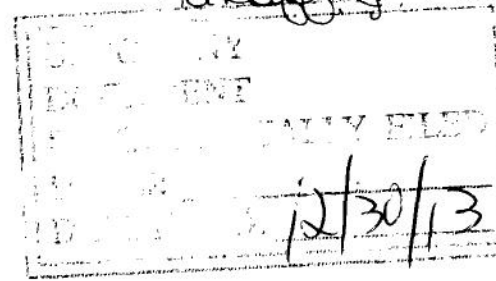


Rakoff



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TOMITA TECHNOLOGIES USA, LLC, AND TOMITA :
TECHNOLOGIES INTERNATIONAL, INC., :
Plaintiffs, :
v. :
NINTENDO CO., LTD., AND :
NINTENDO OF AMERICA INC. :
Defendants. :
-----X

Case No. 1:11-cv-04256-JSR

AMENDED JUDGMENT

Whereas after the acceptance of remittitur by Tomita of the damages award to \$15.1 million, the only remaining issues to be resolved are the ongoing royalty rate to be paid for future sales, and the amount of supplemental damages and prejudgment interest due Tomita, and the matter having come before the Honorable Jed S. Rakoff, United States District Judge, and the Court, on December 9, 2013, having rendered its Memorandum Order ordering Nintendo to pay Tomita prejudgment interest of \$29,483.50, supplemental damages of \$211,747.50, and an ongoing royalty rate of 1.82% of wholesale, to be paid quarterly, within thirty days of the close of the quarter, and directing the Clerk to enter final judgment and close the case, it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memorandum Order dated December 11, 2013, Nintendo is ordered to pay Tomita damages of \$15,100,000, prejudgment interest of \$29,483.50, supplemental damages of \$211,747.50, and an ongoing royalty rate of 1.82% of wholesale, to be paid quarterly, within thirty days of the close of the quarter; accordingly, the case is closed.

Dated: 12/27/13

BY: Jed S. Rakoff
U.S. D.J. *dm*
Deputy Clerk