

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

BERRY PLASTICS CORPORATION, )  
)  
Plaintiff and )  
Counter Defendant, ) 3:10-cv-00076-RLY-MPB  
vs. )  
)  
INTERTAPE POLYMER )  
CORPORATION, )  
)  
Defendant and )  
Counter Plaintiff. )

**FINAL JUDGMENT**

All claims against all parties regarding the merits of the present action have been finally resolved. **IT IS THEREFORE ADJUDGED AND ORDERED THAT:**

(1) Judgment is entered in favor of Intertape Polymer Corporation and against Berry Plastics Corporation on Count I of Berry Plastics Corporation’s Complaint for Declaratory Judgment, seeking a declaration that U.S. Patent No. 7,476,416 is unenforceable due to inequitable conduct.

(2) Judgment is entered in favor of Berry Plastics Corporation and against Intertape Polymer Corporation on Count II of Berry Plastics Corporation’s Complaint for Declaratory Judgment, seeking a declaration that U.S. Patent No. 7,476,416 is invalid. Consistent with this Court’s orders dated September 30, 2015 and June 3, 2016, claims 1,

6, 7, 8, 10, 11, 12, 21, 22, 23, 24, 25, 27, 31, 32, 33, and 34 of U.S. Patent No. 7,476,416 are hereby declared invalid as obvious under 35 U.S.C. § 103.

(3) Judgment is entered in favor of Berry Plastics Corporation and against Intertape Polymer Corporation on Intertape Polymer Corporation's Counterclaim for Patent Infringement based on U.S. Patent No. 7,476,416. Therefore, Intertape takes nothing in damages from Berry.

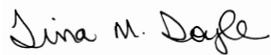
(4) Each party shall bear its own attorney's fees.

**SO ORDERED** this 30th day of September 2016.



RICHARD L. YOUNG, CHIEF JUDGE  
United States District Court  
Southern District of Indiana

Laura Briggs, Clerk  
United States District Court



By: Deputy Clerk

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