UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

GENAL STRAP, INC. d/b/a VOGUESTRAP, Plaintiff, v.	CIVIL ACTION NO. 04-1691 (SJ)(MDG) ORDER ON CONSENT
IRIT DAR, ELI PINCHASSI DAR, ID STUDIOS, INC. and ID SOLUTIONS, LLC, Defendants.	
IRIT DAR, ELI PINCHASSI DAR, ID STUDIOS, INC. and ID SOLUTIONS, LLC,	
Counterclaim-Plaintiffs,	43. DECEMBER CAPIDE
GENAL STRAP, INC. d/b/a VOGUESTRAP, WAL-MART STORES, INC., RITE AID CORPORATION, LUXOTTICA GROUP S.P.A., SUNGLASS HUT INTERNATIONAL, LENSCRAFTERS, INC., MOUSSESHOP.COM, BARRON CONSULTING GROUP, LTD., TERRY D. ARANOFF and MILTON GERARD,	TIME A.M.
Counterclaim-Defendants.	

WHEREAS, Genal Strap, Inc. d/b/a Voguestrap ("Voguestrap") commenced an action against Irit Dar, Eli Pinchassi Dar, ID Studios Inc. and ID Solutions LLC ("Counterclaim Plaintiffs") on or about April 23, 2004 with the filing of a complaint in the United States District Court for the Eastern District of New York captioned <u>Genal Strap</u>, <u>Inc. v. Irit Dar et al.</u>, Civil Action No. 1:04-CV-01691 (the "Action") asserting, *inter alia*, non-infringement of patents;

WHEREAS, an Answer and Counterclaims and an Amended Answer and Counterclaims were filed by Counterclaim Plaintiffs against the Counterclaim Defendants named herein denying the material allegations of Voguestrap's claims and asserting, *inter alia*, patent and trademark related claims:

WHEREAS, Counterclaim Defendants have denied all of the material allegations of Counterclaim Plaintiffs' counterclaims:

WHEREAS, Voguestrap and a number of other Counterclaim Defendants filed a motion for partial summary judgment requesting, *inter alia*, that the Court issue an Order correcting the inventorship of U.S. Patent Nos. D426,380, D439,404 and 6,170,664 (collectively "the Patents");

WHEREAS, the entire Action, including all asserted claims, has been settled by a separate settlement agreement ("Settlement Agreement") on mutually agreeable terms, without any admissions as to liability or infringement, and to avoid further expense, inconvenience, and the distraction of litigation; and

WHEREAS, the undersigned parties, namely, Voguestrap, Counterclaim

Plaintiffs and Milton Gerard, further wish to enter into this Order on Consent, it is now hereby

ORDERED AND ADJUDGED, as follows:

1. The undersigned parties agree to change of the inventorship of the Patents pursuant to 35 U.S.C. § 256 and 37 C.F.R. § 1.324 (a) to add three previously unnamed persons, Martha Davis, Stuart Harvey Lee and Andrea Ruggiero, as co-inventors of U.S. Patent Nos. D439,404 and 6,170,664 Patents, and (b) to add

previously unnamed persons, Martha Davis and Andrea Ruggiero, as co-inventors of U.S. Patent No. D426,380.

- 2. Based on (a) the Declarations of Martha Davis, Stuart Harvey Lee and Andrea Ruggiero which were submitted in support of the motion for partial summary judgment to correct the inventorship of the Patents, and (b) the Statements of Non-Deceptive Intent of Martha Davis, Andrea Ruggiero and Stuart Harvey Lee, which are submitted herewith pursuant to 35 U.S.C. § 256 and 37 C.F.R. § 1.324(b)(1) and attached hereto as Exhibits A through C, the parties hereby acknowledge and agree that Martha Davis, Stuart Harvey Lee and Andrea Ruggiero each had no deceptive intent in not being named as a co-inventor in any of the Patents in which they are now being added as co-inventors.
- 3. Pursuant to a statement under 35 U.S.C. § 256 and 37 C.F.R. §1.324(b)(2), Counterclaim Plaintiff Irit Dar affirmatively states that she does not disagree with the addition of Martha Davis, Stuart Harvey Lee and Andrea Ruggiero as co-inventors in any of the Patents.
- 4. By virtue of the attached assignments, the parties acknowledge and agree that Voguestrap is the indisputable owner of all right title and interest to the Patents:
 - (a) Assignment from Able Design, Inc. to Voguestrap, dated April 22,2005, attached hereto as Exhibit D;
 - (b) Assignment from Martha Davis to Voguestrap, dated April 22, 2005, attached hereto as Exhibit E;
 - (c) Assignment from Stuart Harvey Lee and Andrea Ruggiero, dated July 18, 2006, attached hereto as Exhibit F; and

- (d) Assignment from Irit Dar, Eli Pinchassi Dar, ID Studios, Inc., ID Solutions LLC and Milton Gerard, dated August 30, 2006, attached hereto as Exhibit G.
- 5. Pursuant to a statement under 35 U.S.C. § 256 and 37 C.F.R. §1.324(b)(3), Counterclaim Defendant Voguestrap agrees and concurs with the change of inventorship, adding Martha Davis, Stuart Harvey Lee and Andrea Ruggiero as co-inventors of U.S. Patent Nos. D439,404 and 6,170,664 Patents, and adding Martha Davis and Andrea Ruggiero as co-inventors of U.S. Patent No. D426,380.
- 6. In view of the foregoing, and the parties' submissions in connection with motion for partial summary judgment to correct inventorship, the United States Patent and Trademark Office is hereby ordered to:
 - (a) Correct the inventorship of U.S. Patent Nos. D439,404 and 6,170,664 by adding Martha Davis, Stuart Harvey Lee and Andrea Ruggiero as co-inventors of these patents; and
 - (b) Correct the inventorship of U.S. Patent No. D426,380 by adding Martha Davis and Andrea Ruggiero as co-inventors of this patent; and a Certificate of Correction for each of said Patents is attached hereto as Exhibits H through J, respectively.
- 7. The Clerk of the Court shall transmit a copy of this Order on Consent, along with a separate copy of the Certificate of Correction for each of the Patents to the United States Patent and Trademark Office, Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.
 - 8. The Patents are valid, enforceable and are in full force and effect.

- 9. This Order on Consent shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, executors, legal representatives, successors and assigns.
- 10. The undersigned parties hereby agree that they, individually or collectively, shall be subject to the personal jurisdiction of the United States District Court for the Eastern District of New York for the purpose of entering into this Order on Consent, and further agree that the United States District Court for the Eastern District of New York shall have subject matter and personal jurisdiction to for the purpose of enforcing any provision and intent of this Order on Consent.
- 11. Each of the signatories warrant and represent that they have full authorization to enter into this Order on Consent on behalf of the respective parties named below.

I hereby agree to the form and entry of the above Order on Consent.

IRIT PAF

Name: Irit Dar

Date: August 30, 2006

GENAL STRAP, INC. d/b/a

VOGUESTRAP

Name: And process Title: Co-Pres

Date: August 30, 2006

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ELI PINCHASSI DAR

Name: Eli Pinchassi

Date: August 30, 2006

MILTON GERARD

Name: Millon Gerard Date: August 30, 2006

ID SOLUTIONS, LAC ID STUDIOS, ING Name: pees

Title: DISIGNER
Date: August 30, 2006

s/SJ

By:

pres. Title: Date: August 30, 2006

SO ORDERED on this 11th day of Supt. 2006:

HON. STERLING JOHNSON, JR., U.S.D.J.