

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Plastic Omnium Advanced
Innovation and Research,

Plaintiff,

v.

Donghee America, Inc. and
Donghee Alabama, LLC,

Defendants.

Civil Action No. 16-0187-LPS

~~PROPOSED~~ FINAL JUDGMENT

WHEREAS Plaintiff Plastic Omnium Advanced Innovation and Research (“Plastic Omnium”) originally asserted eight patents in the amended complaint in this action: U.S. Patent Nos. 6,814,921 (“the ’921 patent”); 6,866,812 (“the ’812 patent”); 7,166,253 (“the ’253 patent”); 8,122,604 (“the ’604 patent”); 8,163,228 (“the ’228 patent”); 9,079,490 (“the ’490 patent”); 9,399,326 (“the ’326 patent”); and 9,399,327 (“the ’327 patent”);

WHEREAS the ’604 patent was dismissed with prejudice by stipulation (D.I. 195), approved by the Court on October 25, 2017;

WHEREAS the ’228 patent was dismissed with prejudice by stipulation (D.I. 297), approved by the Court on April 18, 2018;

WHEREAS, on May 22, 2018, the Court issued an Order (D.I. 311): (1) granting Defendants Donghee America, Inc.’s and Donghee Alabama, LLC’s (collectively, “Donghee”) motion for summary judgment of non-infringement (D.I. 223) as to the ’921, ’812, ’327, ’253, and ’490 patents; (2) denying Donghee’s motion for summary judgment of non-infringement as

to the '326; (3) denying Donghee's motion for summary judgment of non-infringement as to the '228 patent as moot; (4) granting Donghee's motion for summary judgment of no willful infringement as to '921, '812, '327, '253, '490, and '326 patents; and (5) denying Donghee's motion for summary judgment of no willful infringement as to '228 patent as moot;

WHEREAS the '326 patent was dismissed without prejudice by stipulation on June 1, 2018 (D.I. 328);

WHEREAS there are no additional motions pending before the Court in the captioned case; and

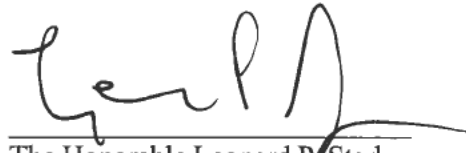
WHEREAS the Court has not adjudicated any other issue that was raised in Donghee's answers (D.I. 10, 18, 24), including without limitation the issues of invalidity;

IT IS HEREBY ORDERED AND ADJUDGED:

1. All of the parties' remaining defenses are dismissed without prejudice as moot. For the avoidance of doubt, this dismissal is without prejudice to the parties' ability to reinstate their defenses in the event of a reversal or a remand.
2. Any motion or other request for other attorney's fees, costs, or expenses shall be filed no later than 14 days after the Federal Circuit issues its mandate from an appeal of this judgment, or if no appeal is taken, no later than 14 days after the time for filing a notice of appeal expires.

This is a final judgment and may be appealed if a notice of appeal is filed within 30 days of the date on which this judgment was ordered.

SO ORDERED this 11th day of June, 2018

A handwritten signature in black ink, appearing to read "Leonard P. Stark", written over a horizontal line.

The Honorable Leonard P. Stark
Chief United States District Judge