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17 Attorney for Defendant
18 TEXAS FLUORESENCE
19 LABORATORIES, INC.

20
21 **UNITED STATES DISTRICT COURT**
22 **NORTHERN DISTRICT OF CALIFORNIA**
23 **OAKLAND DIVISION**

24 AAT BIOQUEST, INC., a Delaware
25 corporation

26 Plaintiff,

27 v.

28 TEXAS FLUORESENCE
LABORATORIES, INC.,

Defendant.

) Case No. 4:14-cv-3909-(DMR)

)
) **STIPULATION AND ~~PROPOSED~~**
) **ORDER ENTERING PERMANENT**
) **INJUNCTION**

) Judge: Hon. Donna M. Ryu
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29 Pursuant to Civil Local Rule 7-12, as well as Fed. R. Civ. P. 65, Plaintiff AAT Bioquest, Inc.
30 (“AAT Bioquest”) and Defendant Texas Fluorescence Laboratories, Inc. (“TEFLabs” or
31 “Defendant”) jointly submit the following Stipulation and proposed Order for a permanent
32 injunction against any further infringement by Defendant of AAT Bioquest’s patent rights:

1 WHEREAS, this patent infringement action commenced on August 28, 2014 by AAT
2 Bioquest against TEFLabs involving U.S. Patent No. 8,779,165 (the “’165 Patent”);

3 WHEREAS, AAT Bioquest is the owner of all right, title, and interest in the ’165 patent;
4 WHEREAS, AAT Bioquest and TEFLabs filed a Joint Case Management Statement (D.N.
5 21) on November 26, 2014, wherein the Parties agreed that TEFLabs’ Fluo-2 MA AM product
6 infringed Claim 1 of the ’165 Patent, and that TEFLabs would be enjoined if that claim were held
7 valid and enforceable;

8 WHEREAS, the Court issued an Order Granting Plaintiff’s Motion for Summary Judgment
9 and Denying Defendant’s Motion for Summary Judgment (D.N. 46) on April 13, 2015, wherein the
10 Court denied TEFLabs’ Motions for Summary Judgment regarding invalidity and unenforceability
11 of the ’165 Patent, and granted AAT Bioquest’s Motions of Summary Judgment for no invalidity
12 and no inequitable conduct;

13 NOW, THEREFORE, the Parties hereby STIPULATE to this Injunction and IT IS HEREBY
14 ORDERED that:

- 15 a. Subject matter jurisdiction, personal jurisdiction, and venue are all proper in this
16 Court.
- 17 b. Defendant TEFLabs is permanently restrained, enjoined and prohibited from further
18 infringement of the ’165 Patent, and from manufacturing, using, selling, importing,
19 and/or offering for sale fluo indicators which have the same structure as the indicator
20 claimed in Claim 1 of the ’165 Patent in the United States for the life of the ’165
21 Patent.
- 22 c. This injunction applies to TEFLabs, its present or future members, its present or
23 future managers, and its present or future employees, agents, and contractors, and any
24 successors-in-interest.
- 25 d. Nothing in this injunction shall be construed as granting TEFLabs a license to the
26 ’165 Patent or otherwise permitting TEFLabs to infringe AAT Bioquest’s patent
27 rights, past, present, or future.
- 28 e. This injunction shall expire on January 5, 2029.

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IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: April 28, 2015

Respectfully submitted,

KAYE SCHOLER LLP

By: /s/ Krista Carter
 Krista M. Carter (SBN 225229)

Attorney for Plaintiff
AAT BIOQUEST, INC.

By: /s/ Rick B. Yeager
 Rick B. Yeager (Texas SBN 21146500)

Attorney for Defendant
TEXAS FLUORESENCE LABORATORIES, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 1, 2015

