

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LG ELECTRONICS U.S.A., INC.)	
a subsidiary of LG Electronics, Inc.,)	
a Korean company)	
)	Civil Action No.: 08 C 242
Plaintiff,)	
)	Judge St. Eve
v.)	
)	Magistrate Judge Mason
WHIRLPOOL CORPORATION,)	
)	
Defendant.)	

**WHIRLPOOL CORPORATION’S MOTION FOR JUDGMENT AS A MATTER OF
LAW ON THE ILLINOIS UNIFORM DECEPTIVE TRADE PRACTICES ACT CLAIM**

Whirlpool Corporation hereby moves the Court pursuant to Federal Rule of Civil Procedure 50 for the entry of judgment in Whirlpool’s favor on the Illinois Uniform Deceptive Trade Practices Act (“IUDTPA”) count. In support of this motion, Whirlpool states as follows and submits the accompanying Memorandum in Support:

1. The IUDTPA applies only to conduct that occurs “primarily and substantially” in Illinois. *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill.2d 100, 185-86, 835 N.E.2d 801, 853-54 (Ill. 2005). LG has not established this necessary connection between Whirlpool’s challenged conduct and Illinois.

2. LG’s case was premised on the allegation that Whirlpool’s dryer does not create or use steam. The Court determined that Whirlpool’s advertising its dryers as using steam neither violates the IUDTPA nor is likely to harm LG in a manner cognizable under that Act.

Thus, LG did not prove that Whirlpool engaged in conduct that would support a verdict for LG under the IUDTPA.

3. The Court and jury found that Whirlpool's steam dryer advertising caused no injury to LG. Accordingly, LG failed to satisfy the likely damage and injury element of the IUDTPA, or to meet the injury requirement of Article III of the Constitution.

WHEREFORE, for these reasons and as further set forth in the accompanying Memorandum in Support, Whirlpool respectfully requests that the Court enter judgment in Whirlpool's favor on the IUDTPA count.

Dated: June 6, 2011

Respectfully submitted,

WHIRLPOOL CORPORATION

By /s/ Brian D. Roche

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CERTIFICATE OF SERVICE

I, Brian D. Roche, an attorney, hereby certify that on June 6, 2011, I filed
**WHIRLPOOL CORPORATION'S MOTION FOR JUDGMENT AS A MATTER OF
LAW ON THE ILLINOIS DECEPTIVE TRADE PRACTICES ACT CLAIM** with the
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