

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

VIRNETX INC.,

Plaintiff,

vs.

APPLE INC.,

Defendant.

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CASE NO. 6:10-CV-417

VERDICT FORM

In answering these questions, you are to follow all of the instructions I have given in the Court's Charge.

1. Did VirnetX prove by a preponderance of the evidence that Apple infringes the following claims of the following patents?

Answer "Yes" or "No" for each Claim.

'135 Patent

Claim 1 yes
Claim 3 yes
Claim 7 yes
Claim 8 yes

'151 Patent

Claim 1 yes
Claim 13 yes

'504 Patent

Claim 1 yes
Claim 2 yes
Claim 5 yes
Claim 16 yes
Claim 21 yes
Claim 27 yes

'211 Patent

Claim 36 yes
Claim 37 yes
Claim 47 yes
Claim 51 yes

2. Did Apple prove by clear and convincing evidence that the following listed claims of the following patents are invalid?

If you find the claim invalid, answer "Yes;" otherwise, answer "No."

'135 Patent

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| Claim 1 | <u>NO</u> |
| Claim 3 | <u>NO</u> |
| Claim 7 | <u>NO</u> |
| Claim 8 | <u>NO</u> |

'151 Patent

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| Claim 1 | <u>NO</u> |
| Claim 13 | <u>NO</u> |

'504 Patent

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| Claim 1 | <u>NO</u> |
| Claim 2 | <u>NO</u> |
| Claim 5 | <u>NO</u> |
| Claim 16 | <u>NO</u> |
| Claim 21 | <u>NO</u> |
| Claim 27 | <u>NO</u> |

'211 Patent

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| Claim 36 | <u>NO</u> |
| Claim 37 | <u>NO</u> |
| Claim 47 | <u>NO</u> |
| Claim 51 | <u>NO</u> |

3. What sum of money, if paid now in cash, do you find from a preponderance of the evidence would fairly and reasonably compensate VirnetX for Apple's infringement, if any, of the patents up to the time of trial?

Answer with the amount: \$ 368,160,000.00

