

United States District Court,
E.D. Texas, Tyler Division.

PEER COMMUNICATIONS CORPORATION,
Plaintiff.

v.
SKYPE TECHNOLOGIES SA, Skype, Inc. and Ebay, Inc,
Defendants.

Civil Action No. 6:06cv370

Oct. 7, 2008.

Jonathan T. Suder, Michael T. Cooke, Friedman Suder & Cooke, Edward R. Nelson, III, Steven Wayne Hartsell, Nelson Bumgardner Casto PC, Fort Worth, TX, Eric M. Albritton, Attorney at Law, Thomas John Ward, Jr., Ward & Smith Law Firm, Longview, TX, Harry Paul Susman, Mary Kathryn Sammons, Stephen D. Susman, Susman Godfrey LLP, Houston, TX, Manuel Gabino Berrelez, Susman Godfrey LLP, Dallas, TX, Moses Mares, Peer Communications Corporation, Newport Beach, CA, for Plaintiff.

Alan J. Heinrich, Andrei Iancu, Benjamin T. Wang, Eric B. Hanson, Morgan Chu, Peter E. Gratzinger, Irell & Manella, Andrew D. Weiss, Russ August & Kabat, Los Angeles, CA, Deborah J. Race, Otis W. Carroll, Jr., Ireland Carroll & Kelley, John Frederick Bufe, Michael Edwin Jones, Potter Minton PC, Tyler, TX, for Defendants.

JURY TRIAL DEMANDED

LEONARD DAVIS, District Judge.

FINAL JUDGMENT

On October 7, 2008 this Court conducted a status conference in the case in light of the Court's July 25, 2008 Order to stay the case [Docket No. 122] in light of the Court's Memorandum Opinion on claim construction [Docket No. 113]. For the reasons discussed at the October 7, 2008 status conference and set forth in Plaintiff's Report in Connection with October 7, 2008 Status Conference, the Court finds and orders as follows:

It is hereby ORDERED, ADJUDGED and DECREED that Plaintiff's claim nos. 1, 9 and 14 with respect to United States Patent No. 6,519,625 ("the '625 patent") and claim nos. 1 and 16 with respect to United States Patent No. 6,961,748 ("the '748 patent") are invalid under 35 U.S.C. s. 102(e)(2) over United States Patent No. 5,754,857 ("Gadol"). Final Judgment is hereby entered that Plaintiff take nothing from Defendants on that basis.

It is FURTHER ORDERED, ADJUDGED and DECREED that Plaintiff's claims for infringement based on

the '625 patent claim nos. 2, 3, 6, 7, 10-13, 16 and 17 and the '748 patent claim nos. 2, 8, 9, 13, 14, 17, and 19-22 are dismissed with prejudice to the refiling of same against Defendants.

It is FURTHER ORDERED, ADJUDGED and DECREED that all of the Defendants' counterclaims against Plaintiff are dismissed without prejudice to the refiling of same against Plaintiff.

The relief granted herein disposes of all claims and all issues between all parties in this action.

So ORDERED.

E.D.Tex.,2008.

Peer Communications Corp. v. Skype Technologies SA

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