

**U.S. District Court [LIVE]
Western District of Texas (Waco)
CIVIL DOCKET FOR CASE #: 6:20-cv-00081-ADA**

H-E-B, LP v. Wadley Holdings, LLC, dba nICE Coolers et al
Assigned to: Judge Alan D Albright
Cause: 35:100 Patent Infringement

Date Filed: 01/31/2020
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Date Filed	#	Docket Text
01/31/2020	<u>1</u>	COMPLAINT (Filing fee \$ 400 receipt number 0542-13153006). No Summons requested at this time, filed by H-E-B, LP. (Attachments: # <u>1</u> Civil Cover Sheet)(Millikan, Thomas) (Entered: 01/31/2020)
01/31/2020	<u>2</u>	REQUEST FOR ISSUANCE OF SUMMONS by H-E-B, LP. to <i>Wadley Holdings, LLC, d.b.a. nICE Coolers</i> (Millikan, Thomas) (Entered: 01/31/2020)
01/31/2020	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS by H-E-B, LP. to <i>Southern Sales & Marketing Group, Inc.</i> (Millikan, Thomas) (Entered: 01/31/2020)
01/31/2020	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS by H-E-B, LP. to <i>Ningbo Kuer Plastic Technology Co., Ltd.</i> (Millikan, Thomas) (Entered: 01/31/2020)
01/31/2020	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS by H-E-B, LP. to <i>Ningbo Kuer Kayak Co., Ltd.</i> (Millikan, Thomas) (Entered: 01/31/2020)
01/31/2020	<u>6</u>	REQUEST FOR ISSUANCE OF SUMMONS by H-E-B, LP. to <i>Ningbo Kuer Outdoor Products Co., Ltd.</i> (Millikan, Thomas) (Entered: 01/31/2020)
01/31/2020	<u>7</u>	REQUEST FOR ISSUANCE OF SUMMONS by H-E-B, LP. to <i>The Home Depot, Inc.</i> (Millikan, Thomas) (Entered: 01/31/2020)
01/31/2020	<u>8</u>	NOTICE Report on the Filing or Determination of an Action Regarding a Patent or Trademark by H-E-B, LP (Millikan, Thomas) (Entered: 01/31/2020)
02/01/2020	<u>9</u>	MOTION to Appear Pro Hac Vice by Thomas N. Millikan for <i>Joseph P. Reid</i> (Filing fee \$ 100 receipt number 0542-13153065) by on behalf of H-E-B, LP. (Attachments: # <u>1</u> Proposed Order)(Millikan, Thomas) (Entered: 02/01/2020)
02/01/2020	<u>10</u>	MOTION to Appear Pro Hac Vice by Thomas N. Millikan for <i>Kyle R. Canavera</i> (Filing fee \$ 100 receipt number 0542-13153066) by on behalf of H-E-B, LP. (Attachments: # <u>1</u> Proposed Order)(Millikan, Thomas) (Entered: 02/01/2020)
02/03/2020		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. (am) (Entered: 02/03/2020)
02/03/2020	<u>11</u>	Summons Issued as to Wadley Holdings, LLC, dba nICE Coolers. (am) (Entered: 02/03/2020)
02/03/2020	<u>12</u>	Summons Issued as to Southern Sales & Marketing Group, Inc.. (am) (Entered: 02/03/2020)
02/03/2020	<u>13</u>	Summons Issued as to Ningbo Kuer Plastic Technology Co., Ltd.. (am) (Entered: 02/03/2020)
02/03/2020	<u>14</u>	Summons Issued as to Ningbo Kuer Kayak Co., Ltd.. (am) (Entered: 02/03/2020)
02/03/2020	<u>15</u>	Summons Issued as to Ningbo Kuer Outdoor Products Co., Ltd.. (am) (Entered: 02/03/2020)
02/03/2020	<u>16</u>	Summons Issued as to The Home Depot, Inc.. (am) (Entered: 02/03/2020)

02/03/2020	<u>17</u>	Pursuant to the Standing Order Regarding Patent Trademark Cases effective December 9, 2019, Attorneys filing Patent/Trademark cases in TXWD – Waco Division must complete the form AO-120 and e-file upon opening of the case using the event NOTICE OF FILING OF PATENT/TRADEMARK FORM. (am) (am). (Entered: 02/03/2020)
02/03/2020	<u>18</u>	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 forwarded to the Director of the U.S. Patent and Trademark Office. (Millikan, Thomas) (Entered: 02/03/2020)
02/08/2020		Text Order GRANTING <u>9</u> Motion to Appear Pro Hac Vice. Before the Court is the Motion for Admission Pro Hac Vice. The Court, having reviewed the Motion, finds it should be GRANTED and therefore orders as follows: IT IS ORDERED the Motion for Admission Pro Hac Vice is GRANTED. IT IS FURTHER ORDERED that Applicant, if he/she has not already done so, shall immediately tender the amount of \$100.00, made payable to: Clerk, U.S. District Court, in compliance with Local Rule AT-I (f)(2). 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. entered by Judge Alan D Albright. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jy) (Entered: 02/08/2020)
02/08/2020		Text Order GRANTING <u>10</u> Motion to Appear Pro Hac Vice. Before the Court is the Motion for Admission Pro Hac Vice. The Court, having reviewed the Motion, finds it should be GRANTED and therefore orders as follows: IT IS ORDERED the Motion for Admission Pro Hac Vice is GRANTED. IT IS FURTHER ORDERED that Applicant, if he/she has not already done so, shall immediately tender the amount of \$100.00, made payable to: Clerk, U.S. District Court, in compliance with Local Rule AT-I (f)(2). 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. entered by Judge Alan D Albright. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jy) (Entered: 02/08/2020)
02/12/2020	<u>19</u>	SUMMONS Returned Executed by H-E-B, LP. The Home Depot, Inc. served on 2/4/2020, answer due 2/25/2020. (Millikan, Thomas) (Entered: 02/12/2020)
02/12/2020	<u>20</u>	SUMMONS Returned Executed by H-E-B, LP. Wadley Holdings, LLC served on 2/4/2020, answer due 2/25/2020. (Millikan, Thomas) (Entered: 02/12/2020)
02/12/2020	<u>21</u>	SUMMONS Returned Executed by H-E-B, LP. Southern Sales & Marketing Group, Inc. served on 2/4/2020, answer due 2/25/2020. (Millikan, Thomas) (Entered: 02/12/2020)
02/21/2020	<u>22</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint by The Home Depot, Inc.. (Attachments: # <u>1</u> Proposed Order)(Selinger, Jerry) (Entered: 02/21/2020)
02/22/2020		Text Order GRANTING <u>22</u> Motion for Extension of Time to Answer entered by Judge Alan D Albright. Came on for consideration is Defendant's Motion. Noting that it is unopposed, the Court GRANTS the Motion. Defendant shall have up to and including March 26, 2020 to answer or otherwise respond to Plaintiff's Complaint. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jy) (Entered: 02/22/2020)
02/24/2020		Reset Deadlines: The Home Depot, Inc. answer due 3/26/2020. (am) (Entered: 02/24/2020)
02/25/2020	<u>23</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint by Southern Sales & Marketing Group, Inc., Wadley Holdings, LLC. (Johnson, Jeffrey) (Entered: 02/25/2020)
02/26/2020		Text Order GRANTING <u>23</u> Motion for Extension of Time to Answer entered by Judge Alan D Albright. Before the Court is Defendants Southern Sales & Marketing Group, Inc. and Wadley Holdings, LLC's (Southern Sales Defendants) unopposed motion to extend the time by which the Southern Sales Defendants are required to answer or otherwise respond to Plaintiff H-E-B, LP's complaint. The Court GRANTS the

		otherwise respond to Plaintiff's complaint by March 26, 2020. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jy) (Entered: 02/26/2020)
02/26/2020		Reset Deadlines: Southern Sales & Marketing Group, Inc. answer due 3/26/2020; Wadley Holdings, LLC answer due 3/26/2020. (am) (Entered: 02/26/2020)
03/23/2020	<u>24</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint (<i>Second Unopposed Motion</i>) by The Home Depot, Inc.. (Attachments: # <u>1</u> Proposed Order)(Selinger, Jerry) (Entered: 03/23/2020)
03/24/2020		Text Order GRANTING <u>24</u> Motion for Extension of Time to Answer entered by Judge Alan D Albright. Before the Court is Defendant The Home Depot, Inc.'s (THD) second unopposed motion to extend the time within which THD is required to answer or otherwise respond to Plaintiff's Complaint. The Court GRANTS the motion. It is therefore ORDERED that the time in which THD is required to answer or otherwise respond to Plaintiff's Complaint be and is extended through and including April 16, 2020. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jy) (Entered: 03/24/2020)
03/24/2020	<u>25</u>	STANDING ORDER from U.S. District Judge Alan D. Albright regarding scheduled civil hearings. (tada) (Entered: 03/25/2020)
03/25/2020		Reset Deadlines: The Home Depot, Inc. answer due 4/16/2020. (am) (Entered: 03/25/2020)
04/15/2020	<u>26</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint (<i>Third Unopposed Motion</i>) by The Home Depot, Inc.. (Attachments: # <u>1</u> Proposed Order)(Selinger, Jerry) (Entered: 04/15/2020)
04/16/2020		Text Order GRANTING <u>26</u> Motion for Extension of Time to Answer entered by Judge Alan D Albright. Came on for consideration is Defendant's Motion. Noting that it is unopposed, the Court GRANTS the Motion. Defendant shall have up to and including May 7, 2020 to answer or otherwise respond to Plaintiff's Complaint. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jy) (Entered: 04/16/2020)
04/16/2020		Reset Deadlines: The Home Depot, Inc. answer due 5/7/2020. (lad) (Entered: 04/17/2020)
04/17/2020	<u>27</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint by H-E-B, LP. (Attachments: # <u>1</u> Proposed Order)(Canavera, Kyle) (Entered: 04/17/2020)
04/18/2020		Text Order GRANTING <u>27</u> Motion for Extension of Time to Answer entered by Judge Alan D Albright. Before the Court is Plaintiff's Unopposed Motion for Extension of Time within which Defendants Southern Sales & Marketing Group, Inc. and Wadley Holdings, LLC (collectively, Southern Sales Defendants) are required to answer or otherwise respond to H-E-B's Complaint. The Court GRANTS the motion. It is therefore ORDERED that the time in which Southern Sales & Marketing Group, Inc. and Wadley Holdings, LLC are required to answer or otherwise respond to H-E-B's Complaint be and is extended through and including May 7, 2020. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jy) (Entered: 04/18/2020)
04/20/2020		Reset Deadlines: Southern Sales & Marketing Group, Inc. answer due 5/7/2020; Wadley Holdings, LLC answer due 5/7/2020. (am) (Entered: 04/20/2020)
04/21/2020	<u>28</u>	STIPULATION To Substitute Parties And Change Case Caption by H-E-B, LP. (Canavera, Kyle) (Entered: 04/21/2020)
04/23/2020	<u>29</u>	JOINT STIPULATION AND ORDER TO SUBSTITUTE PARTIES AND CHANGE CASE CAPTION. Signed by Judge Alan D Albright. (am) (Entered: 04/23/2020)
05/07/2020	<u>30</u>	ANSWER to <u>1</u> Complaint with Jury Demand , COUNTERCLAIM against H-E-B, LP by Home Depot U.S.A., Inc., Home Depot Product Authority, LLC.(Selinger, Jerry) (Entered: 05/07/2020)

05/07/2020	<u>31</u>	RULE 7 DISCLOSURE STATEMENT filed by Home Depot Product Authority, LLC, Home Depot U.S.A., Inc.. (Selinger, Jerry) (Entered: 05/07/2020)
05/27/2020	<u>32</u>	ORDER GOVERNING PROCEEDINGS PATENT CASE, Telephone Conference set for 6/19/2020 02:00 PM before Judge Alan D Albright. Signed by Judge Alan D Albright. (am) (Entered: 05/27/2020)
05/28/2020	<u>33</u>	H-E-B's ANSWER to <u>30</u> Answer to Complaint, Counterclaim by H-E-B, LP.(Canavera, Kyle) (Entered: 05/28/2020)
06/12/2020	<u>34</u>	MOTION to Appear Pro Hac Vice by Daniel F. Shank (Filing fee \$ 100 receipt number 0542-13662435) by on behalf of Southern Sales & Marketing Group, Inc., Wadley Holdings, LLC. (Attachments: # <u>1</u> Proposed Order)(Shank, Daniel) (Entered: 06/12/2020)
06/13/2020		Text Order GRANTING <u>34</u> Motion to Appear Pro Hac Vice. Before the Court is the Motion for Admission Pro Hac Vice. The Court, having reviewed the Motion, finds it should be GRANTED and therefore orders as follows: IT IS ORDERED the Motion for Admission Pro Hac Vice is GRANTED. IT IS FURTHER ORDERED that Applicant, if he/she has not already done so, shall immediately tender the amount of \$100.00, made payable to: Clerk, U.S. District Court, in compliance with Local Rule AT-I (f)(2). 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. entered by Judge Alan D Albright. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jy) (Entered: 06/13/2020)
06/15/2020	<u>35</u>	Unopposed MOTION for Extension of Time to File Answer <i>THIRD UNOPPOSED MOTION FOR EXTENSION OF TIME FOR DEFENDANTS SOUTHERN SALES & MARKETING GROUP, INC. AND WADLEY HOLDINGS, LLC TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT</i> by Southern Sales & Marketing Group, Inc., Wadley Holdings, LLC. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Proposed Order)(Shank, Daniel) (Entered: 06/15/2020)
06/17/2020		Text Order GRANTING <u>35</u> Motion for Extension of Time to Answer entered by Judge Alan D Albright. Came on for consideration is Defendants Southern Sales & Marketing Group, Inc. and Wadley Holdings, LLC's Motion. Noting that it is unopposed, the Court GRANTS the Motion. Defendants shall have up to and including June 18, 2020 to answer or otherwise respond to Plaintiff's Complaint. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jy) (Entered: 06/17/2020)
06/17/2020		Reset Deadlines: Southern Sales & Marketing Group, Inc. answer due 6/18/2020. (am) (Entered: 06/17/2020)
06/17/2020		Reset Deadlines: Wadley Holdings, LLC answer due 6/18/2020. (am) (Entered: 06/17/2020)
06/17/2020	<u>36</u>	MOTION to Withdraw as Attorney for <i>Southern Sales & Marketing Group, Inc. and Wadley Holdings, LLC</i> by Southern Sales & Marketing Group, Inc., Wadley Holdings, LLC. (Johnson, Jeffrey) (Entered: 06/17/2020)
06/17/2020	<u>37</u>	ANSWER to <u>1</u> Complaint with Jury Demand and COUNTERCLAIM against H-E-B, LP by Southern Sales & Marketing Group, Inc. and Wadley Holdings, LLC.(am) (Entered: 06/18/2020)
06/19/2020	<u>38</u>	ORDER. Telephone Conference set for 6/19/2020 01:30 PM before Judge Alan D Albright. Signed by Judge Alan D Albright. (bw) (Entered: 06/19/2020)
06/19/2020	<u>39</u>	Minute Entry for proceedings held before Judge Alan D Albright: Telephone Conference held on 6/19/2020. Case called for telephonic scheduling conference. The parties have reached an agreed Markman Hearing date of November 20, 2020. Parties discussed discovery issues and service of foreign defendants. (Minute entry documents are not available electronically.). (Court Reporter Kristie Davis.)(am) (Entered: 06/19/2020)
06/20/2020		Text Order GRANTING <u>36</u> Motion to Withdraw as Attorney. entered by Judge Alan

		and Wadley Holdings, LLCs unopposed motion to allow Jeffrey L. Johnson to withdraw as counsel of record. The Court GRANTS the motion. The Clerk's Office is directed to shall remove Jeffrey L. Johnson's name from the case docket, terminate the delivery of all notices of electronic filing addressed to jj@orrick.com, and remove Mr. Johnson's name from any applicable service lists. (This is a text-only entry generated by the court. There is no document associated with this entry.) (jy) (Entered: 06/20/2020)
06/24/2020	<u>40</u>	Proposed Scheduling Order by H-E-B, LP. (Canavera, Kyle) (Entered: 06/24/2020)
06/26/2020	<u>41</u>	SCHEDULING ORDER: Markman Hearing set for 11/20/2020 before Judge Alan D Albright. Joinder of Parties due by 1/1/2021. Amended Pleadings due by 2/12/2021. Motions due by 8/27/2021. Pretrial Conference set for 10/29/2021 before Judge Alan D Albright. Jury Selection and Jury Trial set for 11/19/2021 before Judge Alan D Albright. Signed by Judge Alan D Albright. (am) (Entered: 06/26/2020)
06/26/2020	<u>42</u>	Order Setting Markman Hearing for 11/20/2020 09:00 AM before Judge Alan D Albright. Signed by Judge Alan D Albright. (bot4) (Entered: 06/26/2020)
06/26/2020	<u>43</u>	MOTION FOR LEAVE TO EFFECT ALTERNATIVE SERVICE ON DEFENDANTS NINGBO KUER KAYAK CO., LTD., NINGBO KUER PLASTIC TECHNOLOGY CO., LTD., AND NINGBO KUER OUTDOOR PRODUCTS CO., LTD. by H-E-B, LP. (Attachments: # <u>1</u> Declaration of Kyle R. Canavera in support of H-E-Bs Motion For Leave To Effect Alternative Service On Defendants Ningbo Kuer Kayak Co., Ltd., Ningbo Kuer Plastic Technology Co., Ltd., and Ningbo Kuer Outdoor Products Co., Ltd., # <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 16, # <u>18</u> Exhibit 17, # <u>19</u> Exhibit 18, # <u>20</u> Exhibit 19, # <u>21</u> Exhibit 20, # <u>22</u> Exhibit 21, # <u>23</u> Exhibit 22, # <u>24</u> Exhibit 23, # <u>25</u> Exhibit 24, # <u>26</u> Exhibit 25, # <u>27</u> Exhibit 26, # <u>28</u> Exhibit 27, # <u>29</u> Exhibit 28, # <u>30</u> Proposed Order)(Canavera, Kyle) (Entered: 06/26/2020)
07/08/2020	<u>44</u>	ANSWER to <u>37</u> Answer to Complaint, Counterclaim by H-E-B, LP.(Canavera, Kyle) (Entered: 07/08/2020)
07/09/2020	<u>45</u>	Joint MOTION for Extension of Time to File Answer or Otherwise Respond to Complaint and Adjustment of Case Schedule by H-E-B, LP. (Attachments: # <u>1</u> Proposed Order)(Canavera, Kyle) (Entered: 07/09/2020)
07/10/2020	<u>46</u>	Pro Hac Vice Letter to Thomas Fawell on behalf of Ningbo Kuer Kayak Co., Ltd., Ningbo Kuer Outdoor Products Co., Ltd., and Ningbo Kuer Plastic Technology Co., Ltd.. (am) (Entered: 07/10/2020)
07/10/2020	<u>47</u>	Pro Hac Vice Letter to Mauricio Escobar on behalf of Southern Sales & Marketing Group, Inc. and Wadley Holdings, LLC. (am) (Entered: 07/10/2020)
07/11/2020	<u>48</u>	ORDER GRANTING <u>45</u> Motion for Extension of Time to Answer ; Ningbo Kuer Kayak Co., Ltd. answer due 9/5/2020; Ningbo Kuer Outdoor Products Co., Ltd. answer due 9/5/2020; Ningbo Kuer Plastic Technology Co., Ltd. answer due 9/5/2020. It is further ORDERED that the Case Scheduling Order Dkt. <u>41</u> is amended. Signed by Judge Alan D Albright. (am) (Entered: 07/13/2020)
07/13/2020	<u>49</u>	MOTION to Appear Pro Hac Vice by Ningbo Kuer Kayak Co., Ltd., Ningbo Kuer Outdoor Products Co., Ltd., Ningbo Kuer Plastic Technology Co., Ltd.. (Attachments: # <u>1</u> Filing Fee Receipt, # <u>2</u> Proposed Order)(am) (Entered: 07/14/2020)
07/15/2020	<u>50</u>	NOTICE of Withdraw of Motion for Leave to Effect Alternative Service on Defendants Ningbo Kuer Kayak Co., Ltd., Ningbo Kuer Plastic Technology Co., Ltd., and Ningbo Kuer Outdoor Products Co., Ltd. by H-E-B, LP (Canavera, Kyle) (Entered: 07/15/2020)
07/15/2020	<u>51</u>	DEFICIENCY NOTICE: re <u>50</u> Notice (Other) (lad) (Entered: 07/15/2020)
07/16/2020		Text Order GRANTING <u>49</u> Motion to Appear Pro Hac Vice. Before the Court is the Motion for Admission Pro Hac Vice. The Court, having reviewed the Motion, finds it should be GRANTED and therefore orders as follows: IT IS ORDERED the Motion

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