

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION**

ETHICON ENDO-SURGERY, INC. and
ETHICON ENDO-SURGERY, LLC,

Plaintiffs,

v.

COVIDIEN, INC. and COVIDIEN LP,

Defendants.

Civil Action No.: 1:11-cv-871

Judge Timothy S. Black

FINAL JUDGMENT

In accordance with the Stipulation of the Parties Regarding Defendants' Affirmative Defenses and Counterclaims, filed on February 14, 2014, (Doc. 136), resolving the remaining claims pending for adjudication in this action, final judgment is hereby entered as follows:

1. The affirmative defenses, counterclaims and prayers for relief, asserted by Defendants in their First Amended Answer to Plaintiffs' Amended Complaint for Patent Infringement and Counterclaims (Doc. 99) set forth below are dismissed, without prejudice.
 - a. Invalidity of U.S. Patent No. 5,897,569 (Sixth Defense and Count IV),
 - b. Invalidity of U.S. Patent No. 5,989,275 (Tenth Defense and Count VIII),
 - c. Invalidity of U.S. Patent No. 8,182,501, for reasons other than indefiniteness pursuant to 35 U.S.C. § 112, (Twelfth Defense and Count X),

- d. Unenforceability of U.S. Patent No. 8,182,501 (Thirteenth Defense and Count XI),
- e. Invalidity of U.S. Patent No. D661,801, for reasons other than functionality, (Fifteenth Defense and Count VIII),
- f. Invalidity of U.S. Patent No. D661,802, for reasons other than functionality, (Seventeenth Defense and Count XV),
- g. Invalidity of U.S. Patent No. D661,803, for reasons other than functionality, (Nineteenth Defense and Count XVII),
- h. Invalidity of U.S. Patent No. D661,804, for reasons other than functionality, (Twenty-First Defense and Count XIX), and
- i. A finding that this case is “exceptional” within the meaning of 28 U.S.C. § 285 and an award to Defendants of their reasonable attorneys’ fees and expenses (Prayer for Relief).


2. The January 22, 2014, orders on Defendants’ motions for summary judgment (Docs. 130, 131, 132, 133 & 134) are unsealed and made public and the clerk is directed to change the electronic restriction on these orders to make them accessible for viewing on the Court’s CM/ECF system.

3. All previous orders and judgments of the Court in this action that adjudicated claims and/or counterclaims of the parties are reaffirmed and made final and appealable.

4. This action, together with Plaintiffs' claims for relief, is hereby dismissed.

IT IS SO ORDERED.

Date: 3/4/14



Timothy S. Black
United States District Judge