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THE HONORABLE JAMES L. ROBART

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

CALIFORNIA EXPANDED METAL PRODUCTS COMPANY, a California corporation; and CLARKWESTERN DIETRICH BUILDING SYSTEMS LLC, dba CLARKDIETRICH BUILDING SYSTEMS, an Ohio limited liability company,

Plaintiffs,

v.

JAMES A. KLEIN, an individual; BLAZEFRAME INDUSTRIES, LTD., a Washington company; and SAFTI-SEAL, INC., a Washington company,

Defendants.

CASE NO. 2:18-cv-00659-JLR

**STIPULATED CONSENT JUDGMENT AND PERMANENT INJUNCTION**

The Honorable James L. Robart  
Courtroom 14106

2:18-cv-00659-JLR

STIPULATED CONSENT JUDGMENT AND PERMANENT INJUNCTION

**STIPULATION**

1  
2 WHEREAS, Plaintiffs California Expanded Metal Products Company  
3 (“CEMCO”) and Clarkwestern Dietrich Building Systems LLC, d.b.a. ClarkDietrich  
4 Building Systems (“ClarkDietrich”) (collectively, “Plaintiffs”), brought this action  
5 alleging patent infringement and breach of contract against Defendants James A.  
6 Klein (“Klein”), BlazeFrame Industries, Ltd. (“BlazeFrame Ind.”), and Safti-Seal,  
7 Inc.’s (“Safti-Seal”) (collectively, “Defendants”),

8 WHEREAS, Plaintiffs and Defendants have entered into a settlement  
9 agreement to resolve this action, and as part of that agreement, they stipulate and  
10 consent to judgment and a permanent injunction as set forth herein.

11 For the purposes of this Judgment and Permanent Injunction, the following  
12 definitions shall apply:

13 (i) “Asserted Patents” shall mean U.S. Patents No. 7,681,365 (“the ’365  
14 Patent”), No. 7,814,718 (“the ’718 Patent”), 8,136,314 (“the ’314  
15 Patent”), and No. 8,151,526 (“the ’526 Patent”)

16 (ii) “Accused Products” shall mean (1) Safti-Frame with an intumescent  
17 strip on the surface of a sidewall of a U-shaped track, and (2) Safti-Strip  
18 if applied to the outer surface of a sidewall of a U-shaped track.

19 Plaintiffs and Defendants, by and through their undersigned counsel, have  
20 therefore stipulated and agreed to the entry of Judgment and a Permanent Injunction  
21 against Defendants, all of their agents, servants, and employees, and all persons in  
22 active concert or participation or in privity with any of them in accordance with the  
23 following terms:

24 **CONSENT JUDGMENT**

25 Judgment is entered against Defendants and in favor of Plaintiffs on Plaintiffs’  
26 claims that the Accused Products infringe the Asserted Patents.  
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**PERMANENT INJUNCTION**

1  
2 1. Effective as of April 1, 2020, Defendants, any affiliated companies, and all  
3 of their officers, directors, agents, servants, employees, and such other persons who  
4 are in active concert or participation or in privity with any of them:

5 (a) Shall be permanently restrained and enjoined from infringing the  
6 Asserted Patents, by any means, directly or indirectly, by making, having made,  
7 advertising, having advertised, marketing, having marketed, offering for sale, having  
8 offered for sale, selling, or having offered for sale any Accused Product;

9 (b) Shall be permanently restrained and enjoined from infringing the  
10 Asserted Patents, by inducing others to make, have made, advertise, have advertised,  
11 market, have marketed, offer for sale, have offered for sale, sell, or have offered for  
12 sale any Accused Products;

13 (c) Shall be permanently restrained and enjoined from contributorily  
14 infringing the Asserted Patents by providing Accused Product to others or by  
15 assisting third parties in providing Accused Products to others; and,

16 (d) The restraints imposed by paragraphs 1(a) through (c) above shall  
17 automatically dissolve upon expiration of the last of the Asserted Patents.

18 2. Defendants irrevocably and fully waive notice of entry of the Judgment  
19 and Permanent Injunction, and notice and service of the entered Judgment and  
20 Permanent Injunction, and understand and agree that violation of the Judgment and  
21 Permanent Injunction will expose Defendant to all penalties provided by law,  
22 including contempt of Court.

23 3. Defendants consent to the continuing jurisdiction of the Court for  
24 purposes of enforcement of the Judgment and Permanent Injunction, and irrevocably  
25 and fully waive and relinquish any argument that venue or jurisdiction by this Court  
26 is improper or inconvenient. The Court shall maintain continuing jurisdiction over  
27 the parties for the purpose of enforcing the final Judgment and Permanent Injunction.  
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1           4. Defendants irrevocably and fully waive any and all right to appeal the  
2 Judgment and Permanent Injunction, to have it vacated or set aside, to seek or obtain  
3 a new trial thereon, or otherwise to attack in any way, directly or collaterally, its  
4 validity or enforceability.

5           5. Defendants acknowledge that they have read this Stipulation and  
6 Judgment and Permanent Injunction and have had it explained by counsel of their  
7 choosing, and fully understand it and agree to be bound thereby, and will not deny  
8 the truth or accuracy of any term or provision herein.

9           It is hereby stipulated by and between the parties to this action, through their  
10 counsel, that the Court enter this Consent Judgment and Permanent Injunction.

11           **SO STIPULATED.**

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16 Date: December 16, 2019

By: /s R. Joseph Trojan  
R. Joseph Trojan  
Attorneys for CEMCO

FROST BROWN TODD LLC

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22 Date: December 16, 2019

By: /s Ann G. Schoen  
Ann G. Schoen  
Attorneys for CLARKDIETRICH

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HOLLYSTONE LAW

Date: December 16, 2019

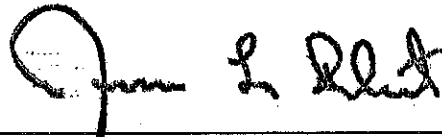
By: /s Patrick C. Bageant  
Patrick C. Bageant  
Attorneys for Defendants

**ORDER**

Good cause appearing, the Court hereby adopts and enters the Stipulated Consent Judgment and Permanent Injunction.

**IT IS SO ORDERED.**

Date: January 3rd, 20~~19~~  
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Hon. James L. Robart  
United States District Court Judge

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