

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION

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PHILLIP M. ADAMS & ASSOCIATES,  
L.L.C., a Utah Limited Liability Company,

Plaintiff,

vs.

SONY ELECTRONICS INC., et al.,

Defendants.

MEMORANDUM DECISION AND  
ORDER DENYING ASUS  
COMPUTER INTERNATIONAL'S  
RENEWED MOTION FOR  
JUDGMENT AS A MATTER OF  
LAW IN FAVOR OF ALL CLAIMS  
AND CAUSES OF ACTION  
ALLEGED AGAINST IT

Case No. 1:05-CV-64 TS

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This matter is before the Court on Defendant ASUS Computer International's ("ACI")  
Renewed Motion for Judgment as a Matter of Law in Favor of all Claims and Causes of Action  
Alleged Against It. For the reasons discussed below, the Court will deny the Motion.

## I. BACKGROUND

In this matter, Plaintiff alleged that ACI infringed three of its patents. After the close of Plaintiff's evidence, ACI moved for judgment as a matter of law, arguing that there was insufficient evidence to find infringement.<sup>1</sup> The Court denied the Motion.<sup>2</sup>

The jury ultimately found that ACI infringed one of Plaintiff's patents.<sup>3</sup> As a result of that infringement, the jury awarded damages in favor of Plaintiff and against ACI in the amount of \$185,000.<sup>4</sup>

Defendant ACI now renews its motion for judgment as a matter of law, arguing that it is entitled to judgment because Plaintiff failed to present sufficient evidence to establish infringement by ACI.

## II. DISCUSSION

Under Fed.R.Civ.P. 50, a court should render judgment as a matter of law when "a party has been fully heard on an issue and there is no legally sufficient evidentiary basis for a reasonable jury to find for that party on that issue."<sup>5</sup> A party which has made a motion for judgment as a matter of law under Rule 50(a) prior to a jury verdict may renew that motion under Rule 50(b) after judgment is rendered.

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<sup>1</sup>Docket No. 1765.

<sup>2</sup>Docket No. 1789.

<sup>3</sup>Docket No. 1802.

<sup>4</sup>*Id.*

<sup>5</sup>Fed.R.Civ.P. 50(a)(1).

“In [entertaining a motion for judgment as a matter of law], the court must draw all reasonable inferences in favor of the nonmoving party, and it may not make credibility determinations or weigh the evidence.”<sup>6</sup> “Credibility determinations, the weighing of the evidence, and the drawing of legitimate inferences from the facts are jury functions, not those of a judge.”<sup>7</sup>

The Tenth Circuit has made it clear that judgment as a matter of law is to be “cautiously and sparingly granted,”<sup>8</sup> and is only appropriate when there is no way to legally justify a jury verdict. Judgment as a matter of law is appropriate only “[i]f there is no legally sufficient evidentiary basis . . . with respect to a claim or defense . . . under the controlling law,”<sup>9</sup> or if “the evidence points but one way and is susceptible to no reasonable inferences which may support the opposing party’s position.”<sup>10</sup> “Judgment as a matter of law is improper unless the evidence so overwhelmingly favors the moving party as to permit no other rational conclusion.”<sup>11</sup>

With this standard in mind, the Court finds that Defendant’s Motion must be denied. Though the evidence concerning ACI was limited, the Court finds that there is evidence to

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<sup>6</sup>*Lytle v. Household Mfg., Inc.*, 494 U.S. 545, 554-555 (1990).

<sup>7</sup>*Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986).

<sup>8</sup>*Weese v. Schukman*, 98 F.3d 542, 547 (10th Cir. 1996).

<sup>9</sup>*Baty v. Willamette Indus., Inc.*, 172 F.3d 1232, 1241 (10th Cir. 1999) (quoting Fed.R.Civ.P. 50).

<sup>10</sup>*Finley v. United States*, 82 F.3d 966, 968 (10th Cir.1996).

<sup>11</sup>*Shaw v. AAA Eng’g & Drafting*, 213 F.3d 519, 529 (10th Cir. 2000).

support the jury's finding that ACI infringed. This conclusion is not altered by the recent settlements entered into by the parties.

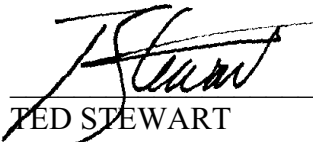
### III. CONCLUSION

It is therefore

ORDERED that ACI's Renewed Motion for Judgment as a Matter of Law (Docket No. 1832) is DENIED.

DATED September 26, 2011.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Ted Stewart", is written over a horizontal line.

TED STEWART  
United States District Judge