IN THE SUPREME COURT OF THE UNITED STATES

No. A-_____

LG ELECTRONICS INC.
LG ELECTRONICS U.S.A., INC.
LG ELECTRONICS ALABAMA, INC.,

APPLICANTS

v.

CONSTELLATION DESIGNS, LLC,

RESPONDENT.

APPLICATION FOR EXTENSION OF TIME
WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

To the Honorable John G. Roberts, Jr., Chief Justice of the United States and Circuit Justice for the Federal Circuit:

Pursuant to 28 U.S.C. § 2101(c) and Rules 13.5, 22, and 30 of this Court, Applicants LG Electronics Inc., LG Electronics U.S.A., Inc., and LG Electronics Alabama, Inc.,[1] respectfully request a 45-day extension of time, to and including January 14, 2027, in which to file a petition for a writ of certiorari. Unless an

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[1] Rule 29.6 Statement: Applicant LG Electronics Alabama, Inc. is a wholly owned subsidiary of Applicant LG Electronics U.S.A., Inc. Applicant LG Electronics U.S.A., Inc. is a wholly owned subsidiary of Applicant LG Electronics Inc. LG Corporation is the only publicly held corporation that owns 10% or more of the stock of Applicant LG Electronics Inc.

extension is granted, Applicants' deadline for filing the petition will be November 30, 2026. This application is timely because it is made at least ten days before the petition would be due. No prior application has been made in this case. Respondent has agreed not to oppose a 45-day extension.

In support of this request, Applicants state the following:

1. The United States Court of Appeals for the Federal Circuit issued its initial published opinion and entered judgment on April 28, 2026. Exhibit A. In response to Applicants' petition for panel rehearing and rehearing en banc--supported by briefs from amici National Association of Broadcasters, Pearl TV, and Association for Competitive Technology--the panel issued a modified opinion on August 31, 2026, Exhibit B, but otherwise denied the petition. This Court's jurisdiction will be invoked under 28 U.S.C. § 1254(1).

2. There is good cause for the requested extension. This case presents important and recurring legal issues relating to patent damages under 35 U.S.C. § 284, including whether the Federal Circuit's doctrine of "built-in apportionment" is contrary to this Court's decision in Garretson v. Clark, 111 U.S. 120 (1884). This Court in Garretson held that a patentee "must in every case give evidence tending to separate or apportion . . . between the patented feature and the unpatented features." Id. at 121 (citation omitted). Yet the Federal Circuit's built-in apportionment

doctrine allows apportionment to be found in past license agreements so long as an expert alleges comparability between a prior license and the hypothetical license to the patents-in-suit. The court of appeals applied that doctrine in this case to sustain an exorbitant royalty rate. The petition for a writ of certiorari will argue that, among other flaws, in general and as applied here the Federal Circuit's built-in apportionment doctrine violates Garretson's requirement that apportionment "must in every case" be shown. Id.

3. This case also presents an important and recurring legal issue relating to damages awards arising from general jury verdicts. The jury in this case returned a single, undifferentiated damages award reflecting infringement of nine asserted claims from four patents. The jury did not allocate any portion of the damages to a specific patent. On appeal, the Federal Circuit held that five of the nine asserted claims--including all of the asserted claims for two of the four patents--were invalid. Ex. B at 15-23. Nevertheless, the court of appeals affirmed the jury's damages award in its entirety. Id. at 31. This Court held in Sunkist Growers, Inc. v. Winckler & Smith Citrus Products Co., 370 U.S. 19 (1962), that a "general verdict . . . cannot be upheld" when "one theory of liability upon which the general verdict may have rested" is held "erroneous." Id. at 29-30 (citation omitted). The petition will argue, among other things, that the court of appeals acted

contrary to this Court's precedent and that the issue was properly preserved.

4. The quality of Applicants' forthcoming petition would greatly benefit from an extension of time to allow counsel to further develop their arguments in this case. The record from the case below is voluminous, and Applicants' undersigned counsel were not involved with this case when it was before the district court and the court of appeals.

5. Beyond these bases for good cause, Applicants' counsel have substantial professional and personal commitments in the weeks leading up to and immediately following the current filing deadline. These include a reply brief due on November 25, 2026, in United States v. Tanoa Tanoh, No. 26-4157 (4th Cir.), a response brief due on December 9, 2026, in Weiss v. Jefferies Strategic Investments, LLC, No. 2026-01990 (N.Y. App. Div.), a response brief due on December 14, 2026, in Gomez v. Samsung SDI, No. 26-11996 (11th Cir.), and family commitments for the holidays.

6. Given this press of other matters, an extension is needed to ensure that counsel have sufficient time to draft a petition that assists this Court in determining whether to grant review. And, as noted above, Respondent does not oppose the extension.

For the foregoing reasons, Applicants request that the time for filing a petition for a writ of certiorari in this case be extended by 45 days, to and including January 14, 2027.

Respectfully submitted.

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