

# EXHIBIT D



**QUESTION 2**

Do you find that the Plaintiff has proven by a preponderance of the evidence that Amazon directly infringes any of the asserted claims of the '120 patent?

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Do you find that the Plaintiff has proven by a preponderance of the evidence that AOL Inc.'s servers with disabled routing caches directly infringe any of the asserted claims of the '120 patent?

\_\_\_\_\_

Do you find that the Plaintiff has proven by a preponderance of the evidence that AOL Inc.'s other servers directly infringe any of the asserted claims of the '120 patent?

\_\_\_\_\_

Do you find that the Plaintiff has proven by a preponderance of the evidence that MySpace, Inc. directly infringes any of the asserted claims of the '120 patent?

\_\_\_\_\_

Do you find that the Plaintiff has proven by a preponderance of the evidence that SoftLayer directly infringes any of the asserted claims of the '120 patent?

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Do you find that the Plaintiff has proven by a preponderance of the evidence that Yahoo! directly infringes the asserted claims of the '120 patent?

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If you answered “YES” to any part of this question, then answer Question 3 below.

If you answered “NO” to all parts of this question, then do not answer Question 3, but proceed to Question 4.

**Only** answer this question if you answered “YES” to any part of Question 2. If you answered “NO” to all parts of Question 2, then do not answer this question, but proceed to Question 4.

**QUESTION 3:**

If you find that any of the Defendants have directly infringed the asserted claims of the ‘120 patent, please indicate which Defendants directly infringed which claims in the table below. Please place a “Y” in the appropriate box for the claims, if any, for which you find infringement by a particular Defendant. You may leave all other spaces blank.

For use of the accused Linux code in Linux kernels versions prior to 2.6.25 (*i.e.*, “CAND code”) :

	Patent Claims	
	<u>1</u>	<u>2</u>
Amazon.com Inc.		
AOL Inc. (Servers with Disabled Routing Caches)		
AOL Inc. (Other Servers)		
Myspace, Inc.		
SoftLayer Technologies, Inc.		
Yahoo! Inc.		

For use of the accused Linux code in Linux kernels versions 2.6.25 and later (*i.e.*,

“GENID code”):

	<b>Patent Claims</b>			
	<b><u>1</u></b>	<b><u>2</u></b>	<b><u>5</u></b>	<b><u>6</u></b>
Amazon.com Inc.				
Myspace, Inc.				
SoftLayer Technologies, Inc.				
Yahoo! Inc.				

Proceed to Question 4.

**QUESTION 4:**

Do you find that Defendants have proven by a preponderance of the evidence that any of the following claims of the '120 patent are invalid because they are anticipated by the prior art?

Please answer "YES" for each claim that you find is invalid.

Claim 1 \_\_\_\_\_

Claim 2 \_\_\_\_\_

Claim 5 \_\_\_\_\_

Claim 6 \_\_\_\_\_

Proceed to Question 5.

**QUESTION 5:**

Do you find that the Defendants have proven by a preponderance of the evidence that any of the following claims of the '120 patent are invalid because they would have been obvious in light of the prior art?

Please answer "YES" for each claim that you find is invalid.

Claim 1	_____
Claim 2	_____
Claim 5	_____
Claim 6	_____

Proceed to Question 6.

If you have found that a claim has been infringed by one or more defendants in Question 3 **and** found that that infringed claim is not invalid after answering Questions 4-5, then answer Question 6 for each defendant you found to infringe a valid claim. Otherwise, do not answer Questions 6. Instead, complete this verdict form by signing and dating the last page.

**QUESTION 6:**

If you found that Amazon infringes one or more valid claims of '120 patent, please determine what sum of money, if paid now in cash, would fairly and adequately compensate the Plaintiff for damages for infringement that you have found in answers to Question 3, if any. Please answer in dollars and cents, if any. Leave blank if you found that Amazon does not infringe a valid claim of the asserted patent.

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If you found that AOL Inc. infringes one or more valid claims of '120 patent, please determine what sum of money, if paid now in cash, would fairly and adequately compensate the Plaintiff for damages for infringement that you have found in answers to Question 3, if any. Please answer in dollars and cents, if any. Leave blank if you found that AOL Inc. does not infringe a valid claim of the asserted patent.

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If you found that MySpace, Inc. infringes one or more valid claims of '120 patent, please determine what sum of money, if paid now in cash, would fairly and adequately compensate the Plaintiff for damages for infringement that you have found in answers to Question 3, if any.

Please answer in dollars and cents, if any. Leave blank if you found that MySpace does not infringe a valid claim of the asserted patent.

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If you found that SoftLayer infringes one or more valid claims of '120 patent, please determine what sum of money, if paid now in cash, would fairly and adequately compensate the Plaintiff for damages for infringement that you have found in answers to Question 3, if any. Please answer in dollars and cents, if any. Leave blank if you found that SoftLayer does not infringe a valid claim of the asserted patent.

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If you found that Yahoo! infringes one or more valid claims of '120 patent, please determine what sum of money, if paid now in cash, would fairly and adequately compensate the Plaintiff for damages for infringement that you have found in answers to Question 3, if any. Please answer in dollars and cents, if any. Leave blank if you found that Yahoo! does not infringe a valid claim of the asserted patent.

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The jury foreperson should sign and date the Verdict Form and return it to the Security Officer.

**SIGNED** this \_\_\_\_ day of \_\_\_\_\_, 201 \_\_\_\_.

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JURY FOREPERSON