IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED VIDEO PROPERTIES, INC., TV GUIDE ONLINE, LLC, and TV GUIDE ONLINE, INC. Plaintiffs, v. AMAZON.COM, INC. and IMDB.COM, INC., Defendants.	C. A. No. 11-003-RGA **JURY TRIAL DEMANDED**

STIPULATION OF JUDGMENT OF NON-INFRINGEMENT

WHEREAS, in this action, Plaintiff United Video Properties, Inc. asserts only independent claim 37, and dependent claims 38, 39, and 47 of U.S. Patent No. 6,769,128. As described in its infringement contentions for the '128 patent, attached hereto as Exhibit A, United Video asserts these claims against both Defendants Amazon.com, Inc. and IMDb.com, Inc. (collectively "Defendants"). Each of the asserted dependent claims depends from claim 37;

WHEREAS, Claim 37 requires, among other things, a "multimedia informational system" that includes "a remote facility for receiving Internet data from the Internet and populating a data feed" and "user equipment comprising . . . a receiver for receiving program schedule information and the data feed;"

WHEREAS, in its June 22, 2012 Memorandum Opinion, the Court construed "data feed" as "an updatable transmission of data sent by a television programming provider over television signals" and further stated that "the claimed 'data feed' is not transmitted over the internet." (D.I. 159 at 13-14.); and

WHEREAS, all parties agree and stipulate that Defendants do not infringe claim 37 under the Court's construction of the "data feed" limitation, and that Defendants are therefore

entitled to Judgment of Non-infringement of the '128 patent. The parties further agree that such Judgment is not a Final Judgment within the meaning of Fed. R. Civ. P. 54(b).

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, that, barring reversal or modification of Judgment of Non-infringement, the parties shall take no further action in this lawsuit concerning any claim or defense insofar as it relates to the '128 patent. Plaintiffs United Video Properties, Inc., TV Guide Online, LLC, and TV Guide Online, Inc. (collectively "Plaintiffs") reserve the right to appeal, at the appropriate time, this Judgment of Non-Infringement for the purpose of obtaining review of the Court's claim construction of the "data feed" limitation set forth in its June 22, 2012 Memorandum Opinion. In addition, the parties agree that this stipulation is without prejudice to any claim construction, infringement, or non-infringement positions with respect to any other limitations of claims 37-39 and 47 of the '128 patent;

IT IS FURTHER STIPULATED AND AGREED that, Defendants believe that there are additional grounds of non-infringement, including grounds based on claim constructions other than "data feed." Defendants reserve the right to assert these grounds in the future, including the right to assert other non-infringement grounds as alternative bases for upholding the Judgment of Non-infringement or seek summary judgment of non-infringement (subject to ¶5, above). Should Defendants do so, Plaintiffs reserve the right to dispute those grounds; and

IT IS FURTHER STIPULATED AND AGREED that, Defendants believe that the asserted '128 patent claims are invalid and reserve the right to develop and assert invalidity arguments in the event that the Judgment is reversed or modified (including the right to seek summary judgment, subject to ¶5, above). Should Defendants do so, Plaintiffs reserve the right to dispute those grounds.

IT IS FURTHER STIPULATED AND AGREED that the parties' stipulation and agreement as to partial judgment of non-infringement shall have the same effect for res judicata and collateral estoppel purposes as if Defendants had moved for summary judgment of non-infringement on the '128 patent, and the Court granted the motion based on the Court's construction of the "data feed" limitation; and

IT IS FURTHER STIPULATED AND AGREED that the '128 file history, which was produced in discovery as AMZN00123090-AMZN00123739 and attached to this Order as Exhibit B, constitutes part of the record underlying this stipulation such that it is available to the reviewing court on appeal.

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ORDER FOR JUDGMENT OF NON-INFRINGEMENT

The foregoing Stipulation of Judgment of Non-Infringement is SO ORDERED this _____ day of _____, 2012. The Clerk is hereby directed to enter Judgment of Non-Infringement as to the '128 Patent. This Judgment of Non-Infringement is not a Final Judgment within the meaning of Fed. R. Civ. P. 54(b). This Judgment shall have the same effect for res judicata and collateral estoppel purposes as if Defendants had moved for summary judgment of non-infringement on the '128 patent, and the Court granted the motion

based on the Court's construction of the "data feed" limitation. This Judgment shall preserve Plaintiffs United Video Properties, Inc., TV Guide Online, LLC, and TV Guide Online, Inc. (collectively "Plaintiffs") right to appeal this Judgment for the purpose of obtaining review of the Court's claim construction of the "data feed" limitation set forth in its June 22, 2012 Memorandum Opinion.

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The Honorable Richard G. Andrews
UNITED STATES DISTRICT JUDGE