

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GILBERT P. HYATT,

Plaintiff,

v.

JOSEPH MATAL,

Defendant.

Civil Action No. 05-2310 (RCL)
Civil Action No. 09-1864 (RCL)
Civil Action No. 09-1872 (RCL)

~~Proposed~~ Order

Upon consideration of the Mr. Hyatt's unopposed motion to amend the Judgments (ECF 236 in No. 05-2310; ECF 233 in No. 09-1864; ECF 226 in No. 09-1872), as well as the Memorandum Opinion (ECF 235 in No. 05-2310; ECF 232 in No. 09-1864; ECF 225 in No. 09-1872) to reflect that all information previously ordered to be part of each issued patent should be ordered to be part of the prosecution history for each issued patent, and in the interest of justice, the Court finds that the motion is well-taken. It is hereby

ORDERED that Motion is GRANTED; and it is further

ORDERED that the first sentence of the last paragraph of page 43 of the Memorandum Opinion (ECF 235 in No. 05-2310; ECF 232 in No. 09-1864; ECF 225 in No. 09-1872) is amended *nunc pro tunc* as follows: "**The prosecution history for e**Each issued patent shall include the Figures that Mr. Hyatt relied upon at trial as evidence helping to establish written description support for his claims, and also include a reference to this Memorandum Opinion."; and it is further


ORDERED that the second clause on page 2 of the Judgment (ECF 236 in No. 05-2310) is amended *nunc pro tunc* as follows: "IT IS FURTHER ORDERED THAT **the prosecution history for** the issued patent shall **include reference** the accompanying Opinion is this case, issued this day, to include noting the limitation on the claims found in section III(a)(i) of the Opinion; and"; and it is further

ORDERED that the second clause on page 2 of the Judgment (ECF 233 in No. 09-1864) is amended *nunc pro tunc* as follows: "IT IS FURTHER ORDERED THAT **the prosecution history** for the issued patent shall **include** ~~reference~~ the accompanying Opinion in this case, issued this day, and include the Figures upon which Plaintiff relied at trial as evidence of written description support."; and it is further

ORDERED that the second clause on page 2 of the Judgment (ECF 233 in No. 09-1872) is amended *nunc pro tunc* as follows: "IT IS FURTHER ORDERED THAT **the prosecution history** for the issued patent shall **include** ~~reference~~ the accompanying Opinion in this case, issued this day, and include the Figures upon which Plaintiff relied at trial as evidence of written description support."

SO ORDERED.

Dated: August 28, 2018



Royce C. Lamberth
United States District Judge