UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

INEOS USA LLC,	)	
	)	
Plaintiff,	)	Civil Action No. 3:13-cv-00017
	)	
v.	)	
	)	
BERRY PLASTICS CORPORATION,	)	
	)	
Defendant.	)	
	)	

ENTRY OF JUDGMENT

The Court, having granted the Motion for Summary Judgment of Defendant, Berry Plastics Corporation ("Berry"), that each of the asserted claims 1-7 and 9-11 of U.S. Patent No. 6,846,863, owned by Plaintiff Ineos USA LLC ("Ineos"), is invalid as anticipated by U.S. Patent No. 5,948,846 (Dkt. 101), it is hereby ORDERED and ADJUDGED that:

1. Ineos takes nothing by its Complaint, which is **DISMISSED WITH PREJUDICE**;
2. **FINAL JUDGMENT** is entered in favor of Berry with respect to Berry's Second Counterclaim seeking a declaration of invalidity;
3. Berry's remaining Counterclaims are **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED.

Date: May 7, 2014

Hon. Gregg Costa
United States District Judge