

1 Plaintiffs American Chemical Society, American Institute of Physics, Blackwell
2 Publishing, Inc., Elsevier, Inc., Informa UK Ltd., Informa USA, Inc., Oxford University Press,
3 Springer Science and Business Media, LLC, Wiley Periodicals, Inc. and Wiley-Liss, Inc.
4 (“Plaintiffs”) and Defendants Commax Technologies, Inc., Henry Shiou-Ming Chen, Daphne L.
5 Chen, Liang-Wang How, Kuo Rueih Pan and Sunny Young, and Henry Shiou-Ming Chen and
6 Daphne L. Chen in their capacities as trustees of the Shiou-Ming Henry Chen and Daphne Li-
7 Ming Chen 1993 Revocable Living Trust (“Defendants”), through their undersigned counsel,
8 hereby stipulate and move this Court for entry of judgment as follows:

9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

- 10 1. The Plaintiffs and Defendants have entered into a Settlement Agreement to resolve
11 this action.
- 12 2. Defendants Henry Shiou-Ming Chen and Daphne L. Chen are hereby enjoined, for a
13 period of five (5) years from the date of this Judgment, from placing any subscription
14 order with any Plaintiff whether in their own names or any other name real or
15 imagined, or purchasing any of the Plaintiffs’ publications whether for themselves or
16 on behalf of any other person or entity, real or imagined, other than from a bookstore
17 or other retail vendor.
- 18 3. Defendants Henry Shiou-Ming Chen and Daphne L. Chen are hereby enjoined, for a
19 period of five (5) years from the date of this Judgment, from joining or attempting to
20 join any membership organization associated with any Plaintiff whether in their own
21 names or in the names of any other person or entity, real or imagined.
- 22 4. After the expiration of such five-year period, Defendants Henry Shiou-Ming Chen
23 and Daphne L. Chen are hereby enjoined from placing any journal subscription order
24 with any Plaintiff other than on behalf of a *bona fide* institutional customer whose
25 identity is fully disclosed to the Plaintiff concerned.
- 26 5. The Preliminary Injunction previously entered in this action by Order dated May 15,
27 2009 (Docket No. 258) is hereby dissolved and no longer has any force or effect.
28 Plaintiffs shall take all actions necessary, including recording appropriate documents

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with the Santa Clara County Recorder's Office, to provide notice that the Preliminary Injunction no longer has any force or effect and that the Notice of Pending Action recorded with regard to property located at 770 Josina Avenue, Palo Alto, CA is withdrawn.

6. In the event of a dispute arising out of the Settlement Agreement, any party may file a breach of contract action in a court of competent jurisdiction to enforce the Settlement Agreement.

Respectfully submitted,

KOTIN, CRABTREE & STRONG, LLP

Dated: July 17, 2009

/s/ William S. Strong
William S. Strong, Esq.

Attorneys for Plaintiffs
AMERICAN CHEMICAL SOCIETY, AMERICAN INSTITUTE OF PHYSICS, BLACKWELL PUBLISHING, INC., ELSEVIER, INC., INFORMA UK LTD., INFORMA USA, INC., OXFORD UNIVERSITY PRESS, SPRINGER SCIENCE AND BUSINESS MEDIA LLC, WILEY PERIODICALS, INC., and WILEY-LISS, INC.

GCA LAW PARTNERS LLP

Dated: July 17, 2009

/s/ Kimberly Donovan
Kimberly Donovan

Attorneys for Defendants

COMMAX TECHNOLOGIES, INC., HENRY SHIOU-MING CHEN, DAPHNE L. CHEN, LIANG-WANG HOW, KUO RUEIH PAN, and SUNNY YOUNG

*** ORDER ***

The Clerk shall close this file.

SO ORDERED: James Ware
James Ware
United States District Court Judge

Date: July 29, 2009