

DISCUSSION PURPOSES ONLY

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Attorneys for Defendant
GOOGLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PRICEPLAY.COM, INC.,
Plaintiff,
v.
GOOGLE, INC.,
Defendant.

Case No. 3:14-cv-04828-SI
Stipulation and [Proposed] Order of Dismissal
re U.S. Patent Nos. 8,050,982 and 8,494,917

1 WHEREAS, Plaintiff Priceplay.com, Inc. (“Priceplay”) filed an Amended Complaint on
2 June 27, 2014 (ECF No. 10) alleging infringement of U.S. Patent No. 8,050,982, (“’982 Patent”)
3 and U.S. Patent No. 8,494,917 (“’917 Patent”) (together “Patents-in-Suit”);

4 WHEREAS, Defendant Google Inc. (“Google”) filed its Answer to the Amended Complaint
5 on July 29, 2014 (ECF No. 24) asserting, *inter alia*, an affirmative defense that the Patents-in-Suit
6 are invalid;

7 WHEREAS, on March 18, 2015, following briefing and oral argument, the Honorable
8 Richard G. Andrews of the U.S. District Court for the District of Delaware in *Priceplay.com Inc. v.*
9 *AOL Advertising, Inc.*, Case No. 1:14-cv-00092-RGA (“AOL Action”) (ECF Nos. 49 & 50) issued
10 an order finding all claims of the ’982 patent and the ’917 patent invalid under 35 U.S.C. § 101 as
11 being directed toward patent-ineligible subject matter;

12 WHEREAS, Priceplay has filed a Notice of Appeal with the U.S. Court of Appeals for the
13 Federal Circuit (ECF No. 52 in the AOL Action);

14 WHEREAS, in the interests of judicial economy and efficiency, and to avoid the need for
15 multiple courts to decide overlapping legal and factual issues, the parties to the present action seek
16 to enter a stipulated order of dismissal and final judgment regarding all claims asserted by PricePlay
17 in accordance with Judge Andrews’s order such that the present case and the AOL Action may be
18 heard by the Federal Circuit at the same time;

19 NOW, THEREFORE, Priceplay and Google, by and through their respective counsel of
20 record, hereby stipulate and respectfully request that the Court order the following:

21 1. The Court hereby adopts Judge Andrews’s order of March 18, 2015 granting AOL’s
22 Motion to Dismiss in *Priceplay.com Inc. v. AOL Advertising, Inc.*, Case No. 1:14-cv-00092-RGA,
23 for purposes of entering a final and appealable dismissal and judgment. Based on Judge Andrews’s
24 order, all claims of the ’982 and ’917 patents are invalid under 35 U.S.C. § 101. All briefing and
25 arguments relating to AOL’s Motion to Dismiss in the AOL Action shall be deemed to be part of the
26 record in the present action.

1 2. Nothing in this stipulated dismissal order shall be construed as an admission by
2 Priceplay as to the correctness of Judge Andrews's order in the AOL Action, or diminishing
3 Priceplay's rights of appeal.

4 3. All claims by Priceplay against Google in this action are dismissed.

5 4. This order shall constitute a final and appealable order.

6 IT IS SO STIPULATED.

7
8 Dated: April 30, 2015

HARRINGTON, FOXX, DUBROW &
CANTER, LLP

9
10 /s/
11 _____
12 Gregory J. Sower
13 Attorneys for Plaintiff
14 PRICEPLAY.COM, INC.

15 QUINN EMANUEL URQUHART &
16 SULLIVAN LLP

17 /s/
18 _____
19 Michelle A. Clark
20 Attorneys for Defendant
21 Google INC.

22 IT IS SO ORDERED.

23
24 Dated: 5/1/15 _____

25
26 

27 United States District Judge