

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

AntennaSys, Inc.

v.

Case No. 17-cv-105-PB

AQYR Technologies, Inc. and
Windmill International, Inc.

ORDER

AntennaSys has brought a patent infringement claim against AQYR and five state law claims against AQYR and its subsidiary, Windmill. On December 27, 2018, I issued a Memorandum and Order construing several claim terms used in the patent at issue. See Doc. No. 48. AntennaSys concedes that it cannot prevail on its infringement claim given my claim construction ruling. It also recognizes that it cannot succeed on its state law claims without a finding of infringement.¹ Accordingly, it has filed a motion asking me to grant summary judgment to the defendants on all if its claims so that it can take an immediate appeal.

Given AntennaSys's concessions, I agree that judgment must be entered for the defendants on all of plaintiff's claims. To the extent that defendants also ask me to limit the issues that may be considered on appeal, I decline their requests. I do not

¹ AntennaSys expressly waived any argument that its state law claims could be proved without a finding of infringement at a hearing held on June 24, 2019. See Doc. No. 63-2 at 17.

have the power to dictate to the court of appeals what subjects it may choose to address on appeal.

AntennaSys's motion for summary judgment (Doc. No. 56) is granted. The clerk shall enter judgment for the defendants and close the case.

SO ORDERED.

/s/ Paul J. Barbadoro
Paul J. Barbadoro
United States District Judge

July 24, 2019

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