

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

RADIAN MEMORY SYSTEMS LLC,

Plaintiff,

v.

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

Defendants.

Case No. 2:24-cv-01073-JRG

JURY TRIAL DEMANDED

**PLAINTIFF RADIAN MEMORY SYSTEMS LLC’S
MOTION TO AMEND DOCKET CONTROL ORDER**

Plaintiff Radian Memory Systems LLC (“Radian” or “Plaintiff”) files this Motion to Amend the Docket Control Order (“Motion to Amend”) and respectfully shows the Court as follows:

On December 24, 2024, Radian filed a 347-page Complaint alleging infringement of seven patents. Dkt. No. 1. Samsung answered on April 7, 2025, without counterclaims. Dkt. No. 26. Two days later, Radian served over 1,800 pages of infringement contentions. *See* Dkt. Nos. 16, 18, 31. Shortly thereafter, Radian moved for a preliminary injunction. Dkt. No. 43 (“Motion for Preliminary Injunction”).

In Samsung’s May 20, 2025, response Samsung claimed *de minimis* past sales. Dkt. 46-20 (Park Decl.). But Samsung refused to disclaim future infringement. Radian sought early discovery. Samsung responded it “has no plans” to sell ZNS products before August 2026 but again stopped short of representing it would no longer infringe. Dkt. 62, Ex. 3 at 4.

At Dr. Park’s July 10, 2025, deposition, Samsung confirmed that the accused ZNS

firmware is not actively maintained, cannot be added to customer SSDs, and would not be provided or upgraded for customers. Dkt. 68 at 2-3. Dr. Park further testified that writing new firmware from scratch for future products would be easier than modifying the old code. *Id.* at 3-4. Based on these and other affirmative sworn representations, Radian withdrew its preliminary injunction motion. Dkt. 62. Citing Samsung's new affirmative representations, the Court granted Radian's motion. Dkt. 64.

Since then, Radian has attempted to resolve the risk of future infringement without Court intervention, but Samsung refuses to disclaim future sales of accused products and has otherwise made disproportionate and unworkable demands in the face of Radian's attempts to resolve the case. Accordingly, Radian moved to dismiss without prejudice under Rules 41(a)(2) and 12(b)(1) on September 11, 2025, which, if granted will dispose of all pending issues before the Court entirely. Dkt. 68 ("Motion to Dismiss"). Briefing regarding Radian's Motion to Dismiss narrowly precedes the initiation of claim construction in this case. In particular, under the First Amended Docket Control Order, the parties' are scheduled to exchange proposed claim terms under Patent Rule (P.R.) 4-1 on October 23, 2025, exchange preliminary constructions under P.R. 4-2 on November 13, 2025, and file a joint claim construction statement under P.R. 4-3 on December 4, 2025, all while engaging in claim construction discovery, which is scheduled to end on January 7, 2026. To further conserve the Court and the parties' resources, Radian now seeks only a short extension of a few claim construction deadlines while the Motion to Dismiss is pending.

Federal Rule of Civil Procedure 16(b) allows the Court to modify a schedule upon a showing of good cause. Fed. R. Civ. P. 16(b). Courts consider four factors when determining whether good cause exists: "(1) the explanation for the failure to [meet the deadline]; (2) the

importance of the [modification of the deadline]; (3) potential prejudice in allowing the [modification]; and (4) the availability of a continuance to cure such prejudice. *Travelpass Group, LLC, Partner Fusion, Inc. v. Caesars Entertainment Corporation*, No. 5:18-CV-153-RWS-CMC, 2020 WL 10963947, at *4 (E.D. Tex. Nov. 9, 2020) (citing *Reliance Ins. Co. v. The Louisiana Land & Exploration Co.*, 110 F.3d 253, 257 (5th Cir. 1997)). Here, the factors weigh in favor of amending the docket control order as requested.

Radian's Motion to Dismiss seeks to dispose of the case in its entirety, eliminating any need for the parties and the Court to expend resources in claim construction. Good cause therefore exists to modestly amend just the few nearest deadlines while that dispositive motion is pending. The case is still in its early stages: discovery remains incomplete and claim construction has not yet begun. Briefly extending the deadlines by only a few weeks will either preserve those resources entirely if the motion is granted, or, if the case proceeds, adjust them in a minimal and non-disruptive way. Importantly, no other deadlines will change, the overall case schedule remains intact, and the August 31, 2026, trial setting is unaffected. Nor will the short extensions prejudice Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Samsung" or "Defendants"). Instead, the extensions help avoid the expending of Court, party, and potentially expert resources and expenses where there is no ongoing dispute.

For the aforementioned reasons, Radian respectfully requests the Court amend the operative docket control order for the claim construction deadlines as follows:

Current Date	Amended Date	Event
January 2, 2026	January 7, 2026	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
December 11, 2025	No Change	File Response to Amended Pleadings

November 27, 2025	No Change	<p>*File Amended Pleadings</p> <p>It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.</p>
December 4, 2025	December 11, 2025	Comply with P.R. 4-3 (Joint Claim Construction Statement)
November 13, 2025	December 4, 2025	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
October 23, 2025	November 21, 2025	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)

DATED: October 1, 2025

Respectfully submitted,

/s/ Hamad M. Hamad

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CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2025, a true and correct copy of the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system.

/s/Hamad M. Hamad
Hamad M. Hamad

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel has complied with the meet and confer requirements of Local Rule CV-7(h). Counsel for both parties conferred via telephone on September 25, 2025, and Samsung informed Radian that it opposed on September 29, 2025.

/s/Hamad M. Hamad
Hamad M. Hamad

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[PROPOSED] SECOND AMENDED DOCKET CONTROL ORDER

In accordance with the scheduling conference held in this case, it is hereby **ORDERED** that the following schedule of deadlines is in effect until further order of this Court:

Current Date	Amended Date	Event
August 31, 2026	No change	*Jury Selection – 9:00 a.m. in Marshall, Texas
7 days before Jury Selection	No change	*Defendant to disclose final invalidity theories, final prior art references/combinations, and final equitable defenses. ¹
10 days before Jury Selection	No change	*Plaintiff to disclose final election of Asserted Claims. ²
August 3, 2026	No change	* If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall

¹ The proposed DCO shall include this specific deadline. The deadline shall read, “7 days before Jury Selection,” and shall not include a specific date.

² Given the Court’s past experiences with litigants dropping claims and defenses during or on the eve of trial, the Court is of the opinion that these additional deadlines are necessary. The proposed DCO shall include this specific deadline. The deadline shall read, “10 days before Jury Selection,” and shall not include a specific date.

Current Date	Amended Date	Event
		be jointly submitted to the Deputy Clerk in Charge by this date. ³
July 27, 2026	No change	*Pretrial Conference – 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap
July 20, 2026	No change	*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
July 20, 2026	No change	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations.
July 13, 2026	No change	*File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shawn McRoberts, at shawn_mcroberts@txed.uscourts.gov.
July 6, 2026	No change	File Motions <i>in Limine</i> The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.
July 6, 2026	No change	Serve Objections to Rebuttal Pretrial Disclosures

³ The Parties are referred to the Court's Standing Order Regarding Use of Juror Questionnaires in Advance of *Voir Dire*.

Current Date	Amended Date	Event
June 29, 2026	No change	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
June 15, 2026	No change	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
June 8, 2026	No change	*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed <u>prior</u> to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. ⁴ Motions for Summary Judgment shall comply with Local Rule CV-56.
May 26, 2026	No change	*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions) No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.
May 26, 2026	No change	*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u>
May 18, 2026	No change	Deadline to Complete Expert Discovery
May 4, 2026	No change	Serve Disclosures for Rebuttal Expert Witnesses

⁴ The parties are directed to Local Rule CV-7(d), which provides in part that “[a] party’s failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion.” If the deadline under Local Rule CV 7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

Current Date	Amended Date	Event
April 13, 2026	No change	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
April 9, 2026	No change	File Motions to Compel Discovery
April 2, 2026	No change	Deadline to Complete Fact Discovery
March 19, 2026	No change	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
February 26, 2026	No change	*Claim Construction Hearing – 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap
February 12, 2026	No change	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
February 5, 2026	No change	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
January 29, 2026	No change	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
January 15, 2026	No change	Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any) Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).
January 15, 2026	No change	Deadline to Substantially Complete Document Production and Exchange Privilege Logs Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
January 2, 2026	January 7, 2026	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
December 11, 2025	No change	File Response to Amended Pleadings

Current Date	Amended Date	Event
November 27, 2025	No change	*File Amended Pleadings It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.
December 4, 2025	December 11, 2025	Comply with P.R. 4-3 (Joint Claim Construction Statement)
November 13, 2025	December 4, 2025	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
October 23, 2025	November 21, 2025	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
June 18, 2025	No change	Comply with Standing Order Regarding Subject-Matter Eligibility Contentions ⁵
June 18, 2025	No change	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
April 16, 2025	No change	*File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures) The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.
April 9, 2025	No change	*File Proposed Docket Control Order and Proposed Discovery Order The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.

⁵ <http://www.txed.uscourts.gov/sites/default/files/judgeFiles/EDTX%20Standing%20Order%20Re%20Subject%20Matter%20Eligibility%20Contentions%20.pdf>

[<https://perma.cc/RQN2-YU5P>].

Current Date	Amended Date	Event
April 2, 2025	No change	Join Additional Parties
April 9, 2025	No change	Comply with P.R. 3-1 & 3-2 (Infringement Contentions)

(*) indicates a deadline that cannot be changed without an acceptable showing of good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

ADDITIONAL REQUIREMENTS

Mediation: While certain cases may benefit from mediation, such may not be appropriate for every case. The Court finds that the Parties are best suited to evaluate whether mediation will benefit the case after the issuance of the Court’s claim construction order. Accordingly, the Court **ORDERS** the Parties to file a Joint Notice indicating whether the case should be referred for mediation **within fourteen days of the issuance of the Court’s claim construction order**. As a part of such Joint Notice, the Parties should indicate whether they have a mutually agreeable mediator for the Court to consider. If the Parties disagree about whether mediation is appropriate, the Parties should set forth a brief statement of their competing positions in the Joint Notice.

Summary Judgment Motions, Motions to Strike Expert Testimony, and Daubert Motions: For each motion, the moving party shall provide the Court with two (2) hard copies of the completed briefing (opening motion, response, reply, and if applicable, sur-reply), excluding exhibits, in D-three-ring binders, appropriately tabbed. All documents shall be single-sided and must include the CM/ECF header. These copies shall be delivered to the Court within three (3) business days after briefing has completed. For expert-related motions, complete digital copies of the relevant expert report(s) and accompanying exhibits shall be submitted on a single flash drive to the Court. Complete digital copies of the expert report(s) shall be delivered to the Court no later than the dispositive motion deadline.

Indefiniteness: In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules’ normal page limits.

Lead Counsel: The Parties are directed to Local Rule CV-11(a)(1), which provides that “[o]n the first appearance through counsel, each party shall designate a lead attorney on the pleadings or otherwise.” Additionally, once designated, a party’s lead attorney may only be changed by the filing of a Motion to Change Lead Counsel and thereafter obtaining from the Court an Order granting leave to designate different lead counsel. The true lead counsel should be designated early and should not expect to parachute in as lead once the case has been largely developed.

Motions for Continuance: The following will not warrant a continuance nor justify a failure to comply with the discovery deadline:

- (a) The fact that there are motions for summary judgment or motions to dismiss pending;
- (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
- (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

Amendments to the Docket Control Order (“DCO”): Any motion to alter any date on the DCO shall take the form of a motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

Proposed DCO: The Parties’ Proposed DCO should also follow the format described above under “Amendments to the Docket Control Order (‘DCO’).”

Joint Pretrial Order: In the contentions of the Parties included in the Joint Pretrial Order, the Plaintiff shall specify all allegedly infringed claims that will be asserted at trial. The Plaintiff shall also specify the nature of each theory of infringement, including under which subsections of 35 U.S.C. § 271 it alleges infringement, and whether the Plaintiff alleges divided infringement or infringement under the doctrine of equivalents. Each Defendant shall indicate the nature of each theory of invalidity, including invalidity for anticipation, obviousness, subject-matter eligibility, written description, enablement, or any other basis for invalidity. The Defendant shall also specify each prior art reference or combination of references upon which the Defendant shall rely at trial, with respect to each theory of invalidity. The contentions of the Parties may not be amended, supplemented, or dropped without leave of the Court based upon a showing of good cause.

Trial: All parties must appear in person at trial. All non-individual (including but not limited to corporate) parties must appear at trial through the presence in person of a designated representative. Once they have appeared, any representative of a non-individual party shall not be replaced or substituted without express leave of Court.