

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

PHILIP MORRIS PRODUCTS S.A.,

Plaintiff,

v.

R.J. REYNOLDS VAPOR COMPANY,

Defendant.

Civil Action No. 1:20-cv-393-LO-TCB

**[REYNOLDS'S REVISED PROPOSED] VERDICT FORM**

When answering the questions and filling out this Verdict Form, please follow the instructions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Court's Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

In the verdict form, Plaintiff Philip Morris Products S.A. will be referred to as "Philip Morris." Defendant R.J. Reynolds Vapor Company will be referred to as "Reynolds."

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this Court as our verdict in this case.

**I. U.S. PATENT NO. 9,814,265**

**Question 1 – Literal Infringement:** Do you find that Philip Morris has proven by a preponderance of the evidence that Reynolds has literally infringed any of the following claims of the '265 Patent?

Claim 1 (independent)	_____	Yes	_____	No
Claim 4 (dependent)	_____	Yes	_____	No

**Question 2 – Infringement by the Doctrine of Equivalents:** Do you find that Philip Morris has proven by a preponderance of the evidence that Reynolds infringed by the doctrine of equivalents any of the following claims of the '265 Patent?

Claim 1 (independent)	_____	Yes	_____	No
Claim 4 (dependent)	_____	Yes	_____	No

**Question 3 – Invalidity:** Do you find that Reynolds has proven by clear and convincing evidence that any of the following claims of the '265 Patent are invalid as obvious?

Claim 1 (independent)	_____	Yes	_____	No
Claim 4 (dependent)	_____	Yes	_____	No

**Answer Question 4 below only if you have found at least one claim of the '265 Patent is infringed and not invalid. If there are no such claims, move on to Part II.**

**Question 4 – Damages:** What sum of money, if any, did Philip Morris prove by a preponderance of the evidence would be adequate compensation for Reynolds's infringement of the '265 patent. Provide the amount below in dollars and cents. If you find Philip Morris is entitled to no damages, enter a "0" amount.

\$ \_\_\_\_\_ **OR** \$ \_\_\_\_\_

(Running Royalty for Past Only) (Lump Sum for Life of Patent)

**II. U.S. PATENT NO. 10,104,911**

**Question 1 – Literal Infringement:** Do you find that Philip Morris has proven by a preponderance of the evidence that Reynolds has literally infringed any of the following claims of the '911 Patent with respect to any of the following products?

**VUSE Solo G2**

Claim 11 (dependent)	_____ Yes	_____ No
Claim 13 (dependent)	_____ Yes	_____ No

**VUSE Alto**

Claim 2 (dependent)	_____ Yes	_____ No
Claim 11 (dependent)	_____ Yes	_____ No
Claim 12 (dependent)	_____ Yes	_____ No

**Question 2 – Infringement by the Doctrine of Equivalents:** Do you find that Philip Morris has proven by a preponderance of the evidence that Reynolds has infringed by the doctrine of equivalents any of the following claims of the '911 Patent with respect to VUSE Alto only?

Claim 2 (dependent)	_____ Yes	_____ No
Claim 11 (dependent)	_____ Yes	_____ No
Claim 12 (dependent)	_____ Yes	_____ No

**Question 3 – Invalidity:** Do you find that Reynolds has proven by clear and convincing evidence that any of the following claims of the '911 Patent are invalid as obvious?

Claim 2 (dependent)	_____ Yes	_____ No
Claim 11 (dependent)	_____ Yes	_____ No
Claim 12 (dependent)	_____ Yes	_____ No
Claim 13 (dependent)	_____ Yes	_____ No

**Answer Question 4 below only if you have found at least one claim is infringed and not invalid. If there are no such claims, move on to Part III.**

**Question 4 – Damages:** What sum of money, if any, did Philip Morris prove by a preponderance of the evidence would be adequate compensation for Reynolds's infringement of the '911 patent. Provide the amount below in dollars and cents. If you find Philip Morris is entitled to no damages, enter a "0" amount.

\$ \_\_\_\_\_

(Running Royalty for Past Only)

**OR** \$ \_\_\_\_\_

(Lump Sum for Life of Patent)

**III. WILLFUL INFRINGEMENT**

**Answer Question 1 and Question 2 below only for patents where you have found at least one claim is infringed and not invalid. If there are no such patents, your deliberations are complete. Please sign the form on the last page.**

**1.** Do you find that Philip Morris has proven by a preponderance of the evidence that Reynolds's infringement of either patent was willful?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

**If you answered "Yes" to Question 1, answer Question 2; if you answered "No" to Question 1, skip Question 2 and your deliberations are complete.**

**2.** If so, for which patents do you find that Philip Morris has proven by a preponderance of the evidence that Reynolds's infringement was willful?

U.S. Patent No. 9,814,265

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

U.S. Patent No. 10,104,911

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

**Please sign the form below.**

Jury Foreperson: \_\_\_\_\_

Date: \_\_\_\_\_