

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

|   |   |   |
|---|---|---|
| SMITH OPTICS, INC., an Idaho corporation,   | ) | Case No. 1:12-cv-0120-BLW               |
| Plaintiff,                                  | ) |   |
| v.  | ) | <b>ORDER GRANTING JOINT</b>             |
| OAKLEY, INC., a Washington corporation; and | ) | <b>MOTION TO DISMISS WITH</b>           |
| EYE SAFETY SYSTEMS, INC.,                   | ) | <b>PREJUDICE <u>ONLY</u> CLAIMS AND</b> |
| a Delaware corporation,                     | ) | <b>COUNTERCLAIMS RELATED TO</b>         |
| Defendants.                                 | ) | <b>U.S. PATENT NO. D581,450</b>         |
|   | ) | <b>PURSUANT TO F.R.C.P.</b>             |
|   | ) | <b>41(a)(1)(A)(ii)</b>                  |
|   | ) |   |
| AND RELATED COUNTERCLAIMS                   | ) |   |
|   | ) |   |

Finding good cause therefore,

NOW THEREFORE IT IS HEREBY ORDERED, that the Joint Motion to Dismiss With Prejudice Only Claims and Counterclaims Related to U.S. Patent No. D581,450, (docket no. 36) is GRANTED.

IT IS FURTHER ORDERED, that all claims, counterclaims, and defenses currently pending in the above-captioned action involving Oakley’s United States Design Patent No. D581,450 are hereby dismissed with prejudice and without costs to any party.



DATED: June 13, 2013

*B. Lynn Winmill*

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B. Lynn Winmill  
Chief Judge  
United States District Court