

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SUNOCO PARTNERS MARKETING &
TERMINALS L.P.,

Plaintiff,

v.

POWDER SPRINGS LOGISTICS, LLC, and
MAGELLAN MIDSTREAM PARTNERS,
L.P.,

Defendants.

Civil Action No. 17-1390-RGA

MEMORANDUM

Plaintiff seeks a permanent injunction until April 5, 2022, to prevent automated blending at Powder Springs. (D.I. 763). The motion has been fully briefed. (D.I. 764, 782, 785).

Given the usual backlog of cases and motions in this District, it is regrettable that the parties could not resolve this without me. This is particularly so because Defendants seem to have stopped the infringing conduct after the adverse verdict. (D.I. 782-2 (Hitz Decl.)).

Defendants do not object to the form of Plaintiff's proposed permanent injunction. Plaintiff does not argue that what Defendants say they will do is insufficient to avoid infringement. Thus, I conclude that Defendants have stated that they will abide by what Plaintiff seems to concede is all that is required to avoid infringement.

I will separately enter a modification of the proposed permanent injunction, without making any of the findings required for a permanent injunction, recognizing that at this time it is essentially a "maintain the status quo" order. I see no prejudice to either side in doing so, and it puts the Court's imprimatur on Plaintiff's request that Defendants adhere to what Defendants have voluntarily agreed to do.

A separate order will issue. The motion (D.I. 763) is RESOLVED.

Entered this 14th day of January 2022.

/s/ Richard G. Andrews
United States District Judge

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ORDER

WHEREAS the Court has found that Defendants Powder Springs Logistics, LLC and Magellan Midstream Partners, L.P.'s ("Defendants") Powder Springs system at Atlanta Junction has infringed claim 3 of U.S. Patent No. 9,207,686 (the "'686 Patent");

WHEREAS Defendants have already ceased their infringement of the '686 Patent by switching the Powder Springs system to manual blending;

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

I. PROHIBITED ACTIVITIES – '686 PATENT

IT IS HEREBY ORDERED that Defendants, and any of their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with any or all of them, are hereby permanently enjoined from infringing claim 3 of the '686 Patent from the Effective Date (which is two days from the date of this signed Order) until the '686 Patent expires on April 5, 2022: by using the Powder Springs automated system at Atlanta Junction that infringes claim 3 of the '686 Patent, and by making or using any butane blending system that is

no more than colorably different from the Powder Springs automated system that enables the injection of butane into gasoline as the gasoline passes through the Colonial Pipeline.

II. CONTINUING JURISDICTION

The Court specifically retains jurisdiction to enforce, modify, extend, or terminate this Order as the equities may require, upon a proper showing, and to adopt procedures for resolution of any dispute regarding whether a product not specifically covered by this Order is more than colorably different from the adjudged infringing products.

Entered this 14th day of January, 2022.

/s/ Richard G. Andrews
United States District Judge