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Attorneys for Plaintiff

Attorneys for Defendant Apple Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNWIRED PLANET LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

CASE NO. 3:13-cv-4134-VC

JOINT PROPOSED VERDICT FORM

IT IS SO ORDERED.

DATE: _____, 2015

Honorable Vince Chhabria
United States District Judge

[Stipulated Sections A through C]

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 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.

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this court as our verdict in this case:

A. FINDINGS ON INFRINGEMENT

DIRECT INFRINGEMENT

1. For each of the patents below, do you find by a preponderance of the evidence that any of the accused Apple products satisfy the limitations of any of the following claims?

Select “Yes” or “No” for each listed claim. (An answer of Yes is a finding for Unwired Planet. An answer of No is a finding for Apple.)

'260 Patent

Accused Product	iPhone	iPad	iPad mini	iPod touch
Claim 1	Yes: _____ No: _____	Yes: _____ No: _____	Yes: _____ No: _____	Yes: _____ No: _____
Claim 16	Yes: _____ No: _____	Yes: _____ No: _____	Yes: _____ No: _____	Yes: _____ No: _____

'092 Patent

Accused Product	iPhone	WiFi + Cellular iPad and iPad mini	WiFi + 3G iPad and iPad mini
Claim 20	Yes: _____ No: _____	Yes: _____ No: _____	Yes: _____ No: _____

(Direct Infringement Continued)

'446 Patent

Accused Product	iPhone or iPad or iPad mini or iPod touch and Apple Servers
Claim 15	Yes: _____ No: _____
Claim 35	Yes: _____ No: _____

'831 Patent

Accused Product	iPhone or iPad or iPad mini or iPod touch and Apple Servers
Claim 17	Yes: _____ No: _____
Claim 25	Yes: _____ No: _____

Accused Product	iPhone	iPad	iPad mini	iPod touch
Claim 23	Yes: _____ No: _____	Yes: _____ No: _____	Yes: _____ No: _____	Yes: _____ No: _____

INDUCED INFRINGEMENT

**Only answer Question 2 if you answered YES for any claim in Question 1.
Otherwise, skip to Question 3.**

2. For each of the patents below, do you find by a preponderance of the evidence that Apple has induced others to infringe any of the following claims?

Select “Yes” or “No” for each listed claim. (An answer of Yes is a finding for Unwired Planet. An answer of No is a finding for Apple.)

'260 Patent

Accused Product	iPhone	iPad	iPad mini	iPod touch
Claim 1	Yes: _____	Yes: _____	Yes: _____	Yes: _____
	No: _____	No: _____	No: _____	No: _____
Claim 16	Yes: _____	Yes: _____	Yes: _____	Yes: _____
	No: _____	No: _____	No: _____	No: _____

'092 Patent

Accused Product	iPhone	WiFi + Cellular iPad and iPad mini	WiFi + 3G iPad and iPad mini
Claim 20	Yes: _____	Yes: _____	Yes: _____
	No: _____	No: _____	No: _____

(Induced Infringement Continued)

'446 Patent

Accused Product	iPhone or iPad or iPad mini or iPod touch and Apple Servers
Claim 15	Yes: _____ No: _____
Claim 35	Yes: _____ No: _____

'831 Patent

Accused Product	iPhone or iPad or iPad mini or iPod touch and Apple Servers
Claim 17	Yes: _____ No: _____
Claim 25	Yes: _____ No: _____

Accused Product	iPhone	iPad	iPad mini	iPod touch
Claim 23	Yes: _____ No: _____	Yes: _____ No: _____	Yes: _____ No: _____	Yes: _____ No: _____

CONTRIBUTORY INFRINGEMENT

**Only answer Question 3 if you answered YES for any claim in Question 1.
Otherwise, skip to Question 4.**

3. For each of the patents below, do you find by a preponderance of the evidence that Apple has contributed to the direct infringement of any of the following claims?

Select “Yes” or “No” for each listed claim. (An answer of Yes is a finding for Unwired Planet. An answer of No is a finding for Apple.)

'260 Patent

Accused Product	iPhone	iPad	iPad mini	iPod touch
Claim 1	Yes: _____	Yes: _____	Yes: _____	Yes: _____
	No: _____	No: _____	No: _____	No: _____
Claim 16	Yes: _____	Yes: _____	Yes: _____	Yes: _____
	No: _____	No: _____	No: _____	No: _____

'092 Patent

Accused Product	iPhone	WiFi + Cellular iPad and iPad mini	WiFi + 3G iPad and iPad mini
Claim 20	Yes: _____	Yes: _____	Yes: _____
	No: _____	No: _____	No: _____

(Contributory Infringement Continued)

'446 Patent

Accused Product	iPhone or iPad or iPad mini or iPod touch and Apple Servers
Claim 15	Yes: _____ No: _____
Claim 35	Yes: _____ No: _____

'831 Patent

Accused Product	iPhone or iPad or iPad mini or iPod touch and Apple Servers
Claim 17	Yes: _____ No: _____
Claim 25	Yes: _____ No: _____

Accused Product	iPhone	iPad	iPad mini	iPod touch
Claim 23	Yes: _____ No: _____	Yes: _____ No: _____	Yes: _____ No: _____	Yes: _____ No: _____

B. FINDINGS ON INVALIDITY**ANTICIPATION**

4. Did you find by clear and convincing evidence that any of the following claims are invalid as anticipated by the prior art?

Select “Yes” or “No” for each listed claim. (An answer of Yes is a finding for Apple. An answer of No is a finding for Unwired Planet.)

'260 Patent

Claim 1 Yes _____ No _____

Claim 16 Yes _____ No _____

'092 Patent

Claim 20 Yes _____ No _____

'446 Patent

Claim 15 Yes _____ No _____

Claim 35 Yes _____ No _____

'831 Patent

Claim 17 Yes _____ No _____

Claim 23 Yes _____ No _____

Claim 25 Yes _____ No _____

OBVIOUSNESS

5. Did you find by clear and convincing evidence that any of the following claims are invalid as obvious in view of the prior art?

Select “Yes” or “No” for each listed claim. (An answer of Yes is a finding for Apple. An answer of No is a finding for Unwired Planet.)

'260 Patent

Claim 1 Yes _____ No _____

Claim 16 Yes _____ No _____

'092 Patent

Claim 20 Yes _____ No _____

'446 Patent

Claim 15 Yes _____ No _____

Claim 35 Yes _____ No _____

'831 Patent

Claim 17 Yes _____ No _____

Claim 23 Yes _____ No _____

Claim 25 Yes _____ No _____

WRITTEN DESCRIPTION REQUIREMENT

6. Did you find by clear and convincing evidence that any of the patents below do not contain an adequate written description for any of the following claims?

Select “Yes” or “No” for each listed claim. (An answer of Yes is a finding for Apple. An answer of No is a finding for Unwired Planet.)

’260 Patent

Claim 1 Yes _____ No _____

Claim 16 Yes _____ No _____

’446 Patent

Claim 15 Yes _____ No _____

Claim 35 Yes _____ No _____

’831 Patent

Claim 17 Yes _____ No _____

Claim 23 Yes _____ No _____

Claim 25 Yes _____ No _____

ENABLEMENT REQUIREMENT

7. Did you find by clear and convincing evidence that the patent below does not contain a description of the claimed invention sufficient to enable persons of ordinary skill in the art to make and use the invention for any of the following claims?

Select “Yes” or “No” for each listed claim. (An answer of Yes is a finding for Apple. An answer of No is a finding for Unwired Planet.)

’260 Patent

Claim 1 Yes _____ No _____

Claim 16 Yes _____ No _____

C. FINDINGS ON PATENT ENFORCEABILITY

8. Did you find by clear and convincing evidence that the patent below is unenforceable due to inequitable conduct committed by the inventors?

Select “Yes” or “No.” (An answer of Yes is a finding for Apple. An answer of No is a finding for Unwired Planet.)

'260 Patent Yes _____ No _____

[Disputed Section D – *Unwired Planet’s Proposal*]

D. FINDINGS ON DAMAGES

REASONABLE ROYALTY

**If you have found any claim infringed AND not invalid, answer Question 9.
Otherwise, do not answer Question 9.**

9. What sum of money do you find from a preponderance of the evidence is sufficient to compensate Unwired Planet for Apple’s conduct that you found infringing? Provide the amount, if any, in dollars and cents.

Answer:

- a) Running royalty payment of \$ _____; or
b) One-time payment of \$ _____ through trial.

[Disputed Section D – Apple’s Proposal]

E. FINDINGS ON DAMAGES

REASONABLE ROYALTY

If you have found any claim infringed AND not invalid, answer Questions 9-11. Otherwise, do not answer Questions 9-11.

9. In the hypothetical negotiation, do you find that the parties would have agreed to a license agreement for a running royalty or for a fully paid-up lump sum? Choose only one.

Running royalty: _____ **OR** **Fully paid-up lump sum:** _____

Only answer the following Question 10 if you chose “running royalty” in Question 9. If you chose “fully paid-up lump sum” in Question 9, skip to Question 11.

10. What “royalty base” and what “royalty rate” do you find from a preponderance of the evidence would fairly and reasonably compensate Unwired Planet for Apple’s infringement through [September 16, 2014] (fill in the numbers in the blanks):

Royalty Base	(1) Number of Devices	_____
Royalty Rate	(2) Amount per unit (\$)	_____
Total Amount: (1) x (2) = \$ _____		

Only answer the following Question 11 if you chose “fully paid-up lump sum” in Question 9.

11. What fully paid-up lump sum of money, if paid now in cash, do you find from a preponderance of the evidence would fairly and reasonably compensate Unwired Planet for Apple’s infringement?

Answer with the amount: \$ _____

1 This is the end of the verdict form. Please review it to ensure that it accurately reflects
2 your unanimous determinations. The Jury Foreperson should then sign and date the verdict form
3 in the spaces below.
4

5 **Certification of Jury Verdict:**

6
7 _____
Jury Foreperson

8
9 _____
Date

1 DATED: May 1, 2015

2 **McKool Smith Hennigan, P.C.**

GIBSON, DUNN & CRUTCHER LLP

3 By /s/ Kevin Kneupper

By /s/ Brooke Myers Wallace

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Attorneys for Defendant Apple Inc.

20 *Attorneys for Plaintiff Unwired Planet LLC*

ATTESTATION OF CONCURRENCE IN FILING

In accordance with the Northern District of California's Civil L.R. 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from Kevin Kneupper, of McKool Smith Hennigan, P.C.

Dated: May 1, 2015

By: /s/ Brooke Myers Wallace
Brooke Myers Wallace
GIBSON, DUNN & CRUTCHER LLP

Attorney for Defendant Apple Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Civil L.R. 5.4, and will be served upon all counsel of record for the parties who have consented to electronic service in accordance with Civil L.R. 5.4 via the Court's ECF system.

Dated: May 1, 2015

By: /s/ Brooke Myers Wallace
Brooke Myers Wallace
GIBSON, DUNN & CRUTCHER LLP

Attorney for Defendant Apple Inc.