

FORM 26. Docketing Statement

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July 2020

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

DOCKETING STATEMENT

Case Number: 2021-1978Short Case Caption: Hoist Fitness Systems, Inc. v. TuffStuff Fitness International, Inc.Filing Party/Entity: TuffStuff Fitness International, Inc.

Instructions: Complete each section or check the box if a section is intentionally blank or not applicable. Attach additional pages as needed. Refer to the court's Mediation Guidelines for filing requirements. An amended docketing statement is required for each new appeal or cross-appeal consolidated after first filing.

Case Origin	Originating Number	Type of Case
Central District of California	5:17-cv-01388-AB-K	Patent

Relief sought on appeal: ☐ None/Not Applicable

Reversal and/or remand of the District Court's Order Denying TuffStuff's Motion for Attorney's Fees

Relief awarded below (if damages, specify): ☒ None/Not Applicable

Briefly describe the judgment/order appealed from:

The District Court denied TuffStuff's Motion for Attorney's Fees

Nature of judgment (select one):

Date of judgment: 4/22/21☒ Final Judgment, 28 USC § 1295☐ Rule 54(b)☐ Interlocutory Order (specify type) _____☐ Other (explain) _____

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Name and docket number of any related cases pending before this court, and the name of the writing judge if an opinion was issued. ☒ None/Not Applicable

Issues to be raised on appeal: ☐ None/Not Applicable

Whether the district court erred in finding the case not exceptional under 35 U.S.C. 285 and in denying an award of attorney's fees to TuffStuff.

Have there been discussions with other parties relating to settlement of this case?

☐ Yes ☒ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below
☐ During the pendency of the case below
☐ Following the judgment/order appealed from

If "yes," were the settlement discussions mediated? ☐ Yes ☐ No

If they were mediated, by whom?

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

Explain.

The parties were repeatedly unable to resolve the case on the merits and it is unlikely that any resolution could be reached on the attorney fee issue, given the current posture of the district court having denied fees.

Provide any other information relevant to the inclusion of this case in the court's mediation program.

N/A

Date: 6/9/21 Signature: /s/ Rudolph A. Telscher, Jr.
Name: Rudolph A. Telscher, Jr.