

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

MAR 24 2010

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

NEUROVASIX, INC.,)
)
Plaintiff,)
)
vs.)
)
MICROVAS TECHNOLOGIES, INC.,)
KELLY WAYNE BUCHNER, a/k/a)
K. WAYNE BUCHNER, BIBBY)
FINANCIAL SERVICES, INC., DENNIS)
SEMLER, Tulsa County Treasurer, and)
THE TULSA COUNTY BOARD OF)
COUNTY COMMISSIONERS,)
)
Defendants.)

Case No. CJ 2006 07955

Judge Dana Kuehn

Consolidated with
Case No. CJ 2007 06717

**JUDGMENT ON CLAIM FOR PERMANENT INJUNCTION,
INCORPORATING FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

At the conclusion of the trial in this case that commenced on February 2, 2010, the Court took under advisement those claims and defenses that were not presented to the jury. By judgment entered November 17, 2009, all claims and defenses that had not previously been decided, with one exception, were decided by the Court's judgment, which incorporated findings of fact and conclusions of law. The one claim that remained for determination was the claim of Plaintiff, Neurovasix, Inc. ("Neurovasix"), for a permanent injunction, which claim is decided by this judgment. Upon consideration of the trial record in this case, the proposed findings of fact and conclusions of law submitted by the parties, the arguments of counsel and the Court's file, including briefs that the parties filed after the July 31, 2009 hearing in this case, and upon request made, pursuant to Okla. Stat. tit. 12, § 611, for findings of fact and conclusions of law, the Court makes the following findings of fact and conclusions of law:

1. Neurovasix's claim for a permanent injunction is based upon Section 4 of the

March 22, 2005 "Security Agreement" between the parties.

2. The language of Section 4 of that document (hereafter the "License") unambiguously granted to Neurovasix, as assignee of M² Trust, an exclusive, perpetual, royalty-free right and license to the intellectual property, which is the patent to the Microvas device or machine (the "Microvas Device"), and the exclusive right to make, have made, use, import, offer for sale, and sell any and all products and to practice the technology set forth in such intellectual property.

3. The patent is US Patent Number 6,745,078, Issue Date: June 1, 2004; Titled: Procedure and Machine for Electron-Inducing / Stimulating Deep Layered Muscle Contractions Using a Biphasic Faradic Pulse Sequence.

4. Defendant Microvas Technologies, Inc. ("MTI") has manufactured and sold the Microvas Device in violation of the terms of the License.

5. MTI is insolvent.

6. The nature and extent of any damages to Neurovasix arising from MTI's violation of the license would be speculative.

7. As a consequence of these facts, Neurovasix has suffered irreparable injury.

8. The remedies available to Neurovasix at law, such as monetary damages, are inadequate.

9. The balance of the hardships between Neurovasix and MTI warrant the granting of the permanent injunction.

10. The public interest would not be disserved by the issuance of a permanent injunction in this case.

IT IS THEREFORE ORDERED AND DECREED THAT:

1. Judgment is granted in favor of Plaintiff, Neurovasix, on its claim against MTI for permanent injunctive relief.

2. MTI is prohibited from making, having made, using, importing, offering for sale or selling the Microvas Device or any other product that includes or practices the technology that is set forth in the patents used in the Microvas Device, including, without limitation, the technology in US Patent Number 6,745,078, Issue Date: June 1, 2004; Titled: Procedure and Machine for Electron-Inducing / Stimulating Deep Layered Muscle Contractions Using a Biphasic Faradic Pulse Sequence.

3. This judgment is not a final judgment as recognized by 12 O.S. § 994.

Dated: ~~February~~ March 24, 2010

DANA LYNN KUEHN

**HONORABLE DANA LYNN KUEHN,
JUDGE OF THE DISTRICT COURT**

APPROVED AS TO FORM ONLY:

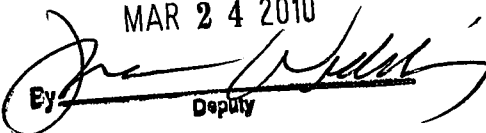
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**ATTORNEY FOR DEFENDANTS,
MICROVAS TECHNOLOGIES, INC.
AND KELLY WAYNE BUCHNER**

I, Sally Howe Smith, Court Clerk, for Tulsa County, Oklahoma,
hereby certify that the foregoing is a true, correct and full
copy of the instrument herewith set out as appears on record
in the Court Clerk's Office of Tulsa County, Oklahoma, this

MAR 24 2010
By  Deputy