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## **Ultimax Cement Loses Patent Lawsuit on Rapid-Setting Cement**

Cypress, CA — February 11, 2008 — In a sweeping ruling on January 24, 2008, Judge Alicemarie H. Stotler, Chief U.S. District Judge of the United States, Central District Court of California, issued final rulings against Ultimax in its action against CTS Cement Manufacturing Corporation.

In June 2002, Ultimax Cement Manufacturing, Hassan Kunbargi and Heartland Cement Sales Company filed suit in federal court against CTS and other defendants, including Edward K. Rice, Rapid Set<sup>®</sup> products and White Cap Industries, alleging infringement of the Kunbargi patents 4,957,556, 6,113,684, and 6,406,534 on rapid-setting cement. In all, Ultimax's wide-ranging suit alleged infringement of 47 claims in three patents.

As a result of the January 24 summary judgment rulings, and after nearly 6 years of proceedings, the court found that CTS infringed none of the Ultimax patents. Furthermore, the court invalidated all 47 claims in the Kunbargi patents, which renders all Ultimax patents in the case invalid. CTS was granted the recovery of its costs of suit.

CTS was represented by the law firm of Orrick, Herrington and Sutcliffe, LLP. Ultimax was represented by Foley and Lardner, LLP.

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