

FORM 26. Docketing Statement

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July 2020

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

DOCKETING STATEMENT

Case Number: 2023-1715

Short Case Caption: Jiaxing Super Lighting Electric Appliance, Co., Ltd. v. CH Lighting Technology Co., Ltd.

Filing Party/Entity: CH Lighting Technology Co., Ltd., Elliott Electric Supply, Inc., Shaoxing Ruising Lighting Co., Ltd.

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
U.S.D.C. W.D. Tex.	6:20-cv-00018-ADA	Patent

Relief sought on appeal: ☐ None/Not Applicable

Vacatur of the district court's final judgment that defendants infringe asserted claims 1, 4, 5, 24, 28 and 31 of U.S. Patent No. 9,939,140, claims 13 and 14 of U.S. Patent No. 10,352,540, and claim 1 of U.S. Patent No. 10,295,125 and that the asserted claims were not proven invalid; a new trial on invalidity and damages; and judgment as a matter of law that the asserted claims of U.S. Patent No. 9,939,140 are not infringed, that the asserted claims are invalid, and that CH Lighting did not willfully infringe.

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

\$31,221,873.81 against CH Lighting, \$359,016.71 against Elliott, additional supplemental and enhanced damages, an ongoing royalty, post-judgment interest, and costs.

Briefly describe the judgment/order appealed from:

During trial, the district court entered judgment as a matter of law in favor of plaintiffs regarding invalidity of U.S. Patent Nos. 10,352,540 and 10,295,125. Following a jury verdict that defendants infringed all asserted claims and that the asserted claims were not proven invalid, the district court entered a judgment of infringement and validity in favor of plaintiffs on July 29, 2022. The district court denied defendants' motions for judgment as a matter of law and a new trial on February 27, 2023 (subsequently amended on March 8, 2023). The district court entered its final judgment on March 17, 2023.

Nature of judgment (select one):

Date of judgment: 3/17/23

☒ 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

Please see attached non-binding statement of the issues to be raised on appeal.

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.

Given the nature of the parties' dispute, mediation is not likely to lead to a resolution at this time.

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

Date: 4/21/23 Signature: /s/ Jeffrey A. Lamken

Name: Jeffrey A. Lamken

DOCKETING STATEMENT ATTACHMENT
Jiaxing Super Lighting Elec. Appliance, Co., Ltd. v. CH Lighting Tech. Co., Ltd.
No. 2023-1715 (Fed. Cir.)

Non-Binding Statement of the Issues To Be Raised on Appeal

The issues on appeal include, but are not limited to, whether the district court erred in:

- (1) granting judgment as a matter of law in favor of Plaintiffs on invalidity with the explanation that Defendants' expert testimony did not create an issue of fact for the jury unless it was independently supported by evidence admitted into the record at trial;
- (2) excluding prior-art light tube lamps bearing self-authenticating trade inscriptions;
- (3) excluding witnesses on the basis that Defendants had not disclosed that those witnesses would authenticate documents;
- (4) excluding internal documents produced by Plaintiffs on the ground that the documents were relevant only to inequitable conduct, and not to invalidity;
- (5) denying judgment as a matter of law regarding the invalidity of the asserted claims of U.S. Patent Nos. 9,939,140, 10,295,125, and 10,352,540;

- (6) denying judgment as a matter of law for non-infringement of U.S. Patent No. 9,939,140 where Plaintiffs' invalidity expert distinguished prior art from the patented invention for reasons that applied equally to the accused product;
- (7) admitting damages testimony by Plaintiffs' expert that failed to account for differences between Plaintiffs' prior licenses and the hypothetical negotiation at issue and thus did not apportion for the value of allegedly infringing features;
- (8) admitting into evidence privileged communications between CH and its prior counsel; and
- (9) denying judgment as a matter of law finding that Defendants did not willfully infringe.