IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

COLUMBIA SPORTSWEAR NORTH AMERICA, INC., an Oregon corporation, Plaintiff, v. SEIRUS INNOVATIVE ACCESSORIES, INC., a Utah corporation Defendants.	Case No. 3:17-cv-01781 **JUDGMENT** Judge: Marco A. Hernandez Courtroom: Date: Time: Date Action Filed: January 12, 2015 Trial Date: September 18, 2017

This action came before the Court for trial before a duly impaneled and sworn jury, and the Court presided over the jury trial from September 18-29, 2017. The parties to this action are plaintiff Columbia Sportswear North America, Inc. ("Columbia") and defendant Seirus Innovative Accessories, Inc. ("Seirus"). On September 29, 2017, the jury returned a verdict. The verdict was accepted by the Court and filed by the Clerk.

Therefore, pursuant to Fed. R. Civ. P. 58, and prior to rulings on post-trial motions pursuant to Fed. R. Civ. P. 50 and 59, judgment is entered in this matter as follows:

1. IT IS ORDERED AND ADJUDGED that judgment is hereby entered in favor of Columbia and against Seirus that Seirus' total profit from sales of the relevant article of manufacture that Columbia is entitled to receive for Seirus' infringement of the U.S. Patent No. D657,093 ("Design Patent") is $3,018,174.00.

2. IT IS FURTHER ORDERED AND ADJUDGED that judgement is hereby entered in favor of Seirus and against Columbia that Seirus did not willfully infringe the Design Patent.

3. IT IS FURTHER ORDERED AND ADJUDGED that judgment is hereby entered in favor of Seirus and against Columbia that Seirus proved by clear and convincing evidence that Claim 2 of Columbia's U.S. Patent No. 8,453,270 ("Utility Patent") is invalid as anticipated by Fottinger.

4. IT IS FURTHER ORDERED AND ADJUDGED that judgment is hereby entered in favor of Seirus and against Columbia that Seirus proved by clear and convincing evidence that Claim 23 of Columbia's Utility Patent is invalid as anticipated by Fottinger.

5. IT IS FURTHER ORDERED AND ADJUDGED that judgment is hereby entered in favor of Seirus and against Columbia that Seirus proved by clear and convincing evidence that Claim 2 of Columbia's Utility Patent is invalid as obvious.

6. IT IS FURTHER ORDERED AND ADJUDGED that judgment is hereby entered in favor of Seirus and against Columbia that Seirus proved by clear and convincing evidence that Claim 23 of Columbia's Utility Patent is invalid as obvious.

Dated: 11/22/2017

Marco Hernández

HONORABLE MARCO A. HERNANDEZ

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

COLUMBIA SPORTSWEAR NORTH AMERICA, INC., an Oregon Corporation,

Plaintiff,

v.

SEIRUS INNOVATIVE ACCESSORIES, INC., a Utah corporation,

Defendant.

No. 3:17-cv-01781-HZ

JURY VERDICT FORM

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We the jury, unanimously agree to the answers to the following questions and return them under the instructions of this Court as our verdict in this case.

U.S. PATENT NO. D657,093 ("DESIGN PATENT")

What is Seirus's total profit from sales of the relevant article of manufacture that Columbia is entitled to receive for Seirus's infringement of the Design Patent?

$ 3,018,174

What is the total dollar amount of a reasonable royalty adequate to compensate Columbia for Seirus's infringement of the Design Patent?

$ 435,175

Has Columbia proven by a preponderance of the evidence that Seirus willfully infringed the Design Patent?

YES____ (WILLFUL) NO X (NOT WILLFUL)

U.S. PATENT NO. 8,453,270 ("UTILITY PATENT")

Has Columbia proven by a preponderance of the evidence that Seirus has infringed claims 2 or 23 of the Utility Patent?

Claim 2: YES____ NO____

Claim 23: YES____ NO____

Has Seirus proven by clear and convincing evidence that Columbia's asserted Utility Patent claims are invalid as anticipated by Fottinger?

Claim 2: YES X (INVALID) NO_____ (VALID)

Claim 23: YES X (INVALID) NO_____ (VALID)

Has Seirus proven by clear and convincing evidence that Columbia's asserted Utility Patent claims are invalid as obvious?

Claim 2: YES X (INVALID) NO_____ (VALID)

Claim 23: YES X (INVALID) NO_____ (VALID)

If you find that any of the Utility Patent's asserted claims are valid and infringed, what is the total dollar amount of a reasonable royalty adequate to compensate Columbia for Seirus's infringement of the Utility Patent?

$_____

If you find that any of the Utility Patent's asserted claims are valid and infringed, has Columbia proven by a preponderance of the evidence that Seirus's infringement of any claim was willful?

YES_____ (WILLFUL) NO_____ (NOT WILLFUL)

Have the presiding juror sign and date this form.

Signed: Jmgr Hood Date: Sept/29/2017

PRESIDING JUROR

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OPINION & ORDER

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David R. Boyajian
David W. Axelrod
Brenna K. Legaard
Nicholas F. Aldrich, Jr
Schwabe, Williamson & Wyatt, P.C.

Attorneys for Plaintiff

Christopher S. Marchese
Seth M. Sproul
Michael A. Amon
Garrett K. Sakimae
Tucker N. Terhufen
Oliver J. Richards
Fish & Richardson P.C.
12390 El Camino Real
San Diego, CA 92130

Attorneys for Defendant

HERNÁNDEZ, District Judge:

Before the Court are the parties' renewed motions for judgment as a matter of law ("JMOL") and motions for a new trial [420 & 422] under Rules 50 and 59 of the Federal Rules of Civil Procedure. Under Rule 50, a party may file a JMOL if it "has been fully heard on an issue during a jury trial and the court finds that a reasonable jury would not have a legally sufficient evidentiary basis for the party on that issue[.]" Fed. R. Civ. P. 50(a)(1). If the court denies a JMOL, then a party may renew the motion after trial. Fed. R. Civ. P. 50(b). The court may: "(1) allow judgment on the verdict, if the jury returned a verdict; (2) order a new trial; or (3) direct the entry of judgment as a matter of law." *Id.* Pursuant to Rule 59, the court may rule on a motion for a new trial "after a jury trial, for any reason for which a new trial has heretofore been granted in an action at law in federal court[.]" Fed. R. Civ. P. 59(a)(1).

For the reasons stated at trial, the Court denies the parties' renewed JMOLs and motions for a new trial. Regarding Columbia's motion, there were legally sufficient bases for the jury's verdicts of invalidity, the jury instructions on anticipation and obviousness were legally sufficient, and Dr. Block's testimony was properly admitted into evidence. With respect to Seirus's motion, the Court remains convinced that, regarding the issue of the relevant article of manufacture under 35 U.S.C. § 289, the jury instructions and jury verdict were legally sufficient and that the Court correctly determined the proper legal test. Accordingly, the parties' motions are DENIED.

Dated this 13th day of March, 2018.

Marco Hernández

MARCO A. HERNÁNDEZ
United States District Judge