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13 [SEE ATTACHED PAGE FOR ADDITIONAL COUNSEL]

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15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**

17
18 UNILOC LUXEMBOURG S.A., and
19 UNILOC USA, INC.

20 Plaintiffs,

21 vs.

22 e CLINICAL WORKS, LLC AND
PULSE SYSTEMS INC.,

23 Defendants.

24
25 AND RELATED COUNTERCLAIMS

) Case No. CV-13-3244- MWF (PLAx)
) Case No. CV-13-3246-MWF (PLAx)
) **(CONSOLIDATED ACTIONS)**

) **FINAL JUDGMENT**

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1 This Court entered an Amended Order Granting Defendants’ Motions for
2 Summary Judgment of Non-Infringement and Denying as Moot Defendants’ Motion
3 for Summary Judgment of Invalidity effective August 29, 2013 (Dkt. 102, the
4 “Order”). Although the Court directed the Clerk to treat the Order, and its entry on
5 the docket, as entry of judgment, the Order did not dispose of Defendants’
6 counterclaims. Therefore, consistent with the Order and pursuant to the parties’
7 stipulation regarding the Defendants’ Counterclaims, IT IS HEREBY ORDERED,
8 ADJUDGED, and DECREED as follows.

9 (1) On Uniloc Luxembourg SA and Uniloc USA, Inc.’s (“Uniloc”) claims for
10 relief against Defendant eClinicalWorks LLC (“eClinicalWorks”) for
11 direct patent infringement under 35 U.S.C. § 271(a) (Count One), indirect
12 patent infringement based on inducement under 35 U.S.C. § 271(b)
13 (Count Two), and contributory patent infringement under 35 U.S.C. §
14 271(c) (Count Three), eClinicalWorks does not infringe U.S. Patent No.
15 5,682,526 (“the ’526 patent”). The Court hereby enters JUDGMENT of
16 non-infringement of the ’526 Patent in favor of eClinicalWorks on Counts
17 1-3 of Uniloc's Complaint against eClinicalWorks.

18 (2) On Uniloc’s claims for relief against Defendant Pulse Systems, Inc.
19 (“Pulse”) for direct patent infringement under 35 U.S.C. § 271(a) (Count
20 One), indirect patent infringement based on inducement under 35 U.S.C.
21 § 271(b) (Count Two), and contributory patent infringement under 35
22 U.S.C. § 271(c) (Count Three), Pulse does not infringe the ’526 patent.
23 The Court hereby enters JUDGMENT of non-infringement of the ’526
24 Patent in favor of Pulse on Counts 1-3 of Uniloc's Complaint against
25 Pulse.

26 (3) On Count One of Pulse’s Counterclaim seeking a declaration that Pulse
27 has not infringed the ’526 Patent, the Court’s judgment herein on
28

1 Uniloc’s claims renders this Count of the Counterclaim moot. Thus, this
2 Count is dismissed without prejudice pursuant to Fed. R. Civ. P.
3 41(a)(1)(A)(ii). Pulse is free to assert the claims of this Count in the
4 event this matter is remanded for any reason, including for further
5 consideration.

6 (4) With regard to Count One of eClinicalWorks’ Counterclaim and Count
7 Two of Pulse’s Counterclaim, both of which seek a declaration that the
8 ‘526 Patent is invalid, the Court determined that its resolution of
9 Defendants’ motions for summary judgment on non-infringement
10 rendered moot Defendants’ Joint Motion for Summary Judgment of
11 Invalidity. Consistent with this ruling, Count One of eClinicalWorks’
12 Counterclaim and Count Two of Pulse’s Counterclaim are dismissed
13 without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).
14 eClinicalWorks and Pulse are free to assert their respective claims of
15 these counts of the Counterclaims in the event this matter is remanded
16 for any reason, including for further consideration.

17 (5) eClinicalWorks and Pulse, as prevailing parties, are entitled to recover
18 costs pursuant to Fed. R. Civ. P. 54(d)(1) and C.D. Cal. L.R. 54 from
19 Uniloc in an amount to be determined by the Court.

20 (6) The parties reserve all rights on appeal with respect to this Final
21 Judgment.

22 The Clerk is directed to enter this Judgment.

23
24 DATED: September 29, 2014



25 By. _____
26 The Honorable Michael W. Fitzgerald
27 United States District Court Judge
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