

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

BOSTON SCIENTIFIC CORP. AND
BOSTON SCIENTIFIC
NEUROMODULATION CORP.,

Plaintiffs,

v.

NEVRO CORP.,

Defendant.

C.A. No. 16-1163-CFC-CJB
CONSOLIDATED

VERDICT SHEET

We, the jury in the above-entitled action, unanimously find as follows:

Question No. 1: Did Boston Scientific prove by a preponderance of the evidence that Nevro directly infringes any of the following claims of the following patents?

("YES" is a finding for Boston Scientific; "NO" is a finding for Nevro.)

'439 Patent, Claim 11: YES: ✓ NO:

'439 Patent, Claim 25: YES: ✓ NO:

Question No. 2: Did Boston Scientific prove by a preponderance of the evidence that Nevro actively induced Cirtec Medical LLC f/k/a Stellar Technologies, Inc. to directly infringe any of the following claims of the following patents?

("YES" is a finding for Boston Scientific; "NO" is a finding for Nevro.)

'085 Patent, Claim 1: YES: ✓ NO:

'085 Patent, Claim 18: YES: ✓ NO:

'172 Patent, Claim 3: YES: NO: ✓

'747 Patent, Claim 11: YES: NO: ✓

Question No. 3: Did Nevro prove by clear and convincing evidence that any of the following claims of the following patents are invalid for anticipation?

("YES" is a finding for Nevro; "NO" is a finding for Boston Scientific.)

'172 Patent, Claim 3: YES: _____ NO: ✓

'747 Patent, Claim 11: YES: _____ NO: ✓

'439 Patent, Claim 11: YES: _____ NO: ✓

'439 Patent, Claim 25: YES: _____ NO: ✓

Question No. 4: Did Nevro prove by clear and convincing evidence that any of the following claims of the following patents are invalid for obviousness?

("YES" is a finding for Nevro; "NO" is a finding for Boston Scientific.)

'085 Patent, Claim 1: YES: _____ NO: ✓

'085 Patent, Claim 18: YES: _____ NO: ✓

You will only answer Questions 5 and 6 if you found any asserted patent claim to be both valid and infringed.

Otherwise, stop here.

Question No. 5: For any infringement, what amount do you determine to be a reasonably royalty amount to compensate Boston Scientific for Nevro's infringement?

20 million

Question No. 6: For any claim that you found both valid and infringed, did Boston Scientific prove by a preponderance of the evidence that Nevro willfully infringed that claim?

("YES" is a finding for Boston Scientific; "NO" is a finding for Nevro.)

'085 Patent, Claim 1:	YES: <u>✓</u>	NO: <u> </u>
'085 Patent, Claim 18:	YES: <u>✓</u>	NO: <u> </u>
'172 Patent, Claim 3:	YES: <u> </u>	NO: <u>✓</u>
'747 Patent, Claim 11:	YES: <u> </u>	NO: <u>✓</u>
'439 Patent, Claim 11:	YES: <u> </u>	NO: <u>✓</u>
'439 Patent, Claim 25:	YES: <u> </u>	NO: <u>✓</u>

You have now reached the end of the verdict form and you should review it to ensure that it accurately reflects your unanimous determinations. The Foreperson should then sign the verdict form in the space below and notify the Court Security Officer that you have reached a verdict. The Foreperson should retain possession of the verdict form and bring it to the courtroom with the jury.

Dated:

11/1/21

Signed:

A handwritten signature in black ink, appearing to be "PAC", followed by a comma.

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