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JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

SMARTMETRIC INC., a Nevada Corporation,

Plaintiff,

vs.

MASTERCARD INTERNATIONAL INCORPORATED AND VISA INC., Delaware Corporations,

Defendants.

CASE NO. CV-10-01864-JHN (FMOx)

FINAL JUDGMENT ORDER

AND RELATED COUNTERCLAIMS

WHEREAS on May 18, 2011, the Court entered an Order regarding claim construction concerning disputed terms in the asserted claims of United States Patent No. 6,792,464 (“the ‘464 patent”).

WHEREAS Plaintiff SmartMetric Inc. (“Plaintiff”) and Defendants MasterCard International Incorporated (“MC”) and VISA Inc. (“VISA”) have agreed and stipulated that, subject to their respective rights to appeal the Court’s claim construction, based on the Court’s constructions of two disputed terms of the

1 asserted claims of the '464 patent, namely "insertion of said data card into said data
2 card reader," or "plurality of network service providers," or both, MC's PayPass
3 and VISA's PayWave have not infringed and do not infringe the '464 patent.
4

5 IT IS HEREBY ORDERED this 30th day of June, 2011 that final judgment
6 of non-infringement of the '464 patent by MC's PayPass and VISA's PayWave is
7 hereby entered in favor of Defendants MasterCard International Incorporated and
8 VISA Inc. All claims are therefore dismissed, and Defendants' counterclaims are
9 dismissed without prejudice.
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11 Each party shall bear its own attorneys' fees and costs.
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14 Dated: June 30, 2011



15 Hon. Jacqueline Nguyen
16 United States District Judge
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