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6 *Attorneys for Plaintiff / Counterdefendant /*  
*Counterclaimant Soilworks, LLC*  
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8 **UNITED STATES DISTRICT COURT**  
 9 **IN AND FOR THE DISTRICT OF ARIZONA**

10 SOILWORKS, LLC, an Arizona  
 corporation,  
 11 Plaintiff / Counterdefendant /  
 12 Counterclaimant,

13 v.

14 MIDWEST INDUSTRIAL SUPPLY, INC.,  
 an Ohio corporation authorized to do  
 15 business in Arizona,  
 16 Defendant / Counterclaimant /  
 Counterdefendant.  
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NO.: 2:06-CV-2141-DGC

**PLAINTIFF'S PROPOSED FORM OF  
 VERDICT**

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11 Defendant / Counterclaimant /  
12 Counterdefendant.

NO.: 2:06-CV-2141-DGC

**VERDICT**

13 We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths,  
14 do find as follows:

15 On Plaintiff Soilworks' claim of false advertising against Defendant Midwest, we find  
16 in favor of Plaintiff Soilworks, LLC.

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18 Juror 1

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26 Juror 5

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28 Juror 6

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12 Counterdefendant.

NO.: 2:06-CV-2141-DGC

**VERDICT**

13 We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths,  
14 do find as follows:

15 On Plaintiff Soilworks' claim of false advertising against Defendant Midwest, we find  
16 in favor of Defendant Midwest.

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18 Juror 1

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NO.: 2:06-CV-2141-DGC

**VERDICT**

13 We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths,  
14 do find as follows:

15 On Midwest's claim that Soilworks has engaged in false advertising by referring to  
16 itself as a manufacturer, we find in favor of Plaintiff Soilworks, LLC.

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18 Juror 1

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**VERDICT**

13 We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths,  
14 do find as follows:

15 On Midwest's claim that Soilworks has engaged in false advertising by referring to  
16 itself as a manufacturer, we find in favor of Defendant Midwest.

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18 Juror 1

\_\_\_\_\_ Juror 7

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28 Juror 6

\_\_\_\_\_ Foreperson

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9 an Ohio corporation authorized to do  
10 business in Arizona,

11 Defendant / Counterclaimant /  
12 Counterdefendant.

NO.: 2:06-CV-2141-DGC

**VERDICT**

13 We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths,  
14 do find as follows:

15 On Midwest's claim that it has been damaged by Soilworks' use of the term "soil  
16 sement," we find in favor of Soilworks, and find Midwest's damages to be zero dollars.

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18 Juror 1

\_\_\_\_\_ Juror 7

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20 Juror 2

\_\_\_\_\_ Juror 8

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\_\_\_\_\_ Juror 10

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\_\_\_\_\_ Juror 11

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28 Juror 6

\_\_\_\_\_ Foreperson

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**VERDICT**

13 We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths,  
14 do find as follows:

15 On Midwest's claim that it has been damaged by Soilworks' use of the term "soil  
16 sement," we find in favor of Midwest, and find Midwest's full damages to be \$\_\_\_\_\_.

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18 Juror 1

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11 Defendant / Counterclaimant /  
12 Counterdefendant.

NO.: 2:06-CV-2141-DGC

**VERDICT**

13 We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths,  
14 do find as follows:

15 On Midwest's claims of infringement of its "266" and "270" patents, we find in favor  
16 of Soilworks, LLC.

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18 Juror 1

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**VERDICT**

13 We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths,  
14 do find as follows:

15 On Midwest's claims of infringement of its "266" and "270" patents, we find in favor  
16 of Midwest, and find its full damages to be \$\_\_\_\_\_.

17 \_\_\_\_\_  
18 Juror 1

\_\_\_\_\_ Juror 7

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\_\_\_\_\_ Juror 8

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\_\_\_\_\_ Foreperson

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Respectfully submitted on this 9<sup>th</sup> day of January, 2009.

KUTAK ROCK LLP

By \_\_\_\_\_ /s E. Scott Dosek  
E. Scott Dosek, Esq.  
John P. Passarelli, Esq.  
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Scottsdale, AZ 85253-2742  
*Attorneys for Plaintiff Soilworks, LLC*

