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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THERASENSE, INC.,
Plaintiff,

v.

BECTON, DICKINSON AND COMPANY,
Defendant.

No. C 04-02123 WHA

Consolidated with

No. C 04-03327 WHA
No. C 04-03732 WHA
No. C 05-03117 WHA

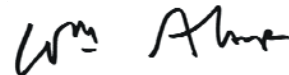
AND CONSOLIDATED CASES.

**ORDER DENYING
PLAINTIFF'S RENEWED
MOTION FOR JUDGMENT
AS A MATTER OF LAW AND
MOTION FOR A NEW TRIAL**

Plaintiff Abbott Laboratories renews its motion for judgment as a matter of law and moves for a new trial. Abbott dedicates the majority of its motion to the written description requirement, but also requests a Rule 50 judgment on literal infringement, anticipation, and obviousness. In the alternative, Abbott moves for a new trial. Abbott's motions are **DENIED**. The instructions given to the jury were an accurate reflection of Federal Circuit law and the jury's verdict on literal infringement, anticipation, and obviousness was supported by sufficient evidence on the record. In addition, no prejudicial errors were made that would warrant a new trial.

IT IS SO ORDERED.

Dated: September 2, 2008.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE