

ORIGINAL

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

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**  
OCT 20 2003  
CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy

IN RE DIPPIN' DOTS, INC.,  
PATENT LITIGATION

MDL DOCKET NO. 1377

CIVIL ACTION FILE NO.  
3:96-CV-1959-X (TX)  
1:01-CV-262-TWT (GA)

VERDICT

PATENT INVALIDITY

1. Were any sales of cryogenically frozen ice cream by Curt Jones before  
March 6, 1988 prior art?

      ✓       Yes.  
                   No.

2. Are claims of the '156 patent invalid as obvious?

      ✓       Yes.  
                   All  
                   Claims  
                   No.

ANTITRUST CLAIMS

7. Did Curt Jones or Warren Schickli make misrepresentations or omissions that violated their duty of candor, that were material to the issuance of the patent, and that were made with the intent to deceive the Patent Office?

          ✓           Yes.  
                           No.

8. Have the Defendants shown that the relevant market is the manufacture and sale of cryogenically frozen pieces of ice cream in the United States?

          ✓           Yes.  
                           No.

9. Did the Plaintiffs possess [~~attempt to possess~~] monopoly power in the relevant market?

          ✓           Yes.  
                           No.

10. Did the Plaintiffs willfully acquire or maintain [~~attempt to acquire or maintain~~] monopoly power through restrictive or exclusionary conduct?

          ✓           Yes.  
                           No.

11. Did the Plaintiffs' conduct occur or affect interstate commerce?

          ✓           Yes.  
                           No.

**FRAUD ON THE PATENT OFFICE**

3. Did Curt Jones make a misrepresentation or omission that violated the duty of candor to the Patent Office?

Yes.  
 No.

4. Did Warren Schickli make a misrepresentation or omission that violated the duty of candor to the Patent Office?

Yes.  
 No.

5. Were the misrepresentations or omissions material to the issuance of the patent?

Yes.  
 No.

6. Were the misrepresentations or omissions made with the intent to deceive the Patent Office?

Yes.  
 No.

