

United States District Court
For the Northern District of California

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
SAN JOSE DIVISION

GOOD TECHNOLOGY CORPORATION AND)
GOOD TECHNOLOGY SOFTWARE, INC.,)
Plaintiffs,)
v.)
MOBILEIRON, INC.,)
Defendant.)

Case No. 5:12-cv-05826-PSG
[PROPOSED] VERDICT FORM

VERDICT FORM

When answering the following questions and filling out this verdict form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the jury instructions. Please refer to the jury instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

Part A. GOOD TECHNOLOGY’S FALSE ADVERTISING CLAIM

1. Has Good Technology proven by a preponderance of the evidence that MobileIron made a false or misleading statement of fact in a commercial statement about the nature or quality of Good Technology’s products, services, or commercial activities?

Yes No

2. Has Good Technology proven by a preponderance of the evidence that MobileIron caused the false or misleading statement to enter interstate commerce?

Yes No

If your answer to both Questions 1 and 2 is “Yes,” then please proceed to Question 3. If your answer to either Question 1 or 2 is “No,” proceed directly to Part B.

3. Has Good Technology proven by a preponderance of the evidence that any such statement was deliberately false?

Yes No

If your answer to Question 3 is “Yes,” then please proceed to Question 4. If your answer to Question 3 is “No,” proceed directly to Question 5.

4. Has MobileIron shown there is evidence that the false statement did not deceive a substantial segment of Good Technology’s customers and that there is evidence that the false statement did not likely influence the purchasing decisions of customers?

Yes No

If your answer to Question 4 is “Yes,” then please proceed to Question 5. If your answer to Question 4 is “No,” proceed directly to Question 7.

5. Has Good Technology proven by a preponderance of the evidence both that the false or misleading statement actually deceived or had a tendency to deceive a substantial segment of Good Technology's customers and that the false or misleading statement likely influenced the purchasing decisions of customers?

Yes

No

If your answer to Question 5 is "Yes," then please proceed to Question 6. If your answer to Question 5 is "No," proceed directly to Part B.

6. Has Good Technology proven by a preponderance of the evidence that the false or misleading statement caused Good Technology to be damaged by a diversion of sales or loss of goodwill?

Yes

No

If your answer to Question 6 is "Yes," then please proceed to Question 7. If your answer to Question 6 is "No," proceed directly to Part B.

7. Has MobileIron proven by a preponderance of the evidence that Good Technology made false or misleading representations related to the subject matter of its false advertising claim to an extent that it would be unfair to allow Good Technology to enforce its claim?

Yes

No

If your answer to Question 7 is "Yes," proceed directly to Part B. If your answer to Question 7 is "No," proceed directly to Question 8.

8. What amount of damages has Good Technology proven are attributable to MobileIron's false or misleading statement?

Total Damages: \$ _____

Please proceed to Part B.

Part B. INFRINGEMENT OF GOOD TECHNOLOGY'S PATENTS

Direct Infringement

9. Has Good Technology proven by a preponderance of the evidence that MobileIron's use of the accused products directly infringes the asserted claims of Good Technology's patents?

For each claim and accused product, please place a check under either 'YES' (in favor of Good Technology) or 'NO' (in favor of MobileIron).

Asserted Claims	MobileIron Core (VSP)		MobileIron Cloud (Anyware)	
'219 patent	YES	NO	YES	NO
Claim 9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Claim 14	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Claim 18	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Claim 23*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
'322 patent	YES	NO	YES	NO
Claim 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Claim 12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
'386 patent	YES	NO	YES	NO
Claim 8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Claim 9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* **Note:** For the above table, you can only find claim 23 of the '219 patent infringed if you already found claim 18 infringed.

If you have found that MobileIron infringed a valid claim of Good Technology's '386 patent, proceed to Question 10. Otherwise, please proceed directly to Part C.

Special Findings on Infringement Relating to Good Technology's '386 Patent

10. If you have found that MobileIron infringed a valid claim of Good Technology's '386 patent, upon what feature or functionality did you base your finding? **[Check all that apply.]**

_____ Root Detection (Android)

_____ Out of Contact VSP (Android/iOS)

_____ Out of Contact Anyware (iOS)

Please proceed to Part C.

Part C. INVALIDITY OF GOOD TECHNOLOGY’S PATENTS

Invalidity Based On Prior Art

11. Has MobileIron proven by clear and convincing evidence that any of the following asserted claims of Good Technology’s patents are invalid as anticipated?

For each claim, please place a check next to either ‘YES’ (in favor of MobileIron) or ‘NO’ (in favor of Good Technology).

Asserted Claims		
’219 patent	YES	NO
Claim 9	<input type="checkbox"/>	<input type="checkbox"/>
Claim 14	<input type="checkbox"/>	<input type="checkbox"/>
Claim 18*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 23	<input type="checkbox"/>	<input type="checkbox"/>
’322 patent	YES	NO
Claim 1	<input type="checkbox"/>	<input type="checkbox"/>
Claim 12	<input type="checkbox"/>	<input type="checkbox"/>
’386 patent	YES	NO
Claim 8	<input type="checkbox"/>	<input type="checkbox"/>
Claim 9	<input type="checkbox"/>	<input type="checkbox"/>

* **Note:** For the above table, if you find claim 23 of the ’219 patent invalid, you must also find claim 18 invalid.

12. Has MobileIron proven by clear and convincing evidence that any of the following asserted claims of Good Technology's patents are invalid as obvious?

For each claim, please place a check next to either 'YES' (in favor of MobileIron) or 'NO' (in favor of Good Technology).

Asserted Claims		
'219 patent	YES	NO
Claim 9	<input type="checkbox"/>	<input type="checkbox"/>
Claim 14	<input type="checkbox"/>	<input type="checkbox"/>
Claim 18*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 23	<input type="checkbox"/>	<input type="checkbox"/>
'322 patent	YES	NO
Claim 1	<input type="checkbox"/>	<input type="checkbox"/>
Claim 12	<input type="checkbox"/>	<input type="checkbox"/>
'386 patent	YES	NO
Claim 8	<input type="checkbox"/>	<input type="checkbox"/>
Claim 9	<input type="checkbox"/>	<input type="checkbox"/>

* **Note:** For the above table, if you find claim 23 of the '219 patent invalid, you must also find claim 18 invalid.

Invalidity Based On Written Description

13. Has MobileIron proven by clear and convincing evidence that any of the following asserted claims of Good Technology's patents are invalid for lacking an adequate written description of the claimed invention?

For each claim, please place a check next to either 'YES' (in favor of Good Technology) or 'NO' (in favor of MobileIron).

Asserted Claims		
'386 patent	YES	NO
Claim 8	<input type="checkbox"/>	<input type="checkbox"/>
Claim 9	<input type="checkbox"/>	<input type="checkbox"/>

If your answer to Question 9 is "No" as to all claims, please proceed to Part E. If all claims are invalidated by your answers to Questions 11, 12 or 13 (or any combination thereof), please proceed to Part E. Otherwise, please proceed to Part D.

Part D. DAMAGES ON GOOD TECHNOLOGY'S PATENTS

14. What has Good Technology proven it is entitled to as a reasonable royalty for any infringement of Good Technology's patents?

Total Royalty: \$ _____

15. What type of royalty has Good Technology proven that it is entitled to, if any, for any infringement of Good Technology's patents?

_____ One-time payment (lump sum)

_____ Running royalty

Please proceed to Part E.

Part E. INFRINGEMENT OF MOBILEIRON'S '016 PATENT

Direct Infringement

16. Has MobileIron proven by a preponderance of the evidence that Good Technology's use or sale of products and services comprising the AppCentral Enterprise App Store feature, directly infringe the asserted claims of the MobileIron patent?

For each claim, please place a check under either 'YES' (in favor of MobileIron) or 'NO' (in favor of Good Technology).

Asserted Claims		
'016 patent	YES	NO
Claim 1	<input type="checkbox"/>	<input type="checkbox"/>
Claim 3*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 4*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 15	<input type="checkbox"/>	<input type="checkbox"/>
Claim 16*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 18*	<input type="checkbox"/>	<input type="checkbox"/>

* **Note:** For the above table, you can only find claims 3 and 4 infringed if you already found claim 1 infringed. Similarly, you can only find claims 16 and 18 infringed if you already found claim 15 infringed.

Induced Infringement

17. Has MobileIron proven by a preponderance of the evidence that each of the following requirements is met and that each occurred after March 1, 2013:

- a) acts are actually carried out by Good Technology's customers that directly infringe one or more claims of MobileIron's patent;
- b) Good Technology knowingly took action specifically intending to cause the infringing acts by its customers;
- c) Good Technology was aware of the MobileIron patent; and
- d) Good Technology knew that the acts, if taken, would constitute infringement of that patent, or Good Technology believed there was a high probability that the acts, if taken, would constitute infringement of the MobileIron patent but deliberately avoided confirming that belief?

For each claim, please place a check under either 'YES' (in favor of MobileIron) or 'NO' (in favor of Good Technology).

Asserted Claims		
'016 patent	YES	NO
Claim 1	<input type="checkbox"/>	<input type="checkbox"/>
Claim 3*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 4*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 15	<input type="checkbox"/>	<input type="checkbox"/>
Claim 16*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 18*	<input type="checkbox"/>	<input type="checkbox"/>

* **Note:** For the above table, you can only find claims 3 and 6 infringed if you already found claim 1 infringed. Similarly, you can only find claims 16 and 18 infringed if you already found claim 15 infringed.

Contributory Infringement

18. Has MobileIron proven by a preponderance of the evidence that each of the following requirements is met and that each occurred after March 1, 2013:

- a) direct infringement of MobileIron's patent by a Good Technology customer;
- b) Good Technology sells, offers to sell, or imports within the United States a component that is used to practice an asserted claim;
- c) the component constitutes a material part of the claimed invention;
- d) the component has no substantial, noninfringing use; and
- e) Good Technology was aware of the patent and knew that there was no substantial, noninfringing use for the component?

For each claim, please place a check under either 'YES' (in favor of MobileIron) or 'NO' (in favor of Good Technology).

Asserted Claims		
'016 patent	YES	NO
Claim 1	<input type="checkbox"/>	<input type="checkbox"/>
Claim 3*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 4*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 15	<input type="checkbox"/>	<input type="checkbox"/>
Claim 16*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 18*	<input type="checkbox"/>	<input type="checkbox"/>

* **Note:** For the above table, you can only find claims 3 and 4 infringed if you already found claim 1 infringed. Similarly, you can only find claims 16 and 18 infringed if you already found claim 15 infringed.

Please proceed to Part F.

Part F. INVALIDITY OF MOBILEIRON'S '016 PATENT

Invalidity Based On Prior Art

19. Has Good Technology proven by clear and convincing evidence that any of the following asserted claims of MobileIron's patent are invalid as anticipated?

For each claim, please place a check next to either 'YES' (in favor of Good Technology) or 'NO' (in favor of MobileIron).

Asserted Claims		
'016 patent	YES	NO
Claim 1*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 3	<input type="checkbox"/>	<input type="checkbox"/>
Claim 4	<input type="checkbox"/>	<input type="checkbox"/>
Claim 15*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 16	<input type="checkbox"/>	<input type="checkbox"/>
Claim 18	<input type="checkbox"/>	<input type="checkbox"/>

* **Note:** For the above table, if you find claim 3 or 4 invalid, you must also find claim 1 invalid. Similarly, if you find claim 16 or 18 invalid, you must also find claim 15 invalid.

20. Has Good Technology proven by clear and convincing evidence that any of the following asserted claims of MobileIron's patent are invalid as obvious?

For each claim, please place a check next to either 'YES' (in favor of Good Technology) or 'NO' (in favor of MobileIron).

Asserted Claims		
'016 patent	YES	NO
Claim 1*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 3	<input type="checkbox"/>	<input type="checkbox"/>
Claim 4	<input type="checkbox"/>	<input type="checkbox"/>
Claim 15*	<input type="checkbox"/>	<input type="checkbox"/>
Claim 16	<input type="checkbox"/>	<input type="checkbox"/>
Claim 18	<input type="checkbox"/>	<input type="checkbox"/>

* **Note:** For the above table, if you find claim 3 or 4 invalid, you must also find claim 1 invalid. Similarly, if you find claim 16 or 18 invalid, you must also find claim 15 invalid.

Invalidity Based On Written Description

21. Has Good Technology proven by clear and convincing evidence that any of the following asserted claims of MobileIron's patent are invalid for lacking an adequate written description of the claimed invention?

For each claim, please place a check next to either 'YES' (in favor of Good Technology) or 'NO' (in favor of MobileIron).

Asserted Claims		
'016 patent	YES	NO
Claim 1	<input type="checkbox"/>	<input type="checkbox"/>
Claim 15	<input type="checkbox"/>	<input type="checkbox"/>

Invalidity Based On Lack of Enablement

22. Has Good Technology proven by clear and convincing evidence that any of the following asserted claims of MobileIron's patent are invalid for lacking an enabling disclosure of the claimed invention?

For each claim, please place a check next to either 'YES' (in favor of Good Technology) or 'NO' (in favor of MobileIron).

Asserted Claims		
'016 patent	YES	NO
Claim 1	<input type="checkbox"/>	<input type="checkbox"/>
Claim 15	<input type="checkbox"/>	<input type="checkbox"/>

If your answer to Questions 16, 17 and 18 is "No" as to all claims, stop here, answer no further questions, and have the foreperson sign and date this form. If all claims are invalidated by your answers to Questions 19, 20, 21 or 22 (or any combination thereof), stop here, answer no further questions, and have the foreperson sign and date this form. Otherwise, please proceed to Part G.

Part G. DAMAGES ON MOBILEIRON'S '016 PATENT

23. What has MobileIron proven it is entitled to as a reasonable royalty for infringement of MobileIron's patent?

Total Royalty: \$ _____

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

Dated: _____

PRESIDING JUROR

After this verdict form has been signed and dated, notify the court that you are ready to present your verdict in the courtroom.

SO ORDERED.

Dated: July 28, 2015



PAUL S. GREWAL
United States Magistrate Judge