

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

**ORDER RE HEARING ON POST-
TRIAL MOTIONS**

The parties should be prepared to discuss the following issues at the upcoming hearing on post-trial motions:

1. The sufficiency of the evidence supporting the jury's verdict on lost profits, particularly with respect to TEK's manufacturing capacity and TEK's calculation of the amount of profit expected from additional sales.
2. The sufficiency of the evidence supporting the jury's verdict on reasonable royalties, particularly with respect to the entire market value rule and TEK's theory of "built in" apportionment.
3. Remittitur, judgment as a matter of law, and adjustments to the calculation of supplemental prejudgment damages to account for the evidence regarding the Tesla devices.
4. The possibility of error in TEK's product-to-product comparison at closing argument, TEK's copying evidence, and the discussion of PTAB proceedings.
5. Whether advancing theories of noninfringement and invalidity that are undermined by one's own expert suggests that this is an "exceptional case" for the purposes of 35 U.S.C. § 285. *See, e.g.*, Tr. at 736:2-739:24 (noninfringement); *id.* at 767:15-770:20


(invalidity).

6. Irreparable harm and the inadequacy of legal remedies.

There will be no argument on the infringement and invalidity sections of the renewed motion for judgment as a matter of law, nor will there be argument on SSI's theories of error arising from Dr. Mody's reliance on SSI's sale price, Dr. Mody's reliance on TEK's earlier license, the scope of Mr. Keller's cross-examination, or the entire market value rule as it appeared in the jury instructions or verdict form. The Court also sees no reason to deviate from Judge Grewal's approach to the appropriate rate of pre- and post-judgment interest or (in the event a permanent injunction is issued) the sunset provision, notice requirement, or notice language.

IT IS SO ORDERED.

Dated: July 18, 2017



VINCE CHHABRIA
United States District Judge