Solannex, Inc. v. MiaSole, Inc. Doc. 167

United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

SOLANNEX, INC., a Delaware corporation, Plaintiff, v. MIASOLÉ, INC., a California corporation, Defendant.	Case No.: CV 11-00171 PSG **ORDER** **(Re: Docket No. 165)**

On December 12, 2012, Plaintiff Solannex, Inc. ("Solannex") and Defendant MiaSolé, Inc. ("MiaSolé") requested that the court enter judgment in favor of MiaSolé and certify the matter for appeal pursuant to Rule 54(b). Without identifying any particular terms or constructions, the parties' rationale for entering judgment is that based on the constructions adopted by the Court's Claim Construction Order, Solannex will be unable to establish infringement by MiaSolé of the patents at issue. Such a general explanation is insufficient to support entry of summary judgment.[1] Therefore,

IT IS HEREBY ORDERED that, no later than December 31, 2012, the parties shall submit a joint letter to the court explaining which particular claim terms and constructions support summary judgment in favor of MiaSolé.

[1] See Fed. R. Civ. P. 56(a) (requiring statement of reasons for granting a summary judgment motion).

Dockets.Justia.com

IT IS SO ORDERED.

Dated: December 19, 2012

PAUL S. GREWAL
United States Magistrate Judge