



**MOVING BEYOND THE RHETORIC:  
JURY DAMAGE VERDICTS IN  
PATENT INFRINGEMENT CASES  
2005 – 2007**

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# **MOVING BEYOND THE RHETORIC: JURY DAMAGE VERDICTS IN PATENT INFRINGEMENT CASES 2005 -- 2007**

## **Summary of Findings**

**A survey of jury damage awards in 93 patent infringement cases in 2005, 2006 and 2007, demonstrates that there is no pattern of runaway jury verdicts in patent cases. It also confirms that trial judges routinely review those verdicts and set aside awards that are not supported by the evidence.**

## **Introduction**

As Congress has taken up consideration of patent reform, the discussions have focused almost exclusively on “reforming” patent litigation. While some of the participants in this process believe that much of the ills of the current patent system can be addressed by improving the quality of examination and raising the bar for the issuance of a patent, the debate has nevertheless focused on changing the litigation dynamic. Unfortunately, even in the area of patent quality, debate has focused on litigation related reforms such as expanding the current re-examination procedures or creating new post grant oppositions, with one or two windows. Worse, the majority of effort has been focused on how we calculate damages in patent cases, fixing a problem that does not exist.

### ***Are the *RIM* and *Lucent* Cases Representative of a Patent Litigation Problem?***

Proponents of litigation reform frequently cite two notable cases: the \$600,000,000 settlement in the *RIM* case and the \$1,500,000,000 jury verdict in the *Lucent* case. They cite these cases as exemplars, cases that define the problem to be solved, and they rely on what they know about these cases to conclude that the solution is to rewrite the laws on damages in patent cases. In

doing so, the proponents of sweeping reform put aside the wisdom our courts have developed over time, including the guidelines that were developed in the *Georgia Pacific* case on the factors to consider in calculating a reasonable royalty.

This paper tests the theory that *RIM* and *Lucent* are examples of a problem that needs to be solved and critiques the suggestion that the solution is to change the way courts measure damages.

### **Analysis**

#### **I. A Survey of Jury Damage Awards in Patent Cases from January 1, 2005 to November 30, 2007.**

Professor Paul Janicke of the University of Houston Law School has gathered a list of jury damage verdicts in patent infringement cases for the period from January 2005 through November 2007. He has identified 93 jury verdicts in patent infringement cases during that 35-month span (a 94th verdict on his list was actually in an antitrust case). The list is incorporated in the attached Table, with the verdicts organized by size, highest to lowest.

A review of the documents filed in those 93 cases shows for each verdict whether the award was for a reasonable royalty, lost profits, or a combination of both. It also presents what happened in the case after the jury returned the verdict, disclosing the trial judge's decision on post trial motions attacking the verdict and whether the verdict was challenged on appeal.

## **II. The Factual and Legal Basis for the Jury Damage Verdicts in Patent Cases and the Procedures Followed by the Courts in Entering Judgments Following the Verdicts.**

This analysis of the records in each of the 93 patent cases where a jury returned a verdict on damages shows the following:

- In 22 of the 93 cases, the jury returned verdicts of no damages.
- In 13 of the 93 cases, the jury found monetary damages of \$500,000 or less.
- In 47 of the 93 cases, the jury found damages of \$2,000,000 or more.

Of the 47 patent cases where the jury found damages of \$2,000,000 or more:

- In 1 case the parties had stipulated to the amount of damages.
- Of the remaining 46 verdicts, in 9 cases the damages were based on a calculation of lost profits.
- Of the remaining 37 verdicts, in 9 cases the damage verdict was set aside by the trial judge or on appeal.
- Of the remaining 28 verdicts, in 3 cases the trial judge found the damages awarded were not supported by the evidence.
- Of the remaining 25 verdicts, in 4 cases the trial judge increased the damage award based on the defendant's willful infringement.
- The remaining 21 verdicts are still under review, either at the trial court or on appeal.

## **III. What the Survey Shows**

A review of the records in these patent infringement cases establishes the following facts about jury damage verdicts in patent infringement cases.

***There is no pattern of runaway jury verdicts in patent cases.***

On reviewing the jury verdicts in the 93 patent cases on Professor Janicke's list, one sees there is no pattern of runaway verdicts and that the *RIM* and *Lucent* cases are outliers that prove little about damage verdicts.

***The judges are reviewing the juries' decisions.***

Despite what some argue, under our system of justice, judges do not simply “rubber stamp” a jury’s damage award. An abbreviated review of the top ten verdicts on the Professor’s list shows that the trial judges and, where necessary, the appeals court judges reviewed the juries’ decisions. The table below indicates what happened with the ten highest jury damage awards in 2005, 2006, and 2007.

Lucent	\$1,500,000,000	Trial judge set aside the verdict.
Rambus	\$306,900,00	Trial judge found the jury verdict was not supported by the evidence and granted a new trial on damages, subject to a remittitur, allowing the plaintiff to accept \$133,500,000 instead.
Medtronic	\$226,300,000	Jury verdict was based on lost profits. The trial judge has post trial motions under consideration.
AT&T	\$156,000,000	Trial judge set aside the verdict.
Z4	\$133,000,000	Trial judge reviewed the verdict, let it stand, and increased the award by \$25,000,000 for the defendant’s willful infringement.
Freedom Wireless	\$128,025,000	Trial judge denied the post trial motions and the parties settled without an appeal.
Alcon	\$94,800,000	Trial judge reviewed the verdict and trebled the damages to \$234,531,784 based on the defendant’s willful misconduct.
Translogic	\$86,500,000	Court of Appeals set aside the verdict based on the Patent Appeals Board’s rejection of the patent.
DirectTV	\$78,920,250	Trial judge denied defendant’s post trial motions and the Court of Appeals affirmed the judgment.
Asyst	\$74,700,000	The trial judge set aside the verdict, finding the patent obvious.

***Georgia Pacific is under attack in Congress but not in the courts.***

In the z4 case, the jury returned with a verdict of \$133,000,000. In the Finisar case the jury returned with a verdict of \$78,920,250. In each case, the jury's verdict was based on a calculation of a reasonable royalty. And, in each case, the jury was instructed to look to the *Georgia Pacific* factors in reaching a verdict. In each case the defendant appealed the judgment to the Federal Circuit. However, in neither case did the defendant challenge the jury instruction on how to determine a reasonable royalty. If *Georgia Pacific* is, in fact, a formula for unreasonable royalties that leads juries to these verdicts, one would expect defendants to raise the issue with the courts. They don't. The information in the table above suggests that *George Pacific* as applied by the courts works well.

**Conclusion**

As efforts at patent reform move forward, we should keep asking what are the problems that need solving. In the case of improving patent quality, there is an opportunity to improve the quality of patent examination prior to issuance. As for litigation reform, and specifically the notion that the principles in *Georgia Pacific* are not working, this survey of jury verdicts suggests we may have a solution in search of a problem.

**Jury Damages Verdicts in Patent Cases from 1-1-05 to 11-30-07:**

Month	Year	PLAINTIFF	DEFENDANT	Amount of Verdict	Basis for Award	District	Judge	Status of Verdict
March	2007	Lucent	Microsoft	1,500,000,000	reasonable royalty	SD CA	Brewster	<b>Verdict Set Aside:</b> On post trial motions trial judge finds no infringement.
April	2006	Hynix	Rambus	306,900,000	reasonable royalty	ND CA	Whyte	<b>Verdict Set Aside:</b> On post trial motions trial judge find damages not supported by the evidence; grants Remittitur at \$133.5 million.
September	2007	De Puy	Medtronic Sofamor	226,300,000	lost profits	MA	Harrington	<b>Verdict Under Review:</b> Post trial motions are pending
September	2007	TGIP	AT&T	156,000,000	reasonable royalty	ED TX	Clark	<b>Verdict Set Aside</b> trial judge grants AT&T JMOL. Appeal and cross-appeal pending.
April	2006	z4	Microsoft	133,000,000	reasonable royalty	ED TX	Davis	<b>Verdict Stands. Increased for Willful Infringement.</b> The verdict was increased by the trial judge by \$25,000,000 for willful infringement. On appeal the defendant did not challenge the factual or legal basis for the amount of damages. The Court of Appeals affirmed the judgment.
May	2005	Freedom Wireless	Boston Commun.	128,025,000	reasonable royalty	MA	Harrington	<b>Verdict Stands.</b> The trial judge denied post trial motions. Boston Comm. settled for \$55.3 million and 5% of any realized average stock price appreciation for first half of 2007 as compared with the first half of 2006
May	2005	Adv. Med. Optics	Alcon	94,800,000	approx. 1/2 lost profits/ 1/2 reasonable royalty	DE	Jordan	<b>Verdict Stands. Increased For Willful Infringement.</b> The trial judge trebled the damages to \$234,531,784 based on the defendants willful copying.
May	2005	Translogic	Hitachi	86,500,000	reasonable royalty	OR	Panner	<b>Verdict Set Aside.</b> Vacated by Fed. Cir. in light of Board of Patent Appeals' rejection of patent
June	2006	Finisar	DirectTV	78,920,250	reasonable royalty	ED TX	Clark	<b>Verdict Stands.</b> Judgment entered for \$103,920,250.25 and compulsory license. Appeal and cross-appeal are pending. On appeal the defendant did not challenge the factual or legal basis for the amount of damages
March	2007	Asyst	Jenoptik	74,700,000	lost profits	ND CA	Fogel	<b>Verdict Set Aside.</b> Trial judge grants JMOL finding patent claims obvious.
April	2006	TiVo	Echostar	73,991,964	approx. 1/2 lost profits/ 1/2 reasonable royalty	ED TX	Folsom	<b>Verdict Stands.</b> On appeal the defendant did not challenged the factual or legal basis for the amount of damages.
September	2007	Sprint	Vonage	69,500,000	reasonable royalty	KA	Lungstrum	<b>Verdict Stands.</b> Judgment entered for \$69M; parties settled (agreement valued at \$80M)
May	2006	Ariad	Eli Lilly	65,200,000	reasonable royalty	MA	Zobel	<b>Verdict Stands</b> Defendant has a Rule 60 Motion pending
March	2007	Verizon	Vonage	58,000,000	reasonable royalty	ED VA	Hilton	<b>Verdict Set Aside</b> on Appeal based on erroneous claim construction for one patent. Findings with regard to infringement of other two patents and injunction for those two patents stand.
November	2006	Philips	Tatung [Chungwa]	53,504,000	reasonable royalty	CD CA	Marshall	<b>Verdict Stands.</b> Trial judge denies post trial motions. Settlement pending

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Month	Year	PLAINTIFF	DEFENDANT	Amount of Verdict	Basis for Award	District	Judge	Status of Verdict
September	2005	Medtronic	BrainLAB	51,000,000	lost profits	CO	Matsch	<b>Verdict Set Aside</b> by the trial judge. Trial court's decision upheld on appeal.
September	2007	TruePosition	Andrew Corp.	43,000,000	lost profits	DE	Robinson	<b>Verdict Under Review.</b> Post trial motions are pending.
November	2006	Muniauction	Thomson Fin.	38,482,008	lost profits	WD PA	Lancaster	<b>Verdict Under Review.</b> Following the verdict of willful infringement, the trial judge increased the damages to \$76,964,016. The Federal Circuit has stayed the judgment, suggesting the verdict may be set aside.
May	2007	Orion	Hyundai	34,000,000	reasonable royalty	ED TX	Davis	<b>Verdict Under Review.</b> Parties have filed post trial motions.
October	2006	Power Integrations	Fairchild	33,981,781	approx. 1/2 lost profits/ 1/2 reasonable royalty	DE	Farnan	<b>Verdict Under Review.</b> Parties have filed post trial motions.
April	2007	Ipernica (QPSX)	Nortel et al.	28,000,000	reasonable royalty	ED TX	Ward	<b>Verdict Under Review.</b> Post trial motions are pending.
March	2005	Tristrata	Mary Kay	26,359,405	reasonable royalty	DE	Farnan	<b>Verdict Stands.</b> Judgment affirmed by Fed. Cir.
April	2007	Informatica	Business Objects	25,000,000	reasonable royalty	ND CA	LaPorte	<b>Verdict Set Aside.</b> Trial judge grants post trial motion. Finds damages award not supported by the evidence. Enters Remittitur of \$14.115,280. Appeal is pending.
November	2006	800 Adept	Murex	25,000,000	reasonable royalty	MD FL	Baker, D	<b>Verdict Stands.</b> Judge increases damages for willfulness. The verdict includes tort damages.
May	2007	Broadcom	Qualcomm	19,600,000	reasonable royalty	CD CA	Selna	<b>Verdict Under Review.</b> Following the verdict of willful infringement, the trial judge increased the damages to \$39.3 and imposed an injunction. Other post trial motions are pending.
March	2007	Affymetrix	Illumina	16,000,000	reasonable royalty	DE	Farnan	<b>Verdict Under Review.</b> Jury trial on invalidity set for 2008
February	2007	Prime Table	Progressive Games	13,000,000	N/A	SD MS	Wingate	<b>Not a Verdict on Infringement.</b> The verdict in this case is based on antitrust claims for baseless assertion of claims of patent.
September	2007	US Philips	Norcent	12,900,000	reasonable royalty	CD CA	Rafeedie	<b>Verdict Under Review.</b> Post trial motions pending. Case stayed as defendant has filed for protection under Chapter 11 of the Bankruptcy laws.
March	2007	Diomed	AngioDynamics	12,500,000	lost profits	MA	Gorton	<b>Verdict Under Review.</b> Judgment entered against Angiodynamics for \$9,710,000; judgment entered against VSI for \$4,975,000. The parties have appealed.
August	2007	CytoLogix	Ventana	10,800,000	lost profits [assumed]	MA	Zobel	<b>Verdict Under Review.</b> Judgment entered for \$10,738,760 plus pre-judgment interest. The case is on appeal.
June	2005	Amado	Microsoft	8,960,000	reasonable royalty	CD CA	Carter	<b>Verdict Reduced.</b> Judge grants motion, reduces damages to \$5,911,269.
July	2006	Invitrogen	Stratagene	7,932,966	reasonable royalty	WD TX	Sparks	<b>Verdict Under Review.</b> Court reduced the award based on notice period and imposed treble damages on \$4,344,927.60; permanent injunction



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Month	Year	PLAINTIFF	DEFENDANT	Amount of Verdict	Basis for Award	District	Judge	Status of Verdict
								granted. Case is on Appeal.
September	2006	Innogenetics	Abbott	7,000,000	reasonable royalty	WD WI	Crabb	<b>Verdict Set Aside.</b> Judgment Reversed on Appeal; case remanded for new trial.
October	2005	Int'l Rectifier	Ixys	6,241,000	reasonable royalty	CD CA	Real	<b>Verdict Under Review.</b> Judgment entered for \$6.241 million. The Parties have appealed.
January	2006	IMX	Lendingtree	5,794,400	reasonable royalty	DE	Robinson	<b>Verdict Under Review.</b> Judge denies JMOL. Based on a finding of willful infringement judges increases damages by 50%.The case is on appeal.
September	2005	Third Wave	Stratagene	5,290,000	reasonable royalty	WD WI	Crabb	<b>Verdict Stands.</b> Court tripled damages, leading to award of \$15.87M, and imposed injunction; Stratagene appealed; parties settled
April	2006	SEB	Montgomery Ward	4,650,000	reasonable royalty	SD NY	Robinson	<b>Verdict Not Incorporated in Final Judgment.</b> Court reduced jury award to \$2,650,000 to reflect SEB's settlement with Sunbeambut awarded an additional \$2,650,000 in enhanced damages in light of the jury's finding of willful infringement. Parties may appeal.
December	2005	Paice	Toyota	4,296,950	reasonable royalty	ED TX	Folsom	<b>Verdict Stands.</b> Judgment entered for \$4,269,950; judgment upheld by Fed. Cir. on damages; remanded for reconsideration of ongoing royalty rate
May	2005	Coca Cola	Pepsico	4,167,936	reasonable royalty	ND GA	Story	<b>Verdict Stands.</b> The parties settled.
May	2006	Voda	Cordis	3,803,000	reasonable royalty	WD OK	Leonard	<b>Verdict Under Review.</b> Trial Judge denies JMOL and doubled compensatory damages of \$3,803,094. The case is on appeal.
April	2006	Visto	Seven	3,683,000	reasonable royalty	ED TX	Ward	<b>Verdict Stands.</b> Enhanced damages awarded and injunction granted. Motion to alter/amend granted to allow recovery for post-verdict sales. Appeal filed and voluntarily dismissed.
August	2006	Transocean	GlobalSantaFe	3,629,000	reasonable royalty	SD TX	Lake	<b>Verdict Stands.</b> Judgment entered for \$5M and injunction granted. The parties settled.
March	2005	Mars-Kal Kan	Del Monte-Heinz	3,560,120	reasonable royalty	CD CA	Klausner	<b>Verdict Stands.</b> Judgment entered for \$3,560,120; injunction granted
March	2007	AgriZap	Woodstream	2,700,000	lost profits and reasonable royalty	ED PA	Kelly	<b>Verdict Under Review.</b> Judgment entered for \$2.7 million; JMOL then granted for independent claim; JMOL denied for fraudulent misrepresentation claim. Appeal is pending.
June	2006	Cryovac	Pechiney	2,514,024	lost profits	DE	Jordan	<b>Verdict Stands.</b> Judgment entered for \$2,514,024
July	2005	Exergen	Wal-Mart	2,467,800	lost profits	MA	Lindsay	<b>Verdict Stands / Potentially Under Review.</b> Judgment entered in accordance with verdict. Deactivated appeal is pending.
December	2005	Acco	ABA Locks	2,075,000	reasonable royalty	ED TX	Ward	<b>Verdict Set Aside.</b> Fed Cir. found jury verdict of direct infringement not supported by substantial evidence; reversed judgment on inducement; vacated damages on enhanced

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Month	Year	PLAINTIFF	DEFENDANT	Amount of Verdict	Basis for Award	District	Judge	Status of Verdict
								damages, willfulness, and attorney's fees.
November	2005	02 Micro	Sumida	2,000,000	stipulated	ED TX	Ward	<b>Verdict Under Review.</b> Judgment amount based on parties' stipulation enhanced by district court; permanent injunction granted. Appeal pending.
June	2005	Naturopathic	Dermal	1,902,173	reasonable royalty	WD MO	Fenner	<b>Verdict Set Aside.</b> JMOL entered for Naturopathic; JMOL affirmed on appeal.
September	2006	Black & Decker	Robt. Bosch Tool	1,750,000	lost profits and reasonable royalty	ND IL	St. Eve	<b>Verdict Set Aside.</b> Damages enhanced by 50%; injunction granted. Federal Circuit amended claim construction, vacated infringement order, and remanded.
June	2006	Amer. Seating	USSC	1,366,612	lost profits	WD MI	Cohn	<b>Verdict Partially Set Aside.</b> Verdict on conveyed sale set aside; judgment entered for \$676,850.
January	2007	Minks	Polaris Indus.	1,294,620	reasonable royalty	MD FL	Presnell	<b>Verdict under Review.</b> Motion for reduction of damages granted; judgment entered for \$55,809. Cross-appeal by defendant pending.
May	2007	Sundance	Demonte	1,164,000	reasonable royalty	ED MI	Cohn	<b>Verdict under Review.</b> Judgment entered for \$1,164,466.70; injunction granted. Appeal pending.
May	2006	Stant Mfg.	Gerdes	1,005,000	lost profits	SD IN	Young	<b>Verdict Stands.</b> \$1.005 Million jury verdict; judgment entered accordingly. Court found no inequitable conduct. Affirmed on appeal.
December	2005	Nichols Inst.	Scantibodies	1,000,000	reasonable royalty	SD CA	Brewster	<b>Verdict Set Aside.</b> Judgment entered in accordance with verdict; injunction granted. Fed. Cir. held patent invalid as anticipated. DJ granted to defendant by district court.
March	2007	Atlanta Attachments	Leggett & Platt	849,461	lost profits	ND GA	ODE	<b>Verdict under Review.</b> Jury verdict doubled; attorney's fees and costs awarded. Appeal pending.
June	2007	Arrow and Johns Hopkins	Datascope	690,675	lost profits or reasonable royalty for Arrow; reasonable royalty for Hopkins	MD	Quarles	<b>Verdict under Review.</b> Judgment entered in accordance with the verdict; injunction granted. Appeal pending.
July	2006	Floe	Newmans'	643,881	reasonable royalty	MN	Frank	<b>Verdict Stands.</b> Jury verdict doubled; injunction granted
February	2007	Omega	Fortin	614,000	reasonable royalty	MD FL	Conway	<b>Verdict Stands.</b> Judgment entered for treble damages and permanent injunction; joint motion to vacate granted
February	2007	Rentrop	Spectranetics	500,000	reasonable royalty	SD NY	Castel	<b>Verdict under Review.</b> Judgment entered in accordance with verdict (but excluding legal fees awarded by jury). Appeal pending.
September	2005	Acumed	Stryker	459,000	lost profits and reasonable royalty	OR	Brown, A.	<b>Verdict Stands.</b> Judgment entered to enhance verdict by 50% and injunction granted; Fed. Cir. affirmed infringement and validity but remanded for reconsideration of injunction; injunction granted; appeal of injunction pending

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July	2005	Exergen	CVS	254,526	lost profits	MA	Lindsay	<b>Verdict Stands.</b> Judgment entered in accordance with verdict (\$1,563,438.00 against SAAT; \$704,414.00 against Daiwa; \$254,526.00 against CVS)
January	2006	Nexmed	Block Investment	244,000	reasonable royalty	UT	Stewart	<b>Verdict Stands.</b> Judgment entered in accordance with verdict; attorney's fees awarded
March	2007	Genlyte	Arch. Lighting	207,554	reasonable royalty	MA	Young	<b>Verdict under Review.</b> Judgment entered in accordance with verdict; injunction granted. Appeal pending.
September	2005	Dystar	CH Patrick	90,000	reasonable royalty	SC	Catoe	<b>Verdict Set Aside.</b> Judgment entered in accordance with verdict and injunction granted. On appeal, denial of JMOL based on obviousness reversed. Injunction vacated by district court as a result.
April	2006	Wald	Mudhopper	77,017	reasonable royalty [assume]	WD OK	Cauthron	<b>Verdict Stands.</b> Damages enhanced by \$152,035.68 based on willful infringement; injunction granted.
October	2005	Hildebrand	Steck	74,863	lost profits	CO	Johnson	<b>Verdict Under Review.</b> Judgment entered in accordance with verdict; injunction granted. Affirmed on appeal; further appeal pending.
April	2005	Andersen	Fiber Composites	46,020	reasonable royalty	MN	Ericksen	<b>Verdict Set Aside.</b> Fed. Cir. reversed the grant of summary judgment of infringement and remanded. Judgment vacated by district court.
May	2006	Avid	Datamars	26,981	reasonable royalty	ED TX	Ward	<b>Verdict Set Aside.</b> Judgment entered: patent found unenforceable.
February	2007	X-Tra Light	Acuity Brands	25,000	reasonable royalty	SD TX	Ellison	<b>Verdict Stands.</b> Stipulated dismissal.
May	2006	Ark Welding	Meyer	18,688	reasonable royalty	ED PA	Giles	<b>Verdict Stands.</b> Judgment entered in accordance with verdict; affirmed on appeal.
September	2005	Mueller Sports Med.	Sportstar	15,221	stipulated	WD WI	Crabb	<b>Verdict Stands.</b> Court doubled stipulated damages and imposed permanent injunction; decision affirmed on appeal.
October	2005	Eberle	Reno	0		AZ	Campbell, D	<b>Verdict Stands.</b> JMOL in favor of Eberle on non-infringement; judgment affirmed jury's verdict that certain claims invalid based on on-sale bar. Affirmed on appeal.
June	2005	Custom Leathercraft	Rooster Prods.	0		CD CA	Keller	<b>Verdict Stands.</b> Jury found in favor of defendant; plaintiff's appeal to Fed. Cir. dismissed following unopposed motion.
June	2006	Fresenius	Baxter Int'l	0		ND CA	Armstrong	<b>Verdict Set Aside.</b> Jury found on behalf of DJ plaintiff that numerous patent claims were anticipated. District court granted JMOL and motion for new trial to Baxter. At second trial, jury award for \$14,266,000; judgment entered accordingly. Post-trial motions pending.
March	2007	Qualcomm	Broadcom	0		SD CA	Brewster	<b>Verdict Stands.</b> Jury found no infringement, rendered advisory opinion of inequitable conduct, and found waiver; judgment entered finding no inequitable conduct, granted unenforceability as a result of waiver, found case exceptional and awarded attorney's fees. Appeal on fees and exceptional case finding pending.

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February	2005	Espeed	Brokertech	0		DE	Jordan	<b>Verdict Stands.</b> Judgment entered finding patent unenforceable based on inequitable conduct; affirmed on appeal
February	2007	Inline Connection	EarthLink	0		DE	Thyng	<b>Verdict under Review.</b> Jury found patents invalid and not infringed; post-trial motions pending.
April	2006	Ethos	RealNetworks	0		MA	Young	<b>Verdict Stands.</b> Verdict in favor of defendant; judgment entered accordingly and affirmed by Fed. Cir.
January	2007	ADC Telecom.	Switchcraft	0		MN	Schiltz	<b>Verdict under Review.</b> Jury found no infringement; judgment entered accordingly. Appeal and cross-appeal pending.
November	2006	Ricoh	Pitney Bowes	0		NJ	Brown, G	<b>Verdict under Review.</b> Jury found infringement and invalidity based on anticipation; judgment entered for costs and disbursements. Appeal and cross-appeal pending.
October	2005	Cedarapids	Johnson Crusher	0		MD TN	Campbell	<b>Verdict under Review.</b> Jury verdict in favor of defendants; judgment entered accordingly. Appeal and cross-appeal pending.
November	2006	Barry Fiala	Stored Value	0		WD TN	Mays	<b>Verdict under Review.</b> Jury found patent invalid and not infringed; judgment entered accordingly with findings of invalidity based on failure to name inventors and inequitable conduct. Post-judgment motions pending.
June	2006	Sensormatic	WG Security	0		ED TX	Ward	<b>Judgment under Review.</b> Jury found no infringement; judgment entered accordingly. Post-trial motions pending.
September	2006	Hyperion	Outlooksoft	0		ED TX	Ward	<b>Verdict Stands.</b> Jury found no infringement and found four asserted claims invalid; case settled by stipulation of non-infringement, invalidity of two claims.
May	2007	Forgent	Echostar	0		ED TX	Davis	<b>Verdict Stands.</b> Jury found claims invalid; judgment entered accordingly.
July	2007	Hybrid Patents	Charter Communs.	0		ED TX	Ward	Jury found patents valid and found no infringement; judgment not yet entered.
November	2007	Computer Acceleration Corp.	Microsoft	0		ED TX	Clark	<b>Verdict Stands.</b> Jury found no infringement and found patents invalid; judgment entered accordingly.
August	2006	Kinetic	Bluesky	0		WD TX	Ferguson	<b>Verdict under Review.</b> Jury found no infringement, found patents valid; judgment entered accordingly. Appeal pending.
April	2006	Silicon Labs.	Niknejad	0		WD TX	Sparks	<b>Verdict Stands.</b> Jury found no infringement; found patents valid; judgment entered accordingly.
December	2005	Hockerson	Costco	0		WD WA	Lasnik	<b>Verdict Stands.</b> Jury found patent valid, not infringed; judgment entered accordingly and affirmed by Fed. Cir.
May	2006	Adenta	Orthoarm	0		ED WI	Curran	<b>Verdict Stands.</b> Jury found patent invalid; judgment entered finding patent invalid and unenforceable and entering injunction against defendants' pursuing infringement litigation; Fed. Cir. affirmed.

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December	2005	Haberman	Gerber	0		WD WI	Shabaz	<b>Verdict Stands.</b> Jury verdict for defendant; amended judgment entered based on stipulation.
August	2007	Electronic Controlled Systems	KVH Indus.	0		MN	Rosenbaum	<b>Verdict Stands.</b> Jury found patent invalid; judgment entered accordingly.