

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 14-cv-62369-BLOOM/Valle

ARCTIC CAT INC.,

Plaintiff,

v.

BOMBARDIER RECREATIONAL
PRODUCTS, INC., and BRP U.S. INC.,

Defendants.

THIRD AMENDED FINAL JUDGMENT

THIS CAUSE is before the Court following entry of the Final Judgment, ECF No. [157], Order awarding supplemental damages, ECF No. [211], Amended Final Judgment, ECF No. [259], Order Granting Arctic Cat's Motion for Second Amended Judgment, ECF No. [266], Mandate of the Federal Circuit Court of Appeals, ECF No. [274], and Order on Cross-Motions for Summary Judgment, ECF No. [350] (collectively, "Orders"). Pursuant to Rule 58, and for the reasons set forth in the Court's previous Orders, it is **ORDERED AND ADJUDGED** as follows:

1. Defendants are directed to return **compensatory, supplemental, and exemplary damages** of **\$18,092,670** to the Plaintiff as a result of the trebling of the amount due for infringing units sold from the date of filing this case at a reasonable royalty rate of \$102.54 per unit.
2. Pursuant to this Court's decision on the parties' Cross-Motions for Summary Judgment, ECF No. [350], judgment of **no damages** is entered for infringing units sold from October 16, 2008 through filing of the Complaint.

3. Defendants shall pay to Plaintiff an **ongoing royalty at the rate of \$205.08 per infringing unit** from the date of Final Judgment, June 14, 2016, through expiration of the '545 patent. Defendants are directed to provide Plaintiff with unit sales information at least quarterly (January 15, April 15, July 15, and October 15) identifying sales of infringing units for which the ongoing royalty has not yet been paid.
4. Defendants are directed to return **ongoing royalties** in the amount of **\$7,175,544**, to cover the period from the date of Final Judgment, June 14, 2016, through March 31, 2018.
5. Defendants shall pay to Plaintiff **prejudgment interest on compensatory and supplemental damages** at 2.14%, compounded monthly, in the amount of **\$92,815** through June 14, 2016.
6. Defendants shall pay to Plaintiff **prejudgment interest on ongoing royalties** at 2.14%, compounded monthly, in the amount of **\$225,591** through August 31, 2018.
7. **Postjudgment interest** shall accrue in accordance with the rate set forth in 28 U.S.C. 1961(a) until the amounts set forth in paragraphs 1, 4, 5, and 6 are paid by Defendants.
8. If the United States Supreme Court denies Defendants' currently pending petition for a writ of *certiorari*, filed on June 7, 2018 as No. 17-1645, Plaintiff may execute the amounts set forth in paragraphs 1, 4, 5, and 6 of this Third Amended Final Judgment upon denial of Defendants' petition. Plaintiff may execute against Defendants and/or any surety that provides security through a

bond.¹

9. The Court reserves jurisdiction to enter an award of attorneys' fees and costs pursuant to Southern District of Florida Local Rule 7.3.

DONE AND ORDERED in Chambers at Miami, Florida, this 4th day of September, 2018.



BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record

¹ In the event that Plaintiff files an appeal of the Order on Cross-Motions for Summary Judgment, ECF No. [350], Defendants make seek a stay of proceedings pursuant to Rule 62 of the Federal Rules of Civil Procedure.