

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**HESHAN JIAHOJIA SANITARY
WARE INDUSTRY, CO., LTD.,**

Plaintiff,

v.

Civil Action No. 3:25cv845

VOTON, *et al.*,

Defendants.

ORDER

This matter comes before the Court *sua sponte*. On February 6, 2026, Plaintiff Heshan Jiahojia Sanitary Ware Industry Co., Ltd., filed a Motion for Default Judgment seeking entry of default judgment against Defendants VOTON, DOLGABA HOME, Besdor, Dehebathroom, Rzoeoz, RUITHOE Store, and ODM Sanitary Ware Store (collectively, “Defaulting Defendants”). (ECF No. 79.) On July 23, 2026, the Court ordered Plaintiff to file a supplemental brief “specifically address[ing] whether joinder of Defaulting Defendants is appropriate under 35 U.S.C. § 299.” (ECF No. 90, at 3.)

On July 30, 2026, Plaintiff filed its supplemental brief. (ECF No. 91.) Relying *solely* on the United States Court of Appeals for the Federal Circuit’s opinion in *In re EMC Corp.*, 677 F.3d 1351 (Fed. Cir. 2012), Plaintiff maintains that “joinder of [Defaulting] Defendants is proper under 35 U.S.C. § 299.” (ECF No. 91, at 1 (emphasis and capitalization omitted).)

But *In re EMC Corp.* does *not* discuss joinder under § 299. In fact, the Federal Circuit expressly explained in *In re EMC Corp.* that Congress had only recently passed § 299, and that because § 299’s joinder provision was not retroactive, § 299 did not govern the court’s analysis. 677 F.3d at 1355–56. The Federal Circuit then conducted a joinder analysis under *Federal Rule*

of Civil Procedure 20, not under § 299. Id. at 1355–60 & n. 4 (explaining that the court did “not decide [] whether the new joinder provision at 35 U.S.C. § 299 changes the test for joinder of defendants in patent infringement actions”).

Plaintiff’s supplemental brief does not respond to the Court’s July 23, 2026 Order. (ECF No. 90.) The Court therefore ORDERS Plaintiff to file, within seven (7) days of the date of entry here of, a corrected supplemental brief in compliance with the parameters set forth in the Court’s July 23, 2026 Order. (ECF No. 90.)

It is SO ORDERED.

Date: 8/13/26
Richmond, Virginia

/s/ 
M. Hannah Lauck
Chief United States District Judge