

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PHILIPS ELECTRONICS NORTH)
AMERICA CORPORATION and)
U.S. PHILIPS CORPORATION,)

Plaintiffs,)

v.)

Civil Action No. 02-123-KAJ

REMOTE SOLUTION CO., LTD., F/K/A)
HANGO ELECTRONICS CO., LTD.,)
HANGO REMOTE SOLUTION, INC.,)

Defendant.)

ORDER

At Wilmington, this 9th day of September, 2004.

It is hereby ORDERED that

(1) The Plaintiffs' Motion to Strike the Answer or, in the alternative, to Strike the Defendant's Tenth Affirmative Defense and for Monetary Sanctions (D.I. 140) is DENIED without prejudice.

(2) The Defendant's Motion to Amend its Answer to Assert a Cross-Claim Against Contec Corporation (D.I. 165) is DENIED as moot, since Contec Corporation entered into a Consent Judgment with the Plaintiffs on August 28, 2003 and is no longer a party in this case (D.I. 258).

(3) The Defendant's Motion for Reargument of the court's March 11, 2004 Memorandum Order denying the Defendant's Motion to Dismiss for Lack of Personal Jurisdiction (D.I. 360) is DENIED. The Defendant has not come forward with any evidence that I patently misunderstood a party, made a decision outside of the adversarial issues presented by the parties, or made an error not of reasoning, but of

apprehension, see *Brambles USA, Inc. v. Blocker*, 735 F. Supp. 1239, 1240 (D. Del. 1990) (citing *Above the Belt, Inc. v. Mel Bohannon Roofing, Inc.*, 99 F.R.D. 99, 101 (E.D. Va. 1983)). Nor has the Defendant pointed out any change in the intervening law, newly discovered evidence, or the need to correct a legal or factual error that has resulted in a manifest injustice. See *Max's Seafood Café by Lou Ann, Inc. v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1999) (citation omitted).

(4) The Defendant's Motion for Summary Judgment (D.I. 288; the "Motion") is GRANTED-IN-PART and DENIED-IN-PART. For the reasons set forth in *Philips Elecs. N. Am. Corp. v. Contec Corp.*, 312 F. Supp. 2d 649 (D. Del. 2004), the Motion is granted to the extent that it requests summary judgment limiting the Plaintiffs' damages, under 35 U.S.C. § 287, to those accruing after September 19, 2002, and it is denied to the extent that it requests summary judgment on the Defendant's affirmative defense of laches. For the reasons set forth in *Philips Elecs. N. Am. Corp. v. Contec Corp.*, 312 F. Supp. 2d 632 (D. Del. 2004), the Motion is denied to the extent that it seeks summary judgment of invalidity.

(5) The Defendant's Motion for Summary Judgment (D.I. 290) (which is technically a Motion to Dismiss for Lack of Personal Jurisdiction) is DENIED for the reasons set forth in *Philips Elecs. N. Am. Corp. v. Contec Corp.*, 2004 WL 503602 (D. Del. Mar. 11, 2004).

Kent A. Jordan
UNITED STATES DISTRICT JUDGE