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Attorneys for Plaintiff Boss Industries, Inc.

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U.S. DISTRICT COURT

2004 SEP 30 PM 1:52

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SEP 29 2004

U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

BOSS INDUSTRIES, INC. a Utah Corporation,  
Plaintiff,

v.

MOUNTAIN MACHINES PERFORMANCE,  
INC., a Washington Corporation; Steve Morton,  
and individual; Maria Morton, and individual;  
MOUNTAIN MACHINES CANADA, a Canadian  
Corporation; and Robin Reeb, and individual,  
Defendants.

CONSENT JUDGMENT AND  
PERMANENT INJUNCTION  
AGAINST DEFENDANTS  
MOUNTAIN MACHINES  
PERFORMANCE, INC., STEVE  
MORTON AND MARIA MORTON

Civil No. 2:04CV00217

Judge Dale A. Kimball

Entered on docket

9-30-04 by:

Blind  
Deputy Clerk

Plaintiff Boss Industries, Inc. (hereinafter "Plaintiff"), having filed its Complaint against Defendants Mountain Machines Performance, Inc., Steve Morton and Maria Morton (hereinafter collectively "the Washington Defendants"), and the Washington Defendants having stipulated and consented to the entry of this Consent Judgment And Permanent Injunction, to be binding on

the Washington Defendants, their agents, employees, and representatives and all persons in active concert or participation with the Washington Defendants who receive notice hereof:

NOW, THEREFORE, upon the consent of the parties,

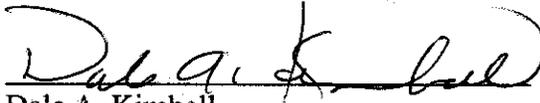
IT IS ORDERED, ADJUDGED and DECREED that final judgment in favor of Plaintiff and against the Washington Defendants be entered as follows:

1. This Court has jurisdiction of the subject matter of all counts of this action and over all the parties hereto.
2. The Plaintiff is the sole and exclusive licensee of all rights in United States Patent No. 5,944,380, United States Patent No. 6,086,149, United States Patent No. 6,386,630, and United States Patent No. 6,585,317 (hereinafter the "'380 Patent," "'149 Patent," "'630 Patent," and the "'317 Patent," respectively). The foregoing patents are valid, enforceable, and have been infringed by Mountain Machines Performance, Inc.
3. The Washington Defendants and their respective successors, assigns, affiliates, agents, servants, employees and representatives, and all persons, firms and corporations in active concert or participation with the Washington Defendants who receive actual notice hereof, are hereby permanently enjoined and restrained from directly or indirectly infringing the above-described patents in any manner, including making, using, selling, offering for sale, and/or importing into the United States any product or products that infringe the '380, '149, '630, or '317 Patents. However, if any court of competent jurisdiction shall determine that one or more of the above Patents, or any of the claims thereunder, are invalid or unenforceable, then from the date such determination becomes final and non-appealable, this injunction shall not apply to only to such Patents that are determined unenforceable or such claims as are determined to be invalid.

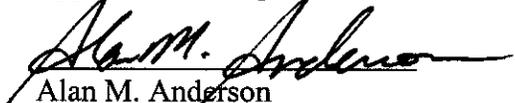
4. The Court shall retain jurisdiction to construe, enforce, or implement this Consent Judgment and Permanent Injunction or the Settlement Agreement between the Plaintiff and the Washington Defendants upon the application of any party.

5. In all other respect, the claims asserted against the Washington Defendants are dismissed with prejudice and without costs to any party.

DATED: September 29, 2004

  
Dale A. Kimball  
United States District Judge

Approved and Stipulated to:

  
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United States District Court  
for the  
District of Utah  
September 30, 2004

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-00217

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

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