

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KOKI HOLDINGS CO., LTD.,

Plaintiff,

v.

KYOCERA SENCO INDUSTRIAL
TOOLS, INC.,

Defendant.

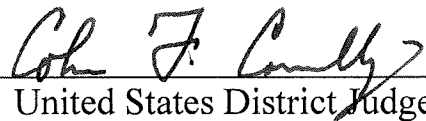
Civil Action No. 18-313-CFC

MEMORANDUM ORDER

Pending before me is Defendant Kyocera Senco Industrial Tools, Inc.'s motion for summary judgment of no infringement of U.S. Patent No. RE42,987. D.I. 148. In its concise statement of material undisputed facts filed in support of its motion, Kyocera states that “[t]he ‘safety portion 12 that is mechanically coupled to trigger 11, the safety portion 12 consisting of upper safety portion 20, cam member 21, and lower safety portion 22’ is purely mechanical and does not include any pneumatic components.” D.I. 150 ¶ 2 (citations omitted). Plaintiff Koki Holdings Co. Ltd. denies this asserted fact and cites record evidence that appears on its face to create a genuine issue about whether mechanically coupling a safety portion to a trigger can involve pneumatic components.

Because there is a disputed fact that Kyocera has said is material to its motion for summary judgment, I will deny the motion. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986) (holding that summary judgment will not lie if there is a genuine dispute about a material fact).

WHEREFORE, this First day of February in 2021, Defendant's Motion for Summary Judgment of No Infringement of U.S. Patent No. RE42,987 (D.I. 148) is **DENIED.**


United States District Judge