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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

CAP EXPORT, LLC, a California
Limited Liability Company,

Plaintiff,

v.

ZINUS, INC., a California corporation;
and
DOES 1 through 10, inclusive,

Defendants.

ZINUS, INC. a California corporation,

Counterclaimant,

v.

CAP EXPORT, LLC, a California
Limited Liability Company,

Counterdefendant.

ZINUS, INC., a California corporation,

Third-Party Claimant,

v.

ABRAHAM AMOUYAL, an
individual; and
4MODA CORP., a California
corporation,

Third-Party Defendants.

Case No. 2:16-cv-00371-JWH (MRWx)

FINAL JUDGMENT

1 The above-captioned matter came before the Honorable John W.
2 Holcomb, United States District Judge, pursuant to the parties' motions for
3 summary judgment. All claims for relief have now been resolved. In accordance
4 with the Order on Motion for Partial Summary Judgment re Inequitable
5 Conduct and Motion for Summary Judgment re Invalidity, Etc. [ECF No. 394],
6 and pursuant to Rule 58 of the Federal Rules of Civil Procedure, **IT IS**
7 **HEREBY ORDERED, ADJUDGED, AND DECREED** that judgment be
8 entered as follows:

9 1. This Court has jurisdiction over the above-captioned action
10 pursuant to 28 U.S.C. §§ 1331 & 1338.

11 2. Claims 1, 2, and 3 of the U.S. Patent No. 8,931,123 are **INVALID**
12 under 35 U.S.C. § 102(a)(1).

13 3. The Court declines to exercise supplemental jurisdiction over the
14 sole remaining claim for relief of Zinus, Inc., for unfair business practices under
15 Cal. Bus. & Prof. Code § 17200. Accordingly, that claim is **DISMISSED**
16 **WITHOUT PREJUDICE.**

17 4. Thereby, judgment in the above-captioned case is entered in
18 **FAVOR** of Cap Export, LLC and Abraham Amouyal, and **AGAINST** Zinus,
19 Inc., on the issue of patent invalidity.

20 5. To the extent that Cap Export, LLC; Abraham Amouyal; and
21 Zinus, Inc., or any of them, request any other form of relief, such request is
22 **DENIED WITHOUT PREJUDICE AS MOOT.**

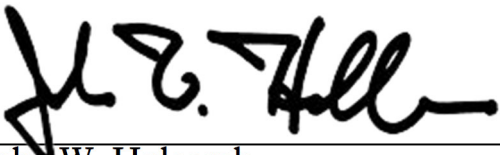
23 6. Cap Export, LLC and Abraham Amouyal are the prevailing parties
24 in this action. The parties, and each of them, are **DIRECTED** to file any
25 motion or application for costs or attorneys' fees (whether or not governed by

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1 Rule 54 of the Federal Rules of Civil Procedure) within thirty (30) days after
2 entry of this final judgment.

3 **IT IS SO ORDERED.**

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5 Dated: June 21, 2021



John W. Holcomb
UNITED STATES DISTRICT JUDGE

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