

ability of Plaintiff's Center for the Advancement of Process Technology ("CAPT") to become a self-sustainable process technology center. Plaintiff has further shown that there is no adequate remedy at law to rectify its injury.

It is, therefore, ORDERED that Defendants ETEN, Inc., CAPT, Inc., Wuertz, Kile, Treigle, Dees, and Ames; their officers, agents, servants, employees, and attorneys; and those persons acting in active concert or participation with these Defendants who receive actual notice of this Injunction, by personal service or otherwise, are enjoined from directly or indirectly using, selling, copying, distributing or otherwise conveying the process technology products to which College of the Mainland asserts ownership ("Products at Issue"), including:

- (1) *Introduction to Process Technology* instructor manual/guides, student workbooks (learner guides), facilitator guides, textbooks, web-based courses and related graphics/images/animations;
- (2) *Safety, Health and Environment* instructor manual/guides, student workbooks (learner guides), facilitator guides, textbooks, web-based courses and related graphics/images/animations;
- (3) *Process Technology I – Equipment (Process Equipment)* instructor manual/guides, student workbooks (learner guides), facilitator guides, textbooks, web-based courses and related graphics/images/animations;
- (4) *Process Technology II – Systems (Process Systems)* instructor manual/guides, student workbooks (learner guides), facilitator guides, textbook draft chapters, web-based courses and related graphics/images/animations;
- (5) *Instrumentation (I and II)* instructor manual/guides, facilitator guides, textbooks, web-based courses and related graphics/images/animations;
- (6) *Quality* instructor manual/guides, student workbooks (learner guides), facilitator guides, web-based courses and related graphics/images/animations;

- (7) *Process Technology III – Operations (Process Operations)* instructor manual/guides, Timtene Unit operating manual/guides, student workbooks (learner guides), and related graphics/images/animations;
- (8) *Oil and Gas Production I and II* instructor manual/guides and related graphics/images/animations;
- (9) Process Technology Glossary of Terms;
- (10) Process Technology Examination for the Chemical/Refining Sector (PTEX-CR) (original and revised versions) test blueprints, test blueprint reports, test banks, cut score reports, and related graphics/images;
- (11) Process Technology Examination for the Oil and Gas Production Sector (PTEX-OG) test blueprints, test blueprint reports, test banks, cut score reports, and related graphics/images;
- (12) Process Technology Examination for the Chemical Incumbent (PTEX-CI) test blueprints, test blueprint reports, test banks, cut score reports, job analysis, and related graphics/images;
- (13) PTEX Candidate Bulletins;
- (14) National Skill Standards for Process Technicians in Chemical Manufacturing and Refining;
- (15) National Skill Standards for Production Technicians in Oil and Gas Production;
- (16) National Skill Standards for Process Operators in Pharmaceutical Manufacturing;
- (17) DACUM ("Developing a Curriculum") for Liquefied Natural Gas Process Operators;
- (18) Process Technology Course Topics;
- (19) Process Technology Course Objectives;
- (20) Use of "CAPT teardrop" logo for commercial and non-commercial purposes;

- (21) Use of "PTEC oval" logo for commercial and non-commercial purposes;
- (22) Use of PTEC trademark for commercial and non-commercial purposes;
- (23) Use of "Critical Issues and Best Practices" name for conferences related to process technology;
- (24) Any and all modifications of the above products, adaptations of the above products and/or derivative works based upon the above products.

It is further ORDERED that Defendants ETEN, Inc., CAPT, Inc., Wuertz, Kile, Treigle, Dees, and Ames; their officers, agents, servants, employees, and attorneys; and those persons acting in active concert or participation with these Defendants who receive actual notice of this Injunction, by personal service or otherwise, are enjoined from directly or indirectly diverting and/or expending any and all current or future revenues generated by the use, sale, copying, distribution, or any other conveyance of the Products at Issue, and shall transfer any and all current and future revenue generated by the sale of the Products at Issue to the College of the Mainland immediately or within 5 business days of their receipt of such revenues.

It is further ORDERED that Defendants ETEN, Inc., CAPT, Inc., Wuertz, Kile, Treigle, Dees, and Ames; their officers, agents, servants, employees, and attorneys; and those persons acting in active concert or participation with these Defendants who receive actual notice of this Injunction, by personal service or otherwise, are enjoined from directly or indirectly using, selling, licensing, or transferring any and all intellectual property rights pertaining to the Products at Issue.

It is further ORDERED that Defendant Fortson; his agents, servants, employees, and attorneys; and those persons acting in active concert or participation with Defendant Fortson who receive actual notice of this Injunction, by personal service or otherwise, are enjoined from

directly or indirectly facilitating (including but not limited to preparing or reviewing legal documents related to) the use, sale, licensing, or transfer of any and all intellectual property rights pertaining to the Products at Issue. However, this Injunction shall not restrict Defendant Fortson from representing the other Defendants as their counsel in this lawsuit, or in any other matters; or representing the other Defendants in any other representative capacity. The Injunction shall not further restrict Fortson from representing other persons and/or entities in any other legal matters in his legal practice.

It is further ORDERED that trial on the merits of this matter is set for Monday, ~~April 4~~ ^{May 2,} 2011, at 9 o'clock a.m. in the 122nd Judicial District Court of Galveston County, Texas.

It is further ORDERED that the Clerk of this Court shall forthwith, upon filing by Plaintiff of a bond in the amount of \$10,000, issue a Temporary Injunction in conformity with the law and according to the terms herein ordered.

SIGNED on this 8 day of April, 2010.

John Ellison
JUDGE PRESIDING

10 APR -8 PM 2:05
James McWilliams
DISTRICT CLERK
GALVESTON COUNTY, TX.