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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNION OIL COMPANY OF CALIFORNIA,

Plaintiff,

vs.

ATLANTIC RICHFIELD COMPANY,
CHEVRON U.S.A., INC., EXXON
CORPORATION, MOBIL OIL
CORPORATION, SHELL OIL
PRODUCTS COMPANY and
TEXACO REFINING AND
MARKETING, INC.,

Defendants.

CASE NO. CV-95-2379-KMW

COURT'S JURY INSTRUCTIONS

DATED: September 24, 1997

Kim M Wardlaw
KIM McLANE WARDLAW
United States District Judge

COURT'S INSTRUCTION NO. 51.

1
2 A person is not entitled to a patent if he did not himself invent the subject matter sought
3 to be patented.

4 Defendants contend that some or all of the claims of the '393 patent are invalid
5 because Dr. Jessup and Dr. Croudace derived the subject matter of the '393 patent claims
6 from others.

7 To find derivation, you must find that others invented the subject matter of the '393
8 patent. Defendants must show, by clear and convincing evidence, prior conception of the
9 complete invention by another and communication of the complete invention, sufficient to
10 enable one of ordinary skill in the art to make the patented invention, to the patentees. A
11 mere suggestion by others to Drs. Jessup and Croudace of an idea for an invention is not
12 sufficient for derivation.

13 The testimony of the person claiming prior invention standing alone is insufficient to
14 prove prior conception. This testimony requires corroboration.