

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PERFORMANCE PRICING, INC.,

Plaintiff,

v.

GOOGLE INC. and AOL LLC,

Defendants.

Case No. 2:07-cv-432-RRR

JURY TRIAL DEMANDED

[Proposed] Final Judgment

The Court has granted summary judgment of non-infringement as to U.S. Patent No. 6,978,253, the only patent at issue in the case. On March 19, 2010, the Parties agreed to the dismissal without prejudice the counterclaims by defendants Google Inc. and AOL LLC (“Defendants”) for declaratory judgment of invalidity and unenforceability.

It is, therefore, ORDERED AND ADJUDGED that:

1. Judgment is entered in favor of Defendants on all of Plaintiff’s claims;
2. Judgment is entered in favor of Defendants on Defendants’ counterclaim for declaratory judgment of non-infringement;
3. Defendants have not and are not infringing any claim of U.S. Patent No. 6,978,253;
4. Defendants’ counterclaims for declaratory judgment of invalidity and unenforceability are dismissed without prejudice;
5. The date of entry of this Final Judgment shall be the date of the entry of judgment in this case for all purposes, including but not limited to any demand for costs and/or attorneys’ fees and any post-judgment motions.

It is SO ORDERED.