

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

EAGLE VIEW TECHNOLOGIES, INC. and
PICTOMETRY INTERNATIONAL CORP.,
Plaintiffs,

v.

XACTWARE SOLUTIONS, INC. and
VERISK ANALYTICS, INC.,

Defendants.

Civil Action No. 15-cv-07025-RBK-JS

Electronically Filed

JOINT STIPULATED ORDER OF PARTIAL DISMISSAL WITH PREJUDICE

In an effort to streamline the proceedings and narrow the issues for trial, Plaintiffs Eagle View Technologies, Inc. (“Eagle View”) and Pictometry International Corp. (“Pictometry”) (collectively, “Plaintiffs”) and defendants Xactware Solutions, Inc. (“Xactware”) and Verisk Analytics, Inc. (“Verisk”), by and through their undersigned counsel of record identified below, submit this Joint Stipulated Order of Partial Dismissal With Prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

WHEREAS, Plaintiffs filed the above-captioned action against defendants Xactware and Verisk asserting, *inter alia*, infringement of U.S. Patent No. 8,542,880 and U.S. Patent No. 8,823,732 (collectively, the “Pictometry Patents”);

WHEREAS, Plaintiffs have asserted infringement of and subsequently dropped from the lawsuit the following claims:

- Claims 3, 4, 7, 9-13, 15-17, 19, 20, 22, 23, 25-31, 33-35, 38-40, 42, 46-52, 54-56 of U.S. Patent No. 8,078,436;

- Claims 1-2, 8, 9, 12-14, 17, 21, 28 of U.S. Patent No. 8,170,840;
- Claims 1, 3, 6, 9, 10, 12-16, 19, 22, 23, 25 of U.S. Patent No. 8,209,152;
- Claims 1, 10, 11, 14, 19 of U.S. Patent No. 8,818,770;
- Claims 27, 28, 34-36 of U.S. Patent No. 8,825,454;
- Claims 11, 13, 14, 16, 18, 22 of U.S. Patent No. 9,129,376; and
- Claims 1, 9, 10, 16, 19, 22, 26-28, 31, 33-36 of U.S. Patent No. 9,135,737.

(the patents collectively referred to as the “Eagle View Patents” and the claims collectively referred to as the “Eagle View Claims”);

WHEREAS, Xactware and Verisk have asserted counterclaims for, *inter alia*, declaratory judgment that Xactware and Verisk do not infringe, either directly, indirectly, literally, or under the doctrine of equivalents, any valid and enforceable claim of the Eagle View Patents and the Pictometry Patents;

WHEREAS, Xactware and Verisk have also asserted counterclaims for declaratory judgment that any and all claims of the Eagle View Patents and the Pictometry Patents are invalid and unenforceable.

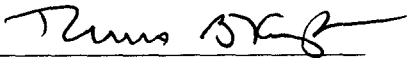
IT IS HEREBY STIPULATED by and between the parties, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii):

1. All claims or assertions by Pictometry pertaining to the aforementioned Pictometry Patents are hereby dismissed with prejudice. All defenses and counterclaims by Defendants pertaining to the Pictometry Patents are hereby dismissed without prejudice.

2. All claims or assertions by Eagle View pertaining to the aforementioned Eagle View Claims are hereby dismissed with prejudice. All defenses and counterclaims by Defendants pertaining to the Eagle View Claims are hereby dismissed without prejudice.

3. Plaintiffs enter this stipulation to present a more streamlined version of the case. This stipulation does not reflect an admission of liability or damages by either party. Neither party will use this stipulation (or the fact of its existence) as evidence of a reasonable royalty, comparable license agreement, or behavior of parties during a hypothetical negotiation. The parties further agree that this stipulation does not operate to exhaust any remaining asserted claims.

SO ORDERED



May 17, 2017

Honorable Robert B. Kugler, U.S.D.J.

Dated: May 16, 2017

s/ Scott S. Christie

Scott S. Christie

McCARTER & ENGLISH, LLP

Four Gateway Center

100 Mulberry Street

Newark, New Jersey 07102

Phone: (973) 848-5388

Fax: (973) 297-3981

Counsel for Defendants Xactware

Solutions, Inc. and Verisk Analytics, Inc.

s/Liza M. Walsh

Liza M. Walsh

Hector D. Ruiz

Eleonore Ofosu-Antwi

WALSH PIZZI O'REILLY FALANGA LLP

One Riverfront Plaza

1037 Raymond Boulevard, Suite 600

Newark, New Jersey 07102

(973) 757-1100

OF COUNSEL:

Adam R. Alper

(admitted *pro hac vice*)

Brandon Brown

(admitted *pro hac vice*)

KIRKLAND & ELLIS LLP

555 California Street

San Francisco, CA 94104

(415) 439-1400

Gianni Cutri (admitted *pro hac vice*)

KIRKLAND & ELLIS LLP

300 North LaSalle

Chicago, IL 60654

(312) 862-2000

Michael W. De Vries

(admitted *pro hac vice*)

KIRKLAND & ELLIS LLP

333 South Hope Street

Los Angeles, CA 90071

(213) 680-8400

Jared Barcnas

(admitted *pro hac vice*)

KIRKLAND & ELLIS LLP

601 Lexington Avenue

New York, NY 10022

(212) 446-4800