

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

POWER INTEGRATIONS, INC., a
Delaware corporation,

Plaintiff,

v.

FAIRCHILD SEMICONDUCTOR
INTERNATIONAL, INC., FAIRCHILD
SEMICONDUCTOR CORPORATION, and
SYSTEM GENERAL CORPORATION,

Defendants.

C.A. No. 08-309 LPS

**POWER INTEGRATIONS' BRIEF IN OPPOSITION TO DEFENDANTS' RENEWED
MOTION FOR JUDGMENT AS A MATTER OF LAW THAT POWER
INTEGRATIONS' '605 PATENT IS INVALID FOR ANTICIPATION OR, IN THE
ALTERNATIVE, ITS MOTION FOR A NEW TRIAL ON THE INVALIDITY OF THE
'605 PATENT**

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TABLE OF CONTENTS

	<u>PAGE</u>
I. INTRODUCTION	1
II. LEGAL STANDARDS	2
III. ARGUMENT	3
A. Substantial Evidence Supports The Verdict that the Maige Patent Does Not Anticipate Claims 1 or 2 of the '605 Patent	4
B. Substantial Evidence Supports the Verdict that the White Patent Does Not Anticipate Claims 1 or 2 of the '605 Patent	7
C. Fairchild Is Not Entitled to a New Trial	10
IV. CONCLUSION.....	12

TABLE OF AUTHORITIES

CASES

Anderson v. Liberty Lobby, Inc.,
477 U.S. 242 (1986).....2

Gomez v. Allegheny Health Servs. Inc.,
71 F.3d 1079 (3d Cir. 1995).....2

Harris Corp. v. Ericsson, Inc.,
417 F.3d 1241 (Fed. Cir. 2005).....2

Honeywell Int’l. Inc. v. Universal Avionics Sys. Corp.,
426 F. Supp. 2d 211 (D. Del. 2006).....4

Johnson v. Campbell,
332 F.3d 199 (3d Cir. 2003).....2

Koito Mfg. Co., Ltd. v. Turn-Key-Tech,
LLC, 381 F.3d 1142 (Fed. Cir. 2004).....3

Lab. Skin Care, Inc. v. Ltd. Brands, Inc.,
No. 06–601–LPS, 2011 WL 4005444 (D. Del. Sept. 8, 2011)..... passim

Leader Tech., Inc. v. Facebook, Inc.,
770 F. Supp. 2d 686 (D. Del. 2011).....3

Tristrata Tech., Inc. v. Mary Kay, Inc.,
423 F. Supp. 2d 456 (D. Del. 2006).....2

Williamson v. Consol. Rail Corp.,
926 F.2d 1344 (3d Cir. 1991).....3

OTHER AUTHORITIES

Fed. R. Civ. P. 50(a)(1).....2

I. INTRODUCTION

Fairchild's motion for judgment as a matter of law ("JMOL") on anticipation of the '605 patent simply asks the Court to second guess the Jury's decisions on pure questions of fact. Failing to raise a single question of law or substantial evidentiary deficiency that could potentially be resolved in its favor on JMOL, Fairchild instead reargues the evidence and contends the Jury came to the wrong decision. But, after hearing testimony from both experts, weighing their respective credibility, and reviewing the prior art, it was for the Jury to decide whether the Maige Patent or the White Patent anticipates the asserted '605 patent claims. The Jury's unanimous answer of "No" is supported by substantial evidence and should be sustained.

As to both references, the expert opinions differed on whether the claim element: "a current limit threshold that increases during the on time of switch" was taught. Having won the verdict, all reasonable inferences must be drawn in favor of Power Integrations, and it must be presumed that the Jury agreed with Dr. Kelley that neither reference teaches the required increasing threshold. In particular, substantial evidence shows that the Maige Patent discloses a fixed threshold, while the White Patent discloses a decreasing threshold. Accordingly, Fairchild's motion for JMOL of invalidity of the '605 patent should be denied.

Fairchild's motion for a new trial fares no better. There is no basis in the record to conclude that Dr. Kelley argued, or implied, that the '605 patent claims were limited to a particular use (i.e. solving the current overshoot problem). Not only does Fairchild mischaracterize Dr. Kelley's testimony, it ignores the fact that it never objected to that testimony at trial. Unlike Fairchild's expert, Dr. Wei, who clearly and improperly re-argued claim construction during trial [*see, e.g.*, D.I. 637 at 4-8], Dr. Kelley just explained the reasons why he concluded that the limitation in question (a threshold that increased during the on-time of the

switch) was not found in the disclosure of the prior art. Accordingly, Fairchild's new trial motion should also be denied.

II. LEGAL STANDARDS

A court should only grant judgment as a matter of law when it finds that “a reasonable jury would not have a legally sufficient evidentiary basis to find for the party on that issue.” Fed. R. Civ. P. 50(a)(1). The court is not free, on a post-trial motion for judgment as a matter of law, to weigh evidence, pass on credibility issues, or substitute its judgment for that of the Jury: “[c]redibility determinations, the weighing of the evidence, and the drawing of legitimate inferences from the facts are jury functions, not those of a judge.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986). Accordingly, JMOL motions are granted “sparingly” and only in those circumstances in which “the record is critically deficient of the minimum quantum of evidence in support of the verdict.” *Tristrata Tech., Inc. v. Mary Kay, Inc.*, 423 F. Supp. 2d 456, 461-62 (D. Del. 2006) (quoting *Johnson v. Campbell*, 332 F.3d 199, 204 (3d Cir. 2003)).¹

“In assessing the sufficiency of the evidence, the court must give the non-moving party, as the verdict winner, the benefit of all logical inferences that could be drawn from the evidence presented, resolve all conflicts in the evidence in his favor, and in general, view the record in the light most favorable to him. The court may not evaluate the credibility of the witnesses, may not weigh the evidence, and may not substitute its view of the evidence for the jury's view. Rather, the court must determine whether the evidence reasonably supports the jury's verdict.” *Lab. Skin Care, Inc. v. Ltd. Brands, Inc.*, No. 06-601-LPS, 2011 WL 4005444, at *1 (D. Del. Sept. 8, 2011) (internal quotations and citations omitted); *see also Gomez v. Allegheny Health Servs. Inc.*,

¹ Regional circuit law governs consideration of motions for judgment as a matter of law. *See Harris Corp. v. Ericsson, Inc.*, 417 F.3d 1241, 1248 (Fed. Cir. 2005) (“The denial of JMOL is not a patent-law-specific issue, so regional circuit law applies.”).

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