

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

VOTER VERIFIED, INC.,

Plaintiff,

-vs-

Case No. 6:09-cv-1969-Orl-19KRS

**ELECTION SYSTEMS & SOFTWARE,
INC.,**

Defendant.

FINAL JUDGMENT

Pursuant to Rule 58 of the Federal Rules of Civil Procedure and in accordance with the Court's previous Orders, Final Judgment is entered as follows:

(1) Final Judgment is entered in favor of Defendant Election Systems & Software, Inc. and against Plaintiff Voter Verified, Inc., on Plaintiff's claims of infringement of claims 1-93 of United States Patent No. RE40,449;

(2) Final Judgment is entered in favor of Defendant Election Systems & Software, Inc. and against Plaintiff Voter Verified, Inc. on Plaintiff's claims of infringement of United States Patent No. 6,769,613, as such claims were surrendered to the United States Patent and Trademark Office pursuant to 35 U.S.C. § 251 and therefore cannot be infringed by the Defendant;

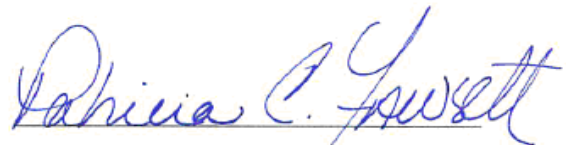
(3) Final Judgment is entered in favor of Defendant Election Systems & Software, Inc. and against Plaintiff Voter Verified, Inc. on Plaintiff's claim of infringement of claim 94 of United States Patent No. RE40,449 as such claim 94 is invalid pursuant to 35 U.S.C. § 112;

(4) Final Judgment is entered in favor of Defendant Election Systems & Software, Inc. and against Plaintiff Voter Verified, Inc. on Plaintiff's claim of infringement of claim 49 of United States Patent No. RE40,449 as claim 49 is invalid pursuant to 35 U.S.C. § 103;

(5) Final Judgment is entered in favor of Plaintiff Voter Verified, Inc. and against Defendant Election Systems & Software, Inc. on the counterclaim of Election Systems & Software, Inc. to the extent such counterclaim asserted that claims 1-48, 50-84, and 86-92 of United States Patent No. RE40,449 are invalid, Defendant Election Systems & Software, Inc. having failed to respond to the Motion for Summary Judgment filed by Plaintiff on this issue; and

(6) Defendant Election Systems & Software, Inc.'s invalidity counterclaim, (Doc. No. 17 ¶ 8), is dismissed without prejudice to reassertion with respect to claims 85 and 93 of United States Patent No. RE40,449, no objection having been filed to the Order of Court at Docket Number 185, filed July 29, 2011.

DONE and ORDERED in Orlando, Florida on August 31 , 2011.



PATRICIA C. FAWSETT, JUDGE
UNITED STATES DISTRICT COURT

Copies furnished to:

Counsel of Record