

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

GARRITY POWER SERVICES LLC,  
  
*Plaintiff,*  
  
v.  
  
SAMSUNG ELECTRONICS CO. LTD,  
SAMSUNG ELECTRONICS AMERICA,  
INC.,  
  
*Defendants.*

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CIVIL ACTION NO. 2:20-CV-00269-JRG

**ORDER**

Before the Court is Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.’s (collectively, “Defendants”) Opposed Motion to Continue Trial and for Expedited Briefing (the “Motion for Continuance”). (Dkt. No. 233). In the Motion for Continuance, Defendants seek a continuance of the January 3, 2021 trial date in light of their technical expert witness testing positive for COVID-19. (*See id.*). Garrity Power Services LLC (“Garrity Power”) opposes the Motion for Continuance. (Dkt. No. 234).


Having considered the Motion for Continuance, the related briefing, and the relevant authorities, the Court finds that the Motion for Continuance should be and hereby is **GRANTED**. The Court notes that the witness is Defendants’ expert as to noninfringement and invalidity, and the witness’s opinions respond directly to the opinions of Garrity Power’s technical expert. As such, Defendants would suffer significant prejudice if their technical expert is unable to attend the entire trial and personally witness the testimony of other witnesses, including the inventor on the asserted patent, Garrity Power’s technical expert, and Defendants’ technical fact witnesses. In

addition, Defendants would be prejudiced if they are unable to adequately prepare with their technical expert before the expert testifies.

Accordingly, it is **ORDERED** that jury selection in the above-captioned case is hereby **CONTINUED** and the above-captioned case is removed from the Court's January 3, 2022 trial schedule. A future jury selection date will be set by subsequent Court Order.

**So Ordered this**

**Dec 29, 2021**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE