

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**IN RE PAPST LICENSING GMBH & CO. KG
LITIGATION**

Misc. Action No. 07-493 (RMC)

MDL Docket No. 1880

This Document Relates To:

**Papst Licensing GmbH & Co. KG v. Samsung
Techwin Co., Civ. No. 07-2088 (D.D.C.)**

**ORDER REGARDING SAMSUNG'S MOTION FOR SUMMARY JUDGMENT OF
NONINFRINGEMENT AS TO WRONGFULLY ACCUSED PRODUCTS**

This case concerns one part of a much larger patent case being handled as multidistrict litigation. On November 20, 2012, this Court entered an Order [Dkt. 521] and accompanying Opinion [Dkt. 520] granting a motion for summary judgment filed by Samsung Techwin Co. and Samsung Opto-Electronics America, Inc. (collectively Samsung).¹ The Court ordered that the Forty-Seven Accused Products identified in the Opinion were **STRICKEN** from Papst's Final Asserted Infringement Claims and Contentions [Dkt. 416]. The Court entered a final judgment of noninfringement based on the November 20, 2012 Opinion and Order, among others. *See* Final Judgment [Dkt. 560].

Papst appealed. *See* Notice of Appeal [Dkt. 561]. On February 2, 2015, the Federal Circuit vacated this Court's summary judgment orders and remanded based on certain claim construction rulings. The Federal Circuit's Opinion included a footnote stating that "[i]f

¹ The Order also denied a motion for Rule 56(d) discovery filed by Papst Licensing GmbH & Co. KG (Papst), insofar as it related to the summary judgment motion filed by Samsung, and denied Papst's motion to strike the Second Lee Declaration.

some aspects of the summary judgment orders are unaffected by our claim[]construction rulings, they may, to that extent be reinstated on remand.” Remand Op. [Dkt. 582-1] at 9 n.2. The Federal Circuit issued its Mandate on March 25, 2015. *See* Mandate [Dkt. 582].

At a hearing on May 15, 2015, Samsung moved to reinstate the November 20, 2012 Opinion and Order without objection. Because the Federal Circuit’s ruling did not affect the Opinion [Dkt. 520] and Order [Dkt. 521], they are **REINSTATED** nunc pro tunc to November 20, 2012.

Date: May 18, 2015

/s/
ROSEMARY M. COLLYER
United States District Judge