

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MOBIUS MEDICAL SYSTEMS, LP

PLAINTIFF,

V.

SUN NUCLEAR CORPORATION

DEFENDANT.

§
§
§
§
§
§
§
§

C.A. NO. 4:13-CV-03182

ORDER OF PERMANENT INJUNCTION

It is hereby **ORDERED** that

1. Sun Nuclear is permanently enjoined from promoting, marketing, advertising, selling, and offering for sale any TG-142 QA software product having the trade name ImagePro or a confusingly similar name.

2. Sun Nuclear is permanently enjoined from promoting, marketing, advertising, selling, and offering for sale any TG-142 QA product in which the algorithms and formulas for performing TG-142 QA functions are derived from information provided in DoseLab user manual Versions 5.0 through 6.5, DoseLab software Versions 5.0 through 6.5, or any reference images, sample images, or example files accompanying DoseLab Versions 5.0 through 6.5. For the avoidance of doubt, Sun Nuclear is not enjoined from promoting, marketing, advertising, selling, or offering for sale any TG-142 QA product in which the algorithms and formulas for performing TG-142 QA functions are derived from (a) sources other than the DoseLab user manual Versions 5.0 through 6.5, DoseLab software Versions 5.0 through 6.5, or any reference images, sample images, or example files accompanying DoseLab Versions 5.0 through 6.5, (b)

information in the public domain through no wrongful act of Sun Nuclear, or (c) information received by Sun Nuclear from a third party who was free to disclose it.

3. Sun Nuclear is permanently enjoined from promoting, marketing, advertising, selling, and offering for sale any TG-142 QA product that has an outward appearance that is confusingly similar to the outward appearance of Mobius Medical's DoseLab product, as such product exists as of September 23, 2014, such that a person to whom such products are customarily marketed or who are customary users of such products would believe that the products were identical or originate from the same source.

SIGNED this 2nd day of December, 2014.


UNITED STATES DISTRICT JUDGE
HON. MELINDA HARMON

Nanci Mohr

From: DCECF_LiveDB@txs.uscourts.gov
Sent: Tuesday, December 02, 2014 4:35 PM
To: DC_Notices@txs.uscourts.gov
Subject: Activity in Case 4:13-cv-03182 Mobious Medical Systems, LP v. Sun Nuclear Corporation Permanent Injunction

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

SOUTHERN DISTRICT OF TEXAS

Notice of Electronic Filing

The following transaction was entered on 12/2/2014 at 4:35 PM CST and filed on 12/2/2014

Case Name: Mobious Medical Systems, LP v. Sun Nuclear Corporation

Case Number: [4:13-cv-03182](#)

Filer:

WARNING: CASE CLOSED on 12/02/2014

Document Number: [66](#)

Docket Text:

ORDER OF PERMANENT INJUNCTION (Signed by Judge Melinda Harmon) Parties notified.(rhawkins, 4)

4:13-cv-03182 Notice has been electronically mailed to:

Brian R Gilchrist bgilchrist@addmg.com

Chanler Ashton Langham clangham@susmangodfrey.com, nmohr@susmangodfrey.com

Christopher David Bertini cbertini@bertinilaw.com, cdbertini@hotmail.com

Jeffrey S. Boyles jboyles@addmg.com, odsierra@addmg.com, shotz@addmg.com

John Pierre Lahad jlahad@susmangodfrey.com, klok@susmangodfrey.com

Roger J Fulghum roger.fulghum@bakerbotts.com, carol.andrews@bakerbotts.com,
deborah.saucier@bakerbotts.com, susan.bigler@bakerbotts.com

4:13-cv-03182 Notice has not been electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1045387613 [Date=12/2/2014] [FileNumber=20584116-0] [0b286f8fc5f50b4e20b51d73b8b86cc8b23d94ad6fd2d77902b70fa5b65b822931537523437123e70e07e9335db61f4b87eee58016bb6fdf000656ea0cd5183a]]