

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DRONE TECHNOLOGIES, INC.,

Plaintiff,

14cv0111

ELECTRONICALLY FILED

v.

PARROT S.A., PARROT, INC.,

Defendants.

ORDER OF COURT RE: POST-TRIAL DAMAGES MOTIONS
(DOC. NOS. 378, 380, 382, 383, 386)

AND NOW, this 12th day of June, 2015, for the reasons set forth in a previously filed Memorandum Opinion Re: Post-Trial Damages Motions, IT IS HEREBY ORDERED THAT¹:

1. Plaintiff's Motion for Royalty for Future Infringement (Doc. No. 378) is **DENIED**. The Court adopts the jury's verdict of \$4,016,050.00 for infringement of Plaintiff's patents from July 1, 2015 through the expiration of the patents -- future damages;
2. Plaintiff's Motion for Fees Under Rule 37 (Doc. No. 380) is **GRANTED**;

On or before June 25, 2015, Plaintiff shall file a Petition pursuant to Federal Rule of Civil Procedure 37, for reasonable attorneys' fees and expenses, for Defendants' non-compliance with this Court's Orders. Defendants' Response thereto is due by July 8, 2015. David White, Esq. is appointed as Special Master to recommend the amount of a reasonable award pursuant to Federal Rule of Civil Procedure 37 under the applicable standard.

¹ Nothing in this Order is meant to prohibit the Parties from reaching agreement as to the amounts of the awards. However, due to the unprecedented lack of agreement on any issue in this case, the Court's Order is structured such that customary Joint Status Reports etc. are not provided required.

To the extent applicable, Mr. White is appointed subject to the same terms as the Court's previous Order of Court Appointing Special Master Re: Attorney-Client Privilege and Attorney Work Product Dispute (Doc. No. 179). The Special Master shall file a Report and Recommendation on or before July 31, 2015;

3. Plaintiff's Motion for an Order Awarding Pre-judgment Interest (Doc. No. 382) is

GRANTED IN PART AND DENIED IN PART;

Plaintiff is awarded pre-judgment interest on the jury award for past damages of \$3,783,950.00, compounded quarterly, using Pennsylvania's statutory interest rate of six percent, from January 31, 2012 through the date of entry of judgment. Pre-judgment interest will also be awarded, in the same manner, on Plaintiff's award for attorneys' fees and expenses, which have yet to be determined. Pre-judgment interest will not be applied as to the award for future damages;

4. Plaintiff's Renewed Motion for an Exceptional Case Finding and an Award of Attorneys' Fees (Doc. No. 383) is **GRANTED IN PART AND DENIED IN PART**. The Court finds that this case is exceptional pursuant to 35 U.S.C. § 285. Plaintiff's Motion is **GRANTED** to the extent that it seeks an award of attorneys' fees and expenses and **DENIED** to the extent Plaintiff moves this Court to award Plaintiff the costs of its expert witness;

On or before June 25, 2015, Plaintiff shall file a Petition for Attorneys' Fees and Expenses (with supporting affidavits and documents, including the number of hours and description of work per timekeeper and the rate per hour of each timekeeper), with Response due by July 8, 2015. If Defendants oppose the amount of Plaintiff's requested attorneys' fees and expenses, they shall provide a document outlining Defendants'

attorneys' fees (with supporting affidavits and documents, including the number of hours and description of work per timekeeper and the rate per hour of each timekeeper) and expenses to Plaintiff's counsel and the Special Master. David White, Esq. is appointed as Special Master to recommend the amount of reasonable attorneys' fees under the applicable standard.

To the extent applicable, Mr. White is appointed subject to the same terms as the Court's previous Order of Court Appointing Special Master Re: Attorney-Client Privilege and Attorney Work Product Dispute (Doc. No. 179). The Special Master shall file a Report and Recommendation on or before July 31, 2015;

5. Plaintiff's Motion for Post-Judgment Interest (Doc. No. 386) is **GRANTED**. Defendants shall pay post-judgment interest on the damages assessed by the jury (and adopted by the Court), attorneys' fees and costs (which will be determined with the use of Special Master White), and the total pre-judgment interest, at the rate set forth in 28 U.S.C. § 1961(a), compounded annually from the date final judgment is entered until the total monetary amount is fully paid to Plaintiff.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties