JS-6

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

Alfred E. Mann Foundation for Scientific Research, and Advanced Bionics, LLC,

Plaintiffs,

v.

Cochlear Corporation, and Cochlear Ltd.,

Defendants.

Case No. 2:07-cv-08108-FMO-SH

JUDGMENT

Courtroom: 22, 5th Floor
Judge: Hon. Fernando M. Olguin

The Court conducted a jury trial in this matter from January 14 to January 22, 2014, culminating in a jury verdict. (Dkt. No. 460, Jury Verdict.) The Court also conducted a January 22, 2014 bench trial regarding (1) equitable estoppel, (2) laches, (3) inequitable conduct, (4) prosecution history estoppel, and (5) indefiniteness. On March 31, 2015, the Court entered its Findings of Fact and Conclusions of Law and its Order Re: Post Trial Motions. (Dkt. No. 539; Dkt. No. 540.)

Based on these rulings, and the others of record, and after having considered the papers and the stipulations submitted by counsel, and good cause appearing, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. Judgment is entered in favor of Plaintiffs as to the infringement and validity of claim 10 of U.S. Patent No. 5,609,616.
2. Judgment is entered in favor of Plaintiffs as to:
    a. Defendants' affirmative defense of estoppel as to U.S. Patent No. 5,609,616 and U.S. Patent No. 5,938,691;
    b. Defendants' affirmative defense of laches as to U.S. Patent No. 5,609,616 and U.S. Patent No. 5,938,691; and
    c. Defendants' affirmative defense of inequitable conduct as to U.S. Patent No. 5,609,616.
3. Judgment is entered in favor of Defendants as to the invalidity of claim 1 of U.S. Patent No. 5,609,616.
4. Judgment is entered in favor of Defendants as to the invalidity of claims 6 and 7 of U.S. Patent No. 5,938,691.
5. Judgment is entered in favor of Defendants as to the willful infringement of U.S. Patent No. 5,609,616 and U.S. Patent No. 5,938,691.
6. Judgment is entered in favor of Defendants as to the vacatur of the jury's damages award.

7. Except for the issue of damages for infringement of claim 10 of U.S. Patent No. 5,609,616, this Judgment resolves all claims, counterclaims and defenses of all the parties.
8. This judgment is entered pursuant to 28 U.S.C. § 1292(c)(2), Rule 54 of the Federal Rules of Civil Procedure, and this Court's contemporaneous Order Regarding Federal Rule of Civil Procedure 54(b).

IT IS SO ORDERED.

Dated: April 20, 2015

/s/

HON. FERNANDO M. OLGUIN
UNITED STATES DISTRICT JUDGE