IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KONINKLIJKE PHILIPS N.V. and U.S. PHILIPS CORPORATION,	)	
Plaintiffs,	)	
v.	)	C.A. No. 15-1170 (GMS)
ACER INC. and ACER AMERICA CORPORATION,	)	
Defendants.	)	

ACER INC. AND ACER AMERICA CORPORATION'S
MOTION FOR JUDGMENT ON THE PLEADINGS

Under Federal Rule of Civil Procedure 12(c), Defendants Acer Inc. and Acer America Corporation (collectively "Acer") respectfully move for judgment on the pleadings on the fifth and eleventh claims for relief in the Second Amended Complaint, D.I. 82, filed by Plaintiffs Koninklijke Philips N.V. and U.S. Philips Corporation (collectively "Philips").

All asserted claims of the RE'564 patent are invalid because Philips improperly broadened them during reissue, and all asserted claims of the '797 patent are unenforceable because the claims issued with a material error that Philips failed to correct. The grounds for this Motion are fully set forth in the Opening Brief in Support of Acer Inc. and Acer America Corporation's Motion for Judgment on the Pleadings, filed contemporaneously with this Motion.

For the reasons set forth therein, Acer respectfully requests that the Court dismiss Philips' fifth and eleventh claims for relief with prejudice.

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December 23, 2016

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KONINKLIJKE PHILIPS N.V. and U.S. PHILIPS CORPORATION,	)	
Plaintiffs,	)	
v.	)	C.A. No. 15-1170 (GMS)
ACER INC. and ACER AMERICA CORPORATION,	)	
Defendants.	)	

PROPOSED] ORDER GRANTING ACER INC. AND ACER AMERICA CORPORATION'S MOTION FOR JUDGMENT ON THE PLEADINGS

Having considered Defendants Acer Inc. and Acer America Corporation's Motion for Judgment on the Pleadings, IT IS HEREBY ORDERED this _____ day of _____, 2017, that the Motion is GRANTED, and that Plaintiffs Koninklijke Philips N.V. and U.S. Philips Corporation's fifth and eleventh claims for relief are dismissed with prejudice

_____
The Honorable Gregory M. Sleet

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2016, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on December 23, 2016, upon the following in the manner indicated:

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