

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 12-10322-GW(FFMx) Date November 13, 2018
Title *McRO, Inc., v. Namco Bandai Games America, Inc., and Related Actions*

Present: The Honorable GEORGE H. WU, UNITED STATES DISTRICT JUDGE

Javier Gonzalez

None Present

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Present

None Present

**PROCEEDINGS: IN CHAMBERS - FINAL RULING AND ORDER RE STATUS
CONFERENCE FOR ALL REMAINING MATTERS**

Attached hereto is the Court's Final Ruling and Order Re: status Conference for All Remaining Matters. A Telephonic Status Conference is set for November 26, 2018 at 8:30 a.m. to discuss any remaining issues the parties wish to have addressed before they are directed to meet and confer regarding the form of a final judgment for this matter.

Initials of Preparer JG

McRO, Inc., d.b.a. Planet Blue v. Namco Bandai Games America, Inc., Case No. CV 12-10322-GW (FFMx) (LEAD TRACK 1 CONSOLIDATED CASE); Adoption of Amended Tentative Ruling (Docket No. 755) as Final Ruling and Order re Status Conference for All Remaining Matters

The Court has issued a Final Ruling on Defendants' Motion for Summary Judgment of Invalidity for Lack of Enablement. *See* Docket No. . Consistent with previous discussions with the parties, the Court hereby also adopts its "Amended Tentative Ruling on Scheduled Motions" at Docket No. 755 as a Final Ruling of this Court. As stated in the Amended Tentative Ruling, the Court rules as follows:

The Court **GRANTS** Defendants' Motion for Summary Judgment of Non-Infringement. Docket No. 643. The Court **OVERRULES** Defendants' Objections to Plaintiff's Opposition to Defendants' Motion for Summary Judgment of Non-Infringement or Invalidity. *See* Docket Nos. 711, 727. The Court **DENIES** all of the Defendants' other pending motions before this Court as **MOOT**.¹

In light of the Court's Final Ruling finding the asserted claims invalid for lack of enablement, the Court would also modify the Amended Tentative Ruling to **DENY** Plaintiff's Motion for Summary Judgment of No Anticipation as **MOOT**.

As discussed in Footnote 3 of the Court's Final Ruling on Defendants' Motion for Summary Judgment for Lack of Enablement, the Court understands that a dispute remains regarding the terms of dismissal of Defendants' (except Square Enix's) counterclaims regarding the '576 Patent. The parties are **ORDERED** to file a joint status report by November 19, 2018 not to exceed seven pages indicating whether their respective positions regarding this dispute have

¹ This includes:

- Defendants' Motion for Summary Judgment or Partial Summary Judgment of Non-Infringement Under 35 U.S.C. § 271(g) (Docket No. 638);
- Defendants' Motion for Summary Judgment of No Willful Infringement (Docket No. 634 (public notice of motion); Docket No. 655 (sealed));
- Defendant Square's Motion to Strike Portions of Gleicher Expert Report (Docket No. 628);
- Defendant Square's [Corrected] Motion for Summary Judgment of Non-Infringement Due to Failure of Proof (Docket No. 632; *see also* Docket No. 629 (original Notice of Motion for Failure of Proof));
- Defendant Square's Motion for Summary Judgment that Plaintiff's Claims are Barred by 35 U.S.C. § 287(b)(2) (Docket No. 635); and
- Defendants' still-pending early Motion for Summary Judgment of Non-Infringement, filed June 23, 2017. *See* Docket No. 431; *see also* Docket No. 448 (Plaintiff's *ex parte* application for leave to file a sur-reply to Defendants' early summary judgment motion); Docket No. 455 (Minutes of Hearing on early summary judgment motion and attached tentative ruling).

changed and, if they so choose, providing additional information to support their respective positions. A Telephonic Status Conference is set for November 26, 2018 at 8:30 am to discuss any remaining issues the parties wish to have addressed before they are directed to meet and confer regarding the form of a final judgment for this matter.