

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

PETTER INVESTMENTS, INC., a
Michigan corporation,

Plaintiff, Counterclaim Defendant,

vs.

HYDRO ENGINEERING, INC., a Utah
corporation, and **HYDRO ENGINEERING
EQUIPMENT & SUPPLY CO.**, a Utah
limited liability company,

Defendants, Counterclaim Plaintiffs.

Civil Action No. 1:07-CV-1033

Gordon J. Quist
U.S. District Judge

PERMANENT INJUNCTION

As of October 6, 2009, the Court had granted summary judgment in favor of Counterclaim Plaintiffs Hydro Engineering, Inc. and Hydro Engineering Equipment & Supply Co. (“Hydro”) on its patent infringement claim against Counterclaim Defendant Petter Investments, Inc.’s (“Petter”) and summary judgment dismissing all of Petter’s invalidity defenses. *See* Opinion (Dkt. No. 277); Order (Dkt. No. 278); Order (Dkt. No. 293), Opinion (Dkt. No. 329); and Order (Dkt. No. 330); Order (Dkt. No. 340). Prior to a trial on the issue of damages, however, the parties reached an agreement to settle the remaining issues in this case, which included a stipulation to the entry of the following Permanent Injunction. Having fully considered the entire record of this case as well as the parties’ Stipulated Motion for Entry of a Permanent Injunction, the Court hereby enters the following Permanent Injunction.

IT IS HEREBY ORDERED that Counterclaim Defendant Petter Investments, Inc. (“Petter”) including all officers, directors, principals, agents, servants, employees, successors and assigns, and all others aiding, abetting, or acting in concert or active participation therewith who receive actual notice of this Injunction, by personal service or otherwise, are permanently

enjoined from infringing, directly or indirectly, U.S. Patent No. 6,799,591 (the “‘591 patent”) or U.S. Patent No. 7,258,749 (the “‘749 patent”) (collectively the “Hydro Patents”), and specifically from making, using, selling, offering to sale, or importing any impervious “side trough” wash pad, including Petter’s impervious side trough wash pads with water channels and impervious side trough wash pads without water channels, and any other wash pads for which all of the components found in either of the two wash pads determined to infringe ([1] impervious side trough wash pads without water channels and [2] impervious side trough wash pads with water channels) are components of any new product (collectively the “Infringing Products”). Petter will have the right to make sales of parts and related services for filtration systems and pressure washers at the following customer sites:

- United Rentals, Fairfax, Virginia;
- United Rentals, Bohemia, New York;
- United Rentals, Sante Fe, New Mexico
- RSC Equipment Rentals; Las Cruces, New Mexico
- United Rentals; Winchester, Virginia
- Carter Machinery; Troy, VA
- Baker Corp., Pittsburg, California;
- DHX Dependable Hawaiian Express;
- Middlesex County, Middlesex County, New Jersey;
- Rolls High Reach, Oxnard, California;
- Innovative S to B – Kwangju – AB
- Innovative S to B – Kwangju – AB

- City of Fountain Hills, Fountain Hills, Arizona
- Hawthorne CAT; Waipahu, Hawaii.
- ITT Water & Wastewater; Charlotte, North Carolina
- ITT Water & Wastewater; Schertz, Texas
- Kendall County; Comfort, Texas
- CalFrac Well Services; Tamaulipas, Mexico.
- Boots & Coots; Houston, Texas

IT IS FURTHER ORDERED that Counterclaim Defendant Petter Investments, Inc., including all officers, directors, principals, agents, servants, employees, successors and assigns, and all others aiding, abetting, or acting in concert or active participation therewith, who receive actual notice of this Injunction, are hereby permanently enjoined from inducing others to practice the method described and claimed in the '749 patent or contributing to the infringement of said method by others, including but not limited to, selling or causing to be sold the Infringing Products, providing service on any Infringing Products and all functionally related products, or providing the sale of parts that in any way relate to the Infringing Products with the exception of Petter's right to make sales of parts and related services for filtration systems and pressure washers at the customer sites identified above.

IT IS FURTHER ORDERED that the purchasers and users of the wash pad installations specifically identified below are exempt from the injunctive restraints set forth above with respect to the specific installations in use at the identified locations as of the date of this Permanent Injunction:

United Rentals; Sante Fe, New Mexico
RSC Equipment Rentals; Las Cruces, New Mexico
United Rentals; Winchester, Virginia

Scott-Macon; Tulsa, Oklahoma
H&E Equipment Services; Hutto, Texas
Carter Chambers; Prairieville, Louisiana
United Rentals; Fairfax, Virginia
Calfrack Well Services; Tamaulipas, Mexico
United Rentals; Bohemia, New York
Hawthorne CAT; Waipahu, Hawaii
Castle & Cooke; Lanai City, Hawaii
Town of Fountain Hills, Arizona
Boots & Coots; Houston, Texas
Skyjack; Ontario, Canada
H&E Equipment Services; Fort Pierce, Florida
H&E Equipment Services; Pomado Beach, Florida
FSP Unlimited; Las Vegas, Nevada
Kendall County; Comfort, Texas
ITT Water & Wastewater; Charlotte, North Carolina
Washing Equipment of Texas; Houston, Texas
BakerCorp; Pittsburg, California
Carter Machinery; Troy, Virginia
Milspray; Lakewood, New Jersey
U.S. Marines; Great Lakes, Illinois (via Milspray)
U.S. Marines; Brook Park, Ohio (via Milspray)
U.S. Marines; Johnstown, Pennsylvania (via Milspray)
U.S. Marines; Portland, Oregon (via Milspray)
U.S. Marines; Hialeah, Florida (via Milspray)
U.S. Marines; Tampa, Florida (via Milspray)
U.S. Marines; Smyrna, Georgia (via Milspray)
U.S. Marines; Folsom, Pennsylvania (Milspray #9)
ITT Flygt – Schertz
DHX Dependable Hawaiian Express
Evans E&E – Houston
Eric Murch/Rolls High Reach; Oxnard, California
Innovative S to B – Kwangju – AB
Innovative S to B – Kwangju – AB
Middlesex County

IT IS FURTHER ORDERED that Counterclaim Defendant Petter Investments, Inc. send written notice of this Injunction, by copy thereof, to all of their present and past customers, distributors, wholesalers, warehousemen, and sales representatives to whom an Infringing Product has been sold or by whom by an Infringing Product has been used.

Dated: November 6, 2009

/s/ Gordon J. Quist
Honorable Gordon J. Quist
United States District Judge

Approved as to Form and Content:

/s/ Brett L. Foster
Brett L. Foster
HOLLAND & HART LLP

/s/ Christopher E. Tracy
Christopher E. Tracy
HONIGMAN MILLER SCHWARTZ AND COHN LLP

Attorneys for Counterclaim Plaintiffs

Attorneys for Counterclaim Defendant