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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 INTERVAL LICENSING LLC,

12 Plaintiff,

13 v.

14 APPLE, INC.,

15 Defendant.

Case No. C13-264MJP

Lead Case No. 2:10-cv-01385-MJP

**STIPULATED FINAL JUDGMENT
ORDER**

16 Pursuant to this Court's February 14, 2013 Order (Dkt. # 1), Plaintiff Interval Licensing
17 LLC and Defendant Apple, Inc., have conferred and jointly file the attached proposed final
18 judgment order.
19

20 **FINAL JUDGMENT ORDER**

21 (1) Pursuant to Plaintiff's stipulation (Case No. 2:10-cv-01385-MJP, Dkt. No. 343-1) and
22 the Court's attached claim construction order of December 28, 2012 (Case No. 2:10-cv-01385-
23 MJP, Dkt. No. 341), the Court DIRECTS the Clerk to enter final judgment of invalidity of
24 Claims 4-8, 11, 34, and 35 of U.S. Patent No. 6,034,652 ("the '652 Patent") and Claims 1-4 and
25 7-15 of U.S. Patent No. 6,788,314 ("the '314 Patent") and final judgment of non-infringement of
26 Claims 15-18 of the '652 Patent.
27

28 (2) Pursuant to Defendant's stipulation (Case No. 2:10-cv-01385-MJP, Dkt. No. 343-2),
the Court ORDERS that Defendant's counterclaims with respect to the '652 Patent and the '314

Patent are DISMISSED without prejudice. Defendant shall have the right to assert any and all defenses and counterclaims to any claim for infringement of the '652 Patent or '314 Patent in this or any future case.

(3) For the sake of clarity, this disposes of all claims in this action. As reflected at Dkt # 1, the Court severed the original action between the parties, Case No. 2: 11-cv-00708-MJP (Lead Case No. 2:10-cv-01385-MJP), on February 12, 2013. It created this action, Case No. 2:13-cv-00264-MJP, and severed into it only those infringement claims and counterclaims related to the '652 Patent and '314 Patent. Though it directed Plaintiff to file its original complaint in this action, all claims and counterclaims arising from that complaint other than those related to the '652 Patent and '314 Patent remain a part of Case No. 2:11-cv-00708-MJP (Lead Case No. 2:10-cv-01385-MJP) and are not part of this case or the Final Judgment entered herein.

The clerk is ordered to provide copies of this order to all counsel.

Dated this 28th day of February, 2013.



Marsha J. Pechman
United States District Judge