

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PROMOTE INNOVATION LLC,)	
)	
Plaintiff)	Case No. 2:10-cv-300
)	
v.)	
)	
WATSON PHARMA, INC.;)	<u>JURY TRIAL DEMANDED</u>
WATSON PHARMACEUTICALS,)	
INC.,)	
)	
Defendants.)	

ORDER OF DISMISSAL

In light of the settlement agreement and stipulation of dismissal between Plaintiff Promote Innovation LLC (“Promote”) and each of the above-named defendants (“Watson”), the Court HEREBY ORDERS as follows:

1. Promote’s complaint and its false patent marking claims pursuant to 35 U.S.C. § 292 on behalf of itself, the United States, and the general public against Watson are hereby dismissed with prejudice.
2. Promote and Watson shall each bear their own respective attorney fees and costs incurred in connection with this action.
3. Watson and those acting in concert therewith and/or selling products manufactured, imported, exported or distributed by Watson may have a reasonable time to sell inventory, and exhaust materials, packaging, and labels, that were manufactured on or before the date hereof in connection with or relating to Androderm without further liability under 35 U.S.C. § 292.
4. Promote has standing to act on behalf of the United States and the general public pursuant to 35 U.S.C. § 292.

5. Promote has a valid statutory partial assignment of rights from the United States to pursue the claims in this suit on its behalf and on behalf of the general public.
6. This Court retains jurisdiction over the parties and the settlement agreement for purposes of resolving any dispute that may arise under it.
7. This is a final judgment and disposes of all claims and all parties.

SIGNED this 1st day of February, 2011.

A handwritten signature in black ink that reads "T. John Ward". The signature is written in a cursive style with a horizontal line underneath it.

T. JOHN WARD
UNITED STATES DISTRICT JUDGE