

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SPEX TECHNOLOGIES, INC.

Case No. 2:16-cv-07349-JVS-AGR

Plaintiff,

JUDGMENT

v.

APRICORN, INC.,

Defendant.

RUSS, AUGUST & KABAT

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RUSS, AUGUST & KABAT

1 A jury trial commenced in this case on January 30, 2019. On February 11,
2 2020, the jury returned a unanimous verdict finding infringement of claims 11 and
3 12 of the ‘802 patent, and that SPEX should recover \$3,071,838.75 for such
4 infringement through the date of trial. D.I. 287. Prior to the verdict, the Court also
5 granted SPEX’s Rule 50(a) Motion regarding marking (*e.g.*, D.I. 277) and SPEX’s
6 motion for summary judgment of no invalidity (D.I. 142 at 15-18).

7 Pursuant to Rule 58 of the Federal Rules of Civil Procedure and in accordance
8 with the jury’s verdict, the Court’s orders, and the entirety of the record available to
9 the Court, the Court hereby **ORDERS** and **ENTERS JUDGMENT** as follows:

- 10 1. Defendant Apricorn has infringed claims 11 and 12 of U.S. Patent No.
11 6,088,802;
- 12 2. Claims 11 and 12 of the ‘802 patent are not invalid;
- 13 3. SPEX is hereby awarded compensatory damages from and against
14 Apricorn, and shall accordingly have and recover from Apricorn the sum
15 of \$3,071,838.075 U.S. Dollars;
- 16 4. Pursuant to Federal Rule of Civil Procedure 54(d), Local Rule 54-1, and
17 28 U.S.C. § 1920, SPEX is the prevailing party in this case and shall
18 recover its costs from Apricorn, and SPEX is directed to file its proposed
19 Bill of Costs;
- 20 5. Pursuant to 28 U.S.C. § 1961, the Court awards post-judgment interest
21 applicable to all sums awarded herein, at the statutory rate, from the date
22 of entry of the jury verdict on February 11, 2020 until paid, pursuant to
23 the attached memorandum;
- 24 6. SPEX is hereby awarded pre-judgment interest applicable to all sums
25 awarded herein, at an annual rate of 7%, from the date of infringement, in
26 October 2010, until date of entry of the jury verdict on February 11, 2020,
27 in a total amount of \$1,035,897, pursuant to SPEX’s concurrently filed
28 Application for Pre-Judgment Interest; and further

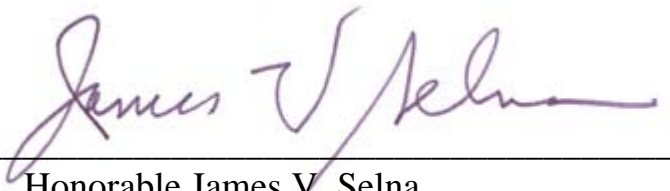
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7. All other relief requested by either party now pending before the Court and not specifically awarded herein is **DENIED**.

All other requests for relief regarding the above-captioned case, including pursuant to Fed. R. Civ. P. 50 and 59 and 35 U.S.C. §§ 284 and 285, shall be filed within 28 days of this Judgment.

The Clerk is directed to **CLOSE** the above-captioned case.

DATED: March 23, 2020



Honorable James V. Selna
United States District Judge

RUSS, AUGUST & KABAT