

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

ROMAG FASTENERS, INC.,

Plaintiff,

v.

FOSSIL, INC., FOSSIL STORES I, INC.,
MACY'S, INC., and MACY'S RETAIL
HOLDINGS, INC.,

Defendants.

Civil Action No. 3:10-cv-1827-JBA
(Consolidated)

May 7, 2021

**DEFENDANTS FOSSIL GROUP, INC. AND FOSSIL STORES I, INC.'S
RESPONSE TO PLAINTIFF'S MOTION TO AMEND OR CORRECT THE JUDGMENT**

Defendants Fossil, Inc. (now known as Fossil Group, Inc.) and Fossil Stores I, Inc. (collectively "Fossil") respectfully submit this response to Plaintiff Romag Fasteners, Inc.'s Motion to Amend or Correct the Judgment Amount (Dkt. #589). Although Fossil agrees with Romag's view of the apparent problem contained in the recent order, there also is an error in Romag's proposed fix. Specifically, Fossil agrees that the new judgment should reflect a total award to Romag of \$141,811.50, not \$132,622.11. This is because the calculation in the Order Amending Final Judgment dated April 29, 2021 (Dkt. #588), appears to utilize the previously discounted patent damages amount against Fossil of \$41,862.75, rather than the non-discounted amount of \$51,052.14. (Dkt. #560 at 2.) Indeed, Fossil has already advised Romag of its immediate intent to pay the full judgment amount reflecting total damages of \$141,811.50, plus additional interest previously awarded.

The problem, however, is that the prayer for relief in Romag's Motion appears to erroneously group the prior (2017/2018 patent) judgment amounts together with the new (April

29, 2021 trademark) judgment amount, and that may inadvertently result in a new judgment the recites an incorrect post-judgment interest rate and post-judgment accrual date. Fossil respectfully submits that post-judgment interest on the newly awarded \$90,759.36 should run from the date of the award, April 29, 2021, and not the November 8, 2017 date used in the prior Second Amended Judgment. Similarly, the post-judgment interest rate applicable to the newly awarded \$90,759.36 should be 0.07%, not the 1.53% applicable to the 2017 judgment. *See, e.g.*, Southern District of California website, <https://www.casb.uscourts.gov/post-judgment-interest-rates-2021> (applicable post-judgment interest rate is 0.07%).

Accordingly, the new amended judgment should enter with the following recitals:

Therefore, it is hereby ORDERED, ADJUDGED and DECREED that third amended final judgment is entered for plaintiff, Romag Fasteners, Inc., against defendants Macy's Inc. and Macy's Retail, Inc. with respect to patent infringement claims in the amount of \$15,320.61 and against Fossil, Inc. and Fossil Stores I, Inc. with respect to patent infringement in the amount of \$51,052.14, and Romag is entitled to prejudgment interest in the amount of \$416.82 as well as post-judgment interest on that damages award running from November 8, 2017 at a rate of 1.53% until the judgment is paid (all as previously set forth and entered on the docket in Dkt. 560); and

It is hereby further ORDERED, ADJUDGED and DECREED that judgment is entered for plaintiff, Romag Fasteners, Inc., against defendants Fossil, Inc. and Fossil Stores I, Inc., with respect to trademark infringement claims in the amount of \$90,759.36, with post-judgment interest on that amount running from April 29, 2021 at the rate of 0.07% until that amount is paid.

WHEREFORE, Fossil respectfully asks that amended judgment be entered as set forth above.

Date: May 7, 2021

Respectfully submitted,

/s/ Nicholas Geiger

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Inc. and Fossil Stores I, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2021, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Nicholas Geiger
Nicholas Geiger (ct28060)

*Counsel for Defendants Fossil Group, Inc. and
Fossil Stores I, Inc.*