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17 *LifeScan Scotland, Ltd.; and Johnson & Johnson*

18
19 **UNITED STATES DISTRICT COURT**

20 **DISTRICT OF NEVADA**

21 PHARMA TECH SOLUTIONS, INC. and
DECISION IT CORP.,

22 Plaintiffs,

23 vs.

24 LIFESCAN, INC., LIFESCAN SCOTLAND,
25 LTD. and JOHNSON AND JOHNSON,

26 Defendants.

Case No. 2:16-cv-00564-RFB-PAL

STIPULATION AND ORDER

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1 WHEREAS Plaintiffs Pharma Tech Solutions, Inc. and Decision IT Corp. (collectively
2 “Pharma Tech”) have alleged in this action, *inter alia*, that Defendants LifeScan Inc., LifeScan
3 Scotland, Ltd. and Johnson & Johnson (collectively, “LifeScan”) literally infringe U.S. Patent Nos.
4 6,153,069 (“the ’069 patent”) and 6,413,411 (“the ’411 patent”) (collectively, the “Asserted
5 Patents”) by making, using, importing, exporting, offering to sell, and selling OneTouch Ultra blood
6 glucose test strips and meters (the “Accused Products”); and

7 WHEREAS LifeScan has disputed this allegation; and

8 WHEREAS LifeScan has provided Pharma Tech with access to documentation showing the
9 operation of the Accused Products; and

10 WHEREAS Pharma Tech has reviewed this documentation and has concluded that LifeScan
11 does not literally infringe the Asserted Patents by making, using, importing, exporting, offering to
12 sell, or selling the Accused Products; and

13 WHEREAS Pharma Tech now wishes to dismiss its allegations of literal infringement;

14 NOW THEREFORE, IT IS HEREBY STIPULATED, AGREED, AND ORDERED that
15 Pharma Tech’s claims against LifeScan of literal infringement of all claims of the ’069 patent and all
16 claims of the ’411 patent ARE DISMISSED WITH PREJUDICE.

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1 For clarity and the avoidance of doubt, this Stipulation and Order does not in any way affect
2 Pharma Tech's claim that LifeScan infringes the '411 patent and the '069 patent under the doctrine
3 of equivalents.

4 Dated: June 6, 2017

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18 *LifeScan Scotland, Ltd.; and Johnson &*
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Attorneys for Plaintiffs Pharma Tech
Solutions, Inc. and Decision IT Corp.

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21 IT IS SO ORDERED:



Honorable Richard F. Boulware, II
United States District Judge

Dated: June 6, 2017