Mirror Worlds, LLC v. Apple, Inc.

Doc. 326 Att. 1

Exhibit 1

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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS TYLER DIVISION

MIRROR WORLDS, LLC	Civil Action No. 6:08-CV-88 LED
Plaintiff,	
v.	JURY TRIAL DEMANDED
APPLE INC.	
Defendant.	
APPLE INC.	
Counterclaim Plaintiff	
v.	
MIRROR WORLDS, LLC, MIRROR WORLDS TECHNOLOGIES, INC.,	
Counterclaim Defendants.	

MIRROR WORLDS' PROPOSED VERDICT FORM

In answering these questions, you are to follow all of the instructions I have given you in the Court's Charge.

I. INFRINGEMENT OF THE MIRROR WORLDS' PATENTS

A. Did Mirror Worlds prove by a preponderance of the evidence that the listed claims of the '227 Patent were infringed?

Answer "Yes" or "No" for each listed claim:

Claim 13	
Claim 14	
Claim 15	
Claim 16	
Claim 17	
Claim 20	
Claim 22	

B. Did Mirror Worlds prove by a preponderance of the evidence that the listed claims of the '313 Patent were infringed?

Answer "Yes" or "No" for each listed claim:

 Claim 1

 Claim 2

Claim 3	
Claim 4	
Claim 9	
Claim 10	
Claim 11	

C. Did Mirror Worlds prove by a preponderance of the evidence that the listed claims of the '427 Patent were infringed?

Answer "Yes" or "No" for each listed claim:

Claim 19	
Claim 22	
Claim 24	
Claim 25	
Claim 26	
Claim 29	
Claim 31	
Claim 32	
Claim 33	
Claim 34	
Claim 37	
Claim 39	

D. Did Mirror Worlds prove by a preponderance of the evidence that claim 1 of the '999 Patent was infringed?

Answer "Yes" or "No"

II. Invalidity of the Mirror Worlds' Patents

A. Did Apple prove by clear and convincing evidence that the listed claims of the

'227 Patent were invalid for any of the following reasons?

Answer "Yes" or "No" for each listed claim without "N/A":

1. Anticipation by Prior	2. Obviousness	3. Lack of
Art		Adequate Written
		Description

	1. Anticipation by Prior Art	2. Obviousness	3. Lack of Adequate Written Description
Claim 13			
Claim 14			
Claim 15			
Claim 16			
Claim 17			
Claim 20			
Claim 22			

B. Did Apple prove by clear and convincing evidence that the listed claims of the'313 Patent were invalid for any of the following reasons?

Answer "Yes" or "No" for each listed claim:

	1. Anticipation by Prior Art	2. Obviousness	3. Lack of Adequate Written Description
Claim 1			
Claim 2			
Claim 3			
Claim 4			
Claim 9			
Claim 10			
Claim 11			

C. Did Apple prove by clear and convincing evidence that the listed claims of the '427 Patent were invalid for any of the following reasons?

Answer "Yes" or "No" for each listed claim without "N/A":

	1. Anticipation by Prior Art	2. Obviousness	3. Lack of Adequate Written Description
Claim 1			
Claim 2			
Claim 5			
Claim 7			
Claim 8			
Claim 9			
Claim 10			
Claim 13			
Claim 15			
Claim 16			N/A
Claim 17			
Claim 18			
Claim 19			
Claim 22			
Claim 24			
Claim 25			N/A
Claim 26			

	1. Anticipation by Prior Art	2. Obviousness	3. Lack of Adequate Written Description
Claim 29			
Claim 31			
Claim 32			N/A
Claim 33			N/A
Claim 34			N/A
Claim 37			
Claim 39			

D. Did Apple prove by clear and convincing evidence that the listed claims of the '999 Patent were invalid for any of the following reasons?

Answer "Yes" or "No" for each listed claim without "N/A":

	1. Anticipation by Prior	2. Obviousness	3. Lack of
	Art		Adequate Written
			Description
Claim 1			

If you found in Questions I. A through D that Mirror Worlds proved that Apple infringed at least one claim of the Mirror Worlds Patents (a "Yes" answer to any claim), and you found in Questions II. A through D that Apple did not prove that all of the listed claims were invalid (a "No" answer to any claim), then answer Questions III and IV. Otherwise skip to Question V.

III. WILLFUL INFRINGEMENT OF MIRROR WORLDS' PATENTS

A. Did Mirror Worlds prove by clear and convincing evidence that Apple's

infringement was willful?

Answer "Yes" or "No"

IV. DAMAGES FOR APPLE'S INFRINGEMENT OF MIRROR WORLDS' PATENTS

What sum of money, if paid now in cash, do you find should be awarded to Mirror

Worlds as damages adequate to compensate it for the valid patent claims you have found

to have been infringed?

Answer: \$_____

V. INFRINGEMENT OF THE APPLE PATENT

A. Did Apple prove by a preponderance of the evidence that MWT infringed the listed claims of the Apple Patent?

Answer "Yes" or "No" for each listed claim:

Claim 1	
Claim 2	
Claim 3	
Claim 4	
Claim 5	
Claim 6	

Claim 7	
Claim 8	
Claim 9	
Claim 10	
Claim 11	
Claim 12	

VI. INVALIDITY OF THE APPLE PATENT

A. Did MWT prove by clear and convincing evidence that the listed claims of the Apple Patent were invalid for any of the following reasons?

Answer "Yes" or "No" for each listed claim without "N/A":

	1. Anticipation by Prior Art	2. Obviousness
Claim 1		
Claim 2		
Claim 3		
Claim 4		
Claim 5		
Claim 6		
Claim 7		
Claim 8		
Claim 9		
Claim 10		

Claim 11	
Claim 12	

VII. Laches and Estoppel

A. Did MWT prove by a preponderance of the evidence that Apple was not entitled to damages before filing its counterclaim because of Laches? _____

B. Did MWT prove by a preponderance of the evidence that Apple was not entitled to damages because of Equitable Estoppel? _____

C. Did MWT prove by clear and convincing evidence that Apple was not entitled to damages because of Waiver?

If you found in Question V that Apple proved that the Mirror Worlds Parties infringed at least one claim of the Apple Patent (a "Yes" to any claim), and you found in Questions VI that MWT did not prove that all of the listed claims were invalid (a "No" to any claim) and you found in Questions VII that MWT did not prove Laches, Estoppel or Waiver (a "No" to both questions) then answer Questions VIII and IX. Otherwise you are finished, and the foreperson should sign and date the last page of this Verdict Form.

VIII. WILLFUL INFRINGEMENT OF APPLE'S PATENT

A. Did Apple prove by clear and convincing evidence that MWT's infringement was willful?

Answer "Yes" or "No"

IX. DAMAGES FOR MWT INFRINGEMENT OF APPLE'S PATENT

A. What date did you determine damages for infringement of the Apple Patent should begin?

Date: _____

B. What sum of money, if paid now in cash, do you find should be awarded to Apple as damages adequate to compensate it for the valid patent claims you have found to have been infringed?

Answer:

Signed this _____ day of September, 2010:

JURY FOREPERSON