

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE: METHOD OF PROCESSING)
ETHANOL BYPRODUCTS AND)
RELATED SUBSYSTEMS ('858) PATENT)
LITIGATION)

No. 1:10-mi-02181-LJM-DML

RELATED CASES:)
1:10-cv-00180-LJM-DML)
1:10-cv-08001-LJM-DML)
1:10-cv-08002-LJM-DML)
1:10-cv-08003-LJM-DML)
1:10-cv-08004-LJM-DML)
1:10-cv-08005-LJM-DML)
1:10-cv-08006-LJM-DML)
1:10-cv-08007-LJM-DML)
1:10-cv-08008-LJM-DML)
1:10-cv-08009-LJM-DML)
1:10-cv-08010-LJM-DML)
1:10-cv-08011-LJM-DML)

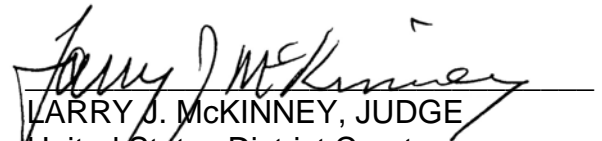
ORDER REGARDING REQUEST FOR CLARIFICATION

On October 23, 2014, the Court entered its Order on Cross Motions for Summary Judgment in which it ruled on all outstanding motions for summary judgment filed by the original parties in this Multi-District Litigation. In Section VI.B., the Court ruled in favor of the Defendants on their defense that the '858 patent family was invalid pursuant to the on-sale bar found in 35 U.S.C. § 102(b), but excluded from that ruling the '484 patent because the Court believed that all the claims of that patent required an extra step that was not part of the offer made by Plaintiff GS CleanTech Corporation. MDN 1351 at 164-74. On October 24, 2014, the Defendants requested clarification of this part of the Court's order because one claim of the '848 patent, Claim 30, does not require the extra step; therefore, under the Court's reasoning in Section VI.B., that claim should also be invalid. Dkt. No. 1354.

The Defendants are correct; Claim 30 of the '484 patent is also invalid under 35 U.S.C. § 102(b)'s on-sale bar for the reasons stated in Section VI.B. of the Court's Order on Cross Motions for Summary Judgment. The Defendants are entitled to summary judgment of invalidity of Claim 30 of the '484 patent pursuant to the on-sale provision of 35 U.S.C. § 102(b). This conclusion is made part of the Court's Order on Cross Motions for Summary Judgment as if it were made therein.

The Defendant's Motion for Clarification is **GRANTED** and the Court's Order on Cross Motions for Summary Judgment is clarified as stated herein.

IT IS SO ORDERED this 28th day of October, 2014.


LARRY J. MCKINNEY, JUDGE
United States District Court
Southern District of Indiana

Electronically distributed to all registered attorneys via ECF.