United States,	Title 35	of the	United	States	Code

- 2. The Court has jurisdiction over the parties and the subject matter of this action.
- 3. Mitel owns and has standing to sue for the infringement of United States Patent No. 5,940,834 ("the '834 patent") and United States Patent No. 7,292,685 ("the '685 patent").
- 4. On March 16, 2012, Mitel filed a lawsuit for alleged patent infringement against Facebook in the U.S. District Court for the District of Delaware, which was later transferred to this district.
- On September 13, 2012, Facebook filed with the U.S. Patent and Trademark Office a Request for *Inter Partes* Reexamination of claims 1-5 of U.S. Patent No. 7,292,685, Control No. 95/002,229.
- 6. Facebook and Mitel have entered into a Confidential Settlement Agreement (executed and effective on July3, 2013) ("Agreement") that pertains to this action.
- Mitel's claims for relief against Facebook in the above-captioned action are hereby dismissed with prejudice.
- 8. Facebook no longer challenges the validity and enforceability of the '685 patent.

 Therefore, Facebook's claims, counterclaims, and defenses that were or could have been made regarding the invalidity and unenforceability of each and every claim of the '685 patent are dismissed with prejudice.
- 9. This Order represents a final decision and an adjudication on the merits of all claims, counterclaims, and defenses that were or could have been made in this action between Mitel and Facebook with respect to (a) the '834 patent, and each and every claim therein, (b) the '685 patent, and each and every claim therein, and (c) the accused Facebook products, and all such claims are hereby dismissed with prejudice.
- 10. The Court further orders and decrees that this Consent Judgment Order is intended and shall constitute, for purposes of 35 U.S.C. § 317(b), a final decision entered against a party (i.e. Facebook) in a civil action arising in whole or in part under section 1138 of

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1	title 28, that the party (i.e., Facebook) has not sustained its burden of proving the					
2	invalidity of any patent claim in suit, with all claims (1-5) of the '685 patent having					
3	been in suit.					
4	11. This stipulation shall not be construed as an admission by Facebook that any claim of					
5	the '685 patent is valid or enforceable, or as an admission that Facebook agreed with					
6	any of the arguments or positions presented by Mitel in any proceeding.					
7	12. Each party shall bear its own costs and attorneys' fees.					
8	13. This Court shall retain jurisdiction for purposes of enforcing the terms of the					
9	Agreement and this Consent Judgment.					
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12						
13	SUBMITTED BY:					
14	/a/Tamana Funisan /a/Haidi I. Vaafa					
15	<u>/s/ Tamara Fraizer</u>					
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21	MITEL (DELAWARE), INC. Attorneys for Defendant					
22	Facebook, Inc.					
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1	PURSUANT TO THE FOREGOING, IT IS SO ORDERED. 7/12 FS DISTRICE
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3	Dated:, 2013
4	IT IS SO ORDERED
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6	Judge Edward M. Chen
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8	PRIV DISTRICT OF CE
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28	Joint Stipulation of Dismissal 4 CV13-02073-EMC And Consent Judgment Order