

EXHIBIT I

In answering these questions, you are to follow the instructions I have given you in the Charge of Court.

INFRINGEMENT

1. Did Eolas prove by a preponderance of the evidence that J.C. Penney directly infringes any of the following asserted claims of the '985 patent?

Answer "Yes" or "No" to each question below.

'985 Patent	Yes	No
[insert claims that are tried]		

2. Did Eolas prove by a preponderance of the evidence that J.C. Penney has induced infringement of any of the following asserted claims of the '985 patent?

Answer "Yes" or "No" to each question below.

'985 Patent	Yes	No
[insert claims that are tried]		

3. Did Eolas prove by a preponderance of the evidence that J.C. Penney directly infringes any of the following asserted claims of the '906 patent?

Answer "Yes" or "No" to each question below.

'906 Patent	Yes	No
[insert claims that are tried]		

4. Did Eolas prove by a preponderance of the evidence that J.C. Penney has induced infringement of any of the following asserted claims of the '906 patent?

Answer "Yes" or "No" to each question below.

'906 Patent	Yes	No
[insert claims that are tried]		

INVALIDITY

5. Did Defendants prove by clear and convincing evidence that any of the patent claims asserted against J.C. Penney are invalid?

Answer "Yes" or "No" to each question below. Your answer need not be the same for each question, but you may find that a claim is invalid on any or all of the bases that have been explained to you. Answer all questions for all claims regardless of whether you have found those claims were infringed.

'985 Patent	Anticipation?	Obviousness?	Written description?
[insert claims that are tried]			

'906 Patent	Anticipation?	Obviousness?	Written description?
[insert claims that are tried]			

CONTRACTUAL AND LICENSE DEFENSES

6. Did defendant J.C. Penney prove by a preponderance of the evidence that Plaintiffs' covenant not to sue Microsoft customers and end-users applies to J.C. Penney's conduct at issue in this case?

Please answer "Yes" or "No" in the spaces provided below

Yes ____ No ____

7. Did defendant J.C. Penney prove by a preponderance of the evidence that Plaintiffs' covenant not to sue Microsoft customers and end-users applies to visitors to J.C. Penney's accused websites?

Please answer "Yes" or "No" in the spaces provided below

Yes ____ No ____

8. Did defendant J.C. Penney prove by a preponderance of the evidence that its conduct at issue in this case is authorized under an implied license?

Please answer "Yes" or "No" in the spaces provided below

Yes ____ No ____

9. Did defendant J.C. Penney prove by a preponderance of the evidence that visitors to its websites are authorized under an implied license?

Please answer "Yes" or "No" in the spaces provided below

Yes ____ No ____

10. Did defendant J.C. Penney prove by a preponderance of the evidence that its conduct at issue in this case is authorized under the doctrine of patent exhaustion?

Please answer "Yes" or "No" in the spaces provided below

Yes ____ No ____

11. Did defendant J.C. Penney prove by a preponderance of the evidence that visitors to its websites are authorized under the doctrine of patent exhaustion?

Please answer "Yes" or "No" in the spaces provided below

Yes ____ No ____

INEQUITABLE CONDUCT

12. Did Defendants prove by clear and convincing evidence that:

- a) Anyone involved in the prosecution of the '906 or '985 patents withheld material prior art from the Patent and Trademark Office?

Please answer "Yes" or "No" in the spaces provided below

Yes ____ No ____

- b) Any withholding of material prior art to the '906 or '985 patents from the Patent and Trademark Office was done with intent to deceive?

Please answer "Yes" or "No" in the spaces provided below

Yes ____ No ____

DAMAGES

ANSWER THIS QUESTION ONLY FOR PATENT CLAIMS ASSERTED AGAINST J.C. PENNEY THAT YOU FOUND BOTH INFRINGED AND NOT INVALID. IF YOU FOUND NO PATENT CLAIMS THAT ARE ASSERTED AGAINST J.C. PENNEY INFRINGED AND NOT INVALID, PLEASE DO NOT ANSWER THIS QUESTION.

13. What sum of money, if any, do you find from a preponderance of the evidence would fairly and reasonably compensate Eolas for J.C. Penney’s current, past, and future infringement of the patent claims that you have found were infringed and not invalid?

License Fee Damages \$ _____

Profit Split Damages (if any) \$ _____