

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

PAICE LLC,

Plaintiff,

v.

TOYOTA MOTOR CORP., et al.,

Defendants.

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2:04-CV-211-DF

FINAL JUDGMENT

Pursuant to Rule 58 of the Federal Rules of Civil Procedure and in accordance with the jury verdict delivered on December 20, 2005 and with the Court's contemporaneously filed Orders regarding Plaintiff's Motion for Judgment as a Matter of Law or, in the Alternative, for a New Trial (Dkt. No. 209), Plaintiff's Motion for Entry of an Injunction (Dkt. No. 207), and Defendants' Motion for Judgment as a Matter of Law or in the Alternative, for a New Trial (Dkt. No. 208), the Court thereby enters judgment for Plaintiff Paice LLP and against Toyota Motor Corp., *a Japanese Corporation*, Toyota Motor North America Inc., and Toyota Motor Sales USA, Inc. (collectively "Defendants") for infringement of U.S. Patent No. 5,343,970 ("the '970 patent"), claims 11 and 39. **IT IS THEREFORE ORDERED THAT** Plaintiff shall have and recover from Defendants, jointly and severally, the total sum of \$4,269,950.00, together with pre-judgment interest calculated at the prime rate, compounded annually, together with post-judgment interest on the entire sum calculated pursuant to 28 U.S.C. § 1961. The parties shall meet and confer in an attempt to reach agreement as to the calculation of pre-judgment interest at the prime rate and, within 14 days of the entry of this order, shall jointly submit such calculation

to the Court. This Court retains jurisdiction to award Plaintiff amounts for pre-judgment interest.

For the reasons stated in this Court's contemporaneously filed order, Plaintiff's motion for injunctive relief was denied. Defendants are hereby **ORDERED**, for the remaining life of the '970 patent, to pay Plaintiff an ongoing royalty of \$25.00 per infringing Prius II, Toyota Highlander, or Lexus RX400H (the "infringing vehicles"). Royalties shall be paid quarterly and shall be accompanied by an accounting of the sales of infringing vehicles. Payments shall begin three months after the date of signing of this judgment and shall be made quarterly thereafter. The first payment shall include royalties for all infringing vehicles sold that were not accounted for in the jury's verdict. Payments not made within 14 days of the due date shall accrue interest at the rate of 10%, compounded monthly. Plaintiff shall have the right to request audits. It is anticipated that the parties may wish to agree to more comprehensive or convenient terms. The parties shall promptly notify the Court of any such agreement. The Court maintains jurisdiction to enforce this portion of the Final Judgment.

All relief not specifically granted herein is denied. All pending motions not previously ruled on are denied. This is a Final Judgment and is appealable.

SIGNED this 16th day of August, 2006.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE