

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:20-cv-02185-DJH**

VPR Brands LP v. Jupiter Research LLC
Assigned to: Judge Diane J Humetewa
Cause: 35:271 Patent Infringement

Date Filed: 11/13/2020
Jury Demand: Plaintiff
Nature of Suit: 830 Property Rights: Patent
Jurisdiction: Federal Question

Plaintiff

VPR Brands LP

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V.

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Counter Defendant

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Counter Claimant

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TERMINATED: 11/24/2021

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/13/2020	1	COMPLAINT. Filing fee received: \$400.00, receipt number 0970-18878020 filed by VPR Brands LP. (submitted by Joel Rothman) (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Civil Cover Sheet) (REK) (Entered: 11/16/2020)
11/13/2020	2	SUMMONS Submitted by VPR Brands LP. (submitted by Joel Rothman) (REK) (Entered: 11/16/2020)
11/13/2020	3	NOTICE of Filing - Copyright, Trademark or Patent Information filed by VPR Brands LP. (submitted by Joel Rothman) (REK) (Entered: 11/16/2020)
11/13/2020	4	Corporate Disclosure Statement by VPR Brands LP. (submitted by Joel Rothman) (REK) (Entered: 11/16/2020)
11/13/2020	5	Filing fee paid, receipt number 0970-18878020. This case has been assigned to the Honorable Diane J. Humetewa. All future pleadings or documents should bear the correct case number: CV-20-02185-PHX-DJH. Notice of Availability of Magistrate Judge to Exercise Jurisdiction form attached. (REK) (Entered: 11/16/2020)
11/16/2020	6	Summons Issued as to Jupiter Research LLC. (REK). *** IMPORTANT: When printing the summons, select "Document and stamps" or "Document and comments" for the seal to appear on the document. (Entered: 11/16/2020)
11/16/2020	7	NOTICE TO FILER OF DEFICIENCY re: 1 Complaint filed by VPR Brands LP. Document not in compliance with LRCiv 7.1(a)(3) - Party names must be capitalized using proper upper and lower case type. Document not in compliance with LRCiv 7.1(a)(1) - The following information must be stated upon the first page of every document and may be presented for filing single-space: The name, address, e-mail address, State Bar Attorney number, telephone number, and optionally the fax number. (REK) (Entered: 11/16/2020)

VPR Exhibit

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		of the attorney appearing for the party in the action or proceeding and whether the attorney appears for the plaintiff, defendant, or other party - in propria persona - must be typewritten or printed in the space to the left of the center of the page and beginning at line one (1) on the first page. Pursuant to the Electronic Case Filing Administrative Policies and Procedures Manual Section II(B), attorneys are required to submit the automated Civil Cover Sheet when filing a new case. <u>No further action is required.</u> This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (REK) (Entered: 11/16/2020)
11/16/2020	8	ORDER that motions pursuant to Fed. R. Civ. P. 12(b) are discouraged if the defect can be cured by filing an amended pleading. The parties must meet and confer prior to the filing of such motions to determine whether it can be avoided. ORDERED that Plaintiff(s) serve a copy of this Order upon Defendant(s) and file a notice of service. See Order for details. Signed by Judge Diane J Humetewa on 11/16/2020. (LFIG) (Entered: 11/16/2020)
11/17/2020		Remark: Pro hac vice motion(s) granted for Joel Benjamin Rothman on behalf of Plaintiff VPR Brands LP. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 11/17/2020)
12/21/2020	9	SERVICE EXECUTED filed by VPR Brands LP: Rule 4 Waiver of Service of Summons. Waiver sent on 11/19/2020 to Jupiter Research, LLC . (Rothman, Joel) (Entered: 12/21/2020)
12/21/2020	10	ORDER setting a Rule 16 Scheduling Conference for 3/2/2021 at 10:30 AM in Courtroom 605, 401 West Washington Street, Phoenix, AZ 85003 before Judge Diane J Humetewa. Signed by Judge Diane J Humetewa on 12/21/2020. (See Order for details.) (LFIG) (Entered: 12/21/2020)
01/19/2021	11	*ANSWER to 1 Complaint , COUNTERCLAIM against VPR Brands LP by Jupiter Research LLC. (Attachments: # 1 Corporate Disclosure Statement)(Enos, Sean) *Modified to correct counter defendant on 1/20/2021 (REK). (Entered: 01/19/2021)
01/20/2021	12	<p>MINUTE ORDER: Supplemental Request for Copyright, Trademark, or Patent Information. This case has been designated as a copyright, trademark, or patent case. An answer, amended complaint, or other pleading 11 has been filed that may include additional trademarks, patents, or copyrights allegedly violated that were not previously included. Attached to this docket entry are the required form(s) that may need to be completed by the party who filed the above document.</p> <p>If your recently filed pleading adds or changes information related to the original patents, trademarks, or copyright allegations, please complete the form that is applicable to this particular case. In some cases, you may need to complete both forms. Within seven (7) days, you must submit the required form(s) to the Clerk's Office. Please complete the form and file it with the Court using the specific event: Notice of Filing - Copyright, Trademark or Patent Information, found under the Other Filings header. Please DO NOT mail the form directly to the Patent or Copyright Office. The Clerk's Office will submit the form.</p> <p>If there are no changes to the copyright, trademark, or patent information previously submitted for this case, then the party who filed the above document must file a Notice, within seven (7) days, indicating such using the specific event: Notice of Filing - Copyright, Trademark or Patent Information, found under the Other Filings header (REK) (Entered: 01/20/2021)</p>
01/20/2021	13	Corporate Disclosure Statement by Jupiter Research LLC. (Enos, Sean) (Entered: 01/20/2021)
02/08/2021	14	Counterclaim-Defendant's ANSWER to 11 Answer to Complaint, Counterclaim by VPR Brands LP.(Rothman, Joel) (Entered: 02/08/2021)

		02/08/2021)
02/10/2021	15	NOTICE of Filing - Copyright, Trademark or Patent Information filed by Jupiter Research LLC. (Enos, Sean) (Entered: 02/10/2021)
02/10/2021	16	<p>MINUTE ORDER: Supplemental Request for Copyright, Trademark, or Patent Information. This case has been designated as a copyright, trademark, or patent case. An answer, amended complaint, or other pleading 14 has been filed that may include additional trademarks, patents, or copyrights allegedly violated that were not previously included. Attached to this docket entry are the required form(s) that may need to be completed by the party who filed the above document.</p> <p>If your recently filed pleading adds or changes information related to the original patents, trademarks, or copyright allegations, please complete the form that is applicable to this particular case. In some cases, you may need to complete both forms. Within seven (7) days, you must submit the required form(s) to the Clerk's Office. Please complete the form and file it with the Court using the specific event: Notice of Filing - Copyright, Trademark or Patent Information, found under the Other Filings header. Please DO NOT mail the form directly to the Patent or Copyright Office. The Clerk's Office will submit the form.</p> <p>If there are no changes to the copyright, trademark, or patent information previously submitted for this case, then the party who filed the above document must file a Notice, within seven (7) days, indicating such using the specific event: Notice of Filing - Copyright, Trademark or Patent Information, found under the Other Filings header (REK) (Entered: 02/10/2021)</p>
02/22/2021	17	REPORT of Rule 26(f) Planning Meeting by VPR Brands LP. (Rothman, Joel) (Entered: 02/22/2021)
02/23/2021	18	NOTICE TO FILER OF DEFICIENCY re: 17 Report - Rule 26(f) Planning Meeting (Proposed Case Mgt Plan) filed by VPR Brands LP. Document not in compliance with LRCiv 7.1(a)(3) - Party names must be capitalized using proper upper and lower case type. Document not in compliance with LRCiv 7.1(a)(1) Title Page: The following information must be stated upon the first page of every document and may be presented for filing single-spaced: The name, address, e-mail address, State Bar Attorney number, telephone number, and optionally the fax number, of the attorney appearing for the party in the action or proceeding and whether the attorney appears for the plaintiff, defendant, or other party - in propria persona - must be typewritten or printed in the space to the left of the center of the page and beginning at line one (1) on the first page. No further action is required. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (REK) (Entered: 02/23/2021)
02/26/2021	19	RULE 16 SCHEDULING ORDER (PATENT CASE): Opening Claim Construction Brief due 11/1/2021. Responsive Claim Construction Brief due 11/15/2021. Reply Claim Construction Brief due 11/22/2021. Discovery due by 6/3/2022. Dispositive motions due by 7/6/2022. ORDERED vacating the Rule 16 Scheduling Conference set for 3/2/2021. Signed by Judge Diane J Humetewa on 2/26/2021. (See Order for details.) (LFIG) (Entered: 02/26/2021)
03/05/2021	20	*Joint MOTION for Entry of Clawback Order by VPR Brands LP. (Attachments: # 1 Text of Proposed Order Clawback Order) (Rothman, Joel) *Modified text on 3/8/2021 (REK). (Entered: 03/05/2021)
03/05/2021	21	Joint MOTION for Protective Order , <i>Stipulated</i> by VPR Brands LP. (Attachments: # 1 Text of Proposed Order)(Rothman, Joel) (Entered: 03/05/2021)
03/08/2021	22	ORDER granting the 20 Motion for Clawback Order. Signed by Judge Diane J Humetewa on 3/8/2021. (See Order for details.)

		(LFIG) (Entered: 03/08/2021)
03/22/2021	23	*NOTICE of Service of Discovery re: Initial Disclosures by VPR Brands LP . (Rothman, Joel) *Modified to correct event and text on 3/23/2021 (REK). (Entered: 03/22/2021)
09/16/2021	24	ORDER granting the parties' 21 Motion for Protective Order. Signed by Judge Diane J Humetewa on 9/15/2021. (See Order for details.) (LFIG) (Entered: 09/16/2021)
10/25/2021		Remark: Pro hac vice motion(s) granted for Anthony L Meola on behalf of Defendant Jupiter Research LLC, Counter Claimant Jupiter Research LLC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 10/25/2021)
10/26/2021	25	STIPULATION re: 19 Scheduling Order, Terminate Hearings to Continue Claim Construction Briefing Deadlines by Three Weeks by VPR Brands LP. (Attachments: # 1 Proposed Order)(Rothman, Joel) (Entered: 10/26/2021)
10/26/2021	26	ORDER: Before the Court is the parties' Stipulation to Continue Claim Construction Briefing Deadlines by Three Weeks (Doc. 25). The parties also ask the Court to continue the date of their Claim Construction Hearing. For good cause showing, IT IS ORDERED approving the Stipulation (Doc. 25) with regard to the briefing deadlines. IT IS FURTHER ORDERED that Plaintiff shall submit its Opening Brief by November 22, 2021; Defendant shall submit its Responsive Brief by December 6, 2021; and Plaintiff shall submit its Reply Brief by December 13, 2021. The parties' Scheduling Order did not, however, set a Claim Construction Hearing for December 10, 2021, but stated that if necessary, a Claim Construction Hearing would be set after December 10, 2021. (Doc. 19). Accordingly, IT IS ORDERED this request is denied as moot. ORDERED by Judge Diane J Humetewa on 10/26/2021. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LFIG) (Entered: 10/26/2021)
11/02/2021		Remark: Pro hac vice motion(s) granted for Eliezer Lekht on behalf of Plaintiff VPR Brands LP, Counter Defendant VPR Brands LP. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 11/02/2021)
11/22/2021	27	OPENING BRIEF by VPR Brands LP , <i>Claim Construction</i> . (Attachments: # 1 Declaration - Dr. Yanulis, # 2 Declaration - Attorney Eliezer Lekht, # 3 Proposed Order)(Lekht, Eliezer) (Entered: 11/22/2021)
11/24/2021	28	NOTICE of Attorney Substitution by Sean Kealii Enos. (Enos, Sean) (Entered: 11/24/2021)
12/06/2021	29	RESPONSE BRIEF by Jupiter Research LLC re 27 Brief - Opening <i>Claim Construction</i> . (Attachments: # 1 Proposed Order) (Meola, Anthony) (Entered: 12/06/2021)
12/27/2021	30	MOTION to Stay <i>Pending the Resolution of Inter Partes Review</i> by Jupiter Research LLC. (Attachments: # 1 Proposed Order) (Meola, Anthony) (Entered: 12/27/2021)
12/29/2021	31	STIPULATION re: 30 MOTION to Stay <i>Pending the Resolution of Inter Partes Review</i> , <i>First Extension of Time to File Response/Reply</i> by VPR Brands LP. (Attachments: # 1 Proposed Order)(Rothman, Joel) (Entered: 12/29/2021)
12/29/2021	32	ORDER: Before the Court is the parties' First Stipulation for Extension of Time for Plaintiff to Respond to Defendant's Motion to Stay the Case (Doc. 31). Having considered the Stipulation and found good cause, IT IS ORDERED the Stipulation (Doc. 31) is GRANTED. Plaintiff shall file its Response no later than January 24, 2022. ORDERED by Judge Diane J Humetewa on 12/29/2021. (LFIG) (Entered: 12/29/2021)

		12/29/2021. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LFIG) (Entered: 12/29/2021)
01/24/2022	33	RESPONSE in Opposition re: 30 MOTION to Stay <i>Pending the Resolution of Inter Partes Review</i> filed by VPR Brands LP. (Attachments: # 1 Declaration of Eliezer Lekht, # 2 Exhibit 1 - Patent Number 8,205,622, # 3 Errata 2 - VPR's 1st Discovery Requests, # 4 Exhibit 3 - Jupiter's Invalidity Analysis, # 5 Exhibit 4 - Jupiter's Responses to VPR's 1st Discovery Requests, # 6 Exhibit 5 - Jupiter's Response - DEF000915 - DEF001135, # 7 Exhibit 6.1 - Jupiter's Response - DEF001239-DEF001429, # 8 Exhibit 6.2 - Jupiter's Response - DEF001430-DEF001640, # 9 Exhibit 7 - Jupiter's IPR Petition, # 10 Exhibit 8 - Cox Patent - Ex 1007 of IPR2022-00299, # 11 Exhibit 9 - Hon Patent - Ex 1008 of IPR2022-00299, # 12 Exhibit 10 - Zhu Patent - Ex 1009 of IPR2022-00299, # 13 Exhibit 11 - Fleischhauer Patent - Ex 1010 of IPR2022-00299, # 14 Exhibit 12 - Notice of Deposition upon VPR - 2022.01.07, # 15 Exhibit 13 - PTAB Document dated 01-14-2022, # 16 Declaration of Kevin Frija, # 17 Exhibit 1 - VPR Product Catalog)(Lekht, Eliezer) (Entered: 01/24/2022)
01/28/2022		Remark: Pro hac vice motion(s) granted for Joseph A Dunne on behalf of Plaintiff VPR Brands LP, Counter Defendant VPR Brands LP. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 01/28/2022)
01/31/2022	34	STRICKEN by Doc. 39 REPLY to Response to Motion re: 30 MOTION to Stay <i>Pending the Resolution of Inter Partes Review</i> filed by Jupiter Research LLC. (Meola, Anthony) Modified on 2/7/2022 (LFIG). (Entered: 01/31/2022)
02/01/2022	35	STIPULATION re: 33 Response in Opposition to Motion <i>to Stay</i> by Jupiter Research LLC. (Meola, Anthony) (Entered: 02/01/2022)
02/01/2022	36	REPLY to Response to Motion re: 30 MOTION to Stay <i>Pending the Resolution of Inter Partes Review</i> filed by Jupiter Research LLC. (Attachments: # 1 Exhibit A)(Meola, Anthony) (Entered: 02/01/2022)
02/03/2022	37	MOTION for Leave to File Motion to compel <i>discovery responses</i> by VPR Brands LP. (Attachments: # 1 Proposed Order) (Lekht, Eliezer) (Entered: 02/03/2022)
02/04/2022	38	ORDER: The Court is in receipt of Plaintiff VPR Brands LP's ("VPR") Motion for Leave to File Motion to Compel Discovery (Doc. 37). The Court's Rule 16 Scheduling Order states that if a discovery dispute arises, the parties are to jointly file notice. (Doc. 19 at 3). VPR's Motion is not a joint-motion, and VPR does not represent that Defendant refused to file a joint-motion. Therefore, IT IS ORDERED that VPR's Motion (Doc. 37) is denied with leave to refile in accordance with the Rule 16 Scheduling Order (Doc. 19 at 10). ORDERED by Judge Diane J Humetewa on 2/4/2022. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LFIG) (Entered: 02/04/2022)
02/07/2022	39	ORDER: For good cause showing, the parties' Stipulation (Doc. 35) is APPROVED. IT IS ORDERED that Defendant Jupiter's Reply brief at Doc. 36 will be considered timely filed and the Reply brief at Doc. 34 shall be stricken. ORDERED by Judge Diane J Humetewa on 2/7/2022. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LFIG) (Entered: 02/07/2022)
03/14/2022	40	NOTICE re: Joint Discovery Dispute by VPR Brands LP . (Lekht, Eliezer) (Entered: 03/14/2022)
03/15/2022	41	ORDER: The Court is in receipt of the parties' Joint Notice of Discovery Dispute (Doc. 40). IT IS ORDERED setting a Telephonic Discovery Dispute Hearing for 3/18/2022 at 11:00 AM in Courtroom 605, 401 West Washington Street, Phoenix, AZ 85003. (LFIG) (Entered: 03/15/2022)

		AZ 85003 before Judge Diane J Humetewa. Participating counsel are kindly directed to call five (5) minutes prior to the hearing start time by dialing: 1-866-390-1828 and entering access code: 7618428, when prompted. IT IS FURTHER ORDERED that Plaintiff shall produce the Requests for Admission noted in Doc. 40 (and responses) at issue, by 3:00 PM MTS on 3/17/2022. ORDERED by Judge Diane J Humetewa on 3/15/2022. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LFIG) (Entered: 03/15/2022)
03/16/2022	42	NOTICE re: Plaintiff's Discovery Requests and Defendant's Responses by VPR Brands LP re: 41 Order,,,, Set/Reset Hearings,,, . (Lekht, Eliezer) (Entered: 03/16/2022)
03/18/2022	43	MINUTE ENTRY for proceedings held before Judge Diane J Humetewa: Telephonic Discovery Dispute Hearing held on 3/18/2022. IT IS ORDERED that counsel shall continue discovery as directed by the Court on the record. APPEARANCES: Telephonic appearances by Joseph Dunne and Eliezer Lekht for Plaintiff. Telephonic appearances by Jeffrey Johnson, Anthony Meola and Jarred DuJack for Defendant. (Court Reporter Elva Cruz-Lauer.) Hearing held 11:00 AM to 11:53 AM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (LFIG) (Entered: 03/18/2022)
03/22/2022	44	TRANSCRIPT REQUEST by Jupiter Research LLC for proceedings held on 03/18/2022, Judge Diane J Humetewa hearing judge(s). (Meola, Anthony) (Entered: 03/22/2022)
03/29/2022	45	NOTICE OF FILING OF OFFICIAL TRANSCRIPT OF DISCOVERY DISPUTE proceedings held on 03/18/2022, before Judge DIANE J. HUMETEWA. [Court Reporter: Elva Cruz-Lauer, RMR, CRR, Telephone number (602) 322-7261]. The ordering party will have electronic access to the transcript immediately. All others may view the transcript at the court public terminal or it may be purchased through the Court Reporter/Transcriber by filing a Transcript Order Form on the docket before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/27/2022. Redacted Transcript Deadline set for 5/9/2022. Release of Transcript Restriction set for 7/5/2022. (RAP) (Entered: 04/06/2022)
03/31/2022		Remark: Pro hac vice motion(s) granted for Jared L DuJack on behalf of Defendant Jupiter Research LLC, Counter Claimant Jupiter Research LLC. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 03/31/2022)

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