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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

NEUROVISION MEDICAL
PRODUCTS, INC.,

Plaintiff,

vs.

NUVASIVE, INC. and DOES 1 through
10, Inclusive,

Defendants.

AND RELATED COUNTERCLAIMS.

Case No. 09-CV-6988 R (JEMx)

JUDGMENT

1 **JUDGMENT**

2 Pursuant to the Court’s October 19, 2010 order dismissing with prejudice
3 defendant NuVasive’s counterclaims and the jury’s October 25, 2010 special
4 verdict, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Judgment
5 is entered in favor of the plaintiff and counter-defendant Neurovision Medical
6 Products, Inc. (“Neurovision Medical”) and against defendant and counter-claimant
7 NuVasive, Inc. (“NuVasive”) as follows:

8 **Liability**

9 1. Neurovision Medical is the senior user, throughout the United States,
10 of the trademark “Neurovision” used in conjunction with nerve location and
11 monitoring equipment and related accessories.

12 2. NuVasive infringed upon Neurovision Medical’s rights in the
13 trademark “Neurovision” by using a similar mark in a manner that is likely to cause
14 confusion.

15 3. NuVasive’s infringement of Neurovision Medical’s trademark was
16 willful.

17 4. NuVasive committed fraud on the United States Patent and Trademark
18 Office in procuring trademark registration numbers 2,711,777 and 2,782,540.

19 5. Neurovision Medical is not liable for unfair competition as alleged in
20 NuVasive’s counterclaims.

21 **Monetary Relief**

22 6. Neurovision Medical shall have and recover against NuVasive
23 \$60,000,000.

24 7. Neurovision Medical shall have and recover its fees and costs in the
25 amount of \$_____.

26 8. The judgment shall bear post-judgment interest at the legal rate until
27 paid.

1 Injunctive Relief

2 9. NuVasive and each of its officers, agents, servants and employees, and
3 all those persons in active concert or participation with them are hereby forever
4 enjoined from using the mark "Neurovision", or any mark confusingly similar
5 thereto, or likely to cause confusion therewith, in the sale, offering for sale, lending,
6 marketing, distribution and/or advertising of medical devices or related
7 merchandise or services at any locality in the United States. The injunction shall be
8 stayed thirty (30) days after issuance of this Judgment.

9 10. Within sixty (60) days after issuance of this Judgment, NuVasive is
10 required to file with the Clerk of this Court and serve on Neurovision Medical, a
11 report in writing, under oath, setting forth in detail the manner and form in which it
12 has complied with the foregoing injunction.

13 Cancellation of Trademark Registration Numbers 2,711,777 and 2,782,540

14 11. Trademark registration numbers 2,711,777 and 2,782,540 are no
15 longer valid and shall be cancelled by the USPTO.

16
17 Dated: Jan. 6, 2011


18 _____
19 The Hon. Manuel L. Real
20 Judge of the United States District Court

21 Submitted by:

22 RINCON VENTURE LAW GROUP
23 K. Andrew Kent
24 And
25 BROWNE WOODS GEORGE LLP
26 Peter W. Ross
27 Benjamin D. Scheibe
28 Keith J. Wesley

By /s/ Peter W. Ross

Attorneys for Plaintiff and Counter-Defendant
NEUROVISION MEDICAL PRODUCTS, INC.