IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

COLUMBIA SPORTSWEAR NORTH AMERICA, INC., an Oregon Corporation, Plaintiff,	No. 3:17-cv-01781-HZ OPINION & ORDER

v.

SEIRUS INNOVATIVE ACCESSORIES, INC., a Utah corporation,

Defendant.

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HERNÁNDEZ, District Judge:

Before the Court are the parties' renewed motions for judgment as a matter of law ("JMOL") and motions for a new trial [420 & 422] under Rules 50 and 59 of the Federal Rules of Civil Procedure. Under Rule 50, a party may file a JMOL if it "has been fully heard on an issue during a jury trial and the court finds that a reasonable jury would not have a legally sufficient evidentiary basis for the party on that issue[.]" Fed. R. Civ. P. 50(a)(1). If the court denies a JMOL, then a party may renew the motion after trial. Fed. R. Civ. P. 50(b). The court may: "(1) allow judgment on the verdict, if the jury returned a verdict; (2) order a new trial; or (3) direct the entry of judgment as a matter of law." *Id.* Pursuant to Rule 59, the court may rule on a motion for a new trial "after a jury trial, for any reason for which a new trial has heretofore been granted in an action at law in federal court[.]" Fed. R. Civ. P. 59(a)(1).

For the reasons stated at trial, the Court denies the parties' renewed JMOLs and motions for a new trial. Regarding Columbia's motion, there were legally sufficient bases for the jury's verdicts of invalidity, the jury instructions on anticipation and obviousness were legally sufficient, and Dr. Block's testimony was properly admitted into evidence. With respect to Seirus's motion, the Court remains convinced that, regarding the issue of the relevant article of manufacture under 35 U.S.C. § 289, the jury instructions and jury verdict were legally sufficient and that the Court correctly determined the proper legal test. Accordingly, the parties' motions are DENIED.

Dated this 13th day of March, 2018.

Marco Hernández

MARCO A. HERNÁNDEZ
United States District Judge