IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF IOWA

LINCOLN NATIONAL LIFE INSURANCE COMPANY, Plaintiff, vs. *TRANSAMERICA LIFE INSURANCE COMPANY, WESTERN RESERVE LIFE ASSURANCE CO. OF OHIO, and TRANSAMERICA FINANCIAL LIFE INSURANCE COMPANY,* *Defendants.*	No. C 06-110-MWB **VERDICT FORM**

On plaintiff Lincoln's infringement claim and Transamerica's invalidity claims in this action, we, the Jury, find as follows:

I. LINCOLN'S INFRINGEMENT CLAIM		
Step 1: Infringement in general		
Has plaintiff Lincoln proved that Transamerica infringes one or more of the pertinent claims of the '201 patent, as Lincoln's "infringement" claim is explained in Instruction No. 7? (*If you answer "yes," then go on to consider specific questions concerning Lincoln's "infringement" claim and damages in this section. If you answer "no," then do not answer any more questions in this section. Instead, go on to consider Transamerica's "invalidity" claims in Section II.*)	✓ Yes	___ No
	▼	▼
Step 2: Date that infringement began		▮
What date do you find that Transamerica's infringement of the '201 patent began?		▮
Aug (Month) 8 (Day), 2006 (Year)		▼

Step 3: Claims infringed	
Which of the following claims, if any, do you find Transamerica has infringed?	
✓ Claim 35	✓ Claim 36	✓ Claim 37	
✓ Claim 38	✓ Claim 39	✓ Claim 42	
Step 4: Damages	
What amount do you find is a "reasonable royalty" for Transamerica's infringement of the claim or claims in question, the "royalty rate," and the "base," as general principles of "damages" are explained in Instruction No. 8 and a "reasonably royalty" is explained in Instruction No. 9?	
Total reasonable royalty of $ $13,098,349	
Royalty rate: 11 bp	
Base: $ 11,907,589,871	

II. TRANSAMERICA'S INVALIDITY CLAIMS

Step 1: Invalidity in general	
Has defendant Transamerica proved that one or more of the pertinent claims of the '201 patent are invalid, as Transamerica's invalidity claims are explained in Instructions Nos. 10 through 13? (*If you answer "yes," then go on to consider specific questions concerning Transamerica's invalidity claims in this section. If you answer "no," then please inform the Court Security Officer that you have reached a verdict.*)	___ Yes ✓ No
Step 2: "Priority date"	
What date do you find is the "priority date" for the '201 patent, as "priority date" was explained to you in Instruction No. 10, beginning on page 25?	
___ September 24, 1999, as the date of the patent application.	
___ September 25, 1998, as the date of a provisional application with an adequate written description.	
___ September 25, 1998, as the date of conception.	
___ August 21, 1998, as the date of conception.	
Step 3: Invalidity for "anticipation"	
(a) "Anticipation"	
Has Transamerica proved by clear and convincing evidence that any claim or claims of the '201 patent are invalid as "anticipated," as "anticipation" is explained in Instruction No. 11? (*If you answer "no" to this question, do not answer the question in subpart 3(b); instead, go on to Step 4 to answer questions about "obviousness."*)	___ Yes ___ No

(b) Invalid claims
Which of the following claims, if any, do you find are invalid as "anticipated" and what is the "anticipating" prior art reference for each such claim?
_____ Claim **35** as anticipated by
_____ Claim **36** as anticipated by
_____ Claim **37** as anticipated by
_____ Claim **38** as anticipated by
_____ Claim **39** as anticipated by
Claim **42** as anticipated by
Step 4: Invalidity for "obviousness"
(a) "Obviousness"

Has Transamerica proved by clear and convincing evidence that any claim or claims of the '201 patent are invalid as "obvious," as "obviousness" is explained in Instruction No. 12? (*If you answer "no" to this question, do not answer the question in subpart 4(b); instead, go on to Step 5 to answer questions about "inadequate written description."*)	___ Yes ___ No

(b) Invalid claims
Which of the following claims, if any, do you find are invalid as "obvious" and what are the invalidating prior art references for each such claim?
_____ Claim **35** as rendered obvious by
_____ Claim **36** as rendered obvious by
_____ Claim **37** as rendered obvious by
_____ Claim **38** as rendered obvious by
_____ Claim **39** as rendered obvious by
_____ Claim **42** as rendered obvious by

Step 5: Invalidity for "inadequate written description"	
(a) "Inadequate written description"	
Has Transamerica proved by clear and convincing evidence that any claim or claims of the '201 patent are invalid for an "inadequate written description," as "inadequate written description" is explained in Instruction No. 13? (*If you answer "no" to this question, do not answer the question in subpart 5(b); instead, notify the Court Security Officer that you have reached a verdict.*)	___ Yes ___ No
(b) Invalid claims	
Which of the following claims, if any, do you find are invalid for an "inadequate written description"?	
_____ Claim **35** _____ Claim **36** _____ Claim **37**	
_____ Claim **38** _____ Claim **39** _____ Claim **42**	

Date: Feb 13 2009 **Time:** 10:35 AM