

**U.S. District Court
Eastern District of Missouri (St. Louis)
CIVIL DOCKET FOR CASE #: 4:25-cv-01491-ZMB**

Marmon Foodservice Technologies, Inc. v. Duke Manufacturing Co.
Assigned to: District Judge Zachary M. Bluestone
Cause: 35:271 Patent Infringement

Date Filed: 10/03/2025
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

Marmon Foodservice Technologies, Inc.

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Date Filed	#	Docket Text
10/03/2025	<u>1</u>	COMPLAINT against defendant Duke Manufacturing Co. with receipt number AMOEDC-11518990, in the amount of \$405 Jury Demand,, filed by Marmon Foodservice

		Technologies, Inc.. (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, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 16 Exhibit P, # 17 Exhibit Q, # 18 Exhibit R, # 19 Exhibit S, # 20 Exhibit T, # 21 Exhibit U, # 22 Exhibit V, # 23 Exhibit W, # 24 Civil Cover Sheet, # 25 Original Filing Form, # 26 Summons)(Norman, Alan) (Entered: 10/03/2025)
10/03/2025	2	DISCLOSURE STATEMENT by Marmon Foodservice Technologies, Inc., Marmon Beverage Technologies Inc., Marmon Food, Beverage and Water Technologies Company LLC, Marmon Technologies Company, Marmon Holdings Inc., Admicornelius SA de CV, Cornelius Beverage Technologies Belgium NV, Cornelius Deutschland GmbH, and Cornelius Latino Americana SA de CV. (Norman, Alan) Modified on 10/6/2025 (TMT). (Entered: 10/03/2025)
10/03/2025	3	NOTICE OF PROCESS SERVER by Plaintiff Marmon Foodservice Technologies, Inc. Process Server: Larry McDowell, McDowell & Associates (Norman, Alan) (Entered: 10/03/2025)
10/06/2025	4	REPORT to Commissioner of filing or determination of an action regarding patent. (JWD) (Entered: 10/06/2025)
10/06/2025		Case Opening Notification. Judge Assigned: Honorable Shirley P. Mensah. 1 Summons(es) issued and emailed to attorney Alan Norman. All parties must file the Notice Regarding Magistrate Judge Jurisdiction Form consenting to or opting out of the Magistrate Judge jurisdiction. Click here for the instructions. Pursuant to Local Rule 2.09, every nongovernmental corporate party or nongovernmental corporation that seeks to intervene in any case, and every party or intervenor in an action in which jurisdiction is based upon diversity, must file a Disclosure Statement immediately upon entering its appearance in the case. Please complete and file the certificate as soon as possible. (moed-0001.pdf). (JWD) (Entered: 10/06/2025)
10/06/2025	5	ENTRY of Appearance by Matthew A. Braunel for Plaintiff Marmon Foodservice Technologies, Inc.. (Braunel, Matthew) (Entered: 10/06/2025)
10/06/2025	6	ENTRY of Appearance by Alex Dale Weidner for Plaintiff Marmon Foodservice Technologies, Inc.. (Weidner, Alex) (Entered: 10/06/2025)
10/07/2025	7	SUMMONS Returned Executed filed by Marmon Foodservice Technologies, Inc.. Duke Manufacturing Co. served on 10/7/2025, answer due 10/28/2025. (Weidner, Alex) (Entered: 10/07/2025)
10/15/2025	8	MOTION for Leave to Appear Pro Hac Vice Christopher R. Liro. The Certificate of Good Standing was attached.(Filing fee \$150 receipt number AMOEDC-11537434) by Plaintiff Marmon Foodservice Technologies, Inc.. (Attachments: # 1 Certificate of Good Standing) (Liro, Christopher) (Entered: 10/15/2025)
10/15/2025	9	MOTION for Leave to Appear Pro Hac Vice Aaron T. Olejniczak. The Certificate of Good Standing was attached.(Filing fee \$150 receipt number AMOEDC-11537484) by Plaintiff Marmon Foodservice Technologies, Inc.. (Attachments: # 1 Certificate of Good Standing) (Olejniczak, Aaron) (Entered: 10/15/2025)
10/16/2025	10	Docket Text ORDER Re: 8 Motion for Leave to Appear Pro Hac Vice filed by Christopher R. Liro; ORDERED GRANTED. Signed by Magistrate Judge Shirley Padmore Mensah on 10/16/2025. (JEB) (Entered: 10/16/2025)
10/16/2025	11	Docket Text ORDER Re: 9 Motion for Leave to Appear Pro Hac Vice filed by Aaron T. Olejniczak; ORDERED GRANTED. Signed by Magistrate Judge Shirley Padmore Mensah on 10/16/2025. (JEB) (Entered: 10/16/2025)

10/21/2025	<u>12</u>	ENTRY of Appearance by David R. Barnard for Defendant Duke Manufacturing Co.. (Barnard, David) (Entered: 10/21/2025)
10/21/2025	<u>13</u>	ENTRY of Appearance by B. Scott Eidson for Defendant Duke Manufacturing Co.. (Eidson, B.) (Entered: 10/21/2025)
10/21/2025	<u>14</u>	ENTRY of Appearance by Julie C. Scheipeter for Defendant Duke Manufacturing Co.. (Scheipeter, Julie) (Entered: 10/21/2025)
10/21/2025	<u>15</u>	ENTRY of Appearance by Jacob Richard Schlueter for Defendant Duke Manufacturing Co.. (Schlueter, Jacob) (Entered: 10/21/2025)
10/22/2025	16	Electronic Notice re: Disclosure Statement to Defendant Duke Manufacturing Co. Pursuant to Local Rule 2.09, every nongovernmental corporate party or nongovernmental corporation that seeks to intervene in any case, and every party or intervenor in an action in which jurisdiction is based upon diversity, must file a Disclosure Statement immediately upon entering its appearance in the case. Please complete and file the certificate as soon as possible and add all individuals and entities into CM/ECF as required (<u>moed-0001.pdf</u>). (TMT) (Entered: 10/22/2025)
10/23/2025	<u>17</u>	DISCLOSURE STATEMENT by Duke Manufacturing Co.. No corporate parents or affiliates identified. (Eidson, B.) (Entered: 10/23/2025)
10/24/2025	<u>18</u>	CJRA ORDER (NMG). Magistrate Judge Shirley Padmore Mensah termed. Case reassigned to District Judge Zachary M. Bluestone for all further proceedings. (JEB) (Entered: 10/24/2025)
10/24/2025	<u>19</u>	ENTRY of Appearance by Zachary T. Buchheit for Defendant Duke Manufacturing Co.. (Buchheit, Zachary) (Entered: 10/24/2025)
10/28/2025	<u>20</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint,, by Defendant Duke Manufacturing Co.. (Eidson, B.) (Entered: 10/28/2025)
10/28/2025	21	Docket Text ORDER: The Court GRANTS Defendant Duke Manufacturing Co.'s <u>20</u> Unopposed Motion for Extension of Time to Respond to Complaint. Duke Manufacturing Co. must respond to Plaintiff Marmon Foodservice Technologies, Inc.'s complaint, Doc. 1, no later than November 28, 2025. Signed by District Judge Zachary M. Bluestone on 10/28/2025. (CLH) (Entered: 10/28/2025)
11/18/2025	<u>22</u>	ENTRY of Appearance by Austin Diehl for Defendant Duke Manufacturing Co.. (Diehl, Austin) (Entered: 11/18/2025)
11/28/2025	<u>23</u>	Unopposed MOTION for Leave to File in Excess of Page Limitation <i>Memorandum in Support of Motion to Dismiss</i> by Defendant Duke Manufacturing Co.. (Barnard, David) (Entered: 11/28/2025)
11/28/2025	<u>24</u>	MOTION to Dismiss Partially Dismiss the Complaint by Defendant Duke Manufacturing Co.. (Barnard, David) (Entered: 11/28/2025)
11/28/2025	<u>25</u>	MEMORANDUM in Support of Motion re <u>24</u> MOTION to Dismiss Partially Dismiss the Complaint filed by Defendant Duke Manufacturing Co.. (Attachments: # <u>1</u> Exhibit 1 - D'455 Patent, # <u>2</u> Exhibit 2 - D'814 Patent, # <u>3</u> Exhibit 3 - D'326 Patent, # <u>4</u> Exhibit 4 - D'573 Patent, # <u>5</u> Exhibit 5 - Preliminary Amendment in D'455 Patent, # <u>6</u> Exhibit 6 - In re Floyd Joint Appendix, # <u>7</u> Exhibit 7 - In re Owens Joint Appendix)(Barnard, David) (Entered: 11/28/2025)
11/28/2025	<u>26</u>	NOTICE Request for Oral Argument: by Defendant Duke Manufacturing Co. re <u>24</u> MOTION to Dismiss Partially Dismiss the Complaint (Barnard, David) (Entered: 11/28/2025)

12/01/2025	27	Docket Text ORDER: For the reasons stated, the Court GRANTS Defendant Duke Manufacturing Co.'s 23 Unopposed Motion for Leave to File in Excess of Page Limitation. Signed by District Judge Zachary M. Bluestone on 12/1/2025. (CLH) (Entered: 12/01/2025)
12/03/2025	28	Unopposed MOTION for Extension of: Time for File Opposition and Leave to File Opposition in Excess of Page Limit by Plaintiff Marmon Foodservice Technologies, Inc.. (Norman, Alan) (Entered: 12/03/2025)
12/04/2025	29	Docket Text ORDER: For the reasons stated, the Court GRANTS Plaintiff Marmon Foodservice Technologies, Inc.'s 28 Unopposed Motion for Extension of Time to File Opposition and Leave to File in Excess of Page Limitation. Marmon must file its response to Duke Manufacturing Co.'s Motion to Partially Dismiss Complaint, Doc. 24, no later than January 2, 2026. Signed by District Judge Zachary M. Bluestone on 12/04/2025. (JRZ) (Entered: 12/04/2025)
01/02/2026	30	MEMORANDUM in Opposition re 24 MOTION to Dismiss Partially Dismiss the Complaint filed by Plaintiff Marmon Foodservice Technologies, Inc.. (Attachments: # 1 Exhibit 1 U.S. Patent No.12,465,175, # 2 Exhibit 2 '175 Patent Office Action (2025-03-20), # 3 Exhibit 3 D'455 Patent Office Action (2023-05-25), # 4 Exhibit 4 D'814 Patent Restriction Requirement (2024-06-25), # 5 Exhibit 5 U.S. 29/561,751 Spec and Drawings) (Liro, Christopher) (Entered: 01/02/2026)
01/02/2026	31	Response to Request for Oral Argument 26 ... re 24 MOTION to Dismiss: by Plaintiff Marmon Foodservice Technologies, Inc. re 26 Notice (Other) (Liro, Christopher) (Entered: 01/02/2026)
01/12/2026	32	REPLY to Response to Motion re 24 MOTION to Dismiss Partially Dismiss the Complaint filed by Defendant Duke Manufacturing Co.. (Attachments: # 1 Exhibit 1)(Eidson, B.) (Entered: 01/12/2026)
05/18/2026	33	MOTION for Hearing <i>Request for an Initial Pretrial Conference</i> by Plaintiff Marmon Foodservice Technologies, Inc.. (Weidner, Alex) (Entered: 05/18/2026)
06/01/2026	34	Consent MOTION for Extension of: Time by Defendant Duke Manufacturing Co.. (Eidson, B.) (Entered: 06/01/2026)
06/02/2026	35	Docket Text ORDER: For the reasons stated, the Court grants Defendant Duke Manufacturing Co.'s 34 Consent Motion for Extension of Time. Duke Manufacturing must respond to Plaintiff Marmon Foodservice Technologies, Inc.'s Request for an Initial Pretrial Conference, Doc. 33, no later than June 8, 2026. Signed by District Judge Zachary M. Bluestone on 06/02/2026. (JRZ) (Entered: 06/02/2026)
06/08/2026	36	RESPONSE to Motion re 33 MOTION for Hearing <i>Request for an Initial Pretrial Conference</i> filed by Defendant Duke Manufacturing Co.. (Eidson, B.) (Entered: 06/08/2026)
06/18/2026	37	REPLY to Response to Motion re 33 MOTION for Hearing <i>Request for an Initial Pretrial Conference</i> filed by Plaintiff Marmon Foodservice Technologies, Inc.. (Weidner, Alex) (Entered: 06/18/2026)
06/24/2026	38	Docket Text ORDER: For the reasons stated, the Court GRANTS Plaintiff Marmon Foodservice Technologies, Inc.'s 33 Request for an Initial Pretrial Conference. In particular, Defendant Duke Manufacturing Co.'s partial motion to dismiss, Doc. 24, does not warrant an effective stay of the case, nor does its potential "inten[t] to file IPR petitions challenging the asserted patents," Doc. 36 at 2. That said, the Court will consider a stay request if and when Duke Manufacturing files an IPR petition, and it remains free to propose phased discovery to account for the partial motion to dismiss. The Court will set a

		Rule 16 conference in a forthcoming order. Signed by District Judge Zachary M. Bluestone on 6/24/2026. (HMA) (Entered: 06/24/2026)
06/24/2026	39	ORDER SETTING RULE 16 SCHEDULING CONFERENCE: This case is assigned to Track: 3 Complex. Joint Scheduling Plan due by 8/21/2026. Rule 16 Conference set for 8/28/2026 at 11:00 AM in Chambers before District Judge Zachary M. Bluestone. Signed by District Judge Zachary M. Bluestone on 6/24/2026. (HMA) (Entered: 06/24/2026)
08/07/2026	40	Unopposed MOTION to Continue The Rule 16 Scheduling Conference by Defendant Duke Manufacturing Co.. (Eidson, B.) (Entered: 08/07/2026)
08/10/2026	41	Docket Text ORDER: For the reasons stated, the Court GRANTS Defendant Duke Manufacturing Co.'s 40 Unopposed Motion to the Continue Rule 16 Scheduling Conference and resets the Rule 16 Conference to September 3, 2026, at 3:00 p.m. This is a scheduling change only. (Rule 16 Conference set for 9/3/2026 03:00 PM in Chambers before District Judge Zachary M. Bluestone.) Signed by District Judge Zachary M. Bluestone on 8/10/2026. (CLH) (Entered: 08/10/2026)
08/21/2026	42	Joint MOTION for Extension of: Time to File Joint Proposed Scheduling Plan by Plaintiff Marmon Foodservice Technologies, Inc.. (Weidner, Alex) (Entered: 08/21/2026)
08/21/2026	43	NOTICE Service of Defendant's Rule 26 Disclosures: by Defendant Duke Manufacturing Co. (Barnard, David) (Entered: 08/21/2026)
08/24/2026	44	Docket Text ORDER: For the reasons stated, the Court GRANTS the parties' 42 Joint Motion for Extension of Time to File Joint Proposed Scheduling Plan. The parties must submit their JSP no later than August 25, 2026. Signed by District Judge Zachary M. Bluestone on 08/24/2026. (JRZ) (Entered: 08/24/2026)
08/25/2026	45	JOINT SCHEDULING PLAN by Plaintiff Marmon Foodservice Technologies, Inc.. . (Weidner, Alex) (Entered: 08/25/2026)
08/26/2026	46	ENTRY of Appearance by Timothy David Krieger for Defendant Duke Manufacturing Co.. (Krieger, Timothy) (Entered: 08/26/2026)
08/27/2026	47	Electronic Notice Re: 43 Notice (Other) filed by Defendant Duke Manufacturing Co.. Counsel are reminded that discovery documents are not accepted by the Court. See Rule 3.02 (FRCP 26) Filing of Discovery and Disclosure Materials:(A) In civil actions, discovery and disclosure materials pursuant to Fed.R.Civ.P. 26, 30, 31, 33, 34, 35, and 36, and the certificates of their service, shall not be filed with the Court except as exhibits to a motion or memorandum. (CLH) (Entered: 08/27/2026)
09/02/2026	48	ENTRY of Appearance by Christopher Reed Clayton for Defendant Duke Manufacturing Co.. (Clayton, Christopher) (Entered: 09/02/2026)
09/03/2026	49	NOTICE of Supplemental Authority re 24 MOTION to Dismiss Partially Dismiss the Complaint by Defendant Duke Manufacturing Co. . (Scheipeter, Julie) (Entered: 09/03/2026)
09/03/2026	50	MEMORANDUM AND ORDER: The Court GRANTS IN PART and DENIES IN PART Defendant Duke Manufacturing's 24 Motion to Partially Dismiss the Complaint. Specifically, the Court dismisses without prejudice the induced, contributory, and willful infringement claims but denies dismissal as to the design patent infringement claims. Signed by District Judge Zachary M. Bluestone on 9/3/2026. (HMA) (Modified and Main Document 50 replaced on 9/4/2026- Minor typographical error corrected) (CLH). (Entered: 09/03/2026)
09/03/2026	51	ELECTRONIC MINUTE ENTRY (no pdf attached) for proceedings held before District Judge Zachary M. Bluestone:Rule 16 Conference held on 9/3/2026. Conference held in

person. Court reporter not present. The parties proposed a briefing schedule on two issues affecting case management: (1) the propriety of Defendant's proposed claim narrowing, and (2) whether the Court should address design patents at the claim construction hearing. The Court will decide each issue after it has received briefing. Defendants' proposed dates for Preliminary Counter-Infringement Contentions (Local Patent R. 3-1) and Preliminary Invalidity Contentions (LPR 3-5) adopted with consent of Plaintiffs. Finally, the parties agreed to provide the Court with their availability for an April 2028 trial setting. The Court otherwise adopts the parties' [[45](#)] Joint Scheduling Plan with modifications that will be reflected in a forthcoming case management order. (Notice only, no.pdf attached.). (proceedings started: 3:13 p.m.) (proceedings ended: 5:26 p.m.) (Appearance for Plaintiff: Alan H. Norman, Christopher R. Liro)(Appearance for Defendant: B. Scott Eidson, Jacob R. Schlueter, Zach Buchheit) (NEP) (Entered: 09/08/2026)

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