

# APPENDIX

1 Michael A. Nicodema (*pro hac vice*)  
2 Barry J. Schindler (*pro hac vice*)  
3 Gregory A. Brehm (*pro hac vice*)  
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6 New York, NY 10166  
7 Telephone (212) 801-9200  
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ENTERED  
CLERK, U.S. DISTRICT COURT  
MAR 22 2005  
CENTRAL DISTRICT OF CALIFORNIA  
DEPUTY

FILED  
CLERK, U.S. DISTRICT COURT  
MAR 18 2005  
CENTRAL DISTRICT OF CALIFORNIA  
DEPUTY  
ant JS-6  
SCANNED  
end

9 Jon E. Hokanson (State Bar No. 118829)  
10 Ako S. Williams (State Bar No. 212451)  
11 COUDERT BROTHERS LLP  
12 333 South Hope Street, 23<sup>rd</sup> Floor  
13 Los Angeles, CA 90071  
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16 Attorneys for Defendants/Counterclaimants  
17 *Aspex Eyewear, Inc., and Nonu Ifergan*

ORIGINAL

2005 MAR 11 PM 3:40  
DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

18 UNITED STATES DISTRICT COURT  
19 CENTRAL DISTRICT OF CALIFORNIA

20 REVOLUTION EYEWEAR, INC.,  
21 a California Corporation,

Case No. CV 03-5965 FMC

22 Plaintiff,

23 v.

24 ASPEX EYEWEAR, INC., a Delaware  
25 Corporation, and NONU IFERGAN, an  
26 individual,

27 Defendants.

28 ASPEX EYEWEAR, INC., a Delaware  
Corporation and NONU IFERGAN, an  
individual,

~~REDACTED~~ JUDGMENT

Counterclaim-Plaintiffs,

Courtroom: 750  
Judge: Hon. Florence M. Cooper

v.

REVISION EYEWEAR, INC., a  
California Corporation, and GARY  
MARTIN ZELMAN, an individual,

Counterclaim-Defendants.

102

1 WHEREAS, plaintiff Revolution Eyewear, Inc. ("Revolution"), duly served a  
2 Complaint upon defendants Aspex Eyewear, Inc. ("Aspex") and Nonu Ifergan  
3 ("Ifergan") alleging infringement of U.S. Patent No. 6,550,913 (the "'913 patent");  
4 and

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5 WHEREAS, Aspex and Ifergan duly served and brought Counterclaims  
6 against Revolution and Gary Martin Zelman ("Zelman") for declaratory judgments  
7 of invalidity, unenforceability, and noninfringement of the '913 Patent; and

8 WHEREAS, this matter came before the Court on motion brought by  
9 Defendants/Counterclaimants (the "Motion") for an order granting partial summary  
10 judgment that claims 1-6 of the '913 patent are invalid under 35 U.S.C. §§102(a)  
11 and (b); and

12 WHEREAS, based upon the Motion, the opposition thereto, the reply and the  
13 pleadings on file in the present action, and on proof being made to the satisfaction of  
14 the Court, the Court granted the Motion in an Order entered on March 7, 2005,

15 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** as follows:

16 1. With respect to the sole cause of action brought by Revolution for  
17 infringement of the '913 Patent, Judgment is entered in favor of Aspex and Ifergan  
18 and against Revolution.

19 2. With respect to Aspex's Counterclaim for Declaratory Judgment of  
20 Invalidity of the '913 Patent, Judgment is entered in favor of Aspex and against  
21 Revolution and Zelman.

22 3. With respect to Aspex's Counterclaims for Declaratory Judgment of  
23 Unenforceability of the '913 Patent and Declaratory Judgment of Non-Infringement  
24 of the '913 Patent, those causes of action are dismissed without prejudice as moot  
25 because of the finding of Invalidity.

26 4. Claims 1-6 of U.S. Patent No. 6,550,913 are invalid under 35 U.S.C. §§  
27 102(a) and 102(b).

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5. Plaintiff's claim against Aspex and Ifergan is hereby dismissed with prejudice.

Dated: Mar. 18, 2005

*Florence M. Cooper*  
The Honorable FLORENCE M. COOPER  
United States District Court Judge

RECORDED

Submitted by:

**GREENBERG TRAUIG, LLP**  
**COUDERT BROTHERS LLP**

By: *Ako S. Williams*  
Ako S. Williams  
Attorneys for Defendants/Counterclaimants  
Aspex Eyewear, Inc., and Nonu Ifergan

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**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

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I am employed in the County of Los Angeles, State of California, I am over the age of 18 and not a party to the within action; my business address is 333 South Hope Street, 23<sup>rd</sup> Floor, Los Angeles, California 90071.

On March 11, 2005, I served the foregoing document(s) described as

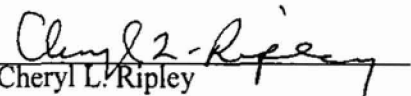
**[PROPOSED] JUDGMENT**

on the interested parties in this action, at the addresses listed below, as follows:

R. Joseph Trojan, Esq.	Counsel for Revolution Eyewear, Inc.
Joyce E. Crucillo, Esq.	and Gary Martin Zelman
Roy A. Kim, Esq.	
Dylan C. Dang, Esq.	
Trojan Law Offices	
9250 Wilshire Boulevard, Suite 325	
Beverly Hills, CA 90212	
Facsimile: 310-777-8348	

- ( ) *(For Collection)*. By placing a true copy(ies) thereof enclosed in a sealed envelope(s), addressed as above, and by placing said sealed envelope(s) for collection and mailing on that date following ordinary business practices. I am "readily familiar" with the business practice for collection and processing of correspondence for mailing by the U.S. Postal Service. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business.
- ( ) *(Overnight Delivery)*. By placing a true copy(ies) thereof enclosed in a sealed envelope(s) or package(s) as designated by Federal Express, addressed as above, and depositing said envelope(s) or package(s), with delivery fees provided for, in a box regularly maintained by Federal Express at 330 South Hope Street, Wells Fargo Center, Los Angeles, California 90071.
- ( ) *(Courtesy Copy Via Facsimile)*. By transmitting a true copy(ies) thereof to each of the designated counsel on the service list to their facsimile numbers as listed above.
- (X) *(Personal Delivery)*. I caused to be served by messenger for personal delivery that same day the foregoing documents in a sealed envelope to the above persons at the address(es) listed above.
- (X) *(Federal)* I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on March 11, 2005, at Los Angeles, California.

  
Cheryl L. Ripley