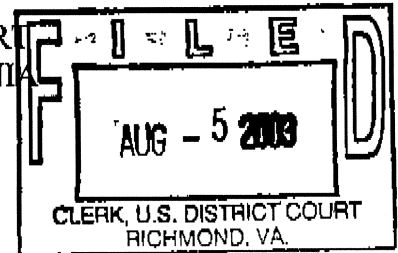


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION



NTP, INC.,

Plaintiff.

v.

Civil Action Number 3:01CV767

RESEARCH IN MOTION, LTD.,

Defendant.

**FINAL ORDER**

THIS MATTER comes before the Court on the final disposition of this matter. Upon due consideration, it is hereby ORDERED that:

1. Where appropriate, this Court will issue memoranda as to matters previously ruled upon, and such memoranda will be filed nunc pro tunc.
2. NTP, Inc. ("NTP") shall be AWARDED monetary damages in the total amount of \$53,704,322.69, which represents damages payable as of May 31, 2003. NTP is also AWARDED postjudgment interest, as stipulated in the Order issued by this Court on March 11, 2003. The monetary award is comprised as follows:
  - a. Compensatory damages at a royalty rate of 5.7% in the amount of \$33,446,172.90;
  - b. Attorney fees, decreased by 20%, in the amount of \$4,203,160.79;
  - c. Prejudgment interest compounded quarterly in the amount of \$2,022,838; and
  - d. Enhanced damages, increasing compensatory damages by a factor of 0.5, in the amount of \$14,032,161.

3. This Court FINDS that: (1) NTP will be face irreparable harm if an injunction is not issued; (2) NTP has no adequate remedy at law to address future infringing sales; (3) an injunction in this case is in the public interest as it promotes protection of the rights gained through the patent process; and (4) the balance of hardships between NTP as the holder of the patents-in-suit, and Research in Motion, Ltd. ("RIM") as the infringing party, weighs more heavily towards NTP. For these reasons, this Court FINDS that there is no compelling reason to deny imposition of an injunction in this matter. Accordingly, NTP's Motion for Permanent Injunction [Dkt. No. 274] is GRANTED. It is hereby ORDERED that NTP is entitled to the following injunctive relief:

- a. RIM, including its officers, directors, employees, attorneys, agents, partners, parents, predecessors, subsidiaries, affiliates, and all those in active concert or participation with RIM who receive actual notice of this injunction by personal service or otherwise, are permanently enjoined from indirectly or directly making, using, offering to sell, or selling within the United States or importing into the United States any of the following products or services:
  - i. The Blackberry Handheld Units (model numbers 850, 857, 950, 957, 5810, 6710, 6510, 6210 and 6750);
  - ii. RIM's BlackBerry "Corporate" Redirector Software (BlackBerry Enterprise Server for Microsoft Exchange and BlackBerry Enterprise Server for Lotus Domino);
  - iii. RIM's BlackBerry "Desktop" Redirector Software;
  - iv. RIM's BlackBerry "ISP" Redirector Software; and

- v. RIM's BlackBerry Wireless Email Service on the Mobitex, DataTAC and GPRS networks in connection with any of the foregoing products.

In addition, RIM is enjoined from: (1) circulating within the United States any sales literature or sales information that encourages the use, sale or importation of any of these products or services; and (2) aiding and abetting, actively inducing or in any way contributing to the use, sale or importation of any of these products or services within the United States.

- b. RIM, including its officers, directors, employees, attorneys, agents, partners, parents, predecessors, subsidiaries, affiliates, and all those in active concert or participation with RIM who receive actual notice of this injunction by personal service or otherwise, are permanently enjoined from directly infringing any one of the following claims of the following NTP Patents:
  - i. claims 15, 32 and 34 of U.S. Patent No. 5,436,960;
  - ii. claim 8 of U.S. Patent No. 5,625,670;
  - iii. claim 199 of U.S. Patent No. 5,819,172;
  - iv. claims 28, 248, 309, 313 and 317 of U.S. Patent No. 6,067, 451; and
  - v. claims 40, 150, 278, 653 and 654 of U.S. Patent No. 6,317,592.

In addition, RIM is enjoined from actively inducing or contributing to the infringement of any of the forgoing claims.

This injunction shall remain in effect until the date of expiration of each of the NTP patents identified above, the latest of which is May 20, 2012.

4. Paragraph Three (3) of this Order notwithstanding, This Court FINDS that: (1) RIM will be irreparably injured absent a stay of the permanent injunction; (2) the issuance of the stay will not substantially injure NTP; and (3) issuance of the stay is in the public interest, as the public has a demonstrated and increasing use of the products and services involved in this litigation. Accordingly, RIM's Cross-Motion to Stay the Permanent Injunction [Dkt. No. 303] is GRANTED. The Permanent Injunction in this matter, as stipulated in Paragraph Three (3) herein, is hereby STAYED PENDING APPEAL.
5. NTP's Motion for Entry of Final Judgment [Dkt. No. 266] is MOOT.
6. RIM's Motion to Stay Proceedings in Light of Director-Initiated Reexamination of NTP's Patents [Dkt. No. 310] is MOOT.
7. NTP's Motion to Clarify the Record Regarding Inconsistent Factual Statements [Dkt. No. 325] is MOOT.
8. RIM's Motion to Enforce the Court's Scheduling Order [Dkt. No. 329] is MOOT.

This Order hereby incorporates all previous Orders issued by this Court regarding the final disposition of this case, as well as all amendments thereto.

Let the Clerk send a copy of this Order to all parties of record.

It is SO ORDERED.

  
UNITED STATES DISTRICT JUDGE

**AUG - 5 2003**

\_\_\_\_\_  
DATE

**UNITED STATES DISTRICT COURT**

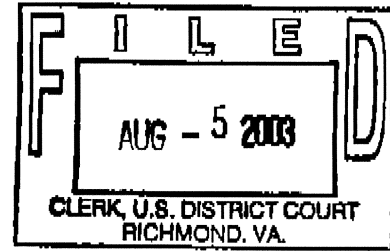
-----Eastern----- DISTRICT OF -----Virginia-----  
Richmond Division

NTP, Inc.,  
Plaintiff,

v.

Research In Motion, Ltd.,

Defendant.



**JUDGMENT IN A CIVIL CASE**

Case number:  
3:01CV767

**Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**Decision by Court.** \*This action came before the Court. The issues have been heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED** that NTP, Inc. is AWARDED monetary damages in the total amount of \$53,704,322.69, which represents damages payable as of May 31, 2003, NTP is also AWARDED postjudgment interest, as stipulated in the Order issued by this Court on March 11, 2003, The monetary award is comprised as follows:

- a- Compensatory damages at a royalty rate of 5.7% in the amount of \$33,446,172.90;
- b- Attorney fees, decreased by 20%, in the amount of \$4,203,160.79;
- c- Prejudgment interest compounded quarterly in the amount of \$2,022,838.00; and
- d- Enhanced damages, increasing compensatory damages by a factor of 0.5, in the amount of \$14,032,161.00.

August 5, 2003 \_\_\_\_\_  
Date

Elizabeth H. Paret \_\_\_\_\_  
Clerk

\_\_\_\_\_  
(By) Deputy Clerk