

10-9-98

## ASSIGNMENT

10-14-1998



SHEET Patents Only

To the Honorable Commissioner of Patents and

100848925

October 7, 1998

Attorney Dkt: 5175-91

Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Edward G. Bounds, Jr.

## 2. Name and address of receiving party(ies):

Embrex, Inc.  
1035 Swabia Court  
P.O. Box 13989  
Research Triangle Park, NC 27709

Additional name(s) of conveying party(ies) attached? Yes ☒ No

## 3. Nature of conveyance:

☐ Assignment  
☐ Merger  
☐ Security Agreement  
☐ Change of Name  
☒ Other: JUDGMENT OF THE UNITED STATES  
DISTRICT COURT FOR THE EASTERN DISTRICT OF  
NORTH CAROLINA AGAINST EDWARD G. BOUNDS, JR.

Execution Date: July 30, 1998

10.09.98

## 4. U.S. Patent No. 5,107,794

U.S. Patent No. 5,247,903

PCT Application No. PCT/US98/01010; (Publication No. WO/98/31216)

Any U.S. Patent applications claiming priority from U.S. Patent Application No. 60/036,042

Additional numbers attached? Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

D. Randal Ayers  
Myers Bigel Sibley & Sajovec  
P. O. Box 37428  
Raleigh NC 27627

## 6. Total number of applications and patents involved: 4

7. Total fee (37 CFR 3.41) \$ 160.00  
☒ Enclosed  
☒ Authorized to be charged to deposit account

## 8. Deposit account number: 50-0220

DO NOT USE THIS SPACE

10/13/1998 JSHABAZZ 00000053 5107794

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160.00

## 9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

D. Randal Ayers, Reg.# 40,493

Name of Person Signing

Signature

10/7/98

Date

Total number of pages including cover sheet, attachments and document: 6

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

EXEMPLIFICATION CERTIFICATE

I, David W. Daniel, Clerk of this United States District Court, keeper of the records and seal, certify that the attached document:

**Judgment of July 30, 1998**

is a true copy of the record of this Court.

In testimony whereof I sign my name and affix the seal of this Court, in this District, at Raleigh, North Carolina on Friday, August 14, 1998.

David W. Daniel, Clerk

W. S. Cannon  
Deputy Clerk

W.S. Cannon

I, Wallace W. Dixon, a Judicial Officer of this Court, certify that David W. Daniel, named above, is and was on the date noted, Clerk of this Court, duly appointed and sworn, keeper of the records and seal, and that this certificate, and the attestation of the record, are in accordance with the laws of the United States.

8/14/98  
Date

Wallace W. Dixon  
Wallace W. Dixon  
U.S. Magistrate Judge

I, David W. Daniel, Clerk of this United States District Court, keeper of the seal, certify that the Honorable Wallace W. Dixon, United States Magistrate Judge, named above, is and was on the date noted, a Judicial Officer of this Court, duly appointed, sworn and qualified, and that I am well acquainted with the Judicial Officer's official signature and know and certify the above signature to be that of the Judicial Officer.

In testimony whereof I sign my name and affix the seal of this Court at Raleigh, North Carolina on Friday, August 14, 1998.

David W. Daniel, Clerk

W. S. Cannon  
Deputy Clerk

W.S. Cannon

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

**FILED**

EMBREX, INC.,

Plaintiff,

v.

SERVICE ENGINEERING CORP. and  
EDWARD G. BOUNDS, JR.

**JUL 30 1998**

DAVID W. DANIEL, CLERK  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA

**JUDGMENT**

No. 5:96-CV-824-BR(3)

**Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**IT IS ORDERED, ADJUDGED & DECREED** that plaintiff Embrex have and recover of defendants Service Engineering Corp. and Edward G. Bounds, Jr. the sum of \$500,000.00, plus total costs of litigation, including court costs, to be determined by the court by subsequent order.

**THIS JUDGMENT FILED AND ENTERED ON JULY 30, 1998 & COPIES TO:**

James Myers, Esq.  
Robert Glatz, Esq.  
Randall Ayers, Esq.  
Myers Bigel Sibley & Sajovec, LLP  
P. O. Box 37428  
Raleigh, NC 27627

Ted E. Corvette, Esq.  
Richard Evans, Esq.  
Moore & Van Allen  
P. O. Box 3843  
Durham, NC 27702-3843

July 30, 1998

DAVID W. DANIEL, CLERK

  
By: Deputy Clerk

Certify the foregoing to be a true and correct  
copy of the original.

David W. Daniel, Clerk  
United States District Court  
Eastern District of North Carolina

By:   
Deputy Clerk

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Original

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

FILED IN OPEN COURT  
ON 7/30/98 JS  
David W. Daniel, Clerk  
U. S. District Court  
Eastern District of N. C.

No. 5:96-CV-824-BR

EMBREX, INC,

Plaintiff,

v.

SECURITY ENGINEERING CORP. and  
EDWARD G. BOUNDS, JR.,

Defendants.

VERDICT

BR 08#12, p. 60

MEMBERS OF THE JURY:

1. Did Service Engineering Corporation (SEC) and Edward G. Bounds, Jr. (Bounds) breach the Settlement Agreement?

YES

2. If so, was defendants' breach in good faith?

NO

3. What amount, if any, is Embrex entitled to recover as damages due to defendants' breach?

\$ TOTAL COSTS OF LITIGATION INCLUDING COURT COSTS.

4. Did SEC and Bounds infringe any of the Claims of the '630 patent?

Claim 1 YES

Claim 2 YES

Claim 3 YES

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Claim 4	<u>YES</u>
Claim 5	<u>YES</u>
Claim 6	<u>YES</u>
Claim 7	<u>YES</u>
Claim 8	<u>YES</u>
Claim 9	<u>YES</u>
Claim 10	<u>YES</u>
Claim 11	<u>YES</u>
Claim 12	<u>YES</u>

5. Are the claims of the patent valid?

Claim 1	<u>YES</u>
Claim 2	<u>YES</u>
Claim 3	<u>YES</u>
Claim 4	<u>YES</u>
Claim 5	<u>YES</u>
Claim 6	<u>YES</u>
Claim 7	<u>YES</u>
Claim 8	<u>YES</u>
Claim 9	<u>YES</u>
Claim 10	<u>YES</u>
Claim 11	<u>YES</u>
Claim 12	<u>YES</u>

Claim 13 YES

6. Was the infringement willful?

YES

7. What amount of damages, if any, is Embrex entitled to recover because of defendants' infringement?

\$ 500,000.00

8. Did Embrex violate Section 43(a) of the Lanham Act?

NO

9. What amount of damages, if any, are defendants entitled to recover because of Embrex's conduct?

\$ - 0 -

July 30, 1998

Date

Warren B. Byler  
Foreperson

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I certify the foregoing to be true and correct  
copy of the original.

David W. Daniel, Clerk  
United States District Court  
Eastern District of North Carolina

By

[Signature]

Deputy Clerk

U.S. PATENT 5,107,794

U.S. PATENT 5,247,903

PCT APPLICATION NO. PCT/US98/01010; (PUBLICATION NO. WO/98/31216)

ANY U.S. PATENT APPLICATION CLAIMING PRIORITY FROM U.S. PATENT APPLICATION NO. 60/036,042.