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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

<p>HELPERICH PATENT LICENSING, L.L.C. an Illinois Limited Liability Company, <i>Plaintiff,</i></p> <p>v.</p> <p>THE NEW YORK TIMES COMPANY, a New York Corporation, <i>Defendant.</i></p>	<p>No. 1:10-cv-04387 ✓</p> <p>Hon. John W. Darrah Magistrate Hon. Jeffrey T. Gilbert</p>
<p>HELPERICH PATENT LICENSING, L.L.C. an Illinois Limited Liability Company, <i>Plaintiff,</i></p> <p>v.</p> <p>J.C. PENNEY CORPORATION, INC., a Delaware Corporation, <i>Defendant.</i></p>	<p>No. 1:11-cv-09143</p> <p>Hon. John W. Darrah Magistrate Hon. Jeffrey Gilbert</p>

**ORDER CONDITIONALLY DISMISSING  
COUNTERCLAIMS WITHOUT PREJUDICE AND  
EXTENDING DEADLINES TO MOVE FOR  
COSTS AND FEES**

In order to finalize the judgment for purposes of appeal and to facilitate case management following appeal, the Court orders as follows:

1. Dismissal of Counterclaims

Defendant/Counterclaim-Plaintiff The New York Times Company's Counterclaims for Declaratory Judgment, pled in its Answer, Affirmative Defenses, and Counterclaims to the Plaintiff's Third Amended Complaint for Patent Infringement (Apr. 17, 2012) (Dkt. 140) are hereby dismissed without prejudice. Furthermore, Defendant/Counterclaim-Plaintiff J.C.

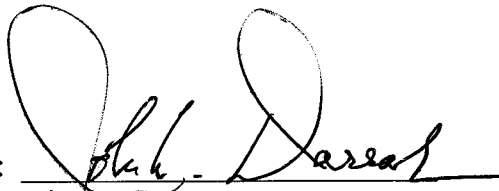
Penney Corporation, Inc.'s Counterclaims for Declaratory Judgment, pled in its Answer, Affirmative Defenses, and Counterclaims to the Plaintiff's Second Amended Complaint for Patent Infringement (March 28, 2012) (Dkt. 34) are hereby dismissed without prejudice. In the event the case is remanded to this Court, all counterclaims will be automatically reinstated on the date the mandate issues to this Court. No further action from any party will be required to reinstate these claims, which shall not be deemed waived in the event of a remand.

2. Deferral of Deadline to Move for Costs and/or Fees

Pursuant to Local Rule 54.1(a) and Local Rule 54.3(b), the Court hereby extends the deadlines for moving for costs and/or fees to 90 days after the latter of:

- (1) the deadline for filing a notice of appeal expires;
- (2) the Federal Circuit dismisses the appeal;
- (3) in the event this Court's judgment ultimately is affirmed without intervening remand to this Court, the date the mandate issues to this Court, or
- (4) in the event this Court's judgment is remanded to this Court, the date this Court enters final judgment.

Dated: 9-11, 2013

By:   
U.S. District Court  
Judge John W. Darrah