

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

WESTERN PLASTICS, INC.,)	
)	
Plaintiff,)	AMENDED
)	JUDGMENT IN A
v.)	CIVIL CASE
)	CASE NO. 5:15-CV-294-D
DUBOSE STRAPPING, INC.,)	
)	
Defendant.)	

Decision by Court.

This action came before this Court for ruling as follows.

The Judgment [D.E. 223] entered on November 22, 2019, awarding Western Plastics, Inc. \$614,548.00 in damages is amended as follows:

IT IS ORDERED, ADJUDGED, AND DECREED that, pursuant to an order entered September 24, 2020, the court GRANTS WP's motion for a permanent injunction [D.E. 224]. Defendant DuBose Strapping, Inc., its parents, subsidiaries, successors, assigns, officers, agents, servants, employees, and persons in active concert or participation with DuBose Strapping, Inc., who have actual notice of this Order, are PERMANENTLY ENJOINED and prohibited from engaging in future acts of infringement of Western Plastics' U.S. Patent No. 8,080,304 ("the '304 Patent") by making, using, offering for sale, selling, or importing products that infringe one or more claims of the '304 Patent in the United States, including DuBose's FlexStretch products comprising a rib layer laminated between two clingingly engaged films ("the Adjudicated Products") and any other product that is not more than colorably different from the Adjudicated Products. This injunction shall expire upon the abandonment, invalidation, or expiration of the claims of the '304 Patent.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to an order entered September 24, 2020, the court GRANTS WP's motion for treble damages [D.E. 233]. The court trebles the jury's damage award from \$614,548.00 to \$1,843,644.00.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to an order entered September 24, 2020, the court GRANTS plaintiff's motion for bill of costs [D.E. 237] in full, EXCEPT for the \$996.50 service fees for the complaint, summons, and subpoenas. The total cost award is \$42,700.30.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to an order entered September 24, 2020, the court awards prejudgment interest to WP at the U.S. prime rate compounded quarterly, for a total of \$98,263.00 in prejudgment interest on the \$614,548.00 jury award plus \$91.71 per day until the judgment becomes appealable.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to an order entered September 24, 2020, the court DENIES plaintiff's motion for a declaration that this case is exceptional and for an award of attorneys' fees [D.E. 229]

This Judgment Filed and Entered on September 28, 2020, and Copies To:

Glenn Forbis	(via CM/ECF electronic notification)
J. Bradley Luchsinger	(via CM/ECF electronic notification)
Anthony DeRosa	(via CM/ECF electronic notification)
J. Gray Wilson	(via CM/ECF electronic notification)
Lynne Borchers	(via CM/ECF electronic notification)
Anthony Biller	(via CM/ECF electronic notification)
Emily Haas	(via CM/ECF electronic notification)

DATE:
September 28, 2020

PETER A. MOORE, JR., CLERK
(By) /s/ Lindsay Stouch

Deputy Clerk