

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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SIONYX, LLC and PRESIDENT AND))	
FELLOWS OF HARVARD COLLEGE,))	
))	
Plaintiffs,))	
))	Civil Action No.
v.))	15-13488-FDS
))	
HAMAMATSU PHOTONICS K.K. and))	
HAMAMATSU CORPORATION,))	
))	
Defendants.))	
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**ORDER ON DEFENDANTS’ MOTION FOR APPROVAL OF BOND AND STAY
OF ENFORCEMENT OF MONETARY PORTION OF THE
FINAL JUDGMENT PENDING APPEAL**

SAYLOR, J.

Defendants Hamamatsu Photonics K.K. and Hamamatsu Corporation have moved for approval of a supersedeas bond in order to stay the monetary portion of this Court’s final judgment pending appeal. For the following reasons, the motion will be granted subject to the filing of proof of bond with the Court.

In an Order dated September 24, 2019, the Court denied defendants’ motion to stay the final judgment pending appeal. The Court did, however, note that defendants could seek a stay of the monetary portion of the judgment upon a posting of the appropriate bond. Fed. R. Civ. P. 62(b) provides that “[a]t any time after judgment is entered, a party may obtain a stay by providing a bond or other security. The stay takes effect when the court approves the bond or other security and remains in effect for the time specified in the bond or other security.” Local Rule 62.2 governs the specific requirements of such a bond, dictating that the bond “shall be in

the amount of the judgment plus 10% of the amount to cover interest and any award of damages for delay plus \$500 to cover costs, unless the court directs otherwise.”

Defendants have expressly represented to the Court that they have obtained such a bond in the amount of \$3,442,538.60.¹ However, despite reference to proof of this bond in an attached exhibit, no such proof was actually submitted to the Court. Under the circumstances, the Court declines to construe what may be an oversight as proof to the contrary. Instead, the Court will afford defendants the opportunity to file proof of the bond and will grant the motion in the interim.

Accordingly, and for the foregoing reasons, Defendants’ Motion for Approval of Bond and Stay of Enforcement of Monetary Portion of the Final Judgment (Docket No. 837) is GRANTED. Defendants have five days from the entry of this Order to submit actual proof of the bond. The provisions of paragraphs 1-3 of the Amended Final Judgment and Order are STAYED pending appeal. This Order shall be vacated if such proof is not timely filed pursuant to this Order.

So Ordered.

/s/ F. Dennis Saylor IV
F. Dennis Saylor IV
United States District Judge

Dated: November 4, 2019

¹ This amount is equal to the sum of the original judgment (\$3,129,126), 10% of that amount (\$312,912.60), and \$500 to cover costs.