

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

FORUM US, INC., a Delaware corporation

Plaintiff,

v.

Case No. CIV-17-0495-F

**FLOW VALVE, LLC, an Oklahoma
limited liability company**

Defendant.

FINAL JUDGMENT

The Court is in receipt of Plaintiff/Counter-Defendant Forum US, Inc.’s (“Forum”) Unopposed Motion to Dismiss Without Prejudice.


By Order of February 21, 2018, Dkt. 45, the Court granted Forum’s Motion for Partial Summary Judgment, invalidating claims 14-20 of RE 45,878 as requested in Forum’s First Cause of Action – Declaratory Judgment of Invalidity. That summary judgment also disposed of Counterclaimant Flow Valve, LLC’s counterclaims for patent infringement and declaratory judgment of infringement as a result of the invalidation of claims 14-20 of the patent. Because claims 14-20 of RE 45,878 are the only claims asserted by Flow Valve in this case, Forum moves to dismiss its “Second Cause of Action – Declaratory Judgment of Unenforceability” and “Third Cause of Action – Declaratory Judgment of Non-Infringement and Intervening Rights,” as moot. *See*, Dkt. 44 at 2-3. Defendant/Counter-Claimant Flow Valve is not opposed to this motion.

Plaintiff/Counter-Defendant's Second and Third Causes of Action are hereby **DISMISSED** without prejudice. Pursuant to the Court's grant of summary judgment in Dkt. 45, judgment is entered in favor of the Plaintiff on its claim for a declaratory judgment of patent invalidity. The Court declares claims 14-20 of United States Patent No. RE 45,878 invalid. Judgment is entered against the Defendant on its counterclaims.

Having disposed of all claims in this case, the Court hereby enters **FINAL JUDGMENT**.

The clerk shall give notice of this decision to the Director of the United States Patent & Trademark Office pursuant to 35 U.S.C. § 290.

IT IS SO ORDERED this 1st day of March, 2018.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE