

U.S. DISTRICT COURT
DOCUMENT
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DATE FILED: August 19, 2014

IN THE UNITED STATES DISTRICT
THE SOUTHERN DISTRICT OF N

MICROSOFT CORPORATION,

Plaintiff,

v.

DATATERN, INC.,

Defendant.

Civil Action No. 1:11-cv-02365-KBF

ECF CASE

~~PROPOSED~~ ORDER

WHEREAS, in its May 5, 2014 decision on appeal in this action, the U.S. Court of Appeals for the Federal Circuit concluded as follows:

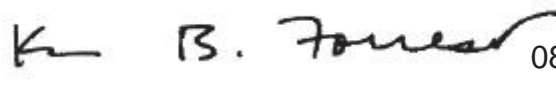
We affirm the district court’s denial of DataTern’s motion to dismiss Microsoft’s declaratory judgment challenge of the ’502 patent and affirm the grant of summary judgment to Microsoft with regard to the ’502 patent. We reverse the court’s denial of DataTern’s motion to dismiss Microsoft’s declaratory judgment challenge of the ’402 patent and remand with orders that the district court dismiss Microsoft’s declaratory judgment challenge of the ’402 patent.

Microsoft Corporation v. DataTern, Inc., (Fed. Cir. 2014) 13-1184 at pp. 21-22.

It is hereby ORDERED, ADJUDGED and DECREED that:

DataTern, Inc.’s motion to dismiss Microsoft Corporation’s declaratory-judgment challenge of U.S. Pat. No. 5,937,402 (“the ’402 patent”) for lack of declaratory-judgment jurisdiction is hereby granted and Microsoft’s declaratory-judgment challenge as to the ’402 patent is hereby dismissed without prejudice.

This 19th day of August, 2014.

 08/19/14

The Honorable Katherine B. Forrest
United States District Court Judge