

CLOSED, JURY, PATENT

**U.S. District Court [LIVE]
Eastern District of TEXAS (Marshall)
CIVIL DOCKET FOR CASE #: 2:07-cv-00031-LED**

Advanced Biological Laboratories, SA v. AmeriPath, Inc.
Assigned to: Judge Leonard Davis
Cause: 35:271 Patent Infringement

Date Filed: 01/25/2007
Date Terminated: 06/26/2008
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Mediator**James W Knowles**

represented by **James W Knowles**
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V.

Defendant

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*TERMINATED: 04/14/2008***LEAD ATTORNEY****Counter Claimant****AmeriPath, Inc.**

V.

Counter Defendant**Advanced Biological Laboratories, SA****Counter Claimant****AmeriPath, Inc.**

V.

Counter Defendant**Advanced Biological Laboratories, SA**

Date Filed	#	Docket Text
01/25/2007	1	COMPLAINT against AmeriPath, Inc. (Filing fee \$ 350 receipt number 1005305.), filed by Advanced Biological Laboratories, SA. (Attachments: # 1 Exhibit A# 2 Exhibit Exhibit B# 3 Civil Cover Sheet)(Ward, Thomas) (Entered: 01/25/2007)
01/25/2007	2	NOTICE by Advanced Biological Laboratories, SA of <i>Filing Patent/Trademark Form</i> (Attachments: # 1 Form AO120)(Ward, Thomas) (Entered: 01/25/2007)
01/25/2007		E-GOV SEALED SUMMONS Issued as to AmeriPath, Inc.. (ch,) (Entered: 01/25/2007)
01/30/2007	3	CORPORATE DISCLOSURE STATEMENT filed by Advanced Biological identifying None as Corporate Parent Laboratories, SA (Goldstein, Edward) Modified on 1/31/2007 (mpv,). (Entered: 01/30/2007)
02/27/2007	4	E-GOV SEALED SUMMONS Returned Executed by Advanced Biological Laboratories, SA. AmeriPath, Inc. served by CMRR on 2/22/2007, answer due 3/14/2007. (ch,) (Entered: 02/27/2007)

03/13/2007	5	MOTION for Extension of Time to File Answer re 1 Complaint [<i>Unopposed</i>] by AmeriPath, Inc.. (Attachments: # 1 Text of Proposed Order)(Jones, Michael) (Entered: 03/13/2007)
03/14/2007	6	ORDER granting 5 Motion for Extension of Time to Answer until 4/13/07. Signed by Judge Leonard Davis on 3/14/07. (djh,) (Entered: 03/14/2007)
04/12/2007	7	Second MOTION for Extension of Time to File Answer re 1 Complaint [<i>Unopposed</i>] by AmeriPath, Inc.. (Attachments: # 1 Text of Proposed Order)(Jones, Michael) (Entered: 04/12/2007)
04/16/2007	8	ORDER granting 7 Motion for Extension of Time to Answer. Dft. AmeriPath, Inc. deadline is extended to 4/30/07 . Signed by Judge Leonard Davis on 4/13/07. (ch,) (Entered: 04/16/2007)
04/16/2007		Answer Due Deadline Updated for AmeriPath, Inc. to 4/30/2007. (ch,) (Entered: 04/16/2007)
04/30/2007	9	ANSWER to Complaint with Jury Demand by AmeriPath, Inc..(Jones, Michael) (Entered: 04/30/2007)
05/18/2007	10	<i>First Amended</i> ANSWER to Complaint with Jury Demand, COUNTERCLAIM against all plaintiffs by AmeriPath, Inc..(Jones, Michael) (Entered: 05/18/2007)
06/01/2007	11	<i>Plaintiff's</i> ANSWER to Counterclaim of AmeriPath, Inc. by Advanced Biological Laboratories, SA.(Goldstein, Edward) (Entered: 06/01/2007)
07/06/2007	12	Notice of Scheduling Conference, Proposed Discovery Order and Proposed Dates for Docket Control Order Scheduling Conference set for 7/25/2007 3:00 PM before Judge Leonard Davis.. Signed by Judge Leonard Davis on 7/6/07. (ch,) (Entered: 07/06/2007)
07/18/2007	13	STIPULATION of the Parties Agreement by Advanced Biological Laboratories, SA. (Attachments: # 1 Exhibit A - Discovery Order# 2 Exhibit B - Docket Control Order) (Goldstein, Edward) (Entered: 07/18/2007)
07/20/2007	14	DISCOVERY ORDER . Signed by Judge Leonard Davis on 7/20/07. (ch,) (Entered: 07/20/2007)
07/20/2007	15	DOCKET CONTROL ORDER Amended Pleadings due by 6/26/2008. Discovery due by 7/10/2008.Markman Hearing set for 9/11/2008 9:00 AM before Judge Leonard Davis. Motions in limine due by 3/23/2009. Proposed Pretrial Order due by 1/29/2009. Jury Selection set for 4/7/2009 9:00AM before Judge Leonard Davis. Jury Trial set for 4/13/2009 9:00 AM before Judge Leonard Davis. Pretrial Conference set for 3/26/2009 9:00 AM before Judge Leonard Davis. Mediation to be completed by 11/30/07. All other deadlines are set forth herein. Signed by Judge Leonard Davis on 7/20/07. (ch,) (Entered: 07/20/2007)
07/20/2007	16	ORDER REFERRING CASE to Mediator. James W Knowles added as Mediator. Mediation to be completed by 1/30/07.. Signed by Judge Leonard Davis on 7/20/07. (ehs,) (Entered: 07/20/2007)
07/25/2007	17	APPLICATION to Appear Pro Hac Vice by Attorney Eugene M Gelernter for AmeriPath, Inc.(APPROVED) (FEE PAID) 6-1-10461. (ch,) (Entered: 07/25/2007)
08/16/2007	18	APPLICATION to Appear Pro Hac Vice by Attorney Chad J Peterman for AmeriPath, Inc. (APPROVED) (FEE PAID) 6-1-10699. (ch,) (Entered: 08/16/2007)

09/06/2007	19	AMENDED COMPLAINT against SmartGene, Inc., AmeriPath, Inc., filed by Advanced Biological Laboratories, SA. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Ward, Thomas) (Entered: 09/06/2007)
09/06/2007	20	E-GOV SEALED SUMMONS Issued as to SmartGene, Inc.. (ch,) (Entered: 09/06/2007)
09/07/2007	21	NOTICE of Disclosure by Advanced Biological Laboratories, SA of <i>Infringement Contentions and Initial Disclosures to Defendant, Ameripath, Inc.</i> (Goldstein, Edward) (Entered: 09/07/2007)
09/07/2007	22	MOTION to Amend/Correct 14 Order with regard to <i>Initial Disclosures [Unopposed]</i> by AmeriPath, Inc.. (Attachments: # 1 Text of Proposed Order)(Jones, Michael) (Entered: 09/07/2007)
09/10/2007	23	ORDER granting 22 Motion to Amend/Correct. The parties shall exchange Initial Disclosures by 9/21/07. Signed by Judge Leonard Davis on 9/10/07. (ch,) (Entered: 09/10/2007)
09/18/2007	24	E-GOV SEALED SUMMONS Returned Executed by Advanced Biological Laboratories, SA. SmartGene, Inc. served by CMRR on 9/10/2007, answer due 10/1/2007. (ch,) (Entered: 09/18/2007)
09/20/2007	25	ANSWER to Amended Complaint and, COUNTERCLAIM against Advanced Biological Laboratories, SA by AmeriPath, Inc..(Jones, Michael) (Entered: 09/20/2007)
09/21/2007	26	NOTICE of Disclosure by AmeriPath, Inc. <i>Notice of Initial Disclosures</i> (Jones, Michael) (Entered: 09/21/2007)
09/25/2007	27	NOTICE of Attorney Appearance by Richard Lyle Coffman on behalf of SmartGene, Inc. (Coffman, Richard) (Entered: 09/25/2007)
09/25/2007	28	MOTION for Extension of Time to File <i>Responsive Pleadings (Unopposed)</i> by SmartGene, Inc.. (Attachments: # 1 Text of Proposed Order)(Coffman, Richard) (Entered: 09/25/2007)
09/26/2007	29	ORDER granting 28 Motion for Extension of Time to File Responsive pleading. Deadline is extended to 10/31/07 . Signed by Judge Leonard Davis on 9/26/07. (ch,) (Entered: 09/26/2007)
09/26/2007		Answer Due Deadline Updated for SmartGene, Inc. to 10/31/2007. (ch,) (Entered: 09/26/2007)
10/04/2007	30	Joint MOTION for Extension of Time to Complete Discovery by Advanced Biological Laboratories, SA, AmeriPath, Inc.. (Attachments: # 1 Text of Proposed Order)(Jones, Michael) (Entered: 10/04/2007)
10/04/2007	31	<i>Plaintiff's</i> ANSWER to Counterclaim of <i>AmeriPath, Inc.</i> by Advanced Biological Laboratories, SA.(Goldstein, Edward) (Entered: 10/04/2007)
10/05/2007	32	ORDER granting 30 Motion for Extension of Time to Complete Discovery . Deadline for additional disclosures is extended to 11/5/07. The deadline for Dft Ameripath, Inc. to provide P.R. 3-3 Invalidity Contentions is extended to 11/21/07. Signed by Judge Leonard Davis on 10/5/07. (ch,) Modified on 10/5/2007 (ch,). (Entered: 10/05/2007)
10/31/2007	33	MOTION to Dismiss or, in the Alternative, Motion to Transfer by SmartGene, Inc.. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Proposed Order)(Coffman, Richard)

		(Entered: 10/31/2007)
11/05/2007	34	Joint MOTION for Extension of Time to Complete Discovery [<i>Additional Extension pursuant to Settlement Negotiations</i>] by Advanced Biological Laboratories, SA, AmeriPath, Inc.. (Attachments: # 1 Text of Proposed Order)(Jones, Michael) (Entered: 11/05/2007)
11/06/2007	35	ORDER granting 34 Motion for Extension of Time to Complete Discovery. Additional disclosure extended to 1/4/08, Ameripath Inc to provide PR 3-3 invalidity contentions deadline extended to 1/21/08, deadline for parties to complete mediation is extended to 1/28/08 . Signed by Judge Leonard Davis on 11/6/07. (ehs,) (Entered: 11/06/2007)
11/13/2007	36	MOTION for Extension of Time to File Response/Reply as to 33 MOTION to Dismiss <i>or, in the Alternative, Motion to Transfer and to Conduct Limited Discovery</i> by Advanced Biological Laboratories, SA. (Attachments: # 1 Text of Proposed Order) (Goldstein, Edward) (Entered: 11/13/2007)
11/14/2007	37	ORDER granting 36 Motion for Extension of Time to File Response/Reply re 33 MOTION to Dismiss <i>or, in the Alternative, Motion to Transfer</i> . Signed by Judge Leonard Davis on 11/14/07. (ch,) (Entered: 11/14/2007)
12/21/2007	38	Consent MOTION for Extension of Time to Complete Discovery by AmeriPath, Inc.. (Attachments: # 1 Text of Proposed Order)(Jones, Michael) (Entered: 12/21/2007)
12/27/2007	39	ORDER granting 38 Motion for Extension of Time to Complete Discovery. The deadline for Additional Disclosures is extended to February 4, 2008. The deadline for Defendant AMERIPATH, INC. to provide PR 3-3, Invalidity Contentions is extended to February 20, 2008. The deadline for parties to complete mediation is extended to February 27, 2008. Signed by Judge Leonard Davis on 12/27/07. (ehs,) (Entered: 12/27/2007)
01/14/2008	40	MOTION for Entry of Confidentiality Agreement and Stipulated Protective Order by SmartGene, Inc.. (Attachments: # 1 Exhibit A-Confidentiality Agreement)(Coffman, Richard) (Entered: 01/14/2008)
01/15/2008	41	ORDER granting 40 Confidentiality Agreement and Stipulated Protective Order. Signed by Judge Leonard Davis on 1/15/08. (ch,) (Entered: 01/15/2008)
02/04/2008	42	NOTICE of Disclosure by AmeriPath, Inc. of <i>Additional Disclosures</i> (Gardner, Allen) (Entered: 02/04/2008)
02/13/2008	43	NOTICE of Attorney Appearance by Allen Franklin Gardner on behalf of AmeriPath, Inc. (Gardner, Allen) (Entered: 02/13/2008)
02/14/2008	44	RESPONSE in Opposition re 33 MOTION to Dismiss <i>or, in the Alternative, Motion to Transfer Defendant SmartGene, Inc. filed by Advanced Biological Laboratories, SA.</i> (Attachments: # 1 Declaration of Alisa A. Lipski in Support of SmartGene's Motion to Dismiss# 2 Exhibit A - ABL's Opp to SmartGene Motion to Dismiss# 3 Exhibit B - ABL's Opp to SmartGene Motion to Dismiss)(Goldstein, Edward) (Entered: 02/14/2008)
02/15/2008	45	MOTION for Extension of Time to File <i>Reply to Plaintiff's Opposition to SmartGene, Inc.'s Motion to Dismiss or, in the Alternative, Motion to Transfer</i> by SmartGene, Inc.. (Attachments: # 1 Proposed Order)(Coffman, Richard) (Entered: 02/15/2008)
02/20/2008	46	Consent MOTION for an Extension of P.R. 3-3 and 3-4 Deadlines by AmeriPath, Inc.. (Attachments: # 1 Text of Proposed Order)(Gardner, Allen) (Entered: 02/20/2008)

02/20/2008	47	ORDER granting 45 Motion for Extension of Time to File brief. Pltf's deadline to file surreply extended to 3/7/08. Signed by Judge Leonard Davis on 2/20/08. (ehs,) (Entered: 02/20/2008)
02/22/2008	48	ORDER granting 46 Motion for extension of time to serve PR 3-3 Invalidity Contentions and accompanying PR 3-4 documents. Deadline extended to 3/6/08. Signed by Judge Leonard Davis on 2/22/08. (ehs,) (Entered: 02/22/2008)
02/25/2008	49	REPLY to Response to Motion re 33 MOTION to Dismiss <i>or, in the Alternative, Motion to Transfer</i> filed by SmartGene, Inc.. (Attachments: # 1 Exhibit A# 2 Exhibit B)(Coffman, Richard) (Entered: 02/25/2008)
03/05/2008	50	REPORT of Mediation by James W Knowles. Mediation result: SUSPENDED (Knowles, James) (Entered: 03/05/2008)
03/07/2008	51	NOTICE of Disclosure by AmeriPath, Inc. <i>regarding PR 3-3 and 3-4</i> (Gardner, Allen) (Entered: 03/07/2008)
03/13/2008		E-NOTICE of Hearing on Motion 33 MOTION to Dismiss <i>or, in the Alternative, Motion to Transfer</i> : Motion Hearing set for 3/25/2008 at 01:30 PM before Judge Leonard Davis. (rlf,) Modified on 3/13/2008 (rlf,). (Entered: 03/13/2008)
03/17/2008	52	MOTION re Notice of Hearing on Motion <i>to Reset Hearing (Unopposed)</i> by Advanced Biological Laboratories, SA. (Attachments: # 1 Text of Proposed Order)(Ward, Thomas) (Entered: 03/17/2008)
03/19/2008	53	ORDER granting 52 Motion to reset hearing. Motion hearing reset to 4/10/08 at 10:00 am. Signed by Judge Leonard Davis on 3/19/08. (ehs,) (Entered: 03/19/2008)
03/19/2008		Set/Reset Deadlines as to 33 MOTION to Dismiss <i>or, in the Alternative, Motion to Transfer</i> . Motion Hearing set for 4/10/2008 10:00 AM before Judge Leonard Davis. (ehs,) (Entered: 03/19/2008)
04/04/2008	54	NOTICE of Disclosure by AmeriPath, Inc. <i>regarding PR 4-1</i> (Gardner, Allen) (Entered: 04/04/2008)
04/04/2008	55	NOTICE of Disclosure by Advanced Biological Laboratories, SA <i>re Patent Rule 4.1</i> (Goldstein, Edward) (Entered: 04/04/2008)
04/07/2008	56	NOTICE of Disclosure by AmeriPath, Inc. <i>of Second Amended PR 4-1 Disclosures</i> (Gardner, Allen) (Entered: 04/07/2008)
04/10/2008	57	Minute Entry for proceedings held before Judge Leonard Davis : Motion Hearing held on 4/10/2008 re 33 MOTION to Dismiss <i>or, in the Alternative, Motion to Transfer</i> filed by SmartGene, Inc. (Court Reporter Shea Sloan.) (rlf,) (Entered: 04/10/2008)
04/14/2008	58	MEMORANDUM AND OPINION AND ORDER - the court memorializes its ruling from the bench and grants SmartGene USA's Motion to Dismiss. Signed by Judge Leonard Davis on 4/14/08. (ch,) (Entered: 04/14/2008)
04/30/2008	59	Consent MOTION for Leave to File Supplemental Invalidity Contentions by AmeriPath, Inc.. (Attachments: # 1 Supplemental Invalidity Contentions# 2 Text of Proposed Order)(Gardner, Allen) (Entered: 04/30/2008)
05/02/2008	60	ORDER granting 59 Motion for leaave to supplement its invalidity contentions. Signed by Judge Leonard Davis on 5/2/08. (ehs,) (Entered: 05/02/2008)
05/08/2008	61	NOTICE by AmeriPath, Inc. <i>Regarding Service of Supplemental Invalidity</i>

		<i>Contentions</i> (Gardner, Allen) (Entered: 05/08/2008)
05/23/2008	62	NOTICE of Disclosure by AmeriPath, Inc. of <i>PR 4-2</i> (Jones, Michael) (Entered: 05/23/2008)
05/23/2008	63	NOTICE of Disclosure by Advanced Biological Laboratories, SA <i>regarding Patent Local Rule 4-2 (Preliminary Claim Construction and Extrinsic Evidence)</i> (Goldstein, Edward) (Entered: 05/23/2008)
05/30/2008	64	Consent MOTION for Extension of Time to Complete Discovery by Advanced Biological Laboratories, SA. (Attachments: # 1 Text of Proposed Order)(Goldstein, Edward) (Entered: 05/30/2008)
06/02/2008	65	ORDER granting 64 Motion for Extension of Time to Complete Discovery. Deadline extended to 7/30/08. Signed by Judge Leonard Davis on 6/2/08. (ehs,) (Entered: 06/02/2008)
06/02/2008		E-NOTICE of Hearing:Markman Hearing set for 9/11/2008 at 9:00 am HAS BEEN CONTINUED AND MARKMAN HEARING IS RESET TO 9/10/2008 at 09:30 AM before Judge Leonard Davis. (rlf,) (Entered: 06/02/2008)
06/10/2008	66	Joint MOTION for Extension of Time to Amend 15 Order,,, Set Deadlines/Hearings,, <i>and</i> , Joint MOTION for Extension of Time to Complete Discovery by Advanced Biological Laboratories, SA, AmeriPath, Inc.. (Attachments: # 1 Text of Proposed Order)(Jones, Michael) (Entered: 06/10/2008)
06/11/2008	67	ORDER granting 66 Motion for Extension of Time to Amend ; granting 66 Motion for Extension of Time to Complete Discovery. Signed by Judge Leonard Davis on 6/11/08. (ch,) (Entered: 06/11/2008)
06/25/2008	68	Joint MOTION to Dismiss by Advanced Biological Laboratories, SA. (Attachments: # 1 Text of Proposed Order)(Goldstein, Edward) (Entered: 06/25/2008)
06/26/2008	69	ORDER granting 68 Motion to Dismiss all claims and counter claims against the parties withy prejudice and without costs or attorneys' fees. Signed by Judge Leonard Davis on 6/26/08. (ehs,) (Entered: 06/26/2008)