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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DUHN OIL TOOL, INC.,
Plaintiff/Counterclaim-
Defendant,
vs.
COOPER CAMERON CORPORATION,
Defendant/Counterclaim-
Plaintiff.

Case No. 1:05-cv-01411-OWW-GSA

**ORDER GRANTING IN PART
DEFENDANT CAMERON'S MOTION FOR
PARTIAL SUMMARY JUDGMENT OF NO
LOST-PROFITS DAMAGES**

(Doc. 319 and 430)

Hon. Oliver W. Wanger

Pending before this Court is Defendant Cameron's Motion for Partial Summary Judgment of No Lost Profits Damages (Docket No. 319), including Cameron's Supplemental briefing (Docket No. 430) directed to Duhn Oil Tool, Inc.'s ("Duhn Oil") status as a holding company after its December 19, 2007 acquisition by Seaboard International, Inc. ("Seaboard"). Based on the parties' submissions and the applicable law, the Court finds that Defendant's Motion should be and is hereby GRANTED in part as follows.

After Seaboard's acquisition of Duhn Oil, Duhn Oil's operations were transferred to Seaboard. Duhn Oil is still in existence and has consolidated financial statements; however,

**ORDER GRANTING IN PART
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FOR PARTIAL SUMMARY JUDGMENT
OF NO LOST-PROFITS DAMAGES**

1 the business expenses incurred to produce the frac mandrel
2 products and the services related to the patented frac
3 mandrel products are now incurred by Seaboard. Seaboard does
4 all billing, invoices the frac mandrel products, receives the
5 related revenue, and reflects the related revenue or loss on
6 its consolidated financial statement. Duhn Oil has not
7 assigned the patent-in-suit to Seaboard nor granted a license
8 to Seaboard. This evidence establishes that, since the stock
9 acquisition and restructuring of operations, as a matter of
10 law, these profits and losses are, in effect, the profits and
11 losses of Seaboard, a non-party.
12

13 As a matter of law, Duhn Oil is entitled to lost-profits
14 damages for any alleged infringement of the '925 Patent only
15 through the date Duhn Oil proves it actually practiced the
16 invention and earned or lost income from these operations.
17 Duhn Oil cannot recover lost profits after the date Duhn
18 Oil's '925 Patent operations ceased. The precise date when
19 this occurred is a question of fact for the jury to decide.
20

21 IT IS SO ORDERED.
22

23 Dated: January 21, 2011

24 /S/ Oliver W. Wanger
OLIVER W. WANGER
25 UNITED STATES DISTRICT JUDGE
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