

McDONALD • CARANO • WILSON LLP
700 WEST SAHARA AVENUE, SUITE 1000, LAS VEGAS, NEVADA
PHONE (702) 873-4100 • FAX (702) 873-9966

1 JEFFREY A. SILVESTRI, ESQ.
Nevada Bar No. 5779
2 JOSEPHINE BINETTI McPEAK, ESQ.
Nevada Bar No. 7994
3 McDONALD CARANO WILSON LLP
2300 West Sahara Avenue, Suite 1000
4 Las Vegas, NV 89102
Telephone: (702) 873-4100
5 Facsimile: (702) 873-9966
Email: jsilvestri@mcdonaldcarano.com
6 jmcppeak@mcdonaldcarano.com

7 DAVID S. BLOCH (appearing *pro hac vice*)
JENNIFER A. GOLINVEAUX (appearing *pro hac vice*)
8 K. JOON OH (appearing *pro hac vice*)
ELISABETH A. DERBY (appearing *pro hac vice*)
9 WINSTON & STRAWN LLP
101 California Street
10 San Francisco, CA 94111-5894
Telephone: (415) 591-1000
11 Facsimile: (415) 591-1400
Email: dbloch@winston.com
12 jgolinveaux@winston.com
koh@winston.com
13 bderby@winston.com

14 *Attorneys for Plaintiff AEVOE CORP.*

15 UNITED STATES DISTRICT COURT

16 DISTRICT OF NEVADA

17 AEVOE CORP., a California corporation,

Case No. 2:12-cv-00054-GMN-PAL

18 Plaintiff,

**STIPULATION AND ORDER FOR
A PERMANENT INJUNCTION**

19 vs.

20 SHENZHEN MEMBRANE PRECISE
ELECTRON LTD., a China corporation,

21 Defendant.

22
23 WHEREAS, the Court issued a Temporary Restraining Order on January 12, 2012, to
24 enjoin Defendant Shenzhen Membrane Precise Electron Ltd. and its legal successors and
25 assigns, parents, subsidiaries, affiliates, and companies under common ownership or control
26 (collectively, "Shenzhen Membrane") from selling products infringing upon Plaintiff Aevoe
27 Corp.'s U.S. Patent No. 8,044,942 (the '942 Patent"), ECF No. 9;

28

1 WHEREAS, the Court held the Order to Show Cause hearing on January 23, 2012, on
2 why an injunction should not issue enjoining and restraining Shenzhen Membrane from
3 practicing or otherwise using the '942 Patent, or any reproduction, counterfeit, copy or
4 colorable imitation concerning the same, pending trial;

5 WHEREAS, the Court found that (a) the '942 Patent is presumptively valid and that
6 Shenzhen Membrane failed to raise a substantial question concerning the validity and
7 enforceability of the '942 Patent; (b) Aevoe will likely succeed on the merits of its patent
8 infringement claims against Shenzhen Membrane; (c) Aevoe will likely be irreparable harmed
9 if a preliminary injunction is not granted; (d) the balance of hardships weigh in favor of Aevoe;
10 and (e) the public interest weighs in favor of granting injunctive relief;

11 WHEREAS, the Court issued a Preliminary Injunction on January 26, 2012, to enjoin
12 Shenzhen Membrane from practicing, making, manufacturing, using, importing, offering to sell,
13 and or selling products that infringe the '942 Patent, or any reproduction, counterfeit, copy, or
14 colorable imitation of the same, and from transferring, moving, returning, destroying, or
15 otherwise disposing of its infringing goods pending a trial on the merits, ECF No. 31:

16 WHEREAS, Aevoe entered a substantial bond concerning the Preliminary Injunction
17 (the "Bond");

18 WHEREAS, the Parties have agreed to the terms of a confidential Settlement
19 Agreement to resolve any and all disputes between the Parties concerning allegations of
20 infringement of Aevoe's '942 Patent;

21 WHEREAS, the Parties have agreed to the Permanent Injunction below as a condition
22 for the Settlement Agreement; and

23 WHEREAS, the Parties have agreed to enter a Stipulation and Notice of Voluntary
24 Dismissal with Prejudice after the Court enters the Permanent Injunction,

25 THE PARTIES HEREBY STIPULATE THAT.

26 ...

27 ...

28 ...

MCDONALD · CARANO · WILSON LLP
2300 WEST SAHARA AVENUE, SUITE 1000 · LAS VEGAS, NEVADA
PHONE (702) 873-4100 · FAX (702) 873-9966

1 The Court's January 26, 2012, Order for a preliminary injunction against Shenzhen
2 Membrane, is hereby made a Permanent Injunction against Shenzhen Membrane;

3 This Permanent Injunction shall extend to any and all Shenzhen Membrane touch-screen
4 protectors covered by the '942 Patent, whether for the iPad, iPhone, iPod, Kindle, Android and
5 Droid devices, or any other device with touch-screen functionality, having an adhesive
6 perimeter and a non-adhesive window corresponding generally to the touch-screen portion of
7 the device to which the protector is intended to be attached. For the avoidance of doubt, an
8 adhesive perimeter of any thickness is still within the scope of the '942 Patent or is
9 insubstantially different from it, and an adhesive perimeter that is divided by spaces, channels,
10 or gaps such that the adhesive is not fully continuous around the perimeter is still within the
11 scope of the '942 Patent or is insubstantially different from it;

12 This Permanent Injunction shall not extend to any touch-screen protector that is fully
13 adhesive to the face of a touch screen device, with no non-adhesive portion, and such products
14 shall not be deemed to be within the scope of the '942 Patent or its equivalents; and

15 The Bond is dissolved and shall be returned to Aevoe.

16 DATED: July 3, 2012

DATED: 19th June, 2012

17 McDONALD CARANO WILSON LLP

INTELLECTUAL PROPERTY LAW
GROUP, LLP

18 By: 

By: 

19 JEFFREY A. SILVESTRI, ESQ. (#5779)
20 JOSEPHINE B. McPEAK, ESQ. (#7994)
21 2300 West Sahara Avenue, Suite 1000
22 Las Vegas, NV 89102
23 Telephone: (702) 873-4100
24 Facsimile: (702) 873-9966

OTTO LEE, ESQ. (*pro hac vice*)
California Bar No. 173987
KEVIN VIAU, ESQ. (*pro hac vice*)
12 South First Street, 12th Floor
San Jose, CA 95113-2427
Telephone: (408) 286-8933
Facsimile: (408) 286-8932

25 WINSTON & STRAWN LLP
26 DAVID S. BLOCH (*pro hac vice*)
27 JENNIFER A. GOLINVEAUX (*pro hac*
28 *vice*)
K. JOON OH (*pro hac vice*)
ELISABETH A. DERBY (*pro hac vice*)
101 California Street
San Francisco, CA 94111-5894
Telephone: (415) 591-1000
Facsimile: (415) 591-1400

*Attorneys for Defendant Shenzhen
Membrane Precise Electron, Ltd.*

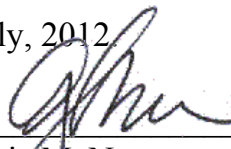
Attorneys for Plaintiff AEVOE CORP.

MCDONALD • CARANO • WILSON LLP
2300 WEST SAHARA AVENUE, SUITE 1000 • LAS VEGAS, NEVADA
PHONE (702) 873-4100 • FAX (702) 873-9966

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

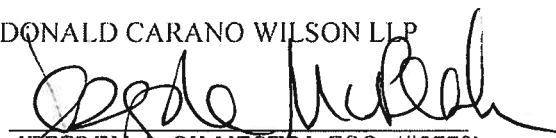
IT IS SO ORDERED this 3rd day of July, 2012



Gloria M. Navarro
United States District Judge

Submitted by:

MCDONALD CARANO WILSON LLP

By: 

JEFFREY A. SILVESTRI, ESQ. (#5779)
JOSEPHINE BINETTI McPEAK, ESQ. (#7994)
MCDONALD CARANO WILSON LLP
2300 West Sahara Avenue, Suite 1000
Las Vegas, NV 89102
Telephone: (702) 873-4100
Facsimile: (702) 873-9966
Email: jsilvestri@mcdonaldcarano.com
jmcppeak@mcdonaldcarano.com

DAVID S. BLOCH (appearing *pro hac vice*)
JENNIFER A. GOLINVEAUX (appearing *pro hac vice*)
K. JOON OH (appearing *pro hac vice*)
ELISABETH A. DERBY (appearing *pro hac vice*)
WINSTON & STRAWN LLP

Attorneys for Plaintiff AEVOE CORP.

LVDOCS-#254424-v1