

FILED

July 21, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

BY: Jennifer Clark
DEPUTY

TOUCHSTREAM TECHNOLOGIES, INC.,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Case No. 6:21-cv-569-ADA

JURY TRIAL DEMANDED
U.S. District Judge Alan Albright

FINAL JURY INSTRUCTIONS

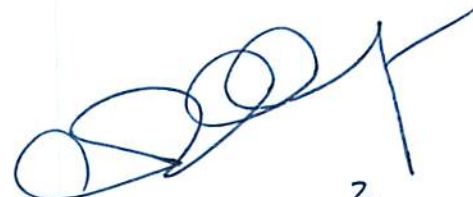

7/21/23
10:40 am

Table of Contents

JURY INSTRUCTION NO. 1: JURY CHARGE 1

JURY INSTRUCTION NO. 2: EVIDENCE.....3

JURY INSTRUCTION NO. 3: WITNESSES.....5

JURY INSTRUCTION NO. 4: DEPOSITION TESTIMONY7

JURY INSTRUCTION NO. 5: EXPERT TESTIMONY8

JURY INSTRUCTION NO. 6: INTERROGATORIES9

JURY INSTRUCTION NO. 7: BIAS—NO INFERENCE FROM FILING SUIT OR
DEFENDING THE SUIT 10

JURY INSTRUCTION NO. 8: STIPULATIONS OF FACT 11

JURY INSTRUCTION NO. 9: LIMITING INSTRUCTION..... 12

JURY INSTRUCTION NO. 10: CHARTS AND SUMMARIES 13

JURY INSTRUCTION NO. 11: DEMONSTRATIVE EXHIBITS 14

JURY INSTRUCTION NO. 12: BIAS—CORPORATE PARTY INVOLVED 15

JURY INSTRUCTION NO. 13: BURDENS OF PROOF 16

JURY INSTRUCTION NO. 14: SUMMARY OF CONTENTIONS..... 17

JURY INSTRUCTION NO. 15: PATENT CLAIMS 19

JURY INSTRUCTION NO. 16: INDEPENDENT AND DEPENDENT CLAIMS 21

JURY INSTRUCTION NO. 17: INFRINGEMENT—GENERALLY..... 22

JURY INSTRUCTION NO. 18: OTHER PATENTS..... 23

JURY INSTRUCTION NO. 19: DIRECT INFRINGEMENT—KNOWLEDGE OF THE
PATENT AND INFRINGEMENT ARE IMMATERIAL..... 24

JURY INSTRUCTION NO. 20: INFRINGEMENT BY LITERAL INFRINGEMENT 25

JURY INSTRUCTION NO. 21: DIRECT INFRINGEMENT: ACTS OF MULTIPLE
PARTIES MUST BE COMBINED TO MEET ALL METHOD CLAIM LIMITATIONS
..... 26

JURY INSTRUCTION NO. 22: PATENT INVALIDITY—GENERALLY 27

JURY INSTRUCTION NO. 23: INVALIDITY—PRIOR ART 28

JURY INSTRUCTION NO. 24: LEVEL OF ORDINARY SKILL 30

JURY INSTRUCTION NO. 25: OBVIOUSNESS 31

JURY INSTRUCTION NO. 26: DAMAGES—INTRODUCTION..... 34

JURY INSTRUCTION NO. 27: DATE OF COMMENCEMENT OF DAMAGES—
PRODUCTS..... 35

;

JURY INSTRUCTION NO. 28: DAMAGES—REASONABLE ROYALTY36
JURY INSTRUCTION NO. 29: DAMAGES—APPORTIONMENT REQUIRED.....37
JURY INSTRUCTION NO. 30: REASONABLE ROYALTY—RELEVANT FACTORS..38
JURY INSTRUCTION NO. 31: DAMAGES—COMPARABLE AGREEMENTS41
JURY INSTRUCTION NO. 32: DAMAGES-RUNNING ROYALTY VS. LUMP SUM....42
JURY INSTRUCTION NO. 33: JUROR NOTEBOOKS.....43
JURY INSTRUCTION NO. 34: DUTY TO DELIBERATE44
JURY INSTRUCTION NO. 35: SOCIAL MEDIA INSTRUCTION45

JURY INSTRUCTION NO. 1: JURY CHARGE

MEMBERS OF THE JURY:

It is my duty and responsibility to instruct you on the law you are to apply in this case. The law contained in these instructions is the only law you may follow. It is your duty to follow what I instruct you the law is, regardless of any opinion that you might have as to what the law ought to be.

Each of you is going to have your own printed copy of these final jury instructions that I am giving you now, so there is really no need for you to take notes unless you want to.

If I have given you the impression during the trial that I favor either party, you must disregard that impression. If I have given you the impression during the trial that I have an opinion about the facts of this case, you must disregard that impression. You are the sole judges of the facts of this case. Other than my instructions to you on the law, you should disregard anything I may have said or done during the trial in arriving at your verdict.

You should consider all of the instructions about the law as a whole and regard each instruction in light of the others, without isolating a particular statement or paragraph.

The testimony of the witnesses and other exhibits introduced by the parties constitute the evidence. The statements of counsel are not evidence; they are only arguments. It is important for you to distinguish between the arguments of counsel and the evidence on which those arguments rest. What the lawyers say or do is not evidence. You may, however, consider their arguments in light of the evidence that has been admitted and determine whether the evidence admitted in this trial supports the arguments. You must determine the facts from all the testimony that you have heard and the other evidence submitted. You are the judges of the facts, but in finding those facts, you must apply the law as I instruct you.

You are required by law to decide the case in a fair, impartial, and unbiased manner, based entirely on the law and on the evidence presented to you in the courtroom. You may not be influenced by passion, prejudice, or sympathy you might have for Touchstream or Google in arriving at your verdict.

After the remainder of these instructions, you will hear closing arguments from the attorneys. Statements and arguments of the attorneys, I remind you, are not evidence, and they are not instructions on the law. They are intended only to assist the jury in understanding the evidence and the parties' contentions.

A verdict form has been prepared for you. You are to take this verdict form with you to the jury room; and when you have reached a unanimous decision or agreement as to the verdict, you are to have your foreperson fill in the blanks in the verdict form, date it, and sign it.

Answer each question in the verdict form from the facts as you find them to be. Do not decide who you think should win the case and then answer the questions to reach that result. Again, your answers and your verdict must be unanimous.

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