

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

FILED

2007 AUG 22 PM 4:24

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY CP DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

ALLTECH, INC., a Kentucky corporation,
Plaintiff,

v.

CENZONE TECH, INC., a California
corporation, Jung Fu Wu, an individual,
Defendants.

AND RELATED COUNTERCLAIMS

Civil Action No.
06CV 0153 JM (RBBx)

**ORDER GRANTING INJUNCTION AND
DISMISSAL**

The Honorable Jeffrey T. Miller

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

The Court, having considered the Injunction and Dismissal:

The following is hereby ORDERED, ADJUDGED and DECREED:

1. This Court has jurisdiction over the parties hereto and the subject matter of this action.

2. Alltech is the owner of U.S. Patent No. 6,045,834 entitled "Compositions and Methods of Removal of Mycotoxins from Animal Feed" ("the '834 patent").

3. Cenzone and Wu, their officers, servants, agents, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Injunction (collectively "Enjoined Parties") are hereby enjoined for the term of the '834 patent from infringing any claim of the patent by making, using, selling, offering to sell, or importing into the United States the Enjoined Microbond Product that contains (a) modified yeast cell wall extract from *Saccharomyces cerevisiae* yeast and (b) mineral clay (clinoptilolite), as described in this Court's Summary Judgment Orders dated July 26, 2007, and any other feed additive that includes modified yeast cell wall extract and mineral clay and that is no more than colorably different from the Enjoined Microbond Product with regard to any one or more of the claims of the patent.

4. The Enjoined Parties are further enjoined from inducing others to infringe any claim of the '834 patent for the term of said patent.


5. In accordance with the Settlement Agreement between the parties and Federal Rule of Civil Procedure 41 it is hereby stipulated and agreed that the remaining claims and counterclaims herein are dismissed with prejudice.

6. This Court retains jurisdiction to monitor and enforce compliance with this injunction and to enforce compliance with the Settlement Agreement.

7. Each party shall bear its own costs and attorneys' fees incurred herein.

IT IS SO ORDERED.

Dated: 8/21/07



Honorable Jeffrey T. Miller
District Court Judge
United States District Court for the Southern District
of California