

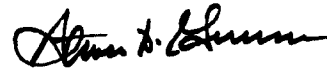
PATENT ASSIGNMENT COVER SHEET

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EPAS ID: PAT2622349

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	DECLARATORY JUDGMENT BY DEFAULT FROM CLARK COUNTY, NEVADA DISTRICT COURT
CONVEYING PARTY DATA	
Name	Execution Date
MIPOD NUCLEAR INC.	10/29/2013
RECEIVING PARTY DATA	
Name:	FRANCIS Y TSANG
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City:	LAS VEGAS
State/Country:	NEVADA
Postal Code:	89014
PROPERTY NUMBERS Total: 6	
Property Type	Number
Application Number:	12944694
Application Number:	12944634
Application Number:	61260585
Application Number:	61265383
PCT Number:	US1056573
Application Number:	61405605
CORRESPONDENCE DATA	
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ATTORNEY DOCKET NUMBER:	1136.0000
NAME OF SUBMITTER:	CONNIE R. MASTERS
Signature:	/Connie R. Masters/
Date:	11/20/2013
<p>Total Attachments: 5</p> <p>source=Certified copy of Declaratory Judgment by Default#page1.tif</p> <p>source=Certified copy of Declaratory Judgment by Default#page2.tif</p> <p>source=Certified copy of Declaratory Judgment by Default#page3.tif</p> <p>source=Certified copy of Declaratory Judgment by Default#page4.tif</p> <p>source=Certified copy of Declaratory Judgment by Default#page5.tif</p>	



CLERK OF THE COURT

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11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 FRANCIS Y. TSANG,

14 Plaintiff,

15 vs.

16 MIPOD NUCLEAR INC., a Nevada
17 Corporation,

18 Defendant.

CASE NO. A-13-682490-C

DEPT. NO. XXXI

19 **DECLARATORY JUDGMENT BY**
20 **DEFAULT**

21 This matter having come on to be heard for a prove-up hearing on the 29th day of
22 October, 2013 before the above-entitled Court; Plaintiff Francis Y. Tsang appearing with his
23 counsel, Frederic I. Berkley of the law firm of Sklar Williams PLLC and it appearing to the
24 Court that Defendant Mipod Nuclear Inc.'s Default was entered by the Clerk of the Court on
25 August 28, 2013, and the Court having considered the Affidavit in Support of Default Judgment
26 filed on September 12, 2013 and the Supplemental Affidavit of Francis Y. Tsang in Support of

1 Declaratory Judgment by Default filed on October 23, 2013 and having considered the testimony
2 of Francis Y. Tsang and good cause appearing therefore;

3 THIS COURT FINDS that it has jurisdiction to grant the relief prayed for in Plaintiff's
4 First Amended Complaint for Declaratory Judgment Under NRS 30.030 and this Court's
5 Declaration shall have the force and effect of a final judgment or decree;
6

7 THIS COURT MAKES THE FOLLOWING FURTHER FINDINGS OF FACT AND
8 CONCLUSIONS OF LAW:
9

10 1. Pursuant to a memorandum of understanding dated February 26, 2010 (the
11 "MOU"), Plaintiff contributed two United States provisional patent applications, namely, U.S.
12 Provisional Patent App No. 61/260,585 and U.S. Provisional Patent App. No. 61/265,383,
13 embodying technology for the on-demand production of medical isotopes from low-enriched and
14 non-enriched uranium (the "Technology"), to Defendant in exchange for promised consideration,
15 among other things, of \$3 million upon issuance of "final patents" or "transfer of the said
16 property in at least the amount of the total purchase price," with a down payment of \$930,000
17 upon Defendant's initial capitalization.

18 2. Also pursuant to the MOU, Defendant agreed to pay Plaintiff an annual salary of
19 \$240,000 plus a benefits package equivalent to what Plaintiff had at his full-time position in
20 2010 with the U.S. Department of Energy.

21 3. From March 2010 through December 2011, Defendant's business managers,
22 namely, Theodore L. King ("King") of TornadoCane Futures LLC of Cottonwood, Arizona and
23 Robert B. Knight ("Knight") of Calgary, Alberta, mismanaged Defendant and wasted the money
24 invested in Defendant, among other things, on personal expenses and/or defalcations, leaving
25 Defendant unable to pay Plaintiff for the Technology as agreed in the MOU.

26 4. In December 2011, King and Knight unilaterally resigned their positions with
27 Defendant without seeking to make restitution to Defendant or provision for its future
28 management or viability.

1 5. From August 2010 through December 2011, Plaintiff worked full-time for the
2 benefit of Defendant, performing the agreed-upon services to earn the salary Defendant agreed to
3 pay Plaintiff in the MOU.

4 6. Any moneys received by Plaintiff from Defendant, from the inception of
5 Defendant to date, amounting to approximately \$180,000, have only partly compensated Plaintiff
6 for the salary Defendant agreed to pay Plaintiff for his services.

7 7. Defendant has paid nothing to Plaintiff for Plaintiff's contribution of the
8 Technology to Defendant.

9 8. Defendant has also paid nothing to patent counsel to Defendant, namely,
10 Kilpatrick Townsend & Stockton LLP of Menlo Park, California, for its services in the
11 preparation and filing of patent applications around the world for the Technology.

12 9. The patent applications currently pending for the Technology, in Defendant's
13 name, are now faced with Office actions in the ordinary course, and other proceedings and costs,
14 such as annuities, that if not attended to and paid, will imminently result in the abandonment of
15 the applications and forfeiture of the Technology to the public domain.

16 10. Defendant has not paid anything to Plaintiff for the Technology, is not in a
17 position to pay Plaintiff anything for the Technology, and has no prospect of ever being in a
18 position to pay Plaintiff for the Technology, due to its bad faith mismanagement giving rise to
19 grounds for rescission by Plaintiff of his contribution of the Technology to Plaintiff, and
20 restoration of the Technology from Defendant to Plaintiff.

21 11. The form of the Technology is not the same as when Plaintiff first contributed it
22 to Defendant in February 2010, in that the provisional patent applications originally embodying
23 it have matured and ripened into non-provisional and foreign country applications based on those
24 original provisional patent applications. In the circumstances, the Court is empowered to and
25 does make restoration of the Technology in its current form, namely, of all U.S. and foreign
26 country patent applications for the Technology in Defendant's name. *See, e.g., Mackintosh v.*
27 *California Federal Savings & Loan Association*, 113 Nev. 393, 407, 935 P.2d 1154, 1163
28

1 (1997). Such restoration shall take specific effect through the order of declaratory judgment
2 provided hereinbelow.

3 THIS COURT HEREBY enters a Declaratory Judgment on behalf of Plaintiff, Francis Y.
4 Tsang, and declares that each and every one of the following patent filings are his and his alone,
5 and that Defendant Mipod Nuclear Inc., a Nevada corporation, and any one claiming under
6 Mipod, shall have no interest in said patent filings or their subject matter:
7

- 8 • U.S. Provisional Patent App No. 61/260,585
- 9 • U.S. Provisional Patent App. No. 61/265,383
- 10 • U.S. Provisional Patent App. No. 61/405,605
- 11 • U.S. Pat. App. No. 12/944,634 (published as Pub. No. US 2011/0280356 A1)
- 12 • U.S. Pat. App. No. 12/944,694 (published as Pub. No. US 2011/0286565 A1)
- 13 • App. No. PCT/US2010/056573 (filed with the World Intellectual Property
14 Organization and published as Pub. No. WO 2011/093938)
- 15 • App. No. 201080061626.3 (filed with the Patent Office of the People's Republic
16 of China and published as Pub. No. CN 102893339 A)
- 17 • App. No. 2784064 (filed with the Canadian Patent Office (publication pending))
- 18 • App. No. 10844923.2 (filed with the European Patent Office and published as
19 Pub. No. 2499645)
- 20 • App. No. 2012-539025 (filed with the Japan Patent Office (publication pending))

21 THIS COURT FURTHER DECLARES that Plaintiff Francis Y. Tsang is authorized,
22 acting in his own behalf and/or in the name of Mipod Nuclear Inc., a Nevada corporation, and
23 that each and every officer, member of the Board of Directors, and/or employee or agent of
24 Mipod, is authorized acting in the name of Mipod, to execute, deliver, attest to, record, and/or
25 certify such assignments (including, without limitation, any document filed or recorded with the
26 United States Patent and Trademark Office), and to do all things, as may be necessary or
27
28

1 beneficial to, or are otherwise in furtherance of giving effect to, the provisions of the preceding
2 paragraph.

3 Dated this 29 day of October, 2013.
4


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7 
DISTRICT COURT JUDGE

8 Prepared by:

9
10 By: 

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DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT

OCT 30 2013