

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HOWMEDICA OSTEONICS CORP. and :
STRYKER IRELAND LTD., :
 : Civil Action No. 11-6500-SDW
 :
 : Plaintiffs, :
 :
 v. : District Judge Susan D. Wigenton
 : Magistrate Judge Steven C. Mannion
 :
 SMITH & NEPHEW, INC. :
 :
 :
 : Defendant. : x

~~Proposed~~ **FINAL JUDGMENT**

The Court, having entered summary judgment that claims 20, 27, 41, and 53 of U.S. Patent No. 6,475,243 ("the '243 Patent") are not infringed (*see* Op., Nov. 24, 2014 (Case No. 11-6498 Dkt.244) and Order (Case No. 11-6498 Dkt.245)) in favor of Defendant Smith & Nephew, Inc. ("S&N") and against Plaintiffs Howmedica Osteonics Corp. and Stryker Ireland Ltd. (collectively "Stryker"), hereby enters FINAL JUDGMENT of noninfringement in favor of S&N on all of Stryker's asserted claims of infringement of the '243 Patent and S&N's counterclaim of noninfringement of the '243 Patent.

It is further ORDERED, ADJUDGED, and DECREED that any remaining claims or counterclaims of the parties are hereby dismissed without prejudice.

This is a final and appealable judgment as to all substantive issues underlying the FINAL JUDGMENT of noninfringement, including the Court's claim constructions (*see Markman* Op., July 9, 2013 (Case No. 11-6498 Dkt.144) and Order (Case No. 11-6498 Dkt.145)) and this Court's Opinion (Case No. 11-6498 Dkt.244) and Order (Case No. 11-6498 Dkt.245) granting S&N's motion for summary judgment.

S&N reserves its right to seek an award of attorney fees pursuant to 35 U.S.C. § 285 and United States District Court for the District of New Jersey Local Civil Rule 54.2 within 30 days of the entry of this Final Judgment.

SO ORDERED:

Dated: December 17, 2014
Newark, New Jersey


Susan D. Wigenton
United States District Judge