

For Opinion See [2011 WL 2110384](#) , [2010 WL 3619707](#) , [2010 WL 3619578](#) , [2010 WL 3619664](#) , [2010 Markman 1610079](#)

United States District Court, E.D. Texas.

Marshall Division
AMERANTH, INC.,

v.

MENUSOFT SYSTEMS CORPORATION and Cash Register Sales & Service of Houston, Inc.

No. 2:07-CV-271-CE.

September 20, 2010.

Verdict Form

QUESTION NO. 1:

Do you find that Ameranth has proven, by a preponderance of the evidence, that *Menusoft* directly infringes, contributes to infringement, or induces infringement of claims 1 and 4 of [U.S. Patent No. 6,384,850](#) (“the ‘850 patent”), claims 6, 9, and 10 of [U.S. Patent No. 6,871,325](#) (“the ‘325 patent”), and claims 1 and 3 of [U.S. Patent No. 6,982,733](#) (“the ‘733 patent”)?

Answer “Yes” or “No” for each claim:

['850 patent](#), Claim 1: *NO*

['850 patent](#), Claim 4: *NO*

['325 patent](#), Claim 6: *NO*

['325 patent](#), Claim 9: *NO*

['325 patent](#), Claim 10: *NO*

['733 patent](#), Claim 1: *NO*

['733 patent](#), Claim 3: *NO*

QUESTION NO. 2:

Do you find that Ameranth has proven, by a preponderance of the evidence, that *CRS* directly infringes, contributes to infringement, or induces infringement of claims 1 and 4 of [the '850 patent](#), claims 6, 9, and 10 of [the '325 patent](#), and claims 1 and 3 of [the '733 patent](#)?

Answer “Yes” or “No” for each claim:

['850 patent](#), Claim 1: *NO*

['850 patent](#), Claim 4: *NO*

['325 patent](#), Claim 6: *NO*

['325 patent](#), Claim 9: *NO*

['325 patent](#), Claim 10: *NO*

['733 patent](#), Claim 1: *NO*

['733 patent](#), Claim 3: *NO* ***If you have found that Menusoft has infringed any of the claims (i.e., you have answered “yes” to any of the claims in Question No. 1), then answer Question No. 3. Otherwise, do not answer the following question; instead, proceed to Question No. 4.***

QUESTION NO. 3

Do you find by clear and convincing evidence that Menusoft's infringement was willful? Answer “Yes” or “No”:

QUESTION NO. 4

Do you find that Menusoft and CRS have proven, by clear and convincing evidence, that any of the following claims of the '850, '325, and ['733 patents](#) are invalid because they are *anticipated* by the prior art? “Yes” means the claims are invalid, and “No” means the claims are not invalid.

Answer “Yes” or “No” for each claim.

['850 patent](#), Claim 1: *Yes*

['850 patent](#), Claim 4: *Yes*

['325 patent](#), Claim 6: *Yes*

['325 patent](#), Claim 9: *Yes*

['325 patent](#), Claim 10: *Yes*

['733 patent](#), Claim 1: *Yes*

['733 patent](#), Claim 3: *Yes*

QUESTION NO. 5

Do you find that Menusoft and CRS have proven, by clear and convincing evidence, that any of the following claims of the '850, '325, and ['733 patents](#) are invalid because they are rendered *obvious* by the prior art? “Yes” means the claims are invalid, and “No” means the claims are not invalid.

Answer “Yes” or “No” for each claim.

['850 patent](#), Claim 1: *Yes*

['850 patent](#), Claim 4: *Yes*

['325 patent](#), Claim 6: *Yes*

['325 patent](#), Claim 9: *Yes*

['325 patent](#), Claim 10: *Yes*

['733 patent](#), Claim 1: *Yes*

['733 patent](#), Claim 3: *Yes*

If you have found that Menusoft has infringed any of the claims and those claims are valid (i.e., you have answered “yes” to any of the claims in Question No. 1 and “no” to Question Nos. 4 and 5, for the corresponding claim, then answer Question No. 6. Otherwise, do not answer the following question; instead, proceed to Question No. 7.

QUESTION NO. 6:

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate the Ameranth as a reasonable royalty for any infringement by Menusoft you have found?

Answer in dollars and cents, if any, for a reasonable royalty.

Answer: _____

If you have found that CRS has infringed any of the claims and those claims are valid (i.e., you have answered “yes” to any of the claims in Question No. 2 and “no” to Question Nos. 4 and 5 for the corresponding claim, then answer Question No. 7. Otherwise, do not answer the following question; the jury foreperson should instead sign and date this Verdict Form and return it to the Security Officer.

QUESTION NO. 7:

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate the plaintiff as a reasonable royalty for any infringement by CRS you have found?

Answer in dollars and cents, if any, for a reasonable royalty.

Answer: _____

Signed this 20 day of September, 2010.

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