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Attorney for Defendants
BRIGHT PHARMA CAPS, INC., JC BRIGHT M LTD.,
JC BIO-TECH CO LTD., and KARL CAO

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

**CAPSUGEL BELGIUM NV and
CAPSUGEL US, LLC,**

Plaintiffs,

v.

**BRIGHT PHARMA CAPS, INC., JC
BRIGHT M LTD., JC BIO-TECH CO
LTD., and KARL CAO,**

Defendants.

Civil Case No.: 3:15-cv-0321-PK

**STIPULATED INJUNCTION AND
CONSENT JUDGMENT**

1. **Injunction.** Effective April 1, 2016, Defendants and each of their subsidiaries, members, successors, parents, affiliates, officers, directors, agents, servants, employees and all persons in active concert or participation with any of them (“enjoined parties”)

- a. are enjoined from further direct or indirect infringement of U.S. Patent Nos. 6,887,307 and 7,267,718 by any products or compositions within the scope of any of the patent claims;
- b. as to any pullulan-based capsules made according to any formula used by Defendants to date, including any formula that is not materially different than a formula used to date for any capsules, whether certified organic or not, sold as “Bright-Poly,” “Bright Poly,” “Poly-Cap,” or “Polycaps” (hereinafter “pullulan capsules”), none of the enjoined parties shall
 - i. make, use, sell, offer for sale, ship or otherwise provide in the U.S., or import into the U.S., any pullulan capsules, or
 - ii. induce or assist anyone else to make, use, sell, or offer for sale in the U.S., or import into the U.S., any pullulan capsules.

2. **Invalidity or unenforceability no defense to injunction.** Invalidity or unenforceability may not be asserted as a defense in any action or proceeding to enforce this injunction.

3. **Term.** This injunction shall be in effect until U.S. Patent Nos. 6,887,307 and 7,267,718 both expire, permanently lapse, or all claims are adjudicated to be invalid in a final, non-appealable decision of a United States Court or the United States Patent and Trademark Office. For clarity, U.S. Patent Nos. 6,887,307 and 7,267,718 expire on November 27, 2020, unless allowed to lapse or are invalidated earlier.

4. **Consent to jurisdiction, venue and service methods.** Defendants and each of their subsidiaries, members, successors, parents, affiliates, officers, and directors consent to jurisdiction and venue in the District of Oregon and service (by mail and email to addresses provided in the Parties' settlement agreement) for any action or proceeding to enforce this injunction or the parties' settlement agreement or for infringement of U.S. Patent No. 6,887,307 or 7,267,718.

5. **Court retains jurisdiction.** The Court expressly retains jurisdiction to enforce the injunction, terms and orders herein.

6. **Dismissal of litigation.** All pending claims and counterclaims are dismissed as follows:

- a. The false advertising and unfair competition claims (Counts I-II in the First Amended Complaint) are hereby dismissed with prejudice;
- b. Any and all Counterclaims asserted by any of the Defendants are hereby dismissed with prejudice; and
- c. Patent infringement claims (Counts III-VI in the First Amended Complaint), up to and including March 31, 2016, are hereby dismissed with prejudice.

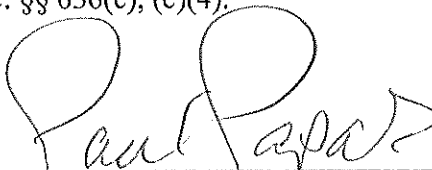
7. All Parties shall bear their own attorney fees, expenses and costs incurred to date.

8. The Parties, by and through their undersigned counsel, consented to entry of the foregoing stipulated injunction and orders and to the jurisdiction of the undersigned United States Magistrate Judge, including under 28 U.S.C. §§ 636(c), (e)(4).

So Ordered, Adjudged and Decreed.

DATED 1/29/16

By:



The Honorable Paul Papak
United States Magistrate Judge

So agreed.

DATED January 29, 2016

Respectfully submitted,

By: s/ Scott E. Davis

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