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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VERTICAL TANK, INC.,
Plaintiff,
v.
BAKERCORP,
Defendant.

Case No.: 1:18-cv-00145 LJO LJT
ORDER AFTER SETTLEMENT CONFERENCE

The Court held a settlement conference at which the parties were able to resolve the matter. The parties placed most of the material terms on the record but failed to note a few other material terms. Thus, in addition to the terms placed on the record, at the settlement conference, the Court notes that the parties also agreed to the following material terms:

1. The defendant will verify that 124 of the tanks at issue have been modified. It will do this by providing photographs of the modified tanks, which have been taken in such a manner as to as to capture both the modification and the tank’s serial number in the frame;
2. As to the 20 unmodified tanks at issue, the defendant need not modify these tanks;
3. At the request of either party, the Court will retain jurisdiction, to enforce the settlement agreement;
4. The plaintiff agrees that it will not file litigation to challenge whether the modification, noted above in paragraph 1, infringes on the plaintiff’s patent(s);

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In addition, the Court **ORDERS:**

1. The defendant **SHALL** provide a draft of the settlement agreement to plaintiff **no later than September 27, 2019.** The plaintiff **SHALL** provide any changes to the draft settlement agreement to the defendant **no later than October 18, 2019;**
 2. The stipulation to dismiss the action **SHALL** be filed **no later than November 29, 2019;**
 2. All pending deadlines, including the trial and pretrial conference dates, are **VACATED.**
- The parties are advised that failure to comply with this order may result in the Court imposing sanctions, including the dismissal of the action.**

IT IS SO ORDERED.

Dated: September 5, 2019

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE