

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Poly-America, L.P.,

Plaintiff,

v.

API Industries, Inc.,

Defendant.

Civil Action No. 14-cv-599-SLR

~~PROPOSED~~ ORDER ENTERING FINAL JUDGMENT

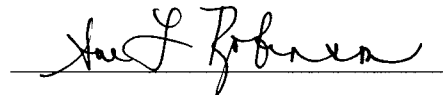
Before the Court is Plaintiff Poly-America, L.P.’s (“Poly-America’s”) Unopposed Motion for Entry of Judgment. Poly-America’s motion is GRANTED. Accordingly, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Final Judgment of Non-Infringement is entered for Defendant API Industries, Inc. (“API”) and against Poly-America on Poly-America’s claim for infringement of claims 10 and 11 of U.S. Patent No. 8,702,308 (“the ’308 patent”) by the Accused Products.
2. Poly-America’s claim for infringement of claims 1-4, 13 and 16 of the ’308 patent by the Accused Products is dismissed with prejudice.
3. Poly-America’s claim for infringement of U.S. Patent No. 8,523,439 (“the ’439 patent”) by the Accused Products is dismissed with prejudice.
4. API’s counterclaim for a declaratory judgment of non-infringement of the ’308 patent is granted as to claims 10 and 11, and dismissed as moot as to all other claims of the ’308 patent and as to the ’439 Patent.

5. In the event of a reversal or remand on any appeal from this Judgment, all defenses of API to the claim of infringement of claims 10 and 11 of the '308 patent, including the invalidity of those claims, will be reinstated.

6. Any motion for attorneys' fees and costs will be deferred until final resolution of any appeal, or the expiration of time for an appeal.

IT IS SO ORDERED this 14th day of October, 2015

A handwritten signature in cursive script, reading "Sue L. Robinson", written over a horizontal line.

The Honorable Sue L. Robinson
United States District Judge