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JS Products, Inc. v. Kabo Tool Company

Having granted the Motion for Partial Summary Judgment of Patent Invalidity filed by Plaintiff JS Products, Inc.'s ("JSP"), final judgment in favor of JSP is therefore appropriate.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

- (1) The only causes of actions to be adjudicated in this action are Plaintiff JSP's first claim for Declaratory Judgment of Noninfringement and Invalidity/Unenforceability of the '057 Patent [Dkt. # 34] and Defendants Kabo Tool Company's first counterclaim for Patent Infringement [Dkt. # 37].
- (2) For all of the reasons set forth in the Court's Order [Dkt. #373] dated July 28, 2014, Claim 1 of U.S. Patent No. 7,066,057 ("'057 patent"), the only patent claim alleged to be infringed by Defendants in the above-captioned action, is declared invalid because each limitation in the patent claim was anticipated by the prior art.
- (3) Final Judgment is hereby entered in favor of Plaintiff JSP and against Defendants Kabo Tool Company and Chih-Ching Hsieh on JSP's claim for declaratory judgment of patent invalidity, and in favor of JSP on Defendants' counterclaim for patent infringement. Defendants shall take nothing by way of their counterclaim.
- (4) All remaining claims and defenses are hereby dismissed without prejudice as moot.

IT IS SO ORDERED

Dated:_September 9, 2014.

UNITED STATES DISTRICT JUDGE