

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

GALDERMA LABORATORIES, L.P., et al.

Plaintiffs,

v.

MEDINTER US LLC, et al.,

Defendants.

Case No. 1:18-cv-01892-JDW-CJB

MEMORANDUM

I entered a default judgment against Defendants Medinter US LLC, Medinter Ltd. UK, Medinter Ltd. BVI, and Medgraft Microtech, Inc. (the "Corporate Defendants") and determined that Plaintiffs Galderma S.A. and Galderma Labs (together "Galderma") were entitled to both pre- and post-judgment interest as part of their damages award. After reviewing additional submissions from Galderma, I conclude that Galderma is entitled to an award of \$1,707,223 in pre-judgment interest and is entitled to \$915.50 per day, from the date of the amended judgment until the Corporate Defendants satisfy it in full.

I. BACKGROUND

A full recitation of the facts of this case is not necessary for purposes of this motion, so I incorporate by reference the factual background set forth in my prior Memorandum, in which I determined that Galderma is entitled to pre- and post-judgment interest and granted Galderma leave to file a motion to determine the appropriate amount of interest

to be applied to the judgment. (D.I. 470.) Galderma filed its motion, and the Corporate Defendants have not responded by the applicable deadline. *See* L. R. Civ. P. 7.1.2(b). Thus, the motion is ripe for disposition. Having determined that Galderma is entitled to both pre- and post-judgment interest, the proper amount of interest is the only issue left to resolve.

II. DISCUSSION

A. Pre-Judgment Interest

In federal question cases like this one, “the rate of prejudgment interest is committed to the discretion of the district court.” *Sun Ship, Inc. v. Matson Navigation Co.*, 785 F.2d 59, 63 (3d Cir. 1986). In this District, applying “[t]he prime rate is by far the most common practice” *ArcherDX, LLC v. Qiagen Scis., LLC*, No. 18-cv-1019, 2022 WL 4597877, at *18 (D. Del. Sept. 30, 2022) (collecting cases). In addition, judges within this District have compounded prejudgment interest on a quarterly basis. *See, e.g., id.* The Corporate Defendants have not voiced any opposition to this approach. Therefore, I will amend the judgment to include prejudgment interest compounded quarterly at the prime rate. Galderma’s unrebutted calculations establish that it is entitled to \$1,707,223 in pre-judgment interest, and I will amend the judgment to reflect that amount.

B. Post-Judgment Interest

Post-judgment interest is calculated “from the date of the entry of the judgment, at a rate equal to the weekly average 1-year constant maturity Treasury yield ... for the

calendar week preceding the date of the judgment.” 28 U.S.C. § 1961(a). In addition, post-judgment interest must be computed daily and compounded annually. *See* 28 U.S.C. § 1961(b). Finally, “postjudgment interest should be calculated based upon the underlying judgment and award of prejudgment interest.” *Skretvedt v. E.I. DuPont De Nemours*, 372 F.3d 193, 217 (3d Cir. 2004). Thus, Galderma is entitled to post-judgment interest on the total amount of \$6,829,733 (\$5,122,510 (reasonable royalty damages) + \$1,707,223 (pre-judgment interest) = \$6,829,733).

Galderma’s un rebutted calculations establish that it is entitled to \$915.50 in post-judgment interest each day until the Corporate Defendants satisfy the judgment against them. However, because “post-judgment interest on a particular award only starts running when a judgment quantifying that award has been entered[,]” the award of post-judgment interest on the amended judgment (which includes pre-judgment interest) will not begin to run until the amended judgment is entered. *Travelers Cas. & Sur. Co. v. Ins. Co. of N. Am.*, 609 F.3d 143, 175 (3d Cir. 2010); *see also ArcherDX*, 2022 WL 4597877 at *19 (“[P]ost-judgment interest on the prejudgment interest award does not begin to accrue until the amended judgment quantifying the prejudgment interest is entered.”).

An appropriate Order follows.

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.

February 5, 2024