IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

CHESTNUT HILL SOUND INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 15-261-RGA
	:	
APPLE INC.,	:	
	:	
Defendant.	:	

MEMORANDUM ORDER

There is a pending motion to dismiss. (D.I. 26). It is fully briefed.

The basis for the willfulness allegations is discussions and meetings that took place from 2004 to 2008. The asserted patents issued in 2012 and 2014. The complaint is silent about the years 2009 to 2011, and, other than the issuance of the patents, beyond that point. I do not think my *Robocast* decision is controlling at this point in the litigation. I will **DENY** the motion to dismiss on this ground, because I think it is plausible that Defendant either tracks suggestions of patent infringement (D.I. 21-4), or would be reckless in not doing so. The Supreme Court has two pending willfulness cases, and it there is a ruling that changes the law, Defendant is free to renew its motion should Defendant believe that appropriate.

For similar reasons, I will **DENY** the motion to dismiss the claims of induced infringement. I agree that the claim of contributory infringement is "formulaic," and I will therefore **GRANT** the motion in regard to it. The claim of contributory infringement is **DISMISSED**.

The preliminary injunction I have already dealt with, and the request to strike the

permanent injunction is **DENIED**.

I am going to administratively close this case in view of the stay. (D.I. 52). The time for Defendant to respond to the complaint will not start running until the stay is lifted and the case is administratively reopened.

IT IS SO ORDERED this 29 day of February 2016.

Richard G. Andrews
United States District Judge