

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PERSONAL AUDIO LLC,

Plaintiff,

v.

CBS CORPORATION,

Defendant.

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CIVIL ACTION NO. 2:13-CV-00270-JRG

JUDGMENT

Before the Court is Defendant CBS Corporation’s (“Defendant” or “CBS”) Motion for Entry of Judgment and a Determination that CBS is Entitled to Statutory Costs (Dkt. No. 124) (“the Motion”). Following the invalidation of the Asserted Claims during *inter partes* review (“IPR”), affirmed on appeal to the Federal Circuit, the Parties agree that current authority requires rendering a judgment in favor of CBS. (*See* Dkt. No. 124 at 1; Dkt. No. 125 at 2.) Further, both Parties agree that CBS is the prevailing party. (*See* Dkt. No. 124 at 4 (“CBS is the prevailing party in this litigation”); Dkt. No. 125 at 2 (“[CBS is] the prevailing party . . .”).) While Plaintiff Personal Audio LLC (“Plaintiff” or “Personal Audio”) requests the Court exercise its discretion to deny CBS Rule 54 costs on the basis that a jury returned a verdict for Personal Audio and CBS was not a party to the IPR that invalidated the Asserted Claims, the Court declines to do so.

Accordingly, the Court hereby **ORDERS** and **ENTERS JUDGMENT** as follows:

1. Pursuant to the actions of the United States Court of Appeals for the Federal Circuit in affirming the invalidation by the PTAB of the Asserted Claims, the Court recognizes such Asserted Claims to be invalid, and Plaintiff takes nothing as against Defendant in this action.

2. Pursuant to Rule 54(d)(1) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1920, Defendant is the prevailing party, and as the prevailing party, Defendant shall recover its costs from Plaintiff. Defendant is directed to file its proposed Bill of Costs.
3. Any and all pending motions as between Plaintiff Personal Audio LLC and Defendant CBS Corporation in this case that have not previously been addressed by the Court are hereby **DENIED AS MOOT**.
4. The Clerk is directed to **CLOSE** the above referenced case.