

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, MARSHALL DIVISION

Vasu Holdings, LLC v. Samsung Electronics Co., Ltd., Samsung
Electronics America, Inc.

Vasu Holdings · No. 2:24-cv-00034-JRG-RSP · Decided February 5, 2026

SUMMARY

The United States District Court for the Eastern District of Texas grants in part and denies in part Vasu Holdings, LLC’s motion to strike portions of Mark R. Lanning’s invalidity expert report. The court strikes five late-disclosed invalidating references and related opinions because disclosure in parallel inter partes review proceedings did not provide sufficient notice that the references would be asserted in the litigation. The court declines to strike the reference patents used in the obviousness-type double patenting analysis.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Marshall Division
WRITING FOR THE COURT	Roy S. Payne
JURISDICTION	United States District Court for the Eastern District of Texas, Marshall Division
DECIDED	February 5, 2026
DOCKET	2:24-cv-00034-JRG-RSP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to strike and exclude the invalidity expert report of Mark R. Lanning in a patent-infringement action.
STANDARD OF REVIEW	The district court applies Federal Rule of Evidence 702 and Daubert to determine whether expert testimony is relevant, reliable, and helpful to the trier of fact. The court has broad discretion in making admissibility determinations, but its gatekeeping role does not permit it to weigh competing expert evidence or replace the jury's fact-finding function.
PRECEDENTIAL VALUE	unknown

TOPICS

expert testimony

daubert standard

patent law

discovery dispute

civil procedure

PRACTICE AREAS

patent litigation

expert evidence

civil procedure

QUESTIONS PRESENTED

1. Whether five prior-art references disclosed for the first time in an invalidity expert report after the close of fact discovery should be stricken when the references were not identified in the invalidity contentions.
2. Whether the expert's use of reference patents for an obviousness-type double-patenting analysis should be excluded.

HOLDINGS

1. Five invalidating references and any opinions based on them must be stricken from the invalidity expert report because disclosure of the references in parallel inter partes review proceedings did not provide notice that they would be asserted as prior art in the present litigation.
2. The expert's use of reference patents was not excluded because the other purpose of obviousness-type double patenting—to prevent double harassment—remained at issue.
3. Expert opinion testimony is admissible under Federal Rule of Evidence 702 when the expert's specialized knowledge will assist the trier of fact, the testimony is based on sufficient facts or data, it results from reliable principles and methods, and the expert reliably applies those principles and methods to the facts.

KEY QUOTATIONS

“the trial judge must have considerable leeway in deciding in a particular case how to go about determining whether particular expert testimony is reliable” (II)

“When, as here, the parties’ experts rely on conflicting sets of facts, it is not the role of the trial court to evaluate the correctness of facts underlying one expert’s testimony.” (II)

“the trial court’s role as gatekeeper [under Daubert] is not intended to serve as a replacement for the adversary system.” (II)

“Vigorous cross-examination, presentation of contrary evidence, and careful instruction on the burden of proof are the traditional and appropriate means of attacking shaky but admissible evidence.” (II)

FACTUAL BACKGROUND

Vasu Holdings asserted four patents against Samsung: U.S. Patent Nos. 8,886,181, 10,206,154, 10,368,281, and 10,419,996. Samsung's invalidity expert, Mark R. Lanning, relied on five references that Vasu contended were disclosed for the first time in the expert report after fact discovery closed. Although the references had appeared in a parallel inter partes review filing involving the parties, they had not been identified as prior art in the invalidity contentions for this litigation. The report also relied on reference patents for an obviousness-type double-patenting analysis.

PROCEDURAL HISTORY

Vasu Holdings moved to strike portions of Defendants' invalidity expert report, arguing that five invalidating references were disclosed for the first time in the expert report after the close of fact discovery and were not identified in the invalidity contentions. Defendants argued that Vasu had notice because the references appeared in a parallel inter partes review filing. The court granted the motion as to the five invalidating references and denied it as to reference patents.

DISPOSITION

other

CASES CITED

- Kumho Tire Co. v. Carmichael, 526 U.S. 137, 149, 152 (1999)
- Daubert v. Merrell Dow Pharm., Inc., 509 U.S. 579, 592-93, 596 (1993)
- United States v. Valencia, 600 F.3d 389, 424 (5th Cir. 2010)
- Micro Chem., Inc. v. Lextron, Inc., 317 F.3d 1387, 1391-92 (Fed. Cir. 2003)
- Pipitone v. Biomatrix, Inc., 288 F.3d 239, 249-50 (5th Cir. 2002)
- Mathis v. Exxon Corp., 302 F.3d 448, 461 (5th Cir. 2002)
- Cummins-Allison Corp. v. SBM Co., LTD., 2009 WL 763926 (E.D. Tex. March 19, 2009)