

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEMTRON CORPORATION,

Plaintiff,

-vs-

Case No. 1:04-0387
Hon: AVERN COHN

SAINT-GOBAIN CORPORATION,

Defendant.

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FINAL JUDGMENT

This is a patent case. Liability was tried to a jury. Damages were tried to the Court. The issues in the case have been resolved. Accordingly,

IT IS ORDERED AND ADJUDGED that judgment is entered in favor of plaintiff, Gemtron Corporation (Gemtron), and against defendant, Saint-Gobain Corporation (Saint-Gobain), as follows:

1. Claim 23 of United States Patent No. 6,679,573 (the '573 Patent) is VALID.
2. The refrigerator shelves manufactured by defendant Saint-Gobain designated as SG1, SG2, SG3, and SG4 thru SG36 (with the exception of SG12), as well as any similarly constructed refrigerator shelves INFRINGE Claim 23 of the '573 Patent to the extent that they have been or are imported into, sold in, offered for sale in, or used in the United States.
3. Compensatory damages for the period January 20, 2004, to July 31, 2008, are awarded in the amount of \$1,761,448.00. This is based on a 5.99% reasonable royalty

on infringing sales for the period ending July 31, 2008.

4. Prejudgment interest is awarded in the amount of \$270,785.00. (This is calculated at an interest rate of one-half (1/2%) percent over prime for the period from the filing of the complaint by Saint-Gobain on June 10, 2004, to July 31, 2008.)

5. Saint-Gobain and its employees, agents, successors in interest, assigns, and all persons in active concert with any of them, are enjoined from:

- (a) making, using, selling or offering for sale, each in the United States, the refrigerator shelves manufactured by Saint-Gobain designated as SG1 through SG 36 (with the exception of SG12) as well as any similarly constructed refrigerator shelves;
- (b) importing into the United States any of the infringing shelves set forth in (a) above; and
- (c) making, using, selling or offering for sale outside the United States the infringing shelves set forth in (a) above with the knowledge that they will be, or likely will be, imported into, sold in, offered for sale in, or used in the United States.

With respect to item (c), Saint-Gobain shall take the steps necessary to determine whether the refrigerator shelves that it manufactures and sells outside the United States will be sold or incorporated into refrigerators that are sold in the United States.

6. Pending review of this judgment on appeal, Saint-Gobain shall maintain records of the sales of the refrigerator shelves manufactured by Saint-Gobain designated as SG1 through SG36 (with the exception of SG12) as well as any similarly constructed refrigerator shelves to the extent they are imported directly or in refrigerators that are imported into the United States, and shall provide such information to Gemtron on a quarterly basis.

7. The injunction entered as described in paragraph 5 above is STAYED pending review of this judgment on appeal and until further order of the Court.

8. Proceedings regarding all other claims related to the '573 Patent or United States Patent No. 6,422,673 are STAYED until further order of the Court.

This FINAL JUDGMENT supersedes the Partial Judgment entered February 5, 2008 and the Amended Partial Judgment entered February 5, 2008.

Dated: September 22, 2008 (*nunc pro tunc* July 31, 2008)

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, September 22, 2008, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160