

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

COBALT BOATS, LLC,)	
)	
<i>Plaintiff,</i>)	
v.)	
)	No.: 2:15-CV-00021-HCM-LRL
BRUNSWICK CORPORATION,)	
)	
<i>Defendant.</i>)	

**COBALT'S MOTION TO SHOW CAUSE WHY BRUNSWICK CORPORATION
SHOULD NOT BE HELD IN CONTEMPT
OF THE COURT'S PERMANENT INJUNCTION**

Plaintiff Cobalt Boats, LLC ("Cobalt") moves the Court to enter an Order requiring Defendant Brunswick Corporation ("Brunswick") to show cause why it should not be held in contempt for violating the permanent injunction entered in this action on October 31, 2017 (Dkt. No. 412). A jury of this Court, after an 8-day jury in June of 2017, returned a verdict against Brunswick finding that its imitation Swim Step *willfully* infringed Cobalt's U.S. Patent No. 8,375,880 (the "'880 Patent"). After extensive post-trial briefing, the Court entered an order: (1) enhancing Cobalt's damages award; (2) awarding Cobalt pre- and post-judgment interest; (3) awarding Cobalt its attorneys' fees; and (4) enjoining Brunswick from continuing its infringing activity. Dkt. No. 412. Notwithstanding this Court's Order, Brunswick continues to infringe the '880 Patent in violation of the express terms of the injunction. Specifically, Brunswick introduced a product into the marketplace that is not more than colorably different from its infringing product and failed to confer with Cobalt prior to launching the product. As a result, Cobalt respectfully requests an Order from the Court requiring Brunswick to show cause why it should not be held in contempt for violating the permanent injunction. In addition, Cobalt respectfully requests that the Court Order appropriate compensatory and equitable relief,

including but not limited to the disgorgement of Brunswick's profits result from its violation of the injunction, enhancement of damages because of Brunswick's continued willful infringement, an award of attorneys' fees and costs in light of Brunswick's contumacious conduct, and entry of a civil fine as a coercive remedy to prevent ongoing contempt of the Court's injunction Order.

In support of this Motion, Cobalt incorporates by reference the argument, authority, and exhibits set forth in its contemporaneously-filed memorandum in support.

WHEREFORE, Cobalt Boats LLC respectfully requests that this Court issue an Order: (1) requiring Brunswick to show cause for why it should not be held in contempt for violating the Court's injunction Order (Dkt. No. 412); (2) requiring disgorgement of Brunswick's profits resulting from its violation of the injunction; (3) ordering enhancement of damages because of Brunswick's continued willful infringement; (4) awarding of attorneys' fees and costs in light of the exceptional nature of Brunswick's contumacious conduct; (5) entering a civil fine as a coercive remedy to prevent ongoing contempt of the Court's injunction; and (6) for such other and further relief as the Court deems just and proper.

Date: May 11, 2018

Respectfully submitted,

COBALT BOATS, LLC

By: /s/ Robert A. Angle

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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of May, 2018, a copy of the foregoing was filed via the CM/ECF system which shall send electronic notification of such filing to all counsel of record.

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