# EXHIBIT H

# IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS

	§	
Eolas Technologies, Inc.,	§	
	§	
Plaintiff,	§	
vs.	§ §	
	§	Civil Action No. 6:09-cv-446-LED
Adobe Systems, Inc, Amazon.com, Inc.,	§	
Apple Inc., Argosy Publishing, Inc.,	§	
Blockbuster Inc., CDW Corp., Citigroup Inc.,	§	
eBay Inc., Frito-Lay, Inc., The Go Daddy	§	
Group, Inc., Google Inc., J.C. Penney	§	
Company, Inc., JPMorgan Chase & Co., New	§	
Frontier Media, Inc., Office Depot, Inc.,	§	
Playboy Enterprises International, Inc., Rent-A-	§	
Center, Inc., Staples, Inc., Sun Microsystems	§	
Inc., Texas Instruments Inc., Yahoo! Inc., and	§	
YouTube, LLC,	§	
	§	
Defendants.	§	
	§	

## **VERDICT FORM**<sup>1</sup>

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<sup>&</sup>lt;sup>1</sup> This form includes liability and damages-related questions only for Google Inc. and YouTube, LLC. Liability and damages-related questions for the other defendants will be included in their respective trial phases or in separate forms submitted by those defendants. In addition, Defendants reserve the right to amend this proposed form, including in the event that Plaintiffs change their contentions with respect to asserted claims or accused products.

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

#### **INFRINGEMENT**

1. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to the Doubleclick website?

Answer "Yes" or "No" to each question below. Also, if you answer "Yes," please list the claims you found infringed.

	'985 Patent	
Direct?	Yes No	
Inducement?	Yes No	
Contributory?	Yes No	

2. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to the Google Finance website?

	'906 Patent	'985 Patent
Direct?	Yes No	Yes No
Inducement?	Yes No	Yes No
Contributory?	Yes No	Yes No

3. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to the Google Video website?

Answer "Yes" or "No" to each question below. Also, if you answer "Yes," please list the claims you found infringed.

	'906 Patent	'985 Patent
Direct?	Yes No	Yes No
Inducement?	Yes No	Yes No
Contributory?	Yes No	Yes No

4. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to the Google News website?

	'906 Patent	'985 Patent
Direct?	Yes No	Yes No
	Yes No	Yes No
Inducement?		
Contributory?	Yes No	Yes No

5.	Did Eolas prove by a preponderance of the evidence that Google infringes the asserted
	patents with respect to Google AdSense?

	'985 Patent	
Direct?	Yes No	
Inducement?	Yes No	
Contributory?	Yes No	

6. Did Eolas prove by a preponderance of the evidence that Google infringes any the asserted patents with respect to Google Docs - Documents?

	'985 Patent	
Direct?	Yes No	
Inducement?	Yes No	
Contributory?	Yes No	

7.	Did Eolas prove by a preponderance of the evidence that Google infringes the asserted
	patents with respect to Google Docs - Presentation?

	'985 Patent	
Direct?	Yes No	
Inducement?	Yes No	
Contributory?	Yes No	

8. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to Google Docs - Spreadsheet?

	'985 Patent
Direct?	Yes No
Inducement?	Yes No
Contributory?	Yes No

9.	Did Eolas prove by a preponderance of the evidence that Google infringes the asserted
	patents with respect to Google Maps?

	'985 Patent	
Direct?	Yes No	
Inducement?	Yes No	
Contributory?	Yes No	

10. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to Google Music?

	'985 Patent	
Direct?	Yes No	
Inducement?	Yes No	
Contributory?	Yes No	

11.	Did Eolas prove by a preponderance of the evidence that Google infringes the asserted
	atents with respect to Gmail?

	'985 Patent	
Direct?	Yes No	
Inducement?	Yes No	
Contributory?	Yes No	

12. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to Google Search Suggest?

	'985 Patent	
Direct?	Yes No	
Inducement?	Yes No	
Contributory?	Yes No	

13.	Did Eolas prove by a preponderance of the evidence that Google infringes the asserted
	patents with respect to Google Instant?

	'985 Patent	
Direct?	Yes No	
Inducement?	Yes No	
Contributory?	Yes No	

14. Did Eolas prove by a preponderance of the evidence that Google infringes the asserted patents with respect to Google Plus?

	'906 Patent	'985 Patent
Direct?	Yes No	Yes No
Inducement?	Yes No	Yes No
Contributory?	Yes No	Yes No

15.	Did Eolas prove by a preponderance of the evidence that YouTube infringes the asserted
	patents with respect to Flash video or HTML5 video on the YouTube website?

	'906 Patent	'985 Patent
Direct?	Yes No	Yes No
Inducement?	Yes No	Yes No
Contributory?	Yes No	Yes No

16. Did Eolas prove by a preponderance of the evidence that YouTube infringes the asserted patents with respect to Search Suggest on the YouTube website?

	'985 Patent	
Direct?	Yes No	
Inducement?	Yes No	
Contributory?	Yes No	

#### **DIVIDED INFRINGEMENT**

17. For each claim that you find Google has infringed, has Eolas shown by a preponderance of the evidence that a single entity performs the entire claim?

<u>Please answer only if you found infringement for these claims above.</u> If you did not find infringement for these claims, skip this question. Otherwise, answer "Yes" or "No" for each listed claim:

<u>'906 Patent</u>			
Claim 1	Claim 6		
<u>'985 Patent</u>			
Claim 1	Claim 3	Claim 10	Claim 16
Claim 18	Claim 20	Claim 22	Claim 36
Claim 38	Claim 40	Claim 42	

18. For each claim that you find YouTube has infringed, has Eolas shown by a preponderance of the evidence that a single entity performs the entire claim?

Please answer only if you found infringement for these claims above. If you did not find infringement for these claims, skip this question. Otherwise, answer "Yes" or "No" for each listed claim:

<u>'906 Patent</u>			
Claim 1	Claim 6		
<u>'985 Patent</u>			
Claim 1	Claim 3	Claim 10	Claim 16
Claim 18	Claim 20	Claim 22	Claim 36
Claim 38	Claim 40	Claim 42	

19.		nown by a preponderance of the evidence that Google controls or directing Google's products?
	Yes	No

20.	Has Eolas shown by a preponderance of the evidence that YouTube controls or directs anyone in using YouTube's products?	
	Yes No	
	WII	LLFULNESS
FOR	•	FOR THOSE CLAIMS YOU ANSWERED "YES" – OTHERWISE SKIP THIS QUESTION AND
21.	Did Eolas prove by clear and conventents in suit?	vincing evidence that Google willfully infringed the
	Answer "Yes" or "No" for each liste	ed patent:
	'906 Patent:	
	'985 Patent:	
22.	Did Eolas prove by clear and convipatents in suit?	ncing evidence that YouTube willfully infringed the
	Answer "Yes" or "No" for each liste	ed patent:
	'906 Patent:	
	'985 Patent:	

#### **INVALIDITY**

23. For each asserted claim, did Defendants prove by clear and convincing evidence that the claim is invalid?

Answer "Yes" or "No" to each question below. Your answer need not be the same for each question, but you may find that a claim is invalid on any or all of these bases. Answer all questions for all claims regardless of whether you have found those claims were infringed.

'906 Patent	Anticipation?	Obviousness?	Written description?
Claim 1			
Claim 6			
'985 Patent	Anticipation?	Obviousness?	Written description?
Claim 1			
Claim 2			
Claim 3			
Claim 8			
Claim 10			
Claim 11			
Claim 16			
Claim 17			
Claim 18			
Claim 20			
Claim 21			
Claim 22			
Claim 36			
Claim 37			
Claim 38			
Claim 39			
Claim 40			
Claim 41			
Claim 42			
Claim 43			

24.	On what date did the named inventors of the '906 and '985 patents first conceive of the patented inventions?
	Please provide the month, day, and year below.
	Conception Date:
25.	On what date did the named inventors of the '906 and '985 patents first reduce to practice the patented inventions?
	Please provide the month, day, and year below.
	Reduction to Practice Date:
26.	Please answer the following questions:
	a) At the time of the invention, did persons of skill in the art know how to embed interactive objects into web pages?
	Yes No
	b) At the time of the invention, did persons of skill in the art know how to create applications that could be used to view interactive objects?
	Yes No
	c) At the time of the invention, had persons of skill in the art considered embedding interactive objects in a browser-controlled window?
	Yes No

### **INEQUITABLE CONDUCT**

27.	Did Defendants prove by clear and convincing evidence that:		
	a) Anyone involved in the prosecution of the '906 and '985 patents withheld material prior art from the Patent and Trademark Office?		
	Please answer "Yes" or "No" in the spaces provided below		
	Yes No		
	b) Any withholding of material prior art to the '906 and '985 patents from the Patent and Trademark Office was done with intent to deceive?		
	Please answer "Yes" or "No" in the spaces provided below		
	Yes No		

#### **DAMAGES**

ANSWER THIS QUESTION ONLY FOR ANY ASSERTED CLAIMS YOU FOUND INFRINGED AND NOT INVALID. IF YOU FOUND NO CLAIMS INFRINGED AND NOT INVALID, PLEASE DO NOT ANSWER THIS QUESTION.

28. What sum of money, if any, do you find from a preponderance of the evidence would fairly and reasonably compensate Eolas for each Defendant's current, past, and future infringement of the patent claims that you have found were infringed and not invalid?

	Please enter the amount of da	mages for each accused technology for each Defendant.
Googl	e	
	Damages Awarded	\$
YouT	ube	
	Damages Awarded	\$
29.	In choosing these awards, did	you adopt a lump sum royalty, or a running royalty?
	Please check only one option	for each Defendant.
Googl	e	
	Lump Sum	Running Royalty
YouTube		
	Lump Sum	Running Royalty