

APPENDIX A

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION**

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA

SPECIAL VERDICT FORM

LIABILITY PHASE

We, the jury in the above-entitled action, unanimously find the following on the questions submitted to us:

Oracle's Claim for Copyright Infringement

1. Has Oracle proven by a preponderance of the evidence (i.e., "more likely than not") that Google infringed Oracle's copyrights in the Java software platform by (1) copying elements of the 37 Java API design specifications into Android software or documentation, (2) creating derivative works within Android based on the 37 Java API design specifications, and/or (3) copying elements of the 12 Java software code files into Android?

a. Copying the 37 Java API design specifications

Yes _____ (finding for Oracle) No _____ (finding for Google)

b. Derivative works based on the 37 Java API design specifications

Yes _____ (finding for Oracle) No _____ (finding for Google)

c. Copying the 12 Java software code files

Yes _____ (finding for Oracle) No _____ (finding for Google)

If you answered "Yes" to any of the above questions, proceed to Question No. 2. Otherwise, skip to Question No. 3.

2. Has Oracle proven by a preponderance of the evidence that mobile device companies, mobile service providers, developers, or end-users other than Google infringed Oracle's copyrights in the Java software platform through their use of Android?

Yes _____ (finding for Oracle) No _____ (finding for Google)

If you answered “Yes” to the above question, proceed to question No. 2a. If not, please skip to Question No. 3.

- a. Has Oracle proven by a preponderance of the evidence that Google vicariously infringed as a result of the third-party infringement you found in Question No. 2?

Yes _____ (finding for Oracle) No _____ (finding for Google)

- b. Has Oracle proven by a preponderance of the evidence that Google intentionally induced or materially contributed to the third-party infringement you found in Question No. 2?

Yes _____ (finding for Oracle) No _____ (finding for Google)

Google’s Affirmative Defenses to Copyright Infringement

3. Has Google proven by a preponderance of the evidence that its use of copyrighted elements of Java constituted fair use?

Yes _____ (finding for Oracle) No _____ (finding for Google)

Proceed to Question No. 4.

Oracle’s Claims for Patent Infringement

4. Has Oracle proven by a preponderance of the evidence that Google directly infringes one or more valid asserted claims of the patents-in-suit by making, using, and/or distributing the accused Android software and Android devices?

’104 Patent Yes _____ No _____

’205 Patent Yes _____ No _____

’702 Patent Yes _____ No _____

’720 Patent Yes _____ No _____

’520 Patent Yes _____ No _____

'476 Patent Yes _____ No _____

Proceed to Question No. 5.

5. Has Oracle proven by a preponderance of the evidence that Google, by supplying the Android software to third-parties, contributed to the infringement of the asserted patent claims by mobile device companies, mobile service providers, developers, or end-users?

'104 Patent Yes _____ No _____

'205 Patent Yes _____ No _____

'702 Patent Yes _____ No _____

'720 Patent Yes _____ No _____

'520 Patent Yes _____ No _____

'476 Patent Yes _____ No _____

Proceed to Question No. 6.

6. Has Oracle proven by a preponderance of the evidence that Google actively induced infringement of the asserted patent claims by mobile device companies, mobile service providers, developers, or end-users that use the Android software or Android devices?

'104 Patent Yes _____ No _____

'205 Patent Yes _____ No _____

'702 Patent Yes _____ No _____

'720 Patent Yes _____ No _____

'520 Patent Yes _____ No _____

'476 Patent Yes _____ No _____

Proceed to Question No. 7.

7. If you found in Questions 4-6 that Google has infringed any of the asserted claims of any of the patents-in-suit, has Oracle proven by clear and convincing evidence that Google's infringement was willful?

Yes _____ No _____

Proceed to Question No. 8.

Google's Affirmative Defenses to Patent Infringement

8. Has Google proven by clear and convincing evidence that the asserted patent claims are invalid?

'104 Patent

Claim 11: Yes _____ No _____

Claim 27: Yes _____ No _____

Claim 29: Yes _____ No _____

Claim 39: Yes _____ No _____

Claim 40: Yes _____ No _____

Claim 41: Yes _____ No _____

'205 Patent

Claim 1: Yes _____ No _____

Claim 2: Yes _____ No _____

'702 Patent

Claim 1: Yes _____ No _____

Claim 6: Yes _____ No _____

Claim 7: Yes _____ No _____

Claim 12: Yes _____ No _____

Claim 13: Yes _____ No _____

Claim 15: Yes _____ No _____

Claim 16: Yes _____ No _____

'720 Patent

Claim 1: Yes _____ No _____

Claim 6: Yes _____ No _____

Claim 10: Yes _____ No _____

Claim 19: Yes _____ No _____

Claim 21: Yes _____ No _____

Claim 22: Yes _____ No _____

'520 Patent

Claim 1: Yes _____ No _____

Claim 8: Yes _____ No _____

Claim 12: Yes _____ No _____

Claim 20: Yes _____ No _____

'476 Patent

Claim 14: Yes _____ No _____

Have the presiding juror sign and date this form.

Signed: _____ Date: _____

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION**

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA

SPECIAL VERDICT FORM

DAMAGES PHASE

We, the jury in the above-entitled action, unanimously find the following on the questions submitted to us:

Actual Damages for Copyright Infringement

1. What is the dollar amount that Oracle is entitled to receive from Google to compensate Oracle for its actual damages under its copyright infringement claim, in the form of EITHER a fair market value license for the copyright infringement OR lost profits?

FAIR MARKET VALUE LICENSE: \$ _____.

OR,

LOST PROFITS: \$ _____.

Infringer's Profits for Copyright Infringement

2. What is the dollar amount that Oracle is entitled to receive from Google as infringer's profits under Oracle's copyright infringement claim?

\$ _____.

Damages for Patent Infringement

3. What is the dollar amount that Oracle is entitled to receive from Google to compensate Oracle for its damages under its patent infringement claims?

For the '104 Patent: \$ _____.

For the '205 Patent: \$ _____.

For the '702 Patent: \$ _____.

For the '720 Patent: \$ _____.

For the '520 Patent: \$ _____.

For the '476 Patent: \$ _____.

Have the presiding juror sign and date this form.

Signed: _____ Date: _____