

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

CARNEGIE MELLON UNIVERSITY,)	
)	
Plaintiff,)	
v.)	Civil Action No. 2:09-cv-00290-NBF
)	
MARVELL TECHNOLOGY GROUP, LTD.,)	
and MARVELL SEMICONDUCTOR, INC.,)	
)	
Defendants.)	

**PLAINTIFF CARNEGIE MELLON UNIVERSITY’S MOTION
FOR PREJUDGMENT INTEREST**

Plaintiff Carnegie Mellon University (“CMU”), by its undersigned counsel, respectfully moves this Court for an order granting prejudgment interest on the jury verdict rendered on December 26, 2012. As grounds for this Motion, CMU states as follows:

1. On December 26, 2012, the jury found for CMU on all counts and awarded \$1,169,104,271 in damages. (Dkt. 762).
2. The Court entered judgment on January 14, 2013 (Dkt. 769).
3. At trial, CMU presented evidence that the damages period began on March 6, 2003. Marvell did not dispute this date.
4. For the reasons set forth in the accompanying brief, CMU seeks prejudgment interest at the Pennsylvania state statutory rate of 6%, compounded quarterly. Based on Marvell’s sales figures from March 6, 2003 to July 28, 2012, prejudgment interest calculated in this manner is \$321,767,068.17.
5. In the alternative, CMU seeks prejudgment interest reflecting CMU’s investment returns during the damages period, compounded quarterly. Based on Marvell’s sales figures from March 6, 2003 to July 28, 2012, prejudgment interest calculated in this manner is \$280,326,930.68.

6. As a further alternative, CMU seeks prejudgment interest calculated using the prime rate during the infringement period, compounded quarterly. Based on Marvell's sales figures from March 6, 2003 to July 28, 2012, prejudgment interest calculated in this manner is \$209,253,457.74.

7. CMU further requests annually compounded post-judgment interest on its entire money judgment, in an amount to be calculated upon determination of CMU's motions for enhanced damages and attorneys' fees, using the rate set forth in 28 U.S.C. § 1961.

WHEREFORE, CMU respectfully requests this Court to enter an order granting CMU prejudgment interest on the December 26, 2012 jury verdict. A proposed Order is attached.

Dated: February 11, 2013

Respectfully submitted,

/s/ Mark Knedeisen

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Counsel for Plaintiff, Carnegie Mellon University

CERTIFICATE OF SERVICE

I hereby certify that on February 11, 2013 the foregoing was filed electronically.

Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

Parties may access this filing through the Court's system.

/s/Mark Knedeisen

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[PROPOSED] ORDER FOR PREJUDGMENT AND POSTJUDGMENT INTEREST

AND NOW, this ____ day of _____, 2013, upon consideration of Plaintiff’s Motion for Prejudgment and Post-judgment Interest by Plaintiff, Carnegie Mellon University (“CMU”), Dkt. ____, in this patent infringement action against Marvell Technology Group, Ltd. (“MTGL”) and Marvell Semiconductor, Inc. (“MSI”) (collectively, “Marvell”), it is hereby ORDERED that Plaintiff’s Motion is GRANTED, and in that connection:

WHEREAS, this Court held a jury trial in the above-captioned matter from November 26, 2012 to December 26, 2012.

WHEREAS, the jury awarded damages to CMU in the amount of \$1,169,140,271 based upon CMU’s claim for damages in the form of a running royalty of \$0.50 per MNP-type and NLD-type chip sold by Marvell between March 6, 2003, through July 28, 2012.

WHEREAS, the Court entered judgment in that amount on January 14, 2013.

NOW THEREFORE, having considered the entire record in this action, the verdict of the jury and the papers submitted by parties,

IT IS HEREBY ORDERED that prejudgment interest on damages through July 28, 2012 is awarded at the Pennsylvania statutory rate of 6% set forth in 41 P.S. § 202, compounded quarterly, resulting in an award of \$321,767,068.17. for prejudgment interest on the jury's award. The Court will amend the judgment to reflect this award, prejudgment interest upon royalties earned from July 29, 2012 to January 14, 2013, and post-judgment interest of 0.14%.

Hon. Judge Nora Barry Fischer