

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

RONALD CARTER et al.,
Plaintiffs,

v.

EMMANUEL OZOENEH,
Defendant.

Civil Action No. 3:08cv614

CONSENT JUDGMENT

By consent of the parties, the Court hereby enters judgment for the Plaintiffs, Ronald Carter (“Carter”) and Revolutionary Concepts, Inc. (“RCI”), regarding Count I of the Amended Complaint and Count I of Ozoeneh’s counterclaims, relating to the inventorship of U.S. Patent No. 7,193,644 (“the ‘644 patent”). In support of the judgment, the Court makes the following:

STIPULATED FINDINGS OF FACT

1. Plaintiff Carter is an individual residing in Mecklenburg County, North Carolina, who is the sole named inventor on the face of the ‘644 patent.
2. Plaintiff RCI is a corporation organized and existing under the laws of the State of Nevada and is authorized to do business in North Carolina.

3. Defendant Ozoeneh is an individual residing in Mecklenburg County, North Carolina.
4. Both Carter and Ozoeneh were named as co-inventors on U.S. Provisional Patent Application Serial No. 60/418,384, filed October 15, 2002 (“the ‘384 application”).
5. The ‘384 application was used to establish a priority date for U.S. Patent Application Serial Number 10/682,185, filed October 9, 2003 (“the ‘185 application”), the patent application that eventually matured into the ‘644 patent.
6. Ozoeneh’s name does not appear on the ‘185 application or the ‘644 patent.
7. Carter and RCI initiated the above-captioned proceeding seeking a declaration of rights that Carter is the sole inventor of the invention described in the ‘644 patent.
8. Ozoeneh filed a counterclaim in the above-captioned proceeding under 35 U.S.C. § 256 proceeding seeking a correction of inventorship naming him as an inventor of the invention described in the ‘644 patent.
9. Carter, RCI, and Ozoeneh have each consented to the entry of judgment in this matter in favor of Carter and RCI against Ozoeneh on the issue of inventorship. The parties have waived their respective rights to the trial and/or appeal of this matter.

Based upon the foregoing Stipulated Findings of Fact, the Court makes the following:

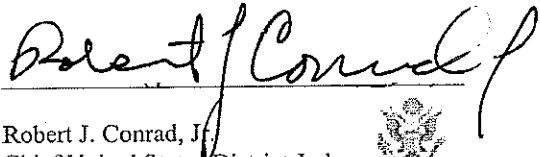

CONCLUSIONS OF LAW

1. This Court has personal jurisdiction over the parties in this case, and venue is proper herein.
2. This Court has jurisdiction over the subject matter of this case under 28 U.S.C. § 1338 because the action is founded upon an act of Congress relating to patents.
3. There was and is an actual controversy between the Plaintiffs and Ozoeneh concerning the inventorship of the '644 patent, and as such this Court has the authority to hear this matter under 28 U.S.C. § 2201 and to grant the relief requested under 28 U.S.C. §§ 2201 and 2202.
4. Carter is the sole inventor of the invention described in the '644 patent.
5. Ozoeneh is not an inventor or co-inventor of the invention described in the '644 patent.

Accordingly, in view of the foregoing, it is hereby ORDERED, DECREED, and ADJUDGED as follows:

- A. Ronald Carter is hereby declared to be the sole inventor of the subject matter of U.S. Patent No. 7,193,644 and the inventorship as described on the face of U.S. Patent No. 7,193,644 is declared to be correct as issued; and
- B. Ozoeneh is not an inventor of the subject matter of U.S. Patent No. 7,193,644 and is not entitled to a correction of inventorship pursuant to 35 U.S.C. § 256.

By agreement of the parties, each party shall bear its own costs relating to this action.


Robert J. Conrad, Jr.
Chief United States District Judge 

CONSENT TO ENTRY OF JUDGMENT

I, Ronald E. Carter, hereby consent to the entry of judgment in this action in the form specified on the foregoing pages.

1-5-2011 ^(RL)
Date

Ronald E. Carter
Ronald E. Carter

STATE OF NORTH CAROLINA }
 }
MECKLENBURG COUNTY }

NOTARIZATION

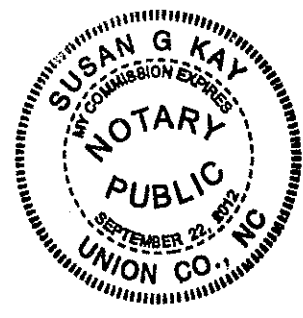
On the date indicated below, Ronald E. Carter personally appeared before me and executed the foregoing instrument, acknowledging that he executed the same as his free act and deed.

Susan G Kay
Notary Public

Susan G Kay
Printed Name

1-5-2011
Date

My Commission Expires: 09-22-2012



CONSENT TO ENTRY OF JUDGMENT

On behalf of Revolutionary Concepts, Inc., I hereby consent to the entry of judgment in this action in the form specified on the foregoing pages.

REVOLUTIONARY CONCEPTS, INC.

1-5-2011 ^(rc)
Date

By: [Signature]
Ronald E. Carter
Its President

STATE OF NORTH CAROLINA }
MECKLENBURG COUNTY }

NOTARIZATION

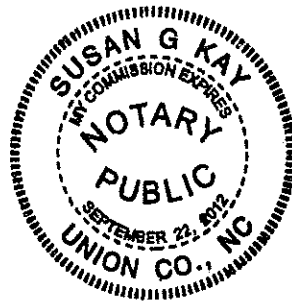
On the date indicated below, Ronald E. Carter personally appeared before me and executed the foregoing instrument, acknowledging that he executed the same as the authority and intent to bind Revolutionary Concepts, Inc. thereto.

Susan G Kay
Notary Public

Susan G Kay
Printed Name

1-5-2011
Date

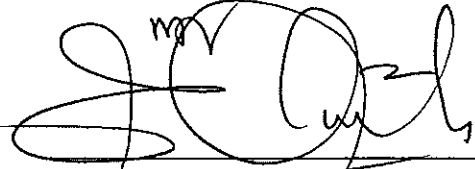
My Commission Expires: 09-22-2012



CONSENT TO ENTRY OF JUDGMENT

I, Emmanuel Ozoeneh, hereby consent to the entry of judgment in this action in the form specified on the foregoing pages.

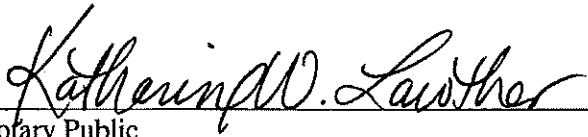
12-21-2010
Date


Emmanuel Ozoeneh

STATE OF NORTH CAROLINA }
COUNTY OF Mecklenburg }

NOTARIZATION

On the date indicated below, Emmanuel Ozoeneh personally appeared before me and executed the foregoing instrument, acknowledging that he executed the same as his free act and deed.


Notary Public

Katharine W. Lawther
Printed Name

12/21/2010
Date

My Commission Expires: 11/09/2013

Katharine W. Lawther
Notary Public
Mecklenburg County, North Carolina
My Comm. Expires 11/09/2013