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CBS INTERACTIVE INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CBS INTERACTIVE INC.,

Plaintiff,

vs.

ETILIZE, INC.,

Defendant.

Case No. C 06-05378 (MHP)

**STIPULATED INJUNCTION AND ORDER
DISMISSING ALL CLAIMS AND
COUNTERCLAIMS**

AND RELATED COUNTERCLAIMS.

This Stipulated Injunction and Order Dismissing All Claims and Counterclaims ("Order") is ordered by the Court as of the date indicated below and is consented to by Plaintiff/Counterdefendant CBS Interactive Inc. ("CBS Interactive") and Defendant/Counterclaimant Etilize, Inc. ("Etilize").

WHEREAS, on or about August 31, 2006, CBS Interactive filed an action in the United States District Court for the Northern District of California (the "Court") asserting claims for infringement of U.S. Patent Nos. 6,714,933 (the "'933 Patent") and 7,082,426 (the "'426 Patent") against Etilize, entitled CBS Interactive Inc. v. Etilize, Inc., Case No. C-06-5378;

1 WHEREAS Etilize’s First Amended Answer and Counterclaims alleges counterclaims for
2 declaratory judgment of invalidity, unenforceability, and noninfringement of the patents-in-suit,
3 violation of Section 2 of the Sherman Act, intentional interference with prospective economic
4 advantage, negligent interference with prospective economic advantage, and unfair competition
5 under California Business & Professions Code § 17200. The claims and counterclaims are
6 collectively referred to as “the Lawsuit”;

7 WHEREAS, this Court has jurisdiction over this Lawsuit pursuant to 28 U.S.C. §§ 1331
8 and 1338;

9 WHEREAS Etilize and CBS Interactive wish to resolve all claims and counterclaims that
10 were asserted by either party in the Lawsuit;

11 WHEREAS the parties agree to waive all findings of fact and conclusions of law for the
12 purposes of entry of this Order;

13 NOW, THEREFORE, the parties to this Lawsuit hereby stipulate to dismiss this Lawsuit
14 with prejudice as follows based on a confidential settlement agreement between the parties that
15 has been fully executed.

16 Based on this stipulation, the Court hereby ORDERS as follows:

17 1. This Court has jurisdiction over the parties and over the subject matter of this
18 dispute and shall retain continuing subject matter jurisdiction and personal jurisdiction for the
19 purposes of construing or enforcing the terms of this Order for resolving any dispute arising
20 thereunder.

21 2. CBS Interactive is the owner by assignment of the entire right, title and interest in
22 and United States Patent Nos. 6,714,933 and 7,082,426.

23 3. Etilize and its officers, agents, servants and employees and all other persons in
24 active concert or participation with them who receive actual notice of the Order by personal
25 service or otherwise are hereby restrained and enjoined for the life of Claim 1 of the '933 patent
26 from the further making of products using aQuire in combination with Xtract or the further
27 importation into the United States of products made using aQuire in combination with Xtract,
28 provided, however, Etilize shall not be enjoined from importing data, records or products that

- 1 were made using aQuire in combination with Xtract prior to the date of this Order.
- 2 4. No appeals shall be taken from this Order, and the parties waive all right to appeal.
- 3 5. This Order shall finally conclude and dispose of this Lawsuit and all claims and
- 4 counterclaims of all parties, which are hereby dismissed with prejudice.
- 5 6. The parties shall bear their own attorneys' fees and costs.
- 6

7 Dated: May 8, 2009

WINSTON & STRAWN LLP

8
9 By: 

10 Glenn E. Westreich
Patrick T. Michael

11 Attorneys for Plaintiff and
12 Counter-Defendant
CBS INTERACTIVE INC.

13 Dated: May 8, 2009

MANATT, PHELPS & PHILLIPS, LLP

14
15
16 By: 

17 Robert D. Becker
Shawn G. Hansen

18 Attorneys For Defendant and
19 Counterclaimant ETILIZE, INC.

20 **IT IS SO ORDERED AND DECREED.**

21 DATED: 5/14/2009

