

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Sightsound.com Inc.,

Plaintiff,

v.

N2K, Inc., CDnow, Inc., and
CDnow Online, Inc.,

Defendants.

CIVIL ACTION

No. 98-0118

Chief Judge Donetta W. Ambrose

FINAL ORDER AND JUDGMENT ON CONSENT

Plaintiff Sightsound.com Incorporated, (“Sightsound”) filed this patent infringement action against Defendant N2K, Inc. (“N2K”) on January 16, 1998, alleging infringement of U.S. Patent No. 5,191,573 (“the ’573 patent”), issued March 2, 1993 and U.S. Patent No. 5,675,734 (“the ’734 patent”), issued October 7, 1997. On March 31, 2000, Sightsound amended its Complaint to join Defendants CDnow, Inc., and CDnow Online Inc., (collectively “CDnow”), alleging infringement of the ’573 and ’734 patents, as well as infringement of U.S. Patent No. 5,966,440 (“the ’440 patent”), issued October 12, 1999, (collectively “the Asserted Patents”).

WHEREAS upon the representation of Defendants N2K and CDnow through their counsel that, without conceding infringement or other liability resulting from their prior activities in the music download business, neither Defendant N2K nor CDnow contests the validity or enforceability of any of the Asserted Patents;

WHEREAS, upon the representation of the parties through their respective counsel that the parties have settled this case;

AND WHEREAS, upon the representation of the parties through their respective counsel that the parties have consulted among themselves, each other, and each with the assistance of

SIGHTSOUND TECHNOLOGIES, LLC

Exhibit 2301

Page 00001

counsel of their own choosing, and subject to the approval of the Court, the parties hereto now stipulate and consent to this Final Order and Judgment on Consent as set forth below.

NOW THEREFORE, upon consent of the parties hereto,

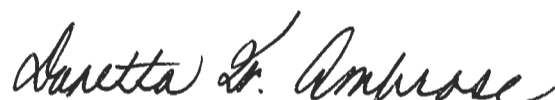
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that:

- 1) The Court has jurisdiction over the entire subject matter and parties in this action as set forth in the Complaint pursuant to 28 U.S.C. §§ 1331, 1332, and 1338. Venue is proper in this district as set forth in the Complaint pursuant to 28 U.S.C. § 1391(b);
- 2) Each of the Asserted Patents shall be deemed valid and enforceable;
- 3) Plaintiff's claims are hereby dismissed with prejudice as to acts occurring prior to February 12, 2004, and without prejudice as to all future acts;
- 4) Defendants' counterclaims as to noninfringement are hereby dismissed with prejudice as to acts occurring prior to February 12, 2004, and without prejudice as to all future acts, and their counterclaims as to validity and enforceability are hereby dismissed with prejudice;
- 5) The parties hereto have waived appeal from or any other challenge to this Final Order and Judgment on Consent;
- 6) Each party shall bear its own attorneys' fees, expenses and costs that have accrued in connection with this action prior to entry of this Final Order;

- 7) This Court retains jurisdiction over the parties hereto for the purpose of any proceedings to enforce this Final Order and Judgment on Consent, and the parties' Settlement Agreement dated February 12, 2004.


SO ORDERED

Dated: 2/20/04


Donetta W. Ambrose
United States District Judge

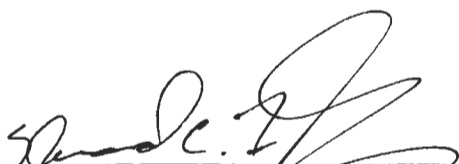
CONSENT TO ENTRY

The parties through their respective counsel hereby consent to the terms and conditions of this Final Order and Judgment on Consent as set forth herein and consent to the entry hereof, and waive any right of appeal therefrom. This Consent to Entry may be executed in one or more counterparts, each of which when so executed shall, together, constitute and be one and the same instrument.


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