

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

XEROX CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 10-136-LPS-MPT
)	
GOOGLE INC., YAHOO! INC., RIGHT)	
MEDIA INC., RIGHT MEDIA LLC,)	
YOUTUBE, INC., and YOUTUBE, LLC,)	
)	
Defendants.)	

**STIPULATION AND ORDER DISMISSING ALL PENDING CLAIMS,
DEFENSES, AND COUNTERCLAIMS RELATING TO THE '994 PATENT**

WHEREAS, in its March 29, 2010 Amended Complaint, plaintiff Xerox Corporation (“Xerox”) asserted U.S. Patent No. 6,236,994 (“the ‘994 Patent”) against defendants Google Inc., Yahoo! Inc. and YouTube, LLC (collectively, “the ‘994 Defendants”) (D.I. 19, Counts 2, 4 and 6);

WHEREAS the ‘994 Defendants have responded to the allegations of infringement of the ‘994 Patent and have asserted counterclaims and defenses relating to the ‘994 Patent (D.I. 24, Counterclaims 2, 3 and 5; D.I. 27, Counterclaims 2 and 4);

WHEREAS Xerox has agreed to withdraw the ‘994 Patent from this case and to the dismissal with prejudice of its causes of action relating thereto;

WHEREAS the ‘994 Defendants have agreed to withdraw from this case, and to the dismissal with prejudice of, their counterclaims relating to the ‘994 Patent, subject to the parties’ understanding and agreement that such withdrawal and dismissal shall not preclude any of the ‘994 Defendants from asserting in the future the same or similar counterclaims and related

defenses against anyone who in the future alleges infringement by such '994 Defendant of the '994 Patent;

THEREFORE, IT IS HEREBY STIPULATED, subject to the approval of the Court, that:

(1) Xerox's causes of action relating to the '994 Patent (D.I. 19, Counts 2, 4 and 6) are hereby dismissed with prejudice;

(2) The '994 Defendants' counterclaims relating to the '994 Patent (D.I. 24, Counterclaims 2, 3 and 5; D.I. 27, Counterclaims 2 and 4) are hereby dismissed with prejudice;

(3) The '994 Defendants shall not be precluded from asserting in the future the same or similar counterclaims and related defenses against anyone who in the future alleges infringement by such '994 Defendant of the '994 Patent.

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IT IS SO ORDERED this ____ day of March, 2010.

United States District Judge