

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

MAXELL LTD.,

Plaintiff,

v.

ZTE (USA) INC.,

Defendants.

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Case No. 5:16-cv-00179-RWS

JURY TRIAL DEMANDED

**ORDER DENYING MAXELL LTD.’S POST-TRIAL MOTIONS AND RENEWED
MOTION FOR JUDGMENT AS A MATTER OF LAW**

Having considered Plaintiff’ Maxell Ltd.’s post-trial motions and motion for judgment as matter of law, and good cause appearing, it is HEREBY ORDERED that:

Maxell Ltd.’s post-trial motions and motion for judgment as matter of law are DENIED.

The Court hereby ORDERS and ENTERS JUDGMENT as follows:

- Judgment is granted for ZTE USA on counterclaim IV (claims 1- 3 of U.S. Patent No. 6,748,317 are invalid for failing to claim patent-eligible subject matter under 35 U.S.C. § 101);
- Judgment is granted for ZTE USA on counterclaim XII (claims 1-2 of U.S. Patent No. 6,329,794 are invalid for failing to claim patent-eligible subject matter under 35 U.S.C. § 101);
- The jury’s damages verdict is unsupported by legally sufficient evidence, and is vacated; no interest or costs shall be awarded;
- No pre-judgment interest shall be awarded;
- The jury’s finding that Defendant ZTE (USA), Inc. willfully infringed the asserted claims of the patents-in-suit is unsupported by legally sufficient evidence

under the Halo test, and is vacated. No enhanced damages shall be awarded under 35 U.S.C. § 284; and

- The case is not exceptional, and does not stand out from others under the Octane test. No attorneys' fees shall be awarded under 35 U.S.C. § 285.

IT IS SO ORDERED.