UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

HTC CORPORATION AND HTC AMERICA, INC., Plaintiffs, v. TECHNOLOGY PROPERTIES LIMITED, et al., Defendants.	Case No. 5:08-cv-00882-PSG **ORDER MODIFYING JUDGMENT** **(Re: Docket No. 674)**

(X) Jury Verdict. This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

IT IS SO ORDERED AND ADJUDGED that pursuant to the jury verdict filed October 3, 2013, judgment is entered in favor of Defendants.

IT IS FURTHER ORDERED pursuant to the court's order dismissing U.S. Patent No. 5,530,890 ("the '890 patent") entered September 19, 2013 (Docket No. 594), judgment with respect to the '890 patent is entered as follows:

a) Because Defendants cannot establish entitlement to damages in the present action based on the court's summary judgment order (issued on September 17, 2013 (Docket No. 585)), the court on September 19, 2013 DISMISSED the Fifth Claim for Relief in HTC's First Amended Complaint (seeking a declaration that HTC does not infringe any valid and enforceable claim of the '890 patent), and Count IV of Defendants' Answer and

Counterclaim (alleging infringement of the '890 patent), subject to the conditions of the September 19, 2013 order (Docket No. 594);

b) The September 19, 2013 order (Docket No. 594) shall not affect any other claim or counterclaim asserted in the present action, and shall not impair any rights of Defendants or HTC to challenge on appeal any pretrial ruling by the court for which an appeal is permissible including, without limitation, any challenge to the summary judgment order's application of the intervening rights doctrine;

c) In the event the Federal Circuit reverses the summary judgment order with respect to application of the intervening rights doctrine to the '890 patent, HTC's declaratory judgment claim and Defendants' counterclaim under the '890 patent will be reinstated and proceed unaffected by the dismissal provided in the September 19, 2013 order (Docket No. 594).

IT IS SO ORDERED.

Dated: January 21, 2014

PAUL S. GREWAL
United States Magistrate Judge