

COPY

NO. 12-DCV-202563

CELLTEX THERAPEUTICS
CORPORATION, f/k/a BIOLIFE
STEM CELL CORPORATION,

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IN THE DISTRICT COURT OF

Plaintiff,

FORT BEND COUNTY, TEXAS

V.

RNL BIO CO., LTD. and HUMAN
BIOSTAR, INC., f/k/a HUMAN
BIOSTAR TEXAS, INC.,

434th JUDICIAL DISTRICT

Defendants.

JURY TRIAL DEMANDED

TEMPORARY RESTRAINING ORDER

On consideration of the Application for Temporary Restraining Order filed by Plaintiff Celltex Therapeutics Corporation ("Celltex"), the Court hereby enters the following Temporary Restraining Order.

The Court ORDERS the terms specified in Paragraphs 1-15, which are agreed to by Plaintiff Celltex and Defendant Human Biostar, Inc. ("HBI"):

1. HBI shall permit Celltex immediate access to (no later than Wednesday, December 19, 2012 at 9:30 a.m., Central Standard time) 12621 W. Airport Boulevard, Suite 800, Sugar Land, Texas 77478 ("Premises").
2. Celltex may access the Premises no more than twice a week, and, for inspections following the inspection to occur on December 19, 2012, inspections shall begin at 11:00 am central time or at such other times as the parties may mutually agree, and in no event shall an inspection occur on a weekend or a state or federal holiday. Celltex shall provide HBI with at least 24 hours' email notice prior to each inspection by providing such notice to HBI's counsel, Lee Kaplan, and Defendant RNL Bio Co., Ltd.'s ("RNL") in-house counsel,

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Annie Rebecca Elliott
CLERK DISTRICT COURT
FORT BEND CO., TX

Sanghoon Song, regarding the date of the visit and the names of the person or persons attending on Celltex's behalf. Celltex's representatives must provide government-issued proof of identification and follow HBI's security protocols in order to gain access to the Premises. HBI shall provide Celltex a copy of the then-current storage directory at the beginning of all inspections.

3. Celltex may access and inspect only those areas of the Premises where HBI stores and/or processes patient adipose (fat) tissue, patient stem cell deposits or patient stem cell products. However, Celltex may access any other areas of the Premises as permitted by HBI. Celltex is permitted to conduct a visual inspection of the "clean" rooms, wearing protective clothing as instructed by HBI. Celltex shall access and inspect the Premises only when accompanied by an HBI representative, and HBI shall make its representatives available for properly noticed inspections at the time specified in Paragraph 2.
4. No more than three Celltex representatives may attend any inspection. Counsel for Celltex and counsel for HBI may attend all inspections. No third party may accompany Celltex unless mutually agreed by HBI and Celltex.
5. Celltex and its representatives accessing and inspecting the Premises shall abide by the following restrictions, except as otherwise expressly modified in this order:
 - a. No stem cell material may be removed from its location in the Premises,
 - b. No individual patient stem cell ampoule may be removed even temporarily from the cryopreservation tank. During the inspection, an HBI representative will briefly remove the canes on which the ampoules are stored to permit Celltex to conduct a visual inspection of the intact ampoules. The HBI representative will ensure that the coding label on the ampoules is visible.
 - c. No sampling of any individual patient stem cell patient ampoule may be made.
 - d. No human contact with any individual patient stem cell patient ampoule may be made, except as necessary to read the coding label on the ampoule.
 - e. A Celltex representative may access the permitted inspection areas only when accompanied by an HBI representative.

- f. Opening or otherwise breaching the condition of the cryopreservation tank by Celltex is a violation of this Order.
 - g. A Celltex representative may record the internal temperature of the cryopreservation tank as it appears on the outside of the tank.
 - h. A Celltex representative may assess the temperature and condition of the room in which the cryopreservation tank is located and may verify that adequate electricity and other power sources needed to maintain the cryopreservation tank are operational.
 - i. Celltex representatives may not take photographs, videos or audio recordings while on the Premises.
6. Celltex agrees to leave the Premises immediately in the event of an emergency or upon request by HBI.
7. All HBI processes, documents, records, specifications, results and other materials viewed, observed or otherwise made accessible to Celltex or its representatives during any inspection shall be considered and treated as confidential and proprietary information of HBI (“HBI Confidential Materials”) pending further order of the Court. Celltex and its representatives may not use HBI Confidential Materials for any purpose or disclose HBI Confidential Materials to any third party, except as follows: (1) disclosure to the FDA reasonably necessary to ensure the Premises’ compliance with any applicable FDA requirements, provided that Celltex shall provide HBI written notice of the documents it intends to disclose no less than 24 hours prior to the disclosure and (2) disclosure of HBI Confidential Materials related to a patient upon that patient’s request or the request of that patient’s physician. Celltex shall inform its representatives accessing the Premises that taking photographs, videos or audio recordings while on the Premises is prohibited.
8. Celltex shall instruct its representatives accessing the Premises to abide by HBI’s safety and security protocol and other workplace instructions. HBI may deny access to and remove

from the Premises any Celltex representative who does not abide by HBI's safety and security protocol and other workplace instructions.

9. Within three days of entry of this Order, HBI shall install a video camera feed in the Cryopreservation Tank Room on the Premises to permit Celltex and HBI to view the Cryopreservation Tank Room remotely via a high-speed Internet connection. All video streams shall be considered HBI Confidential Materials. Andrea Ferrenz and Celltex's counsel may be present during the camera's installation. The costs associated with installation of the camera shall be borne by Celltex.
10. Celltex may review written (including electronic) records pertaining to patient stem cell deposits processed by HBI for Celltex on Wednesday, December 19, 2012 at the first inspection. Celltex may access these records only when accompanied by an HBI representative and only in a location of the Premises specified by HBI. Celltex will designate which records it wants copied and those records will be copied by a commercial service chosen by HBI at the expense of Celltex. These records shall be considered HBI Confidential Materials.
11. HBI shall not remove stem cell deposits processed for Celltex from the Premises without Celltex's permission. HBI shall undertake professionally reasonable measures to ensure that stem cell deposits processed for Celltex are not degraded, contaminated, or destroyed.
12. Nothing in this order is intended to or shall be construed as waiving, impairing, or supporting HBI's contention that Celltex's actions with the FDA in regards to the Premises are unauthorized and unlawful.
13. HBI shall provide Celltex one (1) vial of stem cells derived from David Eller's tissue, which Celltex may use for the exclusive purpose of verification testing, at Celltex's expense.

Celltex, within ten days of the date of this order, shall deposit into the registry of the Court \$5,000.00.

14. In the event Celltex provides HBI with a copy of a physician order related to a Celltex client, HBI shall permit Celltex's representative(s) access to the storage tank containing that client's stem cells, and HBI shall permit Celltex's representative to remove a P2 vial of that client's stem cells, place that vial in a cold storage container, and remove that cold storage container from the Premises so that Celltex can fulfill the physician's order. HBI shall provide Celltex with a copy of all then-current quality control and manufacturing records pertaining to the subject vial. Celltex shall deposit into the registry of the court a banking fee of \$5,000.00. In the event that the Celltex customer is identified on HBI Invoice numbers 777, 823, or 834, Celltex shall deposit an additional amount of \$10,000.00 into the registry of the court. Nothing in this order shall be construed as waiving, impairing, or supporting Celltex's contention that Celltex does not owe these funds to HBI.
15. Funds deposited into the registry of the court per this order shall be held until disposition of the parties' claims on the merits and shall be distributed to the party determined to be entitled to such funds.

The Court ORDERS the following terms specified in Paragraphs 16 and 17, which are not agreed to by Plaintiff Celltex and Defendant Human Biostar, Inc. ("HBI"):

16. The court finds Defendant RNL Bio Co, Ltd. ("RNL") was given notice via email to Soyoung Woo of Celltex's Application for Temporary Restraining Order and of the presentation of same, which occurred before the court at 10:00 am on Tuesday, December 18, 2012, and RNL failed to appear. The court orders that all terms in this Temporary Restraining Order shall also apply to RNL, such that references therein to HBI will be construed as

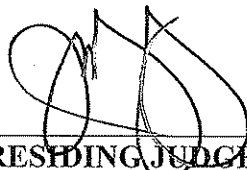
references to RNL. Regarding this Temporary Restraining Order's application to RNL, "Premises" is defined as 12553 W. Airport Boulevard, Sugar Land, Texas 77478.

17. Hyeongguen Park and Donna Lee shall be permitted to attend the initial inspection of the Premises on Wednesday, December 19, 2012. Hyeongguen Park and/or Donna Lee's attendance at additional inspections shall only be permitted upon additional order of this court. Celltex and HBI agree that Celltex will pay the attorney's fees associated with HBI's counsel's attendance of the initial inspection and any subsequent inspections that are attended by Hyeongguen Park and/or Donna Lee.

This Order in its entirety shall remain in effect until the court conducts a temporary injunction hearing, which is hereby scheduled for January 10, 2013. Nothing in this Order shall preclude any party from applying to the Court for a modification of this Order or for any other relief from the Court.

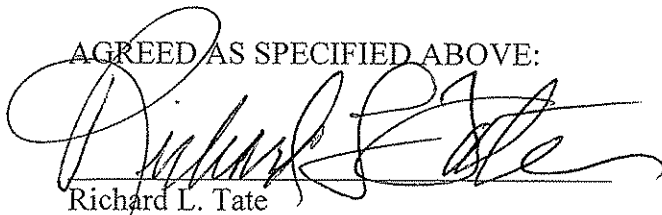
Trial in this matter is set for _____.

SIGNED on December 18, 2012, at 4:40 ~~am~~ pm.



PRESIDING JUDGE

AGREED AS SPECIFIED ABOVE:



Richard L. Tate
Counsel for Plaintiff Celltex Therapeutics Corporation



Lee L. Kaplan
Counsel for Defendant Human Biostar, Inc.