

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COX COMMUNICATIONS INC., et al.,

Plaintiffs,

v.

C.A. No. 12-487 SLR

SPRINT COMMUNICATIONS COMPANY
L.P., et al.,

Defendants.

[PROPOSED] RULE 54(b) FINAL JUDGMENT

WHEREAS, Plaintiffs filed a declaratory action for, *inter alia*, judgment of invalidity for failure to meet the conditions for patentability set forth in Title 35 of the United States Code, including Section 112, as to U.S. Patent Nos. 6,633,561 (Count 14);¹ 6,463,052 (Count 15);² 6,452,932 (Count 16); 6,473,429 (Count 17); 6,298,064 (Count 18); and 7,286,561 (Count 24) (collectively, the “Invalidated Patents”) (D.I. 1);

WHEREAS, Defendants filed a second amended answer and counterclaims for, *inter alia*, infringement of the Invalidated Patents (Counts 9, 10, 11, 12, 13, 19) (D.I. 115);

WHEREAS, Plaintiffs answered Defendants’ counterclaims and asserted, as their Second Affirmative Defense, that the Invalidated Patents, among others, are invalid for failure to meet the conditions for patentability set forth in Title 35 of the United States Code, including Section 112

¹ Count 14 is titled “Invalidity of the ‘3,561 Patent,” but paragraph 149 erroneously references the ‘084 Patent. The parties are in agreement that Count 14 puts the validity of the ‘3,561 Patent at issue.

² Count 15 is erroneously titled “Invalidity of the ‘3,561 Patent,” but paragraph 153 correctly references the ‘052 Patent. The parties are in agreement that Count 15 puts the validity of the ‘052 Patent at issue.

(D.I. 119);

WHEREAS, Plaintiffs moved, pursuant to Federal Rule of Civil Procedure 56, for partial summary judgment of invalidity as to the Invalidated Patents for failure to meet the definiteness requirement set forth in 35 U.S.C. § 112 (D.I. 207);

WHEREAS, the Court granted Plaintiffs' motion for partial summary judgment (D.I. 231);

WHEREAS, pursuant to Federal Rule of Civil Procedure 54(b), and for the reasons set forth in the Court's August 27, 2015, Memorandum Order (D.I. 298), the Court determines that there is no just reason for delay in entering final judgment of invalidity as to the Invalidated Patents;

NOW, THEREFORE, the Court directs entry of final judgment in Plaintiffs' favor as to Counts 14, 15, 16, 17, 18, and 24 of Plaintiffs' complaint (D.I. 1), and Counts 9, 10, 11, 12, 13, and 19 of Defendants' second amended counterclaims (D.I. 115).

SO ORDERED AND ADJUDGED this 3rd day of September, 2015.



UNITED STATES DISTRICT JUDGE