IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MOBILEMEDIA IDEAS LLC,	)	
	)	
Plaintiff,	)	
v.	)	C.A. No. 10-258 (SLR)(MPT)
	)	
APPLE INC.,	)	
	)	
Defendant.	)	

MOBILEMEDIA'S MOTION FOR JUDGMENT AS A MATTER OF LAW

Plaintiff MobileMedia Ideas LLC ("MobileMedia") hereby moves pursuant to Fed. R. Civ. P. 50(a) for judgment as a matter of law that defendant Apple Inc.'s ("Apple's") iPhone 3G, iPhone 3GS, and iPhone 4 ("iPhone Products") have directly infringed claims 12 and 2 ("the Asserted Claims") of U.S. Patent No. RE 39,231 ("the '231 patent"). In addition, MobileMedia moves for judgment as a matter of law that Apple has not carried its burden of proving by clear and convincing evidence that the Asserted Claims of the '231 patent are invalid. Finally, MobileMedia moves for judgment as a matter of law that it is entitled to damages of at least a reasonable royalty in the event that at least one asserted claim is found infringed and not invalid.

Judgment as a matter of law is appropriate when a party has been fully heard on an issue, and the Court finds that there is no legally sufficient evidentiary basis for a reasonable jury to find for that party on that issue. Here, there is no legally sufficient evidentiary basis for a reasonable jury to find that Apple has not infringed the asserted claims. Moreover, there is no legally sufficient evidentiary basis for a reasonable jury to find that the asserted claims are invalid.

I. Infringement

No reasonable jury could find that Apple's iPhone Products do not practice each and every limitation of the asserted claims. MobileMedia's expert Dr. Meldal has demonstrated that each and every limitation of the Asserted Claims is present in the iPhone Products.

Dr. Meldal's testimony, as well as the documents introduced and referenced at trial, provide overwhelming evidence that the iPhone Products meet each and every limitation of claims 12 and 2 of the '231 patent. (*See, e.g.*, Sept. 13, 2016 Trial Tr. 407:21-409:4; 410:2-412:17; 412:18-416:16; 416:17-417:23; 417:24-421:19; 421:20-423:2; 423:3-427:11.) Based on the evidence, and the failure of Apple to provide any sufficient evidence to the contrary, no reasonable jury could find that all the elements of claims 12 and 2 of the '231 patent are not present in Apple's iPhone Products.

II. Validity

No reasonable jury could find that Apple has met its burden to present clear and convincing evidence that claims 12 and 2 of the '231 patent are invalid

A. Anticipation

Apple failed to present any evidence, let alone clear and convincing evidence, from which a reasonable jury could conclude that Michael Spring et al., "Telephone Ring Mute with Auto Re-Enable," Motorola Technical Developments, Vol. 19 (June 1993) (the "Spring/Motorola reference") anticipates claims 12 and/or 2 of the '231 patent by incorporating all of the elements of either of those claims, as required under 35 U.S.C. § 102. Likewise, Apple has failed to present any evidence, let alone clear and convincing evidence, from which a reasonable jury could conclude that Japanese Unexamined Patent Application Publication 2-

305248 ("Fujita/Panasonic '248") anticipates claims 12 and/or 2 of the '231 patent by incorporating all of the elements of either of those claims, as required under 35 U.S.C. § 102.

Apple also failed to show that either of these references were enabling prior art.

B. Obviousness

Likewise, Apple has not presented clear and convincing evidence from which a reasonable jury could conclude, under 35 U.S.C. § 103, that claims 12 and 2 of the '231 patent are obvious in light of either: the Spring/Motorola reference, alone or in combination with the knowledge of one of ordinary skill in the art; or Fujita/Panasonic '248, alone or in combination with the knowledge of one of ordinary skill in the art.

Apple has failed to present any evidence, let alone clear and convincing evidence, from which a reasonable jury could conclude, under 35 U.S.C. § 103, that claims 12 and 2 of the '231 patent are obvious in light of the Spring/Motorola reference in combination with Fujita/Panasonic '248. For example, Apple has failed to present evidence that there was a reason to modify the Spring/Motorola reference and/or Fujita/Panasonic '248 in such a way as to arrive at the claimed inventions.

C. Written Description

Furthermore, Apple has not presented clear and convincing evidence from which a reasonable jury could conclude that claims 12 and/or 2 of the '231 patent are invalid for lack of written description, as required under 35 U.S.C. § 112.

III. Damages

The Patent Act provides that "[u]pon a finding for the claimant the court shall award the claimant damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the invention by the infringer, together with interest and

costs as fixed by the court." 35 U.S.C. § 284. Therefore, MobileMedia is entitled to damages of at least a reasonable royalty in the event at least one asserted claim is found infringed and not invalid.

Furthermore, Mr. Jarosz's uncontroverted testimony was that MobileMedia is entitled to a $0.25 per product royalty rate; that 71.5 million iPhones had been accused of infringement in this case; and that total damages were no less than $17.9 million. (Trial Tr. 536:25-537:8.) Apple did not present testimony from a damages expert. On this record, any reasonable jury would find that MobileMedia is entitled to $17.9 million in total damages.

CONCLUSION

For the foregoing reasons, MobileMedia respectfully requests judgment as a matter of law on the claims and defenses in this action.

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