

ORIGINAL

FOR THE  
COURT

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

LUCENT TECHNOLOGIES INC. and  
MULTIMEDIA PATENT TRUST,

Plaintiffs and Counterclaim-defendant,

v.

GATEWAY, INC. and GATEWAY  
COUNTRY STORES LLC, GATEWAY  
COMPANIES, INC., GATEWAY  
MANUFACTURING LLC and  
COWABUNGA ENTERPRISES, INC.,

Defendants and Counter-claimants,

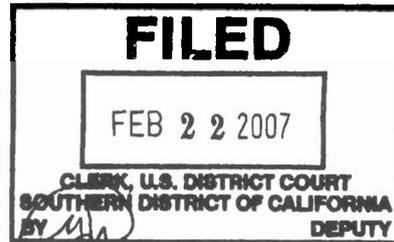
and

MICROSOFT CORPORATION,

Intervenor and Counter-claimant,

Case No. 02-CV-2060 B (CAB)  
consolidated with  
Case No. 03-CV-0699 B (CAB) and  
Case No. 03-CV-1108 B (CAB)

**SPECIAL VERDICT FORM**



MICROSOFT CORPORATION,

Plaintiff and Counter-defendant,

v.

LUCENT TECHNOLOGIES INC.,

Defendant and Counter-claimant,

LUCENT TECHNOLOGIES INC. And  
MULTIMEDIA PATENT TRUST,

Plaintiffs,

v.

DELL, INC.,

Defendant.

1 **INFRINGEMENT**

2 **The '080 patent:**

3 Has Lucent proved by a preponderance of evidence that **Windows Media Player 10**  
4 literally infringes the following claims of the '080 patent? (A "Yes" answer is for Lucent and a  
5 "No" answer is for Microsoft.)

	Claim 1		Claim 3		Claim 4	
	YES	NO	YES	NO	YES	NO
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19 Please answer "Yes" or "No" for each of A, B, C and D as it pertains to each of the Claims  
20 1, 3 and 4.

1 Has Lucent proved by a preponderance of the evidence that **Windows Media Player 11**  
2 literally infringes the following claims of the '080 patent? (A "Yes" answer is for Lucent and a  
3 "No" answer is for Microsoft.)  
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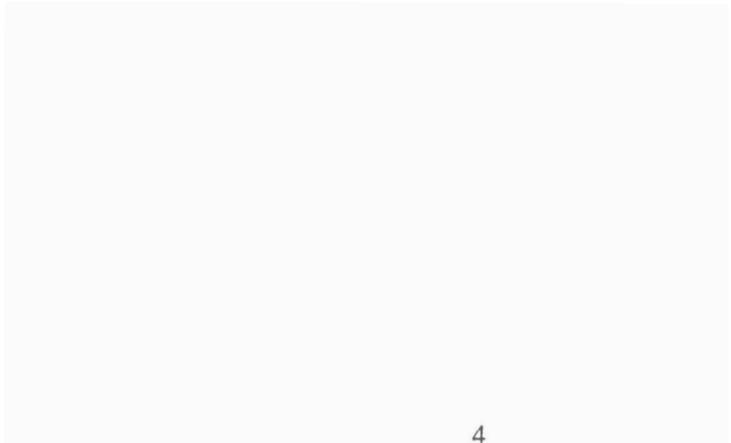
	Claim 1		Claim 3		Claim 4	
	YES	NO	YES	NO	YES	NO
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19 Please answer "Yes" or "No" for each of A, B, C and D as it pertains to each of the  
20 Claims 1, 3 and 4.  
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1 Has Lucent proved by a preponderance of evidence that **Windows Media Player with the**  
2 **Cyberlink plug-in** infringes the following claims of the '080 patent literally or under the doctrine  
3 of equivalents? (A "Yes" answer is for Lucent and a "No" answer is for Microsoft.)

	Claim 1		Claim 3		Claim 4	
	YES	NO	YES	NO	YES	NO
4 A. Inducing Infringement in the United States	✓		✓		✓	
5 B. Contributing to Infringement in the United States	✓		✓		✓	
6 C. Inducing Infringement Outside the United States by Supplying Components	✓		✓		✓	
7 D. Contributing to Infringement Outside the United States by Supplying Components	✓		✓		✓	

8 Please answer "Yes" or "No" for each of A, B, C and D as it pertains to each of the Claims  
9 1, 3 and 4.



1 Has Lucent proved by a preponderance of evidence that **Windows Media Player versions**  
2 **6.1 through 9** literally infringe the following claim of the '080 patent? (A "Yes" answer is for  
3 Lucent and a "No" answer is for Microsoft.)

	Claim 4	
	YES	NO
A. Inducing Infringement in the United States	✓	
B. Contributing to Infringement in the United States	✓	
C. Inducing Infringement Outside the United States by Supplying Components	✓	
D. Contributing to Infringement Outside the United States by Supplying Components	✓	

17 **II. SPECIAL QUESTION:**

18 Has Microsoft proven by a preponderance of the evidence that work was performed on or  
19 after April 1989 which was incorporated into any of the claims of the '938 patent? Please answer  
20 yes or no.

21 Yes: \_\_\_\_\_

22 No: ✓

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**III. The '457 Patent:**

Has Lucent proved by a preponderance of evidence that **Windows Media Player 10** literally infringes the following claims of the '457 patent? (A "Yes" answer is for Lucent and a "No" answer is for Microsoft.)

	Claim 1		Claim 5		Claim 10	
	YES	NO	YES	NO	YES	NO
A. Inducing Infringement in the United States	✓		✓		✓	
B. Contributing to Infringement in the United States	✓		✓		✓	
C. Inducing Infringement Outside the United States by Supplying Components	✓		✓		✓	
D. Contributing to Infringement Outside the United States by Supplying Components	✓		✓		✓	

Please answer "Yes" or "No" for each of A, B, C and D as it pertains to each of the Claims 1, 5 and 10.

1 Has Lucent proved by a preponderance of evidence that **Windows Media Player with**  
2 **Cyberlink plug-in** infringes the following claims of the '457 patent literally or under the doctrine  
3 of equivalents? (A "Yes" answer is for Lucent and a "No" answer is for Microsoft.)

	Claim 1		Claim 5		Claim 10	
	YES	NO	YES	NO	YES	NO
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18 Please answer "Yes" or "No" for each of A, B, C and D as it pertains to each of the Claims  
19 1, 5 and 10.

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1 **IV. INVALIDITY**

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3 Has Microsoft proven by clear and convincing evidence the invalidity of the '080 patent for  
4 any of the following reasons: (A "Yes" answer is for Microsoft and a "No" answer is for Lucent.)

5 A. Anticipation:

6 Claim 1 Claim 3 Claim 4

7 Yes \_\_\_\_\_  
8 No ✓ ✓ ✓

9 B. Obviousness

10 Claim 1 Claim 3 Claim 4

11 Yes \_\_\_\_\_  
12 No ✓ ✓ ✓

13 C. No Error Warranting Reissue

14 Yes \_\_\_\_\_ No ✓

15 D. Inventorship

16 Yes \_\_\_\_\_ No ✓

17 **V. DAMAGES**

18 If you found infringement of at least one valid claim, please answer the following questions  
19 regarding your damages award:

20 Do not provide the answer for a patent in which you do not find at least one valid and  
21 infringed claim.

22 A. What amount of damages has Lucent proved by a preponderance of evidence?

23 '457 patent: Amount: \$ 769,028,351<sup>00</sup>

24 (If the above amount was based upon a running royalty rather than a lump  
25 sum, what percentage or per unit rate did you use? 0.5% )

26 '080 patent: Amount: \$ 769,028,351<sup>00</sup>

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(If the above amount was based upon a running royalty rather than a lump sum, what percentage or per unit rate did you use? 0.5% )

**VI. WILLFULNESS**

If you found infringement of at least one valid claim of either the '457 or the '080 patent, answer the question below for the appropriate patent.

Has Lucent proved that any valid claim of either patent was willfully infringed by Microsoft? (A "Yes" answer is for Lucent and a "No" answer is for Microsoft.)

'457 patent: Yes \_\_\_\_\_ No \_\_\_\_\_

'080 patent: Yes \_\_\_\_\_ No \_\_\_\_\_

**Please date and sign the Verdict Form and return it to the Court.**

Dated: 2/22/07

Ronald Bacon

Foreperson