

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PI-NET INTERNATIONAL INC.,

Plaintiff,

v.

JPMORGAN CHASE & CO.,

Defendant.

Civ. No. 1:12-cv-00282-RGA

**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
OF INDEFINITENESS, LACK OF ENABLEMENT,
AND LACK OF WRITTEN DESCRIPTION UNDER 35 U.S.C. § 112**

Pursuant to Fed. R. Civ. P. 56 and 35 U.S.C. § 112, Defendant JPMorgan Chase & Co. ("Defendant") respectfully moves for summary judgment of invalidity of all asserted claims (namely, claims 1-6, 10-12, 14-16, and 35 of U.S. Patent No. 5,987,500; claim 4 of U.S. Patent No. 8,037,158; and claims 1-8 and 10-11 of U.S. Patent No. 8,108,492) for indefiniteness, lack of enablement, and lack of written description.

As set forth more fully in the accompanying Brief in Support and the attached exhibits, there can be no genuine dispute that the patents-in-suit fail to satisfy the disclosure requirements of 35 U.S.C. § 112(a) and (b). In particular, nearly all the terms from among the asserted claims are not amenable to construction—and even if the Court adopts the constructions proposed by Pi-Net for certain terms, those constructions fail to provide any meaningful notice of the scope of the asserted claims. Moreover, the specification fails to show possession of, or enable a person of skill to make and use, at least the claim elements directed to a "value-added network

switch," "object routing," and "back-end" systems. Thus, as discussed more fully in the accompanying Brief, the Court should declare all asserted claims invalid.

DATED: January 29, 2014

Respectfully submitted,

/s/ Robert S. Saunders

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**[PROPOSED] ORDER GRANTING DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT OF INDEFINITENESS, LACK OF ENABLEMENT,
AND LACK OF WRITTEN DESCRIPTION UNDER 35 U.S.C. § 112**

This matter having been brought before the Court by counsel for the above-captioned defendant, seeking summary judgment that all claims of the patents asserted against them are invalid for indefiniteness, lack of written description, and lack of enablement under 35 U.S.C. § 112, IT IS HEREBY ORDERED that:

1. Defendant's Motion is GRANTED.
2. The following claims are declared invalid: claims 1-6, 10-12, 14-16, and 35 from U.S. Patent No. 5,987,500; claim 4 from U.S. Patent No. 8,037,158; and claims 1-8 and 10-11 from U.S. Patent No. 8,108,492.
3. Plaintiff's counts of infringement based on the above claims are DISMISSED with prejudice.

Dated this _____ day of _____, 2014.

Judge Richard G. Andrews
United States District Court Judge