

ENTERED

September 13, 2016

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JAMES B. GOODMAN,

Plaintiff,

v.

SMART MODULAR TECHNOLOGIES, INC.,

Defendant.

Civil Action No. 4:14-CV-01380 GHM

Before U.S. District Court Judge

GRAY H. MILLER

STIPULATION AND PROPOSED ORDER

WHEREAS, Plaintiff has alleged that Defendant's DDR2, DDR3, and DDR4 products (the "Accused Products") infringe either directly or indirectly Plaintiff's U.S. Patent No. 6,243,315 (the "'315 patent). Plaintiff's Complaint, ¶¶ 15, 18 & 20; Plaintiff's First Amended Complaint, ¶¶ 11, 15, 22, 25 & 29; Plaintiff's Second Amended Complaint, ¶¶ 19, 23; Prayer (c); Plaintiff's Infringement Contentions, ¶ b; & Plaintiff's Amended Infringement Chart.

WHEREAS, the Parties desire to settle the above-captioned dispute on the principle terms set out in the Settlement Term Sheet attached as Exhibit A.

NOW THEREFORE, Plaintiff stipulates and requests that it be adjudged that none of the Accused Products infringe the '315 patent under 35 U.S.C. section 271.

STIPULATION AND PROPOSED ORDER

The Court shall maintain jurisdiction over this matter to administer the settlement.

Dated: August 31, 2016

Respectfully submitted,

/s/ David Fink

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Attorney in Charge

IT IS SO ORDERED:

Dated: Sept 13, 2016



GRAY H. MILLER
United States District Judge

STIPULATION AND PROPOSED ORDER

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EXHIBIT A

SETTLEMENT TERM SHEET

This term sheet sets forth the principle terms of settlement between JAMES B. GOODMAN and SMART MODULAR TECHNOLOGIES, INC; Case No. 4:14-CV-01380 GHM.

This term sheet sets forth the principle terms of settlement. The parties anticipate that they will supplement this term sheet with a formal settlement agreement.

THE PARTIES AGREE AND STIPULATE THAT THE DISTRICT COURT SHALL ENFORCE THIS TERM SHEET AS A SETTLEMENT AGREEMENT.

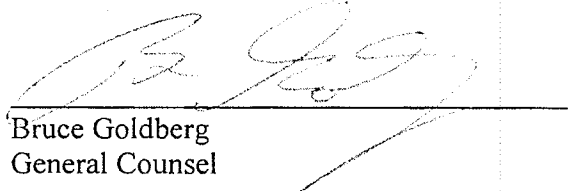
The parties agree to settle their dispute on the following principle terms:

1. Goodman shall dismiss all legal claims with prejudice;
2. Goodman shall stipulate that all accused products do not infringe his U.S. Patent No. 6,243,315;
3. Goodman shall grant to Smart Modular a fully paid up, non-terminable, non-royalty bearing, perpetual license to the '315 patent;
4. Smart Modular shall dismiss all counterclaims;
5. Smart Modular shall terminate its *Inter Partes* Review of the '315 patent;
6. Goodman shall obtain Smart Modular's approval of the form of Goodman's dismissal and stipulation before Goodman files such dismissal or stipulation. Smart Modular shall not unreasonably withhold its approval;
7. the parties shall bear their own costs, including attorney fees; and
8. this term sheet and any other agreement between the parties relating to this litigation or the '315 patent shall be **NON-CONFIDENTIAL**.


James B. Goodman, Plaintiff

SMART MODULAR TECHNOLOGIES, INC.

By:


Bruce Goldberg
General Counsel

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