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U.S. District Court [LIVE] Western District of Texas (Waco) CIVIL DOCKET FOR CASE #: 6:18-cv-00308-ADA

MV3 Partners LLC v. Roku, Inc. Assigned to: Judge Alan D Albright Cause: 35:271 Patent Infringement Date Filed: 10/16/2018 Jury Demand: Plaintiff Nature of Suit: 830 Patent Jurisdiction: Federal Question

Date Filed	#	Docket Text
10/16/2018	1	COMPLAINT <i>for Patent Infringement</i> (Filing fee \$ 400 receipt number 0542–11348062), filed by MV3 Partners LLC. (Attachments: # 1 Exhibit A, # 2 Civil Cover Sheet)(Mann, J.) (Entered: 10/16/2018)
10/16/2018	<u>2</u>	REQUEST FOR ISSUANCE OF SUMMONS by MV3 Partners LLC. (Mann, J.) (Entered: 10/16/2018)
10/16/2018		Case assigned to Judge Alan D Albright. CM WILL NOW REFLECT THE JUDGE INITIALS AS PART OF THE CASE NUMBER. PLEASE APPEND THESE JUDGE INITIALS TO THE CASE NUMBER ON EACH DOCUMENT THAT YOU FILE IN THIS CASE. (mc5) (Entered: 10/16/2018)
10/17/2018	<u>3</u>	NOTICE of Attorney Appearance by G. Blake Thompson on behalf of MV3 Partners LLC. Attorney G. Blake Thompson added to party MV3 Partners LLC(pty:pla) (Thompson, G.) (Entered: 10/17/2018)
10/17/2018	<u>4</u>	Summons Issued as to Roku, Inc (lad) (Entered: 10/17/2018)
10/17/2018		CASE REFERRED to Magistrate Judge Jeffrey C. Manske. (lad) (Entered: 10/17/2018)
10/17/2018	<u>5</u>	AMENDED COMPLAINT <i>For Patent Infringement</i> against Roku, Inc. amending, filed by MV3 Partners LLC. (Attachments: # 1 Exhibit A)(Mann, J.) (Entered: 10/17/2018)
10/17/2018	<u>6</u>	Report on Patent/Trademark sent to U.S. Patent and Trademark Office. (lad) (Entered: 10/17/2018)
10/17/2018	7	Report on Copyright sent to Register of Copyrights. (lad) (Entered: 10/17/2018)
10/18/2018	<u>8</u>	NOTICE of Attorney Appearance by Andy W. Tindel on behalf of MV3 Partners LLC. Attorney Andy W. Tindel added to party MV3 Partners LLC(pty:pla) (Tindel, Andy) (Entered: 10/18/2018)
10/22/2018	9	RULE 7 DISCLOSURE STATEMENT filed by MV3 Partners LLC. (Mann, J.) (Entered: 10/22/2018)
11/05/2018	<u>10</u>	SUMMONS Returned Executed by MV3 Partners LLC. Roku, Inc. served on 10/22/2018, answer due 11/12/2018. (Mann, J.) (Entered: 11/05/2018)
11/08/2018	<u>11</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint by Roku, Inc (Attachments: # <u>1</u> Proposed Order). Motions referred to Judge Jeffrey C. Manske. (Milvenan, Richard) (Entered: 11/08/2018)
11/12/2018		Text Order GRANTING 11 Motion for Extension of Time to Answer entered by Judge Alan D Albright. The Court has considered the Motion and has found it meritorious. Therefore, Defendant Roku, Inc. will have until December 12, 2018 to file its answer or otherwise respond to Plaintiff MV3 Partners LLCs Complaint for patent infringement. (This is a text—only entry generated by the court. There is no document associated with this entry.) (sb) (Entered: 11/12/2018)
11/12/2018		Reset Deadlines: Roku, Inc. Answer due 12/12/2018. (lad) (Entered: 11/13/2018)
11/19/2018	<u>12</u>	MOTION to Appear Pro Hac Vice for Jonathan K. Waldrop. (Filing fee \$ 100 receipt number 600023933) by MV3 Partners LLC. Motions referred to Judge Jeffrey C.



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11/19/2018	<u>13</u>	MOTION to Appear Pro Hac Vice for Darcy L. Jones. (Filing fee \$ 100 receipt number 600023934) by MV3 Partners LLC. Motions referred to Judge Jeffrey C. Manske. (mc5) (Entered: 11/21/2018)
11/19/2018	<u>14</u>	MOTION to Appear Pro Hac Vice for Daniel C. Miller. (Filing fee \$ 100 receipt number 600023935) by MV3 Partners LLC. Motions referred to Judge Jeffrey C. Manske. (mc5) (Entered: 11/21/2018)
11/19/2018	<u>15</u>	MOTION to Appear Pro Hac Vice for Marcus A Barber (Filing fee \$ 100 receipt number 600023936) by MV3 Partners LLC. Motions referred to Judge Jeffrey C. Manske. (mc5) (Entered: 11/21/2018)
11/19/2018	<u>16</u>	MOTION to Appear Pro Hac Vice for John W. Downing. (Filing fee \$ 100 receipt number 600023937) by MV3 Partners LLC. Motions referred to Judge Jeffrey C. Manske. (mc5) (Entered: 11/21/2018)
11/19/2018	<u>17</u>	MOTION to Appear Pro Hac Vice for Rodney R. Miller. (Filing fee \$ 100 receipt number 600023938) by MV3 Partners LLC. Motions referred to Judge Jeffrey C. Manske. (mc5) (Entered: 11/21/2018)
11/19/2018	<u>18</u>	MOTION to Appear Pro Hac Vice for Heather S. Kim. (Filing fee \$ 100 receipt number 600023939) by MV3 Partners LLC. Motions referred to Judge Jeffrey C. Manske. (mc5) (Entered: 11/21/2018)
11/19/2018	<u>19</u>	MOTION to Appear Pro Hac Vice for Jack Shaw. (Filing fee \$ 100 receipt number 600023940) by MV3 Partners LLC. Motions referred to Judge Jeffrey C. Manske. (mc5) (Entered: 11/21/2018)
11/19/2018	<u>20</u>	MOTION to Appear Pro Hac Vice for Gurtej Singh. (Filing fee \$ 100 receipt number 600023941) by MV3 Partners LLC. Motions referred to Judge Jeffrey C. Manske. (mc5) (Entered: 11/21/2018)
11/27/2018	<u>21</u>	ORDER. CASE NO LONGER REFERRED to Magistrate Judge Jeffrey C. Manske. Signed by Judge Alan D Albright. (mc5) (Entered: 11/27/2018)
11/27/2018	<u>22</u>	ORDER GRANTING Jonathan K. Waldrop, Darcy L. Jones, Daniel C. Miller, Marcus A. Barber, John W. Downing, Rodney R. Miller, Heather S. Kim, Jack Shaw, and Gurtej Singh's 12, 13, 14, 15, 16, 17, 18, 19 and 20 Motions to Appear Pro Hac Vice. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorney hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Alan D Albright. (klw) (Entered: 11/28/2018)
12/12/2018	<u>23</u>	MOTION to Appear Pro Hac Vice by Richard D. Milvenan (A. Hadjis) (Filing fee \$ 100 receipt number 0542–11546911) by on behalf of Roku, Inc (Milvenan, Richard) (Entered: 12/12/2018)
12/12/2018	<u>24</u>	MOTION to Appear Pro Hac Vice by Richard D. Milvenan (<i>L. Mandrusiak</i>) (Filing fee \$ 100 receipt number 0542–11546987) by on behalf of Roku, Inc (Milvenan, Richard) (Entered: 12/12/2018)
12/12/2018	<u>25</u>	MOTION to Appear Pro Hac Vice by Richard D. Milvenan <i>(M. West)</i> (Filing fee \$ 100 receipt number 0542–11547028) by on behalf of Roku, Inc (Milvenan, Richard) (Entered: 12/12/2018)
12/12/2018	<u>26</u>	Motion to Dismiss for Failure to State a Claim by Roku, Inc (Milvenan, Richard) (Entered: 12/12/2018)
12/12/2018	<u>27</u>	ATTACHMENT <i>Proposed Order</i> to <u>26</u> Motion to Dismiss for Failure to State a Claim by Roku, Inc (Milvenan, Richard) (Entered: 12/12/2018)
12/14/2018	<u>28</u>	ORDER GRANTING <u>23</u> <u>24</u> and <u>25</u> Motions to Appear Pro Hac Vice for Attorney Alexander J. Hadjis, Lisa M. Mandrusiak, Michael D. West for Roku, Inc. Pursuant to our Administrative Policies and Procedures for Electronic Filing, the attorneys hereby granted to practice pro hac vice in this case must register for electronic filing with our court within 10 days of this order. Signed by Judge Alan D Albright. (lad) (Entered: 12/14/2018)



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12/19/2018	<u>29</u>	Response in Opposition to Motion, filed by MV3 Partners LLC, re <u>26</u> Motion to Dismiss for Failure to State a Claim filed by Defendant Roku, Inc. (Attachments: # <u>1</u> Declaration of Rodney R. Miller In Support of Plaintiff's Opposition to Defendant's Motion to Dismiss, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Proposed Order)(Mann, J.) (Entered: 12/19/2018)
12/19/2018	<u>30</u>	NOTICE of Readiness for Scheduling And/Or Management Conference by MV3 Partners LLC (Mann, J.) (Entered: 12/19/2018)
12/20/2018	<u>31</u>	NOTICE of Readiness for Scheduling And/Or Management Conference (Corrected) by MV3 Partners LLC (Mann, J.) (Entered: 12/20/2018)
12/21/2018	<u>32</u>	ORDER SETTING TELEPHONIC INITIAL STATUS CONFERENCE. Telephone Conference set for 1/18/2019 10:30 AM before Judge Alan D Albright. Signed by Judge Alan D Albright. (lad) (Entered: 12/21/2018)
12/21/2018	<u>33</u>	REPLY to Response to Motion, filed by Roku, Inc., re <u>26</u> Motion to Dismiss for Failure to State a Claim filed by Defendant Roku, Inc. (Attachments: # <u>1</u> Exhibit Disc Disease Memorandum)(Milvenan, Richard) (Entered: 12/21/2018)
01/08/2019	<u>34</u>	ORDER CANCELLING TELEPHONIC INITIAL STATUS CONFERENCE. Signed by Judge Alan D Albright. (mc5) (Entered: 01/08/2019)
01/08/2019	<u>35</u>	ORDER DENYING <u>26</u> Motion to Dismiss for Failure to State a Claim. Signed by Judge Alan D Albright. (mc5) (Entered: 01/08/2019)
01/11/2019	<u>36</u>	ORDER, (Telephone Status/Scheduling Conference set for 2/1/2019 10:00 AM before Judge Alan D Albright). Signed by Judge Alan D Albright. (aej) (Entered: 01/11/2019)
01/16/2019	<u>37</u>	ORDER SETTING STATUS/SCHEDULING CONFERENCE. Conference set for 2/13/2019 02:00 PM before Judge Alan D Albright. Signed by Judge Alan D Albright. (lad) (Entered: 01/16/2019)
01/16/2019	<u>38</u>	ORDER that TELEPHONIC STATUS/SCHEDULING CONFERENCE on Friday, February 01,2019 at 10:00 AM is hereby CANCELLED, as there will be an in person hearing on February 13, 2019 at 2:00 PM. Signed by Judge Alan D Albright. (klw) (Entered: 01/17/2019)
01/22/2019	<u>39</u>	ANSWER to <u>5</u> Amended Complaint, COUNTERCLAIM against All Plaintiffs by Roku, Inc(Mandrusiak, Lisa) (Entered: 01/22/2019)
02/04/2019	<u>40</u>	NOTICE of Disclosure by MV3 Partners LLC (Mann, J.) (Entered: 02/04/2019)
02/05/2019	<u>41</u>	RULE 7 DISCLOSURE STATEMENT filed by Roku, Inc (Mandrusiak, Lisa) (Entered: 02/05/2019)
02/12/2019	<u>42</u>	Joint MOTION <i>To Enter Scheduling Order and Order Governing Proceedings</i> by MV3 Partners LLC. (Attachments: # 1 Exhibit A— Agreed Proposed Scheduling Order, # 2 Exhibit B— Agreed Order Governing Proceedings)(Mann, J.) (Entered: 02/12/2019)
02/12/2019	<u>43</u>	MOTION to Dismiss <i>Defendant's Inequitable Conduct Counterclaims and To Strike Affirmative Defense of Inequitable Conduct</i> by MV3 Partners LLC. (Attachments: # 1 Proposed Order)(Mann, J.) (Entered: 02/12/2019)
02/13/2019	<u>44</u>	Joint MOTION for Protective Order by MV3 Partners LLC. (Attachments: # 1 Agreed Proposed Protective Order)(Mann, J.) (Entered: 02/13/2019)
02/13/2019	<u>45</u>	Minute Entry for proceedings held before Judge Alan D Albright: Status/Scheduling Conference held on 2/13/2019. Parties posed some procedural questions which were answered by the Judge. There will be a tutorial of 1/2 hour each side prior to the Markman hearing. Parties put 7/24 on scheduling order but the Court suggested that the hearing be held in Austin on that Friday 7/26. Defendant's counsel was fine with that. Plaintiff's counsel would verify with co–counsel if that would be okay. The Court discussed no discovery motions being filed. If there is a discovery dispute parties should contact the Court for a resolution. (Minute entry documents are not available electronically.) (Court Reporter Kristie Davis.)(tb) (Entered: 02/13/2019)



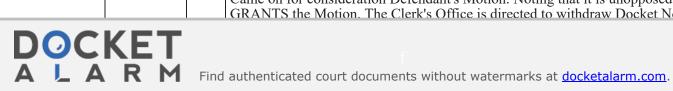
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02/14/2019	<u>46</u>	PROTECTIVE ORDER. Signed by Judge Alan D Albright. (tb) (Entered: 02/14/2019)
02/25/2019	<u>47</u>	Transcript filed of Proceedings held on 2–13–19, Proceedings Transcribed: Status Conference. Court Reporter/Transcriber: Kristie Davis, Telephone number: 254–340–6114. Parties are notified of their duty to review the transcript to ensure compliance with the FRCP 5.2(a)/FRCrP 49.1(a). A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a Notice of Redaction Request must be filed within 21 days. If no such Notice is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed Redaction Request due 3/18/2019, Redacted Transcript Deadline set for 3/28/2019, Release of Transcript Restriction set for 5/27/2019, (Davis, Kristie) (Entered: 02/25/2019)
02/26/2019	<u>48</u>	ORDER SETTING MARKMAN HEARING. Hearing set for 7/19/2019 09:30 AM before Judge Alan D Albright. Signed by Judge Alan D Albright. (lad) (Entered: 02/26/2019)
02/26/2019	<u>49</u>	Memorandum in Opposition to Motion, filed by Roku, Inc., re <u>43</u> MOTION to Dismiss Defendant's Inequitable Conduct Counterclaims and To Strike Affirmative Defense of Inequitable Conduct filed by Plaintiff MV3 Partners LLC (Attachments: # <u>1</u> Exhibit Specification)(Mandrusiak, Lisa) (Entered: 02/26/2019)
02/27/2019	<u>50</u>	AGREED ORDER GOVERNING PROCEEDINGS. Signed by Judge Alan D Albright. (lad) (Entered: 02/27/2019)
02/27/2019	<u>51</u>	SCHEDULING ORDER: Joinder of Parties due by 9/4/2019, Amended Pleadings due by 10/16/2019, Dispositive/Daubert Motions due by 3/18/2020, Pretrial Disclosures DDL 4/1/2020, Final Pretrial Conference 5/20/2020, Jury Selection/Trial in early June 2020. Signed by Judge Alan D Albright. (lad) (Entered: 02/27/2019)
02/27/2019	<u>52</u>	Opposed MOTION to Transfer Case by Roku, Inc (Attachments: # 1 Exhibit Declaration of Scott de Haas, # 2 Exhibit MV3 corporate document)(Mandrusiak, Lisa) (Entered: 02/27/2019)
03/04/2019		Text Order MOOTING <u>42</u> Motion entered by Judge Alan D Albright. It has come to the Court's attention that the basis for this Motion is no longer present. Therefore, the instant Motion is MOOT. (This is a text—only entry generated by the court. There is no document associated with this entry.) (sb) (Entered: 03/04/2019)
03/04/2019	<u>53</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>52</u> Opposed MOTION to Transfer Case by MV3 Partners LLC. (Attachments: # <u>1</u> Proposed Order)(Tindel, Andy) (Entered: 03/04/2019)
03/05/2019		Text Order GRANTING <u>53</u> Motion for Extension of Time to File Response/Reply entered by Judge Alan D Albright. Noting the lack of opposition, the Court GRANTS Plaintiff's Unopposed Motion to File a Response. Plaintiff's new deadline to respond to Defendant's Motion to Transfer Venue shall be March 13, 2019. (This is a text—only entry generated by the court. There is no document associated with this entry.) (sb) (Entered: 03/05/2019)
03/05/2019	<u>54</u>	REPLY to Response to Motion, filed by MV3 Partners LLC, re <u>43</u> MOTION to Dismiss <i>Defendant's Inequitable Conduct Counterclaims and To Strike Affirmative Defense of Inequitable Conduct</i> filed by Plaintiff MV3 Partners LLC (Mann, J.) (Entered: 03/05/2019)
03/13/2019	<u>55</u>	Response in Opposition to Motion, filed by MV3 Partners LLC, re <u>52</u> Opposed MOTION to Transfer Case filed by Defendant Roku, Inc. (Attachments: # <u>1</u> Exhibit A – Declaration of Rodney Miller, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15, # <u>17</u> Exhibit B – Declaration of Wayne Barr, Jr., # <u>18</u> Proposed Order)(Mann, J.) (Entered: 03/13/2019)
03/18/2019	<u>56</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>55</u> Response in Opposition to Motion,, <i>to Transfer Venue</i> by Roku, Inc (Attachments: # 1 Proposed Order)(Milyenan, Richard) (Entered: 03/18/2019)



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03/19/2019		Text Order GRANTING <u>56</u> Motion for Extension of Time to File Response/Reply entered by Judge Alan D Albright. Came on for consideration the aforementioned Motion. Noting that it is unopposed, the Court GRANTS the Motion. Defendant shall have until March 25, 2019, to file its reply. (This is a text—only entry generated by the court. There is no document associated with this entry.) (sb) (Entered: 03/19/2019)
03/25/2019	<u>57</u>	REPLY to Response to Motion, filed by Roku, Inc., re <u>52</u> Opposed MOTION to Transfer Case filed by Defendant Roku, Inc. (Attachments: # <u>1</u> Exhibit de Haas Declaration, # <u>2</u> Exhibit Hodgins Declaration, # <u>3</u> Exhibit Harmon Declaration)(Mandrusiak, Lisa) (Entered: 03/25/2019)
03/26/2019	<u>58</u>	ORDER re <u>52</u> Opposed MOTION to Transfer Case filed by Roku, Inc. ORDERED that Plaintiff MV3 Partners, LLC, has through April 8, 2019, to take the deposition of a corporate representative of Defendant to establish which employees will be relevant to this patent litigation and their geographic location. Plaintiff will then have until April 17, 2019, to file a surreply with respect to the Motion to Transfer. Signed by Judge Alan D Albright. (tb) (Entered: 03/26/2019)
04/17/2019	<u>59</u>	Motion for leave to File Sealed Document (Attachments: # 1 Plaintiff's Surreply in Opposition to Defendant's Motion to Transfer Venue to the Northern District of California, # 2 Declaration of Rodney R. Miller, # 3 Exhibit A, # 4 Exhibit B, # 5 Exhibit C, # 6 Exhibit D, # 7 Exhibit E, # 8 Exhibit F, # 9 Exhibit G, # 10 Exhibit H, # 11 Exhibit I, # 12 Exhibit J, # 13 Exhibit K, # 14 Exhibit L, # 15 Exhibit M, # 16 Exhibit N, # 17 Exhibit O, # 18 Exhibit P, # 19 Exhibit Q) (Mann, J.) (Entered: 04/17/2019)
04/17/2019	<u>60</u>	Opposed MOTION for Leave to File Sur–Surreply in Support of Its Motion to Transfer Venue by Roku, Inc (Attachments: # 1 Sealed Document Exhibit A–Roku Confidential Sur–surreply, # 2 Sealed Document Exhibit B–Confidential de Haas Transcript)(Mandrusiak, Lisa) (Entered: 04/17/2019)
04/23/2019	<u>61</u>	Response in Opposition to Motion, filed by MV3 Partners LLC, re <u>60</u> Opposed MOTION for Leave to File Sur–Surreply in Support of Its Motion to Transfer Venue filed by Counter Plaintiff Roku, Inc. (Attachments: # <u>1</u> Proposed Order)(Mann, J.) (Entered: 04/23/2019)
04/25/2019		Text Order GRANTING 60 Motion for Leave to File entered by Judge Alan D Albright. Came on for consideration Roku's Opposed Motion for Leave to File a Sur–Surreply in Support of Its Motion to Transfer Venue. The Court also considered Plaintiff's Opposition to Roku's Motion. The Court finds that there is good cause to grant Roku's Motion. IT IS THEREFORE ORDERED that Defendant's Motion is GRANTED. The Clerk's Office is directed to file Exhibit A and Exhibit B of the Motion as Roku's Confidential Sur–Surreply in Support of Its Motion to Transfer Venue. (This is a text–only entry generated by the court. There is no document associated with this entry.) (sb) (Entered: 04/25/2019)
04/25/2019	<u>62</u>	Sealed Document filed (Attachments: # 1 Transcript) (lad) (Entered: 04/25/2019)
05/15/2019	<u>63</u>	ORDER SETTING MOTION HEARING for 5/29/2019 03:00 PM before Judge Alan D Albright. Signed by Judge Alan D Albright. (lad) (Entered: 05/15/2019)
05/22/2019	<u>64</u>	Claim Construction BRIEF by MV3 Partners LLC. (Attachments: # 1 Declaration of Rodney R. Miller, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J)(Mann, J.) (Entered: 05/22/2019)
05/23/2019	<u>67</u>	Unopposed MOTION to Withdraw and Substitute Docket Entries 65 and 66 by Roku, Inc (Mandrusiak, Lisa) (Entered: 05/23/2019)
05/24/2019		Text Order GRANTING <u>59</u> Motion for Leave to File Sealed Document entered by Judge Alan D Albright. The Court grants Plaintiff's Motion for Leave to File Sealed Document. (This is a text-only entry generated by the court. There is no document associated with this entry.) (sb) (Entered: 05/24/2019)
05/24/2019		Text Order GRANTING <u>67</u> Motion to Withdraw entered by Judge Alan D Albright. Came on for consideration Defendant's Motion. Noting that it is unopposed, the Court GRANTS the Motion. The Clerk's Office is directed to withdraw Docket Nos. 65 and



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