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6	IN THE UNITED STATES DISTRICT COURT				
7	FOR THE NORTHERN DISTRICT OF CALIFORNIA				
8	TOR THE NORTHERN DISTRICT OF CALIFORNIA				
9					
10	CONCEPTUS, INC., No. C 09-02280 WHA				
11	Plaintiff,				
12	[DRAFT] v.				
13	HOLOGIC, INC.,				
14	Defendant.				
15	/				
16					
17	YOUR ANSWERS MUST BE UNANIMOUS.				
18					
19	1. Has Conceptus proven by a preponderance of the evidence that the accused Adiana				
20	procedure, when performed by doctors, infringes claims 37 and/or 38 of the '361 patent?				
21	G				
22	CLAIM 37: Yes No				
23	CLAIM 38:				
24	Yes No				
25	Le vollangueden "No" for roth claims in Olifstion 1, then suid to olifstion 2. Le voll				

If you answered "No" for both claims in Question 1, then skip to question 3. If you answered "Yes" for either claim, then as to any such claim you must answer Question 2.

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1	2.	Has Conceptus pr	oven by a preponder	cance of the evidence that I	Hologic has	
2	induced or co	or contributed to any infringement of claims 37 and/or 38 of the '361 patent by doctors				
3	who perform	no performed the Adiana procedure?				
4		C 2=				
5		CLAIM 37:	Yes	No		
6		CLAIM 38:				
7			Yes	No		
8	You must answer Questions 3 and 4 regardless of your answers to Questions 1 and 2.					
9	2	TT TT 1			27 1/ 20 6	
10	3. Has Hologic proven by clear and convincing evidence that claims 37 and/or 38 of					
11	the '361 pate	ent are invalid by rea	ason of anticipation of	or obviousness?		
12		CLAIM 37:				
13			Yes	No		
14		CLAIM 38:	Yes	No		
15						
16	4.	Has Hologic prov	en by clear and conv	vincing evidence that clain	ns 37 and/or 38 of	
17	the '361 pate	ent are invalid by rea	ason of inadequate w	ritten description or lack of	of enablement?	
18		CLAIM 37:				
19			Yes	No		
20		CLAIM 38:	Yes	No		
21						
22	If you answered "Yes" to either (or both) claims for both Questions 1 and 2, and "No" to					
23	BOTH QUESTIONS 3 AND 4, THEN ANSWER QUESTIONS 5 TO 7. THAT IS, IF YOU HAVE FOUND HOLOGIC HAS INDUCED OR CONTRIBUTED TO INFRINGEMENT OF AT LEAST ONE CLAIM AND FOUND THAT SAID					
24						
25	CLAIM IS NOT INVALID, THEN YOU MUST ANSWER THE NEXT THREE QUESTIONS. OTHERWISE, SKIP					
26	QUESTIONS 5	7 то 7.				
27						

1	5.	What damages, if any, has Conceptus proven by a preponderance of the evidence				
2	by reason of Hologic inducing or contributing to infringement of the claims in suit?					
3		ф				
4		\$				
5	6.	What revealty rate do you find has been proven?				
6	0.	What royalty rate do you find has been proven?				
7		%				
8						
9	7.	Has Conceptus proven by clear and convincing evidence that Hologic acted				
10	willfully in in	ducing or contributing to any infringement of the claims in suit?				
11						
12		Yes No				
13						
14						
15						
16	Dated: October, 2011.					
17	Dateu. Octob	FOREPERSON				
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20						