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Please follow the directions below in completing this Special Verdict Form. Your answer to each question must be unanimous. Some of the questions contain legal terms that have been 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.

* * *

SPECIAL VERDICT FORM

We the jury, upon our oath, give the following answers to the court’s questions:

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I. APPLICABILITY OF THE 2003 VDSI EMPLOYEE INVENTIONS AGREEMENT

(1) Do you find it more likely true than not that James P. Barrett developed in whole or in part, on the time of Venture Design Services, Inc. (“VDSI”), or using any of VDSI’s equipment, supplies or facilities, the inventions that became known as the following?

	Yes	No
MineTracer		
Gas Scrubber		
Gas Monitor		

If you answered “Yes” to this question for each invention, please skip to Question No. 4. If you answered “No” for any of the inventions, please proceed to the next question and answer for each such invention.

(2) Do you find it more likely true than not that, at the time of conception or reduction to practice, the inventions that became known as the following were related to VDSI’s business, or the actual or demonstrably anticipated research or development of VDSI?

	Yes	No
MineTracer		
Gas Scrubber		
Gas Monitor		

If you answered “Yes” to this Question, please skip to Question No. 4. If you answered “No” for any of the inventions, please proceed to the next question and answer for each such invention.

1 (3) Do you find it more likely true than not that the inventions that became known as
2 the following resulted from work that Mr. Barrett performed for VDSI?

3

	Yes	No
MineTracer		
Gas Scrubber		
Gas Monitor		

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9 **If you answered “No” to this question for each invention please skip to Question No. 5. If you**
10 **answered “Yes” to this question for any of the inventions, please proceed to the next question**
11 **and answer for each such invention.**

12 (4) Do you find by clear and convincing evidence that VDSI forfeited its right to
13 ownership of any of the following inventions under the 2003 VDSI employee inventions
14 agreement?

15

	Yes	No
MineTracer		
Gas Scrubber		
Gas Monitor		

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21 **Please proceed to the next question.**

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II. EXISTENCE AND REPUDIATION OF JOINT VENTURE

(5) Do you find it more likely true than not that Mr. Barrett and Venture Corporation Ltd (“VCL”) entered into a joint venture as a separate business undertaking, outside of Mr. Barrett’s employment by VDSI?

Yes _____

No _____

If your answer is “Yes” to this question, please proceed the next question. If your answer is “No,” please skip to Question No. 13.

(6) Do you find it more likely true than not that VCL breached the joint venture with Mr. Barrett by asserting an ownership interest in the MineTracer, Gas Scrubber and Gas Monitor inventions without respect to any joint venture agreement?

Yes _____

No _____

If your answer is “Yes” to this question, please proceed the next question. If your answer is “No,” please skip to Question No. 9.

(7) Do you find it more likely true than not that Mr. Barrett was harmed by that breach?

Yes _____

No _____

If your answer is “Yes” to this question, please proceed the next question. If your answer is “No,” please skip to Question No. 9.

(8) Do you find it more likely true than not that, before September 13, 2011, Mr. Barrett knew or should have been aware of facts that made it reasonably foreseeable to him that VCL intended to assert an ownership interest in the inventions without respect to any joint venture agreement?

Yes _____

No _____

Please proceed the next question.

1 **III. BREACH OF FIDUCIARY DUTY**

2 (9) Do you find it more likely true than not that VCL breached its fiduciary duty to Mr.
3 Barrett in repudiating the joint venture?

4 Yes _____

5 No _____

6 **If your answer is “Yes” to this question, please proceed the next question. If your answer is**
7 **“No,” please skip to Question No. 13.**

8 (10) Do you find it more likely true than not that Mr. Barrett was harmed by this breach?

9 Yes _____

10 No _____

11 **If your answer is “Yes” to this question, please proceed the next question. If your answer is**
12 **“No,” please skip to Question No. 13.**

13 (11) Do you find it more likely true than not that VCL’s breach was a substantial factor
14 in causing Mr. Barrett’s harm?

15 Yes _____

16 No _____

17 **If your answer is “Yes” to this question, please proceed the next question. If your answer is**
18 **“No,” please skip to Question No. 13.**

19 (12) Do you find it more likely true than not that Mr. Barrett knew or should have known
20 of his harm before September 13, 2009?

21 Yes _____

22 No _____

23 **Please proceed the next question.**

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IV. BREACH OF THE DECEMBER 17, 2008 AGREEMENT

(13) Do you find it more likely true than not that VCL breached the December 17, 2008 “Individual to Corporate Patent Rights Assignment Agreement” regarding the patent application for the MineTracer invention?

Yes _____

No _____

If your answer is “Yes” to this question, please proceed to the next question. If your answer is “No,” please skip to Question No. 16.

(14) Do you find it more likely true than not that Mr. Barrett was harmed by that breach?

Yes _____

No _____

If your answer is “Yes” to this question, please proceed to the next question. If your answer is “No,” please skip to Question No. 16.

(15) Do you find it more likely true than not that Mr. Barrett knew or should have known of his harm before September 13, 2009?

Yes _____

No _____

Please proceed to the next question.

V. **BREACH OF THE JULY 26, 2011 AGREEMENT**

1
2 (16) Do you find it more likely true than not that VCL breached the July 26, 2011
3 “Individual to Corporate Patent Rights Assignment Agreement” regarding the patent application
4 for the Gas Scrubber invention?

5 Yes _____

6 No _____

7 **If your answer is “Yes” to this question, please proceed to the next question. If your answer**
8 **is “No,” please skip to Question No. 18.**

9 (17) Do you find it more likely true than not that Mr. Barrett was harmed by this breach?

10 Yes _____

11 No _____

12 **Please proceed to the next question.**

VI. BREACH OF THE DECEMBER 18, 2012 AGREEMENT

(18) Do you find it more likely true than not that VCL breached the December 18, 2012 “Individual-to-Corporate Patent Rights Assignment Agreement” regarding the patent application for the Gas Monitor invention?

Yes _____

No _____

If your answer is “Yes” to this question, please proceed to the next question. If your answer is “No,” please skip to Question No. 20.

(19) Do you find it more likely true than not that Mr. Barrett was harmed by this breach?

Yes _____

No _____

Please proceed to the next question.

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VII. FRAUD

1 (20) Do you find it more likely true than not that VCL acquired the MineTracer, Gas
2 Scrubber and Gas Monitor inventions by fraud?

3 Yes _____

4 No _____

5 **If your answer is “Yes” to this question, please proceed to the next question. If your answer**
6 **is “No,” please skip to the Concluding Questions.**

7 (21) Do you find it more likely true than not that Mr. Barrett was harmed as a result of
8 this acquisition?

9 Yes _____

10 No _____

11 **If your answer is “Yes” to this question, please proceed to the next question. If your answer**
12 **is “No,” please skip to the Concluding Questions.**

13 (22) Do you find it more likely true than not that VCL’s conduct was a substantial factor
14 in causing his harm?

15 Yes _____

16 No _____

17 **If your answer is “Yes” to this question, please proceed to the next question. If your answer**
18 **is “No,” please skip to the Concluding Questions.**

19 (23) Do you find it more likely true than not that Mr. Barrett knew or should have known
20 of his harm before September 13, 2010?

21 Yes _____

22 No _____

23 **If your answer is “Yes” to this question, please skip to the Concluding Questions. If your**
24 **answer is “No,” please answer Question No. 24.**

25 (24) Do you find by clear and convincing evidence that VCL committed fraud by
26 engaging in fraud justifying punitive damages?
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Yes _____

No _____

Please proceed to the Concluding Questions.

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CONCLUDING QUESTIONS: DAMAGES

If you answered “No” to Question Nos. 8, 12, 15 or 23, or if you answered “Yes” to Question Nos. 17 or 19, please state the amount of damages to be awarded to Mr. Barrett to compensate for the amount of harm suffered:

\$ _____.

If you answered “Yes” in response to Question No. 24, please state the amount of punitive damages to be awarded to Mr. Barrett:

\$ _____.

SIGNATURE PAGE FOLLOWS

I state under penalty of perjury that the answers above represent the unanimous decision of the jury in this action.

Dated: _____

Presiding Juror signature

Presiding Juror name (please print)

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

SO ORDERED.

Dated: June 5, 2015



PAUL S. GREWAL
United States Magistrate Judge