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10 Attorneys for Plaintiffs
11 GENERAL ELECTRIC COMPANY AND
GE WIND ENERGY, LLC

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15) **Case No. CV 10-00674-OWW-JLT**
16 GENERAL ELECTRIC COMPANY, a New)
York corporation; and GE WIND ENERGY,)
17 LLC, a Delaware limited liability company,)
Plaintiffs,)
18)
19 vs.)
20 THOMAS WILKINS, an individual,)
Defendant.)
21)
22)

23 WHEREAS, on April 15, 2010, Plaintiffs General Electric Company and GE Wind
24 Energy, LLC (collectively “GE”) filed their unverified complaint against Defendant Thomas
25 Wilkins (“Wilkins”) for declaratory relief, breach of contract, injunctive relief and specific
26 performance related to United States Patent Nos. 6,924,565 and 6,921,985 (the “‘565 and ‘985
27 Patents”) (Docket No. 1); and
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2 WHEREAS, GE contends that it is the sole owner of the equitable and legal rights to the
3 ‘565 and ‘985 Patents; and

4 WHEREAS, Wilkins’ counsel, on behalf of Wilkins, contends that the International
5 Trade Commission, in their opinion dated January 19, 2010, in the matter of Investigation No.
6 337-TA-641, at page 35, stated that “Wilkins is an unnamed inventor of claim 15 of the ‘985
7 patent, that GE has not provided any showing to the effect that Wilkins had an obligation to
8 assign the patent to GE As an inventor, Wilkins does have an equitable interest that can be
9 perfected to legal title . . .;” and

10 WHEREAS, Wilkins’ counsel, on behalf of Wilkins, further contends that Thomas
11 Alexander Wilkins, the man, is the primary inventor of, among other things, the technologies
12 known as Ride Through for Wind Turbines, Low Voltage Ride Through For Wind Turbines,
13 Power Factor Control For Wind Turbines, Reactive Power Control For Wind Turbines, and
14 Continuous Reactive Power Control For Wind Turbines, and was the primary inventor of various
15 other claims in the ‘985 and ‘565 patents. Wilkins claims to have inventorship rights in those
16 inventions, which rights Wilkins claims have never been assigned to any entity, including GE;
17 and

18 WHEREAS, on July 9, 2010, GE filed a motion for a preliminary injunction to enjoin
19 Wilkins from *inter alia* licensing the rights to the ‘565 and ‘985 Patents pending a trial on the
20 merits (Docket No. 15); and

21 WHEREAS, on July 15, 2010, Wilkins filed a motion to dismiss GE’s complaint on
22 statute of limitations grounds (Docket No. 26); and

23 WHEREAS, on July 26, 2010, GE filed a motion for a temporary restraining order to
24 enjoin Wilkins from *inter alia* licensing the rights to the ‘565 and ‘985 Patents pending
25
26 hearing on the motion for a preliminary injunction (Docket No. 30); and

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1 WHEREAS, Wilkins and GE neither admit nor deny anything herein or otherwise by
2 means of agreeing to this stipulation, and Wilkins reserves the right to oppose GE’s motion for a
3 preliminary injunction, including the bond amount;

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5 WHEREAS, the parties stipulate and agree that:

- 6 1. GE’s motion for a temporary restraining order (Docket No. 30) is denied as moot;
- 7 2. The hearing date for GE’s motion for a preliminary injunction (Docket No. 15) is
8 taken off calendar pending the hearing on Wilkins’ motion to dismiss;
- 9 3. The hearing date for Wilkins’ motion to dismiss (Docket No. 26) shall be set on a
10 date agreeable to the Court at the earliest practicable opportunity, and the briefing
11 4.
12 5. schedule shall be pursuant to the Local Rules; and
- 13 6. The Court will set a hearing date and briefing schedule for GE’s motion for a
14 preliminary injunction at the hearing on Wilkins’ motion to dismiss. The parties
15 request that the hearing on GE’s motion for a preliminary injunction be set within
16 35 days of the hearing on Wilkins’ motion to dismiss.

17 THEREFORE, the parties stipulate and agree that pending GE’s hearing on the motion
18 for a preliminary injunction that neither Wilkins, nor any person or entity acting in concert with
19 Wilkins, shall:

- 20 1. Take any steps to license, purport to license, grant, or purport to grant, rights to
21 third parties in GE’s Patent Nos. 6,924,565 and 6,921,985 (the “‘565 and ‘985
22 Patents”); or
- 23 2. Modify or extend the license agreement with Mitsubishi Heavy Industries, Ltd.
24 and/or related entities related to GE’s ‘565 and ‘985 Patents; or
- 25 3. Engage in any conduct that would convey or tend to convey to third parties that
26 Wilkins is licensing or will license any ownership interest in the ‘565 or ‘985
27 Patents; or

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- 1 1. Taking any steps to license, purport to license, grant, or purport to grant, rights to
2 third parties in GE's Patent Nos. 6,924,565 and 6,921,985 (the "'565 and '985
3 Patents"); or
4 2. Modifying or extending the license agreement with Mitsubishi Heavy Industries,
5 Ltd. and/or related entities related to GE's '565 and '985 Patents; or
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7 ///
8 3. Engaging in any conduct that would convey or tend to convey to third parties that
9 Wilkins is licensing or will license any ownership interest in the '565 or '985
10 Patents; or
11 4. Representing on his website or otherwise, unless under oath in judicially required
12 or requested testimony, that he believes he has an ownership interest in the '565
13 and '985 Patents, or that he believes he has the lawful right to license under the
14 '565 and '985 Patents.

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18 IT IS SO ORDERED.

19 Dated: July 30, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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