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 12 Attorneys for Plaintiff and
 Counterclaim-Defendant APPLE INC.

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

18 APPLE INC., a California corporation,
 19 Plaintiff,
 20 v.
 21 SAMSUNG ELECTRONICS CO., LTD., a
 Korean corporation; SAMSUNG ELECTRONICS
 22 AMERICA, INC., a New York corporation; and
 SAMSUNG TELECOMMUNICATIONS
 23 AMERICA, LLC, a Delaware limited liability
 company,
 24 Defendants.
 25

Case No. 11-cv-01846-LHK (PSG)
**APPLE'S FIRST REVISED DRAFT
 OF 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 AND DESIGN PATENT CLAIMS AGAINST SAMSUNG**

5 **1. For each of the following products, has Apple proven that it is more likely than not**
6 **that Samsung infringed the indicated Apple utility patent claims?**

7 (Please answer in each cell with a “Y” for “yes” (for Apple), or with an “N” for “no” (for
8 Samsung). You do not have to provide an answer for any cell that has gray shading.)

Accused Samsung Product	'381 Patent (Claim 19)	'915 Patent (Claim 8)	'163 Patent (Claim 50)
Intercept			
Vibrant			
Captivate			
Epic 4G			
Fascinate			
Galaxy Ace			
Galaxy S (i9000)			
Galaxy S II (AT&T)			
Galaxy S II (i9100)			
Galaxy S II (T-Mobile)	X		
Transform	X		
Mesmerize			
Continuum			
Galaxy Tab (original or 7.0)			
Galaxy S 4G			
Gem			
Galaxy Prevail			
Nexus S 4G			
Replenish			
Droid Charge			
Infuse 4G			
Indulge			
Galaxy Tab 10.1 (WiFi and 4G LTE)			
Exhibit 4G			

2. For each of the following products, has Apple proven that it is more likely than not that Samsung infringed the indicated Apple design patents?

(Please answer in each cell with a “Y” for “yes” (for Apple), or with an “N” for “no” (for Samsung). You do not have to provide an answer for any cell that has gray shading.)

Accused Samsung Product	D'677 Patent	D'087 Patent	D'305 Patent
Intercept	X	X	X
Vibrant			
Captivate	X	X	
Epic 4G	X	X	
Fascinate		X	
Galaxy Ace		X	X
Galaxy S (i9000)			
Galaxy S II (AT&T)			X
Galaxy S II (i9100)			X
Galaxy S II (T-Mobile)		X	X
Galaxy SII (Epic 4G Touch)			X
Galaxy S II (Skyrocket)			X
Galaxy S (Showcase i500)		X	
Mesmerize		X	
Continuum	X	X	
Galaxy S 4G			
Gem	X	X	
Droid Charge	X	X	
Infuse 4G			
Indulge	X	X	

Accused Samsung Product	D'889 Patent
Galaxy Tab 10.1 (WiFi and 4G LTE)	

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

3 '381 Patent (Claim 19) Yes _____ (for Samsung) No _____ (for Apple)

4 '915 Patent (Claim 8) Yes _____ (for Samsung) No _____ (for Apple)

5 '163 Patent (Claim 50) Yes _____ (for Samsung) No _____ (for Apple)

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

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

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

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

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11 **4. If in response to Question No. 1 or Question No. 2 you found that Samsung has**
12 **infringed any Apple patent(s), has Apple proven by clear and convincing evidence that**
13 **Samsung's infringement was willful?**

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

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16 **5. Which of the Samsung entities do you find liable for patent infringement?**

17 Samsung Electronics Co., Ltd. Yes _____ No _____

18 Samsung Electronics America, Inc. Yes _____ No _____

19 Samsung Telecommunications America, LLC Yes _____ No _____

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APPLE’S TRADE DRESS CLAIMS AGAINST SAMSUNG

6. Has Apple proven that it is more likely than not that Apple’s unregistered iPad-related trade dress is protectable?

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

7. Has Apple proven that it is more likely than not that Apple’s unregistered iPhone-related trade dresses are protectable?

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

8. Has Samsung proven that it is more likely than not that Apple’s registered iPhone-related trade dress is not protectable?

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

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9. For each of the following products, has Apple proven that it is more likely than not that Samsung diluted and/or infringed the indicated Apple trade dress?

(Please answer in each cell with a “Y” for “yes” (for Apple), or with an “N” for “no” (for Samsung).)

Accused Samsung Product	iPhone Trade Dress Dilution
Vibrant	
Captivate	
Epic 4G	
Fascinate	
Galaxy S (i9000)	
Galaxy S II (AT&T)	
Galaxy S II (i9100)	
Galaxy S II (T-Mobile)	
Galaxy S II (Epic 4G Touch)	
Galaxy S II (Skyrocket)	
Galaxy S (Showcase i500)	
Mesmerize	
Continuum	
Galaxy S 4G	
Galaxy Prevail	
Galaxy Ace	
Droid Charge	
Infuse 4G	

Accused Samsung Product	iPad Trade Dress Dilution	iPad Trade Dress Infringement
Galaxy Tab 10.1 (WiFi and 4G LTE)		

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10. Which of the Samsung entities do you find liable for Apple’s trade dress claims?

- Samsung Electronics Co., Ltd. Yes _____ No _____
- Samsung Electronics America, Inc. Yes _____ No _____
- Samsung Telecommunications America, LLC Yes _____ No _____

DAMAGES TO APPLE FROM SAMSUNG

11. What is the dollar amount that Apple is entitled to receive from Samsung on the claims on which you have ruled in favor of Apple?

\$_____.

FINDINGS ON SAMSUNG’S CLAIMS

SAMSUNG’S UTILITY PATENT CLAIMS AGAINST APPLE

12. For each of the following products, has Samsung proven that it is more likely than not that Apple infringed the indicated Samsung utility patent claims?

(Please answer in each cell with a “Y” for “yes” (for Samsung), or with an “N” for “no” (for Apple). You do not have to provide an answer for any cell that contains gray shading.)

Accused Apple Product	'516 Patent		'941 Patent		'604 Patent		'711 Patent	'893 Patent	'460 Patent
	Claim 15	Claim 16	Claim 10	Claim 15	Claim 17	Claim 18	Claim 9	Claim 10	Claim 1
iPhone 3G	X	X	X	X				X	
iPhone 3GS	X	X	X	X					
iPhone 4									
iPad 3G	X	X	X	X			X	X	X
iPad2 3G							X		
iPod Touch	X	X	X	X	X	X			

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13. Has Apple proven by clear and convincing evidence that Samsung’s asserted utility patent claims are invalid?

'516 Patent

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

'941 Patent

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

'604 Patent

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

'711 Patent

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

'893 Patent

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

'460 Patent

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

14. If in response to Question No. 12 you found that Apple has infringed any Samsung patent(s), has Samsung proven by clear and convincing evidence that Apple’s infringement was willful?

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

DAMAGES TO SAMSUNG FROM APPLE

15. What is the dollar amount that Samsung is entitled to receive from Apple for Samsung’s utility patent infringement claims on the '516, '941, and '604 patents?

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16. What is the dollar amount that Samsung is entitled to receive from Apple for Samsung’s utility patent infringement claims on the ’711, ’893, and ’460 patents?

\$ _____.

FINDINGS ON APPLE’S COUNTERCLAIMS AGAINST SAMSUNG

BREACH OF CONTRACT CLAIMS AND ANTITRUST

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

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

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

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

19. If you answered “Yes” to Question No. 17 or Question No. 18, what is the dollar amount that Apple is entitled to receive from Samsung for Samsung’s antitrust violation and/or breach of contract?

\$ _____.

1 **PATENT EXHAUSTION AND EQUITABLE ESTOPPEL**

2 **20. Has Apple proven that it is more likely than not that Samsung is barred by patent**
3 **exhaustion or equitable estoppel from enforcing the following Samsung patents against**
4 **Apple?**

5 (Please answer in each cell with a “Y” for “yes” (for Apple), or with an “N” for “no” (for
6 Samsung).)

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Samsung Patent	Exhaustion	Equitable Estoppel
'516 Patent		
'941 Patent		
'604 Patent		

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12 **WAIVER**

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14 **21. Has Apple proven by clear and convincing evidence that Samsung has waived its**
15 **rights to enforce the following Samsung patents against Apple?**

16 '516 Patent Yes _____ (for Apple) No _____ (for Samsung)
17 '941 Patent Yes _____ (for Apple) No _____ (for Samsung)
18 '604 Patent Yes _____ (for Apple) No _____ (for Samsung)
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22 Have the presiding juror sign and date this form.

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24 Signed: _____ Date: _____

25 PRESIDING JUROR
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