

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TEK GLOBAL, S.R.L., ET AL.,

Plaintiffs,

v.

SEALANT SYSTEMS INTERNATIONAL,
INC, ET AL.,

Defendants.

Case No. 11-cv-00774-VC

**MEMORANDUM OPINION AND
ORDER**

In light of the jury's verdict, the Court concludes that SSI has failed to meet its burden on obviousness for any of the asserted claims of the '110 patent. *See generally In re Cyclobenzaprine Hydrochloride Extended-Release Capsule Patent Litig.*, 676 F.3d 1063, 1068 (Fed. Cir. 2012). Holtzhauser was the only reference alleged to have disclosed the three-way valve with an additional hose, and the jury found that reference to be outside the scope and content of the prior art. *See* Dkt. No. 511 at 2. SSI might have intended to fill the gap created by Holtzhauser's absence with the background knowledge available to a person of ordinary skill in the art – an industrywide familiarity with three-way valves and additional hoses, for example. But the jury's findings on secondary considerations effectively foreclose that possibility. *See* Dkt. No. 511 at 5. TEK's tire repair kit reflected five objective indicia of nonobviousness – commercial success, long-felt need, copying by others, unexpected and superior results, and "other evidence" – and no objective indicia of obviousness. Against that backdrop, the Court cannot conclude that the prior existence of the basic mechanical elements of the asserted claims renders those claims obvious over the prior art.

If SSI intends to challenge the jury's factual findings on invalidity, it may do so in an

appropriate post-trial motion notwithstanding this Order.

IT IS SO ORDERED.

Dated: April 6, 2017



VINCE CHHABRIA
United States District Judge