IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-CV-01007-RBJ-MJW

CELLPORT SYSTEMS, INC.,

Plaintiff/Counterclaim Defendant,

v.

PEIKER ACUSTIC GMBH & CO.

Defendant/Counterclaim Plaintiff

STIPULATED FINAL JUDGMENT

Plaintiff Cellport Systems, Inc. ("Cellport") having commenced this action by filing a complaint against defendant Peiker Acustic GMBH & Co. ("Peiker") in the District Court for the State of Colorado, County of Boulder;

Peiker having removed this action to this Court;

After holding a bench trial, this Court having entered final judgment on January 2, 2013 (1) in favor of Peiker and against Cellport on Cellport's breach of contract claim insofar as it related to the BMW Snap-In-Adaptor (SIA) and Baseplate (BMW) products, the CKII/CIB (VW) and CKII/CIB (BMW) products, the CKVI (Audi) products, and BT-PSC (Daimler) products, (2) in favor of Cellport and against Peiker on the CKII (Daimler) and CKIV (Daimler) products, and (3) determining that neither party was the prevailing party entitled to attorneys' fees;

The United States Court of Appeals for the Tenth Circuit having issued a decision on August 5, 2014 affirming in part and reversing in part this Court's final judgment and remanding with instructions that this Court should: (1) calculate the damages due to Cellport for

the CKII/CIB (VW) and CKII/CIB (BMW) products as Cellport was entitled to damages for these products; (2) determine whether royalties were due to Cellport for the CKVI products as part of a UMCP covered by Section 1.17(i); (3) determine whether the BT-PSC product infringes Cellport's "'456 Patent" – and therefore is a UMCP covered by Section 1.17(iii)—and if necessary, calculate the royalties owed Cellport for that product; and (4) determine whether Cellport is the "prevailing party" for purposes of awarding attorney's fees and costs;

The mandate of the United States Court of Appeals for the Tenth Circuit having issued on September 23, 2014;

This Court having determined on April 29, 2015 that prejudgment interest runs from the date royalty payments were due, which means the date that the product was shipped by or on behalf of Peiker or a Peiker subsidiary;

Cellport and Peiker having agreed on July 1, 2015 that the amount of royalties owed for the CKII/CIB (VW) and CKII/CIB (BMW) products is $989,485 plus interest at 8%;

The pre-judgment interest due for the CKII/CIB (VW) and CKII/CIB (BMW) products having continued to accrue through December 21, 2015 causing the total amount of royalties owed for the CKII/CIB (VW) and CKII/CIB (BMW) products, inclusive of pre-judgment interest accrued through December 21, 2015, to be $2,136,257;

Peiker having made a payment of all royalties owed for the CKII/CIB (VW) and CKII/CIB (BMW) products, plus a portion of the pre-judgment interest accrued through December 21, 2015 ($341,411);

This Court having determined on October 13, 2015, that Cellport was entitled to payments on the CKVI products, but not entitled to damages on the BT-PSC products; and

Cellport and Peiker having agreed that the amount of royalties owed for the CKVI products, inclusive of pre-judgment interest accrued through April 15, 2016, is $81,236.

NOW THEREFORE, based upon the foregoing,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED as follows:

1. The Clerk shall enter final judgment in favor of Cellport, and against Peiker, on Cellport's First Claim for Relief insofar as it relates to the CKII/CIB (VW) and CKII/CIB (BMW) products, in the amount of $2,136,257 ($1,052,767.10 of which the parties acknowledge was paid prior to the date of this Order).

2. The Clerk shall enter final judgment in favor of Cellport, and against Peiker, on Cellport's First Claim for Relief insofar as it relates to the CKVI products, in the amount of $81,236.

3. The Clerk shall enter final judgment in favor of Peiker, and against Cellport, on Cellport's First Claim for Relief insofar as it relates to the BT-PSC products.

4. By a separate order and pursuant to Cellport's Motion for an Award of Attorneys' Fees and Costs Incurred to Date, the Court will determine whether Cellport is the "prevailing party" for purposes of awarding attorney's fees and costs and make any award of costs and fees to Cellport as the Court shall deem just and proper.

5. Post-judgment interest at the rate provided by Colorado Revised Statutes § 5-12-102(4)(b) shall accrue from the date of judgment until the judgment is satisfied.

Dated this 8th day of February, 2016.

BY THE COURT:



R. Brooke Jackson
United States District Judge

Clerk

Dated: February 4, 2016

/s/ Katherine L. Pringle
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CERTIFICATE OF SERVICE

I hereby certify that on this February 4, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/ Veronica Garvey
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