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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

FACET TECHNOLOGIES, LLC,

Plaintiff,

vs.

LIFESCAN, INC.,

Defendant.

Case No. 2:22-cv-01717-MCS (MARx)

**DEFENDANT LIFESCAN, INC.'S
NOTICE OF MOTION FOR
SUMMARY JUDGMENT OF
INVALIDITY OF CLAIMS 6, 8, 14 AND
18.**

Pretrial Conference: August 28, 2023
Trial Date: September 12, 2023

Hearing Date: July 3, 2023
Time: 9:00 A.M.
Location: Courtroom 7C

Honorable Mark C. Scarsi

1 **NOTICE OF MOTION FOR SUMMARY JUDGMENT OF INVALIDITY**

2 **PLEASE TAKE NOTICE** that on July 3, 2023 at 9:00 A.M., or as soon
 3 thereafter as this matter may be heard in Courtroom 7C before the Honorable Mark
 4 C. Scarsi, of the above-entitled Court located at the First Street Courthouse, 350 West
 5 First Street, Los Angeles, CA, 90012, Defendant LifeScan, Inc. (“LifeScan”) will
 6 and hereby does move the Court for an order granting summary judgment for
 7 Defendant on all causes of action and dismissing this case with prejudice. Defendant
 8 moves for summary judgment under Federal Rule of Civil Procedure 56. The
 9 undisputed facts show that the asserted claims of U.S. Patent No. 8,840,635 (the
 10 “’635 Patent”) are invalid in view of U.S. Patent Application Publication No.
 11 2004/0138588 (“Saikley”), U.S. Patent Application Publication No. 2005/0131441
 12 (“Iio”), U.S. Patent Application Publication No. 2006/0241669 (“Stout”), and U.S.
 13 Patent No. 5,569,286 (“Peckham”). These undisputed facts compel dismissal.
 14 Defendant’s motion is based on this Notice of Motion, the accompanying
 15 Memorandum of Points and Authorities, the Statement of Uncontroverted Facts and
 16 Conclusions of Law, the concurrently filed Declaration of Gerald W. Griffin and
 17 exhibits attached thereto, the concurrently filed Declaration of Joel Delman, the
 18 pleadings and papers on file here, and any further materials and argument presented
 19 to the Court at the time of the hearing.

20 This motion is made following the parties completion of the prefiling
 21 conference requirement of L.R. 7-3 on May 19, 2023.

1 Dated: May 29, 2023

2
3 By /s/ Gerald W. Griffin
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