

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

KADANT JOHNSON INC.,

VERSUS

**JOSEPH V. D'AMICO, LOUISIANA
STEAM EQUIPMENT, LLC and
UTILITIES OPTIMIZATION GROUP,
LLC**

CIVIL ACTION

10-2869 c/w

NO. 11-0036

REF: 11-36

SECTION "C" (1)

ORDER AND REASONS¹

Before the Court is a Motion for Partial Summary Judgment Excluding Non-Infringing Components and Services from the Patent Damages Award filed by Defendant, Louisiana Steam Equipment, LLC, Utilities Optimization Group, LLC, LSE Systems, Inc., and Utilities Construction Group, Inc. (Rec.Doc.344). Plaintiffs oppose the motion (Rec.Doc.398). Having considered the memoranda of counsel, the record, and the applicable law, the Court finds that the Motion is DENIED, as there are outstanding questions of material fact as to whether the patent in question creates the "basis for customer demand"² in the non-infringing components and services and whether the patented product and the non-infringing components are part of a

¹Jason A. Danowsky, a first year student at the University of Texas School of Law, assisted in the preparation of this Order & Reasons.

²Contrary to Kadant's position, the Court will require proof that the patent created the basis for customer demand in the non-infringing components, as a requirement of the entire market value rule.

“single functioning unit.”

Accordingly,

IT IS ORDERED that Defendant’s Motion for Partial Summary Judgment is DENIED.

(Rec. Doc. 344).

New Orleans, Louisiana, this 8th day of June, 2012.


HELEN G. BERRIGAN
UNITED STATES DISTRICT JUDGE