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23 LTD., SAMSUNG ELECTRONICS AMERICA,

24 INC. and SAMSUNG

25 TELECOMMUNICATIONS AMERICA, LLC

26 UNITED STATES DISTRICT COURT

27 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

28 APPLE INC., a California corporation,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., a
Korean corporation; SAMSUNG ELECTRONICS
AMERICA, INC., a New York corporation; and
SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC, a Delaware limited liability
company,

Defendants.

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

**SAMSUNG'S PROPOSED SPECIAL
VERDICT FORM**

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

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.

FINDINGS ON APPLE'S CLAIMS

APPLE'S UTILITY AND DESIGN PATENT CLAIMS AGAINST SAMSUNG

1. For each of the following products, has Apple proven by a preponderance of the evidence that Samsung Telecommunications America, LLC ("STA") infringed the indicated Apple utility patent claims?

(Please answer in each cell with a "Y" for "yes" (for Apple), or with an "N" for "no" (for Samsung). Do not answer for any cell that has NA ("Not Applicable").)

Samsung Product	'381 Patent (Claim 19) Web Browser Application	'381 Patent (Claim 19) Gallery Application	'381 Patent (Claim 19) Contacts Application	'915 Patent (Claim 8) Web Browser Application	'163 Patent (Claim 50) Web Browser Application
Captivate					
Continuum					
Droid Charge					
Epic 4G					
Exhibit 4G					
Fascinate					
Galaxy Ace					
Galaxy Prevail					
Galaxy S (i9000)					
Galaxy S II					
Galaxy S 4G					
Gem	NA	NA	NA		
Gravity					
Indulge					
Infuse 4G					
Intercept					
Mesmerize					
Nexus S 4G					
Replenish					
Transform	NA	NA	NA		

Samsung Product	'381 Patent (Claim 19) Web Browser Application	'381 Patent (Claim 19) Gallery Application	'381 Patent (Claim 19) Contacts Application	'915 Patent (Claim 8) Web Browser Application	'163 Patent (Claim 50) Web Browser Application
Vibrant					
Galaxy Tab			NA		
Galaxy Tab 10.1			NA		

2. For each of the following products, has Apple proven by a preponderance of the evidence that Samsung Electronics America, Inc. ("SEA") infringed the indicated Apple utility patent claims?

(Please answer in each cell with a "Y" for "yes" (for Apple), or with an "N" for "no" (for Samsung). Do not answer for any cell that has NA ("Not Applicable").)

Samsung Product	'381 Patent (Claim 19) Web Browser Application	'381 Patent (Claim 19) Gallery Application	'381 Patent (Claim 19) Contacts Application	'915 Patent (Claim 8) Web Browser Application	'163 Patent (Claim 50) Web Browser Application
Galaxy Tab			NA		
Galaxy Tab 10.1			NA		

[Samsung does not believe that induced infringement is appropriate for this patent, but has listed a proposed verdict form question below in the event the Court disagrees].

3. For each of the following products, has Apple proven by a preponderance of the evidence that Samsung Electronics Co., Ltd. ("SEC"), knowing of the '381, '915 or '163 patent, took action that it knew or should have known would induce STA or SEA to infringe the '381, '915 or '163 patent?

(Please answer in each cell with a "Y" for "yes" (for Apple), or with an "N" for "no" (for Samsung). Do not answer for any cell that has NA ("Not Applicable").)

Samsung Product	'381 Patent (Claim 19) Web Browser Application	'381 Patent (Claim 19) Gallery Application	'381 Patent (Claim 19) Contacts Application	'915 Patent (Claim 8) Web Browser Application	'163 Patent (Claim 50) Web Browser Application
Captivate					
Continuum					
Droid Charge					
Epic 4G					
Exhibit 4G					
Fascinate					
Galaxy Ace					
Galaxy Prevail					
Galaxy S (i9000)					
Galaxy S II					
Galaxy S 4G					
Gem	NA	NA	NA		
Gravity					
Indulge					
Infuse 4G					
Intercept					
Mesmerize					
Nexus S 4G					
Replenish					
Transform	NA	NA	NA		
Vibrant					
Galaxy Tab			NA		
Galaxy Tab 10.1			NA		

4. For each of the following products, has Apple proven by a preponderance of the evidence that SEA or STA 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). Do not answer for any cell that is gray.)

Accused Samsung Product	D’677 Patent	D’087 Patent	D’889 Patent	D’305 Patent
Galaxy S 4G (T-Mobile)				
Vibrant (T-Mobile)				
Captivate (AT&T)				
Epic 4G (Sprint)				
Mesmerize (Verizon)				
Showcase i500 (Boost Mobile)				
Fascinate (Verizon)				
Galaxy Ace				
Galaxy S (i9000)				
Galaxy S II (AT&T)				
Galaxy S II i9100				
Galaxy S II (T-Mobile)				
Continuum (AT&T)				
Gem (U.S. Cellular)				
Droid Charge (Verizon)				
Infuse 4G (AT&T)				
Indulge (Cricket Communications):				
Galaxy Tab 10.1 (WiFi and 4G LTE)				

[Samsung does not believe that induced infringement is appropriate for this patent, but has listed a proposed verdict form question below in the event the Court disagrees].

5. Do you find that Apple has proved by a preponderance of the evidence that SEC, knowing of any patent you found to be infringed, took action that it knew or should have known would induce STA and/or SEA to infringe that patent?

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

6. If in response to Question Nos. 1-5 you found that any Samsung entity has infringed any Apple patent(s), has Apple proven by clear and convincing evidence that the Samsung entity actually knew or should have known that its actions constituted an unjustifiably high risk of infringement of a valid and enforceable Apple patent?

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

If yes, please fill in the table below with a “Y” for any entity that you found actually knew or should have known that its actions constituted an unjustifiably high risk of infringement of a valid and enforceable Apple patent:

Entity	‘381 Patent	‘915 Patent	‘163 Patent	D’677 Patent	D’087 Patent	D’889 Patent	D’305 Patent
STA							
SEA							
SEC							

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

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

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

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

D’677 Patent Yes _____ (for Samsung) No _____ (for Apple)

D’087 Patent Yes _____ (for Samsung) No _____ (for Apple)

D’889 Patent Yes _____ (for Samsung) No _____ (for Apple)

D’305 Patent Yes _____ (for Samsung) No _____ (for Apple)

APPLE'S TRADE DRESS CLAIMS AGAINST SAMSUNG

- 8. Has Apple proven by a preponderance of the evidence that Apple's unregistered trade dresses are protectable?**

(In the chart of Question 11, please answer in the "protectable" column with a "Y" for "yes" (for Apple), or with an "N" for "no" (for Samsung)).

- 9. Has Samsung proven by a preponderance of the evidence that Apple's registered iPhone-related trade dress is not protectable?**

(If yes, in the chart of Question 11, please answer for the registered iPhone trade dress row in the protectable column with an "N" for "not protectable" (for Samsung). If no, please answer "Y" for "protectable" (for Apple)).

- 10. Has Apple proven by a preponderance of the evidence that Apple's trade dresses are famous?**

(In the chart of Question 11, please answer in each cell in the "famous" column with a "Y" for "yes" (for Apple), or with an "N" for "no" (for Samsung)).

- 11. Please complete the chart below using your responses to Questions 8 – 10.**

	Protectable	Famous
Unregistered iPhone trade dress		
Unregistered iPhone 3 trade dress		
Registered iPad 2 trade dress		
Unregistered iPad trade dress		
Unregistered iPad 2 trade dress		

12. For each of the following phones for which you answered yes to both the protectable and famous cells in the chart of Question 11, has Apple proven by a preponderance of the evidence that Samsung diluted 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	Dilution		
	iPhone Trade Dress	iPhone 3 Trade Dress	registered iPhone Trade Dress
Galaxy S 4G (T-Mobile)			
Vibrant (T-Mobile)			
Mesmerize (Verizon)			
Showcase i500 (Boost Mobile)			
Fascinate (Verizon)			
Galaxy S (i9000)			
Galaxy S II (AT&T)			
Galaxy S II (i9100)			
Galaxy S II (T-Mobile)			
Infuse 4G (AT&T)			

13. (a) If you answered yes to the protectable cells corresponding to Apple’s iPad trade dresses in the chart of Question 11, has Apple proven by a preponderance of the evidence that Samsung infringed the indicated Apple trade dress? (Please answer in each cell of column (a) in the table below with a “Y” for “yes” (for Apple), or with an “N” for “no” (for Samsung).

- (b) If you answered yes to both the protectable and famous cells corresponding to Apple’s iPad trade dresses in the chart of Question 11, has Apple proven by a preponderance of the evidence that Samsung diluted the indicated Apple trade dress? (Please answer in each cell of column (b) below with a “Y” for “yes” (for Apple), or with an “N” for “no” (for Samsung).

	(a) Infringement		(b) Dilution	
	iPad trade dress	iPad 2 trade dress	iPad trade dress	iPad 2 trade dress
Galaxy Tab 10.1 (WiFi or 4G LTE)				

1 **14. If you responded “Y” to any of the cells in Questions 12 or 13, which of the Samsung**
2 **entities do you find liable for Apple’s trade dress claims?**

3 STA Yes _____ No _____

4 SEA Yes _____ No _____

5 *[Samsung does not believe that induced infringement is appropriate for Apple’s trade dress*
6 *claims, but has listed a proposed verdict form question below in the event the Court disagrees].*

7 **15. Has Apple proven by a preponderance of the evidence that SEC, knowing of Apple’s**
8 **unregistered iPad and/or iPad 2 trade dress, took action that it knew or should have**
9 **known would induce STA or SEA to infringe the iPad and/or iPad 2 trade dress?**

10 Yes _____ No _____

11 **16. If you found STA and/or SEA liable on any Apple trade dress dilution claim, do you**
12 **find by clear and convincing evidence that it diluted and willfully intended to cause**
13 **dilution of the trade dress?**

14 STA ____ Yes ____ No

15 SEA ____ Yes ____ No

16 **17. If you found STA and/or SEA liable on any Apple trade dress dilution claim, did**
17 **Apple prove by a preponderance of the evidence that STA’s or SEA’s alleged use of**
18 **the trade dress in fact injured or harmed the trade dress?**

19 STA ____ Yes ____ No

20 SEA ____ Yes ____ No

21 **18. If you found STA, SEA, and/or SEC liable on Apple’s trade dress infringement claim,**
22 **do you find that Apple has proven by a preponderance of the evidence both (a) that**
23 **STA’s and/or SEA’s alleged use of the trade dress is likely to cause confusion among**
24 **prospective purchasers as to the source, sponsorship, affiliation, or approval of the**
25 **accused Samsung product and (b) that there was actual consumer confusion or that**
26 **STA’s and/or SEA’s actions were intentionally deceptive?**

27 STA ____ Yes ____ No

28 SEA ____ Yes ____ No

SEC ____ Yes ____ No

29 **19. If you found STA, SEA and/or SEC liable on Apple’s trade dress infringement claim,**
30 **do you find by clear and convincing evidence that STA, SEA and/or SEC willfully**
31 **intended to infringe the trade dress?**

32 STA ____ Yes ____ No

33 SEA ____ Yes ____ No

34 SEC ____ Yes ____ No

DAMAGES TO APPLE FROM SAMSUNG

20. What is the total dollar amount that Apple is entitled to receive from Samsung on the claims on which you have ruled in favor of Apple, if any?

\$_____.

21. If you find that Apple is entitled to receive damages from Samsung, which Samsung entities are responsible for those damages?

STA _____
SEA _____
SEC _____

22. If you find that Apple is entitled to receive damages from Samsung, how is the total amount of damages stated in Question 20 divided?

Lost profits \$ _____
Reasonable royalty \$ _____
Samsung's profits \$ _____

FINDINGS ON SAMSUNG'S CLAIMS

SAMSUNG'S UTILITY PATENT CLAIMS AGAINST APPLE

23. For each of the following products, has Samsung proven by a preponderance of the evidence 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		'711 Patent	'893 Patent	'460 Patent
	Claim 15	Claim 16	Claim 10	Claim 15	Claim 9	Claim 10	Claim 1
iPhone 3G							
iPhone 3GS							
iPhone 4							
iPad2 3G							
iPod Touch							

1 **24. If in response to Question No. 23 you found that Apple has infringed any Samsung**
2 **patent(s), has Samsung proven by clear and convincing evidence that Apple's**
3 **infringement was willful?**

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

5 **25. Has Apple proven by clear and convincing evidence that Samsung's asserted utility**
6 **patent claims are invalid?**

7 '516 Patent

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

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

10 '941 Patent

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

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

13 '711 Patent

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

15 '893 Patent

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

17 '460 Patent

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

DAMAGES TO SAMSUNG FROM APPLE

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

\$_____.

27. 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

28. Has Apple proven 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)

29. Has Apple proven 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)

30. If you answered "Yes" to Question No. 28 or Question No. 29, what is the dollar amount that Apple is entitled to receive from Samsung for Samsung's antitrust violation and/or breach of contract?

\$_____.

PATENT EXHAUSTION

31. Has Apple proven by a preponderance of the evidence that Samsung is barred by patent exhaustion from enforcing the following Samsung patents against Apple?

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

Samsung Patent	Exhaustion
‘516 Patent	
‘941 Patent	

Have the presiding juror sign and date this form.

Signed:_____ Date:_____

PRESIDING JUROR