

United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ENPLAS DISPLAY DEVICE CORPORATION, et al.,
Plaintiffs,
v.
SEOUL SEMICONDUCTOR COMPANY, LTD.,
Defendant.

Case No. 13-cv-05038 NC

**ORDER ON INVALIDITY CLAIMS
38-39, 41-43, 45-48 OF '554 PATENT**

The parties dispute whether EDD can seek a jury finding of invalidity on claims 38-39, 41-43, and 45-48 of the '554 patent, when the Court has already entered a summary judgment order of noninfringement as to these claims. Dkt. No. 224. "A district court judge faced with an invalidity counterclaim challenging a patent that it concludes was not infringed may either hear the claim or dismiss it without prejudice, subject to review only for abuse of discretion." Liquid Dynamics Corp. v. Vaughan Co., Inc., 355 F.3d 1361, 1371 (Fed. Cir. 2004). Here, the parties have prepared for trial on these invalidity counterclaims, and the Court expects that EDD will remain within the time limits set to present its case. Thus, the Court permits the invalidity claims 38-39, 41-43, and 45-48 of the '554 patent to proceed at trial.

IT IS SO ORDERED.

Dated: February 29, 2016


NATHANAEL M. COUSINS
United States Magistrate Judge

Case No. 13-cv-05038 NC