

or the K9 Advantix™ marks and which are manufactured by Bayer or any of its affiliates for sale and use exclusively outside of the United States (“Foreign Advantage” and “Foreign Advantix”) and/or which were not manufactured by Bayer or any of its affiliates (“Counterfeit Advantage” and “Counterfeit Advantix”).

2. Defendants and any of their principals, co-owners, partners, subsidiaries, affiliated companies, all successors and assigns, and the officers, agents, partners, servants and employees and all others acting in concert or participation with them are ordered to:

- a) Provide Bayer a fully completed and signed diverter response form in the form attached hereto as **Exhibit A**, within ten (10) days of the execution of this Order;
- b) Provide Bayer with a sworn statement identifying all suppliers from whom it has purchased Foreign Advantage or Foreign Advantix, within ten (10) days of the execution of this Order;
- c) Provide all invoices and documentation in connection with the purchase(s) of the Foreign Advantage or Foreign Advantix within ten (10) days of the execution of this Order;
- d) Turn over to Bayer all Foreign Advantage or Foreign Advantix currently held by Defendants, within ten (10) days of the execution of this Order; and
- e) Pay the sum of Five Thousand Dollars (\$5,000) to Bayer within ten (10) days of the execution of this Order.

3. The parties agree that this Court will enter judgment against Defendants and in favor of Bayer in the amount of One-hundred Thousand Dollars (\$100,000.00) subject to the

following:

- a) the sum of One-hundred Thousand Dollars (\$100,000.00) will not be due or payable, will not become a lien on any property, will not be executed upon, will not draw interest and will not be filed anywhere other than in this Court, unless and until there has been a judicial finding by this Court that paragraph 1 of this Judgment and Injunction Order has been violated by Defendants.

IT IS ORDERED that Judgment is entered awarding Plaintiff a Permanent Injunction on the terms set forth herein, and the Court will retain jurisdiction over this matter for the purpose of enforcement of the Permanent Injunction if any violation by the Defendants occurs.

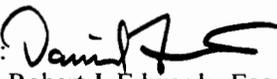
IT IS SO ORDERED.

Dated this 15th day of September, 2005.

s/ Carlos Murguia

United States District Judge

For BAYER HEALTHCARE LLC

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For DEFENDANTS RED CART MARKET, INC. and WILBUR G. LEE

WALLACE, SAUNDERS, AUSTIN,
BROWN & ENOCHS, CHTD.