IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

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§	CASE NO. 6:09-CV-203
§	PATENT CASE
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AMENDED FINAL JUDGMENT

Pursuant to Rule 58 of the Federal Rules of Civil Procedure in consideration of the jury verdict delivered on May 23, 2011, the Final Judgment and Memorandum Opinion and Order entered on June 28, 2012, the February 26, 2013 Order, the March 15, 2013 Order, and the entirety of the record available to this Court, the Court **ORDERS AND ENTERS AMENDED FINAL JUDGMENT** as follows:

- Defendants Samsung Electronics Co., Ltd., Samsung Telecommunications America,
 LLC, Samsung Electronics Research Institute, and Samsung Semiconductor Europe
 GmbH (collectively "Samsung") are found to have unlawfully infringed U.S. Patent Nos.
 7,015,868 ("the '868 Patent"); 7,123,208 ("the '208 Patent"); 7,397,431 ("the '431 Patent"); and 7,394,432 ("the '432 Patent");
- Defendant Samsung is found to have infringed the '868, '208, '431, and '432 Patents willfully.
- The '868, '208, '431, and '432 Patents are valid and enforceable.
- The Court awards damages to Fractus, S.A. for Samsung's infringement of the '868, '208, '431, and '432 Patents in the amount of \$23,129,321.

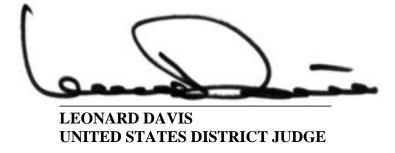
- Fractus, S.A is further awarded enhanced damages of \$15,000,000 for Samsung's willful infringement.
- Fractus, S.A. is further awarded pre-judgment interest, post-judgment interest and costs as detailed in this Court's June 28, 2012 Memorandum Opinion and Order (Docket Number 1113).
- Fractus, S.A. is further awarded \$163,534.00 as supplemental damages for adjudicated phones sold before the May 23, 2011 verdict but not included in the verdict.
- Fractus, S.A. is further awarded an ongoing royalty rate of \$0.60 per phone for all adjudicated phones sold after the May 23, 2011 jury verdict.

The Court further **DENIES WITHOUT PREJUDICE** Fractus' request for an ongoing royalty rate on non-adjudicated phones. However, the Court will take the ongoing royalty rate into consideration when setting an ongoing royalty rate on any non-adjudicated phones, including any that are shown to be not "colorably different."

The Court also **DENIES** Fractus' request to maintain Cause No. 6:12-cv-421. If Fractus wishes to bring another complaint against Samsung alleging infringement of the non-adjudicated phones, it may file said complaint in a new matter. For the purposes of any appeal taken in this action, the record in Cause No. 6:12-cv-421 shall be considered part of this action.

All pending motions not previously resolved are **DENIED**.

So ORDERED and SIGNED this 18th day of March, 2013.



Tammie J. DeNio

From: txedCM@txed.uscourts.gov

Sent: Monday, March 18, 2013 2:18 PM

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Subject: Activity in Case 6:09-cv-00203-LED-JDL Fractus, S.A. v. Samsung Electronics Co., Ltd. et

al Order on Motion for Miscellaneous Relief

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U.S. District Court [LIVE]

Eastern District of TEXAS

Notice of Electronic Filing

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Case Name: Fractus, S.A. v. Samsung Electronics Co., Ltd. et al

Case Number: 6:09-cv-00203-LED-JDL

Filer:

WARNING: CASE CLOSED on 06/28/2012

Document Number: 1177

Docket Text:

AMENDED FINAL JUDGMENT. Defendants Samsung Electronics Co. Ltd., Samsung Telecommunications America LLC, Samsung Electronics Research Institute, and Samsung Semiconductor Europe GmbH are found to have unlawfully infringed U.S. Patent Nos.7,015,868; 7,123,208; 7,397,431; and 7,394,432. The Court awards damages to Fractus, S.A. for Samsung's infringement of the Patents in the amount of \$23,129,321. Fractus, S.A is further awarded enhanced damages of \$15,000,000 for Samsung's willful infringement. Fractus, S.A. is further awarded pre-judgment interest, post-judgment interest and costs as detailed in this Courts 6-28-2012 Memorandum Opinion and Order [1113]. Fractus, S.A. is further awarded \$163,534.00 as supplemental damages for adjudicated phones sold before the 5-23-2011 verdict but not included in the verdict. Fractus, S.A. is further awarded an ongoing royalty rate of \$0.60 per phone for alladjudicated phones sold after the 5-23-2011 jury verdict. The Court DENIES WITHOUT PREJUDICE Fractus' request for an ongoing royalty rate on nonadjudicated phones. However, the Court will take the ongoing royalty rateinto consideration when setting an ongoing royalty rate on any non-adjudicated phones, including any that are shown to be not "colorably different." The Court also DENIES Fractus' request to maintain Cause No. 6:12-cv-421. For the purposes of any appeal taken in this action, the record in Cause No. 6:12-cv-421 shall be considered part of this action. All pending motions not

previously resolved are DENIED. Signed by Judge Leonard Davis on 03/18/13. cc:attys 3-18-13 (mll,)

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