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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

THOMAS A. SIMONIAN,

Plaintiff,

v.

MAYBELLINE LLC,

Defendants.

Civil Action No. 1:11-cv-01928 (RJS)

STIPULATION AND ORDER OF DISMISSAL

WHEREAS, the parties to this case have agreed to a dismissal of this case with prejudice, with each party to bear its own attorneys' fees and costs;

WHEREAS, the parties agree that the dismissal of this case will not affect existing claims in other pending false marking lawsuits against the defendants (the following other false marking lawsuits are currently pending against defendants (or related entities): *Rook v. L'Oreal USA*, No. 11-cv-1710 (S.D.N.Y.); *San Francisco Technology Inc. v. Maybelline LLC*, No. 10-5931 (S.D.N.Y.); *Heathcote v. L'Oreal USA*, No. 10-cv-2544 (N.D. Ill.); *Heathcote v. L'Oreal USA*, No. 11-cv-1921 (N.D. Ill.); *Patent Research Institute v. L'Oreal USA*, No. 2:11-cv-154 (E.D. Tex.));

WHEREAS, notice of this dismissal has been provided by the defendant to the United States Department of Justice, which has informed the parties that it will not object to the dismissal;

IT IS HEREBY STIPULATED AND AGREED that

- (1) This case is dismissed with prejudice with each party to bear its own attorneys' fees and costs;
- (2) This Stipulation may be signed in counterparts; and
- (3) Facsimile signatures of this Stipulation shall have the same force and effect as original signatures.



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Attorneys for Defendant Maybelline LLC

SO ORDERED



Richard J. Sullivan
United State District Judge