1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

IN THE UNITED STATES DISTRICT COURT		
FOR THE NORTHERN DISTRICT OF CALIFORNIA		
SAN JOSE DIVISION		
Tashnalasias Com	NO C 05 01114 IW	

In re: Acacia Media Technologies Corp. NO. M 05-01665 JW

JUDGMENT

Pursuant to the Court's October 23, 2009 Amended Order Granting Defendants' Motions for Summary Judgment (hereafter, "October 23 Order," Docket Item No. 354), there has now been an adjudication of all of the claims asserted by Plaintiff Acacia Media Technologies Corp. ("Acacia") against all of the remaining Defendants in this MDL proceeding. The Defendants are: Echostar Satellite LLC, Echostar Technologies Corp., DIRECTV Group, Inc., Time Warner Cable Inc., CSC Holdings, Inc., Hospitality Network, Inc., Cable America Corp., Comcast Cable Communications LLC, Coxcom Inc., Insight Communications Company, Inc., Charter Communications, Inc. (solely to the extent authorized by the Bankruptcy Court), Armstrong Group, Wide Open West LLC, Block Communications Inc., East Cleveland Cable TV and Communications LLC, Massillon Cable TV Inc., NPG Cable Inc., Mid-Continent Media, Inc., US Cable Holdings LP, Sjoberg's Cablevision, Inc., Savage Communications Inc., Loretel Cablevision, Cannon Valley Communications, Inc., Arvig Communication Systems, Cable One, Inc., Mediacom Communications Corporation, Bresnan Communications, Cequel III Communications I, LLC (dba Cebridge Connections), Game Link Inc., ACMP LLC, Cybernet Ventures Inc., Global AVS Inc., National A-1 Advertising Inc., AEBN Inc.,

1

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

Ademia Multimedia LLC, Audio Communications Inc., Cyber Trend Inc., Innovative Ideas International, Adult Revenue Service, Lightspeed Media Group Inc., New Destiny Internet Group LLC, VS Media Inc., Offendale Commercial Limited BV, AskCS.com, Inc., and International Web Innovations Inc. (collectively referred to in this Judgment as "Defendants").

First, for the reasons set forth in the October 23 Order, with respect to Defendants' counterclaims of invalidity under 35 U.S.C. § 112, ¶ 2 as to U.S. Patent Nos. 5,132,992 ("'992 Patent"), 5,550,863 ("'863 Patent"), 6,002,720 ("'720 Patent"), and 6,144,702 ("'702 Patent"), respectively, judgment is entered in favor of Defendants and against Acacia. The Court declares U.S. Patent Nos. '992, '863, '720, and '702 invalid.

Second, for the reasons set forth in the October 23 Order, with respect to Acacia's claims for infringement and Defendants' counterclaims for a declaration of non-infringement of the '992, the '863, the '720, and the '702 Patents, judgment is entered in favor of Defendants against Acacia. The Court declares that U.S. Patent Nos. '992, '863, '720, and '702 not infringed by Defendants.

Third, for the reasons set forth in the October 23 Order, with respect to Acacia's claims for infringement and Defendants' counterclaims for a declaration of non-infringement of U.S. Patent No. 5,253,275 ("275 Patent") and with respect to Acacia's state law claims, because Acacia has voluntarily withdrawn all asserted claims of the '275 Patent and all state law claims, those claims are dismissed without prejudice.

The Court declares that Defendants are the prevailing parties and are entitled to recover costs of suit.

Accordingly, the Court finds that there is no just reason for delay of entry of final judgment in favor of Defendants and against Plaintiff Acacia. This is a full and final adjudication of all issues before this Court.

25 Dated: October 23, 2009

United States District Judge

27

26

1 THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

2	Adam R. Alper aalper@kirkland.com
	Alan P. Block blocka@hbdlawyers.com
3	Albert L. Underhill <u>aunderhill@swlaw.com</u>
,	Annamarie A. Daley aadaley@rkmc.com
4	Asim M. Bhansali amb@kvn.com
5	Benjamin Hershkowitz bhershkowitz@gibsondunn.com Bobby T. Shih bshih@mount.com
5	Bradford P. Lyerla blyerla@marshallip.com
6	Bryant Carroll Boren bryant.c.boren@bakerbotts.com
	Christopher Scott Marchese marchese@fr.com
7	Christopher W Kennerly chris.kennerly@bakerbotts.com
	Daniel Reisner dreisner@kayescholer.com
8	Daniel E. Jackson djackson@kvn.com
	Daralyn J. Durie ddurie@durietangri.com
9	David Benyacar dbenyacar@kayescholer.com
	David A. York david.york@lw.com
10	David Jason Silbert djs@kvn.com
	David Michael Hymas dhymas@mofo.com
11	David P. Pearson dpearson@winthrop.com
	Emmett J. McMahon ejmcmahon@rkmc.com
12	Harold J. McElhinny HmcElhinny@mofo.com
12	J. Timothy Nardell tim@jtnlaw.com
13	James Michael Slominski jslominski@hh.com
14	Jason A. Crotty jcrotty@mofo.com
	Jeffrey D. Sullivan jeffrey.sullivan@bakerbotts.com Jeffrey H. Dean jdean@marshallip.com
15	John C. Englander jenglander@goodwinprocter.com
13	Jon-Thomas Bloch jbloch@marshallip.com
16	Jonathan Elliot Singer singer@fr.com
	Juanita R. Brooks brooks@fr.com
17	Kevin D. Hogg khogg@marshallip.com
	Kevin G. McBride kgmcbride@jonesday.com
18	Kevin I. Shenkman shenkmank@hbdlawyers.com
	Maria Kara Nelson mknelson@jonesday.com
19	Marsha Ellen Mullin memullin@jonesday.com
	Matthew Ian Kreeger mkreeger@mofo.com
20	Michael J. McNamara michael.mcnamara@bakerbotts.com
. 1	Mitchell D. Lukin mitch.lukin@bakerbotts.com
21	Morgan William Tovey morgantovey@quinnemanuel.com
22	Patrick J. Whalen pwhalen@spencerfane.com
<i></i>	Paul A. Friedman pafriedman@mofo.com Rachel Krevans rkrevans@mofo.com
23	Richard R. Patch rrp@cpdb.com
ا دے	Robert Donald Carroll rearroll@goodwinprocter.com
24	Roderick G. Dorman dormanr@hbdlawyers.com
- ·	Sean David Garrison sgarrison@lrlaw.com
25	Stephen E. Taylor staylor@tcolaw.com
-	Stephen P. Safranski spsafranski@rkmc.com
26	Todd Glen Miller miller@fr.com
	Todd R. Tucker ttucker@rennerotto.com
77 l	

28

United States District Court For the Northern District of California

1 2 3 4	Victor de Gyarfas vdegyarfas@foley.com Victor George Savikas vgsavikas@jonesday.com William Joseph Robinson wrobinson@foley.com William R. Overend woverend@reedsmith.com William R. Woodford woodford@fr.com	
5	Dated: October 23, 2009	Richard W. Wieking, Clerk
6		Dvs. /a/ IW/ Chambara
7		By: /s/ JW Chambers Elizabeth Garcia Courtroom Deputy
8		Court toom Deputy
9		
10		
11		
12		
13		
14		
15		
16		
17 18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		