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**IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

AKESO HEALTH SCIENCES, LLC,)	
)	
Plaintiff,)	Case No. 2:16-cv-07749 SJO (PJWx)
)	
v.)	Hon. S. James Otero
)	
DESIGNS FOR HEALTH, INC.,)	JUDGMENT IN FAVOR OF
)	DEFENDANT DESIGNS FOR
Defendant.)	HEALTH, INC.
)	
)	
_____)	
AND RELATED COUNTERCLAIMS)	
_____)	

1 Having considered the Motion for Summary Judgment of Defendant
2 Designs for Health, Inc. (ECF No. 58), and all the papers filed in support thereof,
3
4 and all papers in opposition thereto filed by Plaintiff Akeso Health Sciences,
5 LLC, the Court finding Defendant's motion suitable for disposition without oral
6 argument, IT IS HEREBY ORDERED THAT Defendant Designs for Health,
7 Inc.'s Motion for Summary Judgment is GRANTED in accordance with the
8 opinion issued by the Court on April 26, 2018 (ECF No. 88).

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10 **IT IS HEREBY ADJUDGED THAT**

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12 Final judgment is entered in favor of Designs for Health, Inc., and against
13 Akeso Health Sciences, LLC, on all claims asserted by Akeso Health Sciences,
14 LLC.

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16 Designs for Health, Inc.'s affirmative defense of equitable estoppel is
17 found to be applicable from the evidence presented and relief on all claims
18 asserted by Plaintiff Akeso Health Sciences, LLC is therefore barred. [*Aukerman*
19 *Co. v. R.L. Chaides Construction Co.*, 960 F.2d 1020, 1041 (Fed. Cir. 1992)].

20
21 All claims asserted by Plaintiff Akeso Health Sciences, LLC are
22 DISMISSED WITH PREJUDICE.

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24 Designs for Health, Inc.'s counterclaims are DISMISSED WITHOUT
25 PREJUDICE.

26 Designs for Health, Inc. is the prevailing party in this action.
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1 Designs for Health, Inc. may bring a motion for exceptional case
2 determination and an award of attorneys' fees under 35 U.S.C. § 285 within
3
4 fourteen (14) days of entry of this judgment. The Court will consider the motion
5 in phases. The parties shall first brief the issue of Designs for Health, Inc.'s
6 entitlement to attorneys' fees. Should the Court determine that an award of fees
7
8 to Designs for Health Inc. is appropriate, the parties shall then submit briefing on
9 the amount of such fees.

10 **IT IS SO ORDERED.**

11 *S. James Otero*
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13 Dated: May 2, 2018

14 _____
15 Honorable S. James Otero
16 United States District Judge
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