

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
HONORABLE MARCIA S. KRIEGER

Courtroom Deputy: Maureen Nelson  
Court Reporter: Paul Zuckerman

Date: March 10, 2006

Civil Action No. 97-cv-00212-MSK-CBS

Parties:

Counsel:

EDWARD H. PHILLIPS,  
  
Plaintiff,

Robert Payne  
Don Mollick

v.

AWH CORPORATION, a Delaware corporation,  
HOPEMAN BROTHERS, INC., a Delaware  
corporation, and  
LOFTON CORPORATION, a Delaware  
corporation,

Mark Fischer  
Neal Cohen

Defendants.

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**COURTROOM MINUTES**

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HEARING: Jury Trial Day Ten

**1:24 p.m. Court in session**

The Court informs the parties the jury has reached a verdict.

1:26 p.m. Jurors present.

The Court reads the verdict.

In Case No. 97-cv-00212, encaptioned Edward H. Phillips vs. AWH Corporation, Hopeman Brothers Inc., and Lofton Corporation, we the jury in the above captioned action render our verdict in response to the following interrogatories.

Patent infringement.

Question No. 1, Did Mr. Phillips prove by a preponderance of the evidence that the defendant corporations made, used, sold, or offered for sale a product covered by the following claims in the '798 patent?

Claim 21 the jury has marked. Yes.  
Claim 22 the jury has marked. Yes.  
Claim 24 the jury has marked. Yes.  
Claim 26 the jury has marked. Yes.

As to the affirmative defense of invalidity

Question No. 2, Did the defendant corporations prove by the highly probable standard that one or more of the claims by Mr. Phillips in the '798 patent are either anticipated or obvious in light of the prior art?

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Claim 21 the jury has marked no.  
Claim 22 the jury has marked no.  
Claim 24 the jury has marked no.  
Claim 26 the jury has marked no.

As to damages

Question No. 3, based on your calculation of a reasonable royalty, what is the total amount of damages awarded to Mr. Phillips?

The jury has stated \$1,850,000.

Question No. 4, did Mr. Phillips prove by the highly probable standard that the defendant corporations' infringement was willful?

The jury has marked yes.

1:32 p.m. The Court excuses the jury from jury duty.

Plaintiff moves for enhancement of damages under the statute up to maximum of trebling of damages.

The Court advises the plaintiff that is an issue that would be dealt with at the subsequent hearing that's anticipated in this case.

Defendant renews its Rule 50 motion.

The Court advises the defendant the motion is still outstanding and does not need to be renewed.

**1:35 p.m. Court in recess.**

**Total Time: 11 minutes**  
**Trial continued.**