

2:24cv433, Partec Ag Et Al V. Microsoft Corporation

US District Court Docket
United States District Court, Texas Eastern
(Marshall)

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Header

Case Number: 2:24cv433
Date Filed: 06/10/2024
Assigned To: District Judge Robert W. Schroeder, III
Referred To: Magistrate Judge Roy S. Payne
Nature of Suit: Patent (830)
Cause: Patent Infringement
Lead Docket: None
Other Docket: None
Jurisdiction: Federal Question

Class Code: Open
Statute: 35:271
Jury Demand: Both
Demand Amount: \$0
NOS Description: Patent

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Proceedings

#	Date	Proceeding Text	Source
1	06/10/2024	COMPLAINT against Microsoft Corporation (Filing fee \$ 405 receipt number ATXEDC-10180493.), filed by ParTec AG, BF exaQC AG. (Attachments: # 1 Civil Cover Sheet, # 2 Exhibit A - U.S. Patent 10,142,156, # 3 Exhibit B - U.S. Patent 11,934,883, # 4 Exhibit C - U.S. Patent 11,537,442)(Henry, Claire) (Entered: 06/10/2024)	
2	06/10/2024	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 emailed to the Director of the U.S. Patent and Trademark Office. (Henry, Claire) (Entered: 06/10/2024)	
3	06/10/2024	DEMAND for Trial by Jury by BF exaQC AG, ParTec AG. (Henry, Claire) (Entered: 06/10/2024)	

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#	Date	Proceeding Text	Source
4	06/10/2024	Fed. R. Civ. P. 7.1(a)(1) Disclosure Statement filed by BF exaQC AG, ParTec AG identifying Other Affiliate BF Tec Holding GmbH, Other Affiliate HSC Beteiligungs GmbH, Other Affiliate J.A.C.C. Technotrans GmbH for BF exaQC AG ; Other Affiliate BF Tec Holding GmbH, Other Affiliate HSC Beteiligungs GmbH for ParTec AG. (Henry, Claire) (Entered: 06/10/2024)	
	06/10/2024	Case Assigned to District Judge Rodney Gilstrap. (NKL) (Entered: 06/10/2024)	
	06/10/2024	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. (NKL) (Entered: 06/10/2024)	
5	06/10/2024	SUMMONS Issued as to Microsoft Corporation. (NKL) (Entered: 06/10/2024)	
6	06/10/2024	NOTICE of Attorney Appearance by Matthew R Berry on behalf of BF exaQC AG, ParTec AG (Berry, Matthew) (Entered: 06/10/2024)	
7	06/10/2024	NOTICE of Attorney Appearance by Alexander W. Aiken on behalf of All Plaintiffs (Aiken, Alexander) (Entered: 06/10/2024)	
8	06/10/2024	NOTICE of Attorney Appearance by S. Calvin Capshaw, III on behalf of BF exaQC AG, ParTec AG (Capshaw, S.) (Entered: 06/10/2024)	
9	06/10/2024	NOTICE of Attorney Appearance by Elizabeth L DeRieux on behalf of BF exaQC AG, ParTec AG (DeRieux, Elizabeth) (Entered: 06/10/2024)	
10	06/10/2024	NOTICE of Attorney Appearance by Justin Adatto Nelson on behalf of All Plaintiffs (Nelson, Justin) (Entered: 06/10/2024)	
11	06/14/2024	SUMMONS Returned Executed by ParTec AG, BF exaQC AG. Microsoft Corporation served on 6/12/2024. (Henry, Claire) (Entered: 06/14/2024)	
12	06/25/2024	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Microsoft Corporation.(Smith, Melissa) (Entered: 06/25/2024)	
13	06/25/2024	NOTICE of Attorney Appearance by Betty Hong Chen on behalf of Microsoft Corporation (Chen, Betty) (Entered: 06/25/2024)	
	06/25/2024	Defendant's Unopposed FIRST Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for Microsoft Corporation to 8/17/2024. 45 Days Granted for Deadline Extension.(CH) (Entered: 06/25/2024)	
14	08/07/2024	NOTICE of Attorney Appearance - Pro Hac Vice by Jeffrey S Seddon, II on behalf of Microsoft Corporation. Filing fee \$ 100, receipt number ATXEDC-10284386. (Seddon, Jeffrey) (Entered: 08/07/2024)	
15	08/08/2024	SCHEDULING ORDER: Scheduling/Case Management Conference set for 9/18/2024 at 01:30 PM before District Judge Rodney Gilstrap.. Signed by District Judge Rodney Gilstrap on 8/8/2024. (CH) (Entered: 08/08/2024)	
16	08/16/2024	ANSWER to 1 Complaint, by Microsoft Corporation.(Smith, Melissa) (Entered: 08/16/2024)	
17	08/16/2024	DEMAND for Trial by Jury by Microsoft Corporation. (Smith, Melissa) (Entered: 08/16/2024)	
18	08/16/2024	Fed. R. Civ. P. 7.1(a)(1) Disclosure Statement filed by Microsoft Corporation (Smith, Melissa) (Entered: 08/16/2024)	

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#	Date	Proceeding Text	Source
	08/19/2024	NOTICE of Hearing: In-Person Scheduling/Case Management Conference set for 9/18/2024 at 09:00 AM in Ctrm 106 (Marshall) before District Judge Rodney Gilstrap. **NOTE: Only the time has changed. (aeb) (Entered: 08/19/2024)	
19	08/19/2024	NOTICE of Readiness for Scheduling Conference by BF exaQC AG, ParTec AG (Henry, Claire) (Entered: 08/19/2024)	
20	09/04/2024	NOTICE of Discovery Disclosure by BF exaQC AG, ParTec AG re P.R. 3-1 and 3-2 (DeRieux, Elizabeth) (Entered: 09/04/2024)	
	09/18/2024	Minute Entry for proceedings held before District Judge Rodney Gilstrap: Scheduling Conference/Case Management Conference held on 9/18/2024. 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: 09/20/2024)	
21	10/02/2024	JOINT MOTION For Entry of Docket Control Order (Agreed) by BF exaQC AG, ParTec AG. (Attachments: # 1 Proposed Order)(Aiken, Alexander) (Entered: 10/02/2024)	
22	10/02/2024	JOINT MOTION For Entry of Discovery Order (Agreed) by BF exaQC AG, ParTec AG. (Attachments: # 1 Proposed Order)(Aiken, Alexander) (Entered: 10/02/2024)	
23	10/04/2024	DISCOVERY ORDER. Signed by District Judge Rodney Gilstrap on 10/4/2024. (gsm) (Entered: 10/04/2024)	
24	10/09/2024	JOINT MOTION For Entry of Protective Order (Agreed) by BF exaQC AG, ParTec AG. (Attachments: # 1 Proposed Order)(Aiken, Alexander) (Entered: 10/09/2024)	
25	10/09/2024	JOINT MOTION For Entry of ESI Order (Agreed) by BF exaQC AG, ParTec AG. (Attachments: # 1 Proposed Order)(Aiken, Alexander) (Entered: 10/09/2024)	
26	10/09/2024	DOCKET CONTROL ORDER re 21 JOINT MOTION For Entry of Docket Control Order (Agreed) filed by ParTec AG, BF exaQC AG., Pretrial Conference set for 3/2/2026 at 09:00 AM before District Judge Rodney Gilstrap., Jury Selection set for 4/6/2026 at 09:00AM before District Judge Rodney Gilstrap., Markman Hearing set for 10/28/2025 at 09:00 AM before District Judge Rodney Gilstrap (Motion(s) 21 terminated). Signed by District Judge Rodney Gilstrap on 10/8/2024. (NKL) (Entered: 10/09/2024)	
27	10/09/2024	NOTICE OF COMPLIANCE by BF exaQC AG, ParTec AG (Aiken, Alexander) (Entered: 10/09/2024)	
28	10/09/2024	NOTICE OF COMPLIANCE by Microsoft Corporation (Chen, Betty) (Entered: 10/09/2024)	
29	10/10/2024	STIPULATED ORDER REGARDING E-DISCOVERY. Signed by District Judge Rodney Gilstrap on 10/10/2024. (NKL) (Entered: 10/10/2024)	
30	10/10/2024	PROTECTIVE ORDER. Signed by District Judge Rodney Gilstrap on 10/10/2024. (NKL) (Entered: 10/10/2024)	
31	10/30/2024	NOTICE OF COMPLIANCE by Microsoft Corporation (Seddon, Jeffrey) (Entered: 10/30/2024)	
32	11/12/2024	ORDER OF RECUSAL. District Judge Rodney Gilstrap recused. Case reassigned to District Judge Robert W. Schroeder, III and Magistrate Judge Roy S. Payne for all further proceedings. Signed by District Judge Rodney Gilstrap on 11/12/2024. (NKL) (Entered: 11/12/2024)	
	11/13/2024	NOTICE of Hearing: Jury Selection set for 4/20/2026 at 09:00AM before District Judge Robert W. Schroeder III. Markman Hearing set for 10/28/2025 at 09:00 AM before Magistrate Judge Roy S. Payne. Pretrial Conference set for 3/4/2026 at 09:00 AM before	

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#	Date	Proceeding Text	Source
		Magistrate Judge Roy S. Payne. (bga) (Entered: 11/13/2024)	
33	01/15/2025	MOTION to Seal Document Plaintiffs' Partially Opposed Motion to Move Trial Date by ParTec AG, BF exaQC AG. (Attachments: # 1 Proposed Order)(Nelson, Justin) (Entered: 01/15/2025)	
34	01/15/2025	SEALED MOTION to Move Trial Date - Partially Opposed by ParTec AG, BF exaQC AG. (Attachments: # 1 Affidavit/Declaration of Justin Nelson, # 2 Proposed Order)(Nelson, Justin) (Entered: 01/15/2025)	
35	01/21/2025	ORDER granting 33 MOTION to Seal Document Plaintiffs' Partially Opposed Motion to Move Trial Date. Signed by Magistrate Judge Roy S. Payne on 1/17/2025. (NKL) (Entered: 01/21/2025)	
36	01/21/2025	REDACTION to 34 SEALED MOTION to Move Trial Date - Partially Opposed by ParTec AG, BF exaQC AG. (Attachments: # 1 Affidavit/Declaration of Justin Nelson, # 2 Proposed Order)(Nelson, Justin) (Entered: 01/21/2025)	
37	01/24/2025	AMENDED DOCKET CONTROL re 34 SEALED MOTION to Move Trial Date - Partially Opposed filed by ParTec AG, BF exaQC AG., Pretrial Conference set for 5/11/2026 at 09:00 AM before Magistrate Judge Roy S. Payne., Jury Selection set for 6/15/2026 at 09:00AM before District Judge Robert W. Schroeder III., Markman Hearing set for 12/12/2025 at 09:00 AM before Magistrate Judge Roy S. Payne. (Motion(s) 34 terminated). Signed by Magistrate Judge Roy S. Payne on 1/23/2025. (NKL) (Entered: 01/24/2025)	
38	02/05/2025	NOTICE of Attorney Appearance - Pro Hac Vice by Caitrienne Feddeler on behalf of Microsoft Corporation. Filing fee \$ 100, receipt number ATXEDC-10661279. (Feddeler, Caitrienne) (Entered: 02/05/2025)	
39	02/07/2025	MOTION for Issuance of Letters Rogatory UNDER THE HAGUE CONVENTION by Microsoft Corporation. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Attachment B, # 8 Attachment C, # 9 Attachment D, # 10 Attachment E, # 11 Attachment F, # 12 Attachment G, # 13 Attachment H, # 14 Attachment I, # 15 Attachment J, # 16 Attachment K, # 17 Attachment L, # 18 Proposed Order)(Smith, Melissa) (Entered: 02/07/2025)	
40	02/07/2025	RESPONSE re 39 MOTION for Issuance of Letters Rogatory UNDER THE HAGUE CONVENTION - Partial Opposition Unless Certain Modifications Are Made filed by ParTec AG, BF exaQC AG. (Attachments: # 1 Proposed Order)(Nelson, Justin) (Entered: 02/07/2025)	
41	02/12/2025	SEALED REPLY to Response re 39 MOTION for Issuance of Letters Rogatory UNDER THE HAGUE CONVENTION filed by Microsoft Corporation. (Attachments: # 1 Exhibit 7)(Smith, Melissa) (Entered: 02/12/2025)	
42	02/12/2025	SUR-REPLY to Reply to Response re 39 MOTION for Issuance of Letters Rogatory UNDER THE HAGUE CONVENTION filed by ParTec AG, BF exaQC AG. (Nelson, Justin) (Entered: 02/12/2025)	
	02/18/2025	NOTICE of Hearing on Motion 39 MOTION for Issuance of Letters Rogatory UNDER THE HAGUE CONVENTION : Motion Hearing set for 3/4/2025 at 01:30 PM before Magistrate Judge Roy S. Payne. (bga) (Entered: 02/18/2025)	
43	02/26/2025	JOINT MOTION to Withdraw OBJECTIONS TO MICROSOFTS MOTION FOR THE COURT TO ISSUE LETTERS OF REQUEST (LETTERS ROGATORY) UNDER THE HAGUE CONVENTION AND NOTICE OF RESOLUTION by Microsoft Corporation. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Proposed	

#	Date	Proceeding Text	Source
		Order)(Smith, Melissa) (Entered: 02/26/2025)	
44	02/26/2025	MOTION for Issuance of Letters Rogatory UNDER THE HAGUE CONVENTION by Microsoft Corporation. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Attachment B, # 8 Attachment C, # 9 Attachment D, # 10 Attachment E, # 11 Attachment F, # 12 Attachment G, # 13 Attachment H, # 14 Attachment I, # 15 Attachment J, # 16 Attachment K, # 17 Attachment L, # 18 Proposed Order)(Smith, Melissa) (Entered: 02/26/2025)	
	02/27/2025	NOTICE the Motion Hearing set for 3/4/25 is CANCELLED. (bga) (Entered: 02/27/2025)	
45	03/03/2025	ORDER granting 44 Motion for Issuance of Letters Rogatory. Signed by Magistrate Judge Roy S. Payne on 03/02/2025. (KLC) (Entered: 03/03/2025)	
	03/05/2025	NOTICE of Hearing: Pretrial Conference RESET for 5/8/2025 at 09:00 AM before Magistrate Judge Roy S. Payne. (bga) (Entered: 03/05/2025)	
	03/05/2025	AMENDED NOTICE of Hearing: Pretrial Conference RESET for 5/7/2026 at 09:00 AM before Magistrate Judge Roy S. Payne. (bga) (Entered: 03/05/2025)	
46	03/06/2025	NOTICE OF COMPLIANCE by Microsoft Corporation (Seddon, Jeffrey) (Entered: 03/06/2025)	

Patents

Number	Title	Issued	Class	Subclass
10,142,156	Computer cluster arrangement for processing a computation task and method for operation thereof	11/27/2018	1	1
11,537,442	Application runtime determined dynamical allocation of heterogeneous compute resources	12/27/2022	1	1
11,934,883	Computer cluster arrangement for processing a computation task and method for operation thereof	03/19/2024	1	1

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