

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COOPERVISION, INC.,

Plaintiff

v.

Case 1:06-cv-00239-SLR

CIBA VISION CORP.,

Defendant.

CIVIL ACTION NO. 06-239-SLR

Document 94

Filed 11/20/2007

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**STIPULATION AND ORDER FOR
ENTRY OF CONSENT JUDGMENT**

WHEREAS, plaintiff CooperVision, Inc. instituted Civil Action No. 06-239-SLR in this Court seeking a declaratory judgment of noninfringement and invalidity of United States Patent Nos. 5,760,100; 5,789,461; 5,849,811; 5,766,999; 5,965,631; and 6,951,894 (D.I. 1) and defendant CIBA Vision Corp. filed an Answer (D.I. 10) and a motion for an amended answer (D.I. 61);

WHEREAS, the parties have agreed to a compromise and settlement of this action and entered into a confidential Settlement Agreement on November 19, 2007;

WHEREAS the parties agreed to a Consent Judgment, attached hereto as Exhibit A;

IT IS HEREBY STIPULATED AND AGREED by the parties, subject to approval by the Court, that the Consent Judgment, shall be entered by the Court.

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SO ORDERED this ____ day of November, 2007.

United States District Judge Sue L. Robinson

EXHIBIT A

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CONSENT JUDGMENT

This matter is before the Court on the stipulation of Plaintiff CooperVision, Inc. ("CooperVision") and Defendant CIBA Vision Corp. ("CIBA") for entry of a Consent Judgment. CooperVision and CIBA having agreed to a compromise and settlement of this action and having entered into a Settlement Agreement,

IT IS HEREBY ORDERED WITH CONSENT OF THE PARTIES:

1. The Court has jurisdiction over this action and, for purposes of this action, the parties pursuant to 28 U.S.C. § 1338(a). Venue is proper pursuant to 28 U.S.C. § 1391.
2. CIBA is the owner of all right, title, and interest in and to United States Patent Nos. 5,760,100; 5,789,461; 5,849,811; 5,766,999; 5,965,631; and 6,951,894.
3. CooperVision and CIBA have entered into a Settlement Agreement dated November 19, 2007 (the "Settlement Agreement").
4. Jurisdiction over this action and the parties hereto is retained by this Court for the purpose of enabling the parties to this Consent Judgment to apply to the Court at any time for such further orders or directions as may be necessary for the enforcement of or compliance with this Consent Judgment.

5. CooperVision and CIBA shall fully comply with their respective obligations set forth in the settlement agreement entered between the parties in this action.

6. United States Patent Nos. 5,760,100; 5,789,461; 5,849,811; 5,766,999; 5,965,631; and 6,951,894 contain a written description of the inventions therein and of the manner and process of making and using them, in such clear, concise and exact terms as to enable a person skilled in the art to understand the bounds of the claims and to make and use the inventions, and sets forth the best mode contemplated by the inventors of carrying out the inventions.

7. United States Patent Nos. 5,760,100; 5,789,461; 5,849,811; 5,766,999; 5,965,631; and 6,951,894 are valid and enforceable in all respects.

8. CIBA Vision Corporation's development of silicone hydrogel contact lenses represents a breakthrough in contact lens technology, as exemplified by United States Patent Nos. 5,760,100; 5,789,461; 5,849,811; 5,766,999; 5,965,631; and 6,951,894.

9. This Order represents a final adjudication of this action. This Order is intended to be final and shall bind the parties and their affiliates and successors.

10. This Judgment is entered without taxation of costs to any party, and each party shall bear its own expenses and attorney's fees.

DATED: _____

SUE L. ROBINSON
UNITED STATES DISTRICT JUDGE