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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

WORDTECH SYSTEMS, INC.,  
A California Corporation

No. 2:04-cv-01971-MCE-EFB

Plaintiff,

v.

MEMORANDUM AND ORDER

INTEGRATED NETWORK SOLUTIONS,  
CORP., dba INTEGRATED SYSTEMS,  
aka INTERNET NETWORK STORAGE  
COMPANY, aka INSC; NASSER  
KHATEMI; HAMID ASSADIAN; BRIAN  
J. DEAN; MICHAEL F. ELLSWORTH;  
EHTERAM GHODSIAN; INTEGRATED  
NETWORK SOLUTIONS, INC., a  
Nevada Corporation; SHOHREH  
JAVADI; SAN JUAN UNIFIED  
SCHOOL DISTRICT; and  
DOES 1-50,

Defendants.

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Plaintiff Wordtech Systems, Inc. ("Plaintiff") brought this  
action against Ehteram Ghodsian ("Defendant"), Integrated Network  
Solutions Corp. ("INSC"), Nasser Khatemi ("Khatemi"), and Hamid  
Assadian ("Assadian"), among others, alleging infringement of  
several of its patents ("Patents-in-Suit").

1 Wordtech succeeded at trial against non-defaulting  
2 Defendants INSC, Khatemi, and Assadian. Presently before the  
3 Court is Plaintiff's Motion for Default Judgment against  
4 defaulting Defendant. For the reasons set forth below  
5 Plaintiff's Motion is GRANTED.<sup>1</sup>

6  
7 **BACKGROUND**  
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9 On September 22, 2004, Plaintiff, a California corporation  
10 and the owner of the Patents-in-Suit filed an infringement action  
11 against Defendant individually, INSC, Khatemi, Assadian, and  
12 others.

13 Defendant is alleged to be the sole owner of INSC and to  
14 have willfully infringed Plaintiff's patent rights. Defendant  
15 failed to answer Plaintiff's Complaint. Consequently, on June 3,  
16 2005, Plaintiff took Defendant's default. The case proceeded to  
17 trial against the non-defaulting Defendants: INSC, Khatemi and  
18 Assadian.

19 On November 17, 2008, a jury found that the non-defaulting  
20 Defendants had infringed Plaintiff's patent rights and awarded  
21 Plaintiff \$250,000. On January 15, 2009, the Court trebled the  
22 jury verdict and awarded Plaintiff over \$1.3 million.

23 Subsequently, Plaintiffs filed the present Motion seeking an  
24 entry of default judgment against Defendant.

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<sup>1</sup> Because oral argument was not be of material assistance,  
28 the Court ordered this matter submitted on the briefs. E.D. Cal.  
Local Rule 78-230(h).





1 This rule has been extended in cases even if the defendants are  
2 not jointly liable, as long as they are similarly situated. In  
3 re First T.D. & Inv., Inc., 253 F.3d 520, 532 (9th Cir. 2001).

4 Plaintiff's claims in this matter have been fully  
5 adjudicated through trial. The same result should apply to  
6 Defendant, as a defaulted party, unless the result would be  
7 incongruous and unfair. Id. In this case, the nature of the  
8 claims, legal issues, and facts of this case are similar with  
9 respect to all defendants. Plaintiff prevailed on its patent  
10 infringement claims at trial. Given that result, it is  
11 consistent to apply that same result to Defendant.

12 Furthermore, a majority of the factors identified as  
13 relevant for default purposes by the Ninth Circuit in Eitel,  
14 supra, support entry of default judgment in this case. Plaintiff  
15 will be prejudiced if default judgment is denied because  
16 Plaintiff will not be able to recover against Defendant for  
17 patent infringement. Plaintiff established the merits of their  
18 claim at trial and provided evidence against Defendant in  
19 Plaintiff's Motion and its supporting exhibits. Plaintiff's  
20 complaint sufficiently stated a claim for patent infringement  
21 against Defendant. All material facts were resolved at trial,  
22 the case was decided on its merits, and Defendant's default was  
23 not due to excusable neglect.

24 Plaintiff's Motion for Entry of Default Judgment against  
25 Defendant will therefore be granted.

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1           **2. Damages**

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3           Plaintiff is required to prove the damage they are seeking  
4 in the claim. Philip Morris USA, Inc. v. Castworld Products,  
5 Inc., 219 F.R.D. 494, 498 (C.D. Cal. 2003). The burden on the  
6 plaintiff to prove damages is relatively lenient, and if injury  
7 is established plaintiff only needs to prove that the damages  
8 “naturally flow from the injuries.” Id. The damages asked for  
9 must be supported by the specific allegations in the complaint.  
10 Id. at 499. Multiple defendants who have jointly infringed on a  
11 patent are jointly and severally liable for the damages that  
12 result. U.S. Philips Corp. v. International Norcent Tech., 2007  
13 WL 4984156, \*2 (C.D. Cal. 2007).

14           In the instant case, Plaintiff received a jury award for  
15 actual damages in the amount of \$250,000 for infringement of the  
16 Patents-in-Suit. Plaintiff has established that Defendant is  
17 liable for patent infringement and is therefore liable for this  
18 amount jointly and severally with the non-defaulting Defendants.  
19 The Court declines to hold Defendant liable for the trebled  
20 damages granted to Plaintiff by this Court on January 15, 2009,  
21 or for the substantial attorney’s fees incurred by Plaintiff in  
22 this matter. Both the trebled damages and attorney’s fees were  
23 primarily the result of trial as to the remaining Defendants.  
24 Defendant defaulted and therefore did not individually  
25 participate in that trial.

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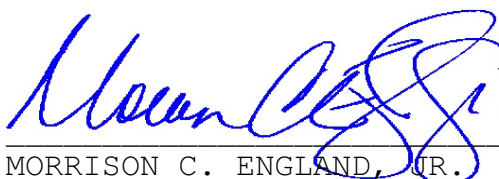
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1 **CONCLUSION**

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3 For the following reason Plaintiff's Motion for Entry of  
4 Default Judgment (Docket No. 304) is GRANTED.<sup>2</sup> The judgment  
5 previously entered shall accordingly be amended to reflect  
6 judgment in the amount of \$250,000.00 jointly and severally  
7 against Defendant.

8 IT IS SO ORDERED.

9 Dated: October 6, 2009

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12 MORRISON C. ENGLAND, JR.  
13 UNITED STATES DISTRICT JUDGE  
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27 <sup>2</sup> Inasmuch as the Court did not consider Defendant's letter  
28 to the Court dated June 18, 2009 (Docket No. 194) in adjudicating  
this Motion, Plaintiff's Motion to Strike that letter is DENIED  
as moot.