

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

FRACTUS, S.A.

Plaintiff

vs.

**SAMSUNG ELECTRONICS CO.,
LTD., et al.,**

Defendants.

§
§
§
§
§
§
§
§
§
§

**CASE NO. 6:09-CV-203
PATENT CASE**

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.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE

Tammie J. DeNio

From: txedCM@txed.uscourts.gov
Sent: Monday, March 18, 2013 2:18 PM
To: txedcmcc@txed.uscourts.gov
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

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court [LIVE]

Eastern District of TEXAS

Notice of Electronic Filing

The following transaction was entered on 3/18/2013 at 4:18 PM CDT and filed on 3/18/2013

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 Court's 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 all adjudicated phones sold after the 5-23-2011 jury verdict. The Court 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. 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,)

6:09-cv-00203-LED-JDL Notice has been electronically mailed to:

Jennifer Parker Ainsworth jainsworth@wilsonlawfirm.com, whesse@wilsonlawfirm.com

Sidney Calvin Capshaw, III ccapshaw@capshawlaw.com, , bbell@capshawlaw.com, ederieux@capshawlaw.com, hpeterson@capshawlaw.com, jrambin@capshawlaw.com, mbaker@capshawlaw.com, rhurse@capshawlaw.com

Elizabeth L DeRieux ederieux@capshawlaw.com, bbell@capshawlaw.com, ccapshaw@capshawlaw.com, hpeterson@capshawlaw.com, jrambin@capshawlaw.com, mbaker@capshawlaw.com, rhurse@capshawlaw.com

Harry Lee Gillam, Jr gil@gillamsmithlaw.com, Jwood4640@yahoo.com, evie@gillamsmithlaw.com

Jack Wesley Hill wh@wsfirm.com, ak@wsfirm.com, wbc@wsfirm.com

Michael E Jones mikejones@potterminton.com, jovallery@potterminton.com

Kristen Paris Foster kfoster@velaw.com, nward@velaw.com

Calvin Roderick Phelan, II rod.phelan@bakerbotts.com, vivica.lamarche@bakerbotts.com

Daymon Jeffrey Rambin jrambin@capshawlaw.com, ccapshaw@capshawlaw.com, ederieux@capshawlaw.com, hpeterson@capshawlaw.com, mbaker@capshawlaw.com, rhurse@capshawlaw.com

Joe W Redden, Jr jredden@brsfirm.com, psavoy@brsfirm.com, ssaum@brsfirm.com, tcleveland@brsfirm.com

Robert David Daniel bddaniel@brsfirm.com, ssaum@brsfirm.com

Winstol D Carter, Jr wcarter@morganlewis.com, mlbhofilings@morganlewis.com

David G Wille david.wille@bakerbotts.com, jillian.powell@bakerbotts.com, onike.frazer@bakerbotts.com

Virgil Bryan Medlock, Jr bmedlock@bannerwitcoff.com, bwlitdocket@bannerwitcoff.com

Michael Calhoon michael.calhoon@bakerbotts.com

Steven R Borgman sborgman@velaw.com, jwarren@velaw.com, yshumaker@velaw.com

Leslie V Payne lpayne@hpcllp.com, abranum@hpcllp.com, canderson@hpcllp.com

Thomas John Ward, Jr jw@wsfirm.com, ak@wsfirm.com, angela@wsfirm.com, wbc@wsfirm.com

Max Lalon Tribble, Jr mtribble@susmangodfrey.com, sschulze@susmangodfrey.com, tadkins@susmangodfrey.com

Michael Ernest Richardson mrichardson@brsfirm.com, gfuller@brsfirm.com

Scott Wayne Breedlove sbreedlove@velaw.com, dramirez@velaw.com, gpathmanaban@velaw.com

Jeffery Derek Baxter jeff.baxter@bakerbotts.com

David B Weaver dweaver@velaw.com, ve-ip-para-aus@velaw.com, zmason@velaw.com

Neil P Sirota neil.sirota@bakerbotts.com, steven.liquori@bakerbotts.com

Robert W Busby rbusby@morganlewis.com

William L. LaFuze wlafuze@velaw.com, lwallace@velaw.com, yshumaker@velaw.com

Jonathan Bell Rubenstein jonathan.rubenstein@bakerbotts.com

Victoria L Cook vcook@susmangodfrey.com, lcamp@susmangodfrey.com

George A Riley griley@omm.com, lperez@omm.com

Allen Franklin Gardner allengardner@potterminton.com, jovallery@potterminton.com

Michael F Heim mheim@hpcllp.com, abranum@hpcllp.com, awilson@hpcllp.com, canderson@hpcllp.com

Robert L Maier robert.maier@bakerbotts.com

Justin Adatto Nelson jnelson@susmangodfrey.com, sschulze@susmangodfrey.com,
tdenio@susmangodfrey.com

Micah John Howe mhowe@hpcllp.com, canderson@hpcllp.com, nbaudoin@hpcllp.com

Ryan Scott Loveless (Terminated) rloveless@munckwilson.com

Hae-Chan Park hpark@park-law.com, park-lit@park-law.com, patent@park-law.com

Richard D Egan regan@oepelaw.com

M Andrew Woodmansee mawoodmansee@mofo.com, dcoletti@mofo.com, jcekola@mofo.com,
lstandefer@mofo.com, mfelmar@mofo.com, mprendergast@mofo.com

Samir A Bhavsar samir.bhavsar@bakerbotts.com

Claire Abernathy Henry (Terminated) claire@wsfirm.com, ak@wsfirm.com, angela@wsfirm.com,
wbc@wsfirm.com

Amos A Olubunmi aolubunmi@velaw.com, lwallace@velaw.com, yshumaker@velaw.com

James Leroy Beebe jamesl.beebe@ge.com, jbeebe1@gmail.com

Eric J Faragi eric.faragi@bakerbotts.com

David C Doyle ddoyle@mofo.com, rsheehan@mofo.com, sdpdrive@mofo.com

Carrie A Longstaff clongstaff@bakerlaw.com

Wayne M Helge whelge@park-law.com, park-lit@park-law.com, patent@park-law.com

Daniel J Shih dshih@susmangodfrey.com, mbruns@susmangodfrey.com

Meredith J Fitzpatrick mfitzpatrick@dmtechlaw.com, lheugatter@dmtechlaw.com, pgerik@dmtechlaw.com

David Joshua Tobin dtobin@velaw.com

Collin W Park cpark@morganlewis.com, browland@morganlewis.com, edalai@morganlewis.com

Robert W Faulkner rfaulkner@jamsadr.com

Genevieve Joanne Vose gvose@susmangodfrey.com, jgrounds@susmangodfrey.com

Eric M Acker eacker@mofo.com, ahyder@mofo.com

Roshan Suresh Mansinghani (Terminated) roshan.mansinghani@bakerbotts.com

Frank A Bruno fbruno@gibbonslaw.com

Philip C Ducker pducker@omm.com

Gregory W Reilly greilly@mofo.com, cgordon@mofo.com

Chang Sik Kim changsik.kim@bakerbotts.com

Michael Joseph Barta michael.barta@bakerbotts.com

Lauren Beth Hoffer lauren_hoffer@dell.com

Bradford A Cangro bcangro@morganlewis.com

Edwin Dale Buxton, II dbuxton@mofo.com, pflaming@mofo.com

Ajeet P Pai apai@velaw.com, dmccullough@velaw.com

Fiona Ann Bell fbell@duanemorris.com, LRGarrett@duanemorris.com, mmblieler@duanemorris.com, vajackson@duanemorris.com

Matthew Behncke mbehncke@susmangodfrey.com, chernandez@susmangodfrey.com

Mary Prendergast mprendergast@mofo.com

Nicholas Carlson Margida nicholas.margida@bakerbotts.com, nickmargida@gmail.com

6:09-cv-00203-LED-JDL Notice will not be electronically mailed to:

Christopher Michael Koepke (Terminated)
Dorsey & Whitney LLP
1400 Ewatta St
Suite 400
Denver, CO 80202-5647

Efren Garcia
Vinson & Elkins - Austin
2801 Via Fortuna
Suite 100
Austin, TX 78746

Layne Steven Keele
Haynes & Boone, LLP - Dallas
2323 Victory Avenue
Suite 700
Dallas, TX 75219

Thomas E Nelson
Morgan Lewis & Brockius - D.C.
1111 Pennsylvania Avenue, NW
Washington, DC 20004

Thomas R DeSimone
Gibbons PC - NY
1 Pennsylvania Plaza
37th Floor
New York, NY 10119-3701

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1041545818 [Date=3/18/2013] [FileNumber=8239701-0
] [701be441981cf7f22fb7d42a06b5f6175db95ad4651df72c6705fcf47352cdb1451
3e420146d039c53e126116afabf79a351b8ab0547e65a662db5184d1c26b0]]