

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LIVEPERSON, INC.,
Plaintiff,
v.
[24]7.ai, INC.,
Defendant.

Case No. 17-cv-01268-JST

VERDICT FORM

United States District Court
Northern District of California

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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 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.

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.

Question 1: Do you find that LivePerson has proven by a preponderance of the evidence that any of the following qualifies as a trade secret belonging to LivePerson?

	Yes	No
Alleged Trade Secret A: the conditions for action, the specific variables taken as inputs to the conditions, and the particular actions taken with respect to the rules relating to Capital One specified in Exhibit PTX 1 (Bates 247_SDNY559_001841516).	<u>✓</u>	_____
Alleged Trade Secret B: the conditions for action, the specific variables taken as inputs to the conditions, and the particular actions taken with respect to the rules relating to Capital One specified in Exhibit PTX 2 (Bates 247_SDNY559_001841673).	<u>✓</u>	_____

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	Yes	No
Alleged Trade Secret C: the conditions for action, the specific variables taken as inputs to the conditions, and the particular actions taken with respect to the rules relating to Optus specified in Exhibit PTX 3 (Bates 247_SDNY559_000955379).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alleged Trade Secret D: the conditions for action, the specific variables taken as inputs to the conditions, and the particular actions taken with respect to the rules relating to Optus specified in Exhibit PTX 4 (Bates 247_SDNY559_002249623).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alleged Trade Secret E: the conditions for action, the specific variables taken as inputs to the conditions, and the particular actions taken with respect to the rules relating to Optus specified in Exhibit PTX 5 (Bates 247_SDNY559_001844864).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alleged Trade Secret F: the conditions for action, the specific variables taken as inputs to the conditions, and the particular actions taken with respect to the rules relating to Optus specified in Exhibit PTX 6 (Bates 247_SDNY559_002249624).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alleged Trade Secret G: the conditions for action, the specific variables taken as inputs to the conditions, and the particular actions taken with respect to the rules relating to Optus specified in Exhibit PTX 7 (Bates 247_SDNY559_002782716).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alleged Trade Secret H: the conditions for action, the specific variables taken as inputs to the conditions, and the particular actions taken with respect to the rules relating to Optus specified in Exhibit PTX 8 (Bates 247_SDNY559_002787817).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alleged Trade Secret I: the conditions for action, the specific variables taken as inputs to the conditions, and the particular actions taken with respect to the rules relating to Optus specified in Exhibit PTX 10 (Bates 247_SDNY559_002891967).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alleged Trade Secret J: the conditions for action, the specific variables taken as inputs to the conditions, and the particular actions taken with respect to the rules relating to Optus specified in Exhibit PTX 11 (Bates 247_SDNY559_001050253).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alleged Trade Secret K: the conditions for action, the specific variables taken as inputs to the conditions, and the particular actions taken with respect to the rules relating to Sears specified in Exhibit PTX 9 (Bates 247_SDNY559_002804621).	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Alleged Trade Secret L: the conditions for action, the specific variables taken as inputs to the conditions, and the particular actions taken with respect to the rules relating to Sears specified in Exhibit PTX 12 (Bates 247_SDNY559_001751617).

Yes	No
<u>✓</u>	<u> </u>

Alleged Trade Secret M: the XML data collected by LivePerson’s chat platform analytics and reporting features available to chat agent managers and administrators and contained in downloadable reports for Capital One from December 7, 2006 to approximately October 31, 2014.

<u>✓</u>	<u> </u>
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Alleged Trade Secret N: the XML data collected by LivePerson’s chat platform analytics and reporting features available to chat agent managers and administrators and contained in downloadable reports for Optus from September 7, 2010 to approximately November 30, 2012.

<u>✓</u>	<u> </u>
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Alleged Trade Secret O: the XML data collected by LivePerson’s chat platform analytics and reporting features available to chat agent managers and administrators and contained in downloadable reports for Sears from September 18, 2009 to approximately December 31, 2014.

<u>✓</u>	<u> </u>
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*If you answered “Yes” to any part of Question 1, please proceed to Question 2.
If you answered “No” to every part of Question 1, please proceed to Question 3.*

Question 2: Do you find that LivePerson has proven by a preponderance of the evidence that [24]7 unlawfully misappropriated any trade secret that you found belongs to LivePerson in response to Question 1?

	Yes	No
Alleged Trade Secret A	<u>✓</u>	<u> </u>
Alleged Trade Secret B	<u>✓</u>	<u> </u>
Alleged Trade Secret C	<u>✓</u>	<u> </u>
Alleged Trade Secret D	<u>✓</u>	<u> </u>
Alleged Trade Secret E	<u>✓</u>	<u> </u>
Alleged Trade Secret F	<u>✓</u>	<u> </u>
Alleged Trade Secret G	<u>✓</u>	<u> </u>
Alleged Trade Secret H	<u>✓</u>	<u> </u>
Alleged Trade Secret I	<u>✓</u>	<u> </u>

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	Yes	No
Alleged Trade Secret J	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alleged Trade Secret K	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alleged Trade Secret L	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alleged Trade Secret M	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alleged Trade Secret N	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alleged Trade Secret O	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please proceed to Question 3.

Question 3: Do you find that LivePerson has proven by a preponderance of the evidence that [24]7 engaged in unfair competition?

Yes No

*If for any alleged trade secret(s) you answered "Yes" to both Questions 1 and 2, OR if you answered "Yes" to Question 3, please proceed to the next question.
If not, please skip the remaining questions.*

Question 4: What is the dollar amount of the compensatory damages (including past and future lost profits or a reasonable royalty) LivePerson has proven by a preponderance of the evidence it is entitled to receive?

\$ 6,740,000

Please proceed to the next question.

Question 5: Do you find that LivePerson has proven by clear and convincing evidence that it is entitled to recover punitive damages?

Yes No

*If you answered "Yes," please proceed to the next question.
If you answered "No," please skip the remaining question.*


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Question 6: What is the dollar amount of the punitive damages LivePerson should receive?

\$ 23,590,000

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Presiding Juror should then sign and date the verdict form in the spaces below and notify the Courtroom Deputy that you have reached a verdict.

Dated: 6 / 17, 2021

By: 
Presiding Juror

United States District Court
Northern District of California