

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

F'REAL FOODS, LLC and RICH
PRODUCTS CORPORATION,

Plaintiff,

v.

HAMILTON BEACH BRANDS,
INC. and HERSHEY CREAMERY
COMPANY,

Defendant.


Civil Action No. 16-41-CFC

MEMORANDUM ORDER

Pending before me is Defendants' Motion for New Trial on Invalidity of the '150, '662, and '658 Patents (D.I. 297). Defendants argue that a new trial on invalidity is warranted because the Court improperly excluded from evidence the Japanese Utility Model No. H04-136787U ("Sato") prior art reference. D.I. 298 at 35. Defendants, however, do not explain why the Court erred in excluding Sato. *See* D.I. 298 at 35; D.I. 337 at 17. Defendants' only argument on why the Court should not have excluded Sato is a single conclusory sentence that states: "The Court erred in excluding Sato, which is a 'printed publication' under 35 U.S.C. § 102(b)." D.I. 298 at 35. Because Defendants have failed to explain why I should

not have excluded Sato, I stand by the rationale for exclusion I articulated at the pretrial conference and deny Defendants' request for a new trial on invalidity.

WHEREFORE, this 29th day of April 2020, Defendants' Motion for New Trial on Invalidity of the '150, '662, and '658 Patents (D.I. 297) is **DENIED**.


UNITED STATES DISTRICT JUDGE