

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

AKZO NOBEL COATINGS, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 12-1264 (LPS)
)	
DOW CHEMICAL COMPANY,)	
)	
Defendant.)	

(LPS)

STIPULATED FINAL JUDGMENT AND ~~PROPOSED~~ ORDER

WHEREAS the Court’s Memorandum Opinion (D.I. 126) dated January 26, 2015, among other things, granted summary judgment of non-infringement of U.S. Patent No. 6,767,956, the sole patent-in-suit, in favor of Defendant The Dow Chemical Company (“Dow”) and against Plaintiff Akzo Nobel Coatings, Inc. (“Akzo”), and rejected the indefiniteness defenses that Dow raised in claim construction proceedings;

WHEREAS Dow has raised two counterclaims in this action, one for non-infringement and one for invalidity; and

WHEREAS the Court’s Memorandum Opinion (D.I. 126) resolves Dow’s counterclaim for non-infringement but issues of invalidity remain with respect to Dow’s counterclaim for invalidity;

IT IS HEREBY STIPULATED by the parties and ORDERED by the Court as follows:

1. Final judgment is entered against Akzo on its claim that Dow infringes the ‘956 patent;
2. Final judgment is entered in favor of Dow on its counterclaim for non-infringement of the ‘956 patent;

3. Akzo takes nothing by its claim for infringement of the patent-in-suit;
4. Final judgment is entered against Dow on its claims for indefiniteness raised during claim construction proceedings;
5. All remaining claims for invalidity of the '956 patent are dismissed without prejudice with leave to refile upon return to this Court by a remand or reversal by the Federal Circuit Court of Appeals for further proceedings on Akzo's patent infringement claims; and
6. Any request for attorneys' fees and/or costs shall be deferred until after the final resolution of the appeal of this action.

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IT IS SO ORDERED, this ^{30th} day of January, 2015.



United States District Court Judge