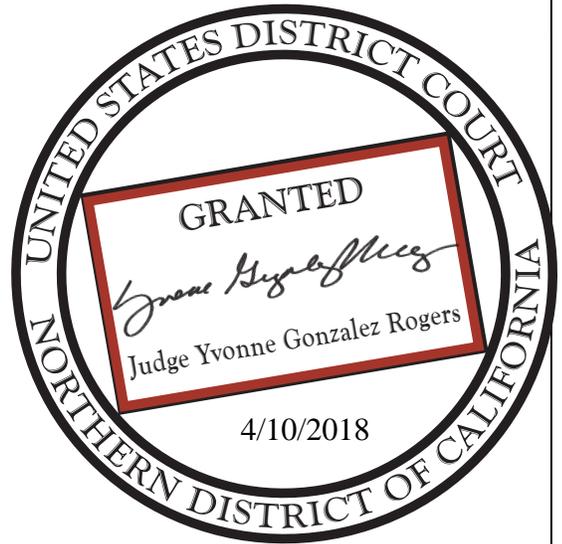


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Rachael D. Lamkin (Cal Bar No. 246066)
Lamkin IP Defense
100 Pine St., Suite 1250
San Francisco, CA 94111
916.747.6091
RDL@LamkinIPDefense.com

*Attorney for Defendants Garmin
International, Inc., Garmin USA, Inc.*



**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA,
OAKLAND DIVISION**

CELLSPIN SOFT, INC.,

Plaintiff,

v.

**GARMIN INTERNATIONAL, INC.,
GARMIN USA, INC.**

Defendants.

CASE NO. 4:17-cv-05934-YGR

**~~PROPOSED FORM OF JUDGMENT~~
PURSUANT TO ORDER RE: OMNIBUS
MOTION TO DISMISS & GARMIN'S
MOTION FOR JUDGMENT ON THE
PLEADINGS**

Hon. Yvonne Gonzalez Rogers

Pursuant to the Court's Order on April 3, 2018 (Dkt. No. 65) directing Defendants to file a proposed form of judgment based on the Court's Order finding the asserted claims of U.S. Patent Nos. 8,738,794 ("the '794 patent"); 8,892,752 ("the '752 patent"); 9,749,847 ("the 847 patent") and 9,258,698 (the "'698 Patent") (collectively, "the Asserted Patents") invalid under 35 U.S.C. § 101, Defendants Garmin International, Inc. and Garmin USA, Inc. ("Garmin") respectfully submit the following proposed judgment, attached as Exhibit A, the

1 form of which has been mostly approved by Plaintiff Cellspin Soft, Inc. It should be noted
2 that Plaintiff Cellspin Soft, Inc. objected to a single sentence of the content of Garmin’s
3 proposed order: “rendering Garmin the prevailing party in the above-captioned action”.
4 Cellspin stated that it “does not dispute that Garmin will be the prevailing party” but says
5 that the language is extraneous. Garmin disagrees and believes the statement is simply
6 accurate. Other than that single sentence, the Parties agree on the form and content of the
7 attached proposed order.

8
9
10 Respectfully submitted,

11
12 *Rachael D. Lamkin*

13 Rachael D. Lamkin
14 Lamkin IP Defense
15 100 Pine St. Suite 1250
16 San Francisco, CA 94111
17 916.747.6091
18 RDL@LamkinIPDefense.com

19
20
21
22
23
24
25
26
27
28
Attorney for Defendants

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

EXHIBIT A

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,
OAKLAND DIVISION

CELLSPIN SOFT, INC.,

Plaintiff,

v.

GARMIN INTERNATIONAL, INC.,
GARMIN USA, INC.

Defendants.

CASE NO. 4:17-cv-05934-YGR

~~PROPOSED FORM OF JUDGMENT~~
PURSUANT TO ORDER RE: OMNIBUS
MOTION TO DISMISS & GARMIN'S
MOTION FOR JUDGMENT ON THE
PLEADINGS

Hon. Yvonne Gonzalez Rogers

This action having come before the Court, and pursuant to the Court's Order (Dkt. No. 65) granting Garmin International, Inc. and Garmin, USA, Inc's ("Garmin's") Motion to Dismiss and Motion For Judgment On the Pleadings (Dkt. Nos. 27, 52) finding all asserted claims of U.S. Patent Nos. 8,738,794 (the "794 Patent"), 8,892,752 (the "752 Patent"), 9,749,847 (the "847 Patent") and 9,258,698 (the "698 Patent") directed to patent-ineligible

1 subject matter and therefore invalid pursuant to 35 U.S.C. § 101—IT IS HEREBY ADJUDGED
2 AND ORDERED that:

3 For the reasons set forth in the Court’s Order on April 3, 2018 (Dkt. No. 65), claims 1–
4 4, 7, 9, 16–18, and 20–21 from the ’794 Patent, claims 1, 2, 4, 5, and 12–14 from the ’752
5 Patent, claims 1-3 from the ’847 Patent, and claims 1, 3–5, 7-8, 10–13, 15–20 from the ’698
6 Patent are invalid pursuant to 35 U.S.C. § 101.

7 The foregoing claims of the ’794, ’752, ’847 and ’698 Patents represent all pending
8 claims at issue in this case.

9 WHEREFORE JUDGMENT is entered in this case in favor of Defendant Garmin and
10 against Plaintiff Cellspin Soft, Inc., rendering Garmin the prevailing party in the above-
11 captioned action.
12

13 Dated: April 10, 2018

14 
15 YVONNE GONZALEZ ROGERS
16 UNITED STATES DISTRICT COURT JUDGE
17
18
19
20
21
22
23
24
25
26
27
28