

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
LEWIS T. BABCOCK, JUDGE**

Civil Case No. 06-cv-00619-LTB-MJW

PHILIP W. WYERS, a Colorado resident, and,  
WYERS PRODUCTS GROUP, INC., a Colorado corporation,

Plaintiffs,

v.

MASTER LOCK COMPANY, a Delaware corporation,

Defendant.

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**ORDER APPROVING STIPULATION**

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Upon the Stipulation Regarding Counterclaim for Declaration of Invalidity of '832 Patent (Doc 260), the following stipulation is approved:

1. Wyers hereby voluntarily withdraw, without prejudice, their verbal motion to dismiss, on the grounds of claim preclusion, Master Lock's counterclaim for a declaration of invalidity of the '832 patent, subject to a right to reassert that motion if the Master Lock ever raises the invalidity issue on the '832 patent in future proceedings.
2. Master Lock hereby voluntarily withdraws, without prejudice, its counterclaim for a declaration of invalidity of the '832 patent, subject to a right to reassert the invalidity issue on the '832 patent if ever the Court's prior finding in this case of non-infringement of the '832 patent is reversed on appeal or is in any other way withdrawn and the claim of infringement of the '832 patent is thereafter reactivated.

3. The parties agree that the Stipulation is without prejudice to any aspect of either side's positions on the question of the validity of the '832 patent and does not constitute an admission or adjudication in any respect concerning either side's arguments on the validity issue.
4. All parties will bear their own fees and costs with respect to the litigation of Master Lock's counterclaim for a declaration of invalidity of the '832 patent.

BY THE COURT:

s/Lewis T. Babcock  
Lewis T. Babcock, Judge

DATED: February 27, 2009