

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EMBLAZE LTD.,
Plaintiff(s),
v.
APPLE, INC.,
Defendant(s).

No. CV11-01079 PSG

VERDICT

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

INDUCED INFRINGEMENT

1. Do you find by a preponderance of the evidence that any of the accused HLS streams satisfy the limitations of any of the following claims of the '473 patent?

Answer "YES" or "NO" for each listed claim. (An answer of YES is a finding for Emblaze. An answer of NO is a finding for Apple).

Accused HLS Streams	ABC News	PGA	MLB at Bat	NFL Preseason	ESPN	Apple Keynotes	iTunes Festival
Claim 23			Yes: _____ No: <input checked="" type="checkbox"/>				
Claim 28	Yes: _____ No: <input checked="" type="checkbox"/>	Yes: _____ No: <input checked="" type="checkbox"/>	Yes: _____ No: <input checked="" type="checkbox"/>	Yes: _____ No: <input checked="" type="checkbox"/>	Yes: _____ No: <input checked="" type="checkbox"/>	Yes: _____ No: <input checked="" type="checkbox"/>	Yes: _____ No: <input checked="" type="checkbox"/>
Claim 37	Yes: _____ No: <input checked="" type="checkbox"/>	Yes: _____ No: <input checked="" type="checkbox"/>	Yes: _____ No: <input checked="" type="checkbox"/>	Yes: _____ No: <input checked="" type="checkbox"/>	Yes: _____ No: <input checked="" type="checkbox"/>	Yes: _____ No: <input checked="" type="checkbox"/>	Yes: _____ No: <input checked="" type="checkbox"/>
Claim 40	Yes: _____ No: <input checked="" type="checkbox"/>	Yes: _____ No: <input checked="" type="checkbox"/>	Yes: _____ No: <input checked="" type="checkbox"/>	Yes: _____ No: <input checked="" type="checkbox"/>	Yes: _____ No: <input checked="" type="checkbox"/>	Yes: _____ No: <input checked="" type="checkbox"/>	Yes: _____ No: <input checked="" type="checkbox"/>

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

3 2. Do you find by a preponderance of the evidence that Apple has induced others to infringe
4 any of the following claims of the '473 patent?

5 Answer "YES" or "NO" for each listed claim. (An answer of YES is a finding for
6 Emblaze. An answer of NO is a finding for Apple).

7	Accused HLS Streams	ABC News	PGA	MLB at Bat	NFL Preseason	ESPN	Apple Keynotes	iTunes Festival
8	Claim 23			Yes: ____ No: <input checked="" type="checkbox"/>				
9	Claim 28	Yes: ____ No: ____	Yes: ____ No: ____	Yes: ____ No: <input checked="" type="checkbox"/>	Yes: ____ No: ____	Yes: ____ No: ____	Yes: ____ No: ____	Yes: ____ No: ____
10	Claim 37	Yes: ____ No: ____	Yes: ____ No: ____	Yes: ____ No: <input checked="" type="checkbox"/>	Yes: ____ No: ____	Yes: ____ No: ____	Yes: ____ No: ____	Yes: ____ No: ____
11	Claim 40	Yes: ____ No: ____	Yes: ____ No: ____	Yes: ____ No: <input checked="" type="checkbox"/>	Yes: ____ No: ____	Yes: ____ No: ____	Yes: ____ No: ____	Yes: ____ No: ____

12
13
14
15
16
17
18
19
20 Ignore

1 **B. FINDINGS ON INVALIDITY**

2 **ANTICIPATION**

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

5 Answer "YES" or "NO" for each listed claim. (An answer of YES is a finding for
6 Apple. An answer of NO is a finding for Emblaze).

7 Claim 23 No
8 Claim 28 No
9 Claim 37 No

10 **OBVIOUSNESS**

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

13 Answer "YES" or "NO" for each listed claim. (An answer of YES is a finding for
14 Apple. An answer of NO is a finding for Emblaze).

15 Claim 23 No
16 Claim 28 No
17 Claim 37 No
18 Claim 40 No

1 C. FINDINGS ON DAMAGES

2 REASONABLE ROYALTY

3 If you have found any claim infringed and not invalid, answer Questions 5-7.
4 Otherwise, do not answer Questions 5-7.

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

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

8 **Only answer the following Question 6 if you chose "running royalty" in Question 5. If**
9 **you chose "fully paid-up lump sum" in Question 5 skip to Question 7.**

10 6. What "royalty base" and what "royalty rate" do you find from a preponderance of the
11 evidence would fairly and reasonably compensate Emblaze for Apple's infringement
12 through June 30, 2013 (fill in the numbers in the empty columns):

ROYALTY BASE		ROYALTY RATE	
Number of Devices		amount per unit (\$)	
Number of Software Upgrades		amount per unit (\$)	
Total Amount of Application Revenues		percentage (%)	

19 **Only answer the following Question 7 if you chose "fully paid-up lump sum" in**
20 **Question 5.**

21 7. What paid-up lump sum of money, if paid now in cash, do you find from a preponderance
22 of the evidence would fairly and reasonably compensate Emblaze for Apple's
23 infringement?

24 **Answer with the amount: \$** _____

25 **Certification of Jury Verdict**

26 

27 JURY FOREPERSON

28 7-11-14

DATE