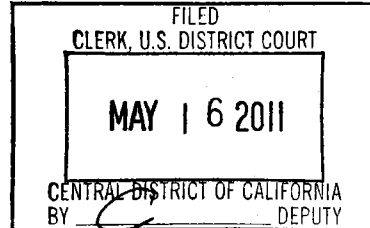


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12

13 **UNITED STATES DISTRICT COURT**

14 **CENTRAL DISTRICT OF CALIFORNIA**

15 **WESTERN DIVISION**

17 AUTHENEX, INC., a Delaware
 corporation,
 18
 Plaintiff,
 19
 v.
 20 EMC CORPORATION, a
 21 Massachusetts corporation,
 22
 Defendant.

Case No. CV 10-1251 MRP (VBKx)

~~PROPOSED~~ FINAL JUDGMENT

Judge : Hon. Marianna R. Pfaelzer

Hearing Date: May 9, 2011
 Time: 11:00 a.m.
 Courtroom: 12

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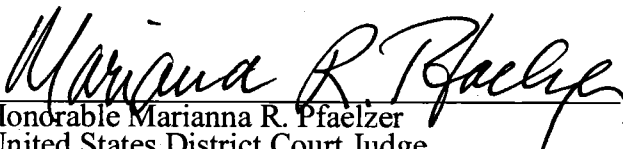
1 Plaintiff Authenex, Inc. ("Authenex") has accused defendant EMC
2 Corporation ("EMC") of infringing United States Patent No. 7,519,989 (the " '989
3 Patent"). On October 7, 2010, this Court issued its Claim Construction Order
4 (docket no. 78) construing various terms of the '989 Patent. EMC subsequently
5 moved for summary judgment of non-infringement of all asserted claims based on
6 the Court's claim construction (docket no. 88). On February 16, 2011, the Court
7 granted EMC's motion for summary judgment on the grounds that the accused
8 product does not practice the "display portion," "body portion" and "alphanumeric
9 characters" limitations of the '989 Patent (docket no. 153).

10 As set forth in the Court's Order granting EMC's motion, under the Court's
11 claim constructions Authenex cannot prove that EMC's devices infringe any of the
12 asserted claims – directly or indirectly, literally or under the doctrine of equivalents
13 – because EMC's accused products do not include a "body portion" and "display
14 portion" and do not display "alphanumeric characters."

15 Accordingly, EMC is entitled to final judgment of non-infringement and such
16 final judgment of non-infringement is hereby entered in favor of EMC and against
17 Authenex on Authenex's claims of infringement of the '989 Patent and on EMC's
18 counterclaim for declaratory judgment of non-infringement of the '989 Patent.
19 Additionally, costs are hereby awarded to EMC as the prevailing party.

20
21 **IT IS SO ORDERED.**

22
23 Dated: May 16, 2011

24 
25 Honorable Marianna R. Pfaelzer
26 United States District Court Judge
27
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