

United States District Court
For the Northern District of California

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

ORACLE AMERICA, INC.,
Plaintiff,
v.
GOOGLE INC.,
Defendant.


No. C 10-03561 WHA

**ORDER DENYING
LEAVE TO FILE
MOTION FOR
SUMMARY JUDGMENT
ON PATENT MARKING**

Defendant requests leave to file a motion for partial summary judgment on damages based on the patent marking statute, 35 U.S.C. 287 (Dkt. No. 310). Plaintiff opposes defendant's request (Dkt. No. 319). Having considered both submissions, this order finds that defendant's proposed motion would be premature because so many of the asserted claims still remaining in the case will not be tried. Accordingly, the request is **DENIED**. This denial is without prejudice to the same marking arguments being raised at trial.

IT IS SO ORDERED.

Dated: August 19, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE