

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

HOWMEDICA OSTEONICS CORP. and :  
STRYKER IRELAND LTD., :  
 : Civil Action No. 11-6511-SDW  
 :  
Plaintiffs, :  
 :  
v. : District Judge Susan D. Wigenton  
 : Magistrate Judge Steven C. Mannion  
ZIMMER, INC. :  
 : **CASE CLOSED**  
 :  
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)) in favor of Defendant Zimmer, Inc. ("Zimmer") and against Plaintiffs Howmedica Osteonics Corp. and Stryker Ireland Ltd. (collectively "Stryker"), hereby enters FINAL JUDGMENT of noninfringement in favor of Zimmer on all of Stryker's asserted claims of infringement of the '243 Patent and Zimmer'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 Zimmer's motion for summary judgment.

Zimmer 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