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11 Attorneys for Plaintiff and
 12 Counterclaim-Defendant APPLE INC.

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN JOSE DIVISION

17 APPLE INC., a California corporation,
 18 Plaintiff,
 19 v.
 20 SAMSUNG ELECTRONICS CO., LTD., a
 21 Korean corporation; SAMSUNG ELECTRONICS
 22 AMERICA, INC., a New York corporation; and
 23 SAMSUNG TELECOMMUNICATIONS
 24 AMERICA, LLC, a Delaware limited liability
 company,
 Defendants.

Case No. 11-cv-01846-LHK (PSG)

**APPLE'S PROPOSED SPECIAL
 VERDICT FORM**

Judge: Hon. Lucy H. Koh
 Place: Courtroom 8, 4th Floor
 Trial: July 30, 2012 at 9 A.M.

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

3 **FINDINGS ON APPLE'S CLAIMS**

4 **Apple's Utility Patent Infringement Claims Against Samsung**

- 5 1. Has Apple proven that it is more likely than not that Samsung directly infringed
6 the following Apple utility patent claims?

7 '381 Patent

8 Claim 19: Yes _____ (for Apple) No _____ (for Samsung)

9 '915 Patent

10 Claim 8: Yes _____ (for Apple) No _____ (for Samsung)

11 '163 Patent

12 Claim 50: Yes _____ (for Apple) No _____ (for Samsung)

- 13
14 2. If you answered "Yes" to Question No. 1, has Apple proven that it is more likely
15 than not that the Samsung Korean parent entity (SEC) induced its U.S. subsidiaries
(STA and SEA) to directly infringe?

16 Yes _____ (for Apple) No _____ (for Samsung)

- 17 3. If you answered "Yes" to Question No. 1, has Apple proven by clear and
18 convincing evidence that Samsung's infringement was willful?

19 Yes _____ (for Apple) No _____ (for Samsung)

- 20 4. Has Samsung proven by clear and convincing evidence that Apple's asserted
21 utility patent claims are invalid?

22 '381 Patent

23 Claim 19: Yes _____ (for Samsung) No _____ (for Apple)

24 '915 Patent

25 Claim 8: Yes _____ (for Samsung) No _____ (for Apple)

26 '163 Patent

27 Claim 50: Yes _____ (for Samsung) No _____ (for Apple)
28

1 **Apple's Design Patent Infringement Claims Against Samsung**

2 5. Has Apple proven that it is more likely than not that Samsung directly infringed
3 the following Apple design patents?

4 D'305 Patent: Yes _____ (for Apple) No _____ (for Samsung)

5 D'889 Patent: Yes _____ (for Apple) No _____ (for Samsung)

6 D'087 Patent: Yes _____ (for Apple) No _____ (for Samsung)

7 D'677 Patent: Yes _____ (for Apple) No _____ (for Samsung)

8
9 6. If you answered "Yes" to Question 5, has Apple proven that it is more likely than
10 not that the Samsung Korean parent entity (SEC) induced its U.S. subsidiaries
(STA and SEA) to directly infringe?

11 Yes _____ (for Apple) No _____ (for Samsung)

12 7. If you answered "Yes" to Question No. 5, has Apple proven by clear and
13 convincing evidence that Samsung's infringement was willful?

14 Yes _____ (for Apple) No _____ (for Samsung)

15 8. Has Samsung proven by clear and convincing evidence that Apple's asserted
16 design patents are invalid?

17 D'305 Patent: Yes _____ (for Samsung) No _____ (for Apple)

18 D'889 Patent: Yes _____ (for Samsung) No _____ (for Apple)

19 D'087 Patent: Yes _____ (for Samsung) No _____ (for Apple)

20 D'677 Patent: Yes _____ (for Samsung) No _____ (for Apple)

21 **Apple's Trade Dress Claims Against Samsung**

22 A. Unregistered Trade Dress Dilution Claims

23 9. Has Apple proven that it is more likely than not that Samsung is liable to Apple for
24 dilution of Apple's unregistered iPad-related trade dress?

25 Yes _____ (for Apple) No _____ (for Samsung)

26 10. Has Apple proven that it is more likely than not that Samsung is liable to Apple for
27 dilution of Apple's unregistered iPhone-related trade dress?

28 Yes _____ (for Apple) No _____ (for Samsung)

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B. Registered Trade Dress Dilution Claims

11. Has Apple proven that it is more likely than not that Samsung is liable to Apple for dilution of Apple’s registered iPhone-related trade dress?

Yes _____ (for Apple) No _____ (for Samsung)

C. Trade Dress Infringement Claim

12. Has Apple proven that it is more likely than not that Samsung is liable to Apple for infringement of its iPad-related trade dress?

Yes _____ (for Apple) No _____ (for Samsung)

Damages for Samsung’s Infringement and/or Dilution

13. What is the dollar amount that Apple is entitled to receive from Samsung for Apple’s utility patent infringement, design patent infringement, trade dress dilution, and trade dress infringement claims?

\$_____.

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FINDINGS ON SAMSUNG’S CLAIMS

Samsung’s Utility Patent Infringement Claims Against Apple

1. Has Samsung proven that it is more likely than not that Apple has literally infringed the following claims of Samsung’s patents?

’516 Patent

Claim 15: Yes _____ (for Samsung) No _____ (for Apple)
Claim 16: Yes _____ (for Samsung) No _____ (for Apple)

’941 Patent

Claim 10: Yes _____ (for Samsung) No _____ (for Apple)
Claim 15: Yes _____ (for Samsung) No _____ (for Apple)

’604 Patent

Claim 17: Yes _____ (for Samsung) No _____ (for Apple)
Claim 18: Yes _____ (for Samsung) No _____ (for Apple)

’711 Patent

Claim 9: Yes _____ (for Samsung) No _____ (for Apple)

’893 Patent

Claim 10: Yes _____ (for Samsung) No _____ (for Apple)

’460 Patent

Claim 1: Yes _____ (for Samsung) No _____ (for Apple)

2. If you answered “Yes” to Question No. 1, has Samsung proven by clear and convincing evidence that Apple’s infringement was willful?

Yes _____ (for Samsung) No _____ (for Apple)

1 3. Has Apple proven by clear and convincing evidence that Samsung's asserted utility patent
2 claims are invalid?

3 '516 Patent

4 Claim 15: Yes _____ (for Apple) No _____ (for Samsung)

4 Claim 16: Yes _____ (for Apple) No _____ (for Samsung)

5 '941 Patent

6 Claim 10: Yes _____ (for Apple) No _____ (for Samsung)

6 Claim 15: Yes _____ (for Apple) No _____ (for Samsung)

7 '604 Patent

8 Claim 17: Yes _____ (for Apple) No _____ (for Samsung)

9 Claim 18: Yes _____ (for Apple) No _____ (for Samsung)

10 '711 Patent

11 Claim 9: Yes _____ (for Apple) No _____ (for Samsung)

12 '893 Patent

12 Claim 10: Yes _____ (for Apple) No _____ (for Samsung)

13 '460 Patent

14 Claim 1: Yes _____ (for Apple) No _____ (for Samsung)

15 **Damages for Apple's Infringement**

16 4. What is the dollar amount that Samsung is entitled to receive from Apple for Samsung's
17 utility patent infringement claims?

18 \$ _____.

19
20 **FINDINGS ON APPLE'S COUNTERCLAIMS AGAINST SAMSUNG**

21 **Breach of Contract Claims and Antitrust**

22 5. Has Apple proven that it is more likely than not that Samsung breached its contractual
23 obligations by failing to timely disclose its intellectual property rights ("IPR") during the
24 creation of the UMTS standard or by failing to license its "declared essential" patents on fair,
25 reasonable, and non-discriminatory ("FRAND") terms?

26 Yes _____ (for Apple) No _____ (for Samsung)

1 6. Has Apple proven that it is more likely than not that Samsung has violated Section 2 of the
2 Sherman Antitrust Act by monopolizing one or more technology markets related to the
UMTS standard?

3 Yes _____ (for Apple) No _____ (for Samsung)

4
5 7. If you answered "Yes" to Question No. 5 or Question No. 6, what is the dollar amount that
6 Apple is entitled to receive from Samsung for Samsung's antitrust violation and/or breach of
contract?

7 \$ _____.

8 **Patent Exhaustion**

9 8. Has Apple proven that it is more likely than not that Samsung is barred from enforcing the
10 '516, '941, and '604 patents against Apple based on the doctrine of patent exhaustion?

11 Yes _____ (for Apple) No _____ (for Samsung)

12 **Waiver**

13 9. Has Apple proven by clear and convincing evidence that Samsung has waived its rights to
14 enforce the '516, '941, and '604 patents against Apple?

15 Yes _____ (for Apple) No _____ (for Samsung)

16 **Equitable Estoppel**

17 10. Has Apple proven that it is more likely than not that Samsung is equitably estopped from
18 enforcing the '516, '941, and '604 patents against Apple?

19 Yes _____ (for Apple) No _____ (for Samsung)

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Have the presiding juror sign and date this form.

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Signed: _____ Date: _____

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PRESIDING JUROR

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