

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

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION**

FINJAN, INC., a Delaware Corporation,
Plaintiff,

v.

ESET, LLC, a California Limited Liability
Corporation, and ESET SPOL. S.R.O., a
Slovak Republic Corporation,
Defendants.

Case No. 3:17-cv-00183-CAB-BGS

SPECIAL VERDICT FORM

ESET, LLC, a California Limited Liability
Corporation, and ESET SPOL. S.R.O., a
Slovak Republic Corporation,

Counterclaim-Plaintiffs,

v.

FINJAN, INC., a Delaware Corporation,
Counterclaim-Defendant.

When answering the following questions and filling out this special verdict form, please follow the directions provided throughout this special verdict form and the final charge to the jury.

We, the jury, unanimously find as follows:

1 **1. INFRINGEMENT**

2 **Question 1.** Has Finjan proven by a preponderance of the evidence that Eset’s
 3 accused products infringe any of the claims of the Asserted Patents?

4 A “yes” is a finding for Finjan, a “no” is a finding for Eset.

5 YES _____ NO _____

6 If you answered “yes,” please put an “X” mark in the box for the claim(s) you
 7 found to be infringed and for each products you found to infringe the claim. If you
 8 answered “no,” please skip to Question 3.

		Endpoint Products	Gateway/Server Products	Cloud Products
‘844 Patent	Claim 1			
	Claim 7			
	Claim 11			
	Claim 15			
	Claim 16			
‘086 Patent	Claim 24			
	Claim 42			
‘780 Patent	Claim 9			
	Claim 13			
‘621 Patent	Claim 1			
	Claim 6			
	Claim 7			
	Claim 10			
‘755 Patent	Claim 3			
	Claim 5			
	Claim 6			

1 **2. INVALIDITY**

2 **Question 2.** Has Eset proven by clear and convincing evidence that any of the
 3 claims of the Asserted Patents are invalid?

4 *A “yes” is a finding for Eset, a “no” is a finding for Finjan.*

5 YES _____ NO _____

6 If you answered “yes,” please mark the claim(s) you found to be invalid.

‘844 Patent	Claim 1 _____ Claim 7 _____ Claim 11 _____ Claim 15 _____ Claim 16 _____ Claim 21 _____
‘086 Patent	Claim 24 _____ Claim 42 _____
‘780 Patent	Claim 9 _____ Claim 13 _____
‘621 Patent	Claim 1 _____ Claim 6 _____ Claim 7 _____ Claim 10 _____
‘755 Patent	Claim 3 _____ Claim 5 _____ Claim 6 _____

23 If you have found one or more of the claims of the Asserted Patents to be infringed
 24 and not invalid, answer Question 3 below.

25 **3. DAMAGES**

26 **Question 3.** If you found any claim of the Asserted Patents to be infringed and
 27 valid, Finjan entitled to a payment of \$ _____.

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

* * * * *

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 spaced below and notify the Security Guard that you have reached a verdict. The Presiding Juror should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

Dated: _____

PRESIDING JURO