

The Honorable Barbara J. Rothstein

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6 UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 SMART SKINS LLC,

9 Plaintiff,

10 v.

11 MICROSOFT CORPORATION,

12 Defendant.
13

CASE NO. 2:15-CV-00544-BJR

JOINT STIPULATION FOR
ENTRY OF ORDER OF
DISMISSAL OF THE CASE AS MOOT

14 Plaintiff Smart Skins LLC (“Smart Skins”) and Defendant Microsoft Corporation
15 (“Microsoft”) jointly stipulate to the dismissal of this case as moot. Smart Skins filed the instant
16 action alleging infringement of U.S. Patent Nos. 7,079,864 (the “’864 patent”) and 6,920,338
17 (the “’338 patent”) on December 19, 2014. (ECF No. 1.) The parties subsequently dismissed
18 the ’338 patent from the case, without prejudice, by joint stipulation on October 12, 2015. (ECF
19 No. 70.)

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21 The Patent Trial and Appeal Board cancelled claims 1, 12, 13, 15, 23, and 24 of the ’864
22 patent in a Final Written Decision dated June 21, 2017. *Microsoft Corp. v. Smart Skins LLC*,
23 IPR2016-00404, Paper No. 27 (P.T.A.B. June 21, 2017). The Patent Trial and Appeal board
24 subsequently denied Microsoft’s request for rehearing by order of November 21, 2017.
25 *Microsoft Corp. v. Smart Skins LLC*, IPR2016-00404, Paper No. 30 (P.T.A.B. Nov. 21, 2017).
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JOINT STIPULATION FOR
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DISMISSAL OF THE CASE AS MOOT- 1
CASE NO. 2:15-CV-00544-BJR

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1 Smart Skins filed a Notice of Appeal to the Federal Circuit on January 23, 2018. *Microsoft*
2 *Corp. v. Smart Skins LLC*, IPR2016-00404, Paper No. 31 (P.T.A.B. Jan. 23, 2017). The parties
3 jointly moved to dismiss that appeal on June 20, 2018, and the court dismissed the appeal that
4 same day. *Smart Skins LLC v. Microsoft Corp.*, No. 18-1494 (Fed. Cir. June 20, 2018), ECF
5 Nos. 16, 17.

6 Accordingly, the decision of the Patent Trial and Appeal Board cancelling the claims
7 asserted in this case is final, and this case is now moot.

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9 NOW, THEREFORE, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Smart
10 Skins and Microsoft, by and through their respective counsel of record, do hereby stipulate,
11 subject to the approval of the Court, as follows:

- 12 1. All claims remaining in this action are dismissed *with prejudice*.
- 13 2. Smart Skins and Microsoft shall each bear their own attorney's fees, expenses and
14 costs with respect to the matters dismissed hereby.

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IT IS SO STIPULATED:

DATED: November 14, 2018

DATED: November 14, 2018

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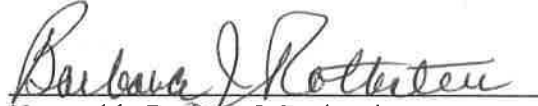
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1 IT IS SO ORDERED.

2 DATED this 15th day of November, 2018.

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5 Honorable Barbara J. Rothstein
6 United States District Judge
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JOINT STIPULATION FOR
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CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Attorneys for Defendant

DATED this 14th day of November, 2018.

s/ Marcia A. Ripley
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