

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

MAXELL, LTD.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 5:25-cv-0052-RWS

JURY TRIAL DEMANDED

ORDER FOCUSING PATENT CLAIMS AND PRIOR ART

Before the Court is the parties' Partially Opposed Joint Motion for Entry of Docket Control Order and Focusing Order. Docket No. 40. In the same breath as Maxell asserts that it is "streamlining the litigation," it attempts to increase the number of claims it can assert for its Preliminary Election and significantly delay its Final Election until after the dispositive motions hearing. Docket No. 40 at 1–4. Maxell's request is not well-taken.

Having considered the motion, the Court sees no reason to depart from the Model Focusing Order and default Docket Control Order. *See, e.g.*, Docket No. 40 at 5 (citing *Mullen Indus. v. Samsung Elecs. Co.*, No. 2:24-CV-49, Docket No. 30 (E.D. Tex. June 14, 2024); *Hy-Ko Prods. Co. LLC v. The Hillman Grp., Inc.*, No. 2:21-CV-197, Docket No. 61 (E.D. Tex. Dec. 9, 2021); *see also TQ Delta, LLC v. Commscope, et al.*, No. 2:21-CV-310, Docket No. 128 (E.D. Tex. Feb. 24, 2022) (requiring plaintiff to narrow "128 claims from [] 22 patents" (Docket No. 77) to the amounts recommended in the model order for the preliminary election).

The Court **ORDERS**¹ as follows:

1. This Order supplements all other discovery rules and orders. It streamlines the issues in this case to promote a “just, speedy, and inexpensive determination” of this action, as provided by Federal Rule of Civil Procedure 1.

Phased Limits on Asserted Claims and Prior Art References

2. By the date set in the Court’s Docket Control Order governing the above captioned case, the patent claimant shall serve a Preliminary Election of Asserted Claims, which shall assert no more than ten (10) claims from each patent and not more than a total of 32 claims. By the date set in the Court’s Docket Control Order governing the above captioned case, the patent defendant shall serve a Preliminary Election of Asserted Prior Art, which shall assert no more than twelve (12) prior art references against each patent and not more than a total of 40 references.²

3. By the date set in the Court’s Docket Control Order governing the above captioned case, the patent claimant shall serve a Final Election of Asserted Claims, which shall identify no more than five (5) asserted claims per patent from among the ten previously identified claims and no more than a total of 16 claims. By the date set in the Court’s Docket Control Order governing the above captioned case, the patent defendant shall serve a Final Election of Asserted Prior Art, which shall identify no more than six (6) asserted prior art references per patent from among the twelve prior art

¹ The parties are encouraged to discuss limits lower than those set forth in this order based on case-specific factors such as commonality among asserted patents, the number and diversity of accused products, the complexity of the technology, the complexity of the patent claims, and the complexity and number of other issues in the case that will be presented to the judge and/or jury. In general, the more patents that are in the case, the lower the per-patent limits should be. In cases involving several patent families, diverse technologies, disparate claims within a patent, or other unique circumstances, absent agreement of the parties, the court will consider flexibly whether circumstances warrant expanding the limits on asserted claims or prior art references.

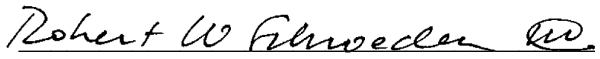
² For purposes of this Order, a prior art instrumentality (such as a device or process) and associated references that describe that instrumentality shall count as one reference, as shall the closely related work of a single prior artist.

references previously identified for that particular patent and no more than a total of 20 references. For purposes of this Final Election of Asserted Prior Art, each obviousness combination counts as a separate prior art reference.

Modification of this Order

4. Subject to Court approval, the parties may modify this Order by agreed motion, but should endeavor to limit the asserted claims and prior art references to the greatest extent possible. Absent agreement, post-entry motions to modify this Order's numerical limits on asserted claims and prior art references must demonstrate good cause warranting the modification. Motions to modify other portions of this Order are committed to the sound discretion of the Court,³ and the Court, based on the unique circumstances of this case, may at any time enter, *sua sponte*, such additional orders narrowing claims and prior art references, as justice requires.

So ORDERED and SIGNED this 18th day of August, 2025.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE

³ This Order contemplates that the parties and the Court may further narrow the issues during pretrial proceedings in order to present a manageable case at trial.