIL COVER SHEET filed..(Weinblatt, Richard) (Entered: 11/20/2024)
11/20/2024	<u>4</u>	AO 120 FORM PATENT - NOTICE OF SUBMISSION BY ATTORNEY. AO 120 Form Patent/Trademark for case opening submitted to court for review..(Weinblatt, Richard) (Entered: 11/20/2024)
11/20/2024	<u>5</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by CText IP LLC..(Weinblatt, Richard) (Entered: 11/20/2024)
11/21/2024		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Jesse M. Furman. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions ..(sj) (Entered: 11/21/2024)
11/21/2024		Magistrate Judge Sarah Netburn is designated to handle matters that may be referred in this case. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (sj) (Entered: 11/21/2024)
11/21/2024		Case Designated ECF. (sj) (Entered: 11/21/2024)
11/21/2024	<u>6</u>	ELECTRONIC SUMMONS ISSUED as to Apple Inc.. (sj) (Entered: 11/21/2024)
11/21/2024	<u>7</u>	AO 120 FORM PATENT - CASE OPENING - SUBMITTED. In compliance with the provisions of 35 U.S.C. 290, the Director of the U.S. Patent and Trademark Office is hereby advised that a court action has been filed on the following patent(s) in the U.S. District Court Southern District of New York. Director of the U.S. Patent and Trademark Office electronically notified via Notice of Electronic Filing (NEF). (sj) (Entered: 11/21/2024)
11/22/2024	<u>8</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: Unless and until the Court orders otherwise, counsel for all parties shall appear for an initial pretrial conference with the Court on February 11, 2025 at 9:00 a.m. The conference will be held remotely by telephone in accordance with Paragraph 3.B of the Court's Individual Rules and Practices in Civil Cases. The parties should join the conference by calling the Court's dedicated conference line at (888) 244-8681 and using access code 2303 019 3884, followed by the pound (#) key. Counsel are directed to confer with each other prior to the conference regarding settlement and each of the other subjects to be considered at a Federal Rule of Civil Procedure 16 conference. Additionally, in accordance with Paragraph 3.D of the Courts' Individual Rules and Practices, the parties are hereby ORDERED to file on ECF a joint letter, described below, as well as a proposed Civil Case Management Plan and Scheduling Order attached as an exhibit to the joint letter, no later than Thursday of the week prior to the initial pretrial conference. The parties shall use this Court's form Proposed Civil Case Management Plan and Scheduling Order, which is also available at https://www.nysd.uscourts.gov/hon-jesse-m-furman . Any open legal issues can be addressed at the conference. The joint letter shall not exceed five (5) pages, and shall provide the following information in separate paragraphs as further set forth in this Order. Counsel who have entered a notice of appearance as of the issuance of this order are directed (1) to notify counsel for all other parties in this action who have not yet appeared by serving upon each of them a copy of this order and the Court's Individual Rules and Practices forthwith, and (2) to file proof of such notice with the Court. If unaware of the identity of counsel for any of the parties, counsel receiving this order must forthwith send a copy of this order and the Court's Individual Rules and Practices to that party personally.

		SO ORDERED. (Initial Conference set for 2/11/2025 at 09:00 AM before Judge Jesse M. Furman.) (Signed by Judge Jesse M. Furman on 11/22/24) (yv) (Entered: 11/22/2024)
12/03/2024	9	SUMMONS RETURNED EXECUTED. Apple Inc. served on 12/3/2024, answer due 12/26/2024. Service was accepted by C T Corporation System. Document filed by CText IP LLC..(Weinblatt, Richard) (Entered: 12/03/2024)
12/22/2024	10	NOTICE of of Compliance re: 8 Order for Initial Pretrial Conference,,,,,,,,,. Document filed by CText IP LLC..(Weinblatt, Richard) (Entered: 12/22/2024)
12/23/2024	11	NOTICE OF APPEARANCE by Brian A. Rosenthal on behalf of Apple Inc...(Rosenthal, Brian) (Entered: 12/23/2024)
12/23/2024	12	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Apple Inc...(Rosenthal, Brian) (Entered: 12/23/2024)
12/23/2024	13	LETTER MOTION for Extension of Time to File Answer re: 1 Complaint addressed to Judge Jesse M. Furman from Brian A. Rosenthal dated 12/23/2024. Document filed by Apple Inc...(Rosenthal, Brian) (Entered: 12/23/2024)
12/23/2024	14	ORDER granting 13 Letter Motion for Extension of Time to Answer re 1 Complaint. APPLICATION GRANTED. SO ORDERED. Apple Inc. answer due 2/10/2025. (Signed by Judge Vernon S. Broderick, Part 1 on 12/23/2024) (rro) (Entered: 12/23/2024)
01/29/2025	15	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Jaysen S. Chung to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-30536419. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Apple Inc.. (Attachments: # 1 Affidavit of J. Chung, # 2 Exhibit A - Certificate of Good Standing, # 3 Proposed Order for Admission Pro Hac Vice).(Chung, Jaysen) Modified on 1/30/2025 (rju). (Entered: 01/29/2025)
01/29/2025	16	LETTER MOTION for Conference re: 8 Order for Initial Pretrial Conference,,,,,,,,, (<i>Request to Excuse Principle Trial Counsel from Pretrial Conference</i>) addressed to Judge Jesse M. Furman from Brian A. Rosenthal dated January 29, 2025. Document filed by Apple Inc...(Rosenthal, Brian) (Entered: 01/29/2025)
01/30/2025		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. 15 MOTION for Jaysen S. Chung to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-30536419. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): missing Certificate of Good Standing from Supreme Court of California;. Re-file the motion as a Motion to Appear Pro Hac Vice - attach the correct signed PDF - select the correct named filer/filers - attach valid Certificates of Good Standing issued within the past 30 days - attach Proposed Order.. (rju) (Entered: 01/30/2025)
01/30/2025	17	ORDER granting 16 Letter Motion for Conference. Application GRANTED. In light of Defendant's impending motion to dismiss, the initial pretrial conference is hereby ADJOURNED to February 25, 2025, at 9:00 a.m. The Court will assess whether it should be adjourned further or sine die after Defendant files its motion. The Clerk of Court is directed to terminate ECF No. 16. Initial Conference set for 2/25/2025 at 09:00 AM before Judge Jesse M. Furman. (Signed by Judge Jesse M. Furman on 1/30/2025) (rro) (Entered: 01/30/2025)
01/31/2025	18	MOTION for Jaysen S. Chung to Appear Pro Hac Vice (<i>Filing fee \$200.00, receipt number ANYSDC-30536419</i>). Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Apple Inc.. (Attachments: # 1 Affidavit of J. Chung, # 2 Exhibit A

		- Certificate of Good Standing, # 3 Proposed Order for Admission Pro Hac Vice).(Chung, Jaysen) (Entered: 01/31/2025)
02/03/2025		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 18 MOTION for Jaysen S. Chung to Appear Pro Hac Vice (Filing fee \$200.00, receipt number ANYSDC-30536419). Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bc) (Entered: 02/03/2025)
02/03/2025	19	ORDER granting 18 Motion for Jaysen S. Chung to Appear Pro Hac Vice (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 02/03/2025)
02/10/2025	20	MOTION to Dismiss <i>Pursuant to Fed. R. Civ. P. 12(b)(6)</i> . Document filed by Apple Inc... (Rosenthal, Brian) (Entered: 02/10/2025)
02/10/2025	21	MEMORANDUM OF LAW in Support re: 20 MOTION to Dismiss <i>Pursuant to Fed. R. Civ. P. 12(b)(6)</i> . . Document filed by Apple Inc...(Rosenthal, Brian) (Entered: 02/10/2025)
02/10/2025	22	DECLARATION of Brian A. Rosenthal in Support re: 20 MOTION to Dismiss <i>Pursuant to Fed. R. Civ. P. 12(b)(6)</i> .. Document filed by Apple Inc.. (Attachments: # 1 Exhibit 1 - Excerpt of U.S. Patent No. 9,246,857 File History (Office Action), # 2 Exhibit 2 - Excerpt of U.S. Patent No. 10,009,304 File History (Office Action), # 3 Exhibit 3 - Excerpt of U.S. Patent No. 9,246,857 (Notice of Allowance), # 4 Exhibit 4 - Excerpt of U.S. Patent No. 10,009,304 File History (Notice of Allowance), # 5 Exhibit 5 - Excerpt of U.S. Patent No. 10,009,304 File History (Response), # 6 Exhibit 6 - U.S. Patent Pub. 2010/0023586, # 7 Exhibit 7 - U.S. Patent Pub. 2007/0203985, # 8 Exhibit 8 - U.S. Patent Pub. 2006/0248150., # 9 Exhibit 9 - U.S. Patent No. 8,725,813, # 10 Exhibit 10 - U.S. Patent No. 8,001,184).(Rosenthal, Brian) (Entered: 02/10/2025)
02/11/2025	23	ORDER, It is hereby ORDERED that Plaintiff shall file any amended complaint by March 3, 2025. Pursuant to Local Civil Rule 15.1, available at https://www.nysd.uscourts.gov/rules , any amended complaint should be filed with a redline showing all differences between the original and revised filings. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss. If no amended complaint is filed, Plaintiff shall file any opposition to the motion to dismiss by March 3, 2025. Defendant's reply, if any, shall be filed by March 10, 2025. Finally, it is further ORDERED that the initial pretrial conference previously scheduled for February 25, 2025 is adjourned sine die. SO ORDERED. (Amended Pleadings due by 3/3/2025., Responses due by 3/3/2025, Replies due by 3/10/2025.) (Signed by Judge Jesse M. Furman on 2/11/25) (yv) (Entered: 02/11/2025)
03/03/2025	24	AMENDED COMPLAINT amending 1 Complaint against Apple Inc. with JURY DEMAND.Document filed by CText IP LLC. Related document: 1 Complaint. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Supplement Redline Amended Complaint).(Weinblatt, Richard) (Entered: 03/03/2025)
03/24/2025	25	MOTION to Dismiss <i>Pursuant to Fed. R. Civ. P. 12(b)(6)</i> . Document filed by Apple Inc... (Rosenthal, Brian) (Entered: 03/24/2025)
03/24/2025	26	MEMORANDUM OF LAW in Support re: 25 MOTION to Dismiss <i>Pursuant to Fed. R. Civ. P. 12(b)(6)</i> . . Document filed by Apple Inc...(Rosenthal, Brian) (Entered: 03/24/2025)
03/24/2025	27	DECLARATION of Brian A. Rosenthal in Support re: 25 MOTION to Dismiss <i>Pursuant to Fed. R. Civ. P. 12(b)(6)</i> .. Document filed by Apple Inc.. (Attachments: # 1 Exhibit 1 - Excerpt of U.S. Patent No. 9,246,857 File History (Office Action), # 2 Exhibit 2 - Excerpt of U.S. Patent No. 10,009,304 File History (Office Action), # 3 Exhibit 3 - Excerpt of U.S.

		Patent No. 9,246,857 (Notice of Allowance), # 4 Exhibit 4 - Excerpt of U.S. Patent No. 10,009,304 File History (Notice of Allowance), # 5 Exhibit 5 - Excerpt of U.S. Patent No. 10,009,304 File History (Response), # 6 Exhibit 6 - U.S. Patent Pub. 2010/0023586, # 7 Exhibit 7 - U.S. Patent Pub. 2007/0203985, # 8 Exhibit 8 - U.S. Patent Pub. 2006/0248150, # 9 Exhibit 9 - U.S. Patent No. 8,725,813, # 10 Exhibit 10 - U.S. Patent No. 8,001,184). (Rosenthal, Brian) (Entered: 03/24/2025)
03/25/2025	28	ORDER denying as moot 20 Motion to Dismiss. In light of Defendant's new motion to dismiss, see Docket No. 25, Defendant's earlier motion to dismiss filed at Docket No. 20 is hereby DENIED as moot. Plaintiff's opposition to the new motion to dismiss is due by April 7, 2025. Defendant's reply, if any, is due by April 14, 2025. The Clerk of Court is directed to terminate Docket No. 20. SO ORDERED. (Signed by Judge Jesse M. Furman on 3/25/25) (yv) (Entered: 03/25/2025)
04/07/2025	29	MEMORANDUM OF LAW in Opposition re: 25 MOTION to Dismiss <i>Pursuant to Fed. R. Civ. P. 12(b)(6)</i> . . Document filed by CText IP LLC. (Attachments: # 1 Exhibit A, # 2 Exhibit B).(Weinblatt, Richard) (Entered: 04/07/2025)
04/14/2025	30	REPLY MEMORANDUM OF LAW in Support re: 25 MOTION to Dismiss <i>Pursuant to Fed. R. Civ. P. 12(b)(6)</i> . . Document filed by Apple Inc...(Rosenthal, Brian) (Entered: 04/14/2025)
06/30/2025	31	ORDER denying 25 Motion to Dismiss. For reasons the Court will explain orally at the conference referenced below, Defendant's motion to dismiss, see ECF No. 25, is DENIED. Defendant shall answer the Amended Complaint no later than July 21, 2025. In addition, the parties shall appear for a telephonic initial pretrial conference on July 28, 2025, at 3:30 p.m. In accordance with the previously filed Notice of Initial Pretrial Conference, see ECF No. 8, the parties are reminded that they must file a joint letter and proposed Case Management Plan by the Thursday before the initial pretrial conference. The parties should join the conference by calling the Court's dedicated conference line at (855) 244-8681 and using access code 2303 019 3884, followed by the pound (#) key, then followed by the pound (#) key again when prompted for an attendee ID number. The Clerk of Court is directed to terminate ECF No. 25. SO ORDERED. (Signed by Judge Jesse M. Furman on 6/30/25) (yv) (Entered: 06/30/2025)
07/09/2025	32	MOTION to Stay <i>Pending Inter Partes Review</i> . Document filed by Apple Inc...(Rosenthal, Brian) (Entered: 07/09/2025)
07/09/2025	33	MEMORANDUM OF LAW in Support re: 32 MOTION to Stay <i>Pending Inter Partes Review</i> . . Document filed by Apple Inc...(Rosenthal, Brian) (Entered: 07/09/2025)
07/09/2025	34	DECLARATION of Brian A. Rosenthal in Support re: 32 MOTION to Stay <i>Pending Inter Partes Review</i> .. Document filed by Apple Inc.. (Attachments: # 1 Exhibit 1 - U.S. Patent No. 10,009,304, # 2 Exhibit 2 - U.S. Patent No. 9,246,857, # 3 Exhibit 3 - Petition for Inter Partes Review of '304, # 4 Exhibit 4 - Petition for Inter Partes Review of '857).(Rosenthal, Brian) (Entered: 07/09/2025)
07/10/2025	35	ORDER with respect to 32 Motion to Stay: Plaintiff shall file any opposition by July 17, 2025; Defendant shall file any reply by July 21, 2025. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 07/10/2025)
07/17/2025	36	MEMORANDUM OF LAW in Opposition re: 32 MOTION to Stay <i>Pending Inter Partes Review</i> . . Document filed by CText IP LLC..(Weinblatt, Richard) (Entered: 07/17/2025)
07/17/2025	37	DECLARATION of Richard C. Weinblatt in Opposition re: 32 MOTION to Stay <i>Pending Inter Partes Review</i> .. Document filed by CText IP 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).(Weinblatt, Richard) (Entered: 07/17/2025)
07/21/2025	38	ORDER : Counsel are reminded that, per the Court's earlier Scheduling Order, they must submit their proposed case management plan and joint letter by the Thursday prior to the upcoming conference. The Court will hold the initial conference by telephone. Unless and until the Court orders otherwise, the conference will proceed - and will do so on the date and time previously set. The parties should join the conference by calling the Court's dedicated conference line at (855) 244-8681 and using access code 2303 019 3884, followed by the pound (#) key. When prompted for an attendee ID number, press the pound (#) key again. SO ORDERED. (Signed by Judge Jesse M. Furman on 7/21/25) (yv) (Entered: 07/21/2025)
07/21/2025	39	ANSWER to 24 Amended Complaint, with JURY DEMAND. Document filed by Apple Inc...(Rosenthal, Brian) (Entered: 07/21/2025)
07/21/2025	40	REPLY MEMORANDUM OF LAW in Support re: 32 MOTION to Stay <i>Pending Inter Partes Review</i> . . Document filed by Apple Inc...(Rosenthal, Brian) (Entered: 07/21/2025)
07/21/2025	41	DECLARATION of Brian A. Rosenthal in Support re: 40 Reply Memorandum of Law in Support of Motion. Document filed by Apple Inc.. (Attachments: # 1 Exhibit 1 - 304 Patent Notice of Filing Date Accorded, # 2 Exhibit 2 - 857 Patent Notice of Filing Date Accorded).(Rosenthal, Brian) (Entered: 07/21/2025)
07/24/2025	42	JOINT LETTER addressed to Judge Jesse M. Furman from Richard C. Weinblatt and Brian A. Rosenthal dated July 24, 2025 re: Court's June 30, 2025 Order. Document filed by CText IP LLC. (Attachments: # 1 Proposed Order Civil Case Management Plan and Scheduling Order, # 2 Proposed Order Proposed Scheduling Order).(Weinblatt, Richard) (Entered: 07/24/2025)
07/28/2025	43	ORDER granting 32 Letter Motion to Stay. As stated on the record during the teleconference held earlier today, Defendants motion to stay, ECF No. 32, is GRANTED, except that, by separate order, the Court will refer this case to Magistrate Judge Netburn for settlement and for limited discovery in aid of settlement. The parties should confer in an effort to agree upon the scope of that limited discovery. If there are disputes in that regard, the parties should raise them with Judge Netburn. The parties shall file a joint letter within two weeks of any material development in connection with the case, including any decision by the PTAB regarding whether to institute IPR and the resolution of any IPR proceedings. The Clerk of Court is directed to terminate ECF No. 32. SO ORDERED. (Signed by Judge Jesse M. Furman on 7/28/2025) (ar) (Entered: 07/28/2025)
07/28/2025	44	ORDER OF REFERENCE TO A MAGISTRATE JUDGE: This action is referred to the assigned Magistrate Judge for the following purpose(s): Settlement (and limited discovery in aid of settlement). Referred to Magistrate Judge Sarah Netburn. SO ORDERED. (Signed by Judge Jesse M. Furman on 7/28/2025) (ar) (Entered: 07/28/2025)
07/28/2025		Minute Entry for proceedings held before Judge Jesse M. Furman: Initial Pretrial Conference held via teleconference on 7/28/2025. Richard C. Weinblatt for Plaintiff. Brian Rosenthal, Jaysen Chung, and Nathan Scharn for Defendant. Court reporter present. (ab) (Entered: 08/04/2025)
07/29/2025	45	ORDER: On Monday, July 28, 2025, the Honorable Jesse M. Furman assigned this matter to my docket for settlement. By Friday, August 8, 2025, the parties are directed to email Courtroom Deputy Diljah Shaw at Diljah_Shaw@nysd.uscourts.gov with three mutually convenient dates to schedule a settlement conference. Due to the Court's busy calendar, settlement conferences must generally be scheduled at least six to eight weeks in advance. The Court will likely be unable to accommodate last-minute requests for settlement conferences, and the parties should not anticipate that litigation deadlines will be adjourned