

CJRA_B, CLOSED

U.S. District Court
Southern District of Illinois (East St. Louis)
CIVIL DOCKET FOR CASE #: 3:07-cv-00803-JPG-CJP

Digital Background Corporation v. Apple, Inc.
Assigned to: Judge J. Phil Gilbert
Referred to: Magistrate Judge Clifford J. Proud
Cause: 35:271 Patent Infringement

Date Filed: 11/14/2007
Date Terminated: 03/17/2008
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff**Digital Background Corporation**

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Counter Claimant

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V.

Counter Defendant

Digital Background Corporation

represented by **Paul A. Lesko**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Stephen C. Smith

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/14/2007	<u>1</u>	Case Opened. Filing fee paid \$ 350.00, Receipt Number 34625002417. Documents may now be electronically filed. Case number 07-803-DRH must be placed on all documents prior to filing them electronically. (Attachments: # <u>1</u> Notice to Consent by Magistrate Judge)(tkm) (Entered: 11/14/2007)
11/14/2007	<u>2</u>	COMPLAINT against Apple, Inc. (Filing fee \$ 350.), filed by Digital Background Corporation. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Civil Cover Sheet)(Lesko, Paul) (Entered: 11/14/2007)
11/14/2007	<u>3</u>	Corporate Disclosure Statement by Digital Background Corporation. (Lesko, Paul) (Entered: 11/14/2007)
11/16/2007	<u>4</u>	AO 120 Report on the filing or determination of an action regarding a Patent or Trademark. (tkm) (Entered: 11/16/2007)
11/16/2007	<u>5</u>	Summons Issued as to Apple, Inc. (tkm) (Entered: 11/16/2007)
12/04/2007	<u>6</u>	SUMMONS Returned Executed by Digital Background Corporation. Apple, Inc. served on 11/30/2007, answer due 12/20/2007. (Lesko, Paul) (Entered: 12/04/2007)

12/12/2007	<u>7</u>	ORDER OF RECUSAL. Judge David R Herndon recused. Case reassigned to Judge William D. Stiehl for all further proceedings. Signed by Judge David R Herndon on 12/12/07. (pab) (Entered: 12/12/2007)
12/18/2007	<u>8</u>	Consent MOTION for Extension of Time to File Answer <i>or Otherwise Plead</i> by Apple, Inc.. (Gutzler, Greg) (Entered: 12/18/2007)
12/19/2007	<u>9</u>	ORDER OF RECUSAL. Judge William D. Stiehl recused. Case reassigned to Judge J. Phil Gilbert for all further proceedings. Signed by Judge William D. Stiehl on 12/19/07. (jkb) (Entered: 12/19/2007)
12/24/2007	<u>10</u>	ORDER, Granting <u>8</u> Consent MOTION for Extension of Time up to 1/22/08 to File Answer <i>or Otherwise Plead</i> filed by Apple, Inc. Signed by Judge Clifford J. Proud on 12/21/07. (amv) (Entered: 12/24/2007)
12/26/2007	<u>11</u>	NOTICE of Appearance by Joseph P. Conran on behalf of Apple, Inc. (Conran, Joseph) (Entered: 12/26/2007)
12/28/2007	<u>12</u>	Motion and Order to Appear Pro Hac Vice granting appearance of Attorney Dutro E. Campbell, II for Apple, Inc. \$100.00 fee paid,receipt number 34625003273 (tkm) (Entered: 12/28/2007)
01/04/2008	<u>13</u>	NOTICE of Appearance by Dutro E. Campbell, II on behalf of Apple, Inc. (Campbell, Dutro) (Entered: 01/04/2008)
01/08/2008	<u>14</u>	ELECTRONIC ORDER by Judge J. Phil Gilbert re DOC. 11 filed by APPLE, INC. Party failed to file corporate disclosure as required by F.R.Civ.P. 7.1. Requisite filing must be made on or before 1/25/2008. Failure to do so may result in the striking of all present and future filings.Signed by Judge J. Phil Gilbert on 1/8/08. (kmb,)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 01/08/2008)
01/08/2008	<u>15</u>	NOTICE of Appearance by Stephen C. Smith on behalf of Digital Background Corporation (Smith, Stephen) (Entered: 01/08/2008)
01/09/2008	<u>16</u>	Corporate Disclosure Statement by Apple, Inc.. (Campbell, Dutro) (Entered: 01/09/2008)
01/16/2008	<u>17</u>	Motion and Order to Appear Pro Hac Vice granting appearance of Attorney Jason Anderson for Apple, Inc. \$100.00 fee paid,receipt number 34625003568 (tkm) (Entered: 01/16/2008)
01/16/2008	<u>18</u>	Motion and Order to Appear Pro Hac Vice granting appearance of Attorney Henry C. Bunsow for Apple, Inc. \$100.00 fee paid,receipt number 34625003568 (tkm) (Entered: 01/16/2008)
01/16/2008	<u>19</u>	Motion and Order to Appear Pro Hac Vice granting appearance of Attorney Christina M. Finn for Apple, Inc. \$100.00 fee paid,receipt number 34625003568 (tkm) (Entered: 01/16/2008)
01/16/2008	<u>20</u>	Motion and Order to Appear Pro Hac Vice granting appearance of Attorney Ryan Moran for Apple, Inc. \$100.00 fee paid,receipt number 34625003568 (tkm) (Entered: 01/16/2008)
01/16/2008	<u>21</u>	Motion and Order to Appear Pro Hac Vice granting appearance of Attorney James F. Valentine for Apple, Inc. \$100.00 fee paid,receipt number 34625003568 (tkm) (Entered: 01/16/2008)
01/17/2008	<u>22</u>	CJRA TRACK B assigned:Final Pretrial Conference set for 1/9/2009 at 09:30 AM in Benton Court House before Judge J. Phil Gilbert.,Jury Trial set for 1/20/2009 at 09:00 AM in Benton Court House before Judge J. Phil Gilbert. (by:kjr) (Entered: 01/17/2008)
01/18/2008	<u>23</u>	NOTICE of Scheduling and Discovery Conference: Telephone Scheduling/Discovery Conference set for 2/19/2008 10:00 AM in East St. Louis Court House before Mag/Judge Clifford J. Proud. (amv) (Entered: 01/18/2008)

01/22/2008	24	ANSWER to Complaint with Jury Demand, COUNTERCLAIM against Digital Background Corporation by Apple, Inc..(Conran, Joseph) (Entered: 01/22/2008)
02/06/2008	25	MOTION to Transfer Case by Apple, Inc.. (Attachments: # 1 Affidavit Declaration of Bruce Arthur, # 2 Affidavit Declaration of James F. Valentine, # 3 Exhibit 1, # 4 Exhibit 2, # 5 Exhibit 3, # 6 Exhibit 4, # 7 Exhibit 5, # 8 Exhibit 6, # 9 Exhibit 7, # 10 Exhibit 8, # 11 Exhibit 9, # 12 Certificate of Service)(Valentine, James) (Entered: 02/06/2008)
02/13/2008	26	NOTICE of Appearance by Katharine Anne Wark on behalf of Digital Background Corporation (Wark, Katharine) (Entered: 02/13/2008)
02/13/2008	27	NOTICE of Appearance by Ted N. Gianaris on behalf of Digital Background Corporation (Gianaris, Ted) (Entered: 02/13/2008)
02/14/2008	28	MOTION to Dismiss <i>Counterclaim Count III, or in the Alternative, Motion to Strike Counterclaim Count III of Defendant Apple, Inc.</i> by Digital Background Corporation. Responses due by 3/18/2008 (Lesko, Paul) (Entered: 02/14/2008)
02/14/2008	29	Minute Entry for proceedings held before Magistrate Judge Clifford J. Proud: The Court has received the Joint Report of the Parties. The Telephone Scheduling Conference set 2/19/08 is cancelled. (Court Reporter n/a.) (amv)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 02/14/2008)
02/25/2008	30	MEMORANDUM in Opposition re 25 MOTION to Transfer Case filed by Digital Background Corporation. (Attachments: # 1 Exhibit A – Apple Reports Fourth Quarter Results, # 2 Exhibit B – Westlaw – Apple Computer, Inc. v. Unova, Inc.; D.Del, 2003, # 3 Exhibit C – Excerpt, Apple, Inc.'s Form 10–K Filed with SEC, # 4 Exhibit D – List of Authorized Apple Resellers within Zip Code 62201)(Lesko, Paul) (Entered: 02/25/2008)
03/04/2008	31	REPLY to Response to Motion re 25 MOTION to Transfer Case filed by Apple, Inc.. (Attachments: # 1 Affidavit Declaration of Christina M. Finn, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Certificate of Service)(Valentine, James) (Entered: 03/04/2008)
03/17/2008	32	MOTION to Withdraw as Attorney by Digital Background Corporation. (Wark, Katharine) (Entered: 03/17/2008)
03/17/2008	33	MOTION to Withdraw as Attorney by Apple, Inc.. (Gutzler, Greg) (Entered: 03/17/2008)
03/17/2008	34	MEMORANDUM AND ORDER TRANSFERRING CASE TO OTHER DISTRICT: Case transferred to Northern District of California. Signed by Judge J. Phil Gilbert on 3/17/08. (dka,) (Entered: 03/18/2008)
03/18/2008	35	Letter to Northern District of California re case transfer (dka,) (Entered: 03/18/2008)
06/30/2008	36	Case electronically transferred to Northern District of California. (djs) (Entered: 06/30/2008)