

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

Ningde Amperex Technology Limited v. Zhuhai CosMX Battery Co.,
Ltd.

Ningde Amperex · No. 2:24-CV-00728-JRG · Decided March 31, 2026

SUMMARY

The United States District Court for the Eastern District of Texas grants in part and denies in part Ningde Amperex Technology Limited’s second motion to supplement its infringement contentions. The court denies leave to add a doctrine-of-equivalents theory and additional accused products for lack of diligence and good cause, but grants the unopposed request to correct compaction-density calculations for previously disclosed cells.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Marshall Division
WRITING FOR THE COURT	Rodney Gilstrap
JURISDICTION	United States District Court for the Eastern District of Texas, Marshall Division
DECIDED	March 31, 2026
DOCKET	2:24-CV-00728-JRG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to supplement its infringement contentions for a second time under Patent Local Rule 3-6(b).
STANDARD OF REVIEW	Under Patent Local Rule 3-6(b), supplementation of infringement contentions not expressly permitted by Rule 3-6(a) requires a showing of good cause. The court assessed good cause using diligence, importance and availability of lesser sanctions, prejudice, and availability of a continuance.
PRECEDENTIAL VALUE	Unknown
PARTIES	Ningde Amperex Technology Limited v. Zhuhai CosMX Battery Co., Ltd.

TOPICS

motion to amend

patent infringement

civil procedure

intellectual property

PRACTICE AREAS

civil procedure

patent litigation

intellectual property

QUESTIONS PRESENTED

1. Whether Plaintiff established good cause under Patent Local Rule 3-6(b) to add a doctrine-of-equivalents theory to its infringement contentions.
2. Whether Plaintiff established good cause under Patent Local Rule 3-6(b) to add additional allegedly infringing products for the '118 and '148 Patents.
3. Whether Plaintiff should be permitted to correct compaction-density calculations for cells previously disclosed in its first amended infringement contentions when Defendant did not oppose that request.

HOLDINGS

1. Plaintiff failed to show the diligence required for good cause because it had access to the information supporting the doctrine-of-equivalents theory since February 11, 2025, yet sought supplementation only after filing an earlier motion and long after receiving the information. The request was denied.
2. Plaintiff failed to establish good cause to add the proposed additional products because the request was made late, concerned a large volume of products, and would substantially prejudice Defendant by leaving insufficient time for responsive testing and analysis. The request was denied.
3. Plaintiff was permitted to correct the compaction-density calculations concerning infringement of the '118 Patent for cells previously disclosed in its first amended infringement contentions because Defendant did not oppose that request.

KEY QUOTATIONS

“*Good cause, according to the Federal Circuit, “requires a showing of diligence.”*” (Section II)

FACTUAL BACKGROUND

Plaintiff sought to supplement its infringement contentions concerning three patents, including adding a doctrine-of-equivalents theory for the '498 Patent, additional accused battery products for the '118 and '148 Patents, and corrected compaction-density calculations for the '118 Patent. The motion was filed on February 17, 2026, the final day of fact discovery. Defendant argued that Plaintiff had possessed the information supporting the doctrine-of-equivalents theory and some of the additional products substantially earlier, and that adding more than 150 products would leave insufficient time for responsive testing before expert deadlines.

PROCEDURAL HISTORY

Plaintiff's first motion for leave to supplement its infringement contentions was granted by agreement after Defendant withdrew its opposition. Plaintiff filed the second motion on the final day of fact discovery, seeking to

add a doctrine-of-equivalents theory, additional allegedly infringing products, and corrected compaction-density calculations. The court denied the requests concerning the doctrine-of-equivalents theory and additional products for lack of good cause, but granted the unopposed request to correct calculations for previously disclosed cells.

DISPOSITION

other

CASES CITED

- KAIST IP US LLC v. Samsung Electronics Co., Ltd., No. 2:16-cv-01314-JRG-RSP, 2018 WL 1806765, at *2 (E.D. Tex. Apr. 17, 2018)
- WellcomeMat LLC v. Aylo Holdings S.à r.l., No. 2:23-cv-00483-JRG-RSP, 2024 WL 3586431, at *1 (E.D. Tex. July 29, 2024)
- O2 Micro Int'l Ltd. v. Monolithic Power Sys., Inc., 467 F.3d 1355, 1366 (Fed. Cir. 2006)

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