

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Central District of California on the following Patents or Trademarks:

FILED
 2008 APR 22 AM 10:30
 U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

DOCKET NO. **CV 08-02778 ODW (CWx)**

U.S. DISTRICT COURT Central District of California	PLAINTIFF MAG INSTRUMENT, INC.	DEFENDANT TEKTITE INDUSTRIES, INC., a New Jersey corporation, and DOES 1-10
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PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 5,165,782	11/24/92	Mag Instrument, Inc.
2 5,267,131	11/30/93	Mag Instrument, Inc.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT	CPMSMT JUDGMENT AND PERMANENT INJUNCTION
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CLERK ALLEN ABERSMAN, ACTING	(BY) DEPUTY CLERK L Chai	DATE 9/16/08
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—^{XXX} Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4— Case file copy

1 Robert C. Weiss (State Bar No. 39,929)
rcweiss@jonesday.com
2 Charles A. Kertell (State Bar No. 181,214)
cakertell@jonesday.com
3 JONES DAY
555 South Flower Street, 50th Floor
4 Los Angeles, CA 90071
Telephone: (213) 489-3939
5 Facsimile: (213) 243-2539

JS-6

6 Attorneys for Plaintiff
MAG INSTRUMENT, INC.

7 James E. Doroshow (State Bar No. 112,920)
jdoroshow@linerlaw.com
8 LINER, YANKELEVITZ, SUNSHINE & REGENSTREIF LLP
1100 Glendon Avenue, 14th Floor
9 Los Angeles, CA 90024
10 Telephone: (310) 500-3412
Facsimile: (310) 500-3501

11 Michael M. Carlson (State Bar No. 88,048)
mcarlson@linerlaw.com
12 LINER, YANKELEVITZ, SUNSHINE & REGENSTREIF LLP
13 199 Fremont Street, 20th Floor
San Francisco, CA 94105
14 Telephone: (415) 489-7700
Facsimile: (415) 489-7701

15 Attorneys for Defendant
16 TEKTITE INDUSTRIES, INC.

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18
19 UNITED STATES DISTRICT COURT
20 CENTRAL DISTRICT OF CALIFORNIA

21
22 MAG INSTRUMENT, INC.,

23 Plaintiff,

24 v.

25 TEKTITE INDUSTRIES, INC. and
DOES 1-10,

26 Defendants.
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Case No. CV 08-2778 ODW (CWx)

**CONSENT JUDGMENT AND
PERMANENT INJUNCTION**

Hon. Otis D. Wright II

1 WHEREAS, plaintiff Mag Instrument, Inc. ("Mag Instrument") and
2 defendant Tektite Industries, Inc. ("Tektite") have agreed in a separate agreement to
3 settlement of the matters in issue between them and to entry of this Consent
4 Judgment and Permanent Injunction, it is hereby ORDERED, ADJUDGED, AND
5 DECREED THAT:

6 1. This is an action for patent infringement, arising under the patent laws
7 of the United States, Title 35, United States Code.

8 2. This Court has jurisdiction over all of the parties in this action and
9 over the subject matter in issue based on 28 U.S.C. §§1331 and 1338. This Court
10 further has continuing jurisdiction to enforce the terms and provisions of this
11 Consent Judgment and Permanent Injunction. Venue is also proper in this Court
12 pursuant to 28 U.S.C. §1391, as well as 28 U.S.C. §1400(b).

13 3. Mag Instrument is a corporation incorporated under the laws of the
14 State of California and has its principal place of business at 2001 South Hellman
15 Avenue, Ontario, California 91761.

16 4. Tektite is a corporation incorporated under the laws of the State of
17 New Jersey and has its principal place of business at 309 North Clinton Avenue,
18 Trenton, New Jersey 08638.

19 5. Tektite has manufactured, used, imported, offered for sale, and/or sold
20 certain flashlight covers, including the flashlight cover for the Tektite Expedition
21 1900 flashlight. A digital photograph of one of these covers is attached hereto as
22 **Exhibit 1**. These covers were neither manufactured nor authorized by plaintiff
23 Mag Instrument.

24 6. Mag Instrument is, by assignment, the owner of all right, title, and
25 interest in United States Patent No. 5,165,782 ("the '782 patent"). A copy of the
26 '782 patent is attached hereto as **Exhibit 2**.

1 7. The '782 patent, issued on November 24, 1992, is valid and
2 enforceable. Tektite will not directly or indirectly aid, assign, or participate in any
3 action contesting the validity and/or enforceability of the '782 patent.

4 8. Mag Instrument is, by assignment, the owner of all right, title, and
5 interest in United States Patent No. 5,267,131 ("the '131 patent"). A copy of the
6 '131 patent is attached hereto as **Exhibit 3**.

7 9. The '131 patent, issued on November 30, 1993, is valid and
8 enforceable. Tektite will not directly or indirectly aid, assign, or participate in any
9 action contesting the validity and/or enforceability of the '131 patent.

10 10. Tektite, its officers, directors, agents, servants, employees, attorneys,
11 confederates, and all persons and/or entities acting for, with, by, through, and/or in
12 concert or participation with them, or any of them, are hereby permanently enjoined
13 from engaging in any of the following activities:

14 (a) manufacturing, using, importing, offering for sale, and/or selling
15 the flashlight cover pictured in **Exhibit 1**; and

16 (b) manufacturing, using, importing, offering for sale, and/or selling
17 any flashlight covers that are substantially similar to the flashlight cover pictured in
18 **Exhibit 1**.

19 11. Service by mail upon Tektite, addressed to James E. Doroshov, Liner,
20 Yankelevitz, Sunshine & Regenstreif LLP, 1100 Glendon Avenue, 14th Floor, Los
21 Angeles, California 90024, of a copy of this Consent Judgment and Permanent
22 Injunction entered by the Court is deemed sufficient notice under Federal Rule of
23 Civil Procedure 65. It shall not be necessary for Tektite to sign any form of
24 acknowledgement of service.

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12. The parties shall bear their own attorneys' fees and costs.

IT IS SO ORDERED:

Dated: __ September 15, 2008



By: _____
Hon. Otis D. Wright II
United States District Court Judge

Approved as to form and content:

Dated: _____, 2008

JONES DAY

By: _____
Charles A. Kertell
Attorneys for Plaintiff
MAG INSTRUMENT, INC.

Dated: _____, 2008

LINER, YANKELEVITZ, SUNSHINE
& REGENSTREIF LLP

By: _____
Michael M. Carlson
Attorneys for Defendant
TEKTITE INDUSTRIES, INC.