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

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| | 8 | |
|---------------|-----|----------------------|
| VIRNETX INC., | § | |
| 1 | § | \$ |
| Plaintiff, | § | |
| | • § | |
| vs. | § | CASE NO. 6:10-CV-417 |
| | § | |
| APPLE INC., | § | |
| | § | |
| Defendant. | § | |
| | § | |

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 Claim 3 Claim 7 Claim 8

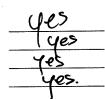
'504 Patent

Claim 1· Claim 2 Claim 5 Claim 16 Claim 21 Claim 27 4es 4es4es '151 Patent

Claim 1 [•] Claim 13

<u>'211 Patent</u>

Claim 36 • Claim 37 Claim 47 Claim 51



VIRNETX EXHIBIT 2001 New Bay Capital v. Virnetx

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DOCKE

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 | | | '151 Patent | |
|---|----------------------------------|---|--|----------------------|
| Claim 1 Claim 3 Claim 7 Claim 8 | NO NO NO | • | Claim 1 Claim 13 | N0 N0 |
| '504 Patent | x. | | '211 Patent | |
| Claim 1 Claim 2 Claim 5 Claim 16 Claim 21 Claim 27 | N0 N0 N0 N0 N0 N0 | | Claim 36 Claim 37 Claim 47 Claim 51 | 60 04 04 00 |

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

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