

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

KOLCRAFT ENTERPRISES, INC.,

Plaintiff,

v.

CHICCO USA, INC,

Defendant.

Case No. 09 CV 03339

Judge Edmond E. Chang

**DEFENDANT ARTSANA USA, INC.'S RENEWED MOTION FOR JUDGMENT
AS A MATTER OF LAW PURSUANT TO FED.R.CIV.P. 50(b)**

Defendant, Artsana USA, Inc. (“Artsana”), by and through its undersigned counsel, pursuant to Fed.R.Civ.P. 50(b) hereby respectfully moves this Honorable Court for an Order granting Judgment as a Matter of Law, and in support thereof states as follows:

- (1) The jury’s verdict of infringement of claim 20 by the Artsana Products PTX-7, 8, 9, and DTX-296 is not supported by substantial evidence;
- (2) The jury’s verdict of infringement of claim 28 by the Artsana Products PTX-8 and PTX-9 is not supported by substantial evidence;
- (3) Kolcraft failed to satisfy its burden of proving indirect infringement for all of the Artsana Products;
- (4) Kolcraft failed to establish willful infringement;
- (5) Kolcraft failed to satisfy its burden of proving reasonable royalty damages;
- (6) Kolcraft’s Georgia-Pacific testimony does not support an increased baseline royalty; and
- (7) Kolcraft did not establish that it was entitled to damages on method claims 28-31.

In further support of its Motion, Artsana refers the Court to its accompanying Memorandum.

WHEREFORE, Defendant, Artsana USA, Inc. hereby respectfully moves this Honorable Court enter an Order granting it Judgment as a Matter of Law.

ARTSANA USA, INC.

By: s/James K. Borcia
One of Its Attorneys

James K. Borcia (jborcia@tresslerllp.com)
TRESSLER LLP
233 S. Wacker Drive, 22nd Floor
Chicago, IL 60606
(312) 627-4000

Anthony S. Volpe (AVolpe@vklaw.com)
Ryan W. O'Donnell (RODonnell@vklaw.com)
Max. S. Morgan (MMorgan@vklaw.com)
VOLPE AND KOENIG, P.C.
30 South 17th Street -18th Floor
Philadelphia, PA 19103
(215) 568-6400

JKB/cmj/4826-4834-2901/9023-1-51