

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ETHANOL BOOSTING SYSTEMS, LLC,
and MASSACHUSETTS INSTITUTE OF
TECHNOLOGY

Plaintiffs,

v.

FORD MOTOR COMPANY

Defendant.

Civil Action No. 19-cv-196-CFC-SRF

JURY TRIAL DEMANDED

~~PROPOSED~~ **FINAL JUDGMENT**

WHEREAS, on January 28, 2020, the Court issued a Claim Construction Order (D.I. 140) construing certain claims of U.S. Patent No. 8,069,839; U.S. Patent No. 9,255,519; U.S. Patent No. 9,810,166; and U.S. Patent No. 10,138,826 (the “Asserted Patents”); and

WHEREAS, on February 11, 2020, Plaintiffs Ethanol Boosting Systems, LLC and the Massachusetts Institute of Technology (“Plaintiffs”) and Defendant Ford Motor Company (“Defendant”) entered a Joint Stipulation of Non-Infringement (DI. 142) in which, in light of the Court’s Claim Construction Order, the parties stipulated to the entry of a final, appealable judgment of non-infringement of all Asserted Patents against Plaintiffs and in favor of Defendant; and

WHEREAS, the parties’ Joint Stipulation of Non-Infringement resolved all affirmative claims asserted by Plaintiffs Ethanol Boosting Systems, LLC and the Massachusetts Institute of Technology in this action;

WHEREAS, Defendant Ford Motor Company stipulates and agrees to defer any request for assessment of costs, including under Federal Rule of Civil Procedure 54(d) and Local Rules 54.1, or a motion seeking attorneys’ fees, including under Federal Rule of Civil Procedure 54(d)

Exhibit 3001

and Local Rule 54.3, related to the litigation until all appeals regarding the Asserted Patents have been exhausted; and

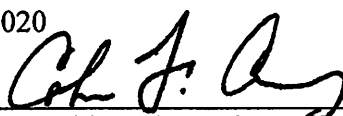
WHEREAS, the parties stipulate and agree that all of Defendant Ford Motor Company's unadjudicated defenses and counterclaims asserted in Defendant's answers and counterclaims relating to the Asserted Patents, including those relating to the invalidity of the Asserted Patents, are reserved and to be dismissed without prejudice, subject to Defendant's right to reassert such counterclaims and affirmative defenses should this matter be remanded to this Court for further proceedings following the expected appeal;

IT IS HEREBY ORDERED AND ADJUDGED, that final judgment hereby is entered in favor of Defendant Ford Motor Company against Plaintiffs Ethanol Boosting Systems, LLC and the Massachusetts Institute of Technology.

IT IS FURTHER ORDERED that the deadline for Defendant to file any motions for attorneys' fees pursuant to Federal Rule of Civil Procedure 54(d)(2)(B)(i) shall be extended until 14 days after the completion of any appeal from this Judgment.

This is a final judgment and may be appealed.

SO ORDERED this 11th day of February, 2020



The Honorable Colm F. Connolly
United States District Judge

Exhibit 3001