



these issues. Fed. R. Civ. P. 56(f); *Tolbert ex rel. Tolbert v. Nat'l Union Fire Inc. Co. of Pittsburgh, Pa.*, 657 F.3d 262, 271 (5th Cir. 2011) (quoting *Celotex Corp v. Catrett*, 477 U.S. 317, 326 (1986)) (“[D]istrict courts are widely acknowledged to possess the power to enter summary judgments *sua sponte*, so long as the losing party was on notice that she had to come forward with all of her evidence.”).

Therefore, in light of its prior findings, the Court **ORDERS** and **ENTERS JUDGMENT** that Claims 5, 8, and 11 of the '408 Patent are **INVALID FOR INDEFINITENESS**.

**So ORDERED and SIGNED this 16th day of January, 2020.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE