

United States District Court,
D. Delaware.

GTECH CORPORATION,
Plaintiff.

v.

SCIENTIFIC GAMES INTERNATIONAL, INC., Scientific Games Holdings Corporation, Scientific Games Finance Corporation, and Scientific Games Corporation,
Defendants.

C.A. No. 04-138-JJF

March 8, 2006.

Young, Conaway, Stargatt & Taylor, Josy W. Ingersoll, John W. Shaw, Karen E. Keller, Monte T. Squire, Wilmington, DE, Attorneys for Plaintiff.

Morris, Nichols, Arsht & Tunnell LLP, Jack B. Blumenfeld, Rodger D. Smith II, Wilmington, DE, Attorneys for Defendants.

STIPULATION AND [PROPOSED] ORDER

JOSEPH J. FARNAN, JR., District Judge.

WHEREAS, the Court issued a Tentative Claim Construction Order dated February 13, 2006 (D.I.228);

WHEREAS, plaintiff GTECH Corporation ("GTECH") does not seek to introduce additional evidence on the claim construction issues beyond that already in the record;

WHEREAS, in view of GTECH's indication that it does not seek to introduce additional evidence on claim construction, the Court has indicated that the Tentative Claim Construction Order would be made final (D.I.229);

WHEREAS, based on the Court's claim construction rulings, GTECH does not seek to proceed further with its allegations of infringement by Defendants of U.S. Patent No. 4,982,337;

WHEREAS, the Court construed the following terms with respect to U.S. Patent No. 6,222,624: "plurality," "array," "lottery ticket representations," "ticket images," "video display means," and "means for dispensing said tickets in a number corresponding to the amount of money input into said machine by said customer" (D, I.228, para. 2); and

WHEREAS, based on the Court's claim construction rulings with respect to the terms "array" and "means for dispensing said tickets in a number corresponding to the amount of money input into said machine by

said customer," GTECH seeks to enter into a Judgment of Non-Infringement by Defendants of U.S. Patent No. 6,222,624, to facilitate immediate appellate review of the Court's claim construction rulings;

IT IS HEREBY STIPULATED AND AGREED, and, subject to the approval of the Court, HEREBY ORDERED as follows:

1. The Court's claim construction rulings are hereby made final.
2. GTECH's claim for infringement by Defendants of U.S. Patent No. 4,982,337 is hereby dismissed with prejudice,
3. In view of the Court's claim construction rulings with respect to the terms "array" and "means for dispensing said tickets in a number corresponding to the amount of money input into said machine by said customer," GTECH hereby stipulates to non-infringement of the asserted claim of U.S. Patent No. 6,222,624. This stipulation shall not waive or prejudice in any way GTECH's right to appeal the Court's claim construction rulings related to the '624 patent, or Defendants' right to seek affirmance based on any of the Court's claim construction rulings related to the '624 patent.
4. The parties hereby stipulate that if the Court's claim construction ruling with respect to the term "array" or the term "means for dispensing said tickets in a number corresponding to the amount of money input into said machine by said customer" is affirmed in its entirety on appeal, the judgment of non-infringement by Defendants of the '624 patent should also be affirmed on appeal. This stipulation shall not waive or prejudice in any way Defendants' right to present alternative arguments on appeal for affirmance of the judgment of noninfringement based on the Court's other claim construction rulings with respect to the '624 patent.
5. In view of the Court's claim construction rulings, judgment is hereby entered in favor of Defendants.

SO ORDERED.

D.Del.,2006.

GTECH Corp. v. Scientific Games Intern., Inc.

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