

DINOVO PRICE LLP

ANDREW G. DINOVO (admitted *pro hac vice*)
adinovo@dinovoprice.com
7000 N. MoPac Expressway, Suite 350
Austin, Texas 78731
Telephone: (512) 539-2626
Facsimile: (512) 539-2627

NIELSEN PATENTS

Steven Nielsen (133864)
steve@nielsenpatents.com
1000 Larkspur Landing Circle, Suite 21
Larkspur, CA 94939-1743
Telephone: (415) 272-8210

Attorneys for Plaintiff
SOFTWARE RIGHTS ARCHIVE, LLC

COOLEY LLP

HEIDI L. KEEFE (178960)
hkeefe@cooley.com
MARK R. WEINSTEIN (193043)
mweinstein@cooley.com
LOWELL D. MEAD (223989)
lmead@cooley.com
3175 Hanover Street
Palo Alto, CA 94304-1130
Telephone: (650) 843-5000
Facsimile: (650) 849-7400

Attorneys for Defendant
FACEBOOK, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

SOFTWARE RIGHTS ARCHIVE, LLC,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

Case No. 4:12-cv-03970-HSG

**JOINT STIPULATION OF DISMISSAL
WITH PREJUDICE AND ORDER
THEREON**

Judge: Hon. Haywood S. Gilliam, Jr.

1 Plaintiff Software Rights Archive, LLC (“SRA”) and Defendant Facebook, Inc. (“Facebook”)
2 respectfully submit the following joint stipulation and request for dismissal of this action:

3 **WHEREAS** on September 9, 2020, this Court entered judgment in favor of Facebook and
4 against SRA (Dkt. No. 231);

5 **WHEREAS** on September 23, 2020, Facebook filed a Motion for Partial Award of Attorneys’
6 Fees Pursuant to 35 U.S.C. § 285 (Dkt. No. 235);

7 **WHEREAS** on October 8, 2020, the parties filed a Joint Stipulation and Order Regarding Bill
8 of Costs, which was approved by the Court (Dkt. No. 240);

9 **WHEREAS** SRA filed a Notice of Appeal to the U.S. Court of Appeals for the Federal Circuit
10 from the Court’s judgment (Dkt. No. 243);

11 **WHEREAS** the parties have since resolved their differences and executed a Patent License and
12 Settlement Agreement that resolves all issues between them;

13 **NOW, THEREFORE** in accordance with the parties’ agreement, the parties stipulate and
14 respectfully request that the Court order, as follows:

15 1. SRA’s claims in this action shall be **DISMISSED** in their entirety, **WITH PREJUDICE**,
16 including all claims that were or could have been asserted in this action;

17 2. The Motion for Partial Award of Attorneys’ Fees Pursuant to 35 U.S.C. § 285 (Dkt. No.
18 235) shall be **WITHDRAWN** as moot and removed from the Court’s calendar;

19 3. Other than the amount payable to Facebook pursuant to the Patent License and Settlement
20 Agreement, each party shall bear its own attorneys’ fees and costs; and

21 4. This Court shall retain jurisdiction to enforce the terms of the Patent License and
22 Settlement Agreement.

1 DATED: November 18, 2020

Respectfully submitted,

2 /s/ Andrew G. DiNovo
Andrew G. DiNovo (admitted *pro hac vice*)
3 *adinovo@dinovoprice.com*
DINOVO PRICE, LLP
4 7000 N. MoPac Expressway, Ste. 350
Austin, Texas 78731
5 Telephone: (512) 539-2626
Facsimile : (512) 539-2627

6 ATTORNEYS FOR PLAINTIFF
7 SOFTWARE RIGHTS ARCHIVE, LLC

8
9 DATED: November 18, 2020

Respectfully submitted,

10 /s/ Heidi L. Keefe
11 COOLEY LLP
Heidi L. Keefe (178960)
12 *hkeefe@cooley.com*
Mark R. Weinstein (193043)
13 *mweinstein@cooley.com*
Lowell D. Mead (223989)
14 *lmead@cooley.com*
3175 Hanover Street
15 Palo Alto, CA 94304-1130
16 Telephone: (650) 843-5000
Facsimile: (650) 849-7400

17
18 Attorneys for Defendant
FACEBOOK, INC.

19
20 **FILER'S ATTESTATION**

21 I, Heidi L. Keefe, am the ECF user whose ID and password are being used to file this JOINT
22 STIPULATION OF DISMISSAL WITH PREJUDICE AND [PROPOSED] ORDER THEREON. In
23 compliance with Civil Local Rule 5.1(i)(3), I hereby attest that counsel for Plaintiff Software Rights
24 Archive, LLC has concurred in this filing.

25
26
27 /s/ Heidi Keefe
Heidi Keefe

1 **ORDER**

2 In accordance with the Joint Stipulation of Dismissal with Prejudice, and good cause appearing,
3 the Court hereby orders as follows:

4 1. SRA's claims in this action are hereby **DISMISSED** in their entirety, **WITH**
5 **PREJUDICE**, including all claims that were or could have been asserted in this action.

6 2. The Motion for Partial Award of Attorneys' Fees Pursuant to 35 U.S.C. § 285 (Dkt. No.
7 235) is hereby **WITHDRAWN** as moot and removed from the Court's calendar.

8 3. Other than the amount payable to Facebook pursuant to the Patent License and Settlement
9 Agreement, each party shall bear its own attorneys' fees and costs.

10 4. This Court shall retain jurisdiction to enforce the terms of the Patent License and
11 Settlement Agreement.

12
13 **IT IS SO ORDERED.**

14 Dated: 11/19/2020

15
16 
17 The Honorable Haywood S. Gilliam, Jr.