

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 11-cv-02180-WJM-KMT

OTTER PRODUCTS, LLC, a Colorado Limited Liability Company,

Plaintiff,

v.

TREEFROG Developments Inc., A Delaware Corporation d/b/a LIFEPROOF

Defendant.

ORDER GRANTING JOINT MOTION FOR DISMISSAL OF CERTAIN CLAIMS

This matter, coming before the Court upon Plaintiff Otter Products, LLC and Defendant Treefrog Developments Inc.'s Joint Motion of Dismissal, filed December 15, 2011 (ECF No. 29), the Court having considered the record and being otherwise fully advised hereby ORDERS as follows:

The Parties' Joint Motion is GRANTED. The following claims and counterclaims are DISMISSED in this action:


1. The Second Claim for Relief (Infringement of U.S. Patent No. 7,180,735) asserted by OtterBox in its original Complaint [Doc. No. 1], as it relates to the accused "iPhone 4 LifeProof Case" "Swimming Headphone Adapter" and "General Use Headphone Adapter" products, *WITH PREJUDICE*;
2. The Second Claim for Relief (Infringement of U.S. Patent No. 7,180,735) asserted by OtterBox in its original Complaint [Doc. No. 1], as it relates to

- the accused "iPad 2 LifeProof Case" product, *WITHOUT PREJUDICE*;
3. The Third Claim for Relief (Infringement of U.S. Patent No. 7,312,984) asserted by OtterBox in its original Complaint [Doc. No. 1], as it relates to the accused "iPhone 4 LifeProof Case" "Swimming Headphone Adapter" and "General Use Headphone Adapter" products, *WITH PREJUDICE*;
 4. The Third Claim for Relief (Infringement of U.S. Patent No. 7,312,984) asserted by OtterBox in its original Complaint [Doc. No. 1], as it relates to the accused "iPad 2 LifeProof Case" product, *WITHOUT PREJUDICE*;
 5. The Counterclaims for Non-Infringement of U.S. Patent No. 7,180,735 and U.S. Patent No. 7,312,984 asserted by LifeProof [Doc. No. 10], with respect to the accused "iPhone 4 LifeProof Case" "Swimming Headphone Adapter" and "General Use Headphone Adapter" products, *WITH PREJUDICE*;
 6. The Counterclaims for Non-Infringement of U.S. Patent No. 7,180,735 and U.S. Patent No. 7,312,984 asserted by LifeProof [Doc. No. 10], with respect to the accused "iPad 2 LifeProof Case" product, *WITHOUT PREJUDICE*;
 7. The Counterclaims for Invalidity of U.S. Patent No. 7,180,735 and U.S. Patent No. 7,312,984 asserted by LifeProof [Doc. No. 10] *WITHOUT PREJUDICE*; and

8. All Parties to this Stipulation shall pay their own attorney's fees and costs in connection with the foregoing claims and counterclaims.

Dated this 19th day of December, 2011.

BY THE COURT:



William J. Martínez
United States District Judge