

United States District Court  
Northern District of California

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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 REGARDING DROPPED CLAIMS AND THEORIES**

The parties submitted additional briefing to the Court with dueling stipulations as to how the Court and the parties should handle dropped claims and theories at trial. Dkt. No. 386. The Court does not find that a hearing is necessary.

The Court finds the following procedure is appropriate:

1. The parties agree that SSC does not assert that EDD directly infringes the patents-in-suit. The Court has clarified the parties’ statement of the case in the preliminary jury instructions to reflect that EDD is accused of actively inducing infringement. The Court concludes that it is not relevant for SSC to present evidence that EDD directly infringes the patents, and such references will be excluded. The Court requests that the parties refer to EDD’s liability as for “induced infringement” rather than “infringement,” as the term infringement could be easily construed as direct infringement.

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2. The jury will be instructed that EDD’s defense for invalidity of the ’209 patent over the prior art is limited to obviousness.
3. Because the anticipation argument on the ’209 patent is not relevant, the Court excludes reference to or evidence of the anticipation argument.
4. The parties may not refer to any court orders or procedural history regarding claims and products not in the case, or the reasons why they may not be at issue.
5. The jury will be given the following jury instruction in the preliminary instructions, the closing instructions, and at any other time that the Court believes is necessary: “Although the parties may refer to other claims or lenses, you will only be asked to decide on infringement and/or invalidity of the claims and lenses listed in the jury instructions.”

**IT IS SO ORDERED.**

Dated: March 4, 2016

  
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NATHANAEL M. COUSINS  
United States Magistrate Judge