

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MIDWEST ENERGY EMISSIONS CORP.)	
and MES INC.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 19-1334 (CJB)
)	
ARTHUR J. GALLAGHER & CO., et al.,)	
)	
Defendants.)	

CERT DEFENDANTS’ MOTION TO ALTER OR AMEND JUDGMENTS (D.I. 697-708)

The CERT Defendants hereby move under Federal Rule of Civil Procedure 59(e) for the Court to alter or amend the nonfinal judgments entered against each individual defendant (D.I. 697-708). The CERT Defendants have asserted a defense of implied license that would negate the verdicts of infringement entered against each defendant and the related damages awards. The Court has scheduled a bench trial on May 30, 2024, to take evidence on that issue. Should the Court find as a result of that bench trial that the CERT Defendants received an implied license, the nonfinal judgments (D.I. 697-708) should be altered or amended to enter judgment in the CERT Defendants’ favor that each CERT Defendant is not liable for induced infringement, contributory infringement, or willful infringement of claim 25 or 26 of U.S. Patent No. 10,343,114 or claim 1 or 2 of U.S. Patent 10,596,517 and are not liable to Plaintiffs for any damages. *See* D.I. 695, at 1 (explaining that entering judgment on infringement claims would be premature because the Court has yet to rule on the implied license defenses).

The evidence and grounds for the CERT Defendants’ motion will be set forth at the May 30, 2024 bench trial and through related briefing and evidentiary submissions.

Dated: April 5, 2024

/s/ Kenneth L. Dorsney

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**[PROPOSED] ORDER GRANTING CERT DEFENDANTS’ MOTION ALTER
OR AMEND JUDGMENTS**

Whereas, the Court, having considered the CERT Defendants’ Motion to Alter or Amend Judgments, having conducted a bench trial on the issue of implied license, and having receiving briefing and other submissions on the issue,

IT IS HEREBY ORDERED that the CERT Defendants’ Motion is GRANTED. The Court finds and decrees that:

1. The CERT Defendants have an implied license to claims 25 and 26 of U.S. Patent No. 10,343,114 and claims 1 and 2 of U.S. Patent No. 10,596,517.
2. The CERT Defendants do not and did not induce infringement of claim 25 or 26 of U.S. Patent No. 10,343,114 or claim 1 or 2 of U.S. Patent No. 10,596,517.
3. The CERT Defendants do not and did not contribute to infringement of claim 25 or 26 of U.S. Patent No. 10,343,114 or claim 1 or 2 of U.S. Patent No. 10,596,517.
4. The CERT Defendants do not and did not willfully infringe claim 25 or 26 of U.S. Patent No. 10,343,114 or claim 1 or 2 of U.S. Patent No. 10,596,517.
5. Amended judgments consistent with this order will be entered.

It is so ORDERED.

The Honorable Christopher J. Burke
United States District Court Magistrate Judge