**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF DELAWARE**

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| PRATT RETAIL SPECIALTIES, LLC,<br><br>Plaintiff/Counterclaim Defendant,<br><br>vs.<br><br>PROAMPAC LLC,<br><br>Defendant/Counterclaim Plaintiff. | Case No.: 1:24-cv-01073-RGA<br><br>**JURY TRIAL DEMANDED** |

**JOINT STIPULATION AND [PROPOSED] ORDER SUBSTITUTING PARTIES AND CHANGING CASE CAPTION**

WHEREAS, on September 25, 2024, Plaintiff Pratt Retail Specialties, LLC ("Plaintiff") filed a Complaint in the above-captioned action (D.I. 1) against ProAmpac LLC;

WHEREAS, ProAmpac Holdings Inc. should have been named as the defendant with regard to the allegations set forth in the Complaint;

WHEREAS, ProAmpac Holdings Inc. responded to the Complaint, but denied all allegations in the Complaint that pertain to ProAmpac LLC because that entity does not exist. D.I. 16. In responding to Pratt's Complaint, ProAmpac Holdings Inc. assumed all references to "ProAmpac" in the Complaint refer to ProAmpac Holdings Inc.;

WHEREAS, in order to streamline this action and avoid burdening the Court and the parties with motion practice, the parties have agreed to substitute ProAmpac Holdings Inc. for ProAmpac LLC, as if ProAmpac Holdings Inc. had been named as the defendant in the Complaint for all intents and purposes; and



**Sigma Ex. 2006 - p. 001 of 6**
**ProAmpac v. Sigma**
**IPR2025-01143**

WHEREAS, the representations contained in this Stipulation are offered solely in an effort to correct the record and to avoid unnecessary motion practice and shall have no bearing on the merits of the case or otherwise be construed as an admission concerning any defense or claim.

IT IS HEREBY STIPULATED AND AGREED, by and among the parties, through their undersigned counsel, subject to the Court's approval, that:

1. ProAmpac Holdings Inc. represents and warrants, for the purposes of the above-captioned action only, that it is the proper party to defend against the allegations in the Complaint because it is the entity that makes, uses, and sells the product accused of infringement. At ProAmpac Holdings Inc.'s direction, its operating subsidiaries Gateway, CEI and Ampac Mobile (collectively, the "Manufacturers"), make the accused product. ProAmpac Holdings Inc. stipulates it is liable for any accused products the Manufacturers make at its direction if infringement is found;

2. In reliance upon the representations and warranties made in paragraph 1 above, Plaintiff agrees that ProAmpac Holdings Inc. is the proper defendant with regard to the allegations in the Complaint and should be substituted for ProAmpac LLC, so that all allegations made against ProAmpac LLC are now made against ProAmpac Holdings Inc. and the case caption is amended as follows: *Pratt Retail Specialties, LLC v. ProAmpac Holdings Inc.*, C.A. No. 1:24-cv-01073-RGA;

3. All orders of this Court entered in this action to date are binding on ProAmpac Holdings Inc. as if it had been a party at the time the order was entered;

4. Plaintiff has not released, and nothing in this Stipulation shall be construed as a release or discharge of, any claim Plaintiff has or may have in the future against any accused infringer of U.S. Patent No. 11,072,148; and



**Sigma Ex. 2006 - p. 002 of 6**
**ProAmpac v. Sigma**
**IPR2025-01143**

5. Nothing in this Stipulation shall be construed as an admission or assumption of liability by ProAmpac Holdings Inc. with regard to the allegations in this action. ProAmpac Holdings Inc. has not released, waived, or discharged, and nothing in this Stipulation shall be construed as a release, waiver, or discharge, of any defense or counterclaim ProAmpac Holdings Inc. has or may have in the future against Pratt, including those affirmative defenses and counterclaims asserted in ProAmpac Holdings Inc.'s Answer and Counterclaims (D.I. 16).



**Sigma Ex. 2006 - p. 003 of 6**
**ProAmpac v. Sigma**
**IPR2025-01143**

Dated: June 25, 2025

**MORRIS JAMES LLP**

*/s/ Kenneth L. Dorsney*
Kenneth L. Dorsney (#3726)
Cortlan S. Hitch (#6720)
500 Delaware Avenue, Suite 1500
Wilmington, Delaware 19801
(302) 888-6800
kdorsney@morrisjames.com
chitch@morrisjames.com

Jeffrey R. Kuester (*pro hac vice*)
John L. North (*pro hac vice*)
TAYLOR DUMA LLP
1600 Parkwood Circle, Suite 200
Atlanta, GA 30339
jkuester@taylorduma.com
jnorth@taylorduma.com

*Attorneys for Plaintiff*
*Pratt Retail Specialties, LLC.*

**BLANK ROME LLP**

*/s/ James G. Gorman III*
James G. Gorman III (#6284)
Gregory P. Ranzini (#6624)
1201 N. Market Street, Suite 800
Wilmington, Delaware 19801
(302) 425-6400
james.gorman@blankrome.com
gregory.ranzini@blankrome.com

Domingo M. LLagostera (admitted *pro hac vice*)
Texas Bar No. 24070157
717 Texas Ave, Suite 1400
Houston, Texas 77002
Telephone: (713) 632-8682
Facsimile: (713) 228-6605
domingo.llagostera@blankrome.com

Megan R. Wood (admitted *pro hac vice*)
DC Bar No. 1024203
1825 Eye Street NW
Washington, DC 20006
Telephone: (202) 420-2753
Facsimile: (202) 420-2201
megan.wood@blankrome.com

*Attorneys for Defendant*
*ProAmpac Holdings Inc.*

**SO ORDERED** this _____ day of June, 2025.

_____
The Honorable Richard G. Andrews



**Sigma Ex. 2006 - p. 005 of 6**
**ProAmpac v. Sigma**
**IPR2025-01143**

## Other Documents

1:24-cv-01073-RGA Pratt Retail Specialties, LLC v. ProAmpac LLC

PATENT

**U.S. District Court**

**District of Delaware**

### Notice of Electronic Filing

The following transaction was entered by Dorsney, Kenneth on 6/25/2025 at 4:42 PM EDT and filed on 6/25/2025

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**Case Number:** 1:24-cv-01073-RGA
**Filer:** Pratt Retail Specialties, LLC
**Document Number:** 44

**Docket Text:**
**Joint STIPULATION Substituting Parties and Changing Case Caption by Pratt Retail Specialties, LLC. (Dorsney, Kenneth)**

**1:24-cv-01073-RGA Notice has been electronically mailed to:**

Cortlan S. Hitch chitch@morrisjames.com

Domingo M. Llagostera domingo.llagostera@blankrome.com

Gregory P. Ranzini gregory.ranzini@blankrome.com

James G. Gorman , III james.gorman@blankrome.com, arc@blankrome.com, courtmail@blankrome.com, docketing@blankrome.com, mliss.hindman@blankrome.com

Jeffrey R. Kuester jkuester@taylorenglish.com, salkas@taylorenglish.com

John L. North jnorth@taylorenglish.com, salkas@taylorenglish.com

Kenneth Laurence Dorsney kdorsney@morrisjames.com, CHitch@morrisjames.com, ippara@morrisjames.com

Megan R. Wood megan.wood@blankrome.com

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