

Table of Contents

Introduction..... 1

 Lincoln is asserting its patent rights 1

 Guaranteed Minimum Withdrawal Benefit (GMWB)..... 1

 What This Analysis Does 2

Analysis Summary 5

 General Impression of Lincoln IP Family Quality 5

 Principal Aspects of the Lincoln Inventions Claimed to be New 6

 Prior Art Not Considered by the USPTO 7

 Possible Alternatives / Work Arounds to Claimed Inventions 8

 Organization of This Analysis..... 9

Overview of Lincoln IP..... 11

 Provisional Application # 60/101,883: filed 9/25/1998 – Expired 11

 Provisional Application # 60/115,570: filed 1/12/1999 – Expired 11

 Patent # 7,089,201 issued 8/8/2006 – application # 09/406,290: filed 9/24/1999..... 12

 Summary of Examination Activity 12

 Summary of Claimed Invention..... 12

 Provisional Application # 60/174,206: filed 1/3/2000 – Expired 16

 Patent # 6,611,815 issued 8/26/2003 – application # 09/753,408: filed 1/2/2001 17

 Summary of Examination Activity 17

 Summary of Claimed Invention..... 17

 Application # 09/804,667: filed 3/12/2001 – Claims allowed, Awaiting issue 19

 Summary of Examination Activity 19

 Summary of Claimed Invention..... 20

 Provisional Application # 60/700,503: filed 7/19/2005 – Expired 21

 Summary of Examination Activity 21

 Summary of Claimed Invention..... 21

 Publication # 2007/0033124 - Application # 11/488,317: filed 7/18/2006..... 21

 Summary of Examination Activity 21

 Summary of Claimed Invention..... 21

 Publication # 2007/0011086 – Application # 11/520,411: filed 9/13/2006 22

 Summary of Examination Activity 22

 Summary of Claimed Invention..... 23

Characteristics of a Strong & Effective Patent Application 25

 Patentable Subject Matter 25

 Non-obvious 25

 Useful 25

 Enablement 25

Indefiniteness.....	25
Inequitable Conduct	26
Analysis of Independent Claims.....	27
Patent # 7,089,201 issued 8/8/2006 – Application # 09/406,290: filed 9/24/1999	27
Claim Recital and Outline of Essential Features.....	27
Markman Hearing	28
Markman Hearing Definitions.....	33
Essence of the Claimed Invention	38
Analysis: Enablement / Indefiniteness	40
Analysis: Obviousness	40
Prior Art Alternatives Equivalent/Similar to the Claimed Invention.....	41
Patent # 6,611,815 issued 8/26/2003 – Application # 09/753,408: filed 1/2/2001	42
Claim Recital and Outline of Essential Features.....	42
Markman Hearing	42
Markman Hearing Definitions.....	43
Essence of the Claimed Invention	44
Analysis: Enablement / Indefiniteness	45
Analysis: Obviousness	46
Prior Art Alternatives Equivalent/Similar to the Claimed Invention.....	46
# 09/804,667: filed 3/12/2001 – Claims Allowed, awaiting issue.....	47
Claim Recital and Outline of Essential Features.....	47
Definition of Terms & Expressions Used in Claim	48
Essence of the Claimed Invention	52
Analysis: Enablement / Indefiniteness.....	53
Analysis: Obviousness	54
Prior Art Alternatives Equivalent/Similar to the Claimed Invention.....	55
Annotated IP Appendix.....	57
AIP1: Patent # 6,611,815.....	57
AIP2: Patent # 7,089,201	57
AIP3: Application 09/804,667	57
AIP4: Publication # 2007/0011086.....	57
AIP5: Publication # 2007/0033124.....	57
PRIOR ART APPENDIX	57
PA-1: Special Annuity Factor formula	57
PA-2: Relationship between successive Variable Annuity payout benefits	57
PA-3: Immediate annuities with cash withdrawal values	57
PA-4: Guaranteed Living Benefits (GLB).....	57
PA-5: Two-Tiered Annuities.....	57
PA-6: What the Cooperstein patent, #5,893,071, teaches	57
PA-7: Survivorship factor	57
PA-8: Life of Virginia Prior Art.....	57

GENERAL APPENDIX.....	59
A: IP Relationships Chart.....	59
B: IRS PLR 200305018 – Lincoln National	59
C1: Markman Hearing Opinion & Order – Patent 6,611,815.....	59
C2: Markman Hearing Opinion & Order – Patent 7,089,201.....	60
D: IRS PLR 9237030 – Life of Virginia.....	60
E: Lincoln National Patent / Application Copies	60
F: Cooperstein Patent - # 5,893,071	61
G: File Wrapper – Patent 7,089,201	61
H: File Wrapper – Application 09/804,667 – Claims Allowed awaiting issue	61
I: List of Independent Claims	61