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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 G3 GENUINE GUIDE GEAR INC.,

9 Plaintiff,

10 v.

11 MARKER DEUTSCHLAND GMBH,  
12 et al.,

13 Defendants.

C15-561 TSZ

MINUTE ORDER

14 The following Minute Order is made by direction of the Court, the Honorable  
15 Thomas S. Zilly, United States District Judge:

16 (1) Defendants' motion for summary judgment, docket no. 35, is DENIED, and  
17 plaintiff's cross-motion for partial summary judgment, docket no. 49, is GRANTED.  
18 The Court concludes, as a matter of law, that independent Claim 1 and dependent  
19 Claim 37 of U.S. Patent No. 8,746,728 B2 ("the '728 Patent") are not anticipated by  
20 French Patent No. 2,613,949, which was issued to Raymond Durfort and Roger Brard.  
21 The Court will enter a separate order setting forth its reasoning concerning the  
22 anticipation defense. With regard to whether Claim 35 of the '728 Patent is invalid on  
23 the basis of obviousness,<sup>1</sup> and whether plaintiff would be entitled to increased or treble  
damages on the ground of willful infringement, the Court is persuaded that genuine  
disputes of material fact preclude summary judgment. *See* Fed. R. Civ. P. 56(a).

<sup>1</sup> Plaintiff's related motion to strike, docket no. 57-1, portions of defendants' reply brief and two  
declarations submitted therewith is DENIED.

