

**U.S. District Court
Eastern District of TEXAS [LIVE] (Marshall)
CIVIL DOCKET FOR CASE #: 2:24-cv-00735-JRG-RSP**

Brook + Whittle LTD v. Nestle USA, Inc. et al
Assigned to: District Judge Rodney Gilstrap
Referred to: Magistrate Judge Roy S. Payne
Cause: 35:271 Patent Infringement

Date Filed: 09/08/2024
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

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Defendant

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represented by **Amy E. LaValle**
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Counter Claimant

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#	Docket Text	Date Filed
1	COMPLAINT for Patent Infringement against All Defendants (Filing fee \$ 405 receipt number ATXEDC-10344723.), filed by Brook + Whittle LTD. (Attachments: # 1 Exhibit A - Patent 11,961,422, # 2 Exhibit B - Claim Chart, # 3 Exhibit C - Nesquik Webpage, # 4 Exhibit D - Where to Buy, # 5 Exhibit E - Nesquik Walmart Webpage, # 6 Exhibit F - Nestle Locations, # 7 Exhibit G - Fuji Seal Locations, # 8 Exhibit H - Nesquik Recycling Press Release, # 9 Exhibit I - Article on Nestle's Use of Recyclable Light-Blocking Shrink Sleeves, # 10 Exhibit J - Nesquik Youtube Video Link, # 11 Civil Cover Sheet)(Brown, Brandon) (Entered: 09/08/2024)	09/08/2024
2	Fed. R. Civ. P. 7.1(a)(1) Disclosure Statement filed by Brook + Whittle LTD identifying Corporate Parent Genstar Capital LLC for Brook + Whittle LTD. (Brown, Brandon) (Entered: 09/08/2024)	09/08/2024
3	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 emailed to the Director of the U.S. Patent and Trademark Office. (Brown, Brandon) (Entered: 09/08/2024)	09/08/2024
4	SUMMONS Issued as to Fuji Seal International, Inc., Nestle USA, Inc.. (Attachments: # 1 Additional Attachment(s))(CH) (Entered: 09/09/2024)	09/09/2024
5	NOTICE of Attorney Appearance by Andrea Leigh Fair on behalf of Brook + Whittle LTD (Fair, Andrea) (Entered: 09/09/2024)	09/09/2024
	Case assigned to District Judge Rodney Gilstrap and Magistrate Judge Roy S. Payne. (CH) (Entered: 09/09/2024)	09/09/2024
	In accordance with the provisions of 28 USC Section 636(c), you are hereby notified that a U.S. Magistrate Judge of this district court is available to conduct any or all proceedings in this case including a jury or non-jury trial and to order the entry of a final judgment. The form Consent to Proceed Before Magistrate Judge is available on our website. All signed consent forms, excluding pro se parties, should be filed electronically using the event Notice Regarding Consent to Proceed Before Magistrate Judge. (CH) (Entered: 09/09/2024)	09/09/2024

6	WAIVER OF SERVICE Returned Executed by Brook + Whittle LTD. Nestle USA, Inc. waiver sent on 9/13/2024, answer due 11/12/2024. (Brown, Brandon) (Entered: 09/19/2024)	09/19/2024
7	ORDER Scheduling/Case Management Conference set for 11/7/2024 at 01:30 PM before District Judge Rodney Gilstrap. Signed by Magistrate Judge Roy S. Payne on 10/21/24. (bga) (Entered: 10/21/2024)	10/21/2024
8	WAIVER OF SERVICE Returned Executed by Brook + Whittle LTD. Fuji Seal International, Inc. waiver sent on 9/13/2024, answer due 12/12/2024. (Brown, Brandon) (Entered: 10/23/2024)	10/23/2024
9	UNOPPOSED MOTION for Extension of Time to Complete Discovery P.R. 3-1 through 3-4 by Brook + Whittle LTD. (Attachments: # 1 Proposed Order)(Brown, Brandon) (Entered: 10/23/2024)	10/23/2024
10	NOTICE of Attorney Appearance by Amy E. LaValle on behalf of All Defendants (LaValle, Amy) (Entered: 10/29/2024)	10/29/2024
11	ORDER granting 9 Motion to Extend the Parties Deadlines to Comply with P.R. 3-1 through 34 and Standing Order re Subject Matter Eligibility Contentions. Signed by Magistrate Judge Roy S. Payne on 10/29/24. (bga) (Entered: 10/30/2024)	10/30/2024
	Minute Entry for proceedings held before District Judge Rodney Gilstrap: Scheduling Conference/Case Management Conference held on 11/7/2024 from 01:35 PM - 02:49 PM. Counsel for the parties appeared. Court asked whether the parties consented to trial before the U.S. Magistrate Judge. Court proceeded to provide counsel with Claim Construction and Jury Selection/Trial dates. (Court Reporter - Shawn McRoberts) (aeb) (Entered: 11/14/2024)	11/07/2024
12	NOTICE of Discovery Disclosure by Brook + Whittle LTD re P.R. 3-1 and 3-2 (Fair, Andrea) (Entered: 11/08/2024)	11/08/2024
12	NOTICE of Discovery Disclosure by Brook + Whittle LTD re P.R. 3-1 and 3-2 (Fair, Andrea) (Entered: 11/08/2024)	11/08/2024
13	Defendant Nestle USA, Inc.'s Unopposed First Application for Extension of Time to Answer Complaint (LaValle, Amy) (Entered: 11/11/2024)	11/11/2024
13	Defendant Nestle USA, Inc.'s Unopposed First Application for Extension of Time to Answer Complaint (LaValle, Amy) (Entered: 11/11/2024)	11/11/2024
	Defendant's Unopposed First Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for Nestle USA, Inc. to 11/26/2024. 14 Days Granted for Deadline Extension.(NKL) (Entered: 11/12/2024)	11/12/2024
	Defendant's Unopposed First Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for Nestle USA, Inc. to 11/26/2024. 14 Days Granted for Deadline Extension.(NKL) (Entered: 11/12/2024)	11/12/2024
14	JOINT MOTION for Entry of Docket Control Order by Brook + Whittle LTD. (Attachments: # 1 Proposed Order Proposed Docket Control Order)(Brown, Brandon) (Entered: 11/21/2024)	11/21/2024
15	JOINT MOTION for Entry of Discovery Order by Brook + Whittle LTD. (Attachments: # 1 Proposed Order (Agreed Discovery Order)) (Brown, Brandon) (Entered: 11/21/2024)	11/21/2024
16	DOCKET CONTROL ORDER: Pretrial Conference set for 4/13/2026 at 09:00 AM before Magistrate Judge Roy S. Payne. Jury Selection set for 5/18/2026 at 09:00AM before District Judge Rodney Gilstrap. Markman Hearing set for 11/18/2025 at 09:00 AM before Magistrate Judge Roy S. Payne.. Signed by Magistrate Judge Roy S. Payne on 11/22/2024. (KLC) (Entered: 11/22/2024)	11/22/2024
17	DISCOVERY ORDER. Signed by Magistrate Judge Roy S. Payne on 11/22/2024. (KLC) (Entered: 11/22/2024)	11/22/2024
18	MOTION to Dismiss for Improper Venue by Nestle USA, Inc.. (Attachments: # 1 Affidavit/Declaration of Douglas Besman, # 2 Proposed Order)(LaValle, Amy) (Entered: 11/26/2024)	11/26/2024
19	JOINT MOTION for Extension of Time to File Proposed Protective Order and to Serve Initial and Additional Disclosures by Brook + Whittle LTD. (Attachments: # 1 Proposed Order)(Brown, Brandon) (Entered: 11/26/2024)	11/26/2024
20	ORDER granting 19 Motion to Extend Deadlines to File Proposed Protective Order and to Serve Initial and Additional Disclosure. Signed by Magistrate Judge Roy S. Payne on 12/2/24. (bga) (Entered: 12/03/2024)	12/03/2024
21	NOTICE of Attorney Appearance - Pro Hac Vice by Lindsey Shi on behalf of Brook + Whittle LTD. Filing fee \$ 100, receipt number ATXEDC-10531761. (Shi, Lindsey) (Entered: 12/04/2024)	12/04/2024
22	JOINT MOTION for Protective Order by Brook + Whittle LTD. (Attachments: # 1 Proposed Order)(Brown, Brandon) (Entered: 12/06/2024)	12/06/2024
23	NOTICE of Discovery Disclosure by Nestle USA, Inc. Initial and Additional Disclosures (LaValle, Amy) (Entered: 12/06/2024)	12/06/2024
24	NOTICE of Discovery Disclosure by Fuji Seal International, Inc. Initial and Additional Disclosures (LaValle, Amy) (Entered: 12/06/2024)	12/06/2024
25	NOTICE of Discovery Disclosure by Brook + Whittle LTD (Brown, Brandon) (Entered: 12/06/2024)	12/06/2024

26	JOINT MOTION Entry of ESI Order by Brook + Whittle LTD. (Attachments: # 1 Proposed Order ESI)(Brown, Brandon) (Entered: 12/09/2024)	12/09/2024
27	PROTECTIVE ORDER. Signed by Magistrate Judge Roy S. Payne on 12/9/2024. (KLC) (Entered: 12/10/2024)	12/10/2024
28	E-DISCOVERY ORDER re 26 Motion Entry of ESI Order. Signed by Magistrate Judge Roy S. Payne on 12/10/2024. (NKL) (Entered: 12/10/2024)	12/10/2024
29	RESPONSE in Opposition re 18 MOTION to Dismiss for Improper Venue filed by Brook + Whittle LTD. (Attachments: # 1 Proposed Order Denying MTD, # 2 Exhibit 1. Nestle Website (2024), # 3 Exhibit 2. Nestle Website (2021), # 4 Exhibit 3. J. Carleton CV, # 5 Exhibit 4. C. McAfee CV, # 6 Exhibit 5. R. Willis CV, # 7 Exhibit 6. Marketing Mix of Nestle, # 8 Exhibit 7. Confectionary Signage, # 9 Exhibit 8. Capital Markets Day 2024, # 10 Exhibit 9. 2024 Three Month Sales Q&A, # 11 Exhibit 10. Offerings to boost relevance of DiGiorno pizza)(Brown, Brandon) (Entered: 12/10/2024)	12/10/2024
30	FILED IN ERROR. ATTORNEY TO REFILE NOTICE of Attorney Appearance by Brandon H Brown on behalf of Brook + Whittle LTD (Brown, Brandon) Modified on 12/12/2024 (KLC). (Entered: 12/11/2024)	12/11/2024
31	NOTICE of Attorney Appearance by Yimeng Dou on behalf of Brook + Whittle LTD (Dou, Yimeng) (Entered: 12/12/2024)	12/12/2024
32	SEALED MOTION to Dismiss for Lack of Personal Jurisdiction by Fuji Seal International, Inc.. (Attachments: # 1 Affidavit/Declaration of Fumiaki Takahashi, # 2 Proposed Order)(LaValle, Amy) (Entered: 12/12/2024)	12/12/2024
33	JOINT MOTION for Extension of Time to File by Brook + Whittle LTD. (Attachments: # 1 Proposed Order granting motion to extend) (Brown, Brandon) (Entered: 12/13/2024)	12/13/2024
34	ORDER granting 33 Motion for Extension of Time to File. Signed by Magistrate Judge Roy S. Payne on 12/18/24. (bga) (Entered: 12/19/2024)	12/19/2024
35	REDACTION to 32 SEALED MOTION to Dismiss for Lack of Personal Jurisdiction by Fuji Seal International, Inc.. (Attachments: # 1 Affidavit/Declaration (Ex. A - Redacted Declaration of Fumiaki Takahashi), # 2 Proposed Order)(LaValle, Amy) (Entered: 12/19/2024)	12/19/2024
36	REPLY to Response re 18 MOTION to Dismiss for Improper Venue filed by Nestle USA, Inc.. (Attachments: # 1 Affidavit/Declaration (Ex. A - LaValle Declaration), # 2 Affidavit/Declaration (Ex. B - Second Besman Declaration))(LaValle, Amy) (Entered: 12/24/2024)	12/24/2024
37	UNOPPOSED MOTION for Extension of Time to Complete Discovery (Serve P.R. 3-4 Document Production) by Nestle USA, Inc., Fuji Seal International, Inc.. (Attachments: # 1 Proposed Order)(LaValle, Amy) (Entered: 12/31/2024)	12/31/2024
38	ORDER granting 37 Motion to Extend Defendants Deadlines to Serve Production of Documents Accompanying Invalidity Contentions Under P.R. 3-4. Signed by Magistrate Judge Roy S. Payne on 1/2/2025. (NKL) (Entered: 01/02/2025)	01/02/2025
39	NOTICE of Discovery Disclosure by Nestle USA, Inc., Fuji Seal International, Inc. Defendants' Joint Notice of P.R. 3-3 Invalidity Contentions (LaValle, Amy) (Entered: 01/02/2025)	01/02/2025
40	SEALED RESPONSE re 32 SEALED MOTION to Dismiss for Lack of Personal Jurisdiction filed by Brook + Whittle LTD. (Brown, Brandon) (Entered: 01/09/2025)	01/09/2025
41	AFFIDAVIT in Opposition re 32 SEALED MOTION to Dismiss for Lack of Personal Jurisdiction (Lindsey Shi) filed by Brook + Whittle LTD. (Attachments: # 1 Exhibit 1. FSI Website, Company Overview, # 2 Exhibit 2. FSI Website, Mission Statement and Vision, # 3 Exhibit 3. FSI Website, Shareholder and Stock, # 4 Exhibit 4. FSI Website, Net Sales by Product/Segment, # 5 Exhibit 5. FSI Articles of Incorporation translated, # 6 Exhibit 6. FSI 2024 Integrated Report, # 7 Exhibit 7. FSI Website, AFS Products, # 8 Exhibit 8. FSI 2023 Integrated Report, # 9 Exhibit 9. FSI Website, Management, # 10 Exhibit 10. FSI Website, FSG Code of Ethics, # 11 Exhibit 11. LinkedIn Website, AFS, # 12 Exhibit 12. Capital IQ Website, # 13 Exhibit 13. FSI Website, Supply Chain, # 14 Exhibit 14. Fuji IP Strategy Presentation, # 15 Exhibit 15. U.S. Patent No. 10,777,100, # 16 Exhibit 16. USPTO Website, Thermo-Shield, # 17 Exhibit 17. USPTO Website, Ducracore, # 18 Exhibit 18. USPTO Website, Duraplas, # 19 Exhibit 19. USPTO Website, Contour-Pak, # 20 Exhibit 20. USPTO Website, 79081571, # 21 Exhibit 21. USPTO Website, 79294475, # 22 Exhibit 22. USPTO Website, Recshrink, # 23 Exhibit 23. FSI Careers Portal, # 24 Exhibit 24. LinkedIn Website, J. Boetler, # 25 Exhibit 25. Fuji Seal Group 2004 Annual Report, # 26 Exhibit 26. FSI Brand Book, # 27 Exhibit 27. Frost Brown Todd Website, Office Locations, # 28 Exhibit 28. FSI Website, Shrink Sleeve Labels, # 29 Exhibit 29. FSI Initial Disclosures, # 30 Exhibit 30. FSI Website, Global Business Expansion, # 31 Exhibit 31. Bureau of Economic Analysis, # 32 Exhibit 32. FSI Website, Contact US, # 33 Exhibit 33. FSI Website, Our Global Locations, # 34 Exhibit 34. FSI Website, Career, # 35 Exhibit 35. Map of distance)(Brown, Brandon) (Entered: 01/09/2025)	01/09/2025
42	SEALED DECLARATION OF MARK POLLARD in Support of: 40 Sealed Response to Motion. (Attachments: # 1 Exhibit 36. SEALED Email)(Brown, Brandon) (Entered: 01/09/2025)	01/09/2025
43	SUR-REPLY to Reply to Response re 18 MOTION to Dismiss for Improper Venue filed by Brook + Whittle LTD. (Attachments: # 1 Affidavit/Declaration of L. Shi ISO Sur-Reply, # 2 Exhibit 1. Nestle Jobs Locations)(Brown, Brandon) (Entered: 01/10/2025)	01/10/2025
44	REDACTION to 40 Sealed Response to Motion by Brook + Whittle LTD. (Brown, Brandon) (Entered: 01/16/2025)	01/16/2025

45	REDACTION to 42 Sealed Additional Attachments to Main Document and Exhibit 36 by Brook + Whittle LTD. (Attachments: # 1 Exhibit 36. Email chain)(Brown, Brandon) (Entered: 01/16/2025)	01/16/2025
46	REPLY to Response re 32 SEALED MOTION to Dismiss for Lack of Personal Jurisdiction filed by Fuji Seal International, Inc.. (LaValle, Amy) (Entered: 01/17/2025)	01/17/2025
47	SEALED SUR-REPLY to Reply to Response re 32 SEALED MOTION to Dismiss for Lack of Personal Jurisdiction filed by Brook + Whittle LTD. (Brown, Brandon) (Entered: 01/24/2025)	01/24/2025
48	AFFIDAVIT in Opposition re 32 SEALED MOTION to Dismiss for Lack of Personal Jurisdiction of L. Shi re B+W Sur-Reply filed by Brook + Whittle LTD. (Attachments: # 1 Exhibit 1. President and CEO Message _ Fuji Seal International (Web Capture), # 2 Exhibit 2. FSI GDPR Privacy Statement, # 3 Exhibit 3. Fuji 2023 Annual Report, # 4 Exhibit 4. Fuji 2024 Annual Report, # 5 Exhibit 5. FSI 2024 Annual Shareholder Meeting Report)(Brown, Brandon) (Entered: 01/24/2025)	01/24/2025
49	REDACTION to 47 Sealed Sur-Reply to Reply to Response to Motion by Brook + Whittle LTD. (Brown, Brandon) (Entered: 01/29/2025)	01/29/2025
50	UNOPPOSED MOTION for Leave to File (Serve) Supplemental Invalidity Contentions by All Defendants. (Attachments: # 1 Exhibit A - Redline Version of Cover Document, # 2 Exhibit B - Gatorade Label Claim Chart, # 3 Exhibit C - Febreze Label Claim Chart, # 4 Proposed Order)(LaValle, Amy) (Entered: 02/19/2025)	02/19/2025
51	ORDER granting 50 Motion for Leave to Supplement Invalidity Contentions. Signed by Magistrate Judge Roy S. Payne on 02/21/2025. (KLC) (Entered: 02/21/2025)	02/21/2025
	NOTICE of Hearing: Pretrial Conference RESET for 4/15/2026 at 09:00 AM before Magistrate Judge Roy S. Payne. (bga) (Entered: 03/05/2025)	03/05/2025
52	NOTICE of Attorney Appearance by John Francis Bennett on behalf of Nestle USA, Inc., Fuji Seal International, Inc. (Bennett, John) (Entered: 03/13/2025)	03/13/2025
53	**WITHDRAWN PER ORDER 62 ** SEALED MOTION to Compel by Brook + Whittle LTD. (Attachments: # 1 Affidavit/Declaration of L. Shi ISO Motion to Compel)(Brown, Brandon) (Additional attachment(s) added on 3/19/2025: # 2 Proposed Order) (NKL). Modified on 4/10/2025 (wea). (Entered: 03/19/2025)	03/19/2025
54	FILED IN ERROR Additional Attachments to Main Document: 53 SEALED MOTION to Compel. Proposed Order. (Brown, Brandon) Modified on 3/19/2025 (NKL). (Entered: 03/19/2025)	03/19/2025
55	NOTICE of Attorney Appearance by Garrett C. Parish on behalf of Brook + Whittle LTD (Parish, Garrett) (Entered: 03/19/2025)	03/19/2025
56	NOTICE of Attorney Appearance by Melissa Richards Smith on behalf of Nestle USA, Inc., Fuji Seal International, Inc. (Smith, Melissa) (Entered: 03/19/2025)	03/19/2025
	NOTICE of Hearing on Motion 53 SEALED MOTION to Compel : Motion Hearing set for 4/22/2025 at 02:00 PM before Magistrate Judge Roy S. Payne. (bga) (Entered: 03/19/2025)	03/19/2025
57	REDACTION to 53 SEALED MOTION to Compel to Produce Documents by Brook + Whittle LTD. (Attachments: # 1 Affidavit/Declaration of L. Shi (FUS))(Brown, Brandon) (Entered: 03/26/2025)	03/26/2025
58	JOINT STATUS REPORT re Meet and Confer by Brook + Whittle LTD. (Shi, Lindsey) (Entered: 03/27/2025)	03/27/2025
59	UNOPPOSED MOTION for Extension of Time to File Response/Reply as to 53 SEALED MOTION to Compel by Fuji Seal International, Inc.. (Attachments: # 1 Proposed Order)(LaValle, Amy) (Entered: 04/02/2025)	04/02/2025
60	ORDER granting 59 UNOPPOSED MOTION for Extension of Time to File Response/Reply as to 53 SEALED MOTION to Compel , 53 SEALED MOTION to Compel Responses due by 4/9/2025. Signed by Magistrate Judge Roy S. Payne on 04/03/2025. (KLC) (Entered: 04/04/2025)	04/04/2025
61	UNOPPOSED MOTION to Withdraw 53 SEALED MOTION to Compel by Brook + Whittle LTD. (Attachments: # 1 Proposed Order) (Brown, Brandon) (Entered: 04/09/2025)	04/09/2025
62	ORDER granting 61 UNOPPOSED MOTION to Withdraw. Plaintiffs Motion to Compel 53 is hereby WITHDRAWN and the hearing scheduled for April 22, 2025, is CANCELED. Signed by Magistrate Judge Roy S. Payne on 4/10/2025. (wea) (Entered: 04/10/2025)	04/10/2025
63	MOTION to Stay Pending Resolution of Related Declaratory Judgment Action by All Defendants. (Attachments: # 1 Exhibit A - Declaration of Amy E. LaValle, # 2 Exhibit 1 - B+W Infringement Contentions - Cover Document, # 3 Exhibit 2 - B+W Infringement Contentions - Exhibit A - Nesquik Label Claim Chart, # 4 Exhibit 3 - B+W Infringement Contentions - Exhibit B - Coffee Mate Label Claim Chart, # 5 Exhibit 4 - AFS's DJ Complaint, # 6 Exhibit B - Declaration of Douglas Besman, # 7 Proposed Order)(LaValle, Amy) (Entered: 04/17/2025)	04/17/2025
64	WITHDRAWN PER ORDER 72 MOTION to Compel Defendants' E-Discovery Depositions by Brook + Whittle LTD. (Attachments: # 1 Declaration of Lindsey Shi, # 2 Proposed Order)(Brown, Brandon) Modified on 5/14/2025 (mdj). (Entered: 04/21/2025)	04/21/2025

65	Additional Attachments to Main Document: 64 MOTION to Compel Defendants' E-Discovery Depositions. Exhibit 1. (Brown, Brandon) (Entered: 04/21/2025)	04/21/2025
	NOTICE of Hearing on Motion 64 MOTION to Compel Defendants' E-Discovery Depositions: Motion Hearing set for 5/28/2025 at 01:30 PM before Magistrate Judge Roy S. Payne. (wea) (Entered: 04/29/2025)	04/29/2025
66	RESPONSE in Opposition re 63 MOTION to Stay Pending Resolution of Related Declaratory Judgment Action filed by Brook + Whittle LTD. (Attachments: # 1 Declaration of Lindsey Shi ISO of Motion to Stay Opp, # 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) (Brown, Brandon) (Entered: 05/01/2025)	05/01/2025
67	JOINT STATUS REPORT re Meet and Confer by Brook + Whittle LTD. (Shi, Lindsey) (Entered: 05/05/2025)	05/05/2025
68	UNOPPOSED MOTION for Extension of Time to File Response/Reply to Plaintiff's Motion to Compel 64 by All Defendants. (Attachments: # 1 Proposed Order Proposed Order re Unopposed Mtn for Ext to File Response to MTC)(LaValle, Amy) (Entered: 05/05/2025)	05/05/2025
69	REPLY to Response re 63 MOTION to Stay Pending Resolution of Related Declaratory Judgment Action filed by Fuji Seal International, Inc., Nestle USA, Inc.. (LaValle, Amy) (Entered: 05/08/2025)	05/08/2025
70	ORDER granting 68 Motion for Extension of Time to File Response. Deadline to respond is 5/12/2025. Signed by Magistrate Judge Roy S. Payne on 05/08/2025. (mdj) (Entered: 05/09/2025)	05/09/2025
71	UNOPPOSED MOTION to Withdraw 64 MOTION to Compel Defendants' E-Discovery Depositions by Brook + Whittle LTD. (Attachments: # 1 Proposed Order)(Brown, Brandon) (Entered: 05/12/2025)	05/12/2025
72	ORDER- It is ORDERED that B+Ws Motion to Compel is hereby WITHDRAWN and the hearing scheduled for May 28, 2025 is CANCELED (Motion, 71 terminated). Signed by Magistrate Judge Roy S. Payne on 05/13/2025. (mdj) (Entered: 05/14/2025)	05/14/2025
73	SUR-REPLY to Reply to Response re 63 MOTION to Stay Pending Resolution of Related Declaratory Judgment Action filed by Brook + Whittle LTD. (Brown, Brandon) (Entered: 05/15/2025)	05/15/2025
74	CONSENT MOTION to Take Deposition in Japan by Brook + Whittle LTD. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Brown, Brandon) (Entered: 05/16/2025)	05/16/2025
75	Additional Attachments to Main Document: 74 CONSENT MOTION to Take Deposition in Japan. AO 30 Certified Copy. (Brown, Brandon) (Entered: 05/19/2025)	05/19/2025
76	ORDER granting 74 Motion to Take Deposition. Signed by Magistrate Judge Roy S. Payne on 05/20/2025. (mdj) (Entered: 05/20/2025)	05/20/2025
77	NOTICE of Change of Address by Brandon H Brown. (E-filers are reminded that they must also use their PACER account to submit an address change to the NextGen ECF system.) (Brown, Brandon) (Entered: 06/13/2025)	06/13/2025
78	NOTICE of Attorney Appearance by Jeffrey Michael Jacobsen on behalf of Brook + Whittle LTD (Jacobsen, Jeffrey) (Entered: 06/18/2025)	06/18/2025
79	NOTICE of Supplemental Authority by Brook + Whittle LTD re 66 Response in Opposition to Motion, 73 Sur-Reply to Reply to Response to Motion (Attachments: # 1 Exhibit 1)(Brown, Brandon) (Entered: 08/07/2025)	08/07/2025
80	REPORT AND RECOMMENDATION. Signed by Magistrate Judge Roy S. Payne on 08/11/2025. (mdj) (Entered: 08/12/2025)	08/12/2025
81	NOTICE of Attorney Appearance by Derek M. Freitas on behalf of All Defendants (Freitas, Derek) (Entered: 08/14/2025)	08/14/2025
82	NOTICE of Attorney Appearance by Paul J Linden on behalf of All Defendants (Linden, Paul) (Entered: 08/26/2025)	08/26/2025
83	Joint Claim Construction and Prehearing Statement Pursuant to Patent L.R. 4-3 by Brook + Whittle LTD. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Brown, Brandon) (Entered: 08/26/2025)	08/26/2025
84	OBJECTION to 80 Report and Recommendations by Nestle USA, Inc.. (Bennett, John) (Entered: 08/26/2025)	08/26/2025
85	NOTICE of Attorney Appearance - Pro Hac Vice by Laura Kelley Uhlenhuth on behalf of Brook + Whittle LTD. Filing fee \$ 100, receipt number ATXEDC-11067581. (Uhlenhuth, Laura) (Entered: 09/03/2025)	09/03/2025
86	NOTICE of Attorney Appearance by Ava M. Bowden on behalf of All Defendants (Bowden, Ava) (Entered: 09/05/2025)	09/05/2025
87	Order Adopting 80 REPORT AND RECOMMENDATIONS re 18 MOTION to Dismiss. Signed by District Judge Rodney Gilstrap on 09/05/2025. (mdj) (Entered: 09/08/2025)	09/08/2025
88	NOTICE of Attorney Appearance - Pro Hac Vice by Julien Crockett on behalf of Brook + Whittle LTD. Filing fee \$ 100, receipt number ATXEDC-11090520. (Crockett, Julien) (Entered: 09/15/2025)	09/15/2025

89	ORDER APPOINTING Technical Advisor. The Court issues this Order sua sponte. It is ORDERED that David Keyzer be appointed as the Courts technical advisor in the above-captioned case, with his fees and expenses to be assessed equally between Plaintiff and Defendants and timely paid as billed.. Signed by Magistrate Judge Roy S. Payne on 9/17/2025. (NKL) (Entered: 09/18/2025)	09/18/2025
90	MOTION for Leave to File Answer Out of Time by Nestle USA, Inc.. (Attachments: # 1 Proposed Order)(Bennett, John) (Entered: 09/26/2025)	09/26/2025
91	ANSWER to 1 Complaint,, , COUNTERCLAIM against Brook + Whittle LTD by Nestle USA, Inc..(Bennett, John) (Entered: 09/26/2025)	09/26/2025
92	ORDER granting 90 Motion for Leave to File Answer Out of Time. Signed by Magistrate Judge Roy S. Payne on 10/1/2025. (NKL) (Entered: 10/02/2025)	10/02/2025
93	CLAIM CONSTRUCTION BRIEF filed by Brook + Whittle LTD. (Attachments: # 1 Exhibit 1 - US11961422, # 2 Exhibit 2 - US11961422 File History_ Excerpted, # 3 Exhibit 3 - 2025-09-16 Storey Dep Tr_ Excerpted, # 4 Exhibit 4 - 2025-08-26 Askounis Decl. re US 11,961,422, # 5 Exhibit 5 - 2025-08-26 - Storey Decl. re Claim Construction, # 6 Exhibit 6 - Storey Dep. Demonstrative 03, # 7 Exhibit 7 - Handbook of Plastics, Elastomers, and Composites_ Excerpted)(Brown, Brandon) (Entered: 10/07/2025)	10/07/2025
94	NOTICE OF COMPLIANCE by Brook + Whittle LTD re 16 Scheduling Order/Docket Control Order, Technical Tutorial (Brown, Brandon) (Entered: 10/07/2025)	10/07/2025
	NOTICE of Hearing: Markman/Claim Construction Hearing RESET for 11/24/2025 at 01:30 PM before Magistrate Judge Roy S. Payne. (wea) (Entered: 10/07/2025)	10/07/2025
95	NOTICE OF COMPLIANCE by Fuji Seal International, Inc., Nestle USA, Inc. regarding technical tutorials (Smith, Melissa) (Entered: 10/08/2025)	10/08/2025
96	RESPONSE to 91 Answer to Complaint, Counterclaim Plaintiff Brook + Whittle's Answer to Defendant Nestle USA's Counterclaims to Brook + Whittle by Brook + Whittle LTD. (Brown, Brandon) (Entered: 10/17/2025)	10/17/2025
97	RESPONSIVE CLAIM CONSTRUCTION BRIEF filed by Fuji Seal International, Inc., Nestle USA, Inc. (Attachments: # 1 Exhibit A - 2025-08-26 - Storey Decl re Claim Construction, # 2 Exhibit B - 2025-09-16 - Storey Dep Tr_ Excerpted, # 3 Exhibit C - US11961422 File History_ Excerpted, # 4 Exhibit D - PGR2025-00025 - PO Prelim Resp, # 5 Exhibit E - 09-03-2025 - US Pat Appl No 18667677 Claim Amendment, # 6 Exhibit F - 09-03-2025 - US Pat Appl No 18667712 Claim Amendment, # 7 Exhibit G - 09-03-2025 - US Pat Appl No 18595094 Claim Amendment, # 8 Exhibit H - The Merck Index - O'Neil (2006), # 9 Exhibit I - Polymer Chemistry - Stevens (1999), # 10 Exhibit J - Fundamentals of Polymer Science - Painter (1994), # 11 Exhibit K - Polymer Science and Technology - Fried (1995), # 12 Exhibit L - Principles of Polymerization - Odian (2004), # 13 Exhibit M - Polymer Chemistry - Teegarden (2004), # 14 Exhibit N - Handbook of Polymers - Wypych (2012))(Bennett, John) (Entered: 10/21/2025)	10/21/2025
98	REPLY to 97 Claim Construction Brief,,, filed by Brook + Whittle LTD. (Attachments: # 1 Exhibit 8 - 2025-09-19 - Decision Granting Post-Grant Review, # 2 Exhibit 9 - Storey, Robson F. 091625_ Excerpt, # 3 Exhibit 10 - 2025-01-16 Petition as filed)(Dou, Yimeng) (Entered: 10/28/2025)	10/28/2025