

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

LODSYS, LLC,

Plaintiff,

v.

CIVIL ACTION NO. 2:11-cv-283 (DF)

ADIDAS AMERICA INC.;  
BBY SOLUTIONS, INC.;  
BEST WESTERN INTERNATIONAL, INC.;  
CVS CARMARK CORPORATION;  
SAM’S WEST, INC.;  
STANLEY, BLACK & DECKER, INC.;  
THE CONTAINER STORE, INC.;  
THE TEACHING COMPANY, LLC;  
VEGAS.COM, LLC;  
VITAMIN SHOPPE, INC.,

Defendants.

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**ORDER**

Having considered Plaintiff Lodsys, LLC’s (“Lodsys”) and Defendant BestBuy.com, LLC’s (“BestBuy”) Joint Motion to Dismiss Certain Claims Without Prejudice based on the settlement of certain claims asserted by and between them, the Court finds that good cause exists for granting the motion. The Joint Motion to Dismiss Certain Claims Without Prejudice is GRANTED. It is hereby

ORDERED, ADJUDGED AND DECREED that the following claims are hereby dismissed without prejudice:

- (a) Lodsys’s claim for “Infringement Of U.S. Patent No. 5,999,908” against BestBuy, and any and all other claims for infringement against BestBuy, to the extent such claims relate to products and/or services provided to BestBuy by iPerceptions, Inc. and ForeSee Results, Inc.;

It is further ORDERED that all costs, expenses, and attorneys' fees related to the above-listed claims are to be borne by the party that incurred them.

So ORDERED.

**SIGNED this 6th day of December, 2011.**

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE