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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 IRONWORKS PATENTS LLC,

8 Plaintiff,

9 v.

10 SAMSUNG ELECTRONICS CO., LTD., et
11 al.,

12 Defendants.

Case No. [17-cv-01958-HSG](#)


**ORDER GRANTING PLAINTIFF'S
MOTION TO DISMISS CLAIM
REGARDING '125 PATENT**

Re: Dkt. No. 120

13 Pending before the Court is Plaintiff's motion to dismiss one patent from this action. Dkt.
14 No. 120 ("Mot."). Specifically, Plaintiff seeks dismissal with prejudice of Count III of its
15 complaint relating to United States Patent Number 5,553,125 (the "'125 patent"). Mot. at 1. The
16 '125 Patent expired in 2013. Id. Defendant does not oppose Plaintiff's request. See Dkt. No. 132
17 ("Non-Opp."). Defendant asks only that the Court defer a decision on attorney fees and costs until
18 the Court reaches a final disposition of this action. See Non-Opp. at 1. Plaintiff responds by
19 arguing that the Court should decline to award fees and costs to Defendant. Dkt. No. 134 at 1-4.
20 The Court finds any award of fees and costs is appropriately addressed at the time of a final
21 disposition of this action. See Fed. R. Civ. P. 54(d) (allowing a prevailing party to recover costs,
22 and permitting an award of attorney fees where appropriate). Plaintiff provides no good cause for
23 the Court to address attorney fees and costs at this stage. The Court thus **GRANTS** Plaintiff's
24 motion, and defers the question of fees and costs until it reaches a final disposition of this action.
The Court will separately address any counterclaims relating to the '125 Patent. See Dkt. No. 101.

25 **IT IS SO ORDERED.**

26 Dated: 11/16/2017

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28 HAYWOOD S. GILLIAM, JR.
United States District Judge