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United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 6,1 (Chicago)
CIVIL DOCKET FOR CASE #: 1:15-cv-03702

Shuffle Tech International LLC et al v. Scientific Games
Corporation et al
Assigned to: Honorable Matthew F. Kennelly
Cause: 28:2201 Declaratory Judgement

Date Filed: 04/28/2015

Jury Demand: Both

Nature of Suit: 110 Contract: Insurance

Jurisdiction: Federal Question

Plaintiff

Shuffle Tech International LLC
an Illinois limited liability company

represented by **David L. Ter Molen**

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Plaintiff

Aces Up Gaming, Inc.
a Colorado corporation

represented by **David L. Ter Molen**
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Michael Edward Crawford
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Robert A. Rowan
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ATTORNEY TO BE NOTICED

Plaintiff

Poydras-Talrick Holdings LLC
a Delaware limited liability company

represented by **David L. Ter Molen**
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Jacob D Koering
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Michael Edward Crawford
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Robert A. Rowan
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ATTORNEY TO BE NOTICED

V.

Defendant

Scientific Games Corporation
a Delaware corporation

represented by **David Kenneth Callahan**
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TERMINATED: 07/20/2015
PRO HAC VICE

Defendant

Bally Technologies, Inc.
a Nevada corporation
doing business as
SHFL Entertainment
doing business as
Shuffle Master

represented by **David Kenneth Callahan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kimball Richard Anderson
(See above for address)
TERMINATED: 07/20/2015
LEAD ATTORNEY

Sean M. Berkowitz
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Anthony DeMarco Pesce
(See above for address)
TERMINATED: 07/20/2015

Hanno F. Kaiser
(See above for address)
PRO HAC VICE

ATTORNEY TO BE NOTICED

Howard Shin

(See above for address)

TERMINATED: 07/20/2015

PRO HAC VICE

Defendant

Bally Gaming, Inc.

doing business as

Bally Gaming and Systems

represented by **David Kenneth Callahan**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Kimball Richard Anderson

(See above for address)

TERMINATED: 07/20/2015

LEAD ATTORNEY

Sean M. Berkowitz

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Anthony DeMarco Pesce

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TERMINATED: 07/20/2015

Hanno F. Kaiser

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ATTORNEY TO BE NOTICED

Howard Shin

(See above for address)

TERMINATED: 07/20/2015

PRO HAC VICE

Date Filed	#	Docket Text
04/28/2015	<u>1</u>	COMPLAINT; jury demand. Filing fee #400, receipt # 0752-10585160. by Aces Up Gaming, Inc., Poydras-Talrick Holdings LLC, Shuffle Tech International LLC (Attachments: # <u>1</u> Exhibit US Pat No 6651982, # <u>2</u> Exhibit US Pat No 7523935) (Koering, Jacob) (Entered: 04/28/2015)
04/28/2015	<u>2</u>	CIVIL Cover Sheet (Koering, Jacob) (Entered: 04/28/2015)

04/28/2015	3	ATTORNEY Appearance for Plaintiffs Aces Up Gaming, Inc., Poydras-Talrick Holdings LLC, Shuffle Tech International LLC by Jacob D Koering (Koering, Jacob) (Entered: 04/28/2015)
04/28/2015	4	ATTORNEY Appearance for Plaintiffs Aces Up Gaming, Inc., Poydras-Talrick Holdings LLC, Shuffle Tech International LLC by Jonathan Hill (Hill, Jonathan) (Entered: 04/28/2015)
04/28/2015	5	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Shuffle Tech International LLC (Koering, Jacob) (Entered: 04/28/2015)
04/28/2015	6	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Aces Up Gaming, Inc. (Koering, Jacob) (Entered: 04/28/2015)
04/28/2015	7	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Poydras-Talrick Holdings LLC (Koering, Jacob) (Entered: 04/28/2015)
04/28/2015	8	Plaintiffs' Notice of Clams Involving Patents Pursuant to Local Rule 3.4 STATEMENT by Aces Up Gaming, Inc., Poydras-Talrick Holdings LLC, Shuffle Tech International LLC (Koering, Jacob) (Entered: 04/28/2015)
04/29/2015		CASE ASSIGNED to the Honorable Matthew F. Kennelly. Designated as Magistrate Judge the Honorable Cole. (daj,) (Entered: 04/29/2015)
04/29/2015	9	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-10590695. (Crawford, Michael) (Entered: 04/29/2015)
04/29/2015	10	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-10590891. <i>for Robert A. Rowan</i> (Crawford, Michael) (Entered: 04/29/2015)
04/29/2015	11	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-10590922. <i>for Joseph S. Presta</i> (Crawford, Michael) (Entered: 04/29/2015)
04/29/2015		SUMMONS Issued as to Defendants Bally Gaming, Inc., Bally Technologies, Inc., Scientific Games Corporation (pg,) (Entered: 04/29/2015)
04/30/2015	12	REQUEST for Clerk of Court to refund filing fee in the amount of \$50.00, receipt no. 0752-10590632, <i>for duplicate payment for pro hac vice motion</i> (Crawford, Michael) (Entered: 04/30/2015)
05/12/2015	13	SUMMONS Returned Executed by Shuffle Tech International LLC, Poydras-Talrick Holdings LLC, Aces Up Gaming, Inc. (Koering, Jacob) (Entered: 05/12/2015)
05/12/2015	14	SUMMONS Returned Executed by Shuffle Tech International LLC, Poydras-Talrick Holdings LLC, Aces Up Gaming, Inc. (Koering, Jacob) (Entered: 05/12/2015)
05/12/2015	15	SUMMONS Returned Executed by Shuffle Tech International LLC, Poydras-Talrick Holdings LLC, Aces Up Gaming, Inc. (Koering, Jacob) (Entered: 05/12/2015)
05/18/2015	16	ATTORNEY Appearance for Defendants Bally Gaming, Inc., Bally Technologies, Inc., Scientific Games Corporation by Kimball Richard Anderson (Anderson, Kimball) (Entered: 05/18/2015)

05/18/2015	17	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-10654253. (Shin, Howard) (Entered: 05/18/2015)
05/19/2015	18	ATTORNEY Appearance for Defendants Bally Gaming, Inc., Bally Technologies, Inc., Scientific Games Corporation by Anthony DeMarco Pesce (Pesce, Anthony) (Entered: 05/19/2015)
05/20/2015	19	MOTION by Defendants Bally Gaming, Inc., Bally Technologies, Inc., Scientific Games Corporation for extension of time to file answer (<i>UNOPPOSED</i>) (Anderson, Kimball) (Entered: 05/20/2015)
05/20/2015	20	NOTICE of Motion by Kimball Richard Anderson for presentment of motion for extension of time to file answer 19 before Honorable Matthew F. Kennelly on 5/26/2015 at 09:30 AM. (Anderson, Kimball) (Entered: 05/20/2015)
05/22/2015	21	MINUTE entry before the Honorable Matthew F. Kennelly: Unopposed motion for extension of time is granted; response to complaint is to be filed by 6/12/2015. In addition, the applications to appear pro hac vice filed by attorneys Michael Crawford, Robert Rowan, Joseph Presta, and Howard Shin are all granted. Each of these attorneys is directed to promptly contact the Clerk of Court to establish an e-filing account in this district. (mk) (Entered: 05/22/2015)
06/05/2015	22	ATTORNEY Appearance for Defendants Bally Gaming, Inc., Bally Technologies, Inc., Scientific Games Corporation by David Kenneth Callahan (Callahan, David) (Entered: 06/05/2015)
06/05/2015	23	ATTORNEY Appearance for Defendants Bally Gaming, Inc., Bally Technologies, Inc., Scientific Games Corporation by Sean M. Berkowitz (Berkowitz, Sean) (Entered: 06/05/2015)
06/05/2015	24	MOTION by Defendants Bally Gaming, Inc., Bally Technologies, Inc., Scientific Games Corporation for extension of time to file answer regarding other, 1 (Callahan, David) (Entered: 06/05/2015)
06/05/2015	25	NOTICE of Motion by David Kenneth Callahan for presentment of motion for extension of time to file answer, motion for relief 24 before Honorable Matthew F. Kennelly on 6/10/2015 at 09:30 AM. (Callahan, David) (Entered: 06/05/2015)
06/07/2015	26	MINUTE entry before the Honorable Matthew F. Kennelly: Initial status hearing is set to 9:00 a.m. on 7/7/2015 before Judge Kennelly, in Chambers, Room 2188. Parties are to review and comply with Judge Kennelly's standing initial order, which may be found on his web page, located at http://www.ilnd.uscourts.gov/home/JUDGES/KENNELLY/INIT-ORD.htm . (mk) (Entered: 06/07/2015)
06/08/2015	27	MINUTE entry before the Honorable Matthew F. Kennelly: Defendants' unopposed motion for extension of time 24 is granted; response to complaint is to be filed by 6/26/2015. (mk) (Entered: 06/08/2015)
06/10/2015	28	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-10738999. (Yates, Christopher) (Entered: 06/10/2015)

06/26/2015	29	CORPORATE Disclosure Statement by Bally Gaming, Inc., Bally Technologies, Inc., Scientific Games Corporation - Scientific Games Corporation (Berkowitz, Sean) Docket Text Modified by Clerk's Office on 6/30/2015 (jh,) (Entered: 06/26/2015)
06/26/2015	30	CORPORATE Disclosure Statement by Bally Gaming, Inc., Bally Technologies, Inc., Scientific Games Corporation - <i>Bally Technologies, Inc.</i> (Berkowitz, Sean) Docket Text Modified by Clerk's Office on 6/30/2015 (jh,). (Entered: 06/26/2015)
06/26/2015	31	CORPORATE Disclosure Statement by Bally Gaming, Inc., Bally Technologies, Inc., Scientific Games Corporation - <i>Bally Gaming, Inc.</i> (Berkowitz, Sean) Docket Text Modified by Clerk's Office on 6/30/2015 (jh,). (Entered: 06/26/2015)
06/26/2015	32	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, MOTION by Defendants Bally Gaming, Inc., Scientific Games Corporation, Bally Technologies, Inc. to dismiss for lack of jurisdiction (Berkowitz, Sean) (Entered: 06/26/2015)
06/26/2015	33	MEMORANDUM by Bally Gaming, Inc., Bally Technologies, Inc., Scientific Games Corporation in support of Motion to Dismiss for Failure to State a Claim, motion to dismiss/lack of jurisdiction 32 (Berkowitz, Sean) (Entered: 06/26/2015)
06/26/2015	34	Request for Judicial Notice in Support of Defendants' Motion to Dismiss Plaintiffs' Complaint by Bally Gaming, Inc., Bally Technologies, Inc., Scientific Games Corporation (Berkowitz, Sean) (Entered: 06/26/2015)
06/26/2015	35	NOTICE of Motion by Sean M. Berkowitz for presentment of Motion to Dismiss for Failure to State a Claim, motion to dismiss/lack of jurisdiction 32 before Honorable Matthew F. Kennelly on 7/2/2015 at 09:30 AM. (Berkowitz, Sean) (Entered: 06/26/2015)
07/02/2015	36	MINUTE entry before the Honorable Matthew F. Kennelly: Motion hearing held on 7/2/2015 regarding Motion to Dismiss 32 . Responses due by 7/17/2015; replies due by 7/30/2015. Plaintiffs are given leave to file a response of up to 20 pages. The time for the 7/7/2015 status hearing is advanced to 8:45 a.m. and is converted to a telephone status hearing, to be initiated by the parties. Motion to dismiss is entered and continued to the 7/7/2015 telephone status hearing. Mailed notice. (png,) (Entered: 07/02/2015)
07/07/2015	37	MINUTE entry before the Honorable Matthew F. Kennelly: Telephone status hearing held on 7/7/2015 with attorneys for both sides. Defendants withdraw argument C from their memorandum in support of their motion to dismiss. Plaintiffs' response and defendants' reply are limited to 15 pages each. Telephone status hearing, to be initiated by the parties, is set for 9/16/2015 at 9:00 a.m. Mailed notice. (png,) (Entered: 07/07/2015)
07/07/2015	38	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 50, receipt number 0752-10836333. (Kaiser, Hanno) (Entered: 07/07/2015)
07/07/2015	39	NOTICE of Motion by Hanno F. Kaiser for presentment of motion to appear pro hac vice 38 , motion to appear pro hac vice 28 before Honorable Matthew F. Kennelly on 7/14/2015 at 09:30 AM. (Kaiser, Hanno) (Entered: 07/07/2015)
07/12/2015	40	MINUTE entry before the Honorable Matthew F. Kennelly: The applications of Christopher Yates and Hanno Kaiser to appear pro hac vice are both granted. These

		attorneys are directed to promptly contact the Clerk of Court to establish e-filing accounts in this district. (mk) (Entered: 07/12/2015)
07/14/2015	41	MOTION by Attorney Kimball R. Anderson, Anthony D. Pesce, Howard I. Shin to withdraw as attorney for Bally Gaming, Inc., Bally Technologies, Inc., Scientific Games Corporation. No party information provided (Anderson, Kimball) (Entered: 07/14/2015)
07/14/2015	42	NOTICE of Motion by Kimball Richard Anderson for presentment of motion to withdraw as attorney 41 before Honorable Matthew F. Kennelly on 7/21/2015 at 09:30 AM. (Anderson, Kimball) (Entered: 07/14/2015)
07/17/2015	43	MEMORANDUM by Aces Up Gaming, Inc., Poydras-Talrick Holdings LLC, Shuffle Tech International LLC in Opposition to Motion to Dismiss for Failure to State a Claim, motion to dismiss/lack of jurisdiction 32 (Attachments: # 1 Exhibit A-Master License, # 2 Exhibit B-License Amendment)(Crawford, Michael) (Entered: 07/17/2015)
07/17/2015	44	PETITION memorandum in opposition to motion, 43 <i>Request for judicial notice in support of Plaintiffs' motion to dismiss complaint</i> (Attachments: # 1 Exhibit C-DigiDeal Certificate of Interested Parties, # 2 Exhibit D-Docket report excerpt)(Crawford, Michael) (Entered: 07/17/2015)
07/20/2015	45	MINUTE entry before the Honorable Matthew F. Kennelly: Defendants' motion to withdraw the appearances of Howard Shin, Kimball Anderson, and Anthony Pesce is granted. (mk) (Entered: 07/20/2015)
07/30/2015	46	REPLY by Defendants Bally Gaming, Inc., Bally Technologies, Inc., Scientific Games Corporation to Motion to Dismiss for Failure to State a Claim, motion to dismiss/lack of jurisdiction 32 (Berkowitz, Sean) (Entered: 07/30/2015)
09/15/2015	47	MINUTE entry before the Honorable Matthew F. Kennelly: At the Court's instance, the status hearing set for 9/16/2015 is vacated and reset to 10/14/2015 at 9:00 AM. (mk) (Entered: 09/15/2015)
10/12/2015	48	MEMORANDUM OPINION AND ORDER signed by the Honorable Matthew F. Kennelly on 10/12/2015: For the reasons stated in the accompanying decision, the Court grants defendants' motion to dismiss Counts 1, 3, 4, 5, and 6 and denies defendants' motion as it pertains to Count 2 [dkt. no. 32]. The Court also dismisses all claims against defendant Scientific Games Corporation. The case remains set for a status hearing on 10/14/2015 as previously ordered. The Court will set a discovery schedule at that time. (mk) (Entered: 10/12/2015)
10/14/2015	49	MINUTE entry before the Honorable Matthew F. Kennelly: Telephone status hearing held on 10/14/2015 with attorneys for both sides. Rule 26(a)(1) disclosures are to be made by 11/4/2015. Telephone status hearing, to be initiated by the parties, is set for 11/9/2015 at 9:00 a.m. for the purpose of setting a schedule for completing fact and expert discovery. Mailed notice. (png,) (Entered: 10/14/2015)
10/26/2015	50	<i>First</i> AMENDED complaint by Shuffle Tech International LLC, Poydras-Talrick Holdings LLC, Aces Up Gaming, Inc. against Bally Gaming, Inc., Bally Technologies, Inc., Scientific Games Corporation <i>for Damages and Other Relief for Violation of Section 2 of the Sherman Act</i> (Attachments: # 1 Exhibit 1 - U.S. 6,651,982, # 2 Exhibit 2 - U.S. 7,523,935)(Rowan, Robert) (Entered: 10/26/2015)

10/30/2015	51	MOTION by Defendants Bally Gaming, Inc., Bally Technologies, Inc., Scientific Games Corporation for extension of time to file answer regarding amended complaint, 50 (<i>Unopposed</i>) (Callahan, David) (Entered: 10/30/2015)
10/30/2015	52	NOTICE of Motion by David Kenneth Callahan for presentment of motion for extension of time to file answer, motion for relief 51 before Honorable Matthew F. Kennelly on 11/4/2015 at 09:30 AM. (Callahan, David) (Entered: 10/30/2015)
11/03/2015	53	MINUTE entry before the Honorable Matthew F. Kennelly: Unopposed motion for extension of time 51 is granted; response to amended complaint is to be filed by 11/16/2015. The case remains set for a status hearing on 11/9/2015 for the purpose of setting a discovery schedule. (mk) (Entered: 11/03/2015)
11/05/2015	54	MOTION by Defendants Bally Gaming, Inc., Bally Technologies, Inc., Scientific Games Corporation to Sequence Discovery (Berkowitz, Sean) (Entered: 11/05/2015)
11/05/2015	55	NOTICE of Motion by Sean M. Berkowitz for presentment of motion for miscellaneous relief 54 before Honorable Matthew F. Kennelly on 11/10/2015 at 09:30 AM. (Berkowitz, Sean) (Entered: 11/05/2015)
11/06/2015	56	ATTORNEY Appearance for Plaintiffs Aces Up Gaming, Inc., Poydras-Talrick Holdings LLC, Shuffle Tech International LLC by David L. Ter Molen (Ter Molen, David) (Entered: 11/06/2015)
11/09/2015	57	MINUTE entry before the Honorable Matthew F. Kennelly: Telephone status hearing held on 11/9/2015 with attorneys for both sides. The 11/10/2015 hearing on defendants' motion to sequence discovery is moved to 10:30 a.m. on that date. Mailed notice. (pg,) (Entered: 11/09/2015)
11/09/2015	58	ATTORNEY Appearance for Plaintiffs Aces Up Gaming, Inc., Poydras-Talrick Holdings LLC, Shuffle Tech International LLC by Jeffery Moore Cross (Cross, Jeffery) (Entered: 11/09/2015)
11/10/2015	59	MINUTE entry before the Honorable Matthew F. Kennelly: Motion hearing held on 11/10/2015. Motion to sequence discovery 54 is denied for reasons stated in open court. Joint status report to be filed by 11/30/2015. Telephone status hearing, to be initiated by the parties, is set for 12/1/2015 at 9:00 a.m. Mailed notice. (pg,) (Entered: 11/12/2015)
11/16/2015	60	ANSWER to amended complaint by Bally Gaming, Inc., Bally Technologies, Inc., Scientific Games Corporation(Berkowitz, Sean) (Entered: 11/16/2015)
11/19/2015	61	TRANSCRIPT OF PROCEEDINGS held on November 10, 2015 before the Honorable Matthew F. Kennelly. Court Reporter Contact Information: Carolyn Cox, Carolyn_Cox@ilnd.uscourts.gov. IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.

		Redaction Request due 12/10/2015. Redacted Transcript Deadline set for 12/21/2015. Release of Transcript Restriction set for 2/17/2016. (Cox, Carolyn) (Entered: 11/19/2015)
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