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

VIRNETX INC.	§	
	§	**Civil Action No. 6:12-cv-855-RWS**
Plaintiff,	§	**LEAD CONSOLIDATED CASE**
	§	
v.	§	
	§	
APPLE INC.	§	
	§	**JURY TRIAL DEMANDED**
Defendant.	§	

VERDICT FORM

In answering these questions, you are to follow all of the instructions provided by the Court in the Court's jury instructions. Your answers to each question must be unanimous.

As used herein, " '135 patent" means U.S. Patent No. 6,502,135; " '151 patent" means U.S. Patent No. 7,490,151; " '504 patent" means U.S. Patent No. 7,418,504; " '211 patent" means U.S. Patent No. 7,921,211.

1. Apple does not contest that the Original Version of VPN on Demand feature (iOS 3-6, 2009–2013) infringed VirnetX's '135 & '151 patents. What sum of money do you find from a preponderance of the evidence would fairly and reasonably compensate VirnetX for this infringement?

   Amount: $ _334,908,773.73_

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2. Did VirnetX prove by a preponderance of the evidence that Apple's 2013 Version of VPN on Demand feature (iOS 7–8, 2013–present) infringes the following Claims of VirnetX's '135 & '151 patents?

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

'135 Patent   '151 Patent

Claim 1   yes   Claim 13   yes
Claim 7   yes

3. Did VirnetX prove by a preponderance of the evidence that Apple's Original Version of the FaceTime System (iOS 4–6 and OS X 10.7–10.8, 2010–2013) infringed the following Claims of VirnetX's '504 & '211 patents?

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

'504 Patent   '211 Patent

Claim 1   yes   Claim 36   yes
Claim 2   yes   Claim 47   yes
Claim 5   yes   Claim 51   yes
Claim 27   yes

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4. Did VirnetX prove by a preponderance of the evidence that Apple's 2013 Version of the FaceTime System (iOS 7–8 and OS X 10.9–10.10, 2013–present) infringes the following Claims of VirnetX's '504 & '211 patents?

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

'504 Patent   '211 Patent

Claim 1   yes   Claim 36   yes
Claim 2   yes   Claim 47   yes
Claim 5   yes   Claim 51   yes
Claim 27   yes

5. Did VirnetX prove by a preponderance of the evidence that Apple's iMessage feature infringes the following Claims of VirnetX's '504 & '211 patents?

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

'504 Patent   '211 Patent

Claim 1   yes   Claim 36   yes
Claim 2   yes   Claim 47   yes
Claim 5   yes   Claim 51   yes
Claim 27   yes

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Answer Question 6 only if you answered "yes" for any of Questions 2, 3, 4, or 5 above. Otherwise, do not answer this question.

6. To the extent you found infringement in Questions 2, 3, 4, or 5, what **additional** sum of money over and above what you awarded in response to Question 1, if paid now in cash, do you find from a preponderance of the evidence would fairly and reasonably compensate VirnetX for this infringement through the time of trial?

   Amount: $ 290,725,067.31

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Answer Question 7 only for those Claims you answered "yes" in Question 2 above. Otherwise, do not answer this question.

7. To the extent you found infringement of Apple's 2013 Version of VPN on Demand (iOS 7–8, 2013–present) in Question 2 above, did VirnetX prove by clear and convincing evidence that Apple's infringement was willful?

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

   <u>'135 Patent</u>   <u>'151 Patent</u>

   Claim 1   yes   Claim 13   yes
   Claim 7   yes

Answer Question 8 only for those Claims you answered "yes" in Question 3 above. Otherwise, do not answer this question.

8. To the extent you found infringement of Apple's Original Version of the FaceTime system (iOS 4–6 and OS X 10.7–10.8, 2010–2013) in Question 3 above, did VirnetX prove by clear and convincing evidence that Apple's infringement was willful from the prior verdict, November 6, 2012, until April 2013?

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

   <u>'504 Patent</u>   <u>'211 Patent</u>

   Claim 1   yes   Claim 36   yes
   Claim 2   yes   Claim 47   yes
   Claim 5   yes   Claim 51   yes
   Claim 27   yes

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