

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LOGGERHEAD TOOLS, LLC,

Plaintiff,

v.

SEARS HOLDINGS CORPORATION and  
APEX TOOL GROUP, LLC,

Defendants.

Case No. 1:12-cv-09033

Honorable Rebecca R. Pallmeyer

**[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR ENTRY OF  
JUDGMENT, FOR AWARD OF PREJUDGMENT AND POST-JUDGMENT  
INTEREST AND COSTS, AND FOR IDENTIFICATION OF THE  
APPLICABLE SCHEDULE FOR LOGGERHEAD'S MOTION FOR  
ATTORNEY'S FEES AND NONTAXABLE EXPENSES**

This matter is before the Court pursuant to LoggerHead's Motion For Entry of Judgment, Award of Prejudgment and Post-Judgment Interest And Costs, and Identification of the Applicable Schedule for Loggerhead's Motion For Attorney's Fees And Nontaxable Expenses.

**IT IS HEREBY ORDERED AND ADJUDGED:**

That LoggerHead's Motion For Entry of Judgment, Award of Prejudgment and Post-Judgment Interest and Costs, and Identification of the Applicable Schedule for LoggerHead's Motion For Attorney's Fees and Nontaxable Expenses is granted.

1. Sears Holdings Corporation and Apex Tool Group, LLC ("Defendants") infringed Claims 1, 9, and 16 of U.S. Patent No. 6,889,579 and infringed Claims 1 and 9 of U.S. Patent No. 7,992,470.

2. Defendants did not prove any of these Claims are invalid as anticipated.

3. Defendants did not prove Claims 1 and 9 of the '470 patent are invalid as obvious.

4. Defendants shall pay to LoggerHead \$5,979,616 as damages for the infringement.

5. Both Defendants' infringement was willful. Pursuant to 35 U.S.C. § 284, Defendants shall pay to LoggerHead \$[\_\_\_\_\_] as enhanced damages, which is [\_\_\_\_\_] times the reasonable royalty awarded pursuant to the preceding paragraph.

6. Defendants shall pay prejudgment interest to LoggerHead [at 8%][at the prime rate plus two (2) percent)], compounded quarterly, from September 2012 through today, which equals [if 8%, \$2,128,476, plus \$1,696 for each day from June 22, 2017 to the date of entry of this Order][if prime rate plus 2%, \$1,380,360, plus \$1,173 for each day from June 22, 2017 to the date of entry of this Order].

7. Pursuant to 35 U.S.C. §284, Defendants shall pay LoggerHead's costs. LoggerHead and Defendants shall meet and confer and then LoggerHead may submit a bill of costs pursuant to Fed. R. Civ. P. 54(d)(1).

8. Pursuant to 28 U.S.C. §1961, Defendant shall pay post-judgment interest at the statutory rate of interest, computed daily and compounded annually.

9. If LoggerHead seeks attorney's fees and nontaxable expenses, LoggerHead may file its motion in accordance with [the procedures set forth in Local Rule 54.3 of the Northern District of Illinois][the following: \_\_\_\_\_].

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Honorable Rebecca R. Pallmeyer  
United States District Judge