

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

AGIS SOFTWARE DEVELOPMENT
LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
ET AL.,

Defendants.

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Case No. 2:22-cv-00263-JRG-RSP

ORDER

The Court held a Motion Hearing in the above-captioned case on August 21, 2023, regarding motions to amend filed by Plaintiff AGIS Software Development LLC (“AGIS”), (Dkt. No. 72; Dkt. No. 82). For the reasons orally assigned and as further provided below, the motions are **GRANTED** as follows:

Plaintiff’s Motion for Leave to Amend its Disclosures of Asserted Claims and Infringement Contentions comes too late in the current schedule to simply be granted. The fact that the complaint was amended to name the additional functionality of “Find My Device” (FMD), does not automatically entitle Plaintiff to amend its infringement contentions. Such an amendment can only be accomplished, with an exception not applicable here, by leave of Court. (Local Patent Rule 3-6(b)). The cause shown by Plaintiff is not sufficient to outweigh the prejudice to Samsung by introducing, with only two months left in fact discovery, a new basis for infringement that Samsung has shown may require discovery from third parties. However, Plaintiff has shown that there is significant judicial economy in resolving all issues in this proceeding, rather than requiring a separate lawsuit. Furthermore, Samsung conceded at the hearing that if the amendment had been made with sufficient time remaining in the schedule, it would have no basis to object.

Accordingly, to remedy any prejudice caused by allowing the amendment, it is **ORDERED** that the Docket Control Order be amended to reflect a new jury selection date of July 8, 2024, with a pretrial conference on June 5, 2024, at 9:00 a.m., and a new Claim Construction Hearing date of November 3, 2023, at 9:00 a.m. Counsel are directed to meet and confer regarding the other related dates and file a Joint Motion attaching a new DCO within 10 days. The Court also notes that **Dkt. Nos. 100, 94, and 83** are **MOOT** in light of this order.

Plaintiff's Motion for Leave to Amend P.R. 4-3 Disclosures, **Dkt. No. 82**, is also **GRANTED**. Counsel are directed to confer concerning any other terms that either side deems disputed and submit a Joint Notice within 10 days concerning any agreements or disputes regarding additional briefing in advance of the November 3 hearing.

SIGNED this 24th day of August, 2023.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE