

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THE DOW CHEMICAL COMPANY, :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 05-737-JJF
 :
 NOVA CHEMICALS CORPORATION :
 (CANADA), and NOVA CHEMICALS :
 INC. (Delaware), :
 :
 Defendants. :
 :

ORDER

At Wilmington, this 14th of May 2010, for the reasons set forth in the Memorandum Opinion to be issued;

IT IS HEREBY ORDERED that:

1. Nova Chemicals Corporation and Nova Chemical Inc.'s Motion For Summary Judgment Of Invalidity Based On Dow's "Slope Of Strain Hardening Coefficient" Limitation (D.I. 254) is **DENIED**;

2. The Dow Chemical Company's Motion For Summary Judgment That The Claims Of The '053 And '023 Patents Are Not Invalid For Lack Of Written Description (D.I. 263) is **DENIED**; and

3. The Dow Chemical Company's Motion For Partial Summary Judgment On Nova's New Written Description Defense Based On Dow's "Slope Of Strain Hardening Coefficient" Limitation (D.I. 291) is **DENIED**.


UNITED STATES DISTRICT JUDGE