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11 Attorneys for Plaintiff and Counterdefendant
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 12 Trustee for At Home Bondholders' Liquidating
 Trust

13 **UNITED STATES DISTRICT COURT**
 14 **CENTRAL DISTRICT OF CALIFORNIA**

16 RICHARD A. WILLIAMSON, ON
 BEHALF OF AND AS TRUSTEE
 17 FOR AT HOME BONDHOLDERS'
 LIQUIDATING TRUST,

Case No. CV11-02409 AHM (JEMx)

STIPULATED FINAL JUDGMENT

Judge: Hon. A. Howard Matz

Plaintiff,

v.

20 CITRIX ONLINE, LLC, *et al.*,

Defendants.

22 **AND RELATED COUNTERCLAIMS.**
 23

1 On October 19, 2012, Plaintiff and Defendants made the following
2 stipulations:

3 (a) None of the Defendants infringe claim 1 of the '840 patent or
4 any of its dependent claims, pursuant to the Court's claim
5 construction rulings set forth above, because, under those rulings,
6 none of the Defendants' accused products includes a "pictorial map
7 illustrating an at least partially virtual space in which participants can
8 interact, and that identifies the presenter(s) and the audience
9 member(s) by their locations on the map."

10 (b) None of the Defendants are liable for infringement of claim 8 of
11 the '840 patent or any of its dependent claims 9-16, pursuant to the
12 Court's claim construction rulings set forth above, because, under
13 those rulings, claim 8 and its dependent claims have been held invalid
14 as indefinite.

15 (c) None of the Defendants infringe claim 17 of the '840 patent or
16 any of its dependent claims, pursuant to the Court's claim
17 construction rulings set forth above, because, under those rulings,
18 none of the Defendants accused products includes a "first graphical
19 display comprising: . . . a display region for a pictorial map
20 illustrating an at least partially virtual space in which participants can
21 interact, and that identifies the presenter(s) and the audience
22 member(s) by their locations on the map."

23 (ECF No. 470.) These stipulations were "to facilitate the immediate appeal of the
24 Court's claim construction rulings," limited to "those claim construction rulings
25 that are case dispositive and specifically discussed in [the] stipulation." (*Id.*)
26 Defendants further stipulated that they would not move for costs and attorneys' fees
27 until after resolution of the contemplated appeal. (*Id.*) Defendants contend that
28 there are additional grounds for non-infringement and invalidity of all of the claims

1 of the '840 patent, and reserve their right to assert such additional grounds in the
2 event that the appellate court remands the case to the District Court or refuses to
3 hear the merits of the appeal.

4 On October 22, 2012, the Court vacated all remaining deadlines pending the
5 Court's decision on Plaintiff's Motion for Reconsideration, and ordered the parties
6 to submit a proposed form of judgment pursuant to Fed. R. Civ. P. 58 consistent
7 with the terms of their stipulation. (ECF No. 472.)

8 On November 8, the Court denied Plaintiff's motion seeking reconsideration
9 of the Court's claim construction rulings. (ECF No. 475.)

10 In accordance with the above, and good cause having been shown, the Court
11 hereby enters Final Judgment in this matter as follows:

12 It is hereby ORDERED, ADJUDGED and DECREED that:

- 13 1. FINAL JUDGMENT with respect to Plaintiff's claims of infringement
14 of the '840 Patent against WebEx Communications, Inc., Cisco
15 WebEx LLC, and Cisco Systems, Inc. (collectively, "Cisco") is
16 entered against Plaintiff and in favor of Cisco, and Plaintiff shall take
17 nothing of and from its claims of infringement of the '840 Patent
18 against Cisco. All of Cisco's counterclaims are dismissed without
19 prejudice, without waiving Cisco's right to reassert any or all of these
20 claims in this action or another, including but not limited to in the
21 event that the appellate court remands the case to the District Court or
22 refuses to hear the merits of the appeal.
- 23 2. FINAL JUDGMENT with respect to Plaintiff's claims of infringement
24 of the '840 Patent against Adobe Systems Incorporated ("Adobe") is
25 entered against Plaintiff and in favor of Adobe, and Plaintiff shall take
26 nothing of and from its claims of infringement of the '840 Patent
27 against Adobe. All of Adobe's counterclaims are dismissed without
28 prejudice, without waiving Adobe's right to reassert any or all of these

1 claims in this action or another, including but not limited to in the
2 event that the appellate court remands the case to the District Court or
3 refuses to hear the merits of the appeal.

4 3. FINAL JUDGMENT with respect to Plaintiff's claims of infringement
5 of the '840 Patent against Citrix Online, LLC and Citrix Systems, Inc.
6 (collectively, "Citrix") is entered against Plaintiff and in favor of
7 Citrix, and Plaintiff shall take nothing of and from its claims of
8 infringement of the '840 Patent against Citrix. All of Citrix's
9 counterclaims are dismissed without prejudice, without waiving
10 Citrix's right to reassert any or all of these claims in this action or
11 another, including but not limited to in the event that the appellate
12 court remands the case to the District Court or refuses to hear the
13 merits of the appeal.

14 4. FINAL JUDGMENT with respect to Plaintiff's claims of infringement
15 of the '840 Patent against Microsoft Corporation ("Microsoft") is
16 entered against Plaintiff and in favor of Microsoft, and Plaintiff shall
17 take nothing of and from its claims of infringement of the '840 Patent
18 against Microsoft. All of Microsoft's counterclaims are dismissed
19 without prejudice, without waiving Microsoft's right to reassert any or
20 all of these claims in this action or another, including but not limited to
21 in the event that the appellate court remands the case to the District
22 Court or refuses to hear the merits of the appeal.

23 5. FINAL JUDGMENT with respect to Plaintiff's claims of infringement
24 of the '840 Patent against International Business Machines
25 Corporation ("IBM") is entered against Plaintiff and in favor of IBM,
26 and Plaintiff shall take nothing of and from its claims of infringement
27 of the '840 Patent against IBM. All of IBM's counterclaims are
28 dismissed without prejudice, without waiving IBM's right to reassert


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any or all of these claims in this action or another, including but not limited to in the event that the appellate court remands the case to the District Court or refuses to hear the merits of the appeal.

6. The deadline for the parties to seek recovery of costs (including filing a Notice of Application and proposed Bill of Costs) and/or attorneys' fees is extended to thirty (30) days following issuance of the mandate in any appeal from this Final Judgment.
7. Subject to paragraph 6, all claims between the parties have now been resolved. This is a final and appealable judgment.

IT IS SO ORDERED, ADJUDGED, AND DECREED.

Dated: November 26, 2012



Hon. A. Howard Matz
United States District Court Judge

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1 Dated: November 26, 2012 /s/ Brett J. Williamson
2 Brett J. Williamson
3 O'Melveny & Myers LLP
4 William C. Norvell, Jr.
5 Beirne, Maynard & Parsons, LLP
6 Attorneys for Plaintiff and Counterdefendant
7 Richard A. Williamson, As Trustee And On
8 Behalf Of At Home Bondholders' Liquidating
9 Trust

10 Dated: November 26, 2012 /s/ Frank E. Scherkenbach
11 Frank E. Scherkenbach
12 Fish & Richardson PC
13 Attorneys for Defendants and Counterclaimants
14 Adobe Systems, Inc., Citrix Online LLC and
15 Citrix Systems, Inc., and Microsoft Corporation

16 Dated: November 26, 2012 /s/ Douglas Kubehl
17 Douglas Kubehl
18 Baker Botts L.L.P
19 Attorneys for Defendants and Counterclaimants
20 WebEx Communications, Inc., Cisco WebEx
21 LLC, and Cisco Systems, Inc.

22 Dated: November 26, 2012 /s/ Mark J. Abate
23 Mark J. Abate
24 Gregory S. Bishop
25 Goodwin Procter LLP
26 Attorneys for Defendant and Counterclaimant
27 International Business Machines Corporation

28 **Attestation Pursuant to L.R. 5-4.3.4(a)(2)**

I, Brett J. Williamson, attest that all signatories listed and on whose behalf this filing is submitted concur in this filing's content and have authorized this filing.

Dated: November 26, 2012 /s/ Brett J. Williamson
Brett J. Williamson

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