

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION

NORTHPOINT TECHNOLOGY, LTD.,

Plaintiff,

-vs-

CASE NO. 01-14207-CIV-COHN

MDS AMERICA, INC., and
MDS INTERNATIONAL, S.A.R.L.,

Defendants.

_____ /

JURY VERDICT

1. Has Plaintiff established by a preponderance of the evidence that MDS America infringed Claim 8 of '605 patent?

Yes _____

No _____

2. Has Plaintiff established by a preponderance of the evidence that MDS America infringed Claim 1 of '878 patent?

Yes _____

No _____

3. Has Plaintiff established by a preponderance of the evidence that MDS America infringed Claim 7 of '878 patent?

Yes _____ No _____

4. You need answer this question ONLY if you answered question 1, 2 or 3 "Yes". Do you find that Defendant MDS America's infringement was willful?

Yes _____ No _____

5. Has Plaintiff established by a preponderance of the evidence that MDS International infringed Claim 8 of '605 patent?

Yes _____ No _____

6. Has Plaintiff established by a preponderance of the evidence that MDS International infringed Claim 1 of '878 patent?

Yes _____ No _____

7. Has Plaintiff established by a preponderance of the evidence that MDS International infringed Claim 7 of '878 patent?

Yes _____ No _____

8. You need answer this question ONLY if you answered question 5, 6 or 7 "Yes". Do you find that Defendant MDS International's infringement was willful?

Yes _____ No _____

[If you answered Yes to Question 1, 2, 3, 5, 6 or 7, you have determined that the Defendant named in the question has infringed the Claim of the Patent identified in the question and must now determine if that Claim of the Patent is valid. If you answered No to Questions 1 through 8, you need not answer the remaining questions. If your answer was Yes to Question 1 or 5, you must answer Questions 9, 12, 15, 18, 21 and 24. If your answer was Yes to Question 2 or 6, you must answer Questions 10, 13, 16, 19, 22 and 25. If your answer was Yes to Question 3 or 7, you must answer Questions 11, 14, 17, 20, 23 and 26.]

9. Have the Defendants established by clear and convincing evidence that Claim 8 of the '605 patent fails to comply with the written description requirement?

Yes _____ No _____

10. Have the Defendants established by clear and convincing evidence that Claim 1 of the '878 patent fails to comply with the written description requirement?

Yes _____ No _____

11. Have the Defendants established by clear and convincing evidence that Claim 7 of the '878 patent fails to comply with the written description requirement?

Yes _____ No _____

12. Have the Defendants established by clear and convincing evidence that Claim 8 of the '605 patent fails to comply with the enablement requirement?

Yes _____ No _____

13. Have the Defendants established by clear and convincing evidence that Claim 1 of the '878 patent fails to comply with the enablement requirement?

Yes _____ No _____

14. Have the Defendants established by clear and convincing evidence that Claim 7 of the '878 patent fails to comply with the enablement requirement?

Yes _____ No _____

15. Have the Defendants established by clear and convincing evidence that Claim 8 of the '605 patent fails to comply with the best mode requirement?

Yes _____ No _____

16. Have the Defendants established by clear and convincing evidence that Claim 1 of the '878 patent fails to comply with the best mode requirement?

Yes _____ No _____

17. Have the Defendants established by clear and convincing evidence that Claim 7 of the '878 patent fails to comply with the best mode requirement?

Yes _____ No _____

18. Have the Defendants established by clear and convincing evidence that Claim 8 of the '605 patent fails to comply with the definiteness requirement?

Yes _____ No _____

19. Have the Defendants established by clear and convincing evidence that Claim 1 of the '878 patent fails to comply with the definiteness requirement?

Yes _____ No _____

20. Have the Defendants established by clear and convincing evidence that Claim 7 of the '878 patent fails to comply with the definiteness requirement?

Yes _____ No _____

21. Have the Defendants established by clear and convincing evidence that each and every limitation in Claim 8 of the '605 patent was described in a single printed publication anywhere in the world or a U.S. patent prior to October 11, 1995?

Yes _____ No _____

22. Have the Defendants established by clear and convincing evidence that each and every limitation in Claim 1 of the '878 patent was described in a single printed publication anywhere in the world or a U.S. patent prior to October 11, 1995?

Yes ✓ No _____

23. Have the Defendants established by clear and convincing evidence that each and every limitation in Claim 7 of the '878 patent was described in a single printed publication anywhere in the world or a U.S. patent prior to October 11, 1995?

Yes ✓ No _____

24. Have Defendants established by clear and convincing evidence that the method described in Claim 8 of the '605 patent would have been obvious to a person of ordinary skill in the field of the invention at the date of the invention?

Yes ✓ No _____

25. Have Defendants established by clear and convincing evidence that the apparatus described in Claim 1 of the '878 patent would have been obvious to a person of ordinary skill in the field of the invention at the date of the invention?

Yes ✓ No _____

26. Have Defendants established by clear and convincing evidence that the method described in Claim 7 of the '878 patent would have been obvious to a person of ordinary skill in the field of the invention at the date of the invention?

Yes ✓ No _____

[If your answers to Questions 9, 12, 15, 18, 21, and 24, were all No, you have determined that Claim 8 of the '605 Patent is valid and you should proceed to answer Question 37 OR If your answers to Questions 10, 13, 16, 19, 22 and 25 were all No, you have determined that Claim 1 of the '878 Patent is valid and should proceed to answer Question 37 OR If

your answers to Questions 11, 14, 17, 20, 23 and 26 were all No, you have determined that Claim 7 of the '878 Patent is valid and should proceed to answer Question 27.]

27. What is the total amount of damages adequate to compensate Plaintiff for the infringement by Defendants?

Amount _____

So say we all this 5th day of November, 2003


Foreperson