IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

POWER INTEGRATIONS, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 08-309-LPS
	:	
FAIRCHILD SEMICONDUCTOR INTERNATIONAL INC., FAIRCHILD SEMICONDUCTOR CORPORATION, and SYSTEM GENERAL CORPORATION,	:	
	:	
Defendants.	:	

William J. Marsden, Jr., Esq., Joseph B. Warden, Esq., FISH & RICHARDSON, P.C., Wilmington, DE.
Frank E. Scherkenbach, Esq., FISH & RICHARDSON, P.C., Boston, MA.
Howard G. Pollack, Esq., Michael R. Headley, Esq., FISH & RICHARDSON, P.C., Redwood City, CA.

Attorneys for Plaintiff Power Integrations, Inc.

John G. Day, Esq., Lauren E. Maguire, Esq., Andrew C. Mayo, Esq., ASHBY & GEDDES, Wilmington, DE.
Blair M. Jacobs, Esq., Christina A. Ondrick, Esq., Rose S. Whelan, Esq., McDERMOT WILL & EMERY LLP, Washington, DC.
Terrence P. McMahon, Esq., McDERMOT WILL & EMERY LLP, Menlo Park, CA.
Leigh J. Martinson, Esq., McDERMOT WILL & EMERY LLP, Boston, MA.

Attorneys for Defendants Fairchild Semiconductor International Inc., Fairchild Semiconductor Corporation, and System General Corporation.

MEMORANDUM OPINION

March 29, 2013
Wilmington, Delaware

STARK, U.S. District Judge:

Pending before the Court are the parties' post-trial motions. Plaintiff Power Integrations, Inc. ("Power") filed the following post-trial motions: (1) Power's Motion for Judgment as a Matter of Law (JMOL) of Invalidity of the '972 Patent, or for a New Trial (D.I. 613); (2) Power's Motion for JMOL of Non-Infringement of the '972 Patent, or for a New Trial (D.I. 614); (3) Power's Motion for JMOL of Anticipation of the '595 Patent, or for a New Trial (D.I. 615); (4) Power's Motion for JMOL of Infringement of the '605 Patent, or for a New Trial (D.I. 616); (5) Power's Motion for JMOL of Infringement of the '270 Patent, or for a New Trial (D.I. 618); and (6) Power's Motion for JMOL that the '876 Patent is Literally Infringed by the SG5841J-Type Products, or for a New Trial (D.I. 617).

Defendants Fairchild Semiconductor International, Inc., Fairchild Semiconductor Corporation, and System General Corporation (collectively, "Fairchild") filed the following post-trial motions: (1) Fairchild's Motion for JMOL of Infringement of the '972 Patent, or for a New Trial; (2) Fairchild's Motion for JMOL of Anticipation of the '605 Patent, or for a New Trial; (3) Fairchild's Motion for JMOL of Anticipation of the '270 Patent; (4) Fairchild's Motion for JMOL of Anticipation of the'876 Patent; (5) Fairchild's Motion for JMOL of no Literal Infringement of the '876 Patent, or for a New Trial; (6) Fairchild's Motion for JMOL of No Induced Infringement of the '851 and the '876 Patents, or for a New Trial; and (7) Fairchild's Motion for JMOL of Non-Infringement of the '851 Patent, or for a New Trial (D.I. 619).[1]

[1]The parties' inequitable conduct claims are not addressed in this Opinion and will be resolved by the Court in due course.

I. BACKGROUND

Power filed this patent infringement action on May 23, 2008, alleging that Fairchild infringes four patents: United States Patent Nos. 6,249,876 ("the '876 patent"); 6,107,851 ("the '851 patent"); 7,110,270 ("the '270 patent"); and 7,834,605 ("the '605 patent"). (D.I. 1) Fairchild filed a counterclaim, alleging that Power infringes two Fairchild patents: United States Patent Nos. 7,259,972 ("the '972 patent"); and 7,352,595 ("the '595 patent"). (D.I. 49)

After a ten-day trial,[2] the jury returned the following verdict. (D.I. 576) For the '876 patent, the jury found that Fairchild's FAN103-type products literally infringe and that Fairchild's SG5841J-type products infringe under the doctrine of equivalents. The jury also found that Fairchild induced infringement for both the FAN103 and SG5841J products, and that claims 1 and 21 of Power's '876 patent are valid. For the '851 patent, the jury found in favor of Power and against Fairchild with respect to literal infringement, indirect infringement, and validity of the only asserted claim, claim 18. For the '270 patent, the jury found in favor of Fairchild and against Power with respect to literal and indirect infringement of claims 6 and 7. The jury also determined that claims 6 and 7 of the '270 patent are valid. For the '605 patent, the jury found in favor of Fairchild and against Power with respect to literal and indirect infringement of claims 1 and 2. The jury determined that claims 1 and 2 of Power's '605 patent are valid. With respect to Fairchild's patents, the jury found that Power directly infringed claims 6, 7, 18, and 19 of the '972 patent under the doctrine of equivalents, but did not literally infringe those claims and did not induce infringement. The jury also found that claims 6, 7, 18, and 19 of

[2]The trial transcript appears in the record as D.I. 593-602. All citations to the trial transcript are in the format "Tr." followed by the page number.

Fairchild's '972 patent are valid. For the '595 patent, the jury found that Power does not infringe claims 17 and 22 either literally or under the doctrine of equivalents. The jury also found that claims 17 and 22 of Fairchild's '595 patent are valid.

The parties completed their extensive briefing of post-trial motions on August 8, 2012.

II. LEGAL STANDARDS

A. Motion for Judgment as a Matter of Law

Judgment as a matter of law is appropriate if "the court finds that a reasonable jury would not have a legally sufficient evidentiary basis to find for [a] party" on an issue. Fed. R. Civ. P. 50(a)(1). "Entry of judgment as a matter of law is a sparingly invoked remedy," one "granted only if, viewing the evidence in the light most favorable to the nonmovant and giving it the advantage of every fair and reasonable inference, there is insufficient evidence from which a jury reasonably could find liability." *Marra v. Phila. Housing Auth.*, 497 F.3d 286, 300 (3d Cir. 2007) (internal quotation marks omitted).

To prevail on a renewed motion for judgment as a matter of law following a jury trial, the moving party "must show that the jury's findings, presumed or express, are not supported by substantial evidence or, if they were, that the legal conclusions implied [by] the jury's verdict cannot in law be supported by those findings."[3] *Pannu v. Iolab Corp.*, 155 F.3d 1344, 1348 (Fed. Cir. 1998) (internal quotation marks omitted). "'Substantial' evidence is such relevant evidence from the record taken as a whole as might be acceptable by a reasonable mind as adequate to support the finding under review." *Perkin-Elmer Corp. v. Computervision Corp.*, 732 F.2d 888,

[3]At trial, both parties properly made motions for judgment as a matter of law, which were taken under advisement. (*See* Tr. at 2258-72)

893 (Fed. Cir. 1984).

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." *Williamson v. Consol. Rail Corp.*, 926 F.2d 1344, 1348 (3d Cir. 1991); *Perkin-Elmer Corp.*, 732 F.2d at 893. The court may not determine the credibility of the witnesses nor "substitute its choice for that of the jury between conflicting elements of the evidence." *Perkin-Elmer Corp.*, 732 F.2d at 893. Rather, the court must determine whether the evidence reasonably supports the jury's verdict. *See Dawn Equip. Co. v. Ky. Farms Inc.*, 140 F.3d 1009, 1014 (Fed. Cir. 1998); *Gomez v. Allegheny Health Servs. Inc.*, 71 F.3d 1079, 1083 (3d Cir. 1995) (describing standard as "whether there is evidence upon which a reasonable jury could properly have found its verdict"); 9B Wright & Miller, *Federal Practice & Procedure* § 2524 (3d ed. 2008) ("The question is not whether there is literally no evidence supporting the party against whom the motion is directed but whether there is evidence upon which the jury properly could find a verdict for that party.").

B. Motion for a New Trial

Federal Rule of Civil Procedure 59(a) provides, in pertinent part:

> A new trial may be granted to all or any of the parties and on all or part of the issues in an action in which there has been a trial by jury, for any of the reasons for which new trials have heretofore been granted in actions at law in the courts of the United States.

New trials are commonly granted in the following situations: (1) where the jury's verdict is against the clear weight of the evidence, and a new trial must be granted to prevent a miscarriage of justice; (2) where newly-discovered evidence exists that would likely alter the outcome of the

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.