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9 *Attorneys for Plaintiff / Counterdefendant /*  
10 *Counterclaimant Soilworks, LLC*

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**UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF ARIZONA**

SOILWORKS, LLC, an Arizona  
corporation,

Plaintiff / Counterdefendant /  
Counterclaimant,

v.

MIDWEST INDUSTRIAL SUPPLY, INC.,  
an Ohio corporation authorized to do  
business in Arizona,

Defendant / Counterclaimant /  
Counterdefendant.

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

**PLAINTIFF'S PROPOSED FORM OF  
VERDICT**

1 **UNITED STATES DISTRICT COURT**  
2 **IN AND FOR THE DISTRICT OF ARIZONA**

3 SOILWORKS, LLC, an Arizona  
4 corporation,

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

5 Plaintiff / Counterdefendant /  
6 Counterclaimant,

**VERDICT**

v.

7 MIDWEST INDUSTRIAL SUPPLY, INC.,  
8 an Ohio corporation authorized to do  
9 business in Arizona,

10 Defendant / Counterclaimant /  
11 Counterdefendant.

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

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

16  
17 Juror 1

Juror 7

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19 Juror 2

Juror 8

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21 Juror 3

Juror 9

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23 Juror 4

Juror 10

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25 Juror 5

Juror 11

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27 Juror 6

Foreperson

1 **UNITED STATES DISTRICT COURT**  
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3 SOILWORKS, LLC, an Arizona  
4 corporation,

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

5 Plaintiff / Counterdefendant /  
6 Counterclaimant,

**VERDICT**

v.

7 MIDWEST INDUSTRIAL SUPPLY, INC.,  
8 an Ohio corporation authorized to do  
9 business in Arizona,

10 Defendant / Counterclaimant /  
11 Counterdefendant.

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

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

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Juror 6

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**VERDICT**

v.

7 MIDWEST INDUSTRIAL SUPPLY, INC.,  
8 an Ohio corporation authorized to do  
business in Arizona,

9 Defendant / Counterclaimant /  
10 Counterdefendant.

11  
12 We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths,  
13 do find as follows:

14 On Midwest's claim that Soilworks has engaged in false advertising by referring to  
15 itself as a manufacturer, we find in favor of Plaintiff Soilworks, LLC.  
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Juror 11

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Juror 6

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4 corporation,

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5 Plaintiff / Counterdefendant /  
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**VERDICT**

v.

7 MIDWEST INDUSTRIAL SUPPLY, INC.,  
8 an Ohio corporation authorized to do  
business in Arizona,

9 Defendant / Counterclaimant /  
10 Counterdefendant.

11  
12 We, the jury, duly empanelled and sworn in the above-entitled action, upon our oaths,  
13 do find as follows:

14 On Midwest's claim that Soilworks has engaged in false advertising by referring to  
15 itself as a manufacturer, we find in favor of Defendant Midwest.  
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7 MIDWEST INDUSTRIAL SUPPLY, INC.,  
8 an Ohio corporation authorized to do  
9 business in Arizona,

10 Defendant / Counterclaimant /  
11 Counterdefendant.

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

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

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Juror 1

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Juror 7

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27 Juror 6

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7 MIDWEST INDUSTRIAL SUPPLY, INC.,  
8 an Ohio corporation authorized to do  
9 business in Arizona,

10 Defendant / Counterclaimant /  
11 Counterdefendant.

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

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

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Juror 1

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**VERDICT**

7 v.

8 MIDWEST INDUSTRIAL SUPPLY, INC.,  
9 an Ohio corporation authorized to do  
10 business in Arizona,

11 Defendant / Counterclaimant /  
12 Counterdefendant.

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

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

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Juror 1

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

KUTAK ROCK LLP

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 9, 2009, the foregoing **PLAINTIFF’S PROPOSED FORM OF VERDICT** was filed electronically. Notice of this filing will be sent to all parties by operations of the Court’s electronic filing system. Parties may access this filing through the Court’s system.

\_\_\_\_\_  
/s Amy S. Fletcher  
Amy S. Fletcher