

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

E. I. DU PONT DE NEMOURS AND COMPANY,)	
)	
Plaintiff,)	
)	C.A. No. 14-1250-RGA
v.)	
)	
UNIFRAX I LLC,)	
)	
Defendant.)	

PROPOSED FINAL JUDGMENT AND INJUNCTION

WHEREAS, Plaintiff E.I. du Pont de Nemours and Company (“DuPont”) sued Defendant Unifrax I LLC (“Unifrax”) in the above-captioned matter alleging that Unifrax’s FyreWrap Combi-Film 3G11 (“3G11”) product infringes United States Patent No. 8,607,926.

WHEREAS, the Court held a jury trial on May 8-16, 2017.

WHEREAS, on May 12, 2017 the Court granted judgment as a matter of law in favor of DuPont and against Unifrax on Counterclaim III of Unifrax’s Third Amended Answer, Affirmative Defenses, and Counterclaims. D.I. 340, Trial Tr. 1645:23-1646:15.

WHEREAS, on May 16, 2017 the jury returned a verdict that Unifrax’s 3G11 product infringes claims 1, 2, and 5 of United States Patent No. 8,607,926; claims 1, 2, and 5 of United States Patent No. 8,607,926 are not invalid; and awarded DuPont damages in the amount of \$3,272,000. D.I. 332.

WHEREAS, on May 19, 2017 the Court entered judgment in favor of DuPont and against Unifrax on Count I of the Complaint and on Counterclaims I and II of the Third Amended

Answer, Affirmative Defenses, and Counterclaims and awarded damages to DuPont in the amount of \$3,272,000. D.I. 346.

IT IS ORDERED AND ADJUDGED, for the reasons set forth in the Jury's Verdict, D.I. 332, the Court's Judgment, D.I. 346, and the Court's Memorandum Order, D.I. 391, that Final Judgment is entered in favor of DuPont and against Unifrax that Unifrax's FyreWrap Combi-Film 3G11 infringes claims 1, 2 and 5 of United States Patent No. 8,607,926 under 35 U.S.C. § 271.

IT IS ORDERED AND ADJUDGED, for the reasons set forth in the Trial Transcript, D.I. 340, the Jury's Verdict, D.I. 332, the Court's Judgment, D.I. 346, and the Court's Memorandum Order, D.I. 391, that Final Judgment is entered in favor of DuPont and against Unifrax that claims 1, 2 and 5 of United States Patent No. 8,607,926 are not invalid under 35 U.S.C. §§ 102, 103, 112, or 116.

IT IS ORDERED that, for the reasons set forth in the Court's Memorandum Opinion, D.I. 392, pursuant to 35 U.S.C. § 283, Unifrax and its agents, servants, officers, directors, employees, affiliated entities, and all persons in active concert or participation with it are enjoined from infringing claims 1, 2 and 5 of United States Patent No. 8,607,926 by the commercial manufacture, use, selling, offering to sell within the United States, or importation into the United States of Unifrax's FyreWrap Combi-Film 3G11 or any substantially similar products prior to the expiration of United States Patent No. 8,607,926. This injunction does not exclude a valid design-around that retains the 3G11 name.

IT IS ORDERED that, for the reasons set forth in the Court's Memorandum Opinion, D.I. 392, pursuant to 35 U.S.C. § 284, DuPont is awarded damages in the amount of \$3,272,000; supplemental damages in the amount of \$66,172; pre-judgment interest in the amount of

\$171,149; and post-judgment interest calculated at an annual rate of 1.13 percent from May 19, 2017 until judgment has been paid, compounded annually.

Dated this 18 day of September, 2017



UNITED STATES DISTRICT COURT JUDGE

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