

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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TOSHIBA CORPORATION,

Plaintiff,

JUDGMENT IN A CIVIL CASE

v.

Case No. 09-cv-305-slc

IMATION CORP.; MOSER BAER INDIA LTD.;  
GLYPHICS MEDIA, INC.; CMC MAGNETICS  
CORP.; HOTAN CORP.; KHYPERMEDIA  
CORP.; RITEK CORP.; and ADVANCED  
MEDIA, INC.,

Defendants.

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This action came before the court and a jury with Magistrate Judge Stephen L. Crocker presiding. The issues have been tried and the jury has rendered its verdict.


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IT IS ORDERED AND ADJUDGED that judgment is entered:

1. In favor of plaintiff Toshiba Corporation and against defendants Imation Corp., Moser Baer India Ltd., Ritek Corp., and CMC Magnetix Corp. on plaintiff's claims that defendants induced infringement of Claim 1 of U.S. Patent No. 5,831,966 and Claims 1, 2, and 4 of U.S. Patent No. 5,892,751;
2. In favor of defendants Imation Corp., Moser Baer India Ltd., Ritek Corp., CMC Magnetix Corp., Advanced Media Inc. and Hotan Corp. and against plaintiff on plaintiff's claim that defendants directly infringed Claim 1 of U.S. Patent No. 5,831,966;
3. In favor of defendants Advanced Media Inc. and Hotan Corp. and against plaintiff on plaintiff's claims that defendants induced infringement of Claim 1 of U.S. Patent No. 5,831,966 and Claims 1, 2, and 4 of U.S. Patent No. 5,892,751;
4. Finding that defendants Imation Corp., Moser Baer India Ltd., Ritek Corp., and CMC Magnetix Corp. were notified of their infringement of the '966 patent and '751 patent prior to the filing of this lawsuit;
5. In favor of plaintiff and against all defendants on defendants' counterclaim that the '966 patent is invalid as anticipated by prior art;
6. In favor of all defendants and against plaintiff on the issue of proof of damages, granting in part defendants' *Daubert* Motion (dkt. 354) and Renewed *Daubert* Motion (dkt. 440) concerning evidence of a reasonable royalty;
7. Dismissing with prejudice under Fed. R. Civ. P. 41(a) plaintiff's claim that defendants willfully infringed the '966 and the '751 patents;

8. Dismissing with prejudice under Fed. R. Civ. P. 41(a) defendants' counterclaims that the '966 patent and '751 patent are invalid because they are obvious in light of prior art and that the '751 patent is invalid as anticipated by prior art; and
9. Dismissing with prejudice under Fed. R. Civ. P. 41(a) defendants Khypermedia Corp. and Glyphics Media, Inc. pursuant to the stipulation of the parties.

Approved as to form this 22<sup>d</sup> day of April, 2013.

  
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Stephen L. Crocker,  
Magistrate Judge

  
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Peter Oppeneer, Clerk of Court

4/22/13  
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Date