

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FOCUS PRODUCTS GROUP
INTERNATIONAL, LLC, ZAHNER DESIGN
GROUP, LTD., AND HOOKLESS SYSTEMS
OF NORTH AMERICA, INC., SF HOME
DÉCOR, LLC, SURE FIT HOME DÉCOR
HOLDINGS CORP., and SURE FIT HOME
PRODUCTS, LLC,

Plaintiffs,

v.

KARTRI SALES COMPANY, INC. AND
MARQUIS MILLS, INTERNATIONAL, INC.

Defendants.

Civil Action No.:

1:15-cv-10154 (PAE)(SDA)

FINAL JUDGMENT

WHEREAS plaintiffs filed a Fourth Amended Complaint in this matter, including: Count I for patent infringement; Count II for trademark infringement under Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a); and Count III under the New York Common Law of Unfair Competition (Dkt. 148);

WHEREAS defendant Kartri Sales Company, Inc. (“Kartri”) filed affirmative defenses and Counterclaims thereto (Dkt. 150);

WHEREAS defendant Marquis Mills International, Inc. (“Marquis”) filed affirmative defenses and Counterclaims thereto (Dkt. 151);

WHEREAS, this Court issued an Order dated April 16, 2020 (Dkt. 297) on the parties’ respective motions for summary judgment on their claims, counterclaims, and defenses; an Order dated May 3, 2020 (Dkt. 302) on defendants’ Motion for Reconsideration, and an Order dated January 4, 2021 (Dkt. 312) on plaintiffs’ Motion for Reconsideration;

WHEREAS, the Court issued various pre-trial rulings thereafter addressing the claims, counterclaims, and defenses that the parties proposed to assert at trial;

WHEREAS, the Court issued an Opinion and Order dated December 22, 2022 (Dkt. 501) setting out the Court's findings of fact and conclusions of law pursuant to Fed. R. Civ. P. 52 on the parties' remaining claims and defenses, following a six-day bench trial;

WHEREAS, the Court issued an Order dated June 5, 2023 (Dkt. 538) dismissing plaintiff's claim for infringement of U.S. Design Patent No. D746,078 patent, and dismissing Marquis' counterclaim for the invalidity of that patent, both without prejudice;

WHEREAS, the Court issued an Opinion and Order dated June 5, 2023 (Dkt. 539) granting plaintiffs' motion for an award of reasonable attorneys' fees under the fee provisions of the Patent Act, 35 U.S.C. §285, and the Lanham Act, 15 U.S.C. 1117(a), and awarding pre-judgment interest based on the interest rate on the yield of a one-year U.S. Treasury bill, post-judgment interest, and costs; and,

WHEREAS, no further claims, counterclaims, or defenses remain to be adjudicated;

NOW THEREFORE, pursuant to Fed. R. Civ. P. 54 and 58, and upon all of the rulings and proceedings in this matter, this Court hereby enters Final Judgment in accordance with its prior Opinions, Orders, and rulings, and awards plaintiffs judgment against the defendants in the amount of \$2,938,337 in damages (Dkt. 539 at 33), \$929,126.95 in attorneys' fees (*id.*), and pre-judgment interest in the amount of \$109,086.67, for a total of \$3,976,550.62, plus costs.

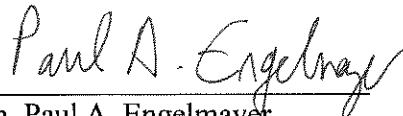
In accordance with the Court's Order dated June 8, 2023 (Dkt. 540), plaintiffs shall file a bill of costs with the Clerk of Court as directed by Local Rule 54.1.

Post-judgment interest is also awarded from the date of this final judgment at the statutory rate under 28 U.S.C. §1961, i.e. "a rate equal to the weekly average 1-year constant

maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding,” which is 5.18% for the preceding week.

A permanent injunction under the Lanham Act and New York law is also awarded as set forth in the Court’s Opinion and Order of December 22, 2022 (Dkt. 501 at 167-168).

SO ORDERED.



Hon. Paul A. Engelmayer
United States District Judge
June 14, 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2023, a true and correct copy of the foregoing was served on counsel of record via the Court's ECF system.

Dated: June 14, 2023

/s/ Morris E. Cohen

Morris E. Cohen