

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

JOHN BEAN TECHNOLOGIES CORPORATION

PLAINTIFF

VS.

4:14-CV-00368-BRW

MORRIS & ASSOCIATES, INC.

DEFENDANT

FINAL JUDGMENT

Based on the December 14, 2016, Order granting Defendant's Motion for Summary Judgment on Laches and Equitable Estoppel and Defendant's stipulation of dismissal of counterclaims,¹ it is ORDERED AND ADJUDGED that:

1. Final Judgment is entered on behalf of Defendant and against Plaintiff as to all claims in Plaintiff's complaint.

2. Defendant's counterclaims for declaratory judgments of non-infringement and invalidity of U.S. Patent No. 6,397,622 are dismissed without prejudice, and are subject to renewal if any appeal results in a remand.²

3. There is no just reason for delay in this matter, and this judgment is final as to Plaintiff's claims in this matter under Fed. R. Civ. P. 54(b). Immediate appeal of this judgment will not delay proceedings in this court because Defendant has dismissed its counterclaim without prejudice pending the outcome of any appeal. Certifying this judgment under Rule 54(b) protects the parties from hardship posed by the possibility of any finality issues being raised on appeal and further delaying the ultimate resolution of this matter. Immediate appeal also serves the interests of efficient case management because affirmance on appeal will end this litigation without need for further proceedings on the merits of the parties' claims.

IT IS SO ORDERED this 22nd day of December, 2016.

/s/ Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

¹Doc. No. 175.

²*Nystrom v. TREX Co., Inc.*, 339 F.3d 1347, 1351 (Fed. Cir. 2003).