

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

**Phenix Longhorn LLC v. AU Optronics Corporation, Hisense  
Electronica Mexico, S.A. de C.V., Hisense USA Corporation, Hisense  
Visual Technology Co., Ltd., and Does 1–10**

Phenix Longhorn · No. 2:23-CV-00477-RWS-RSP · Decided January 13, 2026

SUMMARY

The United States District Court for the Eastern District of Texas denied Defendants’ motion to exclude portions of damages expert Justin R. Blok’s opinions in a patent infringement action. The court held that the expert’s reliance on a settlement license, market research data, hearsay and unauthenticated materials, and a potentially untimely report did not warrant exclusion at that stage, while carrying certain timeliness arguments for consideration in a related pending motion.

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               | January 13, 2026                                                                                                                                                                                                                                                                                  |
| DOCKET                | 2:23-CV-00477-RWS-RSP                                                                                                                                                                                                                                                                             |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                             |
| PROCEDURAL POSTURE    | Defendants moved to exclude portions of Plaintiff’s damages expert Justin R. Blok’s opinions under Federal Rule of Evidence 702 and Daubert.                                                                                                                                                      |
| STANDARD OF REVIEW    | The district court has broad discretion in determining the admissibility and reliability of expert testimony under Federal Rule of Evidence 702 and Daubert. The court’s role is to act as a gatekeeper and not to weigh admissible expert testimony or replace the jury’s fact-finding function. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                                                                   |

TOPICS

daubert standard

expert testimony

hearsay

patent infringement

civil procedure

## PRACTICE AREAS

patent law

patent damages

evidence

expert testimony

civil procedure

## QUESTIONS PRESENTED

1. Whether Blok's reliance on the Innolux litigation settlement agreement, including its unit count, settlement payment, and multiple released patents, was sufficiently reliable under Rule 702 and Daubert.
2. Whether Blok's use of third-party market research reports to estimate the importation of AUO products was sufficiently reliable.
3. Whether Blok could rely on hearsay and unauthenticated evidence concerning Alta's discussions with AUO and Alta's financial position in forming his expert opinions.
4. Whether Defendants' challenge to Blok's use of the allegedly untimely RosettiStarr Report was ripe for decision.

## HOLDINGS

1. Blok's reliance on the Innolux Agreement to calculate a reasonable royalty was sufficiently reliable and was not rendered inadmissible merely because the agreement resulted from litigation or included rights to additional patents.
2. Blok's use of the Grand View and Statista TV Market Reports to estimate the rate at which AUO customers imported allegedly infringing products was sufficiently reliable under Rule 702 and Daubert.
3. The court denied the motion to exclude Blok's reliance on hearsay and unauthenticated evidence concerning Alta's discussions with AUO and Alta's financial position.
4. The challenge to Blok's use of the allegedly untimely RosettiStarr Report was premature because Plaintiff's motion for leave to supplement the damages report remained pending.

## KEY QUOTATIONS

*"An expert witness may provide opinion testimony if "(a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; (b) the testimony is based on sufficient facts or data; (c) the testimony is the product of reliable principles and methods; and (d) the expert has reliably applied the principles and methods to the facts of the case." (I)*

*"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." (I)*

*"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." (I)*

## FACTUAL BACKGROUND

Plaintiff's damages expert, Justin R. Blok, relied on an Innolux litigation settlement agreement to calculate a reasonable royalty, market research reports to estimate importation of accused products, hearsay and unauthenticated materials concerning Alta's discussions with AUO and financial position, and a RosettiStarr Report. Defendants argued that these materials and methodologies rendered portions of his opinions unreliable or procedurally improper. The court concluded that the challenged opinions were sufficiently reliable and relevant for admission, or that the challenge was premature.

## PROCEDURAL HISTORY

In this patent-infringement action, Defendants sought to exclude portions of Plaintiff's damages expert's testimony based on his use of a litigation settlement license, market research data, hearsay and unauthenticated evidence, and an allegedly untimely report. The district court denied the motion in its entirety, while carrying the arguments concerning the RosettiStarr Report for resolution in a forthcoming order on Plaintiff's pending motion for leave to supplement the damages report.

## DISPOSITION

other

## CASES CITED

- Kumho Tire Co. v. Carmichael, 526 U.S. 137, 149 (1999)
- Daubert v. Merrell Dow Pharms., Inc., 509 U.S. 592–93 (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)
- Estech Sys. IP, LLC v. Carvana LLC, No. 2:21-CV-00482, 2023 WL 3292881, at \*2 (E.D. Tex. May 5, 2023)
- EcoFactor, Inc. v. Google LLC, 137 F.4th 1333 (Fed. Cir. 2025) (en banc)
- ResQNet.com, Inc. v. Lansa, Inc., 594 F.3d 860, 872–73 (Fed. Cir. 2010)
- Prism Techs. LLC v. Sprint Spectrum L.P., 849 F.3d 1360, 1369–72 (Fed. Cir. 2017)
- Laser Dynamics, Inc. v. Quanta Computer, Inc., 694 F.3d 51, 77 (Fed. Cir. 2012)
- Uniloc USA, Inc. v. Microsoft Corp., 632 F.3d 1292, 1320–21 (Fed. Cir. 2011)
- Lucent Techs., Inc. v. Gateway, Inc., 580 F.3d 1301, 1338–39 (Fed. Cir. 2009)
- Roland Corp. v. inMusic Brands, Inc., No. 2023-1327, 2025 WL 926703, at \*15 (Fed. Cir. Mar. 27, 2025)