

**DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
(TEXARKANA DIVISION)**

GHJ HOLDINGS, LLC,

Plaintiff,

v.

SMITH & NEPHEW, INC.,

Defendant.

Case No. 5:11-cv-00043

STIPULATED DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, Plaintiff GHJ Holdings, LLC acting on behalf of itself, the United States of America and the general public, (“GHJ”) and Defendant Smith & Nephew, Inc. (“Defendant”) jointly stipulate that GHJ and Defendant, have executed a Settlement Agreement (the “Settlement Agreement”) resolving the claims asserted by GHJ on behalf of itself, the United States of America (“United States”), and the general public, against Defendant in the above-styled matter. GHJ, the United States of America, the general public, and Defendant are jointly referred to herein as the “Parties”.

The Parties further stipulate that any and all claims by GHJ, on behalf of itself, the United States and the general public, regarding Defendant’s alleged violation of 35 U.S.C. § 292 by marking, affixing to, or using in advertising in connection with any article, the word “patent” or any word or number importing

that the same is patented under the U.S. Patents identified in the pleadings are fully resolved and hereby dismissed with prejudice.

The Parties further stipulate that Defendant and those acting in concert therewith and/or selling products manufactured by Defendant shall have a reasonable period of time to sell all or otherwise dispose of inventory marked with the word “patent” or any word or number importing that the same is patented under the U.S. Patents identified in the pleadings without liability under 35 U.S.C. § 292.

Each party shall bear its own attorneys’ fees and costs.

Pursuant to the Settlement Agreement, the Parties stipulate that the claims asserted in this action are hereby dismissed with prejudice.

DATED: April 27, 2011

Respectfully submitted,

GARTEISER LAW GROUP, PC

By: /s/ Randall Garteiser
Randall T. Garteiser

Attorneys for GHJ Holdings, LLC

CERTIFICATE OF SERVICE

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file the STIPULATED DISMISSAL WITH PREJUDICE. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day.

/s/ Randall Garteiser
Randall T. Garteiser

