

Courtland L. Reichman, SBN 268873  
creichman@mckoolsmith.com  
MCKOOL SMITH HENNIGAN, P.C.  
255 Shoreline Drive, Suite 510  
Redwood Shores, CA 94065  
Telephone: (650) 394-1400  
Fax: (650) 394-1422

Theodore Stevenson III (*pro hac vice*)  
tstevenson@mckoolsmith.com  
300 Crescent Court, Suite 1500  
McKool Smith, P.C.  
Dallas, Texas 75201  
Telephone: (214) 978-4000  
Fax: (214) 978-4044

Kevin Burgess (*pro hac vice*)  
kburgess@mckoolsmith.com  
John B. Campbell (*pro hac vice*)  
jcampbell@mckoolsmith.com  
McKool Smith, P.C.  
300 W. 6th St., Suite 1700  
Austin, Texas 78701  
Telephone: (512) 692-8700  
Fax: (512) 692-8744

*Attorneys for Plaintiff*

H. MARK LYON, SBN 162061  
mlyon@gibsondunn.com  
Y. ERNEST HSIN, SBN 201668  
ehsin@gibsondunn.com  
STUART M. ROSENBERG, SBN 239926  
srosenberg@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
1881 Page Mill Rd.  
Palo Alto, CA 94304-1211  
Telephone: (650) 849-5300  
Fax: (650) 849-5333

TRACEY B. DAVIES (*pro hac vice*)  
tdavies@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
2100 McKinney Ave., Suite 1100  
Dallas, TX 75201-6912  
Telephone: (214) 698-3100  
Fax: (214) 571-2900

BROOKE MYERS WALLACE, SBN 259169  
bwallace@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
333 South Grand Ave.  
Los Angeles, CA 90071  
Telephone: (213) 229-7000  
Fax: (213) 229-6074

*Attorneys for Defendant*

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**UNWIRED PLANET LLC, a Nevada limited  
liability company,**

**Plaintiff,**

**v.**

**APPLE INC., a California corporation,**

**Defendant.**

**CIVIL ACTION NO.**

**3:13-CV-04134-VC**

**JOINT STIPULATION SEEKING  
FINAL JUDGMENT**

**Judge: Hon. Vince Chhabria**

JOINT STIPULATION SEEKING FINAL JUDGMENT  
3:13-CV-04134-VC

1 WHEREAS, Unwired Planet has alleged that Apple is liable for directly and indirectly  
2 infringing certain claims of U.S. Patent Nos. 6,321,092, 6,317,831, 6,532,446, and 6,647,260;

3 WHEREAS, Apple has denied infringement and counterclaimed for invalidity;

4 WHEREAS, the District Court has granted summary judgment of non-infringement to  
5 Apple on the asserted claims of the '831, '446, and '260 patents;

6 WHEREAS, with respect to the '092 patent the District Court has granted summary  
7 judgment to Apple on the issue of indirect infringement but denied summary judgment on the  
8 issue of direct infringement; and

9 WHEREAS, Unwired Planet has informed Apple that its damages claim for direct  
10 infringement of the '092 patent is de minimus, and Unwired Planet wishes to seek appellate  
11 review of the District Court's non-infringement rulings without delay, and Unwired Planet  
12 reserves the right to assert its claim for indirect infringement of the '092 patent on remand if the  
13 District Court's partial summary judgment of non-infringement of the '092 patent is reversed on  
14 appeal;

15 NOW, THEREFORE, THE PARTIES STIPULATE AND AGREE THAT, PURSUANT  
16 TO THE DISTRICT COURT'S APPROVAL:

17 1. Apple's Declaratory Judgment counterclaims regarding U.S. Patent Nos. 6,321,092,  
18 6,317,831, 6,532,446, and 6,647,260 shall be dismissed without prejudice;

19 2. Unwired Planet's claim for direct infringement by Apple of U.S. Patent No. 6,321,092  
20 shall be dismissed with prejudice;

21 3. The District Court shall enter a final judgment of non-infringement as to all asserted  
22 claims pursuant to this stipulation and the Court's Summary Judgment Order; and

23 4. If the judgment of non-infringement of U.S. Patent No. 6,321,092 is reversed or  
24 vacated on appeal, then any proceedings on remand shall be conducted on the record as it exists  
25 as of the time of this stipulation with respect to the question of whether there is any underlying  
26 direct infringement of the patent by any third party without re-opening the record for any  
27 additional fact or expert discovery regarding the parties' claims with respect to that patent.

The parties reserve their rights with regard to any further remand proceedings in this action related to Unwired Planet's claim that Apple is liable for indirect infringement of U.S. Patent No. 6,321,092 (other than with respect to whether there is underlying direct infringement by third parties as addressed above). In the event of a remand, this stipulation will not prevent Unwired Planet from supplementing its damages calculation to include sales of accused products made after its most recent expert reports were served.

**DATED: May 28, 2015**

**McKool Smith Hennigan, P.C.**

**GIBSON, DUNN & CRUTCHER LLP**

By /s/ Theodore Stevenson III

By /s/ H. Mark Lyon

Courtland L. Reichman (SBN 268873)  
creichman@mckoolsmithhennigan.com  
McKool Smith Hennigan, P.C.  
255 Shoreline Drive, Suite 510  
Redwood Shores, CA 94065  
Telephone: (650) 394-1400  
Facsimile: (650) 394-1422

H. MARK LYON, SBN 162061  
mlyon@gibsondunn.com  
Y. ERNEST HSIN, SBN 201668  
ehsin@gibsondunn.com  
STUART M. ROSENBERG, SBN 239926  
srosenberg@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
1881 Page Mill Rd.  
Palo Alto, CA 94304-1211  
Telephone: (650) 849-5300  
Fax: (650) 849-5333

Theodore Stevenson III (*pro hac vice*)  
tstevenson@mckoolsmith.com  
McKool Smith, P.C.  
300 Crescent Court, Suite 1500  
Dallas, Texas 75201  
Telephone: (214) 978-4000  
Fax: (214) 978-4044

TRACEY B. DAVIES (*pro hac vice*)  
tdavies@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
2100 McKinney Ave., Suite 1100  
Dallas, TX 75201-6912  
Telephone: (214) 698-3100  
Fax: (214) 571-2900

Kevin Burgess (*pro hac vice*)  
kburgess@mckoolsmith.com  
John B. Campbell (*pro hac vice*)  
jcampbell@mckoolsmith.com  
Kevin Kneupper (*pro hac vice*)  
kkneupper@mckoolsmith.com  
Leah Buratti (*pro hac vice*)  
lburatti@mckoolsmith.com  
Mario A. Apreotesi (*pro hac vice*)  
mapreotesi@mckoolsmith.com  
McKool Smith, P.C.  
300 W. 6th St., Suite 1700  
Austin, Texas 78701  
Telephone: (512) 692-8700

BROOKE MYERS WALLACE, SBN 259169  
bwallace@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
333 South Grand Ave.  
Los Angeles, CA 90071  
Telephone: (213) 229-7000  
Fax: (213) 229-6074

*Attorneys for Defendant Apple Inc.*

1 Fax: (512) 692-8744

2 *Attorneys for Plaintiff Unwired Planet LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Civil L.R. 5.4, and will be served upon all counsel of record for the parties who have consented to electronic service in accordance with Civil L.R. 5.4 via the Court's ECF system.

Dated: May 28, 2015

By: /s/ Brooke Myers Wallace  
Brooke Myers Wallace

**ATTESTATION OF CONCURRENCE IN FILING**

In accordance with the Northern District of California's General Order No. 45, Section X(B), I attest that concurrence in the filing of the document has been obtained from Theodore Stevenson III.

Dated: May 28, 2015

By: /s/ H. Mark Lyon  
H. Mark Lyon

**ATTESTATION OF CONCURRENCE IN FILING**

In accordance with the Northern District of California's General Order No. 45, Section X(B), I attest that concurrence in the filing of the document has been obtained from H. Mark Lyon.

Dated: May 28, 2015

By: /s/ Brooke Myers Wallace  
Brooke Myers Wallace