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FACEBOOK, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BASCOM RESEARCH, LLC, a Virginia limited liability company,

Plaintiff,

v.

FACEBOOK, INC., a Delaware corporation,

Defendant.

Case Nos. 12-cv-06293 SI

STIPULATION AND [PROPOSED] ORDER RE BILL OF COSTS AND NOTICE OF APPEAL

The Honorable Susan Illston

WHEREAS plaintiff Bascom Research, LLC ("Bascom") filed this action against Facebook, Inc. ("Facebook") on October 3, 2012 alleging infringement of U.S. Patent Nos. 7,139,974, 7,158,971, 7,111,232 and 7,389,241;

WHEREAS Facebook filed a petition for Covered Business Method (CBM) review of U.S. Patent No. 7,389,241 ("'241 patent") on May 22, 2014, Case No. CBM2014-00138, on which trial was instituted by the Patent Trial and Appeal Board ("PTAB") on November 24, 2014;

WHEREAS on September 26, 2014, Facebook filed a motion for summary judgment of invalidity of the asserted claims under 35 U.S.C. § 101 [ECF No. 117];

WHEREAS the Court granted Facebook's motion on January 5, 2015 and entered judgment the same day [ECF Nos. 131, 132];

WHEREAS Facebook filed a Bill of Costs on January 20, 2015 [ECF No. 134]; and

WHEREAS Bascom has elected not to appeal the judgment to the U.S. Court of Appeals for the Federal Circuit;

NOW, THEREFORE, Bascom and Facebook, by and through their respective counsel of record, hereby stipulate to the following:

1. The Bill of Costs filed by Facebook [ECF No. 134] is **DISMISSED**.
2. Bascom agrees not to appeal the judgment in this action to the U.S. Court of Appeals for the Federal Circuit.
3. In light of the Court's judgment of invalidity relating to the '241 patent, Facebook agrees to submit appropriate papers to the PTAB to request the dismissal as moot of the pending Covered Business Method (CBM) review of the '241 patent.

IT IS SO STIPULATED.

Dated: January 23, 2015

COOLEY LLP

By: */s/ Heidi L. Keefe*
HEIDI L. KEEFE

Attorneys for Defendant
FACEBOOK, INC.

Dated: January 23, 2015

RUSS AUGUST & KABAT LLP

By: */s/ Brian D. Ledahl*
BRIAN D. LEDAHL

Attorneys for Plaintiff
BASCOM RESEARCH LLC

FILER'S ATTESTATION

Pursuant to Civil Local Rule 5.1(i)(3), the undersigned attests that all parties have concurred in the filing of this STIPULATION AND [PROPOSED] ORDER RE BILL OF COSTS AND NOTICE OF APPEAL.

/s/ Heidi L. Keefe
Heidi L. Keefe

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

_____
The Hon. Susan Illston
U.S. District Court Judge