

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BOS GMBH & CO. KG, et al.

Plaintiff,

vs.

MACAUTO USA, INC., et al.,

Defendants.

4:17-CV-10461-TGB

**ORDER GRANTING MOTION
TO AMEND JUDGMENT**

This Court issued an Opinion and Order resolving cross-motions for summary judgment. ECF No. 83. On February 24, 2021, Plaintiffs filed a Motion to Amend Judgment to Incorporate Grant of Summary Judgment of No Literal Infringement. ECF No. 86. Defendants responded indicating they did not oppose the motion and included a stipulation on the issue from both parties. ECF No. 89.

Having reviewed the Parties' submissions, as well as the original Opinion and Order, the Court finds good cause for Plaintiffs' request to amend this Court's prior Judgment (ECF No. 85) to add a grant of summary judgment of no literal infringement in favor of Defendants. Summary judgement on the issue of literal infringement is appropriate for the reasons previously explained by the Court. ECF No. 83, PageID.5954-58. In addition, the Court confirms that Defendants'

motion for summary judgment of no infringement under the doctrine of equivalents is denied, the Court having found that there are triable issues of fact with regard to that issue. *Id.* at PageID.3958-61.

The Motion to Amend (ECF No. 86) is therefore **GRANTED**, and the Clerk is directed to enter the Amended Judgment.

SO ORDERED, this 16th day of March, 2021.

BY THE COURT:

/s/Terrence G. Berg

TERRENCE G. BERG

United States District Judge