

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SEP 08 2014

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

INDACON, INC.,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

Civil Action No. 5:10-cv-966-OLG

JURY TRIAL DEMANDED

**ORDER OF DISMISSAL OF THE '043 CLAIMS AND FINAL
JUDGMENT OF NON-INFRINGEMENT ON THE '276 CLAIMS**

On this date, the Court considered the parties' Stipulation to Dismissal of the '043 Claims and to Final Judgment of Non Infringement on the '276 Claims (Dkt. No. 204), and based thereon, hereby **ORDERS** as follows:

1. All claims asserted by Indacon in this matter relating to U.S. Patent No. 7,836,043 are hereby dismissed with prejudice.

2. Final judgment of non-infringement is hereby entered as to U.S. Patent No. 6,834,276 based upon the parties' stipulation and the Court's Claim Construction Order at Dkt. 111, thus disposing of all claims for relief alleged in the Third Amended Complaint. This Order constitutes a final, appealable judgment disposing of all claims for relief in this case.

3. In the event that the Claim Construction Order is vacated, reversed, or otherwise modified on appeal such that this matter is remanded to this Court for further proceedings, all of the parties' respective arguments and defenses are preserved and may be reasserted in this litigation except to the extent addressed and resolved by the Court of Appeals.

4. The time for filing any petition, bill and/or motion under FED. R. CIV. P. 54(d) to recover costs and/or attorneys' fees shall be tolled pending any appeal of this Order of Dismissal. In the event no appeal is filed, any such petition, bill and/or motion for costs and/or attorneys' fees may be filed within fourteen (14) days after the last day for filing a notice of appeal.

IT IS SO ORDERED.

SIGNED this 8 day of Sept, 2014.



The Honorable Orlando L. Garcia
United States District Judge