

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HYPERTHERM, INC.,)
)
Plaintiff,)
vs.)
)
PROFILE CUTTING TECHNOLOGIES)
LTD., et al.,)
)
Defendants.)
)

Case No.: 2:12-cv-01952-GMN-VCF

**ORDER ACCEPTING REPORT &
RECOMMENDATION OF MAGISTRATE
JUDGE FERENBACH**

Before the Court for consideration is the Report and Recommendation (ECF No. 21) of the Honorable Cam Ferenbach, United States Magistrate Judge, entered December 17, 2013.

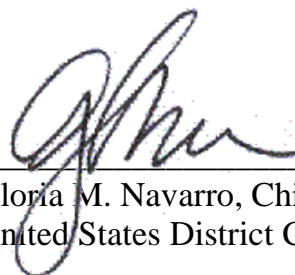
Pursuant to Local Rule IB 3-2(a), objections were due by January 3, 2014. No objections have been filed. In accordance with 28 U.S.C. § 636(b)(1) and Local Rule IB 1-4, the Court has reviewed the record in this case and has determined that Magistrate Judge Ferenbach's Recommendation should be **ACCEPTED** and **ADOPTED** to the extent that it is not inconsistent with this Order.

IT IS THEREFORE ORDERED that the permanent injunction and attorneys' fees are **GRANTED** as set forth in Exhibit 1 attached hereto.

IT IS FURTHER ORDERED that Plaintiff's Motion for Default Judgment is **GRANTED** consistent with this Order.

The Clerk shall enter judgment accordingly.

DATED this 13th day of January, 2014.



Gloria M. Navarro, Chief Judge
United States District Court

Exhibit 1

Exhibit 1

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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

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8 HYPERTHERM, INC.,

9 Plaintiff,

10 vs.

11 PROFILE CUTTING TECHNOLOGIES LTD., *et*
12 *al.*,

13 Defendants.

2:12-cv-01952-GMN-VCF

DEFAULT FINAL JUDGMENT AND
PERMANENT INJUNCTION ORDER

14 This action having been commenced by Plaintiff Hypertherm, Inc. ("Hypertherm") against
15 Defendants WestingCut Industrial Technology (Anhui) Inc., WestingCut Electric (Shanghai) Inc., and
16 WestingCut Industrial Technology (Shanghai) Inc. (collectively, the "Defendants") for patent
17 infringement pursuant to 35 U.S.C. § 271 for the reason that Defendants are making, selling, offering to
18 sell, or using products infringing U.S. Patent Nos. 6,946,617; 8,115,136; 8,212,173; 7,829,816; and
19 6,207,923 (collectively, the "Hypertherm Asserted Patents"), which are owned and controlled by
20 Hypertherm; and

21 Defendants having been properly served through personal delivery of the Summons in a
22 Civil Action, Civil Cover Sheet and Complaint upon an authorized agent of Defendants; and

23 None of the Defendants having filed a response to the Complaint or otherwise appeared in
24 this action; and

25 The Clerk of the Court having entered a default against each Defendant on May 16, 2013;

1 and

2 Hypertherm having moved for final default judgment under Fed. R. Civ. P. 55(b) and Hypertherm

3 having shown, inter alia, the following:

4 1. Hypertherm owns all rights, title and interest in and to the Hypertherm Asserted
5 Patents; and

6 2. Defendants are making, selling, offering to sell, or using products infringing the
7 Hypertherm Asserted Patents in the United States, including this Judicial District; and so the Court:

8 HEREBY FINDS that each Defendant is liable for patent infringement and this Default Final
9 Judgment and Permanent Injunction Order is entered against each Defendant.

10 THEREFORE, IT IS HEREBY ORDERED that Defendants, their predecessors,
11 successors, assigns, executors, administrators, and its past, present and future officers, directors,
12 employees, parents, subsidiaries, divisions, affiliates, partners, attorneys, representatives,
13 shareholders, trustees, agents, advisors and any persons in active concert or participation with
14 them are permanently enjoined and restrained from:
15

- 16 (i) making, selling, offering to sell, or using non-genuine
17 versions of original Hypertherm parts that are covered
18 by the Hypertherm Asserted Patents; and
- 19 (ii) selling or offering to sell such non-genuine versions
20 of original Hypertherm parts that are covered by the
21 Hypertherm Asserted Patents by any means, including
22 at tradeshows and/or using online (internet) resources
23 and services; or
- 24 (iii) using the "Made in U.S.A." designation on labels for
25 non-genuine parts that correspond to original
Hypertherm parts that are covered by the Hypertherm
Asserted Patents.

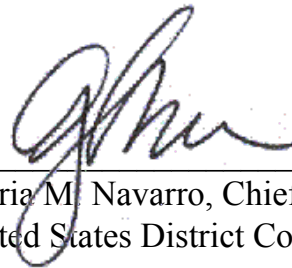
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pursuant to 35 U.S.C.

1 § 285, Plaintiff is awarded reasonable attorney's fees, subject to plaintiff's timely compliance with
2 Fed.R.Civ. P. 54(d) and Local Rules 54-16.

3 IT IS FINALL Y ORDERED that this Court shall retain jurisdiction over the parties and
4 the subject matter of this litigation for the purposes of interpretation and enforcement of this
5 Default Final Judgment and Permanent Injunction Order.

6 IT IS SO ORDERED.

7 **DATED** this 13th day of January, 2014.

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12 Gloria M. Navarro, Chief Judge
13 United States District Court
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