

**U.S. District Court
Southern District of Florida (West Palm Beach)
CIVIL DOCKET FOR CASE #: 9:16-cv-81039-BB**

Shipping and Transit, LLC v. 1A Auto, Inc.
Assigned to: Judge Beth Bloom
Referred to: Magistrate Judge Alicia O. Valle
Cause: 15:1126 Patent Infringement

Date Filed: 06/21/2016
Date Terminated: 10/21/2016
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff**Shipping and Transit, LLC**

represented by **Jason P. Dollard**
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ATTORNEY TO BE NOTICED

V.

Defendant

1A Auto, Inc.
doing business as
1aAuto.com

represented by **Adam Michael Schachter**
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#	Docket Text	Date Filed
1	COMPLAINT against 1A Auto, Inc.. Filing fees \$ 400.00 receipt number 113C-8845604, filed by Shipping and Transit, LLC. (Attachments: # 1 Civil Cover Sheet, # 2 Summon(s), # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit, # 7 Exhibit)(Dollard, Jason) (Entered: 06/21/2016)	06/21/2016
2	Judge Assignment to Judge Beth Bloom (lrz) (Entered: 06/22/2016)	06/21/2016
3	Clerks Notice pursuant to 28 USC 636(c). Parties are hereby notified that the U.S. Magistrate Judge Alicia O. Valle is available to handle any or all proceedings in this case. If agreed, parties should complete and file the attached form. (lrz) (Entered: 06/22/2016)	06/21/2016
4	Summons Issued as to 1A Auto, Inc.. (lrz) (Entered: 06/22/2016)	06/22/2016
5	FORM AO 120 SENT TO DIRECTOR OF U.S. PATENT AND TRADEMARK (lrz) (Entered: 06/22/2016)	06/22/2016
6	SUMMONS (Affidavit) Returned Executed on 1 Complaint, with a 21 day response/answer filing deadline by Shipping and Transit, LLC. 1A Auto, Inc. served on 7/27/2016, answer due 8/17/2016. (Attachments: # 1 Exhibit)(Dollard, Jason) (Entered: 08/05/2016)	08/05/2016
7	STRICKEN NOTICE by Shipping and Transit, LLC Of Agreement For Extension Of Time For Defendant To Move Answer Or Otherwise Respond To The Complaint (Dollard, Jason) Modified text on 8/11/2016 (lrz). (Entered: 08/10/2016)	08/10/2016
8	ORDER re 7 Notice (Other) filed by Shipping and Transit, LLC Signed by Judge Beth Bloom on 8/10/2016. (lrz) (Entered: 08/11/2016)	08/11/2016
9	First MOTION for Extension of Time For Defendant To Move Answer Or Otherwise Responde To The Complaint by Shipping and Transit, LLC. Responses due by 8/29/2016 (Dollard, Jason) (Entered: 08/11/2016)	08/11/2016
10	PAPERLESS ORDER granting 9 Motion for Extension of Time for the Defendant to File its Answer by 9/16/2016. Signed by Judge Beth Bloom (BB) (Entered: 08/11/2016)	08/11/2016
	Set/Reset Answer Due Deadline as per DE 10 : 1A Auto, Inc. response due 9/16/2016. (lk) (Entered: 08/12/2016)	08/12/2016

#	Docket Text	Date Filed
11	NOTICE of Attorney Appearance by Adam Michael Schachter on behalf of 1A Auto, Inc.. Attorney Adam Michael Schachter added to party 1A Auto, Inc.(pty:dft). (Schachter, Adam) (Entered: 09/16/2016)	09/16/2016
12	Defendant's MOTION TO DISMISS 1 Complaint, FOR FAILURE TO STATE A CLAIM AND MEMORANDUM IN SUPPORT by 1A Auto, Inc.. Responses due by 10/3/2016 (Attachments: # 1 Exhibit A)(Schachter, Adam) (Entered: 09/16/2016)	09/16/2016
13	NOTICE of Attorney Appearance by Daniel S. Gelber on behalf of 1A Auto, Inc.. Attorney Daniel S. Gelber added to party 1A Auto, Inc.(pty:dft). (Gelber, Daniel) (Entered: 09/16/2016)	09/16/2016
14	ORDER REQUIRING SCHEDULING REPORT AND CERTIFICATES OF INTERESTED PARTIES -Joint Scheduling Report due by 10/7/2016 Signed by Judge Beth Bloom on 9/16/2016. (lan) (Entered: 09/16/2016)	09/16/2016
15	First MOTION for Extension of Time to File Response/Reply/Answer by Shipping and Transit, LLC. (Dollard, Jason) (Entered: 09/22/2016)	09/22/2016
16	PAPERLESS ORDER granting 15 Motion for Extension of Time to File Response to Motion. Response due by 10/18/2016. Signed by Judge Beth Bloom (BB) (Entered: 09/22/2016)	09/22/2016
17	Joint MOTION for Extension of Time to File Joint Scheduling Report and Certificates of Interested Parties re 14 Order Requiring Joint Scheduling Report by 1A Auto, Inc.. Responses due by 10/24/2016 (Attachments: # 1 Text of Proposed Order Proposed Order) (Schachter, Adam) (Entered: 10/06/2016)	10/06/2016
18	PAPERLESS ORDER granting 17 Motion for Extension of Time to File Joint Scheduling Report by 10/21/2016. Signed by Judge Beth Bloom (BB) (Entered: 10/07/2016)	10/07/2016
	Set/Reset Deadlines/Hearings as per DE 18 : -Joint Scheduling Report due by 10/21/2016 (lk) (Entered: 10/11/2016)	10/11/2016
19	NOTICE by Shipping and Transit, LLC Of Filing Covenant Not to Sue (Attachments: # 1 Exhibit) (Dollard, Jason) (Entered: 10/18/2016)	10/18/2016
20	RESPONSE in Opposition re 12 Defendant's MOTION TO DISMISS 1 Complaint, FOR FAILURE TO STATE A CLAIM AND MEMORANDUM IN SUPPORT filed by Shipping and Transit, LLC. Replies due by 10/28/2016. (Dollard, Jason) (Entered: 10/18/2016)	10/18/2016
21	Defendant's REPLY to 12 Defendant's MOTION TO DISMISS 1 Complaint, FOR FAILURE TO STATE A CLAIM AND MEMORANDUM IN SUPPORT by 1A Auto, Inc.. (Attachments: # 1 Exhibit 1 - Letter dated July 29, 2016)(Schachter, Adam) (Entered: 10/20/2016)	10/20/2016
22	Joint MOTION to Stay Deadline for Filing Joint Scheduling Report and Certificate of Interested Parties by Shipping and Transit, LLC. Responses due by 11/7/2016 (Dollard, Jason) (Entered: 10/21/2016)	10/21/2016
23	PAPERLESS ORDER granting 22 Motion to Stay the filing of joint scheduling report and certificates of interested parties as the parties are requesting that the case be dismissed. Signed by Judge Beth Bloom (BB) (Entered: 10/21/2016)	10/21/2016
24	ORDER denying 12 Motion to Dismiss with prejudice for Failure to State a Claim. This case is CLOSED. Signed by Judge Beth Bloom on 10/21/2016. (lk) (Entered: 10/21/2016)	10/21/2016
	Civil Case Terminated. See DE 24 Closing Case. (dm) NOTICE: If there are sealed documents in this case, they may be unsealed after 1 year or as directed by Court Order, unless they have been designated to be permanently sealed. See Local Rule 5.4 and Administrative Order 2014-69. (Entered: 10/24/2016)	10/21/2016
25	Defendant's MOTION for Attorney Fees and Costs Pursuant to 35 U.S.C. § 285 and Memorandum in Support by 1A Auto, Inc.. Responses due by 12/20/2016 (Attachments: # 1 Exhibit 1 - Article, # 2 Exhibit 2 - Weekly Chart, # 3 Exhibit 3 - Settlement, Release and License Agreement, # 4 Exhibit 4 - Stipulation of Dismissal with Prejudice, # 5 Exhibit 5 - Petition for Inter Parties Review of US Patent, # 6 Exhibit 6 - Letter dated July 29, 2016, # 7 Exhibit 7 - Response letter dated August 4, 2016, # 8 Exhibit 8 - Letter dated March 14, 2016, # 9 Exhibit 9 - Letter from FedEx Corporation, # 10 Exhibit 10 - Declaration of Stephen T. Bychowski, # 11 Exhibit 11 - Philip C. Swain, # 12 Exhibit 12 - Stephen T. Bychowski, # 13 Exhibit 13 - Declaration of Adam M. Schachter, # 14 Exhibit 14 - Adam M. Schachter)(Schachter, Adam) (Entered: 12/06/2016)	12/06/2016
26	RESPONSE to Motion re 25 Defendant's MOTION for Attorney Fees and Costs Pursuant to 35 U.S.C. § 285 and Memorandum in Support filed by Shipping and Transit, LLC. Replies due by 12/27/2016. (Dollard, Jason) (Entered: 12/20/2016)	12/20/2016
27	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to 25 Defendant's MOTION for Attorney Fees and Costs Pursuant to 35 U.S.C. § 285 and Memorandum in Support by 1A Auto, Inc.. (Attachments: # 1 Text of Proposed Order Ex. A - Proposed Order Granting Motion for Extension of Time)(Schachter, Adam) (Entered: 12/22/2016)	12/22/2016
28	PAPERLESS ORDER granting 27 Motion for Extension of Time to File Reply by 1/6/2017. Signed by Judge Beth Bloom (BB) (Entered: 12/22/2016)	12/22/2016
29	REPLY to Response to Motion re 25 Defendant's MOTION for Attorney Fees and Costs Pursuant to 35 U.S.C. § 285 and Memorandum in Support filed by 1A Auto, Inc.. (Attachments: # 1 Exhibit A - Letter dated January 11, 2016, # 2 Exhibit B - Letter dated April 11, 2016, # 3 Exhibit C - Letter dated January 6, 2016, # 4 Exhibit D - Article Listing Litigation, # 5 Exhibit E - AIPLA, # 6 Exhibit F - Invoices)(Schachter, Adam) (Entered: 01/06/2017)	01/06/2017
30	ORDER REFERRING 25 Defendant's MOTION for Attorney Fees and Costs Pursuant to 35 U.S.C. § 285 and Memorandum in Support filed by 1A Auto, Inc.. Motions referred to Judge Alicia O. Valle Signed by Judge Beth Bloom on 1/6/2017. (lan) (Entered: 01/06/2017)	01/06/2017
31	CASE REFERRED to Magistrate Judge Alicia O. Valle per 30 Order. Motions referred to Judge Alicia O. Valle. (lan) (Entered: 01/06/2017)	01/06/2017
32	Unopposed MOTION for Leave to File Surreply by Shipping and Transit, LLC. (Attachments: # 1 Exhibit, # 2 Exhibit)(Dollard, Jason) (Entered: 01/12/2017)	01/12/2017
33	PAPERLESS ORDER granting 32 Motion for Leave to File Surreply. Signed by Judge Beth Bloom (BB) (Entered: 01/12/2017)	01/12/2017
34	Surreply to 29 Reply to Response to Motion, by Shipping and Transit, LLC. (Attachments: # 1 Exhibit)(Dollard, Jason) (Entered: 01/12/2017)	01/12/2017
35	Unopposed MOTION for Leave to File Response to Sur-Reply by 1A Auto, Inc.. (Attachments: # 1 Exhibit A - Defendant's [Proposed] Response to Plaintiff's Sur-Reply, # 2 Exhibit 1 - Declaration of Stephen T. Bychowski, # 3 Exhibit 2 - Declaration of Philip C. Swain)(Schachter, Adam) (Entered: 01/13/2017)	01/13/2017

#	Docket Text	Date Filed
36	PAPERLESS ORDER granting 35 Motion for Leave to File Response to Sur-reply. Counsel must separately re-file the amended pleading pursuant to Local Rule 15.1. Signed by Judge Beth Bloom (BB) (Entered: 01/14/2017)	01/14/2017
37	Defendant's RESPONSE to 34 Response/Reply (Other) by 1A Auto, Inc.. (Attachments: # 1 Exhibit 1 - Declaration of Stephen T. Bychowski, # 2 Exhibit 2 - Declaration of Philip C. Swain)(Schachter, Adam) (Entered: 01/17/2017)	01/17/2017
38	Notice of Supplemental Authority by 1A Auto, Inc. (Attachments: # 1 Exhibit A - Rothschild v. Guardian opinion) (Schachter, Adam) (Entered: 06/07/2017)	06/07/2017
39	PAPERLESS ORDER Setting Hearing on 25 Defendant's Motion for Attorney's Fees and Costs Pursuant to 35 U.S.C. § 285. The hearing is set for 6/15/2017 at 10:00 AM in Fort Lauderdale Division before Magistrate Judge Alicia O. Valle. At the hearing, Plaintiff should be prepared to respond to 38 Defendant's Notice of Supplemental Authority. Signed by Magistrate Judge Alicia O. Valle on 6/8/2017. (sd01) (Entered: 06/08/2017)	06/08/2017
40	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for PHILIP C. SWAIN. Filing Fee \$ 75.00 Receipt # 113C-9802961 by 1A Auto, Inc.. Responses due by 6/23/2017 (Attachments: # 1 Exhibit A - Certificate of Pro Hac Vice, # 2 Exhibit B - Proposed Order Granting Motion to Appear Pro Hac Vice.)(Schachter, Adam) (Entered: 06/09/2017)	06/09/2017
41	PAPERLESS ORDER granting 40 Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Attorney PHILIP C. SWAIN. Signed by Judge Beth Bloom (BB) (Entered: 06/09/2017)	06/09/2017
42	PAPERLESS NOTICE that the Motion Hearing set for Thursday, June 15, 2017 at 10:00 a.m. will be held in Courtroom 310B in the Fort Lauderdale Federal Courthouse. (lw1) (Entered: 06/14/2017)	06/14/2017
43	Notice of Supplemental Authority by Shipping and Transit, LLC (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit) (Dollard, Jason) (Entered: 06/14/2017)	06/14/2017
44	NOTICE by Shipping and Transit, LLC (Attachments: # 1 Exhibit) (Dollard, Jason) (Entered: 06/14/2017)	06/14/2017
45	Minute Entry for proceedings held before Magistrate Judge Alicia O. Valle: Motion Hearing held on 6/15/2017 re 25 Defendant's MOTION for Attorney Fees and Costs Pursuant to 35 U.S.C. § 285 and Memorandum in Support filed by 1A Auto, Inc. Oral arguments heard. Order to follow. **Attorney Appearances: Jason P. Dollard, Esq. present on behalf of the Plaintiff. Philip C. Swain, Esq. and Daniel S. Gelber, Esq. present on behalf of the Defendant. (Time in Court: 10:00AM-12:15PM) (Digital 10:24:51) (lw1) (Entered: 06/15/2017)	06/15/2017
46	Notice of Supplemental Authority by 1A Auto, Inc. (Attachments: # 1 Exhibit A - Advanced Ground Info., # 2 Exhibit B - Apotex, Inc., # 3 Exhibit C - Ultimate Combustion, # 4 Exhibit D - Defendant's Motion for Attorney's Fees, # 5 Exhibit E - Plaintiff's Response in Opposition to Motion for Attorneys' Fees, # 6 Exhibit F - Defendant's Reply to Opposition to Motion for Attorneys' Fees) (Gelber, Daniel) (Entered: 06/16/2017)	06/16/2017
47	Plaintiff's RESPONSE Regarding Defendant 1A Auto, Inc.'s Notice of Filing Supplemental Authority by Shipping and Transit, LLC. (Attachments: # 1 Exhibit)(Dollard, Jason) (Entered: 06/27/2017)	06/27/2017
48	Notice of Supplemental Authority by 1A Auto, Inc. (Attachments: # 1 Exhibit A - Civil Minutes) (Schachter, Adam) (Entered: 07/06/2017)	07/06/2017
49	Notice of Supplemental Authority by 1A Auto, Inc. (Attachments: # 1 Exhibit A - Magistrate Judge Brannons decision) (Schachter, Adam) (Entered: 07/11/2017)	07/11/2017
50	TRANSCRIPT of Hearing Proceedings held on 6/15/17 before Magistrate Judge Alicia O. Valle, 1-82 pages, Court Reporter: Bonnie J. Lewis, 305-523-5635. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/24/2017. Redacted Transcript Deadline set for 9/5/2017. Release of Transcript Restriction set for 11/1/2017. (Attachments: # 1 Designation Access Form)(hh) (Entered: 08/03/2017)	08/03/2017
51	REPORT AND RECOMMENDATION that 25 Defendant's Motion for Attorney Fees and Costs Pursuant to 35 U.S.C. § 285 be granted in part. Objections to R&R due by 10/10/2017. Signed by Magistrate Judge Alicia O. Valle on 9/26/2017. (Attachments: # 1 Exhibit 6-15-17 report of Plaintiff's cases in SDFLA) (sd01) (Entered: 09/26/2017)	09/26/2017
52	NOTICE by 1A Auto, Inc. re 25 Defendant's MOTION for Attorney Fees and Costs Pursuant to 35 U.S.C. § 285 and Memorandum in Support of Filing Supplemental Declaration of Philip C. Swain in support of Defendants Motion for Attorney Fees (Attachments: # 1 Exhibit Supplemental Declaration of Philip C. Swain) (Schachter, Adam) (Entered: 09/29/2017)	09/29/2017
53	ORDER ADOPTING REPORT AND RECOMMENDATIONS ; Adopting 51 Report and Recommendations ; granting in part 25 Motion for Attorney Fees Signed by Judge Beth Bloom on 10/18/17. (rms1) (Entered: 10/20/2017)	10/20/2017
54	Defendant's MOTION for clarification 53 Order on Report and Recommendations., Order on Motion for Attorney Fees or, in the Alternative, Supplemental Motion for Attorney Fees by 1A Auto, Inc.. Responses due by 11/13/2017 (Schachter, Adam) (Entered: 10/30/2017)	10/30/2017
55	AFFIDAVIT in Support re 54 Defendant's MOTION for clarification 53 Order on Report and Recommendations., Order on Motion for Attorney Fees or, in the Alternative, Supplemental Motion for Attorney Fees filed by 1A Auto, Inc.. (Attachments: # 1 Exhibit 1 - Foley Hoags Invoices, # 2 Exhibit 2 - Gelber Schachter & Greenberg Invoices, # 3 Exhibit 3 - J. Dollard Email, # 4 Exhibit 4 - Notice of Appeal)(Schachter, Adam) (Entered: 10/30/2017)	10/30/2017
56	PAPERLESS ORDER granting in part and denying in part 54 Motion for Clarification. To the extent that Defendant seeks fees, as reflected in its "Notice", ECF No. 52 , that were neither considered by the Magistrate Judge nor considered by the Court in its Order, ECF No. 53 , the Defendant shall file a separate motion seeking those fees. Signed by Judge Beth Bloom (BB) (Entered: 10/30/2017)	10/30/2017
57	Defendant's MOTION for Attorney Fees and Costs by 1A Auto, Inc.. Responses due by 12/12/2017 (Schachter, Adam) (Entered: 11/28/2017)	11/28/2017
58	AFFIDAVIT in Support re 57 Defendant's MOTION for Attorney Fees and Costs filed by 1A Auto, Inc.. (Attachments: # 1 Exhibit 1 - Foley Hoags Invoices, # 2 Exhibit 2 - Gelber Schachter & Greenberg Invoices, # 3 Exhibit 3 - J. Dollard Email, # 4 Exhibit 4 - Civil Minutes from Judge Andrew Gullford, # 5 Exhibit 5 - Declaration of Geoffrey M. Godfrey, # 6 Exhibit 6 - Plaintiffs Objections, # 7 Exhibit 7 - Defendants Reply, # 8 Exhibit 8 - Declaration of Geoffrey M. Godfrey)(Schachter, Adam) (Entered: 11/28/2017)	11/28/2017
59	Notification of Ninety Days Expiring by 1A Auto, Inc. re 57 Defendant's MOTION for Attorney Fees and Costs filed by 1A Auto, Inc. (Attachments: # 1 Affidavit Declaration of Philip C. Swain with Exhibits 1-3) (Schachter, Adam) (Entered: 02/28/2018)	02/28/2018
60	ORDER granting 57 Verified Motion for Additional Attorney Fees and Costs. Signed by Judge Beth Bloom on 3/9/2018. (ls) (Entered: 03/12/2018)	03/12/2018

#	Docket Text	Date Filed
61	Unopposed MOTION for Judgment by 1A Auto, Inc.. (Schachter, Adam) (Entered: 04/02/2018)	04/02/2018
62	ORDER granting Unopposed 61 Motion for Judgment. Signed by Judge Beth Bloom on 4/3/18. (rms1) (Entered: 04/03/2018)	04/03/2018
63	FINAL JUDGMENT in favor of 1A Auto, Inc. against Shipping and Transit, LLC Signed by Judge Beth Bloom on 4/3/18. (rms1) (Entered: 04/03/2018)	04/03/2018
64	Defendant's MOTION for Writ of Execution by 1A Auto, Inc.. Responses due by 8/3/2018 (Attachments: # 1 Exhibit A - Writ of Execution)(Schachter, Adam) (Entered: 07/20/2018)	07/20/2018
65	Writ of Execution issued as to SHIPPING AND TRANSIT, LLC re: 64 Motion for Writ filed by 1A Auto, Inc.. (cbr) (Entered: 07/23/2018)	07/23/2018
	SYSTEM ENTRY - Docket Entry 66 [motion] restricted/sealed until further notice. (933110) (Entered: 07/24/2018)	07/24/2018
	SYSTEM ENTRY - Docket Entry 67 [misc] restricted/sealed until further notice. (933110) (Entered: 07/24/2018)	07/24/2018
	SYSTEM ENTRY - Docket Entry 68 [order] restricted/sealed until further notice. (cbr) (Entered: 07/25/2018)	07/25/2018