

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

HOLOGIC, INC., and CYTYC SURGICAL  
PRODUCTS, LLC,

Plaintiffs,

v.

MINERVA SURGICAL, INC.,

Defendant.

1:15CV1031

VERDICT

**We, the jury, find by a preponderance of evidence, as follows:**

**I. PATENT DAMAGES**

- As instructing in Instructions Nos. 13 to 22, we find Hologic is entitled damages for: (answer YES to only one)

☒ X Lost profits (Answer question I.a)

OR

☐ \_\_\_\_\_ Only a Reasonable Royalty (Answer question I.b)

I.a If you find that Hologic is entitled to lost profits answer the following:

- For lost profits of \$ 4,200,529.75 and,
- For royalties for sales not included in lost profits \$ 587,138.48, a royalty of 8 %

I.b If you find that Hologic is entitled to only a Reasonable Royalty:

- For a reasonable royalty \$ \_\_\_\_\_, a royalty of \_\_\_\_\_ %.

## II. WILLFUL INFRINGEMENT

- As instructed in Instruction No. 23, we find Minerva's infringement of the '348 patent was

☐ Willful

☒ Not willful

## III. MINERVA'S COUNTERCLAIMS

### A. Breach of Contract

- On Minerva's claim for breach of contract, as instructed in Instruction No. 35, we find in favor of

☐ Minerva or ☒ Hologic

### B. Lanham Act

- On Minerva's claim of false advertising under the Lanham Act, as instructed in Instruction No. 33, we find in favor of

☐ Minerva or ☒ Hologic

**If you found in favor of Hologic your deliberations are at an end.**

**If you found in favor of Minerva, answer the following:**

- What is the amount of money required to compensate Minerva for any actual injury?

\$ \_\_\_\_\_

- What is the amount of additional profits Hologic gained as a result of the false advertising?

\$ \_\_\_\_\_

☐ Was Hologic's conduct willful?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

Your deliberations are at an end. Please have your foreperson sign and date this form.

DATED this 27 day of July, 2018.

[REDACTED]

FOREPERSON

JURORS:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]