IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JEAN MELCHIOR,	§	
	§	
Plaintiff,	§	
	§	
v.	§	No. 3:11-CV-3094-M
	§	
HILITE INTERNATIONAL, INC.,	§	
	§	
Defendant.	§	

ORDER

On September 25, 2014, the Court held a hearing on Plaintiff's Motion for Summary Judgment and Defendant's Motion for Summary Judgment, during which the Court **GRANTED** Defendant's Motion for Summary Judgment of no willful infringement. *See* Docket Entry #207.

The Court found that Defendant had objectively reasonable non-infringement and invalidity defenses, and therefore, Plaintiff did not show by clear and convincing evidence that Defendant "acted despite an objectively high likelihood that its actions constituted infringement of a valid patent," and (2) "this objectively-defined risk . . . was either known or so obvious that it should have been known to [Defendant]." *In re Seagate Tech., LLC*, 497 F.3d 1360, 1371 (Fed. Cir. 2007).

Specifically, the Court found Plaintiff did not meet the objective prong of willful infringement because the issues of infringement and invalidity were, in the Court's view, a "close call." *See AFT Trust v. J&L Fiber Services, Inc.*, 674 F.3d 1365, 1377–78 (Fed. Cir. 2012) (affirming the district court's grant of summary judgment of no objective recklessness based on the patent's language, compelling non-infringement and invalidity arguments, and the PTO's rejection of the reissue application); *DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.*,

567 F.3d 1314, 1337 (Fed. Cir. 2009) (affirming the district court's finding of no willful infringement on the objective prong because the issue of infringement was a "close one").

SO ORDERED.

March 9, 2015.

BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS