

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

**STIPULATION AND ORDER FOR DISMISSAL OF DEFENDANTS RIGHT
MEDIA INC. AND RIGHT MEDIA LLC**

WHEREAS, in its March 29, 2010 Amended Complaint, plaintiff Xerox Corporation (“Xerox”) asserted as its only cause of action against defendants Right Media Inc. and Right Media LLC (collectively, “Right Media”) a claim for infringement of U.S. Patent No. 6,778,979 (“the ‘979 Patent”) (D.I. 19, Count 5);

WHEREAS Right Media LLC, acting on its own behalf and as successor in interest to Right Media Inc., responded to the allegation of infringement and asserted counterclaims and defenses relating to the ‘979 Patent (D.I. 30);

WHEREAS Xerox has agreed to the dismissal with prejudice of its cause of action against Right Media;

WHEREAS Right Media has agreed to the dismissal with prejudice of its counterclaims, subject to Xerox’s and Right Media’s understanding and agreement that such dismissal shall not preclude Right Media from asserting in the future the same or similar counterclaims and related defenses against anyone who in the future alleges infringement by Right Media of the ‘979 Patent;

THEREFORE, IT IS HEREBY STIPULATED that:

- (1) Xerox's claims against Right Media LLC and Right Media Inc. are hereby dismissed with prejudice from this action;
- (2) Right Media's counterclaims are hereby dismissed with prejudice;
- (3) Right Media shall not be precluded by this stipulated dismissal from asserting in the future the same or similar counterclaims and related defenses against anyone who in the future alleges infringement by Right Media of the '979 Patent;
- (4) The caption shall be amended in all subsequent pleadings to reflect this dismissal.

ASHBY & GEDDES

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IT IS SO ORDERED this ____ day of June, 2011

United States District Judge