

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TV INTERACTIVE DATA CORPORATION,
Plaintiff,
v.
SONY CORPORATION, et al.,
Defendants.

Case No. [10-cv-00475-JCS](#)

COURT'S PROPOSED VERDICT FORM

Dated: March 21, 2013



Joseph C. Spero
United States Magistrate Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this Court as our verdict in this case

INFRINGEMENT

1. Has TVI proved by a preponderance of the evidence that Sony directly infringes any of the following claims of the TVI Patents?

Please answer in each space with a “Y” for “Yes” (for TVI) or with an “N” for “No” (for Sony) as to each claim for each product.

	Sony BDP-S550 Blu-ray Player (Representative of <u>DVD/Blu-ray Players</u>)	<u>PlayStation 3</u>
'307 Claim 1	_____	_____
'307 Claim 2	_____	_____
'307 Claim 3	_____	_____
'307 Claim 4	_____	_____
'307 Claim 5	_____	_____
'307 Claim 7	_____	_____
'307 Claim 9	_____	_____
'307 Claim 18	_____	_____
'156 Claim 1	_____	_____
'156 Claim 2	_____	_____
'863 Claim 1	_____	_____
'863 Claim 9	_____	_____
'532 Claim 1	_____	_____
'532 Claim 9	_____	_____
'532 Claim 17	_____	_____

Please go on to Question No. 2.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Has TVI proved by a preponderance of the evidence that Sony induced infringement of any of the following claims of the TVI Patents?

Please answer in each space with a “Y” for “Yes” (for TVI) or with an “N” for “No” (for Sony) as to each claim for each product.

	Sony BDP-S550 Blu-ray Player (Representative of <u>DVD/Blu-ray Players</u>)	<u>PlayStation 3</u>
--	---	----------------------

'307 Claim 1	_____	_____
'307 Claim 2	_____	_____
'307 Claim 3	_____	_____
'307 Claim 4	_____	_____
'307 Claim 5	_____	_____
'307 Claim 7	_____	_____
'307 Claim 9	_____	_____
'307 Claim 18	_____	_____
'532 Claim 1	_____	_____
'532 Claim 9	_____	_____
'532 Claim 17	_____	_____

Please go on to Question No. 3.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. Has TVI proved by a preponderance of the evidence that Sony has contributed to the infringement of any of the following claims of the TVI Patents?

Please answer in each space with a “Y” for “Yes” (for TVI) or with an “N” for “No” (for Sony) as to each claim for each product.

Sony BDP-S550
Blu-ray Player
(Representative of
DVD/Blu-ray Players)

PlayStation 3

'307 Claim 1	_____	_____
'307 Claim 2	_____	_____
'307 Claim 3	_____	_____
'307 Claim 4	_____	_____
'307 Claim 5	_____	_____
'307 Claim 7	_____	_____
'307 Claim 9	_____	_____
'307 Claim 18	_____	_____
'532 Claim 1	_____	_____
'532 Claim 9	_____	_____
'532 Claim 17	_____	_____

Please go on to Question No. 4.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. If you answered “Yes” to any of Questions 1 through 3, and thus found that Sony has infringed any of the claims of the TVI Patents, has TVI proved by clear and convincing evidence that Sony’s infringement was willful?

Please put an “X” in the appropriate space indicating either “Yes” (for TVI) or “No” (for Sony).

Sony BDP-S550
Blu-ray Player
(Representative of
DVD/Blu-ray Players)

PlayStation 3

Yes _____ No _____

Yes _____ No _____

Please go on to Question No. 5.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VALIDITY

5. Anticipation: Has Sony proved by clear and convincing evidence that any of the following claims of the TVI Patents are invalid as anticipated by any of the references identified by Sony? You must consider each reference separately as to each claim.

Please put an "X" in the appropriate space indicating either "Yes" (for Sony) or "No" (for TVI). Please mark only one space for each of the listed claims of the TVI Patents.

- | | | |
|---------------|----------------------|--------------------|
| '307 Claim 1 | Yes _____ (for Sony) | No _____ (for TVI) |
| '307 Claim 2 | Yes _____ (for Sony) | No _____ (for TVI) |
| '307 Claim 3 | Yes _____ (for Sony) | No _____ (for TVI) |
| '307 Claim 4 | Yes _____ (for Sony) | No _____ (for TVI) |
| '307 Claim 5 | Yes _____ (for Sony) | No _____ (for TVI) |
| '307 Claim 7 | Yes _____ (for Sony) | No _____ (for TVI) |
| '307 Claim 9 | Yes _____ (for Sony) | No _____ (for TVI) |
| '307 Claim 18 | Yes _____ (for Sony) | No _____ (for TVI) |
| | | |
| '156 Claim 1 | Yes _____ (for Sony) | No _____ (for TVI) |
| '156 Claim 2 | Yes _____ (for Sony) | No _____ (for TVI) |
| | | |
| '863 Claim 1 | Yes _____ (for Sony) | No _____ (for TVI) |
| '863 Claim 9 | Yes _____ (for Sony) | No _____ (for TVI) |
| | | |
| '532 Claim 1 | Yes _____ (for Sony) | No _____ (for TVI) |
| '532 Claim 9 | Yes _____ (for Sony) | No _____ (for TVI) |
| '532 Claim 17 | Yes _____ (for Sony) | No _____ (for TVI) |

Please go on to Question No. 6.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

6. Obviousness: Has Sony proved by clear and convincing evidence that any of the following claims of the TVI Patents are invalid because they would have been obvious to a person of ordinary skill in the art in light of the combinations of references identified by Sony?

Please put an "X" in the appropriate space indicating either "Yes" (for Sony) or "No" (for TVI). Please mark only one space for each of the listed claims of the TVI Patents.

'307 Claim 1 Yes _____ (for Sony) No _____ (for TVI)

'307 Claim 2 Yes _____ (for Sony) No _____ (for TVI)

'307 Claim 3 Yes _____ (for Sony) No _____ (for TVI)

'307 Claim 4 Yes _____ (for Sony) No _____ (for TVI)

'307 Claim 5 Yes _____ (for Sony) No _____ (for TVI)

'307 Claim 7 Yes _____ (for Sony) No _____ (for TVI)

'307 Claim 9 Yes _____ (for Sony) No _____ (for TVI)

'307 Claim 18 Yes _____ (for Sony) No _____ (for TVI)

'156 Claim 1 Yes _____ (for Sony) No _____ (for TVI)

'156 Claim 2 Yes _____ (for Sony) No _____ (for TVI)

'863 Claim 1 Yes _____ (for Sony) No _____ (for TVI)

'863 Claim 9 Yes _____ (for Sony) No _____ (for TVI)

'532 Claim 1 Yes _____ (for Sony) No _____ (for TVI)

'532 Claim 9 Yes _____ (for Sony) No _____ (for TVI)

'532 Claim 17 Yes _____ (for Sony) No _____ (for TVI)

Please go on to Question No. 7.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

7. Written Description: Has Sony proved by clear and convincing evidence that any of the following claims of the TVI Patents are invalid for lack of a written description from the perspective of a person of ordinary skill in the art?

Please put an "X" in the appropriate space indicating either "Yes" (for Sony) or "No" (for TVI). Please mark only one space for each of the listed claims of the TVI Patents.

'307 Claim 1 Yes _____ (for Sony) No _____ (for TVI)

'307 Claim 2 Yes _____ (for Sony) No _____ (for TVI)

'307 Claim 3 Yes _____ (for Sony) No _____ (for TVI)

'307 Claim 4 Yes _____ (for Sony) No _____ (for TVI)

'307 Claim 5 Yes _____ (for Sony) No _____ (for TVI)

'307 Claim 7 Yes _____ (for Sony) No _____ (for TVI)

'307 Claim 9 Yes _____ (for Sony) No _____ (for TVI)

'307 Claim 18 Yes _____ (for Sony) No _____ (for TVI)

'156 Claim 1 Yes _____ (for Sony) No _____ (for TVI)

'156 Claim 2 Yes _____ (for Sony) No _____ (for TVI)

'863 Claim 1 Yes _____ (for Sony) No _____ (for TVI)

'863 Claim 9 Yes _____ (for Sony) No _____ (for TVI)

'532 Claim 1 Yes _____ (for Sony) No _____ (for TVI)

'532 Claim 9 Yes _____ (for Sony) No _____ (for TVI)

'532 Claim 17 Yes _____ (for Sony) No _____ (for TVI)

Please go on to Question No. 8.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

8. Inventorship: Has Sony proved by clear and convincing evidence that the inventorship of any of the TVI Patents is incorrect?

Please put an "X" in the appropriate space indicating either "Yes" (for Sony) or "No" (for TVI). Please mark only one space for each of the listed claims of the TVI Patents.

- | | | |
|-------------|----------------------|--------------------|
| '307 Patent | Yes _____ (for Sony) | No _____ (for TVI) |
| '156 Patent | Yes _____ (for Sony) | No _____ (for TVI) |
| '863 Patent | Yes _____ (for Sony) | No _____ (for TVI) |
| '532 Patent | Yes _____ (for Sony) | No _____ (for TVI) |

Please go on to Question No. 9.

DAMAGES

9. If you found any claim infringed under Questions 1, 2 or 3, and valid under Questions 5, 6 and 7, what per unit running royalty rate do you find is adequate to compensate TVI for the conduct you found to infringe? (Then multiply the number of infringing units by the per-unit royalty to arrive at the total damages for each product.) If you did not find any claim to be both infringed under Questions 1, 2 or 3, and valid under Questions 5, 6 or 7, do not answer this question.

	_____ [Placeholder] ¹ _____	number of DVD player units sold
x	\$ _____	per-unit royalty
=	\$ _____	TOTAL

	_____ [Placeholder] _____	number of Blu-ray player units sold
x	\$ _____	per-unit royalty
=	\$ _____	TOTAL

	_____ [Placeholder] _____	number of Playstation3 player units sold
x	\$ _____	per-unit royalty
=	\$ _____	TOTAL

Total Damages (DVD, Blu-ray, and Playstation3 totals combined):

\$ _____

DATE _____

INITIALS OF FOREPERSON _____

¹ The parties have stipulated to unit sales, which the parties agree will be included in the final verdict form. Sony requested that TVI omit the actual numbers in this filing because it currently intends to request the Court seal this information.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28