

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

EVOLVED WIRELESS, LLC

Plaintiff,

v.

APPLE, INC.,

Defendant.

Civil Action No. 15-542-JFB-SRF

**SPECIAL INTERROGATORIES**

**INSTRUCTIONS:**

Please follow the directions provided throughout this Verdict Form. Your answer to each question must be unanimous.

Please refer to the Jury Instructions for guidance on the law applicable to each question.

Throughout this form, "Evolved" means plaintiff Evolved Wireless, LLC and "Apple" means defendant Apple, Inc.

The "Asserted Patents" mean, U.S. Patent Nos. 7,809,373 (the "'373 patent") and 7,881,236 (the "'236 patent").

1. '373 Patent

(Please indicate your answer with an "X," you must answer "yes" or "no" for every claim).

A. Literal Infringement

Did Evolved prove, by a preponderance of the evidence, that Apple literally infringed or infringes any of the following claims of the '373 Patent, as instructed in Instruction No. 21?

Claim 24  Yes  
 No

Claim 25  Yes  
 No

B. Infringement Under the Doctrine of Equivalents

Did Evolved prove, by a preponderance of the evidence, that Apple infringed or infringes any of the following claims of the '373 Patent under the doctrine of equivalents, as instructed in Instruction No. 22?

Claim 24  Yes  
 No

Claim 25  Yes  
 No

- If you answered "yes" to any of the above infringement questions, proceed to answer Question No. 2 with respect to that claim of the '373 patent.
- If you answered "no" to all of the above infringement questions, you should skip Question Nos. 2 and 3 and proceed to answer Question No. 4.

**2. Invalidity ('373 Patent)**

Did Apple prove, by clear and convincing evidence, that any of the following claims of the '373 Patent is invalid as anticipated, as instructed in Instruction Nos. 28 to 30?

Claim 24     Yes  
                   No

Claim 25     Yes  
                   No

- If you answered "yes" to both Question No. 1 and Question No. 2, your deliberations with respect to the '373 Patent are at an end, proceed to answer Question No. 4.
- If you answered "yes" to Question No. 1 and "no" to Question No. 2, proceed to answer Question No. 3 with respect to the '373 Patent.

**3. Patent Damages ('373 Patent)**

As instructed in Instruction Nos. 37, 38, 39, and 52, we find, by a preponderance of the evidence, that Evolved should be awarded the following fair, reasonable, and non-discriminatory royalty for Apple's infringement of the '373 Patent for the period of time from June 25, 2015 through September 29, 2018:

\$ \_\_\_\_\_ per unit royalty rate; or

\$ \_\_\_\_\_ per year lump sum royalty.

Only one damages option (either a per unit royalty rate or a per year lump sum royalty) should be awarded for Apple's infringement of the '373 Patent.

**4. '236 Patent**

Did Evolved prove, by a preponderance of the evidence, that Apple literally infringed or infringes the following claim of the '236 Patent, as instructed in Instruction No. 21?

Claim 7             Yes  
                   X   No

- If you answered yes to Question No. 4, proceed to answer Question No. 5 with respect to the '236 Patent.
- If you answered "no" to Question No. 4, your deliberations are at an end. Have your Foreperson sign and date this form and notify chambers that you have reached a verdict.

**5. Patent Damages ('236 Patent)**

As instructed in Instruction Nos. 37, 38, 39, and 52, we find, by a preponderance of the evidence, that Evolved should be awarded the following fair, reasonable, and non-discriminatory royalty for Apple's infringement of the '236 Patent for the period of time from June 25, 2015 through September 29, 2018:

\$\_\_\_\_\_ per unit royalty rate; or

\$\_\_\_\_\_ per year lump sum royalty.

Only one damages option (either a per unit royalty rate or a per year lump sum royalty) should be awarded for Apple's infringement of the '236 Patent.

- You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. Your Foreperson should sign and date this form and notify my chambers that you have reached a verdict. The Foreperson should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

Dated this 4 day of April, 2019

\_\_\_\_\_  
FOREPERSON