

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

POLYZEN, INC.,)
)
Plaintiff,)
)
V.)
)
RADIADYNE, LLC,)
)
Defendant.)

JUDGMENT IN A CIVIL CASE
CASE NO. 5:11-CV-662-D

Decision by Court and Jury.

IT IS ORDERED, ADJUDGED, AND DECREED that the court GRANTS IN PART and DENIES IN PART RadiaDyne's motion for partial summary judgment on Polyzen's trade secret misappropriation claim [D.E. 108]. Polyzen's claim for misappropriation of trade secrets with respect to the information contained in Note 1 of DIE 279 survives. The court DENIES RadiaDyne's motion [D.E. 248] and supplemental motion [D.E. 268] for summary judgment concerning Polyzen's patent-infringement claim, DENIES Polyzen's cross-motion for summary judgment on all ownership issues [D.E. 255], but DISMISSES without prejudice Polyzen' s patent-infringement claim for lack of subject-matter jurisdiction.

IT IS FURTHER ORDERED that the jury unanimously finds that RadiaDyne did breach a contract with Polyzen. Polyzen is entitled to recover \$1.00 from RadiaDyne for breach of contract. Polyzen did breach a contract with RadiaDyne. RadiaDyne is entitled to recover \$1.00 from Polyzen for breach of contract. Note 1 of Page 4 of Exhibit PX103 was not a trade secret of Polyzen's. Polyzen did convert RadiaDyne's tooling used to make balloons. RadiaDyne is entitled to recover \$8,400.00 from Polyzen for conversion of the property of RadiaDyne. Polyzen did trespass upon RadiaDyne's tooling used to make balloons. RadiaDyne is entitled to recover \$8,400.00 from Polyzen for trespass upon RadiaDyne's tooling used to make balloons. Polyzen did not commit fraud. Polyzen did compete unfairly with RadiaDyne and RadiaDyne was damaged by Polyzen's unfair competition. RadiaDyne is entitled to recover \$1.00 from Polyzen for unfair competition.

This Judgment Filed and Entered on April 21, 2017, and Copies To:

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DATE:

PETER A. MOORE, JR., CLERK

April 21, 2017

(By) /s/ Nicole Briggeman

Deputy Clerk