United States District Court
District of Massachusetts

WBIP, LLC,	)	
Plaintiff,	)	
	)	
v.	)	**Civil No.**
	)	**11-10374-NMG**
KOHLER CO.,	)	
Defendant.	)	
	)	

VERDICT FORM

INFRINGEMENT

Question 1: Has WBIP proven, by a preponderance of the evidence, that Kohler's Low-CO gasoline marine generator sets infringe the following claims of the '044 patent?

'044 Patent Claim 1	Yes ✓	No
'044 Patent Claim 2	Yes ✓	No
'044 Patent Claim 3	Yes ✓	No
'044 Patent Claim 4	Yes ✓	No
'044 Patent Claim 5	Yes ✓	No
'044 Patent Claim 6	Yes ✓	No
'044 Patent Claim 8	Yes ✓	No
'044 Patent Claim 10	Yes ✓	No
'044 Patent Claim 11	Yes ✓	No

Question 2: Has WBIP proven, by a preponderance of the evidence, that Kohler directly infringes the following method claims by use of Kohler's Low-CO gasoline marine generator sets?

'044 Patent Claim 12	Yes ✓	No
'196 Patent Claim 26	Yes ✓	No
'196 Patent Claim 28	Yes ✓	No

Question 3: Has WBIP proven, by a preponderance of the evidence, that third parties directly infringe the following method claims by use of Kohler's Low-CO gasoline marine generator sets, and that Kohler induced such infringement?

'044 Patent Claim 12	Yes ✓	No
'196 Patent Claim 26	Yes ✓	No
'196 Patent Claim 28	Yes ✓	No

INVALIDITY

Question 4: Has Kohler proven, by clear and convincing evidence, that the following claims of the '044 and '196 Patents are invalid because they would have been obvious to one of ordinary skill in the art at the time of the invention?

'044 Patent Claim 1	Yes	No ✓
'044 Patent Claim 2	Yes	No ✓
'044 Patent Claim 3	Yes	No ✓
'044 Patent Claim 4	Yes	No ✓
'044 Patent Claim 5	Yes	No ✓
'044 Patent Claim 6	Yes	No ✓
'044 Patent Claim 8	Yes	No ✓
'044 Patent Claim 10	Yes	No ✓
'044 Patent Claim 11	Yes	No ✓

'044 Patent Claim 12	Yes_____	No ✓
'196 Patent Claim 26	Yes_____	No ✓
'196 Patent Claim 28	Yes_____	No ✓

Question 5: Has Kohler proven, by clear and convincing evidence, that the following claims of the '044 and '196 Patents are invalid for failing to meet the written description requirement?

'044 Patent Claim 1	Yes_____	No ✓
'044 Patent Claim 2	Yes_____	No ✓
'044 Patent Claim 3	Yes_____	No ✓
'044 Patent Claim 4	Yes_____	No ✓
'044 Patent Claim 5	Yes_____	No ✓
'044 Patent Claim 6	Yes_____	No ✓
'044 Patent Claim 8	Yes_____	No ✓
'044 Patent Claim 10	Yes_____	No ✓
'044 Patent Claim 11	Yes_____	No ✓
'044 Patent Claim 12	Yes_____	No ✓
'196 Patent Claim 26	Yes_____	No ✓
'196 Patent Claim 28	Yes_____	No ✓

IF YOU FIND ANY PARTICULAR PATENT CLAIM (OR CLAIMS) INFRINGED (IN QUESTIONS 1, 2 OR 3) AND NOT INVALID (IN QUESTIONS 4 AND 5) PROCEED TO QUESTIONS 6 AND 7. IF YOU ANSWER ALL SUBPARTS OF QUESTIONS 1, 2 AND 3 "NO", OR ALL SUBPARTS OF QUESTIONS 4 AND 5 "YES", YOUR DELIBERATIONS ARE COMPLETE.

DAMAGES

Question 6: Indicate the reasonable royalty rate to which WBIP is entitled and the amount of gross sales of Kohler's products to which to apply that royalty.

Royalty of 13.5 % to be applied to sales of $ 71,416,345

Total (royalty % x sales):

Nine million, six hundred forty one thousand, two hundred six Dollars
(Words)

($ 9,641,206)
(Numbers)

Question 7: Has WBIP proven by clear and convincing evidence that Kohler's patent infringement was willful?

'044 Patent Yes ✓ No _____

'196 Patent Yes ✓ No _____

YOUR DELIBERATIONS ARE COMPLETE. THE FOREPERSON WILL SIGN THE VERDICT FORM AND NOTIFY THE MARSHAL IN WRITING THAT THE JURY HAS COME TO A DECISION BUT **DO NOT REVEAL YOUR VERDICT TO THE MARSHAL.** THE JURY WILL THEN BE INVITED TO THE COURTROOM TO RETURN ITS VERDICT.

5-15-13
Date

Connie Benjamin
Foreperson