

IN THE  
**Supreme Court of the United States**

---

TC HEARTLAND, LLC D/B/A/  
HEARTLAND FOOD PRODUCTS GROUP,

*Petitioner,*

*v.*

KRAFT FOODS GROUP BRANDS LLC,

*Respondent.*

---

ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE FEDERAL CIRCUIT

---

---

**APPENDIX TO BRIEF OF THE INTELLECTUAL PROPERTY  
LAW ASSOCIATION OF CHICAGO AS *AMICUS CURIAE* IN  
SUPPORT OF NEITHER PETITIONER NOR RESPONDENT**

---

---

SERENA PRUITT  
*President*  
THE INTELLECTUAL PROPERTY  
LAW ASSOCIATION OF CHICAGO  
P.O. Box 472  
Chicago, IL 60609

ROBERT H. RESIS\*  
CHARLES W. SHIFLEY  
BANNER & WITCOFF, LTD.  
10 South Wacker Drive  
Suite 3000  
Chicago, IL 60606  
(312) 463-5000  
RResis@bannerwitcoff.com

DONALD W. RUPERT  
MARSHALL, GERSTEIN  
& BOURN LLP  
233 South Wacker Drive  
6300 Willis Tower  
Chicago, IL 60606  
(312) 474-6300

*\*Counsel of Record*

---

---

## Appendix I

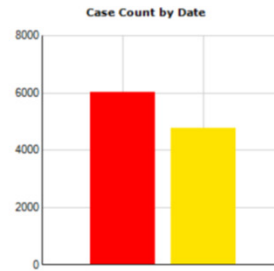
LexisNexis® CourtLink®  
 Nature of Suit Strategic Profile  
 Property Rights - Patent (830)  
 1/1/2015 - 12/31/2016  
 10782 Case(s)  
 All Courts

The following represents an analysis of **Property Rights - Patent (830)** cases filed in the following courts for **All Courts**.

**GENERAL OVERVIEW****Total Cases Filed**

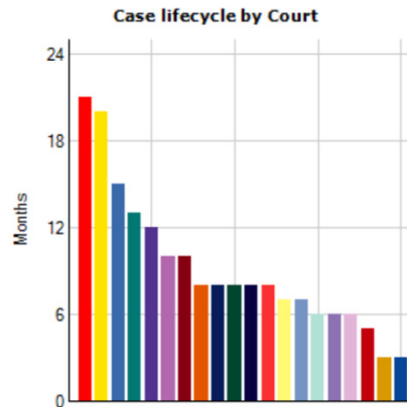
Total Cases Filed - Between 1/1/2015 and 12/31/2016, **Property Rights - Patent (830)** cases were filed with the following distribution based on date filed. These cases are restricted to those filed in **All Courts**.

Period	Count	Percent	Legend
2015	6028	55.91%	■
2016	4754	44.09%	■









**Case lifecycle by Court**

Time to resolution by court - Below is the average case duration for **Property Rights - Patent (830)** that were filed between 1/1/2015 and 12/31/2016, as measured from initial case filing date to judgment date. Cases that do not have online judgment data available are not included.

Court	Duration	Legend
New Jersey	1 year(s)	■
Massachusetts	1 yr, 1 mo	■
Florida - Middle	1 yr, 3 mo	■
New York - Eastern	1 yr, 8 mo	■



2a

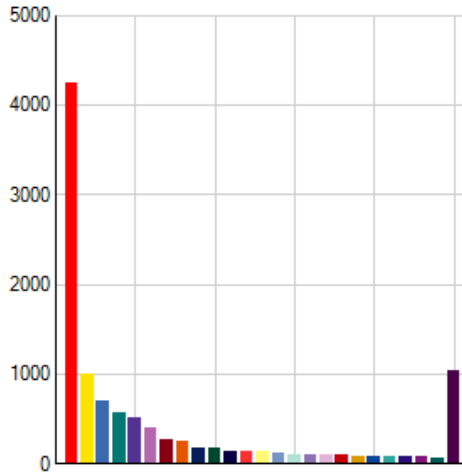
Washington - Western	6 month(s)	
Colorado	7 month(s)	
North Carolina - Eastern	7 month(s)	
California - Central	8 month(s)	
California - Southern	8 month(s)	
Florida - Southern	8 month(s)	
Texas - Northern	8 month(s)	
Virginia - Eastern	8 month(s)	

Total Cases Filed By Court

Total Cases Filed - Between 1/1/2015 and 12/31/2016, 10782 total Property Rights - Patent (830) cases were filed in the following Courts for the period

Court	Count	Percent	Legend
Alaska	1	0.01%	■
Maine	1	0.01%	■
South Dakota	1	0.01%	■
Alabama - Southern	2	0.02%	■
Georgia - Southern	2	0.02%	■
Mississippi - Northern	2	0.02%	■
New Mexico	2	0.02%	■
Oklahoma - Northern	2	0.02%	■
Washington - Eastern	2	0.02%	■
West Virginia - Southern	2	0.02%	■
Alabama - Middle	3	0.03%	■
Illinois - Southern	3	0.03%	■
Louisiana - Middle	3	0.03%	■
North Dakota	3	0.03%	■
Montana	4	0.04%	■
Vermont	4	0.04%	■
Arkansas - Western	5	0.05%	■
Hawaii	5	0.05%	■
Illinois - Central	5	0.05%	■
New Hampshire	5	0.05%	■
Iowa - Northern	6	0.06%	■
Kentucky - Eastern	7	0.06%	■
Kentucky - Western	7	0.06%	■
Louisiana - Eastern	7	0.06%	■
Mississippi - Southern	7	0.06%	■
Tennessee - Middle	7	0.06%	■
Georgia - Middle	8	0.07%	■
Oklahoma - Western	8	0.07%	■
Rhode Island	8	0.07%	■

Case Count by Court



The top 24 Court (by case count) are represented by individual bars in the chart. The remaining Court are aggregated in the right-most bar, shown in dark purple color.

Alabama - Northern	9	0.08%	■
Idaho	9	0.08%	■
Tennessee - Eastern	9	0.08%	■
New York - Northern	10	0.09%	■
Virginia - Western	10	0.09%	■
South Carolina	11	0.10%	■
Dist. Of Columbia	12	0.11%	■
Iowa - Southern	12	0.11%	■
Nebraska	12	0.11%	■
Arkansas - Eastern	13	0.12%	■
Florida - Northern	13	0.12%	■
Louisiana - Western	13	0.12%	■
Missouri - Western	14	0.13%	■
Indiana - Northern	16	0.15%	■
Puerto Rico	16	0.15%	■
Tennessee - Western	17	0.16%	■
California - Eastern	19	0.18%	■
Kansas	21	0.19%	■
New York - Western	24	0.22%	■
Michigan - Western	26	0.24%	■
Missouri - Eastern	26	0.24%	■
Pennsylvania - Western	28	0.26%	■
Wisconsin - Western	29	0.27%	■
West Virginia - Northern	30	0.28%	■
Indiana - Southern	33	0.31%	■
Pennsylvania - Middle	33	0.31%	■
North Carolina - Middle	34	0.32%	■
North Carolina - Eastern	35	0.32%	■
Ohio - Southern	37	0.34%	■
Oregon	38	0.35%	■
Wisconsin - Eastern	43	0.40%	■
North Carolina - Western	46	0.43%	■
Pennsylvania - Eastern	46	0.43%	■

Maryland	55	0.51%	■
Arizona	59	0.55%	■
Connecticut	69	0.64%	■
Nevada	70	0.65%	■
Texas - Southern	75	0.70%	■
Ohio - Northern	78	0.72%	■
New York - Eastern	83	0.77%	■
Washington - Western	83	0.77%	■
Colorado	93	0.86%	■
Minnesota	94	0.87%	■
Texas - Western	101	0.94%	■
Utah	103	0.96%	■
Georgia - Northern	107	0.99%	■
Virginia - Eastern	115	1.07%	■
Michigan - Eastern	132	1.22%	■
Massachusetts	135	1.25%	■
Florida - Middle	149	1.38%	■
Texas - Northern	178	1.65%	■
California - Southern	180	1.67%	■
New York - Southern	258	2.39%	■
Florida - Southern	266	2.47%	■
Illinois - Northern	401	3.72%	■
New Jersey	517	4.80%	■
California - Central	567	5.26%	■
California - Northern	701	6.50%	■
Delaware	1003	9.30%	■
Texas - Eastern	4244	39.36%	■

## Appendix II

Docket Navigator Search Results Docket Navigator available at  
<http://home.docketnavigator.com/>

Ruling on Motion to stay litigation pending <i>inter partes review</i>	All district courts – see Search for All District Courts below	E.D. Tex.- see Search for Eastern District of Texas below	E.D. Texas as a % of all district court rulings
Granted	421	42	10%
Denied	111	12	10.8%
Denied without prejudice	67	11	16.4%

Search for All District Courts – Source: See first screen shot below.

Search terms – center of first screen shot	
Type of court document	Motion to Stay Pending Inter Partes Review
Order filed date	between January 1, 2015 and December 31, 2016

Search Results	
Result of motion – left side of first screen shot	
Granted	(421)
Denied	(111)
Denied without prejudice	(67)

Search for Eastern District of Texas – Source: See second screen shot below.

Search terms – center of second screen shot	
Type of court document	Motion to Stay Pending Inter Partes Review
Court/Agency	Texas Eastern District
Order filed date	between January 1, 2015 and December 31, 2016

Search Results	
Result of motion – left side of second screen shot	
Granted	(42)
Denied	(12)
Denied without prejudice	(11)

First screen shot – partial screen.

The screenshot shows a web browser window with the URL <https://www.docketnavigator.com/browse/results/ed497ac>. The page header includes the DocketNavigator logo and navigation links: SEARCH, MY ACCOUNT, HELP, CONTACT, HOME, LOGOUT. The search criteria are: Type of court document: Motion to Stay Pending Inter Partes Review; Order filed date: between January 1, 2015 and December 31, 2016 inclusive. The results table shows three entries:

Event	Case
Motion to Stay Pending Inter Partes Review: <b>Denied</b> Denise J. Casper   December 29, 2016	
Motion to Stay Pending Inter Partes Review: <b>Additional briefing ordered</b> Marilyn L. Huff   December 29, 2016	
Objection to Order of Magistrate Judge Re Motion to Stay Pending Inter Partes Review: <b>Objection over...</b> Rodney Gilstrap   December 28, 2016	

Second screen shot – partial screen.

The screenshot shows a web browser window with the URL <https://www.docketnavigator.com/browse/results/c674328>. The page header includes the DocketNavigator logo and navigation links: SEARCH, MY ACCOUNT, HELP, CONTACT, HOME, LOGOUT. The search criteria are: Type of court document: Motion to Stay Pending Inter Partes Review; Court/Agency: Texas Eastern District; Order filed date: between January 1, 2015 and December 31, 2016 inclusive. The results table shows three entries:

Event	Case
Objection to Order of Magistrate Judge Re Motion to Stay Pending Inter Partes Review: <b>Objection over...</b> Rodney Gilstrap   December 28, 2016	
Motion to Stay Pending Inter Partes Review: <b>Denied</b> Rodney Gilstrap   December 28, 2016	
Stipulated/Agreed Motion to Stay Pending Inter Partes Review: <b>Granted</b> Roy S. Payne   December 20, 2016	